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SENATE—*Friday, December 7, 2007*

The Senate met at 9 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our help in ages past, 66 years ago, more than 2,300 Americans died on a day that will live in infamy. But You, O God, transformed this tragedy into triumph and enabled enemies to become friends. As we again feel the winds of war, bring to us peace on Earth and good will toward humanity. Teach us from our history the importance of making peace a top priority.

Lord, today give to the Members of this body a special measure of wisdom and strength for their challenging tasks. Help them to see what a practical resource they have in You and empower them to complete their business with civility, cooperation, and competence. Bless the Senate leadership, the leaders of the majority, and the Republicans, their assistants and aides. Bless those who chair committees and subcommittees, those who manage bills and their support people. Fill this Senate with the unmistakable sense of Your presence as You enable our lawmakers to do what without You would be impossible.

We pray this in the Name of He whose entry into history we celebrate. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 7, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent the time for debate this morning be extended by 15 minutes; that time will be equally divided, with the final 20 minutes reserved for the two leaders, with the majority leader controlling the final 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Mr. President, this morning there will be, as we have indicated, a limited period of debate prior to a cloture vote on the motion to concur in the House amendments to the Senate amendments to H.R. 6, comprehensive energy legislation.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

ENERGY INDEPENDENCE AND SECURITY ACT OF 2007

Mr. REID. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 6.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the message from the House of Representatives on H.R. 6.

The Acting President pro tempore laid before the Senate the amendments of the House of Representatives to the bill (H.R. 6) entitled "An Act to reduce our nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes," with amendments.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendments to the Senate amendments to H.R. 6, comprehensive energy legislation.

Jeff Bingaman, Max Baucus, Blanche L. Lincoln, Charles E. Schumer, Jon Tester, Robert Menendez, Jack Reed, Tom Harkin, Mark Pryor, Patty Murray, Ron Wyden, Dick Durbin, Maria Cantwell, Byron L. Dorgan, Robert P. Casey, Jr., Kent Conrad, Bill Nelson.

Mr. REID. Mr. President, I ask the mandatory quorum be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Who yields time?

The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I might say, first, to my side of the aisle, and any of those who are on our side, if you want to speak, just let me know. I have no reason to need all the time. If

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

any of you would like to speak, I will be glad to yield.

With that out of the way, let me say it wasn't many months ago when this Senator believed, as a bill passed the U.S. Senate and went its way to the House, that because of some very courageous Senators we had finally reached a point where we could tame that voracious lion that was eating up all the oil that we could import in transportation, in automobiles, trucks, diesel trucks, and the like. We know that was the biggest guzzler of imported fuel oil that America had.

A committee on which I did not serve—nor did my chairman, Senator BINGAMAN serve on, although we were putting a bill together—the Committee on Commerce, headed by Senator INOUYE and the ranking member, Senator STEVENS, with Senators such as TRENT LOTT on it—they had a lot of courage. They decided to put on our bill as part of an energy bill the first major change in the fleet automobile standards for the United States. What courage that took and how happy many of us were that committee had finally done that.

Couple that with what had been done in the other committees in the Senate, including that which was done by the Energy Committee itself, and we put together a very exciting bill. It went to the U.S. House of Representatives as a bill that contained the provision I just spoke of. It contained a very large provision, a major provision—what I would call the ethanol 2 provision to save ethanol for the future, so it would not continue to have trouble, and then build on the next 15 years a major gigantic bill for further ethanol to be produced from other than corn. That bill was a giant bill, and it went to the House with some other small pieces. But no taxes were in that bill, and the proposal that we would mandate all of the States to have 15 percent of their electricity produced from alternative fuels was not in the bill.

It went to the House and there it sat. Senator BINGAMAN and I thought we were negotiating with the House over the months under a proposal that said the two of us represent the Senate, and we will sit down with the House Members and see, since we cannot have a conference—there was no way to get a conference on our bills because of objection in the Senate—we would sit down together and produce a bill based upon the bill that had left the Senate and clearly some of the things that had been done in the House. It was pretty clear we could get a great bill out of that and would have the same basic format that I just described.

After talking it through and getting to the point where we were ready to go, the House decided to go its own way and leave us standing. Then they used our bill which we had sent them, that was built around an Inouye bill—they used that to put together a bill that came through the House yesterday and is before us today.

The first thing that went awry is a Senator like myself, 35 years in the Senate—I had never been dealt with this way ever before in my time in the Senate, where I was asked to do something by a committee, we were in the process of doing it, and then a committee backs out and uses the work that was done by the working group, including this Senator, to produce a new bill.

That new bill is before us today, and it contains taxes which the President says he will veto—and he sent us the message. The message is here: If those taxes are on this bill when it arrives at his desk, all our work will have been for naught. If the provision for mandatory electric alternatives, the 15 percent mandated across the land, or 15 minus 4, as it sometimes is used—the President said if that is in there he will veto the bill. So we could waste our time or we could do something meaningful. Today we are starting down a path, trying to do something meaningful.

We worked very hard to see if we can't gather up more than 40 Senators who will vote with us so we will not impose cloture on this message. I say to my fellow Senators, please understand, there is no bill before us. It is a message, and there is a very big difference between a bill and a message. I had almost forgotten about it because I don't think I managed a message very many times in 35 years. But a message has a lot of nuances to it that are different: the number of amendments, the frequency that you can have amendments, and a whole lot of things.

Senators will wake up next week and find that many amendments they would try to offer are shut out because of the number of amendments you can offer because of the rules that apply to messages. I want them all to understand I am not promising anybody they can get amendments in if they win this vote today on my side. We will have to follow the rules and see what we can do. But we stand this close to getting the most important Energy bill, from the standpoint of conservation of crude oil products—gasoline, for instance, and diesel fuel—we stand just the distance between Senator BINGAMAN and me away from getting that kind of bill.

What we must do is not fly in the face of reality. Reality says you cannot put taxes on this bill. The Senate already defeated the taxes that were on this bill. We all remember that day. We voted and took the taxes out of the Energy bill that Senator BINGAMAN and I were operating under. The taxes went.

In addition, we did not put on that bill what is now being called the alternative energy tax or some such thing. What it means is the electric utilities across the land out in the future are going to have to use 15 percent alternative fuel to coal. That is tough. That is a tough one to do. If that is on the bill, because it is harmful to the economy, a one-shoe-fits-all philosophy should not work, will not work. The President of the United States, through his operatives, has told us he will veto the bill.

Senators, I hope you vote with us and do not impose cloture. Then I hope the majority leader and the minority leader and Senator BINGAMAN and Senator INOUYE, Senator STEVENS and myself, and whoever otherwise properly fits, will sit down together and work this out as to how we modify this bill that is before us—which is not a good bill now, but it can be turned into a great bill with some work—could be sent back to the House, and in no time we could tell the American people we have finally done something extraordinary for them.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. There is 17½ minutes of which 10 is reserved for the leader.

Mr. BINGAMAN. Mr. President, let me speak first in support of this bill and going forward with cloture. I acknowledge the procedure we have gone through to get to this point has not been ideal. Clearly, when we were unable to get agreement to appoint a conference in the Senate, it became clear we were going to have to use a very awkward procedure. That is what has happened. But the substance of what is before us contains a substantial amount of very good public policy. These are policies we have tried very hard to enact for a very long time. On the whole, I believe this bill represents significant forward progress.

Let me mention a few of the things the bill does that I think are very worthwhile. First, the legislation brings about major improvements in vehicle fuel efficiency. My colleague, Senator DOMENICI, referred to that and clearly that is a centerpiece of this legislation, the improvements of corporate average fuel economy standards.

In addition to this hard-won compromise on CAFE, the bill will increase the production and use of biofuels with a particular emphasis on biofuels from cellulosic feedstock. That also is something the President spoke to us about in the State of the Union speech that many of us support, and it is a strong part of this legislation.

So I think the combination of improvements in CAFE standards and increases in production and use of biofuels are efforts we have had underway for a long time, and I believe it is important for us to continue with those efforts.

The bill also, beyond those two items, will boost energy efficiency on an economywide basis. It has numerous provisions improving efficiency standards for household appliances. It has provisions to establish efficiency standards for lightbulbs, for lighting fixtures, efficiency provisions related to building construction, which is very important throughout the country, requirements for greater efficiency savings from the Federal Government across the board. All of that is positive.

The legislation also makes significant contributions in the area of renewable energy technologies. It would increase our commitment to research and development of these renewable energy sources. It would help to demonstrate and commercialize the carbon capture and storage technologies.

It helps us by putting in place extensions of important tax incentives to increase both energy efficiency and more production of energy from renewable sources. And it will, as my colleagues pointed out, require electric utilities to produce 11 percent of their energy from renewable sources by 2020.

I know that is a controversial provision in this bill. I know there is a great concern on the part of some Members here. Frankly, I do not share most of that concern. The Senate has passed a renewable electricity standard three different times. In the last three Congresses, we have passed such a provision with strong majorities in each case.

It has now passed the House of Representatives two times. It seems strange to me to say that this should be a showstopper; this should be something we need to suggest a possible veto about.

I could go through the arguments at great length, but let me just point out this is not a 15-percent requirement as it has been advertised and described by many; it is an 11-percent requirement, and the additional 4 percent that makes up the 15 percent can be achieved through energy savings, efficiency savings. Clearly, that is preferable. It also is substantially less ambitious in the first few years than what we were considering in the Senate before and, in fact, what we have passed through the Senate before.

So this is a provision I think Members can support. It is one that can give us lower greenhouse gas emissions, thousands of new jobs, cleaner air, and greater energy efficiency. It can do all of that at a low cost and perhaps even a savings to consumers because many studies have shown that the adoption of an electricity standard such as this, a renewable electricity standard, will have the effect of reducing the price of natural gas. It will take pressure off the price of natural gas and thereby reduce the price of natural gas. So we should pass that provision as part of this legislation.

The American Council for an Energy Efficient Economy has estimated that when you total up all of those provisions I have elaborated here, the legislation before us would reduce U.S. energy use by almost 8 percent in 2030 compared to current Department of Energy forecasts. In doing so, these added efficiencies would reduce projected carbon dioxide emissions by 10 percent and save consumers more than $450 billion by 2030.

On balance, I believe the energy legislation we have before us deserves the support of my colleagues. It is not perfect in every respect. Legislation of this size and complexity obviously cannot be. However, it represents an opportunity to make significant steps forward in a number of key areas of energy policy. With the passage of this legislation, we can reduce our dependance on oil, we can increase our consumption of homegrown fuels, we can provide substantial savings to consumers, and we can create many new jobs. I think it is a real step forward, also, in curbing greenhouse gas emissions.

Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. The Senator has 40 seconds remaining.

LOAN PROGRAM FOR ADVANCED VEHICLE TECHNOLOGY VEHICLES

Ms. STABENOW. Mr. President, I rise to engage in a colloquy with the Majority leader, Senator REID. I do so to discuss a critical measure that will help keep jobs in the United States and give a major boost to the domestic production of energy-efficient vehicles.

As my colleagues know, the pending energy bill has a 40-percent increase in CAFE standards for vehicles sold in the U.S. This is by far the largest mandate on any industry in this bill.

In addition to this mandate, I am pleased to have led the effort working with Congressman DINGELL, Senator BINGAMAN, and others, to include a new program in the bill that would provide $25 billion in low-interest direct loans to the auto industry to help them retool facilities to produce energy-efficient vehicles to comply with the very challenging CAFE standards in the bill.

I believe that this loan program is only fair since we are asking the auto industry to spend approximately $80 billion in new capital investment to comply with the new CAFE title.

As many of my colleagues know, establishing a loan program of this type is a two-step process. The first part, setting up the program, has been accomplished. The second part, however, providing the resources to back the loans, has not yet been done.

So I rise to ask Senator REID, as you complete negotiations on a final energy bill, will you give me your assurance that you will provide the resources necessary to fund the loan program that is authorized in the current energy bill?

Mr. REID. Mr. President, no one works harder on behalf of her constituents than Senator STABENOW. She is a real leader in keeping manufacturing jobs in the United States.

Mr. President, I give the Senator from Michigan my word that I will work with her and the Appropriations and Finance Committees to find and provide the resources that would fully implement this loan program.

Ms. STABENOW. I thank Senator REID for his assurances and all of his leadership on the energy bill.

Mr. LEVIN. Mr. President, I will vote to invoke cloture on the motion to concur in the House amendment to H.R. 6, the Energy Independence and Security Act, because I believe we need to move forward to address our Nation's continued dependence on imported oil, increase our energy independence, and reduce greenhouse gas emissions.

The House amendment to H.R. 6 is a significant improvement over the bill the Senate passed in June. H.R. 6 will require new vehicle fuel economy standards that will be challenging for auto manufacturers. Reaching a fuel economy level of 35 miles per gallon by 2020 is ambitious, but unlike the Senate passed bill, the provisions of this amendment provide greater flexibility and predictability for auto manufacturers in meeting those standards. The CAFE provisions of this amendment are not perfect, and I believe that additional improvements could be made. But this amendment includes positive language on some important issues to the auto manufacturers and their workers by requiring separate car and truck standards, preserving domestic jobs with an antibacksliding provision, and extending flexible fuel credits until 2014. Significantly, this amendment also maintains a key reform obtained during Senate consideration of the bill. By setting standards based on vehicle size rather than having a fleetwide average for each company, we will end the many years of discriminatory impacts on domestic manufacturers imposed by the existing CAFE system.

Mr. INOUYE. Mr. President, I rise today in support of the Energy Independence and Security Act. In particular, title I, otherwise known as the Ten-in-Ten Fuel Economy Act, would mandate an increase in automobile fuel economy to a nationwide fleet average of 35 miles per gallon by 2020. This is the first statutory increase in fuel economy standards for cars since 1975. In addition, the Department of Transportation would adopt fuel economy standards for medium and heavy duty commercial vehicles for the first time.

With the cost of oil at approximately $90 per barrel, reducing our dependence on oil is of vital importance to our national security, economic stability, and consumer welfare. The Ten-in-Ten Fuel Economy Act is a major step forward toward achieving these goals. In addition, the act would dramatically reduce greenhouse gas emissions by 2020 and demonstrate to the world that America is a leader in fighting global warming.

Legislation of this magnitude could have only been achieved through the hard work of a coalition of Members. In this case, without Senators FEINSTEIN, STEVENS, SNOWE, KERRY, DORGAN, LOTT, CARPER, BOXER, DURBIN, ALEXANDER, CORKER, and CANTWELL, the agreement would not have been reached.

In particular, I wish to congratulate Senator FEINSTEIN on her efforts in developing this bill. Her dedication over the years has led us to an agreement that very few thought possible. I would also like to praise the efforts of my good friend Senator STEVENS, who was instrumental in forging the compromise before us. His work in the Commerce Committee, on the Senate floor, and in negotiations with the House reflects his commitment to working in a bipartisan fashion.

Speaker PELOSI and Majority Leader REID recognized the importance of the issue and have made fuel economy a major focus of the Energy bill. I thank them for their support and dedication.

I would also like to thank Chairman DINGELL and Senators LEVIN and STABENOW for their hard work and willingness to achieve an agreement that aggressively improves fuel economy while protecting the domestic automobile manufacturing base and U.S. workers. Their leadership, honesty, and technical expertise have been invaluable. The American automaker and autoworker have no better advocates.

Finally, I would like to express my appreciation to all the hard-working members of the staff who worked to make this historical legislation a reality. In particular, I would like to commend David Strickland, Alex Hoehn-Saric, Mia Petrini, and Jared Bomberg of my Commerce Committee staff for a job well done.

The importance of this legislation cannot be underestimated.

During the Arab oil embargo in 1973, Americans suffered the first devastating effects of our addiction to oil. Our vulnerability to curtailments in supply became apparent. While waiting in long lines at gas stations, we felt the immediate need for conservation, alternative energy sources, and more efficient use of energy, especially in the transportation sector. Born out of this embargo, Congress put in place a fuel economy program that nearly doubled the gas mileage of cars from 1975 to 1985.

Today's agreement marks historic progress. It is the first of its kind since 1975 and is a major step toward addressing our Nation's energy needs. Title I of the bill will save approximately 1.1 million barrels of oil per day in 2020—equal to one-half of what we currently import daily from the Persian Gulf. By the year 2020, the legislation will save consumers approximately $22 billion at the pump and prevent approximately 200 million metric tons of greenhouse gases from polluting our environment each year.

A diverse group of constituencies support the Ten-in-Ten Fuel Economy Act, from environmentalists to automotive workers and automakers. While it sets forth aggressive standards, the act also recognizes the challenges faced by the auto industry and ensures that those concerns will be addressed. For one, it provides flexibility to the automotive industry. The sponsors of these fuel economy provisions have worked together in a bipartisan manner to ensure that automakers have the tools they need to meet the requirements enumerated in the act.

The Ten-in-Ten Fuel Economy Act directs the Secretary of Transportation to create two fuel economy curves, one for passenger cars and one for light trucks. This change from the Senate-passed bill provides the certainty that American automakers, auto workers, and car dealers requested, but the act still requires that the combined car and light truck fleet meet a fuel economy standard of at least 35 miles per gallon by 2020.

The act also provides automakers with the option of earning flexible fuel credits at a tapering rate set to expire in 2019. These credits will incentivize the production of millions of flexible fuel capable vehicles while assisting automakers in achieving the target of 35 miles per gallon by 2020.

Passage of this bill will ensure that our Nation's energy priorities start moving in the right direction. Higher fuel economy standards will wean the country of its oil addiction, put billions of dollars of savings back into our domestic economy and significantly reduce greenhouse gas emissions.

Our actions today will improve national security, create jobs, help consumers, and protect the environment. At times, it is the Government's responsibility to balance conflicting interests. Today, I believe we found that balance.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I ask unanimous consent that I be able to speak on the leader time for up to 3 minutes. That would come off Senator REID's time. When Senator McCONNELL comes, I will yield to him at that time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I think this is a great moment for the Senate. I was hoping that we could, in fact, get 60 votes for this particular version of the Energy bill. It does not appear likely that will happen for reasons I am sure Senator DOMENICI has stated.

I think the bill, as it is before us, deserves to get 60 votes, deserves to get 80 votes, deserves to get 100 votes, because at a time of very high prices of oil, gas at the pump going toward $4 in my State, heating oil going up at a rapid rate, affecting people mostly in the Northeast and other areas, we should take bold action.

I wish to say to Senator BINGAMAN in particular how grateful I am for the work he has put into this measure. I am sure Senator DOMENICI did as well, but I had to work very closely with Senator BINGAMAN and his staff and my staff. This has been very difficult. I also wish to say that Speaker PELOSI showed her amazing skill working with JOHN DINGELL and others over in the House to get this bill to where it is today. The American people are very clear with us: They want action on the issues that impact them every single day. And this is one.

I want to say that the other day—and you know this well, Mr. President, because you are on the Environment and Public Works Committee—we voted out a very strong bill, a very strong bill to deal with the problem of global warming. One of the great things about dealing with global warming is that the cure for global warming is going to mean less reliance on foreign oil, alternative fuels, and the rest. We are clearly taking action in this Senate to move to solve the problems that face us.

I see Senator McCONNELL is here, and I will conclude in 30 seconds.

I hope we will have strong support for this bill. We have many provisions in here that were voted unanimously out of the Environment Committee, including green buildings and DOE solar wall and many other energy efficiencies in our Government buildings that I think are going to work well for the taxpayers, and finally doing something about CAFE standards—very important. So congratulations to everyone who worked so hard getting to this point. I hope we can get 60 votes. If we don't, I hope we can certainly get 60 votes for the next try.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. McCONNELL. Mr. President, there is a difference between passing a bill and actually making laws. The bill before us is a prime example. The majority started with a bipartisan agreement that can be passed in both Houses and signed by the President; in other words, it could actually become law. It chose, instead, to add the twin milestones of utility rate hikes and massive tax increases. The end result is that the House passed a bill, but it will not become law. So there is a clear difference between making a partisan point and having an accomplishment. I hope at the end of this process, as it unfolds here before Christmas, we will actually make law.

Again, we can look at the current bill as an example. Rather than take the elements of the bill that had near universal support and have an accomplishment on behalf of their constituents, the majority chose instead to make a partisan point.

Now, I understand that the House is a different place, that the Speaker rules, as the Senate majority leader put it Wednesday, "with an iron fist." While she can muscle bills through the House on a party-line vote, it does not work that way over here. We have shown that all year on numerous political votes the majority has put on the floor. We have shown that already this week on the AMT. When the majority tried the "my way or the highway" approach, the bill failed. When they worked with us on a bill that could pass, we succeeded by a vote of 88 to 5. That I would call success. The same is true of the farm bill. When the leadership of the majority tried to dictate to the minority what amendments we could offer, the Senate spun its wheels and got nowhere. But when the majority worked with us, the result was a mutually beneficial agreement that will soon lead to an accomplishment that both sides can be proud of.

But the bill we are voting on today is a massive tax hike and a utility rate increase for consumers across the Southeast. It is not a serious attempt to make law, and it is not a serious attempt at an accomplishment. It is a partisan bill that must be improved or set aside.

So let's not waste even more time rehashing the lessons of the past 11 months. If you are serious about an accomplishment, let's fix this bill. Walking away from a bipartisan deal in favor of raising taxes and raising utility rates, as the House majority has done, will not make a law. But working with us to find common ground to increase the use of renewable fuels and raise fuel economy standards to historic levels without costing American jobs is something that would enjoy widespread support. I stand ready to work with all our colleagues on a realistic bipartisan bill, but I will vote no on this partisan tax increase and this rate increase for consumers and urge our colleagues to do the same.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I move to concur with the House on the message they have sent us.

The ACTING PRESIDENT pro tempore. The motion is now pending.

Mr. REID. Mr. President, we have worked very hard this year to accomplish goals. But it takes a lot of work because everything we have done has been after having filed cloture on sometimes multiple occasions, trying to terminate debate on the other side. My friend, the distinguished Republican leader, said, finally, we did the right thing on the farm bill. The only reason we were able to get agreement on the farm bill is because cloture likely would have been invoked this morning. The farm and ranching communities in America are up in arms that the Republicans have stalled the farm bill for months. I am satisfied where we are. It has been difficult to get where we are. We will work through the farm bill and finish it. But for people to indicate it was the result of how we handled the legislation that has taken so long to get there is without foundation.

This bill, the Energy bill, the vote we are going to take in a few minutes is a historic vote. We hear words all the time in the Senate about "landmark" and "historic." These words are often used but occasionally appropriately. Now is the time to talk about historic. This is a historic vote. This Energy and Security Act will finally put America on the right track to solve our grave and growing energy crisis. No superlative is too strong to express how important this is to our country's future and, to a certain extent, the world's future, because we are the ones polluting the air more than any other nation in the world, by far. Today, America consumes 21 million barrels of oil; tomorrow, 21 million barrels plus a few more. It is not going down; it is going up. Most of this oil comes from very unstable regions of the world.

What did President Chavez say from Venezuela during the height of his recent constitutional crisis? He said: We will cut off oil supply to the United States.

Think about that. We are dependent on this tyrant for our oil. But he is not the only tyrant we are depending on for oil. The most tyrannical governments in the world today exist in the Middle East, countries we ask for oil. Some say the war in the Middle East that is going on now is based on oil. I don't necessarily believe that, but people who do are not in any way without foundation and reason.

With the 21 million barrels of oil a day going to these nations that have these despotic governments, we send as a nation at least a billion dollars every day overseas to pay for our oil addiction. Those 21 million barrels we will use today and those we will use tomorrow have created a three-pronged crisis that threatens our economy. On my last trip to California, I saw prices on the pumps of more than $4 for a gallon of gasoline. Our national security, the example I gave for the dictator of Venezuela, is that affecting our security? Of course, it does. That is only one example. Our environment, does it affect our environment using 21 million barrels of oil a day, 65 percent of which is imported from these individuals and governments I talked about? What does this do to our environment? It pollutes it.

The cost of the pollution in our environment is affecting us from a health perspective. In June, the Senate took action to begin reversing these threats. We passed the Energy bill with a bipartisan vote of 65. It was a good vote. But the House has done even better than we did. They have sent their version to us with a strong majority. I urge all my colleagues to concur with the House bill and send this critical legislation to President Bush. As I have indicated, with gas prices all over the country, with a gallon of gasoline being more than $3 and working Americans spending more than ever to make their commute to work, the time to act is not tomorrow. It is now. With home heating prices at record highs and the cold winter months now upon us, the time to act is now. With the threat of global warming growing by the day—and that is why there are more than 10,000 people assembled in Bali as we speak to talk about the global warming that is taking place—the time to act is now.

I so appreciate the chairman of the Environment and Public Works Committee and the work they are doing in that committee on the bipartisan measure reported out of that committee this week, Lieberman-Warner, led by the committee chair, Senator BOXER, to report out a global warming bill. The first global warming bill that meets the needs of our world was reported out of that committee this week. Now this bill adds to that. I appreciate very much the work of the chairmen who worked to get the bill out of the Senate and who worked to get the measure from the House to us: Senator BINGAMAN, Energy and Natural Resources; Senator INOUYE, Commerce; Senator BOXER, Environment and Public Works. That is the bill we have before us.

The bill tackles each of the supply challenges by addressing both sides of the crisis—consumption and supply. On the consumption side, it increases fuel efficiency of cars and trucks for the first time in 30 years to 35 miles per gallon. That is significant. Think about it. What was America like with its automobiles 30 years ago? Think back to 1976. Cars didn't come with airbags. They were just getting cassette players. We had advanced past the invention of the eight-track stereo. We now have cassette players. The closest thing you could buy to the Global Positioning System we now have on a lot of vehicles was a map. You went to a service station and most of the time they gave you that map. You would look at the map. My wife, we used to joke, she was the navigator as we proceeded with the kids in the backseat yelling and screaming. That is how we found our way. The navigator was my wife. That is not the way it is now.

Things have changed in those 30 years. Today we have cars that were, in the past, science fiction, a hybrid electric car. My wife has one. It runs on a big battery and it runs on gasoline. She loves her car, but it is new. She bought it a few months ago. Ethanol cars, cars burning fuel produced from corn and other products, and electric cars, total electric cars—these things will add to the ability of Americans to lessen our dependence on foreign oil.

But this bill we have now, with increasing the CAFE standards, will save American families at least $1,000 a year at the gas pump. For our country, it will save a total of $22 billion by 2020, $22 billion a year. It will also reduce greenhouse gases by the equivalent—listen to this—of taking 28 million cars and trucks off the road. We take 28 million cars and trucks off the road by passing this legislation. That is pretty good. It will also reduce greenhouse gases in other ways. This increase to 35 miles per gallon is supported by the environmental community. Of course, it is.

If my time has expired, I will use leader time now.

The increase to 35 miles per gallon is supported by the environmental community. Of course, it is. But it is now supported by the automobile industry. As a result of that, the vote time will be extended, Mr. President. I ask unanimous consent that be the case.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I got a letter in my office this week from Ron Gettekfubger, president of the United Auto Workers Association, saying: Thanks for your work on the Energy bill. The automobile workers, Detroit favors this legislation. The environmental community, the unions, and the automobile industry, a pretty good deal. That wasn't the way it was a short time ago. That is the way it is now. The environmentalists support it because it will make our air cleaner and take one step on the long road to stem the tide of global warming. The automobile industry supports it because they know they can do it, and they know it will make them more competitive. It will make the American automobile industry more competitive.

It also saves Americans hundreds of billions of dollars through other things, new energy efficiency standards for appliances, lighting, and buildings. If you have a washing machine that consumes 40 gallons of water and another that does a good job with 10, we should save those 30 gallons. That is the principle we are working on. If one light bulb lasts as long as three light bulbs, we ought to save that electricity. It is common sense, and that is what this legislation does. But consumption is half the battle.

On the supply side, this Energy bill requires, for the first time, that 15 percent of our electricity comes from renewable sources. That doesn't sound like anything that is too big of a hill to climb. What is more, this renewable energy portfolio rewards innovation by allowing States—lots of States but, for example, Nevada—that have already taken the initiative and are national leaders on alternative energy to sell their excess product to other States. I have heard some complain: Nevada has more wind and more Sun and more geothermal than other States. The news last week was, we are now, off the coast of Florida, going to be producing electricity with the current, with waves. Nevada doesn't have any currents or waves. So it all balances out. That is what this is all about. It rewards innovation. That is what America has been about since we were founded. This legislation makes an unprecedented commitment to American-grown biofuels by increasing the renewable fuels standard to 36 billion gallons by the year 2022, which will not just reduce our addiction to oil but create American jobs as well. It repeals billions and billions of dollars in tax giveaways to big oil that exports product from overseas and invests it instead in tax incentives to produce clean, renewable energy right here at home.

All across America, businesses, entrepreneurs, and local governments are taking the lead to solve this energy crisis. On my last trip to Silicon Valley, the discussion with these geniuses was on two topics: health care and energy. The great minds of America are focusing on this. They need some incentives. You can't invest unless there are some incentives in this new field. All they want is a tax credit here, a tax credit there. They deserve that. With these great minds, they will take us much further than we can imagine.

In California, for example, a professor is working on a new technology that can manufacture fuel out of simple plant material in any industrial park in America. In Pennsylvania, Amish farmers are charging their buggy batteries with solar power. In Nevada, local governments are using solar energy at water pumping stations to move water uphill, something that in the past would have required tremendous nonrenewable power. That kind of innovation is exactly what America does best. But as of right now, the Federal Government is lagging, not leading. This must change, and today it can.

Our energy crisis will not be solved overnight, but this bill that is now before us is a crucial big, big first step. So let's take that step together. To do so, we cannot let procedural disputes get in the way of this much needed bill.

My Republican colleagues objected to this bill before going to conference. I wish we could have gone to conference. But that is their right. Even without a conference, we worked with Republicans, consulting on and sharing proposed language. And that is an understatement. Many provisions were removed and modified at the request of Republican Senate and House Members.

We have acted on this bill in good faith. Now it is time for Republicans and Democrats to put politics aside and unite behind a bill that will deliver a cleaner, safer energy future for all of America.

Mr. President, after this vote, there will be no more votes today. The next vote will be Tuesday morning. I have spoken to Senators HARKIN and CHAMBLISS. They are going to work on the farm bill this afternoon to try to have some amendments offered. I would hope those people who want to have 1 of the 20 amendments on each side will start offering these amendments. We are going to move through and finish the farm bill before we leave here, and we can complete some of that work today, and also Monday afternoon.

On Monday, as I have just indicated, there will be no votes, but we are going to come in Monday afternoon and work on the farm bill. We will get back to this bill on Tuesday. I will be conferring with the distinguished Republican leader and other Republicans to decide how we are going to proceed. I have an idea, but I want to make sure they are in tune with what we are doing.

I appreciate everyone's cooperation yesterday, and I hope we have a productive day today.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendments to the Senate amendments to H.R. 6, comprehensive energy legislation.

Jeff Bingaman, Max Baucus, Blanche L. Lincoln, Charles E. Schumer, Jon Tester, Robert Menendez, Jack Reed, Tom Harkin, Mark Pryor, Patty Murray, Ron Wyden, Dick Durbin, Maria Cantwell, Byron L. Dorgan, Robert P. Casey, Jr., Kent Conrad, Bill Nelson.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to concur in the House amendments to the Senate amendments to H.R. 6, the Energy Independence and Security Act of 2007, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Nevada (Mr. ENSIGN), the Senator from Texas (Mrs. HUTCHISON), the Senator from Arizona (Mr. KYL), the Senator from Florida (Mr. MARTINEZ), and the Senator from Arizona (Mr. MCCAIN).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 42, as follows:

[Rollcall Vote No. 416 Leg.]

YEAS—53

Akaka
Baucus
Biden
Bingaman
Boxer
Brown
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Collins
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Stabenow
Tester
Thune
Webb
Whitehouse
Wyden

NAYS—42

Alexander
Allard
Barrasso
Bayh
Bennett
Bond
Brownback
Bunning
Burr
Byrd
Chambliss
Coburn
Cochran
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Inhofe
Isakson
Landrieu
Lott
Lugar
McConnell
Murkowski
Roberts
Sessions
Shelby
Specter
Stevens
Sununu
Vitter
Voinovich
Warner

NOT VOTING—5

Ensign
Hutchison
Kyl
Martinez
McCain

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 53, the nays are 42. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The Senator from New Mexico is recognized.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, this doesn't mark the end of this bill. This marks the beginning of completing a process in the Senate so we will have a bill that can be signed and that will be an excellent bill for the American people. That means we have to go to work in trying to fix some of the problems the House bill has generated for us.

First of all, we are talking about ethanol II, the successor to the ethanol bill we passed, which includes a very hopeful future for wheat and the kinds of things that are going to go into the thing that follows ethanol. We cannot accomplish them, it seems to us, with what they have in this bill. We have to look at that and see what we can do to fix it. In addition, we have to do something about both taxes and the mandatory 15 percent that is required for electric generation in this bill. We have to look at that and others.

I hope this sends a signal so Senator BINGAMAN and I—he as chairman and I as ranking member—can work with everybody who has concerns and put together an amendment we can offer that sends this bill back to the House, corrected and fixed, where it can become law and where it is more to the accomplishment of what we expected when we passed the bill in the Senate.

I note the presence of Senator BINGAMAN. I hope he concurs. Our staffs ought to go to work and have something by Monday, I hope.

I yield the floor.

Mr. BINGAMAN. Mr. President, I do think we can make some changes that would make this bill acceptable to a vast majority of Senators. I look forward to working on that along with my colleague. I know the majority leader intends to revisit this issue as soon as this next week, perhaps.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is recognized.

Ms. LANDRIEU. If I may, I will add a comment to what the chairman said. I voted against cloture this morning, but I am most certainly willing to come to a compromise on some of the issues and get an agreement between the two sides, and I look forward to working over the weekend to that end.

The ACTING PRESIDENT pro tempore. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I add that I appreciate Senator BINGAMAN for his fair and good leadership. Particularly, I thank Senator DOMENICI, who understood the problems some of us have had in our region with the high cost of electricity that would occur if this bill were to pass as it came back from the House.

I do think the legislation has a lot of good things in it. Hopefully, we can work forward in a way that we can pass it because we have a need to be more energy independent, and we need to create more energy in a cleaner way. I thank Senator BINGAMAN and Senator DOMENICI. I am optimistic we will reach that agreement.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii is recognized.

NATIONAL PEARL HARBOR REMEMBRANCE DAY

Mr. AKAKA. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 395, which was submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

A resolution (S. Res. 395) expressing the sense of the Senate regarding National Pearl Harbor Remembrance Day.

There being no objection, the Senate proceeded to consider the resolution.

Mr. AKAKA. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, en bloc; that any statements relating thereto be printed at the appropriate place in the RECORD as if read.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 395) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 395

Whereas on December 7, 1941, the Imperial Japanese Navy Air Force attacked the sovereign territory of the United States at Pearl Harbor, Hawaii;

Whereas more than 2,400 United States service members and civilians were killed in the attack on Pearl Harbor;

Whereas there are more than 4,900 members of the Pearl Harbor Survivors Association;

Whereas the 66th anniversary of the attack on Pearl Harbor will be December 7, 2007;

Whereas on August 23, 1994, Public Law 103-308 was enacted, designating December 7 of each year as National Pearl Harbor Remembrance Day; and

Whereas section 129(b) of title 36, United States Code, requests that the President issue each year a proclamation calling on the people of the United States to observe National Pearl Harbor Remembrance Day with appropriate ceremonies and activities, and all departments, agencies, and instrumentalities of the Federal Government, and interested organizations, groups, and individuals, to fly the flag of the United States at half-staff each December 7 in honor of the individuals who died as a result of their service at Pearl Harbor: Now, therefore, be it

Resolved, That the Senate, on the occasion of the 66th anniversary of the December 7, 1941, attack on Pearl Harbor, Hawaii, pays tribute to—

(1) the United States service members and civilians who died in the attack; and

(2) the members of the Pearl Harbor Survivors Association.

Mr. AKAKA. Mr. President, I rise today in honor of National Pearl Harbor Remembrance day. Earlier today, my good friend and colleague Senator INHOFE and I introduced a Senate Resolution expressing the sense of the Senate regarding National Pearl Harbor Remembrance day and paying tribute to those servicemembers and civilians who died in the attack on Pearl Harbor on December 7, 1941, as well as the current members of the Pearl Harbor Survivor Association.

Today is the 66th anniversary of the attack on Pearl Harbor. Memorial ceremonies are taking place at the Naval Station Pearl Harbor to commemorate the 66th anniversary of the attack. Later, the dedication ceremony for the new USS Oklahoma Memorial will also take place on Ford Island at Pearl Harbor. The battleship *Oklahoma* was anchored along Ford Island on December 7, 1941, and suffered the second greatest loss of life during the attack after the USS *Arizona*. It is the last ship to have been destroyed that fateful day to get its own memorial. Clearly, this memorial is long overdue. Prayers, reflections, and tributes will be offered during each of these ceremonies to honor the service and sacrifice of the men and women who fought and died in the defense of our great country.

This 66th anniversary of the attack on Pearl Harbor also marks the beginning of a new commemoration for all of our Nation's fallen, called Old Glory's Journey of Remembrance. The journey begins today with Old Glory being flown over the USS Arizona Memorial. The flag will then be taken to, and flown over, 24 other military memorial sites around the country. The journey culminates in observance of the National Moment of Remembrance on Memorial Day at 3 p.m. local time with Old Glory being flown above the U.S. Capitol.

Mr. President, the resolution that I and Senator INHOFE introduced requests that all of my Senate colleagues join together with our fellow Americans in Hawaii and across the Nation to remember and honor the more than 2,400 courageous American sailors, soldiers, and marines who were killed in the raid on Pearl Harbor, as well as to honor those who survived the attack.

For those too young to remember 1941, the attack on Pearl Harbor is something learned in history books. But to those in Hawaii who, like myself, witnessed the attack, the events of December 7 are a painful, vivid memory, and a personal experience that can never be forgotten. While the Japanese surprise attack was a calamity that forever changed the course of history, our country fought back in the name of justice to preserve our Nation's sacred freedoms. I urge the citizens of this Nation to remember that it was the sacrifices made by ordinary men and women who rallied in defense of freedom, liberty, and the great promise of our democracy that preserved our Nation's freedom and liberty. Their sacrifices represent the greatest heroism and patriotism in the service of our country.

Mr. President, I hope that my Senate colleagues will join me today in prayer and remembrance for those courageous men and women who died in Pearl Harbor on that infamous day.

Mr. INHOFE. Mr. President, every American owes a debt of gratitude to the men and women who lost their lives during the attack on Pearl Harbor. They gave all they had in selfless service to the Nation. We recognize the contributions and sacrifice of the survivors of the attack who went on to secure our freedom and our cherished way of life. In the face of seemingly insurmountable challenges and countless unknowns, they never demanded praise, they never presumed eminence. They taught future generations the importance of recognizing and remaining vigilant against tyranny in all forms. We also remember the families of the fallen service members. They bore the greatest burden and bravely perpetuated the dignity and the memories of the heroes taken from us on that infamous day.

Mr. DOMENICI. Mr. President, I would like to speak for a moment in remembrance of the 66th anniversary of the attack on Pearl Harbor and pay tribute to all the Americans who lost their lives that day.

On December 7, 1941, our Nation was brutally attacked at Pearl Harbor, and over 2,400 Americans were killed. Though surprised and overwhelmed by wave after wave of Japanese planes, the members of our armed forces valiantly defended their ships, the naval base and the surrounding army air fields.

I believe Pearl Harbor will always hold a prominent place in the history of the United States, not only for the destruction that day which triggered our entry into the Second World War, but as a shining example of American heroism and courage in the face of adversity. I know Americans will never forget the American servicemen and women who were at Pearl Harbor 66 years ago today.

One of those servicemen was John Anderson of Roswell, NM. John had only recently been assigned to the USS *Arizona* along with his twin brother Jake when the Japanese attacked on December 7. Though burned himself, John worked to rescue other survivors from the badly damaged and sinking *Arizona* until the small boat he and other servicemen were using to pull drowning men from the water of the harbor was also sunk. Terribly, 1,177 sailors from the *Arizona*, including John's brother Jake, did not survive.

John went on to serve 35 years in the Navy, marry his wife, Karolyn, have three sons and later become the long time weatherman for KBIM–TV in Roswell. I would like to thank John for his brave service and would like to personally honor all the New Mexicans like Jake Anderson who fought and lost their lives that day.

Pearl Harbor, of course, was just the beginning of several long years of war during which millions of Americans would answer the call of duty. I would like to take this opportunity to mention the service and sacrifice of two such groups of individuals.

One of these groups is the Navajo Code Talkers, many of whom were from my home State. The Code Talkers were marines who used their native language to quickly transmit messages across the battlefields of the Pacific Theater and served in every Marine division from 1942 to the end of the war. Though the Japanese were able to break many American codes during the war, they were never able to decipher the system used by the Code Talkers. Their contribution to victory cannot be underestimated. There is no doubt that their efforts saved countless American lives, and it has even been said that without the Code Talkers the battle of Iwo Jima could not have been won.

I would also like to talk about the soldiers of the 200th and 515th Coastal Artillery units of the New Mexico National Guard, also known as the New Mexico Brigade, who soon after the attack on Pearl Harbor played a prominent and heroic role in the fierce fighting in the Philippines. For 4 months the men of the New Mexico Brigade helped hold off the Japanese only to be defeated by disease, starvation and a lack of ammunition. Sadly, the survivors of the Battle of Bataan from the New Mexico Brigade were subjected to the horrors and atrocities of the 65 mile "Death March," as well as years of hardship and forced labor in Japanese prisoner of war camps. Tragically, of the 1,800 men of the New Mexico Brigade more than 900 never returned home.

In closing, I hope New Mexicans will take a moment to honor the individuals who fought so gallantly 66 years ago today as well as all those who served throughout the Second World War, and remember those who paid the ultimate price for our Nation.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

MORNING BUSINESS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each, and that I recognized for 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator is recognized for 15 minutes.

FOREIGN INTELLIGENCE SURVEILLANCE ACT

Mr. WHITEHOUSE. Mr. President, let me first say how moved I am to be on the Senate floor after the remarks of the very distinguished Senator from Hawaii commemorating this day. But I rise to discuss a different question, a question that involves the Foreign Intelligence Surveillance Act.

We will shortly consider making right the things that are wrong with the so-called Protect America Act, a second-rate piece of legislation passed in a stampede in August at the behest of the Bush administration. It is worth for a moment considering why making this right is so important.

President Bush pressed this legislation not only to establish how our Government can spy on foreign agents but how his administration can spy on Americans. Make no mistake, the legislation we passed in August is significantly about spying on Americans—a business this administration should not be allowed to get into except under the closest supervision.

We have a plain and tested device for keeping tabs on Americans. It is our Constitution. Our Constitution has as its most elemental provision the separation of governmental powers into three separate branches. When the Government feels it is necessary to spy on its own citizens, each branch has a role. The executive branch executes the laws and conducts surveillance. The legislative branch sets the boundaries that protect Americans from improper Government surveillance. The judicial branch oversees whether the Government has followed the Constitution and the laws that protect U.S. citizens from violations of their privacy and their civil rights.

It sounds basic, but even an elementary understanding of this balance of powers eludes the Bush administration. So now we have to repair this flawed and shoddy Protect America Act.

Why are we in Congress so concerned about this legislation? Why is it so vital that we energetically insert the role of Congress and the courts when the Bush administration seeks to determine the rules under which it will spy on Americans? Because look what the Bush administration does behind our backs when they think no one is looking.

For years, under the Bush administration, the Office of Legal Counsel within the Department of Justice has issued highly classified, secret legal opinions related to surveillance. This is an administration that hates answering to an American court, that wants to grade its own exams, and OLC is the inside place the administration goes to get legal support for its spying program.

As a member of the Senate Intelligence Committee, I was given access to those secret opinions and spent hours poring over them. Sitting in that secure room, as a lawyer, as a former U.S. attorney, legal counsel to Rhode Island's Governor, and State attorney general, I was increasingly dismayed and amazed as I read on.

To give an example of what I read, I have gotten three legal propositions from these secret OLC opinions declassified. Here they are, as accurately as my note-taking could reproduce them from the classified documents. Listen for yourself, Mr. President; I will read all three and then discuss each one.

One:

> An Executive order cannot limit a President. There is no constitutional requirement for a President to issue a new Executive order whenever he wishes to depart from the terms of a previous Executive order. Rather than violate an Executive order, the President has instead modified or waived it.

No. 2:

> The President, exercising his constitutional authority under article II, can determine whether an action is a lawful exercise of the President's authority under article II.

And 3:

> The Department of Justice is bound by the President's legal determinations.

Let's start with No. 1. Bear in mind that the so-called Protect America Act that was stampeded through this great body in August provides no—zero—statutory protections for Americans traveling abroad from Government wiretapping—none if you are a businesswoman traveling on business overseas; none if you are a father taking the kids on vacation to the Caribbean; none if you are visiting your aunts or uncles in Italy or Ireland; none even if you are a soldier of the United States of America in uniform serving overseas.

The Bush administration provided in that hastily passed law no statutory restrictions on their ability to wiretap you at will, to tap your cell phone, your e-mail—whatever—once you are outside the borders of the United States. The only restriction is an Executive order called 12333 which limits executive branch surveillance to Americans whom the Attorney General determines to be agents of a foreign power. That is what the Executive order says.

But what does this administration say about Executive orders?

> An Executive order cannot limit a President. There is no constitutional requirement for a President to issue a new Executive order whenever he wishes to depart from the terms of a previous Executive order. Rather than violate an Executive order, the President has instead modified or waived it.

"Whenever [the President] wishes to depart from the terms of a previous Executive order," he may do so because "an Executive order cannot limit a President." And he does not even have to change the Executive order or give notice that he is violating it because by "depart[ing] from the Executive order," the President "has instead modified or waived it."

So unless Congress acts, here is what legally prevents this President from wiretapping Americans traveling abroad at will: nothing. Nothing. That was among the most egregious flaws in the bill passed during the August stampede orchestrated by the Bush administration, and this OLC opinion shows why we need to correct it.

Here is No. 2:

> The President, exercising his constitutional authority under article II, can determine whether an action is a lawful exercise of the President's authority under article II.

That is right, the President, according to the George W. Bush Office of Legal Counsel, has article II power to determine the scope of his article II power. Never mind a little decision called Marbury v. Madison written by Chief Justice John Marshall in 1803 establishing the proposition that it is emphatically the province and the duty of the judicial department to say what the law is.

Does this administration agree that it is emphatically the province and the duty of the judicial department to say what the President's authority is under article II of the Constitution? No. It is the President, according to this Office of Legal Counsel, who decides the limits of his own article II power. The question "whether an action is a lawful exercise of the President's authority under article II" is to be determined by the President's own minions "exercising his constitutional authority under article II." It really makes one wonder: Where do they get these people? You have to be smart, you have to be really bright to get a job within the Office of Legal Counsel. How can people who are so smart be so misguided?

And then it gets worse. Remember point 3:

> The Department of Justice is bound by the President's legal determinations.

Let that sink in a minute. "The Department of Justice is bound by the President's legal determinations." We are a nation of laws, not of men. This Nation was founded in rejection of the royalist principle that "the king can do no wrong." Our Attorney General swears an oath to defend the Constitution and the laws of the United States. We are not some banana republic in which the officials all have to kowtow to a supreme leader.

Imagine this in another context. Imagine a general counsel to a major U.S. corporation telling his board of directors: In this company, the counsel's office is bound by the legal determinations of the CEO.

The board ought to throw that lawyer out. That is malpractice and probably even unethical.

Wherever you are, if you are watching this, do me a favor: The next time you are in Washington, DC, take a taxi some evening to the U.S. Department of Justice. Stand outside. Look up at that building shining against the starry night. Look at the sign outside: The United States Department of Justice. Think of the heroes who have served there. Think of the battles fought. Think of the late nights, the brave decisions, the hard work of advancing and protecting our democracy that has been done in those halls. Think about how all that makes you feel.

Then think about this statement:

> The Department of Justice is bound by the President's legal determinations.

If you don't feel a difference from what you were feeling a moment ago, well, I guess congratulations because there is probably a job for you somewhere in the Bush administration. Consider the sad irony that this theory was crafted in that very building by the George W. Bush Office of Legal Counsel.

In a nutshell, these three Bush administration legal propositions boil down to this: One, I don't have to follow my own rules, and if I break them, I don't have to tell you that I am breaking them; two, I get to determine what my own powers are; and three, the Department of Justice doesn't tell me what the law is, I tell the Department of Justice what the law is.

When the Congress of the United States is willing to roll over for an unprincipled President, this is where you end up. We should not even be having this discussion, but here we are. I implore my colleagues on both sides of the aisle: Reject these feverish legal theories. I understand political loyalty; trust me, I do. But let's also be loyal to this great institution we serve in the legislative branch of Government. Let us also be loyal to the Constitution we took an oath to defend from enemies foreign and domestic. And let us be loyal to the American people who live each day under that Constitution's principles and protections.

We simply cannot put the authority to wiretap Americans whenever they step outside America's boundaries under the exclusive control and supervision of the executive branch. We do not allow it when Americans are at home; we should not allow it when they travel abroad.

The principles of congressional legislation and oversight and of judicial approval and review are simple and longstanding, and Americans deserve their protection wherever on God's green Earth they may travel.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio is recognized.

TEFAP EMERGENCY FUNDING

Mr. BROWN. Mr. President, yesterday, I stood on the Senate floor and asked for emergency funding for the Nation's food banks. I asked for that funding because there are massive shortages of food bank supplies, empty shelves, and those shortages place at risk children, the elderly, and working families, people who have lost jobs, people who have had a string of bad luck, and families across this Nation.

I spoke yesterday of Norm, an elderly man in Cleveland, who, after spending his few dollars on rent, on utilities, and medicine, has $19 left. He needs the Cleveland Food Bank. The Cleveland Food Bank, I would add, was awarded the best food bank in the country last year, but it is running short, as are food banks everywhere in this country.

I spoke yesterday of Christian, who has trained to be a nurse's assistant, and who just gave birth. She is unable to find a job as a nurse's assistant, even though she is well trained to do that. She runs short of food, and she relies on, as does Norm, neighborhood food programs, such as the Cleveland Food Bank and other church groups in greater Cleveland.

In too many cases there is no dinner on the table. In too many cases there is no food at Christmas time. In too many cases there is just not enough food. We are the wealthiest Nation in the world. Yet we cannot feed our own people. This is an emergency. This is an outrage.

Yesterday, I talked about emergency funding to overcome that shortage. We asked for $40 million until we pass the farm bill, which will have some dollars in it to provide some supply for these food banks. We found out that food banks are projecting they will run out of food in February, when originally they thought it would last until July.

In case after case, food banks in Cleveland, in Columbus, in Toledo, and Cincinnati, food banks in the Chair's city of Baltimore, and food banks all over this country are running out of food. Grocery stores are contributing a little less this year, and the Government has not done its part.

Yesterday, I talked about some $40 million in funding to overcome that shortage, and today I want to talk about how to pay for it. We can pay for it through shared sacrifice. The budget for Congress includes firewood for fireplaces in the Capitol, fireplaces, in most cases, that don't get used. When children are hungry, we can give up fireplaces. We can give up some travel and some new technology. We can make easy sacrifices to address a tragic need.

The budget for Federal agencies includes annual buying sprees to exhaust whatever is left in departmental budgets. When children are hungry, buying sprees are offensive. We can sacrifice. We can pay for emergency funding for food banks by putting our heads together and shaving some less necessary spending from our own budgets and that of Federal agencies whose oversight is our responsibility. I am asking that we do that. Food banks need resources. We don't need firewood, we don't need buying sprees, and we can do without some other things. We need to help hungry people.

I am going to propose a package of cuts to pay for an emergency increase in food bank funding. I hope every Member of this body supports me.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—H.R. 6

Mr. HARKIN. Mr. President, for the benefit of all Senators and those at their desks, right now we are going to try to get back on the farm bill. As you know, an agreement was reached last night between the majority leader and the Republican leader on the process we will be following, so I am going to propound a unanimous consent request. I hope this has been cleared on both sides. That will basically bring us back to the farm bill. In other words, it will take down the so-called tree that was filled and take down all amendments that are pending, and the bill, as a substitute, will be pending, but then it is open for amendments at that point, for any amendment that has already been filed.

As the agreement was reached last night, there will be 20 amendments on each side. I am telling Senators if they have an amendment to the farm bill, they probably ought to get over here and offer an amendment. Senator CHAMBLISS and I are going to try to work together to try to make an even flow of this, to get the amendments up and reach time agreements and things like that so we can move the farm bill as expeditiously as possible.

On behalf of the majority leader, I ask unanimous consent that the House message on H.R. 6 be returned to the Secretary's desk.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FARM, NUTRITION, AND BIOENERGY ACT OF 2007

Mr. HARKIN. Mr. President, what is the pending business?

The ACTING PRESIDENT pro tempore. The clerk will report the pending business.

The assistant legislative clerk read as follows:

> A bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

Pending:

> Harkin amendment No. 3500, in the nature of a substitute.
>
> Reid (for Dorgan/Grassley) amendment No. 3508 (to amendment No. 3500), to strengthen payment limitations and direct the savings to increased funding for certain programs.

Reid amendment No. 3509 (to amendment No. 3508), to change the enactment date.

Reid amendment No. 3510 (to the language proposed to be stricken by amendment No. 3500), to change the enactment date.

Reid amendment No. 3511 (to amendment No. 3510), to change the enactment date.

Motion to commit the bill to the Committee on Agriculture, Nutrition, and Forestry, with instructions to report back forthwith, with Reid amendment No. 3512.

Reid amendment No. 3512 (to the instructions of the motion to commit to the Committee on Agriculture, Nutrition, and Forestry, with instructions), to change the enactment date.

Reid amendment No. 3513 (to the instructions of the motion to recommit), to change the enactment date.

Reid amendment No. 3514 (to amendment No. 3513), to change the enactment date.

Mr. HARKIN. Mr. President, I now ask unanimous consent that all pending motions and amendments, except the substitute, be withdrawn.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. HARKIN. As I understand it now, Mr. President, the farm bill is before us. There are no pending amendments, also, whatsoever?

The ACTING PRESIDENT pro tempore. The Harkin substitute is pending.

Mr. HARKIN. That is what I mean. The substitute is there, but there are no other pending amendments to it.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. HARKIN. I yield to my colleague.

Mr. CHAMBLISS. Mr. President, let me say to the chairman that I am very appreciative of the discussions and negotiations we have had ongoing over the last several weeks. He and I have both been very frustrated by the lack of activity on this farm bill. We know very well that we have worked in a bipartisan way to craft a farm bill that is going to be a great benefit to farmers and ranchers across America over the next 5 years. This is a critically important piece of legislation that was passed out of the committee by a unanimous vote, with only one person who was not there saying he would not have voted for it. That is significantly unusual. It is also unusual to complete the markup of a farm bill in a day and a half, which we did. I credit the chairman's leadership for that and the fact that we were able to work in a strong bipartisan way to make sure we got a bill that is not exactly like any of us would want it if we were the sole authors of the bill, but that is the way it is supposed to work in this body.

I do truly want to thank Chairman HARKIN and his staff. I see Mark Halverson sitting over there, who has worked very closely with Martha Scott Poindexter on my staff to clear so many of these almost 300 amendments that popped up over the last 4 weeks. Without the staff doing the work they have done, we simply would not be where we are today.

I also wish to say to Senator CONRAD that I appreciate very much his work—again, in a very bipartisan way—to come together and make sure we get relevant amendments. There are going to be some that are going to be irrelevant that may be considered, but, again, that is part of the way this body works; and to the two leaders for their discussions, their negotiations in allowing us ultimately to get to the point where we have now reached an agreement that we have 20 amendments offered by the Democrats, 20 amendments offered by the Republicans, and over the next several days we are going to debate these amendments, have votes on them, and move ahead with the conference with the House on a farm bill that is desperately needed by our farmers and ranchers. I think at the end of the day it is going to be a farm bill that will have a very positive influence on American agriculture.

I thank the chairman for his cooperative spirit and for the fact that we have been able to come together with this farm bill now, get it to the floor, now get it debated, and you and I are going to work very hard to make sure we get it done in short order. I look forward to a discussion of the amendments.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. Mr. President, let me thank my friend and colleague and ranking member, Senator CHAMBLISS, first for starting the process. It was under his leadership on the Agriculture Committee that a lot of field hearings were held across the country in preparation for this farm bill. Then, by dint of the elections last year, I then took over as chairman this year, and we worked very closely to continue the great progress Senator CHAMBLISS had made moving the ball forward. We had some bumps along the way, obviously. I shared the frustration of my friend over the last few weeks. But we came out of the committee with a good bill, a good bipartisan bill.

It is a bill that really responded to agricultural needs around the Nation and also responded to nutrition needs. A large part of this bill, over 50 percent of this bill goes for nutrition, food stamps, things like that. We took some great strides in the committee to make sure we updated some of the exemptions, things like that, so people who are on food stamps, people who need that kind of help are not hurt by inflation over the past number of years and that sort of thing.

There are good provisions in this bill on energy, on conservation. I think there is a good, strong safety net for all of our agricultural producers across the country. Obviously, there is a lot in here for specialty crops, kind of a new part of our bill this year, reaching out to get more people involved in our process here—specialty crops all across the country.

There is a lot of good in this farm bill for everyone in this country. I never like to dwell on the past. We have had some problems over the last few weeks, but we are through that. I thank Senator CHAMBLISS and his staff for working with us to get to this point. I think we have a manageable bill now, with 20 amendments on either side. I am hopeful that as we get amendments we will be able to get some reasonable time agreements. I have already spoken to some people about that. Most of the people with amendments are agreeable to certain time limits on their amendments. That, hopefully, will expedite matters also.

We are here, and I hope we are going to start moving the bill. As we know, there are no more votes today, but amendments can be offered and laid down and debated today, and, of course, they will be in the queue for voting when we get back here next Tuesday. If anyone has any amendments, I suggest now might be the time to come forward, on either side, and talk either to Senator CHAMBLISS or to me about getting in the queue to offer those amendments also.

We have a very important bill. Hopefully, we can get it done. I remain hopeful that before the end of next week—I don't know, maybe that is a little optimistic, but I believe in optimism—perhaps by the end of next week we might actually bring this to a close and get to conference.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, after consultation with the ranking member, Senator CHAMBLISS, and because of the structure of this before, it was assumed that the Dorgan-Grassley or Grassley-Dorgan amendment would be the first amendment. I am going to call up that amendment, but then, under the agreement we have, we will be setting it aside for any other amendments that come up.

AMENDMENT NO. 3695 TO AMENDMENT NO. 3500

(Purpose: To strengthen payment limitations and direct the savings to increased funding for certain programs)

Mr. HARKIN. Mr. President, I call up amendment No. 3695 and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa (Mr. HARKIN), for Mr. DORGAN, for himself and Mr. GRASSLEY, proposes an amendment numbered 3695.

(The amendment is printed in the RECORD of November 15, 2007, under "Text of Amendments.")

Mr. HARKIN. Therefore, the pending amendment would be the Grassley-Dorgan amendment, and I ask unanimous consent to set that aside.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I see our distinguished leader here, Senator DURBIN, but I know Senator KLOBUCHAR has been waiting to offer her amendment.

Ms. KLOBUCHAR. The Senator may go forward.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. DURBIN are printed in today's RECORD under "Morning Business.")

Mr. DURBIN. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

AMENDMENT NO. 3819 TO AMENDMENT NO. 3500

(Purpose: To increase funding for critical Farm Bill programs and improve crop insurance)

Mr. BROWN. Mr. President, I ask unanimous consent the pending amendment be temporarily set aside, and I send an amendment to the desk.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Ohio [Mr. BROWN], for himself, Mrs. MCCASKILL, Mr. MCCAIN, Mr. DURBIN, Mr. SCHUMER, and Mr. SUNUNU, proposes an amendment numbered 3819 to amendment No. 3500.

Mr. BROWN. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. BROWN. Mr. President, this amendment, in essence, moves money from the overpayment of huge subsidies of crop insurance to McGovern-Dole, a long-term bipartisan program this Congress has supported, and a few other things I will outline in more detail on Tuesday.

I ask unanimous consent that the amendment be set aside.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 3810 TO AMENDMENT NO. 3500

Ms. KLOBUCHAR. Mr. President, I call up my amendment No. 3810 which is at the desk. I will set it aside after I say a few words about it.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Ms. KLOBUCHAR], for herself, Mr. DURBIN, and Mr. BROWN, proposes an amendment numbered 3810 to amendment No. 3500.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To improve the adjusted gross income limitation and use the savings to provide additional funding for certain programs and reduce the Federal deficit)

Beginning on page 210, strike line 15 and all that follows through page 214, line 9, and insert the following:

(c) MODIFICATION OF LIMITATION.—

(1) IN GENERAL.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a) is amended by striking subsection (b) and inserting the following:

"(b) LIMITATION.—

"(1) COMMODITY AND CONSERVATION PROGRAMS.—

"(A) COMMODITY PROGRAMS.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2)(A) during a crop year if the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, exceeds—

"(i) $250,000, if less than 66.66 percent of the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, is derived from farming, ranching, or forestry operations, as determined by the Secretary; or

"(ii) $750,000.

"(B) CONSERVATION PROGRAMS.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2)(B) during a crop year if the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, exceeds $2,500,000, unless not less than 75 percent of the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, is derived from farming, ranching, or forestry operations, as determined by the Secretary.

"(2) COVERED BENEFITS.—

"(A) IN GENERAL.—Paragraph (1)(A) applies with respect to the following:

"(i) A direct payment or counter-cyclical payment under part I or III of subtitle A of title I of the Food and Energy Security Act of 2007.

"(ii) A marketing loan gain or loan deficiency payment under part II or III of subtitle A of title I of the Food and Energy Security Act of 2007.

"(iii) An average crop revenue payment under subtitle B of title I of Food and Energy Security Act of 2007.

"(B) CONSERVATION PROGRAMS.—Paragraph (1)(B) applies with respect to a payment under any program under—

"(i) title XII of this Act;

"(ii) title II of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 223); or

"(iii) title II of the Food and Energy Security Act of 2007.

"(3) INCOME DERIVED FROM FARMING, RANCHING OR FORESTRY OPERATIONS.—In determining what portion of the average adjusted gross income of an individual or entity is derived from farming, ranching, or forestry operations, the Secretary shall include income derived from—

"(A) the production of crops, livestock, or unfinished raw forestry products;

"(B) the sale, including the sale of easements and development rights, of farm, ranch, or forestry land or water or hunting rights;

"(C) the sale of equipment to conduct farm, ranch, or forestry operations;

"(D) the rental or lease of land used for farming, ranching, or forestry operations, including water or hunting rights;

"(E) the provision of production inputs and services to farmers, ranchers, and foresters;

"(F) the processing (including packing), storing (including shedding), and transporting of farm, ranch, and forestry commodities;

"(G) the sale of land that has been used for agriculture; and

"(H) payments or other income attributable to benefits received under any program authorized under title I or II of the Food and Energy Security Act of 2007.".

(2) INCREASED FUNDING FOR CERTAIN PROGRAMS.—In addition to the amounts made available under other provisions of this Act and amendments made by this Act, of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out—

(A) the grassland reserve program established under subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.), an additional $20,000,000 for the period of fiscal years 2013 through 2017;

(B) the provision of assistance for community food projects under section 25 of the Food and Nutrition Act of 2007 (7 U.S.C. 2034) (as amended by section 4801(g)), an additional $10,000,000 for each of fiscal years 2013 through 2016;

(C) the beginning farmer and rancher individual development accounts pilot program established under section 333B of the Consolidated Farm and Rural Development Act (as added by section 5201), an additional $5,000,000 for each of fiscal years 2013 through 2017;

(D) the program of grants to encourage State initiatives to improve broadband service established under section 6202, an additional—

(i) $40,000,000 for the period of fiscal years 2009 through 2012; and

(ii) $30,000,000 for the period of fiscal years 2013 through 2017;

(E) the organic agriculture research and extension initiative established under section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b) (as amended by section 7104), an additional $10,000,000 for each of fiscal years 2013 through 2014;

(F) the beginning farmer and rancher development program established under section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f) (as amended by section 7309), an additional $15,000,000 for each of fiscal years 2013 through 2017;

(G) the biomass crop transition assistance program established under subsections (b) and (c) of section 9004 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001), an additional $40,000,000 for the period of fiscal years 2009 through 2012; and

(H) the Rural Energy for America Program established under section 9007 of the Farm

Security and Rural Investment Act of 2002 (as amended by section 9001), an additional $40,000,000 for the period of fiscal years 2009 through 2012.

(3) EXTENSIONS.—Notwithstanding any other provision of this Act, or an amendment made by this Act—

(A) the authority to carry out the grassland reserve program established under subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.), is extended through September 30, 2017;

(B) the authority to carry out the provision of assistance for community food projects under section 25 of the Food and Nutrition Act of 2007 (7 U.S.C. 2034) (as amended by section 4801(g)), is extended through September 30, 2016;

(C) the authority to carry out the beginning farmer and rancher individual development accounts pilot program established under section 333B of the Consolidated Farm and Rural Development Act (as added by section 5201), is extended through September 30, 2017;

(D) the authority to carry out the program of grants to encourage State initiatives to improve broadband service established under section 6202, is extended through September 30, 2017;

(E) the authority to carry out the organic agriculture research and extension initiative established under section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b) (as amended by section 7104), is extended through September 30, 2014;

(F) the authority to carry out the beginning farmer and rancher development program established under section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f) (as amended by section 7309), is extended through September 30, 2017;

(G) the authority to carry out the biomass crop transition assistance program established under subsections (b) and (c) of section 9004 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001), is extended through September 30, 2012; and

(H) the authority to carry out the Rural Energy for America Program established under section 9007 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001), is extended through September 30, 2012.

Ms. KLOBUCHAR. Mr. President, I first wish to acknowledge the great leadership of Senator HARKIN and Senator CHAMBLISS on this farm bill. I am proud to be a member of the Agriculture Committee and to be involved in this forward-looking farm bill. I also wish to thank the many authors we have on this amendment that I am going speak on today, including Senator DURBIN and Senator BROWN, both of whom were in here in the last few minutes.

This amendment includes some reasonable income eligibility limits for subsidies under the farm bill. The focus of this amendment is to make sure the subsidy and the safety net in the farm bill go to the people whom it will most help; that is, the family farmers of this country, not to real estate developers in Florida or art collectors in San Francisco. The focus is on family farmers throughout this country.

America's farm safety net was created during the Great Depression as an essential reform to help support rural communities and protect struggling family farmers from the financial shock of volatile weather and equally volatile commodity prices. Almost 75 years later, the reason for maintaining that strong safety net still exists.

The 2002 farm bill has spurred rural development by allowing farmers in Minnesota and across the country to take risks to expand production. Because of productivity gains and innovation, including advances in renewable energy, the farm support programs in the 2002 farm bill are projected to come in at $17 billion under budget.

So as we debate this current farm bill, as we will in the coming days, it is important not to underestimate the value of a strong bill to our country, to agriculture, to the rural communities throughout the Nation.

That is why, as a member of the Ag Committee, I strongly supported this farm bill and voted for it. It includes an increased focus, as the chairman mentioned, on energy, including cellulosic-based ethanol, continued support for a strong safety net, permanent disaster relief, so important to our farmers, and additional funds for conservation and nutrition.

Of particular importance, the country should know we balanced our budget in this bill, with every dollar of new spending fully offset. So there is a lot of good for Minnesota and the rest of the country in this farm bill.

There is, however, one critical area where I believe we can do some more reform; that is, to make sure the urban millionaires do not pocket the farm subsidies that are intended for our hard-working farmers. Here is a fact in my State. Minnesota is the sixth largest agricultural State in the Nation. Naturally, however, 60 farmers have collected more than $1 million each under the 2002 farm bill. None of those farmers are in my State.

The top 20 business recipients in the country have each gotten more than $3 million under this farm bill. Yet the average income of a farmer in Minnesota, after expenses, is $54,000. But under the current system, a part-time farmer can have an income as high as $2.5 million from outside sources and still qualify for Federal farm benefits.

I do not believe we should be handing out payments to multimillionaires, when these payments should be targeted to family farmers. Big payments to big-city investors threaten to undermine public support for the farm bill as a whole, even though people should know the commodity programs are projected to be just under 15 percent of the total farm budget over the next 5 years.

A poster boy for what needs to be changed is Maurice Wilder, the Florida-based developer who is the Nation's top recipient of farm payments—not conservation payments but commodity payments—for properties in five States, even though his net worth is estimated to be $500 million. This man is not a farmer. He is independently wealthy. He is a real estate developer, and he should not be getting Government checks. We have examples from all over the country of people who have been getting these checks, from David Letterman to Paul Allen.

But the problem doesn't stop with the extremely wealthy. Checks that are intended for farmers are being sent all over urban areas. Since enactment of the 2002 farm bill, $3.1 million in farm payments has gone to residents in the District of Columbia, $4.2 million to people living in Manhattan, and $1 million of taxpayer money under the farm bill of 2002 has gone to Beverly Hills 90210. Last time I checked there wasn't a lot of farmland in these communities. We can fix this problem and do better for our farmers by using the new farm bill to close loopholes, tighten payment limits, and enforce tougher income eligibility standards.

Again, I am a strong supporter of this farm bill. I believe the 2002 farm bill did some wonderful things for our country in terms of expanding production and revitalizing rural communities. What we want to do is build on the 2002 farm bill, fix some things, and make sure we go forward with a strong rural economy.

One thing was already fixed in the bill that came out of committee, and that is the three-entity rule. The current Senate and House—and this has actually gone through the House floor—proposals eliminate the three-entity rule. This will cut down abuse by applying payment limits strictly to individuals and married couples and ending the practice of dividing farms into multiple corporations so they can multiply payments. Second, as already mentioned by our chairman, the longstanding amendment proposed by Senators DORGAN and GRASSLEY would limit annual payments under this bill. This amendment would also bring meaningful limits to the marketing loan program and close enormous loopholes that allow millions of dollars to flow to individual recipients under the current law. I support the Dorgan-Grassley amendment, and I urge my colleagues to do the same.

I believe a third kind of reform is also needed. Congress should act to prevent payments that are intended for hard-working family farmers from going to urban millionaires. We can do this by placing reasonable limits on the incomes of people and businesses that participate in the commodity program. Under current law, if you are not a full-time farmer, meaning that less than 75 percent of your income comes from farming, you are eligible to get commodity payments as long as your adjusted gross income is less than $2.5 million per year. This is part-time farmers under current law.

Let's figure out what that means. You can live in a city, have a job as an investment banker, make $2 million a year, and still get Government checks if you own shares in a farm. If you are a full-time farmer or farm corporation, meaning that more than 75 percent of your income comes from farming, under current law there is absolutely no limit on how much net profit you can have in a given year and still get farm payments. What we are talking about is, expenses are actually deducted for us to get to these numbers. Even with the expenses deducted, you can make, for part-time farmers, $2.5 million per year, and there is no limit for full-time farmers, and you are still eligible for these subsidies.

It also means mega farms that span entire counties can bring in untold millions in revenue and still get these kinds of payments. This flies in the face of common sense. It is against the intent of Congress and, along with two other amendments I support—one that is already in the bill, the Dorgan-Grassley amendment and this one—it will allow us to address these problems that have given rise to scandals that have already provided ammunition to those who say we should not have a farm bill. I believe we must have a farm bill. I have been pushing for this. I am glad we finally reached agreement on a total number of amendments so we can actually move forward with this farm bill next week.

I am offering this amendment, along with Senators DURBIN, BROWN, and many others, to place reasonable limits on the incomes of those who receive farm payments. Here is how the amendment works. If you are a full-time farmer, meaning that more than two-thirds of your income comes from farming, you can participate in the farm program, and you can get the subsidies, as long as your income after you deduct expenses does not exceed $750,000. If you are a part-time farmer or farm investor, and you have substantial sources of income off the farm, you can participate in farm programs if your income does not exceed $250,000. It is that simple.

I will note it is somewhat similar to some of the reforms the House enacted off the floor in their bill. Their amendment puts it at $1 million for a full-time farmer and then $500,000 of income for a part-time farmer. Right now the bill that came out of the Senate committee places no limits on the income of full-time farmers, and then places a limit on a part-time farmer at $750,000. What we are doing is trying to put the limits at $750,000 for a full-time farmer and $250,000 for a part-time farmer. This is better than the original proposal by the administration which sort of lumped part-time and full-time farmers together. This makes more sense, having talked to farmers in my State and across the country.

Some of my colleagues have said $750,000 is too low; that some farmers have a high cost of production and they need a higher income. Again, I remind my colleagues the income limit is applied after your farm expenses are deducted, including all your labor, your equipment, your fuel, and your fertilizer. We are talking about how much profit you have made at the end of the year.

If you own a farm that has netted $1 million in a single year after all your expenses are paid, I salute you. That is wonderful. There is nothing wrong with that. I would love it if every farmer in Minnesota had $1 million in the bank at the end of the year. But if they did, this amendment says they can't get the subsidy. But if you have received $750,000 in income, if you are a full-time farmer—$250,000 if you are part time—then you would be eligible.

Some of my colleagues have said the $750,000 limit on part-time farmers and nonfarmers is too low. If you live in the city and you own shares in a farm and you have a substantial source of income outside of farming that puts you over $250,000 a year, that is great for you. That is a good thing. Lots of Americans would love to be in that position and have that problem. But they do not necessarily want to provide their tax dollars to give subsidies for these people who are living in Beverly Hills 90210 or New York and simply have investments. Vast Americans don't believe that is where farm subsidies should be going. They should be going to family farmers who make their income off farming, who are facing volatile weather and volatile prices that could basically put them under. We don't want to have that happen. Not only for the economy but also for our national security, we must have farming and we must have a strong agricultural sector.

In conclusion, the intent of this amendment is to strengthen the farm bill. All Americans have a vital stake in the fortunes of our farms and rural communities. Agriculture remains central to our Nation's economy, especially our prosperity in the global marketplace. That is why I support this farm bill, a basically national security bill. I intend to support it. I supported it out of committee, and I intend to support this legislation when it comes to a vote.

But it is not enough to have the support of just farm State Senators. I believe it is important to have the support of the entire country. We need this kind of reform because we need to have support from the entire country if we want to pass this bill. Inertia may be the most powerful force in the political universe, but after 75 years, the best interests of America's rural economy demand that we correct the abuses of the past so we can move forward to ensure a strong safety net for our hard-working farmers.

I urge my colleagues to support my amendment. I ask unanimous consent that the amendment be laid aside.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I want to respond quickly to the Senator from Minnesota who has filed one of two amendments to the issue of payment limits in this bill. It is important we understand the history of payment limits. This has always been a controversial issue in every farm bill. This is my third farm bill, and certainly we had significant reform in the 2002 farm bill over the 1996 farm bill. Here we are again with the same argument being presented, that farmers ought not to be entitled to significant payments from the Federal Government in very tough times when prices are low or yields are low, which is absolutely the direct intention of a farm bill.

My friend from Minnesota referred to two things I want to agree with. The first is, the 2002 farm bill spent approximately $17 billion less through the first 5 years than what was originally projected. The reason there was less money spent than was projected by the pundits in 2002 is the fact that the 2002 farm bill was market oriented. We provided farmers and ranchers with tools through utilizing their credit measures, as well as crop insurance measures, as well as other marketing tools that were incorporated into the 2002 farm bill that caused prices to not necessarily rise, but when supply rose, demand was there to meet that supply. Therefore, the ultimate amount of money coming from Washington into the hands of farmers and ranchers was $17 billion over 5 years less than what was projected.

How does that impact payment limits? It has a direct impact on the payment limit issue because that simply is a part of the reason that an additional amount of money within that $17 million was not spent. We made significant reforms in the 2002 farm bill to ensure, with every precaution we could possibly take, that payments going from Washington to any State in the Union went into the pockets of farmers. We did everything we could to ensure that. But in spite of trying to do that, there were abuses and I acknowledge that. There are always going to be abuses. This doesn't apply to just farm programs. It unfortunately applies to about every Federal program.

I see my friend from Arkansas on the Senate floor. She and I have worked diligently over the last several months to try to make additional reforms to the payment limit issue from the 2002 farm bill into this farm bill. Once again, we have made significant reforms. We have reduced that AGI limit down to $1 million in 2009 and $750,000 for each year after that. So somebody who is a hobby farmer who has a high income that, in our opinion, does not deserve payments is not going to get those payments. Somebody who gets dirt under their fingernails and, frankly, if they make more than $750,000 a year, it means they have worked hard as a farmer to generate that kind of income on an operation. I assure you, if they make $750,000 this year, they could lose every bit of that next year.

So to say we ought to take a farmer who makes $750,000 in 1 year, where he has gambled all of his life's savings to invest in his crop, which undoubtedly would have been millions and millions of dollars for him to generate that kind of income, that we are going to strip him of any entitlement to payments in the next year, when he may lose everything he has saved up all of his life, I don't think is looking out for the best interests of farmers and ranchers from an overall standpoint.

We did make changes in the bill this time on payment limits. We reduced the $360,000 cap down to $100,000. We eliminated the three-entity rule. If you had told me 10 years ago that in 2007 we were going to be eliminating the three-entity rule in the payment limit provision, I would have told you that you were as crazy. If you told me that 5 years ago, I would have said say there is no way we would eliminate the three-entity rule. That has kind of been a standard under the payment limit provision. But we have decided it is in the best interest of agriculture that it be eliminated.

We worked very hard to make sure we try to be fair to farmers and try to encourage family farmers to continue. The main reason we have always had the three-entity rule is to allow for the children of farmers to begin operating as farmers without having to worry about the significant capital investment that their parents have had to make over the years because they simply cannot do it. A young farmer simply cannot make that investment.

Well, we have eliminated that three-entity rule that has been very advantageous to young farmers. We are replacing it with some other measures that will allow young farmers to get into the business with their parents and come back to that family farm, which I think all of us would like to encourage.

My family happens to be the beneficiary of that exact situation—not my immediate family but my son-in-law. I am very excited about the fact that he is back in his family farming operation.

We did add a $2.5 million AGI test to the 2002 farm bill in response to media criticism that high-income individuals were receiving conservation and commodity program payments. We sought to ensure that benefits were denied to wealthy individuals who did not rely on farming for their livelihood but that they remain available to farmers and ranchers so long as—and I emphasize this: so long as—75 percent of their income is derived from farming, ranching, or forestry. In the bill reported out by the Senate Agriculture Committee, there is a provision that reduces the income level for determining program eligibility by 70 percent over a period of 2 years. By 2010, if income exceeds $750,000—down from the current level of $2.5 million—the individual is not eligible for payments unless two-thirds of that individual's income is derived from farming, ranching, or forestry.

Through a deliberate and balanced approach, the Agriculture Committee brought reform to the AGI means test by further targeting program benefits to those individuals who depend on farming for their livelihood. Even though the committee has approached this matter with caution, there are simply no reliable statistics that determine the actual impact of the new AGI level.

Further modifications of the AGI means test beyond those approved by the committee would be risky and very disruptive to the American farmer. Specific concerns with an even more restrictive AGI means test would include the following:

An overly restrictive AGI ceiling disregards the financial reality of commercially viable farms. The Senator from Minnesota mentioned that AGI is basically the net profit, that it covers all payments for fuel and nitrogen and equipment. That does cover the cost of fuel and nitrogen and all the labor and all the other input costs. But out of AGI no equipment payments are covered, no land payments are covered, no interest payments are covered, no payments for the purchase of any additional real estate are covered.

So $750,000 is a lot of money—there is no question about it—but here you have an individual who has invested millions of dollars into their farming operation, who has generated $750,000 of AGI, and without looking at the books of that individual, I can tell you from my almost 40 years of experience in agriculture that individual has either a cotton picker that costs $250,000 they have to pay for, a corn combine that costs $200,000 they have to pay for, a couple of tractors that probably cost in the range of $100,000 they have to pay for. They have land rent—well, rent would be deducted. They have land payments that have to be made. So to say that somebody who has that kind of income just ought to be severely penalized because they are a big farmer is not the way farm bills have ever operated, and I do not think it is the way this farm bill needs to operate. Do we need to make sure farm payments go the farmers? You bet we do. We are doing everything we can to see if we cannot make sure that happens.

Secondly, a problem with the AGI test is that if the exclusion for people who depend on farming and ranching is ended, then it indicates that the purpose behind the means test has changed from excluding millionaires who happen to own a farm to specifically targeting farmers and ranchers. Thirdly, an unreasonable AGI means test creates uncertainty for growers and their lenders by creating a ping-pong effect of being eligible 1 year and being ineligible the next, making it difficult or impossible for lenders to measure with any degree of certainty the future cash flow of thousands of farm and ranch families in order to make both short- and long-term lending decisions.

I have already discussed that in some detail, and I will not go into that any further, but that is a critical aspect of this when you have folks who are gambling all of their life savings that the Good Lord is going to provide them with enough rain and that the prices are going to be there at the end of the day to be able to justify the annual investment they have just made.

Again, proponents of an AGI means test state: Of all schedule F filers, only 1.2 percent—or 25,000—had an AGI of $200,000 or more and received farm program payments. This statistic fails to reflect the fact that most operations that could be most directly impacted by the AGI means test do not file schedule F tax returns. Therefore, this statistic seriously underestimates the number of producers and, perhaps more importantly, the share of acres or production that would be left unprotected. Furthermore, those percentages are deceptive because the population of schedule F filers is not limited to producers currently eligible for title I program benefits.

Next, building on the information provided by the Internal Revenue Service, a recent study by USDA's Economic Research Service used survey data to estimate the impact of the AGI means test on producers organized as partnerships and corporations. The study estimates that 2.5 percent of farm partnerships and 9.7 percent of farm corporations could be subject to the proposed cap. Furthermore, the ERS estimates that 9.3 percent and 8.5 percent of cotton and rice farms, respectively, would exceed the AGI limit. It is important to note that these impacts are estimates based on a small sample of producers and not based on actual IRS data.

An unreasonable AGI means test would make U.S. farm policy unpredictable, inequitable, and punitive for thousands of American farm and ranch families, especially tenant and beginning farmers and ranchers, as well as lenders, landowners, Main Street businesses, and rural communities.

One statistic you will hear me talk about again during the course of this debate comes from a study done by the College of Agriculture in my home

State at the University of Georgia, where, according to the research recently produced in a study, it was determined that $1.05 in taxes—taxes—is returned to the Federal Government for every $1 of agricultural farm payments that have been made across America. That is a pretty significant statistic when you think about what happens on Main Street rural America as a result of farm payments that are made.

An overly restrictive AGI rule would make it difficult or impossible for farm and ranch families to lease land where their eligibility for any 1 year may be in doubt and force a change to cash rent, shifting all risk to the tenant as opposed to a share rent that allows the landlord to share in the production risks. If a landlord wants to help out a young farmer, under this amendment they simply would not be able to do so because they are not going to take that risk. They would be foolish to take that risk.

Further tightening of the AGI rule severely inhibits ordinary commercial activity involving the sale of land and other assets, which would jeopardize benefit eligibility. AGI rules clamp down on spouses who take off-farm jobs to help provide family income, especially in years where little or no take-home pay is generated from the farm or ranch, to provide health insurance for the family, or simply to continue a profession, such as teaching.

Lastly, estimates of the impacts of an AGI means test focus on the percentage of producers who will be affected. However, these estimates do not address the true impact of the means test because they fail to address the percentage of acres or production that will be affected. For example, the Census of Agriculture indicates that the largest 10 percent of cotton and rice producers account for 30 percent to 50 percent of cotton and rice production in many States.

I would dare say, the statistic, again, you will hear as we continue further debate on this amendment—as well as the Dorgan-Grassley amendment—is that about 80 percent of production agriculture in the United States is generated by approximately 20 percent of America's farmers and ranchers. So who should get the biggest benefit of agricultural programs that are available to farmers? Is it the 20 percent that take the least risk, have the least chance of suffering a significant loss, or should it be those farmers who are willing to take the risk, invest all of their life savings on an annual basis in their operation, with the idea they will have that safety net underneath their operation in the event they suffer a disaster as a result of weather, a disaster as a result of price, or a disaster as a result of insect infestation or some other disease infestation that might occur?

So this amendment simply is not realistic when it comes to American agriculture production for either a small farmer or a large farmer because if you take an AGI test and you look at how much money that farmer—be it a small farmer or large farmer—has to pay for land they hope they will own one day, for equipment, and the other deductions that have to come out of that AGI, all of a sudden there is an entirely different picture out there that is actual and is not imagined.

So I am opposed to this amendment. At the proper time, I am sure we will talk more about it. We will look forward to additional debate and for an ultimate vote on this amendment.

Ms. KLOBUCHAR. Mr. President, if I could briefly respond to Senator CHAMBLISS. I see my colleague from Idaho is here.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, as Senator CHAMBLISS said, we will be discussing this more in the week to come. I think Senator CHAMBLISS and I agree that the last farm bill was successful for our country. People do not often realize when you read some of these reports in the paper that it came in $17 billion under budget. That money went back to the Government.

Also, we had a lot of success with that bill. I do not think that success stemmed from the fact that some of the scandals were occurring, with a million dollars going to Beverly Hills 90210 and some of these other places.

I appreciate the efforts we have made in the committee toward reform. As Senator CHAMBLISS mentioned, getting rid of the three-entity rule was a very important step, also making some movement on the part-time farmers. To go to $750,000 for the income limit for part-time farmers is a very important step. What I am trying to do with this amendment, and my colleagues who support it are trying to do, is simply take a step further because we believe this money should be more targeted to family farmers.

Mr. President, as you know, as we discussed, this amendment does exclude expenses. When you are looking at the number $750,000 for full-time farmers, we are talking there about profit. Even for a large farm, deducting all their expenses, $750,000 would be a very good year. So I believe if you look at this as a whole, people have to understand we are talking about profits and not expenses. The same with the part-time farmers. The definitions we use in this bill are similar to the ones that, in fact, the committee used to define expenses. So if it is good enough to define expenses for an agreed-upon committee standard at $750,000 for part-time farmers, then I believe if you look at going down to $250,000 in profits for part time, $750,000 for full time, the expense definition should be the same.

I also wanted to respond to the remarks about the USDA study on the AGI limits. My colleagues should understand that was based on the administration's proposal—that study, the President's proposal—which actually put part-time and full-time farmers at the same number, which was $200,000. Clearly, we have worked with our farmers, talked to them across the country. This amendment is different. It differentiates between the part-time farmer and the full-time farmer, understanding that they are in different positions. I would also note the USDA study found no regional bias in those who would be affected by this AGI limit.

So I believe as we go forward we have to keep in mind that those of us who support this amendment from States such as Minnesota and Illinois support a strong farm bill. We believe we have to have a strong safety net for our farmers, but the money shouldn't be going to Beverly Hills 90210 and it shouldn't be going to art collectors in San Francisco and it shouldn't be going to investment bankers in New York or to real estate developers in Florida. It should be targeted in a reasonable way to those who actually farm and to those part-time farmers who make a reasonable income, not to people who are making $1 million, $2 million, $3 million, $4 million a year. That is what this is about: making sure the safety net is there for those who need it.

By the way, if you have a large farm that has a bad year, and your profits go down, they could well qualify for the subsidies under that scenario. That is what we are talking about.

I wish to also add that the House bill that came off the House Floor does have some income limits. It has $1 million for a full-time farmer, $500,000 for a part-time farmer. We have no income limits for a full-time farmer in the existing Senate bill—no income limits at all. For a part-time farmer, our limits at $750,000 are significantly higher than the House bill.

So what my colleagues and I are trying to do with this bill is to get it in line so that it shows some actual reform of income limits—slightly lower than the House but still in the ballpark—so that we are actually doing some reform and not just giving lip service to it.

I appreciate the work of Senator HARKIN and Senator CHAMBLISS and the reforms we have made so far. I think we need to go a step further so we target the money on those family farmers and not urban multimillionaires.

Thank you very, Mr. President. I look forward to this debate as we go forward.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, does the Ranking Republican of the Agriculture Committee want to introduce an amendment on this side before I speak? I understand he has an amendment he would like to introduce and set aside before I speak.

Mr. CHAMBLISS. I thank the Senator from Idaho.

AMENDMENT NO. 3711 TO AMENDMENT NO. 3500

On behalf of Senator LUGAR, I ask unanimous consent to set aside the pending amendment and call up amendment No. 3711.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Georgia [Mr. CHAMBLISS], for Mr. LUGAR, proposes an amendment numbered 3711.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The amendment is printed in the RECORD of Thursday, November 15, 2007, under "Text of Amendments.")

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the amendment be set aside.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, many of us in the Senate have been waiting now for well over a month for this document, S. 2302, to come to the floor and begin what is a right and responsible approach toward legislating: offering it up to amendments, allowing Senators to work their will under the rules of the Senate, and to complete it on time. The Democratic leader thought he could short-circuit that, that he could what we call "load up the tree" and not allow these kinds of amendments, only to find out in the end that wasn't about to happen; that both Democrats and Republicans alike would not allow the rules of the Senate to be thwarted and to deny the responsibility of each and every Senator, if they choose, to offer an amendment.

Later on in the course of this debate next week, I and Senator DOMENICI and Senator THUNE will be offering an amendment that relates to RFS—renewable fuels standard. It is with that in mind that I come to the floor today to talk about a farm bill in a substantially different context.

We believe, and we have always felt, that agricultural policy was critical for America—for American farmers, yes, but for America's consumers of food and food products, most importantly.

There is no doubt the average consumer in America today spends less on high quality food than any other consumer in the world. America's food supermarkets are full of food. There are no shortages. There is great abundance. There is phenomenal variety. Without question, our food supply is the safest in the world. I believe, in large part, that is as a result of a combination of two things happening: the phenomenal capability of America's free and independent farmers, as well as a government that has been consistently willing, down through the decades, down through the Depression and the droughts and the hurricanes and the hail storms and all of that, to work with its farmers to ensure that they could stay on the land and produce. But rarely in the course of all of these decades of farm policy have we thought in the context that we are beginning to think today, which is that America's farmers can become, or are becoming, one of America's largest suppliers of energy. It is not a new phenomenon; it is a rapidly growing diversity in the American agricultural portfolio that is doing what we have wanted done for a long time, but simply because of a combination of program and price in the market didn't see happen.

So for a few moments this afternoon I would like to talk about the farm bill but in the context of energy and energy supply. Farmers, we have always believed, and know, if you have been one—and I have—are large consumers of energy. It takes a lot of diesel to plow a field, to run a combine, to run a corn dryer. It takes a lot of natural gas to produce nitrogen and phosphates and all of the necessary supplies and input costs that the Senator from Georgia was speaking to and about a few moments ago. America's agricultural producers are very large consumers of energy. But it has only been in the last decade that they have begun to become large consumer producers of energy. As that has happened and as we have changed and shifted policy in this country to incentivize and reward that production, we have watched that production grow very rapidly. We are now producing around 8 billion gallons of ethanol annually.

We encouraged it in the 2005 Energy Policy Act, and America's farmers went to the task of building the ethanol distilleries and beginning to supply the market as we allowed ethanol to enter the market at ever-higher volumes.

Now, an old farmer told me not long ago: You know, this is nothing new for American agriculture. Before we had tractors, farmers supplied all of their fuel for their farming. I hadn't put it in that context. I grew up on a farm and a ranch where one side of a barn once housed—I am talking a horse farm—once housed teams of horses that pulled the plow, that pulled the harvesters, and did all of that, and it was energy from our farm that fed the horse that produced the energy of the horse. We were not importers of energy to our farm. We were producers of energy. But that was 90 years ago. Then, American farming changed dramatically, and we became increasingly more productive. We began producing our own energy, and we started consuming it from outside sources, and it became gasoline and diesel. It isn't that we will see a reversal, but we are seeing a phenomenal new opportunity of production, and that is in combination a result of farm policy. This bill is a good farm bill, and the Senator from Georgia and the Senator from Iowa need to be congratulated for the cooperative effort in which they have worked to produce it. It will be, if you will, in part, one of the directives of American agriculture for the next 5 years, when it is passed.

What is important now is to try to look down the road and talk about a role for America that we must increasingly play if we are going to continue to be the strong power we are for ourselves and our citizens, but also for the world. What has happened from that time when horses once pulled the plow until now with that big tractor out there with hundreds of horses under the hood, if you will, pulling multiple plows, is that we began to become a nation of energy importers. Since I have been in Congress over the last 27 years, we went from 30 percent to 40 percent to 50 percent to 60 percent dependent on foreign countries producing our energy for us. I did say countries. I didn't say companies because the bulk of the oil in the world is owned by governments, not companies, and almost every one of those governments today is less than concerned and, in many instances, hostile to America.

So it seems only fitting to me that as we shape public policy in this country, we do so in a way that begins to move America toward energy independence. The American farmer, more than ever before, can become that producer of energy and help in that equation of energy independence in a way that even a decade ago we didn't think possible at all. With the passage of the Energy Policy Act of 2005 and the expansion of entry of ethanol into the market, we saw that market begin to take off and we saw production of ethanol begin to take off. We saw the distortion that always occurs in a market when a new demand begins to occur for a commodity that isn't overly abundant. In that case, it was corn, and we saw our dairy farmers and our feeders of beef cattle and hog farmers begin to be concerned about the high price and the high cost of that import because corn had been shifted from the feedlot to the distillery to produce ethanol. We are continuing to encourage that.

One of the things we will do with a renewable fuels standard in the farm bill is begin to shift that equation to stabilize the use of the inputs to produce ethanol. Right now, ethanol is produced by corn almost exclusively in this country, and many of us believe with the new science that is coming, with the new loans and guarantees that are coming out of the Energy Department because of the Energy Policy Act we passed in 2005, we will begin to see a shift toward a combination of ethanol fuels, both corn-based and cellulosic-based. Cellulose, fiber, not only could it be the grain of the corn itself producing, but it could become the ear of the corn and the stock of the corn and grasses and other kinds of fibers where cellulose is dominant but could become a major producer.

In the Energy Act the Senate passed this year that went to the House—and the House largely destroyed it by trying to use it as a taxing mechanism more than a production mechanism—we had placed in it a renewable fuels standard that did the combination of things I am talking about. We said we could take corn up to about 15 billion gallons a year, and we could take cellulose-produced ethanol up to about 15 billion gallons a year by the year 2020, and by the year 2022 we would add another 6 billion gallons of cellulose-based ethanol as that science, as that technology began to be increasingly more efficient and refined.

Here is a reason why we would want to do that. Right now, corn-based ethanol only reduces the output of CO_2 into the environment by about 19 percent, compared with conventional fossil fuel. It is a help, but it is not where we want to be if we want a clean world out into the future. I know a lot of farmers and I have always said in my life that farmers are probably the finest environmentalists in the world because they are phenomenal stewards of the land, and they want to make sure the land is viable and the water around it is sustained. They want to produce a better quality product.

What we are suggesting is that we increasingly shift the equation in America agriculture, in its participation, in the production of energy, to make us more energy independent and help us find new and cleaner sources. In the end, when we shift this production portfolio of ethanol from corn-based to cellulosic, in the outyears—25 or 30 years out—cellulosic-based ethanol fuel will be 86 percent cleaner. That is what we want. That is what we ought to ask for.

That is why, for the first time, at least in my time in the Congress, America's farm bill, America's agricultural policy, is, in part, an energy policy because agriculture is looking at not only its input costs of energy but its opportunity to produce energy. There are a lot of other things I could talk about as it relates to taking biomass and animal waste and converting them into energy. All of that is starting to happen. But the big production—the production that makes the difference, the production that makes America and America's energy consumers more independent from a Venezuela or from the Mideast—is this right here: ethanol, both corn-based and cellulosic. That is what we are about. That is what we have to be about as a country.

There is every reason for the American consumer to say: Why can't we be energy independent? We should be. But our policies have not taken us there. In part, it is because I think we didn't think we could get there but largely because there was all kinds of bias out there in the whole energy arena. The bias is quite obvious. We all like big cars, we like our SUVs, and we all like what we like—until we cannot afford liking them anymore because the cost of feeding them has gone up dramatically. That has helped us a little bit to develop changes.

For the first time this year, I introduced a bill, with Senator DORGAN, to have mandatory CAFE standards. The auto industry was quite upset with me. I have always defended them not changing that standard. I have been here 27 years and we have not changed the standard in 27 years and they have not changed. I wish to change that standard and force the American marketplace and the American producer to look at what can happen if they become more realistic in auto consumption efficiency. Oh, what a difference a day makes when a car gets another mile or two to the gallon nationwide in the consumption of oil. So it is a balancing part, a total picture, the big portfolio of production.

I will be back to the floor all during 2008 talking about energy independence, talking about drilling offshore, talking about ethanol, cellulosic and corn-based ethanol, talking about all the kinds of things America must do to get independent of foreign sources of energy and to get clean. My children, who are all adults now and are pretty conservative folks, say: Dad, why can't we produce clean energy? Why can't we be energy independent? Why are we allowing a dictator in Venezuela to jerk us around?

What is wrong with this great country that we cannot do for ourselves what we have always done for ourselves—stood up and be counted and be independent and strong, and we can. America's farmers now, for the first time, have a phenomenal role to play beyond putting food on the consumers' shelves, which they have done so beautifully for 200 years. Now they have a role to play of putting fuel in the fuel tank. We ought to encourage that in every way but balancing the policy, as I think this final bill will do, to make sure we don't distort the markets, that we allow them to grow responsibly, that we allow them to work their way into a 15-billion-gallon-a-year production of corn-based ethanol and, by 2026, a 15- to 20-billion-gallon-a-year production of cellulosic-based ethanol. It is doable. We know how to do it. We are putting programs into place to promote it and advance it.

America's auto fleet will adjust to it, and America will be a stronger Nation. But more importantly, it will be an independent Nation from the small countries who have, underneath their geologic strictures, large bodies of oil they now see as tools for diplomacy, tools to shape a world, and tools to control this great country called America.

I will be back next week, along with my colleagues, to make new changes in the farm bill. S. 2302 is a good work product. I am pleased that finally the majority leader of the Senate has said: OK, put it on the floor and let it work its will. By the end of next week, we will have a farm bill. It is about a month late. That could have happened a month ago. It will happen now. I guess patience counts. Many of us have been patient. America's farmers need a new farm bill, and I believe the Senate Agriculture Committee has done a worthy job in producing it.

The RFS that was included in the Senate passed Energy bill this summer, and that was similarly filed as an amendment to the farm bill, reduces our dependence on foreign oil and reduces our carbon footprint, by emphasizing the importance of developing cellulosic biofuels. The RFS is, by definition a clean fuel standard, and the House has offered some additional language which endorses this low carbon fuel approach. This week in the Environment Committee we marked up a climate bill that seeks to regulate fuels with a cap on all emissions, including transportation. At the markup, Senator ALEXANDER offered an amendment that is now layed on top of having fuels already covered under a "cap and trade" program by subjecting them also to a low carbon fuels standard. I and other members of the minority strongly opposed this amendment because it was offered in addition to the cap-and-trade, rather than as a substitute, which would have made much more sense, so as not to double-regulate the industry. In addition, however, and most importantly it also conflicts and overlaps with what we are now doing as part of the Energy bill and the farm bill as it relates the Senate RFS language, and certainly raises serious questions of jurisdiction. Senator ALEXANDER indicates that he supports a sector approach, as do I, and I hope we will be able to move in this direction together.

Trading carbon credits between transportation sector fuels and other industry sectors is unprecedented and could lead to high fuel price volatility, supply issues including possible disruptions, and a level of market uncertainty that could discourage critically needed investment in new and innovative technologies. The EU-ETS has not included transportation fuels in its cap-and-trade program for stationary sources for this very reason. The U.S. transportation and electric power sectors are subject to very different national and international market forces and forms of regulation. Mixing these two dissimilar markets under a common cap can lead to unpredictable and potentially intractable conflicts in how each market will respond to this untested economic combination.

Studies conducted by the Energy Information Agency and the University of California on economy-wide cap-and-trade programs show that carbon reductions are less cost-effective in the transportation sector as compared to other industry sectors. Mixing transportation fuels with other fossil fuels under a common cap simply raises the cost of transportation fuels without a guarantee of significantly decreasing their carbon emissions, at least until much more cost-effective options have been exhausted for reducing emissions in other sectors. Studies by EIA indicate that this will generally not occur until after 2030.

There is a better approach for technology development for advanced transportation fuels. Technology development is driving a separate lower carbon transportation fuel standard rule that is being developed by the administration and expected to be proposed later this year. The bill should have a separate approach for transportation fuels that recognizes the confluence of these policies to ensure this sector is not subject to overlapping or conflicting requirements.

I am concerned that the fuels amendment offered by Senator ALEXANDER during committee markup conflicts with provisions regarding low carbon fuels and the renewable fuels standard that are already included in the Energy bill now being considered by the House and Senate. Cellulosic ethanol is key and will substantially reduce the carbon content of fuels and this is included in the Renewable Fuels provisions. The Alexander amendment overlaps, and is conflicting and also raises questions regarding fuels jurisdiction with the Senate Energy Committee. In addition, the amendment develops a low carbon fuel standard that is fundamentally flawed and well beyond the bounds of current technology and science. Developing and advancing technology, not mandating a "wish list," is a superior approach to meeting the challenges of providing affordable and clean fuels that American consumers need.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent to proceed as in morning business for up to 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. KENNEDY are printed in today's RECORD under "Morning Business.")

The ACTING PRESIDENT pro tempore. The Senator from Arkansas is recognized.

Mrs. LINCOLN. What is the present business of the Senate?

The ACTING PRESIDENT pro tempore. The Chambliss amendment to the Harkin substitute is the pending business.

Mrs. LINCOLN. Mr. President, I am very proud to come to the floor again to discuss and debate and talk about something that is critically important to this country, the working families of this country, and to the well-being of the entire world, frankly, and that is the Food and Energy Security Act of 2007.

Much has already been said, and I know that as we progress through the rest of this week and next week, there will be much discussion about what is the best way to proceed with the Food and Energy Security Act.

Having looked back at what we did in 2002, we worked hard to be more focused on how we could do a better job in this country of providing the kinds of support and safety net that producers in our Nation needed, so they could be competitive in the global marketplace but also encouraging the appropriate and proper way of production in this country, as Americans would want to see; not only making sure there is an abundant source of food and fiber in this country but that it would be produced in a safe way to the environment, safer to the consumer, and that it would be affordable so our farmers would be the most efficient they could possibly be. We took a big step in 2002 in producing a bill that moved us very much in that direction.

As we look at what we have done in the Senate Agriculture Committee, I am very proud of the product that the committee has produced and brought to the floor in Senator HARKIN's amendment. A lot of time and energy was put into that committee bill to ensure we maintain the enormous blessing in this country that is American agriculture, the hard work that goes into American agriculture from hard-working families, the farm families, the businesses that support them, the rural community that supports them, to be able to produce the most affordable, abundant, safest supply of food and fiber in the world. That is what our American farm families do. They do it very proudly, they do it very distinctly, and they do it very differently in each region of this great country.

My message today is the same as it has been for weeks and months and the years I have served in both this body and the other. That is, we have an opportunity to reinforce those farm families, to reinforce the values we feel as Americans, that not only do we want an affordable supply of food and fiber, we want it to be safe for our families and for those we share it with globally, and we want to make sure we are doing that with respect to the environment. Through the years, we have expanded this bill to make sure it is obvious we want to do that in the nutrition programs, in the conservation programs, in the rural development portions of the bill, and now in a new energy title we started in 2002, to show our commitment to American agriculture and what it does, not just for the farmers, not just for the farm community, not just for the children and the families whom we feed in this country but globally, in terms of what we do in feeding these who are hungry and also pushing the envelop a little bit each time with our competitors globally that they, too, will produce in a responsible way toward the environment.

Our message today is this is a good bill. This is a good bill that has been produced in the Senate Agriculture Committee, and we need to pass it.

The farm bill does so many good things that I have already discussed and about which many of us will continue to talk. Our investments in nutrition are tremendous, conservation, rural development, energy programs—they have all been dramatically increased and will benefit our country greatly.

Take nutrition as an example. I know how important nutrition is in our lives from looking at my own children and my own family but particularly in working families, the poorest among us whom we need to put first, and we need to make sure we are acting responsibly.

I was pleased to see in the committee bill that we provide an additional $5 billion in increases in programs targeted at reducing food insecurity. Can we do better? We are going to work hard each and every year to do better, but that is a great start toward where we can be.

With respect to conservation, Chairman HARKIN and many other Members—I know my State is a huge user of the conservation programs—the chairman has been a tireless advocate for conservation programs, and I am pleased that once again he has produced a bill that assures progress in this area. It ensures we are the best stewards of the land that anyone can be globally and that we will leave our children the environment they deserve, that we will try each time to do better, but in conservation dollars, the 4 billion-plus extra dollars we have put into conservation are meaningful in terms of what we have achieved in this bill.

With respect to rural development, broadband is such an incredible tool in rural America. Senator STABENOW and

I have worked together and had a hearing not too long ago with telecommunication folks from all across the country as to how do we get rural America connected to the rest of the world, how do we ensure they are connected, whether it is for the educational benefit, whether it is the economic development they need but making sure they have access.

In this bill, through broadband and some of the other rural development programs—we find, unfortunately, that disproportionately people in rural areas are lower income, particularly our seniors—nutrition programs that exist but also the delivery mechanism, the community programs that deliver those nutritious meals to our seniors, many of those are supported by community development that comes through the rural development section of this bill, all very critically important, whether it is economic development, caring for individuals in rural America, health care and the advancement of health care, technologies—a whole host of things we do in rural development.

On energy, my colleague, Senator CRAIG, brought up the issue of reducing our dependence on foreign oil and how important it is. It is critical. It is critical we become more dependent on ourselves for the energy we need and we are responsible in how we do that—responsible to the environment, ensuring that the renewable fuels we can invest ourselves in are the fuels that will take us through the 21st century, not just through the next 5 years.

We begin in this energy title of this farm bill to see those renewable fuels that are going to make a difference in lessening our dependence on foreign oil and also cleaning up our environment. Look at what else they do. They provide a secondary market for our producers so we are not as hemmed in and dependent on the global marketplace but that we once again begin to depend on ourselves and that we give those secondary markets to our farmers so they can be competitive, continuing to provide a safe, abundant, and affordable source of food and fiber but also at the same time marketing their crops in a way they can also draw from that, whether it is the cellulosic value and others, but an energy source that will make us independent.

Most importantly to me as the mother of twin boys, the farm bill does something I think we should all be very proud of, and that is what I mentioned earlier. It ensures us of a safe domestic food supply that is the envy of the world. Yes, we want to share it with the rest of the world, but we also want to make sure our children, our families have the confidence that when they are able to get the products from this country, grown by the responsible farm families of this Nation, that they can be assured of the safety of those foods.

Many of my colleagues and most, if not all, of the media seem to take a lot of that for granted, unfortunately. One day they are reporting about the dangers our Nation is facing with unsafe foods that are entering the country or the atrocities of outsourcing jobs and what that means to working families, and then the next day they are on the floor or on the front page of the paper or in the news on the television criticizing farm programs, our agricultural programs that allow us to ensure that safe and affordable supply of food for our children and our families.

The overall farm bill budget is one-half of 1 percent of the whole budget. But if you look at the portion of this bill that provides the safety net to our producers so they can stay in business, so they can stay competitive with the growers all across the globe who don't meet those environmental regulations, who don't meet those safety regulations, who are not meeting the kind of regulations we put into place to make those safety assurances, 15 percent of this farm bill—only 15 percent—is what we use in those safety net programs. That is a huge return on our money. That is a small investment to be assured that when our families go to the store, the grocery store shelves are not empty or, when we serve those foods at our table, that we are assured of the safety of our children and our families in what we are bringing to that table.

It is amazing to me as we see, again, all the confusion about the unsafe imported foods and what we have there and the same people who are worried about that who criticize these farm programs. Yet if we don't provide those safety net programs, there is no way we can keep that production at home unless we block our markets to the imports from other countries, which we have done in some commodities. But in the sustenance of life, if you go down to the Botanic Gardens, you will see a display that talks about rice and wheat and these types of grains that are the staple and the sustenance of life.

If we can't produce those competitively in this country, we will lose ourselves to other countries and their production, which again is not done in the safe and reliable way that we do.

The level of disparities, in terms of global agricultural trade U.S. farmers face abroad—I know from my standpoint as a region where rice is a big crop for us because we are suited to grow rice. It is an expensive crop to grow, but we are suited to do that and our farmers do it more efficiently and effectively than any farmers on the globe. Yet we are shut out from trade agreements and markets all across the globe. Yet our markets are open to them and to their commodities.

We are a very diverse nation. Our crops are different in each region of our country, and that is something we should be proud of, that our Nation is so large and so productive and so fruitful that we can produce all those diverse crops from across this land of ours. For that reason, we have several different programs to support individual commodity needs. I am very proud of that diversity and I am proud to support initiatives for farmers all around our country. I fight for the ones who are important to the farmers and producers in my region, but I also know farmers in other parts of the country are important, too, whether it is the production of milk or sugar or other types of crops that we don't grow as well in our region. But I don't just support those that are programs for me. I support those programs because I believe that as a team, as one country we must support the programs that produce all of these incredible commodities that we enjoy in this country.

I have also fought hard to ensure that American agriculture gets the respect it deserves in the world marketplace because, as the Budget chairman has pointed out with his now very famous charts, the world market for our farmers isn't free or fair.

My message is simple: We should meet our global competition and we should not unilaterally disarm our farmers in the global marketplace. We have worked hard in this bill to bring about reforms people have clamored for, but if we want to go in the direction of my colleague from Minnesota, Ms. KLOBUCHAR, and to unilaterally begin to disarm some of our growers, it is not to say we don't want reform—there is tremendous reform in this bill—but to say we are not going to look at the diversity of production and how commodities are produced in this country and we are not going to understand that each of those has to be a little bit different.

She talked about how important it is for these reforms and the reforms we have in the bill. That is good. She wants to go one step further. But we need to stop and think how dangerous is that next step and does it throw out hard-working families who have made huge investments.

To farm 1,000 acres of cotton, you have to take out a $5 million operating loan. That is a big chunk to sign your name to. If you are a hard-working farm family and you don't know what is going to happen this year; you may have lost a good bit last year, you may lose some more next year, you may have a profit this year, but to sign your name on a $5 million operating loan for a 1,000-acre farm which is not that much if you are going to try to recoup and make a little money that year is a tough decision to make. Oftentimes, it means sharing your risk with other people. Maybe it is family members. But that is critically important for us to remember in terms of the diversity of this country.

You know, it is an unfortunate reality that our global agricultural competition is heavily subsidized—more subsidized, certainly, than we are—and their markets are closed to the agricultural goods that my State produces particularly. Certainly, we have to negotiate those in trade agreements. But when my commodities are completely shut out of the markets in other countries and yet our markets are open to their goods, I have a huge disadvantage from the very get-go, not to mention the subsidies that might be provided or are provided particularly to the developed countries across the globe.

As a result, we have grown our operations in our States because we don't have a lot of those protections in trade to create an economy of scale that allows us to be competitive. If we are not careful, with the tighter payment limits that are being talked about and certainly the AGI limits that the Senator from Minnesota mentions, we are going to make our producers of staple commodities, such as rice, less competitive internationally. When we put them out of business, they are not going to go to another area of our country. They are not going to go grow their rice in Indiana because the environment is not suited for that. They are probably not even going to go to Maryland to grow their rice. What we are going to do is end up with our markets open, importing that staple commodity from countries that don't regulate how it is grown or don't care what types of fertilizers or water sources they use in farming that commodity.

Mr. President, I didn't invent global subsidies in agriculture, but I am committed—I am very committed—to ensuring that the Senate helps our farmers meet the kind of global competition they see. To not do so will simply result in an outsourcing of our food supply and our jobs in rural America.

Within the WTO negotiations, we have asked our trading partners to reduce subsidies and their tariff levels on U.S. agricultural products we are shipping. What we have said is we will come down further and we will come down faster in our subsidies. But the response from the rest of the world has been abundantly clear. They have continued to say to us: No, thank you, America. We want you to bring yours down, but we are not going to bring ours down. We have to maintain a domestic supply of food. You go right ahead and lower your subsidies, and we are going to hang on to ours because it is really important to us.

Well, for the first time in the history of this country, a trade deficit in agriculture is being predicted for the next couple of years. We need to stand up and say what those other countries are saying, and that is that it is very important to us as well.

Here at home, I have heard some of my colleagues and most media outlets say that we need to lower the caps on programs. And we went around to talk to folks, after seeing what the 2002 farm bill did, how productive it was in terms of the savings that were realized, which Senator CHAMBLISS mentioned. We did what we heard people were looking to see happen, and the committee bill lowers the overall caps from $360,000 to $100,000 for individuals—$100,000, Mr. President.

We also heard that we needed to address the loopholes that allow producers to avoid the caps, and the committee bill eliminates both loopholes most frequently cited; that is, the three-entity rule and the generic certificates—two things people have tried to abuse in the past. They were very necessary tools, in many instances, for hard-working farm families who used them correctly, but there was room for abuse, and so we eliminated them. We eliminated them because people wanted good reform in this bill.

I heard we needed transparency, so the committee bill added direct attribution, which will track payments directly to an individual farmer, direct attribution so you can follow that payment. But remember that this is only applicable to the commodity programs, the three commodity programs that are most used—obviously, the direct payment, the countercyclical, and the marketing loan. This doesn't include some of the other specialized programs we have developed for specialized commodities, such as the Milk Program or the Sugar Program or the ethanol tax programs and conservation programs, for instance. So we haven't done this across the board; we are just focusing on a few of our growers—not a few, probably the majority in terms of grains, but the commodity programs that are the most traditional.

We also heard that we needed to disqualify millionaire nonfarmers walking around Fifth Avenue or Hollywood, and again my colleague from Minnesota continues to bring those up. So in the committee bill, we moved the adjusted gross income means test from its current level of $2.5 million to $750,000 despite the fact that a recent GAO report brings to us the information that this administration isn't policing the current payment limit regulations effectively. I would be willing to bet that the millionaire real estate individual whom Senator KLOBUCHAR continues to bring up in her debate probably is certainly covered under the existing committee bill but more than likely under the existing law, quite frankly. The problem is we are not seeing those payment limits that exist being implemented by this administration. Well, what good is it to go ahead and implement even stricter rules if we don't even implement the ones that are existing? And if it is not something that he is already breaking the law on and the rule should be implemented on—it is probably the Tax Code, for some reason. But the fact is, we all want to ensure that hard-working farm families across this country are going to get the support they need, that they are going to get the safety net they need in whatever the particular crop is they grow in a sound way.

It is interesting as well that when we talk about the GAO study and the implementation of these restrictions that exist, so many of the stories we hear are about individuals, maybe celebrities or what have you, who are maybe getting a conservation payment. Well, they are not going to be corrected by this amendment because we don't extend this AGI test to everybody. They are just targeting it to one specific group. I would beg to differ that there are a lot of things. Does that mean we are going to say to large medical practices: We are going to give you an AGI means test before we are going to allow you to accept Medicare payments. If you are over the AGI means test, you are ineligible for Medicare. I don't think we are going to do that, and we are talking about sustenance of life. We are talking about keeping our farmers competitive in the global marketplace.

My sincere hope is that the committee bill will be seen as what it is—a tremendous good-faith effort on my part and a host of other members in the Senate Agriculture Committee to address concerns and to recognize that this is the most significant reform in the history of farm programs. We have done a tremendous job in dealing with both what Senator DORGAN and Senator GRASSLEY wanted to do as well as what Senator KLOBUCHAR wants to do in reining in some of those things. You can safely say to anybody that there is more reform in this bill than we have ever seen.

Mr. President, I am enormously appreciative of this time we have now to debate what the farm bill does for this country and what it does for farm families all across the Nation. I know it is not particularly glamorous. I know for a lot of Members it is not a lot of fun to talk about the farm bill. It is not a glamorous something that is intricate and detailed in terms of what they can take home and talk about, and yet it is intricate and detailed. It is very complicated.

The programs we have designed to provide the support for our growers, the safety nets that still meet the kind of guidelines in our trade agreements and a whole host of other things are very difficult to understand. A lot of times, Members don't want to take the time to understand them. They do not want to understand the differences that are affected to all the different regions and all the different growers, but it is critical. We have come to a critical time in our Nation's history that we have to recognize how important this bill is.

I think many of us on the Agriculture Committee are not there necessarily just because somebody put us there, but we are there because we asked to be there. We asked to be there because we know how important it is to our States and we know how important it is to this country.

We, as a country, are fortunate. We are very fortunate to have this bounty, and I am not going to let anyone in this Senate Chamber forget that. I may drone on and on, but it is critically important, whether it comes from me as a Senator who represents an agricultural State, whether it is me, a daughter who grew up on a farm in an agricultural operation and saw all of the unbelievable dilemmas, whether it was weather or trade or farm programs or whatever, all of the things that agricultural farm families are up against and that they have no control over, or whether it is me as a mother looking into the 21st century and knowing how critically important it is not just that our children of today will have the opportunity to farm or to carry on that legacy but that the children of all American families will have a safe and abundant and affordable supply of food.

There are multiple reasons for every one of us to get excited about this bill, and I hope we will. So I am hoping that no one in this body will again take for granted this enormous bounty we have, what it does for us, and what it does for foreign lands as well, the peoples all across this globe.

I appreciate the time now, and I look forward, as we move ahead, to reminding my colleagues that we have done tremendous reform in this bill. We have done tremendous reform. Most of it is levied on farmers who come from my region. A lot of that reform is not extended to other regions of the country. And that is okay because my farmers are strong, and they are proud of who they are and what they do, and they are going to be willing to lead the charge in terms of reforms. But I do say that as we look at the bill we have produced, it is a good, balanced bill. We have made huge investments in things that are important to us and the values we hold as Americans, and we have made a huge step in terms of the reforms that make a difference to many Americans, and we are doing it as efficiently and effectively as we possibly can.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Montana is recognized.

ENERGY BILL TAX PROVISIONS

Mr. BAUCUS. Mr. President, I very much appreciate the statement of my good friend from Arkansas, Senator LINCOLN. I am also very happy we are on the farm bill. It is a long time coming. We have finally worked it out. I do think American farmers and the industry will basically be happy, frankly, when we finally do pass this farm bill, hopefully next week.

While we are here, though, I want to address another subject, and that is the tax package in the Energy bill. Not too long ago, a month or two ago, when the Energy bill was before the Senate, there was a tax package as part of that Energy bill. It was voted on and did not get cloture. There were 58 Senators who voted for it. It was clear that Senators were absent, and had they been back here in the Senate, they would have voted for it and we would have invoked cloture on that and it would have become part of the Energy bill.

The tax title has strong support. When we brought it up in the Finance Committee, it passed by a vote of 15 to 5. And again, on the floor, there were at least 58 Senators who voted for it. I am quite confident 60 would have voted for it had they all been present.

We are now faced with a larger energy bill which includes CAFE renewal portfolio standards, fuel standards, as well as a tax title, and I wish to remind Senators how important this tax title is and how important it is to the Energy bill. We have an obligation as Senators to help make our country as energy independent as we possibly can, for a whole host of reasons.

One, clearly, is for national security. Our future is somewhat in the hands of people in other parts of the world—OPEC countries, Venezuela—and that is not good. With oil prices today as high as they are, that is clearly not very good. We want to be in control of our destiny as Americans as much as possible, and energy is such a key component that we should do whatever we can to help make ourselves more energy independent. The CAFE provisions in the bill go a long way in that direction.

Some of the other provisions in the bill also help, but the tax title, I daresay, goes as far as any other part of that bill to help make us energy independent. When that bill was before the Senate some time ago, it was about $32 billion. Again, that would have gotten 60 votes here in the Senate had all Senators been present. We now have scaled that back significantly. We cut it back by a third. So it is now about $20 billion. So the tax title that is in the Energy bill is about one-third less than the tax title that was in the Energy bill months ago, which, as I mentioned, got almost 60 votes.

I would like to remind Senators what some of those provisions are and why it is so important that we pass the tax title.

First of all, it is a minor matter to some, but it is pretty significant to others; the CAFE provision itself will cost about $2 billion out of the highway trust fund. That is $2 billion fewer dollars that will go into the highway trust fund as a consequence of the CAFE standards. Our highway trust fund is already in trouble. We need to add more to the trust fund if we are going to rebuild our Nation's roads and bridges. The tax title now includes about $2 billion to replenish losses to the highway trust fund that would otherwise occur because of the CAFE standards. We have to get that $2 billion back into the highway trust fund to pay for our roads and bridges. That is not well known, but it is part of the tax title. It is important.

In addition, there are some renewable provisions, so-called section 45 credits for electricity from wind, biomass—that is a 4-year extension. We need that. I need not tell you the number of times all of us have heard from energy people around the country—whether it is renewables, whether it is alternative forms of energy, biodiesel, clean coal, cellulosic—people need lead time, investors need lead time. They want to invest in these technologies. It will make America more independent. But we need to have these provisions in the law so investors can know what the tax provisions are, what the incentives are, and how long they are going to be in place. If we don't pass the tax title, we are going to dramatically cut back on investors' willingness to invest in biodiesel, alternative forms of energy, other renewable forms of energy. I mentioned cellulosic—and others.

It is imperative those provisions be available so we can help make ourselves more independent.

Commercial solar extension, that is in the tax title. It is an 8-year extension of the business solar credit. We all know we need solar energy. Add to that clean renewable energy bonds. What is that? Those are basically ways for nonprofits, whether it is counties, co-ops, or Indian tribes, also to develop clean renewable energy. The private sector can do it, for-profits can because they get a tax deduction. This provision enables nonprofits, that is the counties, municipalities, co-ops also have that available to them.

Residential solar credit—I mentioned the commercial solar extension. There is also a significant residential solar credit in this legislation.

Clean coal projects—half of the power we are consuming in America today is generated by coal. We all know that coal is very important to generate energy. We all know coal is part of the climate change problem. But we need to have clean coal technologies. This tax title has about $2 billion worth of clean coal technologies, so we can help make ourselves more independent but in a way that is totally compatible with climate change.

Cellulosic ethanol—there is a credit in this tax title for cellulosic ethanol so we can make fuel from switchgrass, wood chips. Again it doesn't take a rocket scientist to know why that should be enacted this year.

Biodiesel, renewable diesel—there is a credit there that extends that through 2010.

There is the plug-in hybrid credit. We all see these hybrids driving around, but there is no way to plug them in to get them recharged. The thought is, if we can have plug-in credits so the hybrid cars can be driven into your garage and plugged in, that is going to extend the battery life of those hybrids. That will enable them to get close to 100 miles a gallon. If we had more cars getting 100 gallons a mile, we would be doing pretty well as we become more independent.

The commercial buildings conservation credit helps commercial buildings install conservation provisions to save energy.

To add it all up, there is a lot in here. It is extremely important. We have an obligation to help make ourselves more energy independent. These are provisions that do so but also in a way that is compatible with climate change. If we enact this tax title, it will lay the foundation for lots and lots of entrepreneurs, with lots of new ideas, to develop all kinds of new ways to develop energy. Let a thousand energy technologies bloom. We are not saying which technology works better compared to others, but at least let's get these provisions in place so entrepreneurs and developers and investors who want to make a buck—this is the American way—are given an opportunity to make a little money while producing some energy in the United States. We are going to accomplish lots of objectives with one provision in this Energy bill.

I am working with my colleagues, if they have any objection to this tax title, to figure out a way to modify it to make it work. Our goal, frankly, is, together in the Senate, to become more energy independent. This tax title will go a long way to make that happen.

I thank my colleague from Montana who is presiding, the only Senator on the floor but for two others. We will make this work.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3687 TO AMENDMENT NO. 3500

Mr. CHAMBLISS. Mr. President, on behalf of Senator CORNYN, I ask unanimous consent to set aside the pending amendment and to call up amendment No. 3687.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Georgia [Mr. CHAMBLISS], for Mr. CORNYN, proposes an amendment numbered 3687 to amendment No. 3500.

Mr. CHAMBLISS. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prevent duplicative payments for agricultural disaster assistance already covered by the Agricultural Disaster Relief Trust Fund)

Beginning on page 1391, strike line 24 and all that follows through page 1392, line 7, and insert the following:

"(1) IN GENERAL.—There are appropriated to the Agriculture Disaster Relief Trust Fund amounts equivalent to the excess of—

"(A) 3.34 percent of the amounts received in the general fund of the Treasury of the United States during fiscal years 2008 through 2012 attributable to the duties collected on articles entered, or withdrawn from warehouse, for consumption under the Harmonized Tariff Schedule of the United States, over

"(B) the sum of any amounts appropriated and designated as an emergency requirement during such fiscal years for assistance payments to eligible producers with respect to any losses described in subsections (b), (c), (d), or (e) of section 901.

Mr. CHAMBLISS. I ask unanimous consent the amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I see she has left the Chamber now, but to my colleague from Arkansas, who has been such a great fighter for farmers and ranchers all across America for all my years in the Congress—and I had the privilege of serving with her in both the House and the Senate—I associate myself with her earlier comments. She is dead on target when it comes to not just the issue of payment limits, which she spoke a lot about, but the issue of the underlying bill, the substance of this bill and the benefits of this bill to farmers and ranchers all across America. I appreciate her great work. In a bipartisan way, she and I have worked on virtually every part of this bill. She is a true champion for the American farmer.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHAMBLISS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WEBB). Without objection, it is so ordered.

AMENDMENTS NOS. 3807, 3530, AND 3632 TO AMENDMENT NO. 3500, EN BLOC

Mr. CHAMBLISS. Mr. President, I ask unanimous consent to temporarily set aside the pending amendment and call up amendments Nos. 3807, 3530, and 3632 on behalf of Senator COBURN, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. CHAMBLISS], for Mr. COBURN, proposes amendments numbered 3807, 3530, and 3632, en bloc.

Mr. CHAMBLISS. I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 3807

(Purpose: To ensure the priority of the farm bill remains farmers by eliminating wasteful Department of Agriculture spending on casinos, golf courses, junkets, cheese centers, and aging barns.)

On page 1362, between lines 19 and 20, insert the following:

SEC. 1107_. EXPENDITURE OF CERTAIN FUNDS.

None of the funds made available or authorized to be appropriated by this Act or an amendment made by this Act (including funds for any loan, grant, or payment under a contract) may be expended for any activity relating to the planning, construction, or maintenance of, travel to, or lodging at a golf course, resort, or casino.

Strike section 6023.

Strike section 6025 and insert the following:

SEC. 6025. HISTORIC BARN PRESERVATION.

Section 379A of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008o) is amended—

(1) in subsection (c)(4)—

(A) by striking "There are" and inserting the following:

"(A) IN GENERAL.—There are"; and

(B) by adding at the end the following:

"(B) LIMITATION.—If, at any time during the 2-year period preceding the date on which funds are made available to carry out this section, Congress has provided supplemental agricultural assistance to agricultural producers or the President has declared an agricultural-related emergency—

"(i) none of the funds made available to carry out this section shall be used for the program under this section; and

"(ii) the funds made available to carry out this section shall be—

"(I) used to carry out programs that address the agricultural emergencies identified by Congress or the President; or

"(II) returned to the Treasury of the United States for debt reduction to offset the costs of the emergency agricultural spending."; and

(2) by adding at the end the following:

"(d) REPEAL.—If, during each of 5 consecutive fiscal years, Congress has provided supplemental agricultural assistance to agricultural producers or the President has declared an agricultural-related emergency, this section is repealed.".

AMENDMENT NO. 3530

(Purpose: To limit the distribution to deceased individuals, and estates of those individuals, of certain agricultural payments.)

At the appropriate place in title XI, insert the following:

SEC. _____. PAYMENTS TO DECEASED INDIVIDUALS AND ESTATES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall not provide to any deceased individual or estate of such an individual any agricultural payment under this Act, or an Act amended by this Act, after the date that is 1 program year (as determined by the Secretary with respect to the applicable payment program) after the date of death of the individual.

(b) REPORT.—As soon as practicable after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, and post on the website of the Department of Agriculture, a report that describes, for the period covered by the report—

(1) the number and aggregate amount of agricultural payments described in subsection (a) provided to deceased individuals and estates of deceased individuals; and

(2) for each such payment, the length of time the estate of the deceased individual that received the payment has been open.

AMENDMENT NO. 3632

(Purpose: To modify a provision relating to the Environmental Quality Incentive Program)

On page 394, after line 25, add the following:

(d) INCOME REQUIREMENT.—Section 1240B of the Food Security Act of 1985 (16 U.S.C. 3839aa-2) (as amended by subsection (c)) is amended by adding at the end the following:

"(i) INCOME REQUIREMENT.—A producer shall not be eligible to receive any payment under this section unless not less than 66.66 percent of the average adjusted gross income of the producer is derived from farming, ranching, or forestry operations, as determined by the Secretary.".

Mr. CHAMBLISS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. HARKIN. Mr. President, it looks as though we have no other amendments to be offered to the farm bill at this time, so I ask unanimous consent that the Senate now proceed to a period of morning business for the rest of the session today, with Senators being permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

GOVERNMENT DESTRUCTION OF EVIDENCE

Mr. DURBIN. Mr. President, this morning, newspapers across America reported that the Central Intelligence Agency and other intelligence agencies have destroyed evidence, videotaped evidence of the interrogation of prisoners. It is a startling disclosure. The United States of America, a nation where the rule of law is venerated, has now been in the business of destroying evidence, evidence of a very sensitive nature, evidence which clearly should have been protected for legal and historic purposes.

The late historian Arthur Schlesinger said this about this administration's legal defense of torture:

> No position taken has done more damage to the American reputation in the world—ever.

We have been tested since 9/11 as a nation, tested in our resolve to protect America, but also tested in our commitment to the values we hold dear.

A time of war and a time of insecurity is a time of the greatest testing. Many Presidents, even great Presidents in the past, have failed that test: President Abraham Lincoln during the Civil War suspending habeas; during World War I, serious questions were raised about the patriotism of those who did not agree with our Government; during World War II, under the administration of perhaps our greatest modern President, Franklin Roosevelt, Japanese internment camps that became a national embarrassment; during the Cold War, our enemies list and the McCarthy hearings; all things that we look back on now and realize do not reflect well on the United States and certainly do not reflect our values.

Now, this administration, this war on terror, this treatment of prisoners and detainees, it comes to our attention almost on a weekly basis that, sadly, some have crossed the line. Every week there is a new revelation about how the administration has engaged in activity that is not consistent with American laws or values when it comes to the issue of torture.

In this morning's paper, CIA officials disclosed they destroyed videotapes of detainees being subjected to so-called enhanced interrogation techniques. We do not know what those videotapes included.

There was a period of time when the Bush administration had decided to cast away the international standards of conduct, the Geneva Conventions that we have been held to and proudly displayed for decades. This administration redefined torture. Through a memo that has now been made public, we know they reached extremes, which eventually even they had to repudiate.

The CIA has also reportedly withheld information about these videotapes from a Federal court and from the bipartisan 9/11 Commission.

Today I am sending a letter to Attorney General Michael Mukasey calling on him to investigate whether CIA officials who covered up the existence of these videotapes violated the law.

In a statement yesterday, GEN Michael Hayden, the CIA Director, acknowledged the tapes were destroyed, and stated:

> In 2002, during the initial stage of our terrorist detention program, CIA videotaped interrogations, and destroyed the tapes in 2005.

The New York Times reported today that:

> The tapes were destroyed in part because officers were concerned that video showing harsh interrogation methods could expose agency officials to legal risks, several officials said.

Now, the defense of the CIA is that they wanted to protect the identity of those CIA employees who were engaged in the interrogation. That is not a credible defense. We know that it is possible and, in fact, easy to cover the identity and faces of those who were involved on any videotape. Something more was involved.

The CIA apparently withheld information about the existence of these videotapes from official proceedings, including the bipartisan Hamilton-Kean 9/11 Commission and a Federal court. According to Philip Zelikow, the Executive Director of the 9/11 Commission and formerly a high-ranking official in the Bush administration:

> The Commission did formally request material of this kind from all relevant agencies, and the Commission was assured that we had received all of the material responsive to our request. No tapes were acknowledged or turned over, nor was the commission provided with any transcripts prepared from recordings.

CIA attorneys told the Federal court hearing the case of Zacarias Moussaoui that videotapes of detainee interrogations did not exist. This was a statement by our Government to a court involved a very sensitive and important case.

The Justice Department has now acknowledged in a letter to the court that this was not true. Courts of America were misled by the Justice Department about the existence of this evidence.

CIA Director Hayden asserts the videotapes were destroyed "in line with the law." But listen to what the Federal obstruction of justice statute says:

> Whoever corruptly alters, destroys, mutilates, or conceals a record, document, or other object, or attempts to do so, with the intent to impair the object's integrity or availability for use in an official proceeding; or otherwise obstructs, influences, or impedes any official proceeding, or attempts to do so, shall be fined under this title or imprisoned not more than 20 years, or both.

That is what the Federal criminal statute says. It is not my role or Mr. Hayden's role to determine whether the law was violated. That is the responsibility of the Department of Justice. That is the responsibility of the Attorney General, Michael Mukasey.

As Mr. Zelikow said:

> The executive branch and Congress need to decide how much they care about this question. If they want to get to the bottom of it, it's pretty easy for people to dig up the relevant records and answer the questions that either officials of the executive branch or the Congress could pose.

This is the first real test of Attorney General Michael Mukasey. I hope he will do the right thing.

What is at stake goes to the heart of the rule of law and justice in America. If our Government can destroy evidence, can misrepresent to our courts whether that evidence ever existed, if it can attempt to cover up wrongdoing, that goes way beyond the standards of justice and the values of America.

This disclosure of the destruction of those videotapes goes to the heart of who we are as a people. I do not know what was on those tapes. It was clearly something very troubling or they would not have been destroyed. I do not even know if it was incriminating, but we have a right to know. In America, everyone is held accountable, including officials at the highest levels of our Government.

It is time for this Department of Justice to turn the page from an era when we were engaged in a new definition of torture, a new definition of whether the Geneva Conventions were applicable, and bring us back into the rule of law, into those standards of conduct which have made America proud for so many generations.

Today I will be sending a letter to Attorney General Mukasey calling for an official investigation of whether there was destruction of evidence and obstruction of justice in the destruction of those videotapes on the interrogation of detainees. This is not an issue that can be ignored.

TRIBUTE TO REYNALDO P. GLOVER

Mr. DURBIN. Mr. President, I come to the floor today to pay tribute to a champion of African-American advancement, Reynaldo Glover.

A lawyer by training, Glover had a knack for business. In 1994, he became general counsel of TLC Beatrice International Holdings, later known as TLC-LC, Inc., a multinational food company started by Glover's friend and Harvard Law classmate Reginald Lewis in 1987.

Glover soon took over the role of executive vice president, and it was under his leadership that, in 1996, TLC-LC posted sales of $2.2 billion. With operations in more than 30 countries, the company became widely recognized as the Nation's largest African-American-owned business.

While Reynaldo Glover's accomplishments in the business world are unquestionably impressive, he is probably better known for his passionate work to provide access to high-quality education to young men and women from low-income families.

Glover grew up in a low-income neighborhood in Gary, IN. After high school, he went to Nashville, TN, to attend Fisk University one of the Nation's pre-eminent historically black universities. A dedicated student, Glover went on to graduate from Harvard Law School in 1968.

Devoted to furthering the advancement of African Americans and other racial minorities, Reynaldo Glover become national director of the Law Student Civil Rights Research Council in New York.

Later, he came to Chicago to practice law. He served as partner at several Chicago law firms before joining TLC Beatrice as an attorney with the firm DLA Piper.

While in Chicago, Glover also served as chairman of the City Colleges of Chicago's Board of Trustees. Established in 1911, the City Colleges of Chicago is a system of seven community colleges that provide educational opportunities to Chicago students. During his tenure as board chairman, Glover was instrumental in launching a campaign to recruit students from the city's low-income housing developments.

In 2003, he was appointed chairman of the Fisk University Board of Trustees. He welcomed the opportunity to serve his alma mater and did so with great pride. The success he achieved in academia and corporate America helped him to serve as a positive example to the students at Fisk.

Reynaldo Glover's life reflected the words of another distinguished Fisk alum, W.E.B. DuBois, who said, "Education is the whole system of human training within and without the schoolhouse walls, which molds and develops men."

This Sunday, December 9, Reynaldo Glover's friends and family will gather at a memorial service in Chicago to remember and honor his remarkable life. His tireless efforts to expand educational opportunities for low-income students and to encourage African-American achievement will be felt for generations to come.

Those who knew him recall him not only with fondness but with great admiration.

Our thoughts and prayers are with his family, especially his wife Pamela and children, Reynaldo, Jr., Brian, Jharett Brantley, Ryan, and Shea.

THE DESTRUCTION OF CIA TAPES

Mr. KENNEDY. Mr. President, the torture debate took another deeply troubling turn yesterday. The Nation learned the CIA had destroyed videotapes of its employees in the act of using torture or other harsh interrogation techniques on detainees.

Those tapes were not shown to Congress. They were not shown to any court. They were not shown to the bipartisan 9-11 Commission. Instead, they were destroyed.

What would cause the CIA to take this action? The answer is obvious—cover up. The agency was desperate to cover up damning evidence of their practices. In a letter to agency employees yesterday, CIA Director Michael Hayden claimed that the tapes were a security risk because they might some-day "leak" and thereby identify the CIA employees who engaged in these practices.

But that excuse won't wash. I am second to no one in wanting to protect the brave men and women of the CIA. But how is it possible that the director of the CIA has so little faith in his own agency?

Does the director believe the CIA's buildings are not secure?

Would it be beyond the agency's technical expertise to preserve the tapes while hiding the identity of its employees?

Does the director believe that the CIA's employees cannot be trusted not to leak materials that might harm the agency?

Or does he know that the interrogation techniques are so abhorrent that they could not remain unknown much longer?

It is particularly difficult to take the director's explanation at face value when the news that these CIA tapes were destroyed came the very same week that we learned that as many as 10 million White House emails have not been preserved, despite a law that requires their retention. At the same time, the President continued to insist that we grant immunity to the phone companies for their role in the illegal wiretapping of American citizens.

The pattern is unmistakable. The past 6 years, the Bush administration has run roughshod over our ideals and the rule of law. For 4 of those 6 years, the Republican Congress did little to hold the administration accountable. Now, when the new Democratic Congress is demanding answers, the administration is feverishly covering up its tracks. We haven't seen anything like this since the 18½-minute gap in the tapes of President Richard Nixon.

These efforts are wrong, and they must be stopped. I and other concerned Senators will today call upon Attorney General Mukasey to immediately begin an investigation into whether the CIA's handling and destruction of these tapes violated the law.

We also must redouble our efforts to make sure that future interrogations by the CIA conform to our laws and values. No part of our Government should engage in practices that are so horrific that we cannot bear to see them on tape. To that end, I introduced legislation to require that all Government agencies, including the CIA, follow the standards of the Army Field Manual. Language that would take that important step was recently included in the conference report on the Intelligence authorization bill, and we must act to adopt it as soon as possible.

As founder John Adams said, our Nation is "a Nation of laws, not men." That basic principle is at risk today from an administration that is engaging in a coverup—systematically destroying records, commuting sentences, and stonewalling congressional investigations. The CIA's role in this coverup is only the latest reminder that Congress must fight harder to prevent this administration from making a mockery of the rule of law, and to preserve the right of the American people to know what the Government has been doing in their name.

Mr. OBAMA. Mr. President, I wish to express my serious concern over the Central Intelligence Agency's confirmation that videotapes depicting brutal interrogation techniques were destroyed.

First, it is important that we note the broader context of this debate. The United States of America is a nation born out of a struggle against tyranny, and our founding legal document asserts that the rule of law applies to all men and women, and all branches and agencies of government. We are not a perfect Nation, but our national greatness is marked by our ability to rise above our imperfections through our allegiance to our values and to the rule of law. Time and again, America has triumphed because of the contrast we draw to tyranny. We are a nation that set captives free, shut down torture chambers, and extended freedom and international law to more of humanity.

Now, we are engaged in a new kind of conflict. And the question that we have faced since September 11, 2001, is how we are going to respond to the shadowy, stateless, terrorist enemies of the 21st century.

Tragically, the Bush administration has too often chosen to respond to this enemy by abandoning our values and ignoring laws that it deems inconvenient. So we have seen excessive secrecy, indefinite detention, warrantless wire-tapping, and 'enhanced interrogation techniques' like simulated drowning that qualify as torture through any careful measure of the law or appeal to human decency. For each of these new policies, we have seen dubious legal reasoning that does not stand up to the harsh light of review or the sound judgment of our Constitution.

Yesterday, we learned that in November 2005, the CIA destroyed videotapes of its interrogations of two prominent al-Qaida suspects, including a close Osama bin Laden associate Abu Zubayadah. Media reports suggest that these videotapes depict brutal interrogation techniques, and could certainly be relevant to ongoing investigations and inquiries. Furthermore, these videotapes were not provided to the 9/11 Commission, which made a broad set of requests for classified documents—including interrogation tapes and transcripts—that would have included information about the 9/11 attacks.

The CIA has argued that these tapes needed to be destroyed to protect the identities of the interrogators. Our government must go to any length necessary to protect the identities of those who serve in a covert capacity. But the CIA keeps scores of classified material—including videotapes—while protecting the identities of its agents. This raises serious questions about whether the tapes were destroyed to protect the nature of the interrogation, rather than the identity of the interrogator.

This incident deserves further congressional oversight and inquiry—neither the CIA nor this interrogation program is immune to our laws. This is yet another chapter in a dark period in our constitutional history. Now, it is time to turn the page. That is why I was heartened to learn that the House and Senate Intelligence Committees have reached agreement on including a requirement in the Intelligence authorization bill that subjects CIA interrogators to the guidelines on interrogation included in the U.S. Army Field Manual. It would be a grave disappointment—though not surprising—if this important step forward were subject to a veto threat from the President. That must not deter the Congress from moving forward. We have a responsibility to act.

We should not have a separate interrogation program whose methods are so abhorrent that they cannot stand up to scrutiny. We should not have to find ways of ignoring or averting our own laws to defend our country. Torture does not work. Torture violates our laws. And torture sets back the standing and moral leadership that America needs to triumph in this global struggle. Our values and laws are not inconvenient obstacles to the defense of our national security—they can and must be a guiding force in our response to terrorism.

Today is Pearl Harbor day—a date when our Nation was subjected to a terrible surprise attack, and when a generation of Americans answered the call to defend our security and extend the cause of freedom. More than 6 years after 9/11, we are still struggling to define our own response to our generation's terrible surprise attack. As we defend America, let us learn the painful lessons of these last few years, and enlist our values and our Constitution in this first great struggle of the 21st century.

NATIONAL STEM SCHOLARSHIP DATABASE ACT

Ms. COLLINS. Mr. President, I am pleased to be joining my colleagues from Illinois and Minnesota, Senators OBAMA, DURBIN, and COLEMAN, in introducing the National Science, Technology, Engineering, and Math, STEM, Scholarship Database Act of 2007, which is intended to address one of the obstacles that students experience in pursuing undergraduate and postbaccalaureate studies in STEM fields.

There is growing concern that the United States is not preparing a sufficient number of students, teachers, and practitioners in STEM fields. An important aspect of U.S. efforts to maintain and improve economic competitiveness is the existence of a capable scientific and technological workforce.

The change from a labor-based manufacturing to a knowledge-based manufacturing and service economy demands certain skills of our citizenry. The National Science Foundation, NSF, projects that in the increasingly changing context for science and technology, a workforce trained in the sciences and engineering is necessary for continued economic growth. The Bureau of Labor Statistics reports that science and engineering occupations are projected to grow by 21.4 percent from 2004 to 2014, compared to a growth of 13 percent in all occupations during the same time period. Furthermore, the current scientific and engineering workforce is aging. The NSF reports that the number reaching retirement age will increase dramatically over the next two decades.

A May 2007 report of the Department of Education states that: There is increasing concern about U.S. economic competitiveness, particularly the future ability of the nation's education institutions to produce citizens literate in STEM concepts and to produce future scientists, engineers, mathematicians, and technologists. Such experts are needed to maintain U.S. preeminence in science, technology, engineering and mathematics. While other countries around the world strive to improve their own education systems and to expand their economies, the U.S. will have to work even harder in the coming years to maintain its competitive edge.

In addition to these statistics, we have anecdotal evidence from universities across the country and in my home State of Maine. Faculty from the University of Southern Maine and across the State point to decreasing undergraduate enrollments in STEM fields and an even greater decrease in the number of bachelor and master's degrees conferred in these fields. For many students, the obstacle is not a lack of interest but rather a lack of financial resources.

On August 9, 2007, President Bush signed into law Public Law 110-69, The America COMPETES Act, H.R. 2272. The legislation is directed at increasing research investment, improving economic competitiveness, developing an innovation infrastructure, and strengthening and expanding science and mathematics programs at all points on the educational pipeline. The America COMPETES Act authorizes $33.6 billion for fiscal year 2008 through fiscal year 2010 for science, mathematics, engineering, and technology programs across the Federal Government. This Federal effort, while laudable, is essentially unknown to the average student interested in pursuing a degree in a STEM field. Moreover, it does little to help a rising college freshman today enter a degree program in aerospace engineering, veterinary medicine, or computer information systems.

A major challenge facing many high school graduates and their families is how to afford college. Helping students locate financial aid might well increase the number of students entering STEM fields. For many first-generation college students, financial assistance may be available but the student may be unaware of the opportunities. As a result of Federal efforts in this area, there is a large array of financial aid opportunities available in the STEM fields; however, there is no simple way for potential applicants to explore them.

The database created in this bill will have a complete list of STEM scholarships, fellowships, and other programs of financial assistance from all public and private sources for postsecondary and postgraduate study. The American Chemical Society and the National Science Teachers Association believe this measure will expand and strengthen the STEM education pipeline and help keep our nation competitive in the global economy by aiding capable students who are interested in STEM careers in their search for the right scholarship opportunity to support their studies.

With less than 6 percent of the world's population, the United States cannot expect to dominate science and technology in the future as it did during the second half of the last century when we enjoyed a massively disproportionate share of the world's STEM resources. We must invest more in the resources we do have, encourage those resources to produce economically useful innovations, and organize the STEM enterprise by working to make sure that innovations developed here produce prosperity and progress for all.

CELEBRATING THE 50TH ANNIVERSARY OF TEMPLE BETH EL IN MIDLAND, MICHIGAN

Mr. LEVIN. Mr. President, it is my distinct honor to pay tribute to Temple Beth El on its 50th anniversary, which will continue to be celebrated throughout the year. This small but vibrant Jewish congregation has made an important contribution to the Midland community.

Since the 1890s, when the first Jewish family settled in this area, there has been a strong Jewish community. By 1955, the Jewish community in Midland totaled nearly 50 families. The following year, after having commuted to other cities for religious instruction and observance for many years, the decision was made to establish a local place of worship. After much discussion and with guidance from Rabbi Katz of Saginaw and the leadership of Ralph Cutler and Leonard Bernstein, the congregation's founding families provided the financial and material support necessary to design and secure a location for both the temple and for a permanent rabbinical residence.

On December 29, 1957, Temple Beth El formally opened its doors at a dedication ceremony led by the congregation's first spiritual leader, Rabbi Marc Samuels, a graduate of the Jewish Theological Seminary and a Holocaust survivor. In attendance were the 52 original member families, the congregation's officers, and many other community leaders. At its inception the congregation chose to affiliate itself with the conservative Jewish movement. In 2000, in response to the wishes of its members, the Temple decided to become a reform congregation.

I am sure that my colleagues in the Senate join me in congratulating the leadership, congregants, and the greater Midland community as they continue to celebrate the 50th anniversary of Temple Beth El. Their rich history and commitment to service has greatly impacted the small, close-knit Jewish community in Midland. We all look forward to at least 50 more years of spiritual guidance and leadership.

TRIBUTE TO CURTIS STRANGE

Mr. BURR. Mr. President, today I wish to honor a man who is a close personal friend of mine but more importantly is admired by fans of the sport of golf around the world.

I wish to highlight the career of professional golfer Curtis Strange, who on November 12, 2007, was formally inducted into the World Golf Hall of Fame.

I first met Curtis as an undergraduate student-athlete at Wake Forest University where he earned the prestigious Arnold Palmer Scholarship to play golf.

Curtis's college career was nothing short of remarkable. Many even consider the team that Curtis played on at Wake Forest to be the best collegiate golf team in U.S. history. In fact, Golf World called the 1975 Wake Forest team that featured Curtis Strange, Jay Haas, Bob Byman, and David Thore as "the greatest of all-time."

In 1974, Curtis won the Fred Haskins Award that goes to the Nation's top collegiate golfer and was awarded 1st Team All-American honors three years in a row.

In 1974 and 1975, Curtis led the Demon Deacon golf team to two, back-to-back NCAA titles and earned the individual collegiate title in 1974, the same year he won the World Amateur Cup.

Curtis turned professional after his junior year in 1976. Throughout his professional career and particularly in the 1980s, Curtis impressed PGA fans with his unmatched skills proving how excellent a golfer he really is, achieving feats that very few other golfers can say they have achieved. For instance, he posted 17 PGA Tour victories including back-to-back U.S. Open Championships in 1988 and 1989, becoming the first to do that since Ben Hogan in 1950–1951. He has been a member of five Ryder Cup Teams—1983, 1985, 1987, 1989 and 1995—and in 2002, he was captain of the Ryder Cup team. And Curtis Strange's impressive career has not ended. He currently plays on the senior PGA Tour.

But perhaps one of the most honorable achievements of Curtis Strange was his gracious gift to Wake Forest University. He recently very generously established a golf scholarship fund at Wake Forest. This gesture should not go unnoticed. It shows that Curtis is the type of man who wants to give back to the community that helped him get to where he is today. He wants others to benefit from his success.

Curtis Strange is a good man with a good heart.

I congratulate Curtis on his induction into the World Golf Hall of Fame, I commend him for his outstanding achievements as an athlete, and I honor him as a person.

ALTERNATIVE MINIMUM TAX

Mr. KOHL. Mr. President, last night, after months of political posturing, the Senate voted to prevent a massive tax burden from falling on 21 million Americans. Without last night's action, millions of middle-class Americans would have been impacted by the alternative minimum tax, a tax meant to impact only the wealthiest individuals. And while I believe the legislation we passed was not perfect, I would have preferred that we adhere to the pay-go rules that I voted for—it was a compromise I supported.

I must express my disappointment at what it took to get us here. There was no disagreement over whether we should prevent middle-class families from being hit by the AMT. So why would it take months to get this legislation passed? Sadly, the debate surrounded whether or not we should pass the burden of paying for this fix onto the next generation. Republicans wanted to borrow money to pay for this tax cut, while Democrats argued that we should be more responsible and not leave our children with the bill.

In addition to not offsetting the cost of the AMT fix, the Senate failed to pass a tax extenders package. In October, the House passed fully offset legislation that would both fix the AMT and extend certain tax provisions that will expire at the end of the year. These provisions—such as the research and development credit, the tuition deduction, and the deduction for teachers' classroom expenses—are vital to millions of Americans. The Senate had an opportunity to renew these credits and deductions in a fiscally responsible manner. I hope my colleagues will reconsider in the coming weeks and will pass a tax extenders package before we adjourn for the year.

Despite all this, we did the right thing in passing an AMT fix. The AMT was originally intended to prevent the wealthiest Americans from avoiding paying any income tax. But due to inflation and various changes in tax law, the AMT had morphed and grown—without last night's action, nearly two and a half million families making less than $75,000 would have to pay the AMT. That is well beyond the scope of what Congress intended when the AMT was put in place, and I am glad we could take the necessary step to prevent that from happening.

I hope my colleagues on the House side will move quickly to get this legislation passed. It is not perfect. Things around here rarely are. And while this bill is fiscally irresponsible, it is equally irresponsible to allow millions of Americans to be hit by a tax that was never intended for them.

REMEMBERING REPRESENTATIVE HENRY HYDE

Mr. HATCH. Mr. President, I rise today to speak in honor of Representative Henry Hyde, who, as we all know, passed away last Thursday. I believe all those who knew Henry will remember him for his sincere moral convictions and his dedication to the country.

Representative Hyde was born in Chicago in 1924. He graduated from Georgetown University, where he was a standout on the basketball team that made it all the way to the 1943 National Championship game. He went on to obtain a law degree from Loyola University.

Henry was in the Navy during World War II, serving in combat in the Philippines. After the war, he served for more than 20 years in the Naval Reserve, eventually obtaining the rank of commander.

In 1974, he was elected to the House of Representatives where he would represent the citizens of the Sixth Congressional District of Illinois for 22 years. During his time in the House, he became known as a steadfast proponent of the rights of the unborn, authoring the Hyde Amendment, which, to this day, ensures that Federal taxpayer funds are not used in the performance of abortions. He was also a stalwart supporter of our Nation's military and firm believer in the need to uphold the rule of law.

Henry and I had the distinct privilege of having our chairmanships of the House and Senate Judiciary Committees overlap for a substantial period of time. We worked together on numerous pieces of legislation and I always enjoyed the passion and energy he brought to every issue. Henry was a very capable legislator and a man of deep convictions. Last month, President Bush honored Representative Hyde by awarding him our Nation's highest civilian honor, the Presidential Medal of Freedom. During the ceremony, which Henry could not attend due to his declining health, the President described Henry as a "powerful defender of life, a leading advocate for a strong national defense, and an unwavering voice for liberty, democracy, and free enterprise around the world."

While there were times that Representative Hyde found himself in the middle of divisive and fiercely partisan debates, I don't think that anyone would doubt that he always sought to stand behind his principles and to do what he believed was best for our country. I want to express my deepest condolences to Representative Hyde's family and my thanks for his years of service to our great Nation. He will be sorely missed.

REMEMBERING UTAH SENATOR ED MAYNE

Mr. HATCH. Mr. President, I rise today to speak in honor of Utah State Senator Ed Mayne, who, after a 9-month battle with lung cancer, passed away on the morning of Sunday, November 25. I speak on behalf of many citizens of my State who, over the years, had grown to respect Senator Mayne's support for American workers and his dedication to the State of Utah.

Senator Mayne was born in Magna, UT, in 1945. He graduated from Granger High School in West Valley City and played football for 2 years at Snow College in Ephraim, UT. In the mid-1960s, he got a job working on the track gang for Kennecott Copper in the Bingham Canyon mine. It was then that Senator Mayne became involved in organized labor.

In his early years at Kennecott, he became active in the local chapter of the United Steel Workers of America, quickly becoming the president of Local 485. In 1977, he became president of the entire chapter and, later that year, at the age of 32, he was named president of the AFL–CIO of Utah. He was, at that time, the youngest AFL–CIO chapter president in the country.

In 1994, Ed was elected to serve in the Utah State senate and was in the midst of his fourth term when he died. Throughout his time in the senate, he remained dedicated to improving the lives of workers and, while he had strong personal ties to organized labor, he was committed to serving both union and nonunion workers alike. He also devoted himself to serving poor people in Utah, working to, among other things, maintain State Medicaid benefits and to protect low-income borrowers from the exploitation of predatory lenders.

Ed Mayne was somewhat of an anomaly in Utah. He was a tried and true Democrat in one of the most Republican States in the country. However, even the most conservative Utah Republicans never doubted Ed's convictions, even when we disagreed with his position on certain issues. He left an indelible mark on the State of Utah and was a good example for all of us, Republicans and Democrats, who aspire to serve the public.

I had known Senator Mayne for his entire career in the Utah State senate. We disagreed with each other on many occasions, but there was never any animosity or hatred, just respect and friendship. We also agreed on several things and I cherished the opportunities I had to talk to him about pressing matters facing the State of Utah and sharing ideas of how to fix them.

The sentiments shared at Ed's funeral summarize our relationship very well when the eulogizer mentioned that Ed and I were very close friends and we liked each other very much. That is truly the way I felt about Ed.

I express my deepest condolences to Senator Mayne's family and my thanks for his years of service to the great State of Utah. I am grateful to have known such an outstanding public servant.

PASSAGE OF VIRGINIA TECH HOKIE SPIRIT MEMORIAL FUND

Mr. WARNER. Mr. President, today I pay tribute to the families who lost loved ones and to those who suffered injuries as consequence of the horrific shootings that claimed 32 innocent lives on April 16, 2007, on the campus of Virginia Tech. Having traveled to Virginia Tech the day after the shootings, I joined with the families and campus community in mourning. It is a memory that I carry with me to this day. We all greatly admire the ability of those who lost loved ones, and those who themselves were injured, to come together to support each other.

In the aftermath of that tragic day, over 20,000 individuals and groups across the country demonstrated their overwhelming support for the victims and their families with generous financial donations that totaled approximately $8.5 million. The Virginia Tech administration established the Hokie Spirit Memorial Fund within the Virginia Tech Foundation to accept these charitable contributions. Indeed, all of America can take pride in this outpouring of sympathy and support.

On October 30, 2007, the University officially distributed these funds to the 79 families and individuals in accordance with the protocols established by the Fund. While no amount of money can truly compensate for the loss of life or limb, these payments provide both the families of the deceased and the injured survivors with some financial resources to help, in some modest way.

Unfortunately, Federal law was not clear as to whether these payments are subject to federal taxation. Congress recognized this uncertainty and this week expeditiously passed clarifying legislation that I sponsored in the Senate along with Senator WEBB ensuring that these payments are exempt from federal taxation. The House measure was introduced by Representatives BOUCHER and GOODLATTE. Having overwhelmingly passed both Houses of Congress, the bill will now be sent to the President with every expectation to be signed into law.

Passage of this legislation could not have occurred without the support of several key groups. This October, family members and victims came to Capitol Hill to discuss the tragic day of April 16 and ways we could help prevent such events from taking place in the future. Later, I learned of the plans to distribute payments from the Fund to these families and victims. The administration of Virginia Tech along with some family members shared with my office in a very solemn and respectful manner the tax uncertainty associated with the Hokie Fund payments. These same concerns were echoed by accountants in the community who had volunteered their time to assist these families and victims.

Having learned of this unfortunate tax predicament, my colleagues and I in Congress responded accordingly with swift introduction and consideration of legislation to ensure that we provide assistance to the families and victims in overcoming this horrific tragedy. Members and their staffs worked extremely hard to obtain speedy passage of this legislation, and I rise today to thank everyone who made enactment of this legislation possible.

ADDITIONAL STATEMENTS

REMEMBERING FRANK STILWELL III

• Mr. BROWN. Mr. President, I wish to honor Frank Stilwell III, a great Ohioan and a great American. Despite losing his eyesight at age 7, Frank never accepted failure or special treatment. It is this unwavering drive that led him from the Kettering Public School District near Dayton, OH, to Georgetown Law School and eventually to the Federal Communications Commission, where he served as a Senior Staff Attorney in the Commercial Wireless Division. While at the FCC, Frank worked closely with tribal groups in Alaska to ensure cell phone towers did not blight sacred burial grounds.

A longtime amateur radio enthusiast—in his youth he helped found the Far Out Amateur Radio Club in Dayton, OH—and an avid reader—often borrowing from the audio and Braille collections at the Arlington Public Library in Virginia—Frank was a happy, active, and passionate man, which is why his unexpected death last month at the age of 50 is so tragic.

For me, Frank's passion and drive in the face of adversity is a reminder of what we are all capable of, and I hope this life lesson—Frank's lesson to us—is not soon forgotten.•

MESSAGES FROM THE HOUSE

At 9:03 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agrees to the amendments of the Senate to the bill (H.R. 6) to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; with amendments, in which it requests the concurrence of the Senate.

At 1:28 p.m., a message from the House of Representatives, delivered by Ms. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2085. An act to authorize the Secretary of the Interior to convey to the McGee Creek Authority certain facilities of the McGee Creek Project, Oklahoma, and for other purposes.

H.R. 3505. An act to make various technical and clerical amendments to the Federal securities laws.

H.R. 4253. An act to improve and expand small business assistance programs for veterans of the armed forces and military reservists, and for other purposes.

The message also announced that pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, (22 U.S.C. 7002) amended by division P of the Consolidated Appropriations Resolution, 2003 (22 U.S.C. 6901), the Minority Leader appoints the following members to the United States-China Economic and Security Review Commission: Mr. Peter T.R. Brookes of Virginia (re-appointment) and Mr. Daniel M. Slane of Ohio.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2085. An act to authorize the Secretary of the Interior to convey to the McGee Creek Authority certain facilities of the McGee Creek Project, Oklahoma, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3505. An act to make various technical and clerical amendments to the Federal securities laws; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DORGAN, from the Committee on Indian Affairs, with amendments:

S. 2062. A bill to amend the Native American Housing Assistance and Self-Determination Act of 1996 to reauthorize that Act, and for other purposes (Rept. No. 110–238).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. OBAMA (for himself, Mr. HAGEL, and Ms. CANTWELL):

S. 2433. A bill to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day; to the Committee on Foreign Relations.

By Mr. FEINGOLD:

S. 2434. A bill to clarify conditions for the interceptions of computer trespass communications under the USA-PATRIOT Act; to the Committee on the Judiciary.

By Mr. FEINGOLD:

S. 2435. A bill to limit authority to delay notice of search warrants; to the Committee on the Judiciary.

By Mrs. DOLE:

S.J. Res. 26. A joint resolution supporting a base Defense Budget that at the very minimum matches 4 percent of gross domestic product; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. AKAKA (for himself and Mr. INHOFE):

S. Res. 395. A resolution expressing the sense of the Senate regarding National Pearl Harbor Remembrance Day; considered and agreed to.

By Mr. CARDIN:

S. Res. 396. A resolution expressing the sense of the Senate that the hanging of nooses for the purpose of intimidation should be thoroughly investigated by Federal, State, and local law enforcement authorities and that any criminal violations should be vigorously prosecuted; to the Committee on the Judiciary.

By Mr. CASEY (for himself, Mr. SPECTER, Mr. SCHUMER, Mrs. CLINTON, Mr. MENENDEZ, Mr. LAUTENBERG, and Mr. STEVENS):

S. Res. 397. A resolution recognizing the 2007–2008 Siemens Competition in Math, Science and Technology and celebrating the first time in the history of the competition that young women have won top honors; considered and agreed to.

ADDITIONAL COSPONSORS

S. 82

At the request of Mr. AKAKA, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 82, a bill to reaffirm the authority of the Comptroller General to audit and evaluate the programs, activities, and financial transactions of the intelligence community, and for other purposes.

S. 215

At the request of Mr. DORGAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 215, a bill to amend the Communications Act of 1934 to ensure net neutrality.

S. 334

At the request of Mr. WYDEN, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 334, a bill to provide affordable, guaranteed private health coverage that will make Americans healthier and can never be taken away.

S. 793

At the request of Mr. KENNEDY, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 793, a bill to provide for the expansion and improvement of traumatic brain injury programs.

S. 1204

At the request of Mr. DODD, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1204, a bill to enhance Federal efforts focused on public awareness and education about the risks and dangers associated with Shaken Baby Syndrome.

S. 1373

At the request of Mr. PRYOR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1373, a bill to provide grants and loan guarantees for the development and construction of science parks to promote the clustering of innovation through high technology activities.

S. 1418

At the request of Mr. DODD, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1418, a bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes.

S. 1430

At the request of Mr. COLEMAN, his name was added as a cosponsor of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1512

At the request of Mrs. BOXER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1512, a bill to amend part E of title IV of the Social Security Act to expand Federal eligibility for children in foster care who have attained age 18.

S. 1981

At the request of Mr. REED, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1981, a bill to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes.

S. 2067

At the request of Ms. LANDRIEU, her name was added as a cosponsor of S. 2067, a bill to amend the Federal Water Pollution Control Act relating to recreational vessels.

S. 2086

At the request of Mr. LOTT, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2086, a bill to amend title XXI of the Social Security Act to extend funding for 18 months for the State Children's Health Insurance Program (SCHIP) and for other purposes.

S. 2108

At the request of Mrs. MURRAY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2108, a bill to establish a public education and awareness program relating to emergency contraception.

S. 2140

At the request of Mr. DORGAN, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 2140, a bill to award a Congressional Gold Medal to Francis Collins, in recognition of his outstanding contributions and leadership in the fields of medicine and genetics.

S. 2313

At the request of Mr. BROWN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2313, a bill to amend the Public Health Service Act to enhance efforts to address antimicrobial resistance.

S. 2408

At the request of Mr. KERRY, the names of the Senator from Maine (Ms. SNOWE), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Florida (Mr. NELSON) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 2408, a bill to amend title XVIII of the Social Security Act to require physician utilization of the Medicare electronic prescription drug program.

S. CON. RES. 44

At the request of Mr. OBAMA, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. Con. Res. 44, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued honoring Rosa Louise McCauley Parks.

AMENDMENT NO. 3639

At the request of Mr. HARKIN, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of amendment No. 3639 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD:

S. 2434. A bill to clarify conditions for the interceptions of computer trespass communications under the USA-PATRIOT Act; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, I am pleased to introduce the Computer Trespass Clarification Act of 2007, which would amend and clarify section 217 of the USA PATRIOT Act. This bill is virtually identical to a bill I introduced in the 109th Congress.

Section 217 of the Patriot Act addresses the interception of computer trespass communications. This bill would modify existing law to more accurately reflect the intent of the provision, and also protect against invasions of privacy.

Section 217 was designed to permit law enforcement to assist computer owners who are subject to denial of service attacks or other episodes of hacking. The original Department of Justice draft of the bill that later became the Patriot Act included this provision. A section by section analysis provided by the Department on September 19, 2001, stated the following:

> Current law may not allow victims of computer trespassing to request law enforcement assistance in monitoring unauthorized attacks as they occur. Because service providers often lack the expertise, equipment, or financial resources required to monitor attacks themselves as permitted under current law, they often have no way to exercise their rights to protect themselves from authorized attackers. Moreover, such attackers can target critical infrastructures and engage in cyberterrorism. To correct this problem, and help to protect national security, the proposed amendments to the wiretap statute would allow victims of computer attacks to authorize persons "acting under color of law" to monitor trespassers on their computer systems in a narrow class of cases.

I strongly supported the goal of giving computer system owners the ability to call in law enforcement to help defend themselves against hacking. Including such a provision in the Patriot Act made a lot of sense. Unfortunately, the drafters of the provision made it much broader than necessary, and refused to amend it at the time we debated the bill in 2001. As a result, the law now gives the government the authority to intercept communications by people using computers owned by others as long as they have engaged in some unauthorized activity on the computer, and the owner gives permission for the computer to be monitored—all without judicial approval.

Only people who have a "contractual relationship" with the owner allowing the use of a computer are exempt from the definition of a computer trespasser under section 217 of the Patriot Act. Many people—for example, college students, patrons of libraries, Internet cafes or airport business lounges, and guests at hotels—use computers owned by others with permission, but without a contractual relationship. They could end up being the subject of Government snooping if the owner of the computer gives permission to law enforcement.

My bill would clarify that a computer trespasser is not someone who has permission to use a computer by the owner or operator of that computer. It would bring the existing computer trespass provision in line with the purpose of section 217 as expressed in the Department of Justice's initial explanation of the provision. Section 217 was intended to target only a narrow class of people: unauthorized cyberhackers. It was not intended to give the government the opportunity to engage in widespread surveillance of computer users without a warrant.

Another problem is that unless criminal charges are brought against someone as a result of such surveillance, there would never be any notice at all that the surveillance has taken place. The computer owner authorizes the surveillance, and the FBI carries it out.

There is no warrant, no court proceeding, no opportunity even for the subject of the surveillance to challenge the assertion of the owner that some unauthorized use of the computer has occurred.

My bill would modify the computer trespass provision in the following additional ways to protect against abuse, while still maintaining its usefulness in cases of denial of service attacks and other forms of hacking.

First, it would require that the owner or operator of the protected computer authorizing the interception has been subject to "an ongoing pattern of communications activity that threatens the integrity or operation of such computer." In other words, the owner has to be the target of some kind of hacking.

Second, the bill limits the length of warrantless surveillance to 96 hours. This is twice as long as is allowed for an emergency criminal wiretap. With four days of surveillance, it should not be difficult for the government to gather sufficient evidence of wrongdoing to obtain a warrant if continued surveillance is necessary.

Finally, the bill would require the Attorney General to report annually on the use of Section 217 to the Senate and House Judiciary Committees. Section 217 was originally subject to the sunset provision in the Patriot Act and therefore would have expired at the end of 2005. However, the USA PATRIOT Improvement and Reauthorization Act, which became law in March 2006, made this provision permanent. Congress needs to do more oversight of the use of this provision.

The computer trespass provision now in the law as a result of section 217 of the PATRIOT Act leaves open the potential for significant and unnecessary invasions of privacy. The reasonable and modest changes to the provision contained in this bill preserve the usefulness of the provision for investigations of cyberhacking, but reduce the possibility of government abuse. I urge my colleagues to support the Computer Trespass Clarification Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2434

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Computer Trespass Clarification Act of 2007".

SEC. 2. AMENDMENTS TO TITLE 18.

(a) DEFINITIONS.—Section 2510(21)(B) of title 18, United States Code, is amended by—

(1) inserting "or other" after "contractual"; and

(2) striking "for access" and inserting "permitting access".

(b) INTERCEPTION AND DISCLOSURE.—Section 2511(2)(i) of title 18, United States Code, is amended—

(1) in clause (I), by inserting "is attempting to respond to communications activity that threatens the integrity or operation of such computer and requests assistance to protect the rights and property of the owner or operator, and" after "the owner or operator of the protected computer"; and

(2) in clause (IV), by inserting "ceases as soon as the communications sought are obtained or after 96 hours, whichever is earlier (unless an order authorizing or approving the interception is obtained under this chapter) and" after "interception".

(c) REPORT.—Not later than 60 days after the date of enactment of this Act, and annually thereafter, the Attorney General shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary the House of Representatives on the use of section 2511 of title 18, United States Code, relating to computer trespass provisions, as amended by subsection (b), during the year before the year of that report.

By Mr. FEINGOLD:

S. 2435. A bill to limit authority to delay notice of search warrants; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, today I will reintroduce in the Senate the Reasonable Notice and Search Act. This bill is nearly identical to a bill I introduced in the 109th Congress, S. 316. It addresses Section 213 of the USA PATRIOT Act, a provision passed in the wake of the 9/11 attacks that has caused serious concern among Members of Congress and the public. Section 213, sometimes referred to as the "delayed notice search provision" or the "sneak and peek provision," authorizes the government in limited circumstances to conduct a search in a criminal investigation without immediately serving a search warrant on the owner or occupant of the premises that have been searched.

Prior to the Patriot Act, secret searches for physical evidence were performed in some jurisdictions under the authority of Court of Appeals decisions, but the Supreme Court never definitively ruled whether they were constitutional. Section 213 of the Patriot Act authorized delayed notice warrants in any case in which an "adverse result" would occur if the warrant was served before the search was executed. "Adverse result" was defined as including: endangering the life or physical safety of an individual, flight from prosecution, destruction of or tampering with evidence, intimidation of potential witnesses, or otherwise seriously jeopardizing an investigation or unduly delaying a trial. This last catchall category could apply in virtually any criminal case. In addition, while some courts had required the service of the warrant within a specified period of time, the Patriot Act simply required that the warrant specify that it would be served within a "reasonable" period of time after the search.

This provision of the Patriot Act was not limited to terrorism cases. In fact, before the Patriot Act passed, the FBI already had the authority to conduct secret searches of foreign terrorists and spies with no notice at all under the Foreign Intelligence Surveillance Act. Furthermore, the Patriot Act "sneak and peek" authority was not made subject to any sunset provision. So Section 213 was obviously a provision that the Department of Justice wanted regardless of the terrorism threat after 9/11.

Perhaps that is why this provision has caused such controversy. In 2003, by a wide bipartisan margin, the House passed an amendment to the Commerce-Justice-State appropriations bill offered by then-Representative Butch Otter from Idaho, a Republican, to stop funding for delayed notice searches authorized under section 213.

I first raised concerns about the sneak and peek provision when it was included in the Patriot Act in 2001. I raised concerns during the reauthorization process in 2005 and 2006, when changes were made that were, unfortunately, entirely inadequate. The reauthorization legislation did not change the very broad standard for issuing a sneak and peak search warrant. It put in place a 30-day time limit for the delayed notice of these warrants and permitted 90-day extensions—time periods that are far too long.

So even after the reauthorization process, adequate safeguards are still not in place for these types of searches. I have never argued, however, and I am not arguing now, that there should be no delayed notice searches at all and that the provision should be repealed. I simply believe that this provision should be modified to protect against abuse. My bill will do three things to accomplish this.

First, my bill would narrow the circumstances in which a delayed notice warrant can be granted to the following: potential loss of life, flight from prosecution, destruction or tampering with evidence, or intimidation of potential witnesses. I do not include the "catchall provision" in section 213, allowing a secret search when serving the warrant would "seriously jeopardize an investigation or unduly delay a trial," because it can too easily be turned into permission to do these searches whenever the government wants.

Second, I believe that any delayed notice warrant should provide for a specific and limited time period within which notice must be given: 7 days. This is consistent with some of the pre-Patriot Act court decisions and will help to bring this provision in closer accord with the Fourth Amendment to the Constitution. Under my bill, prosecutors will be permitted to seek 21-day extensions if circumstances continue to warrant that the subject not be made aware of the search. But the default should be 1 week, unless a court is convinced that more time should be permitted.

Finally, Section 213 should include a sunset provision so that it expires along with the other expanded surveillance provisions in Title II of the Patriot Act, at the end of 2009. This will allow Congress to reevaluate this authority and whether additional safeguards are needed.

These are reasonable and moderate changes to the law. They do not gut the provision. Rather, they recognize the legitimate concern across the political spectrum that this provision presents the potential for abuse. They also send a message that Fourth Amendment rights have meaning, and potential violations of those rights should be minimized if at all possible. I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECROD, as follows:

S. 2435

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reasonable Notice and Search Act".

SEC. 2. LIMITATION ON AUTHORITY TO DELAY NOTICE OF SEARCH WARRANTS.

Section 3103a of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "may have an adverse result (as defined in section 2705, except if the adverse results consist only of unduly delaying a trial)" and inserting "will endanger the life or physical safety of an individual, result in flight from prosecution, result in the destruction of or tampering with the evidence sought under the warrant, or result in intimidation of potential witnesses"; and

(B) in paragraph (3), by striking "30 days" and all that follows and inserting "7 days after the date of its execution."; and

(2) in subsection (c), by striking "for good cause shown" and all that follows and inserting "upon application of the Attorney General, the Deputy Attorney General, or an Associate Attorney General, for additional periods of not more than 21 calendar days for each such application, if the court finds, for each such application, reasonable cause to believe that notice of the execution of the warrant will endanger the life or physical safety of an individual, result in flight from prosecution, result in the destruction of or tampering with the evidence sought under the warrant, or result in intimidation of potential witnesses.".

SEC. 3. SUNSET ON DELAYED NOTICE AUTHORITY.

Section 102(b) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (50 U.S.C. 1805 note) is amended—

(1) in the subsection heading, by inserting ", 213, " before "AND 215"; and

(2) in paragraph (1), by inserting "section 3103a of title 18, United States Code, is amended so that section reads as it read on October 25, 2001, and" before "the Foreign Intelligence".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 395—EXPRESSING THE SENSE OF THE SENATE REGARDING NATIONAL PEARL HARBOR REMEMBRANCE DAY

Mr. AKAKA (for himself and Mr. INHOFE) submitted the following resolution; which was considered and agreed to:

S. RES. 395

Whereas on December 7, 1941, the Imperial Japanese Navy Air Force attacked the sovereign territory of the United States at Pearl Harbor, Hawaii;

Whereas more than 2,400 United States service members and civilians were killed in the attack on Pearl Harbor;

Whereas there are more than 4,900 members of the Pearl Harbor Survivors Association;

Whereas the 66th anniversary of the attack on Pearl Harbor will be December 7, 2007;

Whereas on August 23, 1994, Public Law 103-308 was enacted, designating December 7 of each year as National Pearl Harbor Remembrance Day; and

Whereas section 129(b) of title 36, United States Code, requests that the President issue each year a proclamation calling on the people of the United States to observe National Pearl Harbor Remembrance Day with appropriate ceremonies and activities, and all departments, agencies, and instrumentalities of the Federal Government, and interested organizations, groups, and individuals, to fly the flag of the United States at half-staff each December 7 in honor of the individuals who died as a result of their service at Pearl Harbor: Now, therefore, be it

Resolved, That the Senate, on the occasion of the 66th anniversary of the December 7, 1941, attack on Pearl Harbor, Hawaii, pays tribute to—

(1) the United States service members and civilians who died in the attack; and

(2) the members of the Pearl Harbor Survivors Association.

SENATE RESOLUTION 396—EXPRESSING THE SENSE OF THE SENATE THAT THE HANGING OF NOOSES FOR THE PURPOSE OF INTIMIDATION SHOULD BE THOROUGHLY INVESTIGATED BY FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT AUTHORITIES AND THAT ANY CRIMINAL VIOLATIONS SHOULD BE VIGOROUSLY PROSECUTED

Mr. CARDIN submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 396

Whereas, in the fall of 2007, nooses have been found hanging in or near a high school in North Carolina, a Home Depot store in New Jersey, a school playground in Louisiana, the campus of the University of Maryland, a factory in Houston, Texas, and on the door of a professor's office at Columbia University;

Whereas the Southern Poverty Law Center has recorded between 40 and 50 suspected hate crimes involving nooses since September 2007;

Whereas, since 2001, the Equal Employment Opportunity Commission has filed more than 30 lawsuits that involve the displaying of nooses in places of employment;

Whereas nooses are reviled by many Americans as symbols of racism and of lynchings that were once all too common;

Whereas, according to Tuskegee Institute, more than 4,700 people were lynched between 1882 and 1959 in a campaign of terror led by the Ku Klux Klan;

Whereas the number of victims killed by lynching in the history of the United States exceeds the number of people killed in the horrible attack on Pearl Harbor (2,333 dead) and Hurricane Katrina (1,836 dead) combined; and

Whereas African-Americans, as well as Italian, Jewish, and Mexican-Americans, have comprised the vast majority of lynching victims, and only when we erase the terrible symbols of the past can we finally begin to move forward on issues of race in the United States: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the hanging of nooses is a reprehensible act when used for the purpose of intimidation and, under certain circumstances, can be criminal;

(2) the hanging of nooses for the purpose of intimidation should be investigated thoroughly by Federal, State, and local law enforcement; and

(3) any criminal violations involving the hanging of nooses should be vigorously prosecuted.

Mr. CARDIN. Mr. President, earlier this year this Nation marked the 50th anniversary of the Civil Rights Act of 1957. That landmark legislation was Congress's first civil rights bill since the end of Reconstruction. It established the Civil Rights Division of the Justice Department and empowered Federal prosecutors to obtain court injunctions against interference with the right to vote. It also established a Federal Commission on Civil Rights with authority to investigate discriminatory conditions and recommend corrective measures.

In the Judiciary Committee, under the leadership of my distinguished colleague, the senior Senator from Vermont, we held a hearing to commemorate this milestone, to talk about our Nation's progress over the past half century, and how we must move forward if we are to live up to the ideals enumerated in the Constitution. My former colleague from the House and an American hero, Representative JOHN LEWIS, shared his recollections and his hopes for the future with us.

Today, however, it is with great sadness that I come to the Senate floor to talk about a rash of incidents involving the hanging of nooses in this country. These incidents are a painful reminder of just how far we have to go. I am introducing a Senate resolution that expresses the sense of the Senate that: the hanging of nooses is a horrible act when used for the purpose of intimidation, and which under certain circumstances can be a criminal act; that it should be thoroughly investigated by Federal, State, and local law enforcement authorities; and that any criminal violations should be vigorously prosecuted. The House of Representatives unanimously passed a similar resolution, H. Res. 826, on December 5, and I ask the Senate to take the same action.

American students are being targeted by this epidemic of hate crimes, many of which have occurred after the Jena Six incident arose. Just this year, nooses were discovered hung on the campuses of the University of Maryland, Indiana State University, the United States Coast Guard Academy, East Carolina University. North Carolina State, Columbia University, Louisiana State University, and Purdue.

Nooses are being found in elementary and high schools, in Illinois, Louisiana, North Carolina, South Carolina, and New York. And so we have a new generation of children who are growing up with the same symbols of hate that proliferated more than 100 years ago.

Our Nation's first responders are targeted with these symbols of hate: firefighters in Jacksonville, FL, and police departments in Hempstead and Brooklyn, NY. Nooses have been displayed in hospitals in Pittsburgh, PA, and Orangeburg, NY. Finally, the Equal Employment Opportunity Commission has filed more than 30 lawsuits for hanging nooses in the workplace since 2001, and stated that it observed "a disturbing national trend of increased racial harassment cases involving hangman's nooses in the workplace."

Let us remember the chilling history of the United States on this subject. The hanging of nooses and lynching was first used to punish African slaves as early as the 17th century and was still commonplace in the United States until the 1960s civil rights movement. An estimated 5,000 people were lynched in the United States—roughly 70 percent of whom were African-Americans—between the 1880s and 1960s.

Mr. President, the situation is even more dire than most Americans imagine. The Southern Poverty Law Center's Intelligence Project counted 844 active hate groups in the United States in 2006.

Hate crimes' tentacles reach far beyond the intended targets. They bring a chill to entire neighborhoods and create a sense of fear, vulnerability, and insecurity in our communities. They poison the well of our democracy and strike at the very heart of the American spirit.

Hate crimes are un-American. They cannot be tolerated. When individuals are targeted and attacked because of who they are, entire communities suffer, we are all diminished by it. I call on the Senate today to condemn the recent spate of noose hangings and urge vigorous Federal, State, and local investigation and prosecution of criminal violations.

SENATE RESOLUTION 397—RECOGNIZING THE 2007–2008 SIEMENS COMPETITION IN MATH, SCIENCE AND TECHNOLOGY AND CELEBRATING THE FIRST TIME IN THE HISTORY OF THE COMPETITION THAT YOUNG WOMEN HAVE WON TOP HONORS

Mr. CASEY (for himself, Mr. SPECTER, Mr. SCHUMER, Mrs. CLINTON, Mr. MENENDEZ, Mr. LAUTENBERG, and Mr. STEVENS) submitted the following resolution; which was considered and agreed to:

S. RES. 397

Whereas the Siemens Competition in Math, Science and Technology was first held in 1998 and is one of the top science competitions in the country for high school students;

Whereas Isha Himani Jain, 16, is a senior at Freedom High School in Bethlehem, Pennsylvania, and placed first in the individual category for her studies of bone growth in zebra fish;

Whereas Janelle Schlossberger and Amanda Marinoff, both 17, are seniors at Plainview-Old Bethpage John F. Kennedy High School on Long Island and won the team category for creating a molecule that helps block the reproduction of drug-resistant tuberculosis bacteria;

Whereas Alicia Darnell is 17 and a senior at Pelham Memorial High School in Pelham, New York, and won second place in the individual category for research that identified genetic defects related to amyotrophic lateral sclerosis (Lou Gehrig's Disease);

Whereas Caroline Lang, 16, Rebecca Ehrhardt, 15, and Naomi Collipp, 16, of Pennsylvania and New Jersey took fifth place in the team category for their project on the safe elimination of E. coli bacteria;

Whereas the awards were announced on December 3, 2007, at New York University and mark the first time that young women have won the grand prizes in both the individual and team categories of the Siemens Competition: Now, therefore, be it

Resolved, That the Senate—

(1) honors the Siemens Foundation, sponsor of the Siemens Competition in Math, Science and Technology, for its contributions to science education and academic excellence;

(2) congratulates all the competitors and finalists in the Siemens Competition in Math, Science and Technology;

(3) celebrates the many contributions of women in the fields of math, science, and technology on the occasion of the first time that young women have won both the individual and team grand prizes in the Siemens Competition; and

(4) recognizes the dedication of parents, educators, and organizations such as the Siemens Foundation in helping young men and women achieve academic excellence.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3819. Mr. BROWN (for himself, Mr. SUNUNU, Mrs. MCCASKILL, Mr. MCCAIN, Mr. DURBIN, and Mr. SCHUMER) proposed an amendment to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

SA 3820. Mr. BAUCUS (for himself and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3819. Mr. BROWN (for himself, Mr. SUNUNU, Mrs. MCCASKILL, Mr. MCCAIN, Mr. DURBIN, and Mr. SCHUMER) proposed an amendment to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; as follows:

On page 272, between lines 2 and 3, insert the following:

SEC. 10___. ENTERPRISE AND WHOLE FARM UNITS.

Section 508(e) of Federal Crop Insurance Act (7 U.S.C. 1508(e)) is amended by adding at the end the following:

"(6) ENTERPRISE AND WHOLE FARM UNITS.—

"(A) IN GENERAL.—The Corporation may carry out a pilot program under which the Corporation pays a portion of the premiums for plans or policies of insurance for which the insurable unit is defined on a whole farm or enterprise unit basis that is higher than would otherwise be paid in accordance with paragraph (2) for policyholders that convert from a plan or policy of insurance for which the insurable unit is defined on optional or basic unit basis.

"(B) ELIGIBILITY.—To be eligible to participate in a pilot program established under this paragraph, a policyholder shall—

"(i) have purchased additional coverage for the 2005 crop year on an optional or basic unit basis for at least 90 percent of the acreage to be covered by enterprise or whole farm unit policy for the current crop; and

"(ii) purchase the enterprise or whole farm unit policy at not less than the highest coverage level that was purchased for the acreage for the 2005 crop year.

"(C) AMOUNT.—

"(i) IN GENERAL.—The amount of premium per acre paid by the Corporation to a policyholder for a policy with an enterprise or whole farm unit under this paragraph shall be, to the maximum extent practicable, equal to the average dollar amount of subsidy per acre paid by the Corporation under paragraph (2) for a basic or optional unit.

"(ii) LIMITATION.—The amount of the premium paid by the Corporation under this paragraph may not exceed the total premium for the enterprise or whole farm unit policy.

"(D) CONVERSION OF PILOT TO A PERMANENT PROGRAM.—Not earlier than 180 days after the date of enactment of this paragraph, the Corporation may convert the pilot program described in this paragraph to a permanent program if the Corporation has—

"(i) carried out the pilot program;

"(ii) analyzed the results of the pilot program; and

"(iii) submitted to Congress a report describing the results of the analysis.".

On page 272, after line 24, insert the following:

SEC. 19___. SHARE OF RISK.

Section 508(k) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)) is amended by striking paragraph (3) and inserting the following:

"(3) SHARE OF RISK.—The reinsurance agreements of the Corporation with the reinsured companies shall require the cumulative underwriting gain or loss, and the associated premium and losses with such amount, calculated under any reinsurance agreement (except livestock) ceded to the Corporation by each approved insurance provider to be not less than 15 percent.".

On page 273, strike lines 9 through 19 and insert the following:

"(E) REIMBURSEMENT RATE REDUCTION.—For each of the 2009 and subsequent reinsurance years, the reimbursement rate for administrative and operating costs for all crop insurance policies used to define loss ratio shall be the lesser of—

"(i) 2 percentage points below the rates in effect as of the date of enactment of the Food and Energy Security Act of 2007, except that this clause shall not apply in a reinsurance year to the total premium written in a State in which the loss ratio is greater than 1.2; or

"(ii) the national average reimbursement dollar amount per policy for all buy-up policies during each of the 2004 through 2006 reinsurance years, except that this clause shall not apply—

"(I) in a reinsurance year to the total premium written in a State in which the loss ratio is greater than 1.2; and

"(II) in a State is underserved by the Federal crop insurance program, as determined by the Corporation.".

Beginning on page 274, strike line 3 and all that follows through page 275, line 14, and insert the following:

SEC. 1912. RENEGOTIATION OF STANDARD REINSURANCE AGREEMENT.

Section 508(k) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)) (as amended by section ___) is amended by adding at the end the following:

"(8) RENEGOTIATION OF STANDARD REINSURANCE AGREEMENT.—

"(A) IN GENERAL.—Notwithstanding section 536 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 1506 note; Public Law 105-185) and section 148 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1506 note; Public Law 106-224), the Corporation may renegotiate the financial terms and conditions of each Standard Reinsurance Agreement—

"(i) following the reinsurance year ending June 30, 2010;

"(ii) once during each period of 3 reinsurance years thereafter; and

"(iii) subject to subparagraph (B), in any case in which the approved insurance providers, as a whole, experience unexpected adverse circumstances, as determined by the Secretary.

"(B) NOTIFICATION REQUIREMENT.—If the Corporation renegotiates a Standard Reinsurance Agreement under subparagraph (A)(iii), the Corporation shall notify the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate of the renegotiation.".

On page 292, strike lines 8 through 11 and insert the following:

(2) by striking paragraph (2) and inserting the following:

"(2) CONTRACTING, DATA MINING, AND COMPREHENSIVE INFORMATION MANAGEMENT SYSTEM.—Of the amounts made available from the insurance fund established under section 516(c), the Corporation may use not more than $12,000,000 for fiscal year 2008 and each subsequent fiscal year to carry out, in addition to other available funds—

"(A) contracting and partnerships under subsections (c) and (d);

"(B) data mining and data warehousing under section 515(j)(2);

"(C) the comprehensive information management system under section 10706 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8002);

"(D) compliance activities, including costs for additional personnel; and

"(E) development, modernization, and enhancement of the information technology systems used to manage and deliver the crop insurance program."; and

On page 445, line 20, strike "$97,000,000" and insert "$107,000,000".

On page 445, line 24, strike "$240,000,000" and inert "$290,000,000".

On page 446, line 4, strike "$1,270,000,000" and insert "$1,300,000,000".

On page 446, line 6, strike "$1,300,000,000" and adding "$1,330,000,000".

On page 552, strike lines 3 through 6 and insert the following:

(5) in subsection (l)(1), by striking "for fiscal year 2003" and inserting "for each of fiscal years 2009 and 2010".

Beginning on page 566, strike line 1 and all that follows through page 567, line 21, and insert the following:

SEC. 4102. STRENGTHENING THE FOOD PURCHASING POWER OF LOW-INCOME AMERICANS.

Section 5(e)(1) of the Food and Nutrition Act of 2007 (7 U.S.C. 2014(e)(1)) is amended—

(1) in subparagraph (A)(ii), by striking "not less than $134" and all that follows through the end of the clause and inserting the following: "not less than—

"(I) for fiscal year 2008, $141, $241, $199, and $124, respectively;

"(II) for each of fiscal years 2009 through 2012, an amount that is equal to the amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending on the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food;

"(III) for fiscal year 2013, $134, $229, $189, and $118, respectively; and

"(IV) for fiscal year 2014 and each fiscal year thereafter, an amount that is equal to the amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending on the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food.";

(2) in subparagraph (B)(ii), by striking "not less than $269." and inserting the following: "not less than—

"(I) for fiscal year 2008, $283;

"(II) for each of fiscal years 2009 through 2012, an amount that is equal to the amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending on the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food;

"(III) for fiscal year 2013, $269; and

"(IV) for fiscal year 2014 and each fiscal year thereafter, an amount that is equal to the amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending on the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food."; and

(3) by adding at the end the following:

"(C) REQUIREMENT.—Each adjustment under subclauses (II) and (IV) of subparagraph (A)(ii) and subclauses (II) and (IV) of subparagraph (B)(ii) shall be based on the unrounded amount for the prior 12-month period.".

On page 692, strike line 12.

SA 3820. Mr. BAUCUS (for himself and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III, insert the following:

SEC. 3___. AGRICULTURAL SUPPLY.

(a) IN GENERAL.—Section 902(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7201(1)) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraph (2) as paragraph (1); and

(3) by inserting after paragraph (1) the following:

"(2) AGRICULTURAL SUPPLY.—The term 'agricultural supply' includes—

"(A) agricultural commodities; and

"(B)(i) agriculture-related processing equipment;

"(ii) agriculture-related machinery; and

"(iii) other capital goods related to the storage or handling of agricultural commodities or products.".

(b) CONFORMING AMENDMENTS.—The Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7201 et seq.) is amended—

(1) by striking "agricultural commodities" each place it appears and inserting "agricultural supplies";

(2) in section 904(2), by striking "agricultural commodity" and inserting "agricultural supply"; and

(3) in section 910(a), in the subsection heading, by striking "AGRICULTURAL COMMODITIES" and inserting "AGRICULTURAL SUPPLIES".

SEC. 3___. CLARIFICATION OF PAYMENT TERMS UNDER TSREEA.

Section 908(b)(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7207(b)(1)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately;

(2) striking "(1) IN GENERAL.—No United States person" and inserting the following:

"(1) PROHIBITION.—

"(A) IN GENERAL.—No United States person"; and

(3) in the undesignated matter following clause (ii) (as redesignated by paragraph (1)), by striking "Nothing in this paragraph" and inserting the following:

"(B) DEFINITION OF PAYMENT OF CASH IN ADVANCE.—Notwithstanding any other provision of law, for purposes of this paragraph, the term 'payment of cash in advance' means only that payment must be received by the seller of an agricultural supply to Cuba or any person in Cuba before surrendering physical possession of the agricultural supply.

"(C) REGULATIONS.—The Secretary of the Treasury shall publish in the Federal Register a description of the contents of this section as a clarification of the regulations of the Secretary regarding sales under this title to Cuba.

"(D) CLARIFICATION.—Nothing in this paragraph".

SEC. 3___. REQUIREMENTS RELATING TO CERTAIN TRAVEL-RELATED TRANSACTIONS WITH CUBA.

Section 910 of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7208) is amended by adding at the end the following:

"(c) GENERAL LICENSE AUTHORITY FOR TRAVEL-RELATED EXPENDITURES IN CUBA BY PERSONS ENGAGING IN TSREEA-AUTHORIZED SALES AND MARKETING ACTIVITIES.—

"(1) DEFINITION OF SALES AND MARKETING ACTIVITY.—

"(A) IN GENERAL.—In this subsection, the term 'sales and marketing activity' means any activity with respect to travel to, from, or within Cuba that is undertaken by United States persons—

"(i) to explore the market in Cuba for products authorized under this title; or

"(ii) to engage in sales activities with respect to such products.

"(B) INCLUSION.—The term 'sales and marketing activity' includes exhibiting, negotiating, marketing, surveying the market, and delivering and servicing products authorized under this title.

"(2) AUTHORIZATION.—The Secretary of the Treasury shall authorize under a general license the travel-related transactions listed in paragraph (c) of section 515.560 of title 31, Code of Federal Regulations (as in effect on June 1, 2007), for travel to, from, or within Cuba in connection with sales and marketing activities involving products approved for sale under this title.

"(3) AUTHORIZED PERSONS.—Persons authorized to travel to Cuba under paragraph (2) shall include—

"(A) producers of products authorized under this title;

"(B) distributors of such products; and

"(C) representatives of trade organizations that promote the interests of producers and distributors of such products.

"(4) REGULATIONS.—The Secretary of the Treasury shall promulgate such rules and regulations as are necessary to carry out this subsection.".

SEC. 3___. AUTHORIZATION OF DIRECT TRANSFERS BETWEEN CUBAN AND UNITED STATES FINANCIAL INSTITUTIONS.

The Trade Sanctions Reform and Export Enhancement Act of 2000 is amended—

(1) by redesignating section 911 (22 U.S.C. 7201 note; Public Law 106-387) as section 912; and

(2) by inserting after section 910 (22 U.S.C. 7209) the following:

"SEC. 911. AUTHORIZATION OF DIRECT TRANSFERS BETWEEN CUBAN AND UNITED STATES FINANCIAL INSTITUTIONS.

"Notwithstanding any other provision of law (including regulations), the President shall not restrict direct transfers from Cuban to United States financial institutions executed in payment for products authorized by this Act.".

PRIVILEGES OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Bryan Mignone and Alicia Jackson, both AAAS fellows with my staff on the Energy and Natural Resources Committee, be granted floor privileges for the remainder of debate on the Energy bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that Alan Mackey and Patty Lawrence, detailees from the U.S. Department of Agriculture, my committee staff, be granted the privileges of the floor for today's session and for the remainder of the debate on this bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

PATENT LAW TREATY AND REGULATIONS UNDER PATENT LAW TREATY

GENEVA ACT OF THE HAGUE AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS

SINGAPORE TREATY ON THE LAW OF TRADEMARKS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar Nos. 6, 7, and 8, the Patent Law Treaty; the Geneva Act concerning the international registration of industrial designs; and the Singapore Treaty on the Law of Trademarks; that the treaties be advanced through their various parliamentary stages, up to and including the presentation of the resolutions of ratification, and that the reservations, declarations, and conditions be agreed to, and there now be a division vote on the resolutions en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The treaties will be considered to have passed through their various parliamentary stages, up to and including the presentation of the resolutions of ratification.

The resolutions of ratification are as follows:

TREATIES

[Patent Law Treaty and Regulations Under Patent Law Treaty (Treaty Doc. 109-12)]

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to reservation.

The Senate advises and consents to the ratification of the Patent Law Treaty and Regulations under the Patent Law Treaty, done at Geneva on June 1, 2000 (Treaty Doc. 109-12), subject to the reservation of section 2.

Section 2. Reservation.

The advice and consent of the Senate under section 1 is subject to the following reservation, which shall be included in the United States instrument of ratification:

Pursuant to Article 23, the United States of America declares that Article 6(1) shall not apply to any requirement relating to unity of invention applicable under the Patent Cooperation Treaty to an international application.

[Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs (Treaty Doc. 109-21)]

Section 1. Senate Advice and Consent subject to declarations.

The Senate advises and consents to the ratification of the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs (the "Agreement"), adopted in Geneva on July 2, 1999, and signed by the United States of

America on July 6, 1999 (Treaty Doc. 109–21), subject to the declarations of section 2.

Section 2. Declarations.

The advice and consent of the Senate under section 1 is subject to the following declarations, which shall be included in the United States instrument of ratification:

(1) Pursuant to Article 5(2)(a) and Rule 11(3) of the Agreement, the United States of America declares that its Office is an Examining Office under the Agreement whose law requires that an application for the grant of protection to an industrial design contain: (i) indications concerning the identity of the creator of the industrial design that is the subject of the application; (ii) a brief description of the reproduction or of the characteristic features of the industrial design that is the subject of the application; and (iii) a claim. The specific wording of the claim shall be in formal terms to the ornamental design for the article (specifying name of article) as shown, or as shown and described.

(2) Pursuant to Article 7(2) and Rule 12(3) of the Agreement, the United States of America declares that, as an Examining Office under the Agreement, the prescribed designation fee referred to in Article 7(1) of the Agreement shall be replaced by an individual designation fee, that is payable in a first part at filing and a second part payable upon allowance of the application. The current amount of the designation fee is US $1,230, payable in a first part of US $430 at filing and a second part of US $800 upon allowance of the application. However, for those entities that qualify for "small entity" status within the meaning of section 41(h) of title 35 of the United States Code and section 3 of the Small Business Act, the amount of the individual designation fee is US $615, payable in a first part of US $215 and a second part of US $400. In addition, these amounts are subject to future changes upon which notification to the Director General will be made in future declarations as authorized in Article 7(2) of the Agreement.

(3) Pursuant to Article 11(1)(b) of the Agreement, the United States of America declares that the law of the United States of America does not provide for the deferment of the publication of an industrial design.

(4) Pursuant to Article 13(1) of the Agreement, the United States of America declares that its laws require that only one independent and distinct design may be claimed in a single application.

(5) Pursuant to Article 16(2) of the Agreement, the United States of America declares that a recording by the International Bureau under Article 16(1)(i) of the Agreement shall not have effect in the United States of America until the United States Patent and Trademark Office has received the statements or documents recorded thereby.

(6) Pursuant to Article 17(3)(c) of the Agreement, the United States of America declares that the maximum duration of protection for designs provided for by its law is 15 years from grant.

(7) Pursuant to Rule 8(1) of the Agreement, the United States of America declares that the law of the United States of America requires that an application for protection of an industrial design be filed in the name of the creator of the industrial design. The specific form and mandatory contents of a statement required for the purposes of Rule 8(2) of the Agreement are contained in section 1.63 of title 37 of the Code of Federal Regulations of the United States.

(8) Pursuant to Rule 13(4) of the Agreement, the United States of America declares that the period of one month referred to in Rule 13(3) of the Agreement shall be replaced by a period of six months as to the United States of America in light of the security clearance required by United States law.

(9) Pursuant to Rule 18(1)(b), the United States of America declares that the period of six months referred to in Rule 18(1)(a) of the Agreement shall be replaced by a period of twelve months with respect to the United States of America, as the Office of the United States of America is an Examining Office under the Agreement.

[Singapore Treaty on the Law of Trademarks (Treaty Doc. 110–2)]

Section 1. Senate Advice and Consent subject to a condition.

The Senate advises and consents to the ratification of the Singapore Treaty on the Law of Trademarks adopted in Singapore on March 27, 2006 and signed by the United States at Singapore on March 28, 2006 (Treaty Doc. 110–2), subject to the condition of section 2.

Section 2. Condition.

The advice and consent of the Senate under section 1 is subject to the following condition: Report on Amendments to the Regulations. Not later than 60 days after the Assembly has agreed to an amendment to the Regulations pursuant to Article 22 and Article 23 of the Treaty, the Secretary of State shall transmit the text of the amendment to the Committee on Foreign Relations and the Committee on the Judiciary of the Senate.

The PRESIDING OFFICER. A division vote has been requested. The question is on the resolutions of ratification. Senators in favor of the ratification of these treaties, please rise.

Those opposed will rise and stand until counted.

In the opinion of the Chair, two-thirds of the Senators present having voted in the affirmative, the resolutions of ratification are agreed to.

Mr. REID. I ask unanimous consent the motions to reconsider be laid on the table, that the President of the United States be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. REID. I ask unanimous consent the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

CELEBRATING TOP HONORS BY GIRLS IN THE SIEMENS COMPETITION IN MATH, SCIENCE, AND TECHNOLOGY

Mr. REID. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 397.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 397) recognizing the 2007–2008 Siemens competition in Math, Science and Technology and celebrating the first time in the history of the competition that girls have won top honors.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 397) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 397

Whereas the Siemens Competition in Math, Science and Technology was first held in 1998 and is one of the top science competitions in the country for high school students;

Whereas Isha Himani Jain, 16, is a senior at Freedom High School in Bethlehem, Pennsylvania, and placed first in the individual category for her studies of bone growth in zebra fish;

Whereas Janelle Schlossberger and Amanda Marinoff, both 17, are seniors at Plainview-Old Bethpage John F. Kennedy High School on Long Island and won the team category for creating a molecule that helps block the reproduction of drug-resistant tuberculosis bacteria;

Whereas Alicia Darnell is 17 and a senior at Pelham Memorial High School in Pelham, New York, and won second place in the individual category for research that identified genetic defects related to amyotrophic lateral sclerosis (Lou Gehrig's Disease);

Whereas Caroline Lang, 16, Rebecca Ehrhardt, 15, and Naomi Collipp, 16, of Pennsylvania and New Jersey took fifth place in the team category for their project on the safe elimination of E. coli bacteria;

Whereas the awards were announced on December 3, 2007, at New York University and mark the first time that young women have won the grand prizes in both the individual and team categories of the Siemens Competition: Now, therefore, be it

Resolved, That the Senate—

(1) honors the Siemens Foundation, sponsor of the Siemens Competition in Math, Science and Technology, for its contributions to science education and academic excellence;

(2) congratulates all the competitors and finalists in the Siemens Competition in Math, Science and Technology;

(3) celebrates the many contributions of women in the fields of math, science, and technology on the occasion of the first time that young women have won both the individual and team grand prizes in the Siemens Competition; and

(4) recognizes the dedication of parents, educators, and organizations such as the Siemens Foundation in helping young men and women achieve academic excellence.

PROVIDING FOR A TEMPORARY EXTENSION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT

Mr. REID. Mr. President, I ask unanimous consent we move to H.R. 4252.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 4252) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through May 23, 2008, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4252) was ordered to be read the third time, was read the third time, and passed.

ORDERS FOR MONDAY, DECEMBER 10, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 3 p.m., Monday, December 10; that on Monday, following the prayer and pledge, the Journal of Proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders reserved for their use later in the day, and the Senate then resume consideration of the farm bill, H.R. 2419.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROGRAM

Mr. REID. As I announced earlier, there will be no rollcall votes Monday. However, the farm bill will be up for consideration, and I expect that amendments will be offered during Monday's session as they were today.

Earlier today, we whittled down the farm bill amendments by approximately 25 percent. I also anticipate we will have a vote prior to the caucus luncheon recess period.

ADJOURNMENT UNTIL MONDAY, DECEMBER 10, 2007, AT 3 P.M.

Mr. REID. Mr. President, if there is no further business today, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 3:14 p.m., adjourned until Monday, December 10, 2007, at 3 p.m.

SENATE—*Monday, December 10, 2007*

The Senate met at 3 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the State of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, Lord of history, if a sparrow does not fall without Your knowledge, certainly the issues facing our Senate concern You. Your word assures us that in everything You are working for the good of those who love You. May that confidence guide the Members of this body as they seek equitable and just solutions to complicated problems. Give wisdom to discern, courage to believe, and determination to do Your will.

Bless, O God, the faithful men and women who manage the machinery of the Senate, without whom this legislative body could not function. Thank You for their efficient and productive work. Fill this place with Your presence.

We ask in the name of Him who in love gave Himself for us all. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, December 10, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the State of Virginia, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

SPENDING RESTRAINT

Mr. McCONNELL. Mr. President, I do not see the majority leader on the floor at the moment. I know we are not having morning business and are going straight to the farm bill, which I applaud. But I do wish to use a few minutes of my leader time at the outset of today's session.

Mr. President, the majority in the House of Representatives will soon propose a half-trillion-dollar spending bill. They have left it to the Senate to make sure the bill includes troop funding. We have another responsibility to keep in mind as we wait for the House to act, and that is our responsibility to the taxpayers.

Nearly a quarter of the way into the fiscal year, we are still 11 appropriations bills short. That is out of a total of 12. Eleven out of 12 have not yet been signed into law. We need to act on these and to do so in a fiscally responsible way that ensures they actually become law.

As I have said, and as we have all seen, there is a way to make law and there is a way to make a political statement. On these appropriations bills, the middle-class tax hike known as the AMT, the farm bill, the Energy bill, and FISA, there is a way we can get all of these done, and we know what that way is. The path forward is clear. The question now is whether the majority will take it.

INTERNATIONAL HUMAN RIGHTS DAY

Mr. McCONNELL. Mr. President, this is International Human Rights Day. I would like to take a moment to call attention to the tragic lack of human rights the world recently witnessed in Burma.

A few months ago, we watched in hope as pro-democracy activists took to the streets in quiet protest against the oppressive policies of the State Peace and Development Council.

Then we watched in horror as the Burmese regime showed its ugly face by putting down peaceful protesters, killing many, and leaving still more unaccounted for. Soon the sound of gunfire gave way to rumors of tortured prisoners and the rounding up of Buddhist monks who had sought nothing more than justice and peace and freedom.

Unfortunately, the news cycle also gave way to new stories and new images. A world that had been outraged about what it saw in Burma soon moved on to other pressing things. But the Senate has not forgotten. We are not fooled by SPDC's all-too-modest efforts at "dialog" with Aung San Suu Kyi, nor are the people of Burma, nor are the people of the world.

So it is my hope on this International Human Rights Day that the U.N. Security Council will this month turn its attention to consideration of an arms embargo on Burma. Burma faces no external threats. It uses its weapons not to defend itself but to maintain its grip on power and intimidate its own people.

Several weeks ago, Senator BIDEN and I introduced S. 2257, the Burma Democracy Promotion Act of 2007, which would further tighten U.S. sanctions on the SPDC. A companion measure in the House is expected to be considered soon.

It is my hope that in the very near future we can move to Burma sanctions legislation. In so doing, we would reaffirm this body's longstanding commitment to freedom and democracy in Burma.

Let's not forget the images that shook the world, nor the people who stood up against their oppressors, many of whom still suffer for the bravery they showed in those days.

On this International Human Rights Day, let's show them around the world we remember their struggle.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

FARM, NUTRITION, AND BIOENERGY ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2419, which the clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

Pending:

> Harkin amendment No. 3500, in the nature of a substitute.
>
> Harkin (for Dorgan-Grassley) amendment No. 3695 (to amendment No. 3500), to strengthen payment limitations and direct the savings to increase funding for certain programs.
>
> Brown amendment No. 3819 (to amendment No. 3500), to increase funding for critical farm bill programs and improve crop insurance.
>
> Klobuchar amendment No. 3810 (to amendment No. 3500), to improve the adjusted gross income limitation and use the savings to provide additional funding for certain programs and reduce the Federal deficit.

Chambliss (for Lugar) amendment No. 3711 (to amendment No. 3500), relative to traditional payments and loans.

Chambliss (for Cornyn) amendment No. 3687 (to amendment No. 3500), to prevent duplicative payments for agricultural disaster assistance already covered by the Agricultural Disaster Relief Trust Fund.

Chambliss (for Coburn) amendment No. 3807 (to amendment No. 3500), to ensure the priority of the farm bill remains farmers by eliminating wasteful Department of Agriculture spending on casinos, golf courses, junkets, cheese centers, and aging barns.

Chambliss (for Coburn) amendment No. 3530 (to amendment No. 3500), to limit the distribution to deceased individuals, and estates of those individuals, of certain agricultural payments.

Chambliss (for Coburn) amendment No. 3632 (to amendment No. 3500), to modify a provision relating to the Environmental Quality Incentive Program.

Mr. SALAZAR. Mr. President, I would now like to return to the pending business, the farm bill, which we have now been working on in the Senate for a period of time.

The ACTING PRESIDENT pro tempore. The pending business is the farm bill.

Mr. SALAZAR. I will make a few general comments about the farm bill. It is a piece of legislation which is very important to the food and fuel security of this country. I have had the honor of working with Senator HARKIN and his leadership of this effort, along with Senator CHAMBLISS now, for at least 2½ years.

This legislation is truly historic for our country. Senator THUNE, who is on the floor with me this afternoon, has also been one of those champions in trying to be sure we get a good farm bill for the United States of America.

At the heart of this farm bill, we are talking about opening a whole new chapter for America. It is not just a new chapter for rural America, this is opening a new chapter for the clean energy future for the United States of America. And title IX of this legislation, which has been supplemented with the resources that are coming from the Finance Committee and the leadership of Senator BAUCUS and Senator GRASSLEY, will make this farm bill the best farm bill for the clean energy future of America we have ever had.

So it will open a whole new chapter of opportunity for America as we try to deal with those forces that have kept us addicted to the foreign powers that control the oil of this world. It goes beyond energy, in terms of the new chapter we open here. It also deals with conservation, where the additional $4 billion or so that is in this legislation will help us embrace a new ethic forward in conservation; will make sure that that 70 percent of America which now houses the farms and ranches of America remains the kind of land and water we can be very proud of.

It is a very good bill in terms of conservation. It also is a very good bill in making sure the nutrition programs of this country are fully funded. We often remind the people of this country that even though it is called a farm bill, and people think about it as a bill that affects only rural America, it affects all of America, and you see that particularly in the nutrition title.

As Senator CONRAD has come to the floor and often reminded our colleagues, about 67 percent of all the investment we are making in this farm bill is going into the nutrition title of this legislation.

That is a significant investment to help those who are most vulnerable. There are significant additions we are making in this farm bill that will make our nutrition programs even better, that include the fruit and vegetable programs, which are very much a part of this farm bill.

It is important to remind the people of America that when we talk about the farm bill, we are talking about providing the best food that can be provided. This chart shows countries such as Indonesia, where 55 percent of disposable income goes for food. In the Philippines, it is 38 percent. In China, it is 26 percent. In America, it is only 10 percent; 10 percent of the money we spend from our personal disposable income goes for food. That means American farmers and ranchers are providing the best food at the lowest possible cost. At the end of the day, that is what is at the heart of this farm bill.

I thank Senator HARKIN and Senator CHAMBLISS for having brought us to this point.

AMENDMENT NO. 3616 TO AMENDMENT NO. 3500

I ask unanimous consent that the pending amendment be set aside and I call up amendment No. 3616.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR], for himself, Mr. KERRY, Mr. SCHUMER, and Ms. STABENOW, proposes an amendment numbered 3616.

The amendment is as follows:

(Purpose: To amend the Internal Revenue Code of 1986 to provide incentives for the production of all cellulosic biofuels)

Beginning on page 1472, line 1, strike all through page 1480, line 3, and insert the following:

PART II—ALCOHOL AND OTHER FUELS

SEC. 12311. EXPANSION OF SPECIAL ALLOWANCE TO CELLULOSIC BIOFUEL PLANT PROPERTY.

(a) IN GENERAL.—Paragraph (3) of section 168(l) (relating to special allowance for cellulosic biomass ethanol plant property) is amended to read as follows:

"(3) CELLULOSIC BIOFUEL.—For purposes of this subsection, the term 'cellulosic biofuel' means any alcohol, ether, ester, or hydrocarbon produced from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis.".

(b) CONFORMING AMENDMENTS.—

(1) Subsection (l) of section 168 is amended by striking "cellulosic biomass ethanol" each place it appears and inserting "cellulosic biofuel".

(2) The heading of section 168(l) is amended by striking "CELLULOSIC BIOMASS ETHANOL" and inserting "CELLULOSIC BIOFUEL".

(3) The heading of paragraph (2) of section 168(l) is amended by striking "CELLULOSIC BIOMASS ETHANOL" and inserting "CELLULOSIC BIOFUEL".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 12312. CREDIT FOR PRODUCTION OF CELLULOSIC BIOFUEL.

(a) IN GENERAL.—Subsection (a) of section 40 (relating to alcohol used as fuel) is amended by striking "plus" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", plus", and by adding at the end the following new paragraph:

"(4) the small cellulosic biofuel producer credit.".

(b) SMALL CELLULOSIC BIOFUEL PRODUCER CREDIT.—

(1) IN GENERAL.—Subsection (b) of section 40 is amended by adding at the end the following new paragraph:

"(6) SMALL CELLULOSIC BIOFUEL PRODUCER CREDIT.—

"(A) IN GENERAL.—In addition to any other credit allowed under this section, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the applicable amount for each gallon of not more than 60,000,000 gallons of qualified cellulosic biofuel production.

"(B) APPLICABLE AMOUNT.—For purposes of subparagraph (A), the applicable amount means the excess of—

"(i) $1.28, over

"(ii) the sum of—

"(I) the amount of the credit in effect for alcohol which is ethanol under subsection (b)(1) (without regard to subsection (b)(3)) at the time of the qualified cellulosic biofuel production, plus

"(II) the amount of the credit in effect under subsection (b)(4) at the time of such production.

"(C) QUALIFIED CELLULOSIC BIOFUEL PRODUCTION.—For purposes of this section, the term 'qualified cellulosic biofuel production' means any cellulosic biofuel which is produced by an eligible small cellulosic biofuel producer and which during the taxable year—

"(i) is sold by the taxpayer to another person—

"(I) for use by such other person in the production of a qualified cellulosic biofuel mixture in such other person's trade or business (other than casual off-farm production),

"(II) for use by such other person as a fuel in a trade or business, or

"(III) who sells such cellulosic biofuel at retail to another person and places such cellulosic biofuel in the fuel tank of such other person, or

"(ii) is used or sold by the taxpayer for any purpose described in clause (i).

"(D) QUALIFIED CELLULOSIC BIOFUEL MIXTURE.—For purposes of this paragraph, the term 'qualified cellulosic biofuel mixture' means a mixture of cellulosic biofuel and any petroleum fuel product which—

"(i) is sold by the person producing such mixture to any person for use as a fuel, or

"(ii) is used as a fuel by the person producing such mixture.

“(E) ADDITIONAL DISTILLATION EXCLUDED.—The qualified cellulosic biofuel production of any taxpayer for any taxable year shall not include any alcohol which is purchased by the taxpayer and with respect to which such producer increases the proof of the alcohol by additional distillation.

“(F) APPLICATION OF PARAGRAPH.—This paragraph shall apply with respect to qualified cellulosic biofuel production after December 31, 2007, and before April 1, 2015.”.

(2) TERMINATION DATE NOT TO APPLY.—Subsection (e) of section 40 (relating to termination) is amended—

(A) by inserting “or subsection (b)(6)(E)” after “by reason of paragraph (1)” in paragraph (2), and

(B) by adding at the end the following new paragraph:

“(3) EXCEPTION FOR SMALL CELLULOSIC BIOFUEL PRODUCER CREDIT.—Paragraph (1) shall not apply to the portion of the credit allowed under this section by reason of subsection (a)(4).”.

(c) ELIGIBLE SMALL CELLULOSIC BIOFUEL PRODUCER.—Section 40 is amended by adding at the end the following new subsection:

“(i) DEFINITIONS AND SPECIAL RULES FOR SMALL CELLULOSIC BIOFUEL PRODUCER.—For purposes of this section—

“(1) IN GENERAL.—The term ‘eligible small cellulosic biofuel producer’ means a person, who at all times during the taxable year, has a productive capacity for cellulosic biofuel not in excess of 60,000,000 gallons.

“(2) CELLULOSIC BIOFUEL.—

“(A) IN GENERAL.—The term ‘cellulosic biofuel’ has the meaning given such term under section 168(l)(3), but does not include any alcohol with a proof of less than 150.

“(B) DETERMINATION OF PROOF.—The determination of the proof of any alcohol shall be made without regard to any added denaturants.

“(3) AGGREGATION RULE.—For purposes of the 60,000,000 gallon limitation under paragraph (1) and subsection (b)(6)(A), all members of the same controlled group of corporations (within the meaning of section 267(f)) and all persons under common control (within the meaning of section 52(b) but determined by treating an interest of more than 50 percent as a controlling interest) shall be treated as 1 person.

“(4) PARTNERSHIP, S CORPORATIONS, AND OTHER PASS-THRU ENTITIES.—In the case of a partnership, trust, S corporation, or other pass-thru entity, the limitation contained in paragraph (1) shall be applied at the entity level and at the partner or similar level.

“(5) ALLOCATION.—For purposes of this subsection, in the case of a facility in which more than 1 person has an interest, productive capacity shall be allocated among such persons in such manner as the Secretary may prescribe.

“(6) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary to prevent the credit provided for in subsection (a)(4) from directly or indirectly benefitting any person with a direct or indirect productive capacity of more than 60,000,000 gallons of cellulosic biofuel during the taxable year.

“(7) ALLOCATION OF SMALL CELLULOSIC PRODUCER CREDIT TO PATRONS OF COOPERATIVE.—Rules similar to the rules under subsection (g)(6) shall apply for purposes of this subsection.”.

(d) CELLULOSIC BIOFUEL NOT USED AS A FUEL, ETC.—

(1) IN GENERAL.—Paragraph (3) of section 40(d) is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

“(D) SMALL CELLULOSIC BIOFUEL PRODUCER CREDIT.—If—

“(i) any credit is allowed under subsection (a)(4), and

“(ii) any person does not use such fuel for a purpose described in subsection (b)(6)(C),

then there is hereby imposed on such person a tax equal to the applicable amount for each gallon of such cellulosic biofuel.”.

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (C) of section 40(d)(3) is amended by striking “PRODUCER” in the heading and inserting “SMALL ETHANOL PRODUCER”.

(B) Subparagraph (E) of section 40(d)(3), as redesignated by paragraph (1), is amended by striking “or (C)” and inserting “(C), or (D)”.

(e) BIOFUEL PRODUCED IN THE UNITED STATES.—Section 40(d), as amended by this section, is amended by adding at the end the following new paragraph:

“(6) SPECIAL RULE FOR SMALL CELLULOSIC BIOFUEL PRODUCERS.—No small cellulosic biofuel producer credit shall be determined under subsection (a) with respect to any biofuel unless such biofuel is produced in the United States.”.

(f) WAIVER OF CREDIT LIMIT FOR CELLULOSIC BIOFUEL PRODUCTION BY SMALL ETHANOL PRODUCERS.—Section 40(b)(4)(C) is amended by inserting “(determined without regard to any qualified cellulosic biofuel production” after “15,000,000 gallons”.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced after December 31, 2007.

Mr. SALAZAR. Mr. President, I thank my colleagues who have cosponsored this amendment: Senators KERRY, SCHUMER, and STABENOW. This amendment will strengthen the provisions in the farm bill that came out of the Finance Committee. It is an amendment that deals with cellulosic biofuels. We all know that cellulosic biofuels come from a different feedstock than the conventional ethanol going into our engines today, and it offers great promise for a clean energy future. Conventional ethanol typically comes from corn or soy, but cellulosic biofuels can be produced from a wide variety of feedstocks, including agricultural plant wastes, such as corn stover and cereal straws, plant waste from industrial processes, such as sawdust, and energy crops which are grown specifically for fuel production, such as switchgrasses.

Cellulosic biofuels have an energy content three times higher than corn ethanol, and they emit a low net level of greenhouse gases. Thanks to the great work of scientists around our country, including the National Renewable Energy Lab in Golden, CO, we are on the verge of putting cellulosic ethanol into widespread use. The agricultural tax package reported out of the Finance Committee with the leadership of Chairman BAUCUS and Ranking Member GRASSLEY helps us get cellulosic ethanol into production by creating a tax credit equivalent to $1.28 a gallon, a number that is based on findings from the Department of Energy and structured on the enhanced credit we established in the 2005 Energy Policy Act. The only trouble with a tax credit is that it applies to cellulosic alcohols rather than to all cellulosic biofuels. This may appear to be a semantic difference but it actually has a huge impact.

As currently proposed, specifying that the credit must go only to cellulosic alcohols unnecessarily limits the applicability of this vital incentive. In my view, Congress should not be picking winners from among the cellulosic biofuels and technologies that are out there. The fact is there is an entire new range of fuels technologies being developed in the United States to go beyond ethanol. These technologies would be able to make renewable blends for diesel, jet fuel, gasoline, boiler fuels, locomotives, and marine use. Unfortunately, many of these fuels would not be eligible for the tax incentive under the current language which specifies that a fuel must be a cellulosic alcohol. Therefore, our amendment makes a simple change. It changes cellulosic alcohols to cellulosic biofuels. I hope my colleagues will support this simple and sensible fix. It will further strengthen the important part of the farm bill that deals with a clean energy future. I look forward to working with my colleagues on this amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota is recognized.

AMENDMENT NO. 3821 TO AMENDMENT NO. 3500

Mr. THUNE. Mr. President, I send an amendment to the desk on behalf of Senator McCONNELL and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. Is there objection to setting aside the pending amendment?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE], for Mr. McCONNELL, proposes an amendment numbered 3821.

The amendment is as follows:

(Purpose: To promote the nutritional health of school children, with an offset)

On page 20, line 11, strike “pulse crops,”.

On page 23, strike paragraph (14) and redesignate paragraphs (15) through (17) as paragraphs (14) through (16), respectively.

On page 24, line 18, strike “pulse crop or”.

On page 26, line 6, strike “pulse crop or”.

On page 27, line 17, strike “camelina, or eligible pulse crop” and insert “or camelina”.

On page 27, lines 21 and 22, strike “CAMELINA, AND ELIGIBLE PULSE CROPS” and insert “AND CAMELINA”.

On page 27, lines 24 and 25, strike “camelina, and eligible pulse crops” and insert “and camelina”.

On page 28, line 2, strike “camelina, or pulse crop” and insert “or camelina”.

On page 28, line 5, strike “camelina, or pulse crop” and insert “or camelina”.

On page 28, lines 8 and 9, strike “camelina, or eligible pulse crop” and insert “or camelina”.

Beginning on page 28, line 12, through page 29, line 9, strike “camelina, or pulse crop” each place it appears and insert "or camelina".

On page 29, lines 15 through 19, strike "camelina, and eligible pulse crops" each place it appears and insert "and camelina".

On page 29, line 24, strike "(other than pulse crops)".

On page 35, strike lines 8 through 13.

Beginning on page 49, strike line 19 and all that follows through page 51, line 4, and insert the following:

(a) LOAN RATES.—For each of the 2008 through 2012 crop years, the loan rate for a marketing assistance loan under section 1201 for a loan commodity shall be equal to the following:

(1) In the case of wheat, $2.75 per bushel.

(2) In the case of corn, $1.95 per bushel.

(3) In the case of grain sorghum, $1.95 per bushel.

(4) In the case of barley, $1.85 per bushel.

(5) In the case of oats, $1.33 per bushel.

(6) In the case of the base quality of upland cotton, $0.52 per pound.

(7) In the case of extra long staple cotton, $0.7977 per pound.

(8) In the case of long grain rice, $6.50 per hundredweight.

(9) in the case of medium grain rice, $6.50 per hundredweight.

(10) In the case of soybeans, $5.00 per bushel.

(11) In the case of other oilseeds, $.0930 per pound.

(12) In the case of dry peas, $5.40 per hundredweight.

(13) In the case of lentils, $11.28 per hundredweight.

(14) In the case of small chickpeas, $7.43 per hundredweight.

(15) In the case of large chickpeas, $11.28 per hundredweight.

(16) In the case of graded wool, $1.00 per pound.

(17) In the case of nongraded wool, $0.40 per pound.

(18) In the case of mohair, $4.20 per pound.

(19) In the case of honey, $0.60 per pound.

On page 85, line 4, strike "pulse crop or".

On page 86, line 18, strike "pulse crop or".

On page 663, between lines 18 and 19, insert the following:

SEC. 49___. PERIODIC SURVEYS OF FOODS PURCHASED BY SCHOOL FOOD AUTHORITIES.

Section 6 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755) is amended by adding at the end the following:

"(f) PERIODIC SURVEYS OF FOODS PURCHASED BY SCHOOL FOOD AUTHORITIES.—

"(1) IN GENERAL.—For fiscal year 2008 and every fifth fiscal year thereafter, the Secretary shall carry out a nationally representative survey of the foods purchased during the most recent school year for which data is available by school authorities participating in the national school lunch program.

"(2) REPORT.—On completion of each survey, the Secretary shall submit to Congress a report that describes the results of the survey.

"(3) FUNDING.—Of the funds made available under section 3, the Secretary shall use to carry out this subsection not more than $3,000,000 for fiscal year 2008 and every fifth fiscal year thereafter.".

On page 672, between lines 6 and 7, insert the following:

SEC. 49___. TEAM NUTRITION NETWORK.

Section 19 of the Child Nutrition Act of 1966 (42 U.S.C. 1788) is amended by striking subsection (l) and inserting the following:

"(l) FUNDING.—

"(1) MANDATORY FUNDING.—

"(A) IN GENERAL.—On October 1, 2008, and on each October 1 thereafter through October 1, 2011, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section $25,000,000, to remain available until expended.

"(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under subparagraph (A), without further appropriation.

"(C) NUTRITIONAL HEALTH OF SCHOOL CHILDREN.—In allocating funds made available under this paragraph, the Secretary shall give priority to carrying out subsections (a) through (g).

"(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts made available under paragraph (1), there are authorized to be appropriated such sums as are necessary to carry out this section.".

Mr. SALAZAR. Mr. President, reserving the right to object, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. THUNE. Mr. President, today we begin in earnest to debate the Food and Energy Security Act of 2007, commonly referred to as the 2007 farm bill. The naming of this bill is not without meaning. It is abundantly clear that agriculture and energy production are now inherently related and together will move our Nation toward greater food and energy security. Nearly all the controversy surrounding this farm bill is focused on whether farmers and ranchers should be receiving the assistance this bill would provide, with very little discussion of the potential this bill carries to propel American agriculture into producing alternative fuels to lessen our Nation's dependence on foreign energy sources. The 2002 farm bill was the first farm bill to include an energy title. As a member of the House Agriculture Committee during the 2002 farm bill debate, I can attest that including an energy title in the farm bill was not easy, nor was it without controversy. However, Congress had the foresight to realize that renewable energy was an integral part of our agricultural economy and a comprehensive farm bill would be incomplete without including renewable energy incentives.

The energy title included in the Food and Energy Security Act of 2007 also includes an energy title that builds on the success of the 2002 farm bill. The incentives in this energy title will greatly benefit American consumers, our agricultural producers, and our Nation's energy independence. The farm bill before us was crafted in the spirit of bipartisanship in the Senate Agriculture Committee and was passed out of committee by unanimous consent. We all know the 2002 farm bill expired earlier this year on September 30. I am pleased to report that after the agreement that was reached last week, both Republicans and Democrats will be able to offer amendments to this bill. More than 120 Republican amendments have been filed on this farm bill. More than 140 Democratic amendments have been filed on this farm bill. Although not all of these amendments will receive a vote on the Senate floor, I am pleased the leadership made an agreement to allow consideration of 40 amendments so we can move a farm bill forward.

After a several-week delay, we are now on track to debating this farm bill in an open and fair manner on the floor of the Senate. America's farmers are making planning decisions for next year without knowing what type of farm programs will be available to them. Time is of the essence. We must move quickly and with purpose to finish this farm bill for not only American agriculture but also for the millions of people who receive benefits under the nutrition and other titles of this bill. This bill will give our agricultural producers the additional security they need to move forward with production decisions and will help meet our food and energy needs for the next 5 years and beyond.

I wish to share a couple of facts about the 2007 farm bill. The 2007 farm bill is 1,600 pages long, and it will cost more than $286 billion over 5 years. The very first farm bill passed 70 years ago was 24 pages long. The 2007 farm bill also includes the first farm bill tax title since 1933, adding an extra degree of difficulty and further reason for open debate. During the past 30 years, the farm bill has averaged about 2 weeks of floor time and required as many as 30 recorded votes. It is not just America's farmers and ranchers who are waiting for the 2007 farm bill. Food banks, Food Stamp, and other emergency food program recipients are all anxiously awaiting this farm bill to pass. Their share of the farm bill stake accounts for more than 66 percent of total farm bill spending, and they are pushing hard to get this farm bill passed. Rural development incentives are also on hold until we pass the 2007 farm bill.

For example, a powerplant in rural America is delayed because funding for USDA's rural utility service is tied up in this farm bill. Our farmers and ranchers and millions of other Americans are watching and waiting anxiously for the Senate to debate this farm bill and move it on to a conference committee with the House of Representatives. I look forward to engaging my colleagues this week in a fair and open debate on this monumental legislation which will govern programs affecting rural America for the next 5 years.

I appreciate my colleague from Colorado, Mr. SALAZAR, being here and managing this legislation on the behalf of the Democrats today, because farm bills are not political in their orientation, at least they have not been in the past. Farm bill debates don't end up being normally partisan debate. There are regional differences, differences between different commodity organizations. Everybody comes to a farm bill debate with different priorities, depending on what part of the country they represent. But farm bills have never been partisan or resulted in the kind of partisan gridlock and fights that typically accompany other legislation in the Senate.

The Senator from Colorado and I have worked closely on a number of provisions in this farm bill, particularly the energy title. Energy production has become an integral part of the success and prosperity of rural America. In fact, this farm bill starts moving us into the next generation of energy policy and renewable energy production. We have had great success with corn-based ethanol. We will have seen by the end of this year 7.5 billion gallons of production of corn-based ethanol literally, growing in the last 10 years from ground zero to where we are today, a remarkable tribute to the good work, the initiative, and creativity of our farmers and those who are involved in ethanol production. I give them credit for where we are today. But we also have great potential as we move into the future. We have to put in place policies that will provide the necessary financial and economic incentives for those who want to invest in this next generation of ethanol production, cellulosic ethanol production made from other forms of biomass. We have to have the right kind of incentives in place in order for that to move forward and to continue the momentum that has been so good for many communities across rural America.

With regard to the issue of energy production, a lot of people look at a farm bill and look at the amount of money spent on production agriculture and say: Isn't that terrible that we are spending all this money on food and fiber. We do have in front of us a food, fiber, and energy security bill. I would argue with anyone, based on the statistics the Senator from Colorado put up earlier about the cost of food in the United States and what that means to our economy and the safety and quality of the food we have in this country, that support for production agriculture makes so much sense. If you look at this bill in its totality, the overall funding and how much is spent on production agriculture, it is only about 14 percent of total funding in the underlying bill. If you look at where the funding in this bill goes, about 9 percent of it goes into conservation programs. Those are programs that are important to America. Probably the most important conservation policy that we will put in place in terms of the environmental stewardship we have a responsibility for will be found in the conservation title of this farm bill. There is a conservation reserve program, a wetlands reserve program, a grassland reserves program, an EQIP program, all programs utilized extensively by farmers and ranchers to help address the issues of soil erosion, water quality, wind erosion—all those things that are so important not only in terms of being good stewards of the land but also in many States such as mine, where wildlife production has become an important part of our economy. This year in South Dakota we have 10,000 pheasants. That is a record going back to 1962. We have not seen that many pheasants in South Dakota, largely a result of the good practices put in place through incentives included in farm bill policies in past farm bills.

The conservation title is 9 percent of the money, and 14 percent of the money goes into production agriculture. That leaves about 67 percent or about two-thirds of the funding in this bill going toward food assistance programs, Food Stamps, WIC Programs, those types of programs that support people who don't have access to good quality food and need that form of assistance.

So food pantries, food banks, and all of those other organizations across this country that meet those types of needs are awaiting action by the Congress to address those needs and get them a bill that will enable them to move forward with the programs that help address the very important concerns and needs that people providing food assistance have in this country.

This is a bill that is comprehensive. It is a bill that struck a balance as it came out of the Agriculture Committee. It was a bipartisan bill when it left the Ag Committee. I hope it can continue to be bipartisan as we debate it on the floor.

A lot of people have different ideas about how to address farm policy in this country. A lot of people have very different notions of what ought to be in a farm bill from those the Senator from Colorado or I might have. But that is why we have the opportunity for a fair and open debate.

A lot of the amendments that are going to be debated I will probably support, and there are many I will probably oppose depending upon how I view those amendments affecting the balance that has been struck in the bill and the way it would impact my particular State of South Dakota. But I think it is fair to say it is high time this debate got underway.

I also have to say when you look at the cost of farm bills, it is important to keep in mind, as we debate this one, that much of the cost that has been associated with the 2002 farm bill in the form of the safety net—and by that I mean your loan deficiency payments, your countercyclical payments, your direct payments—if you look at the totality of the bill and the cost over time, in the last 5 years, $22 billion in tax dollars has been saved because of higher prices, which was the way that program was designed to work. When farm prices went higher, the assistance kicked out. When prices dropped, the assistance kicked back in.

But what we have had now is a fairly substantial period of good prices for our producers in this country. That has led to savings for the taxpayers—$22 billion in savings over the past 5 years, over the period of the last farm bill. In many respects, I attribute that to the success of the ethanol industry because the demand for corn has raised the price of corn in this country. As the price of corn has gone up in this country, as is typically the case, the rising tide lifts all boats.

We have seen wheat prices go up, we have seen soybean prices go up largely because there is only so much acreage out there that can be put in production. So we have seen sustained prices that have enabled us to save, under the 2002 farm bill, payments that otherwise would have been going out to the farmers of this country, to the tune of $22 billion.

So when people criticize the effect that the renewable fuel programs have on farm programs, and the costs, I think it is important to keep that statistic in mind. In fact, in a January 2007 statement, the USDA chief economist stated that farm program payments were expected to be reduced by some $6 billion due to the higher value of a bushel of corn.

As I said, when you multiply that across other commodities—whether it is wheat, soybeans—overall savings in the last farm bill was $22 billion, attributable in my mind, in many respects at least, to the energy policies that were put in place in the 2002 farm bill, the investment that has been made by those across this country in this growing industry that has enabled us to save money in the form of farm program payments. But just as importantly, it has enabled us to lessen our dependence upon foreign sources of energy—7.5 billion gallons of ethanol by the end of this year.

What does that mean in terms of our dependence upon foreign oil? In 2006, the production and use of ethanol in the United States reduced oil imports by 170 million barrels, saving $11 billion from being sent to foreign and often hostile countries. By the end of 2009, ethanol production is expected to increase to 12.5 billion gallons, displacing even more of our Nation's petroleum use.

Promoting clean, homegrown fuels and reducing our dependence on oil imports from dangerous parts of the world is more than just good policy, it is a matter of national security. So this farm bill, with its strong energy policy, moves us in a direction that not only builds upon the gains and the success we have seen in the form of corn-based ethanol, and the 7.5 billion gallons that have already been produced in the form of corn-based ethanol, but it opens the door to a whole new generation of ethanol production in this country that is based upon other forms of biomass, whether that is corn stover or corncobs or switchgrass or wood chips or other types of biomass that we have an abundance of across this country.

It is just flat necessary and important and imperative for us to continue to diversify our energy in this country away from our dependence upon foreign petroleum so the American consumer can access the energy, the fuel they need to get to their jobs, to work, to recreate—to do all those things—in a less expensive way but, more importantly, so we are not dependent on countries around the world whose intentions toward the United States can be described as nothing less than hostile.

With that, we kick off this debate. There are amendments I think that will be offered by some of our colleagues, some of which are already pending at the desk, others of which will be offered throughout the course of the day.

With that, Mr. President, I yield the floor. The Senator from Colorado, I think, perhaps, has someone to recognize for an amendment.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I thank my friend from South Dakota for his leadership on this bill. As he said, this has been a bipartisan effort. This bill came out of the Agriculture Committee on a voice vote. And the Finance provisions, which have now been included in this farm bill, also came to this floor with a very huge bipartisan voice of support. So I am hopeful we can move forward quickly to get to a point where we do have final passage of this bill.

I congratulate and thank Senator REID, our majority leader, for having worked with the Republican leader, Senator McCONNELL, having brought us together last week so we were able to finally move forward with a set of amendments that will get us moving in the direction where we can finally bring about a finality to this very important bill for America.

I thank my friend from South Dakota for his leadership, as well, on all the energy issues because we have worked a lot on these energy issues not only in the farm bill but in other aspects of our work here. At the end of the day, how we can have rural America help us grow our way to energy independence is one of the great opportunities we have as a nation. I look forward to working with both my Democratic and Republican colleagues as we try to do this effort on this bill through its energy provisions, as well as trying to deal with the Energy bill, hopefully, later on in the week.

Mr. President, I understand our colleague from Idaho has an amendment and wishes to be recognized.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Idaho.

Mr. CRAIG. Mr. President, before I call up my amendment, let me thank both the Senator from Colorado and the Senator from South Dakota for their leadership in getting this very important new ag policy to the floor. I, like they, have been frustrated the last month that we could not get on the bill and cause it to work its will. That is where we are today. We are on the bill, ready for it to work its will.

I do appreciate the comments the Senator from South Dakota has made and thank him for his leadership as it relates to the biofuels issue, to ethanol. Because of the Energy Policy Act of 2005, we have expanded and accelerated—along with agricultural policy—this issue. As you know, if we can pass the Energy bill with the renewable fuels standard, we will go to potentially 15 billion gallons a year in ethanol in the outyears, and hopefully 15 billion plus 6 billion in the outyears of cellulosic biostalk ethanol-based fuel.

If the Energy bill cannot work its will, then the Senator from South Dakota and I and Senator DOMENICI from New Mexico, who just passed through, will attempt to put on the farm bill the renewable fuels standard, which is phenomenally important to the continuation and the growth of the biofuels that will make us increasingly independent of those rogue nations and of what I call the "petronationalism" that is sweeping the world, in the fact that if you are a small country and you produce oil, you can take a big country like ours and jerk it around right by its nose, if you will, simply by pricing the oil that you know is so sacred to the developed world.

Having said that, with the phenomenal runup in commodity prices in the last several years, in part because of what the Senator from South Dakota has said—the high value of corn, as corn moved out of feedstock, if you will, into a new kind of feedstock, to ethanol production—farmland and farmland values have gone up tremendously. A farm that had been a second- and third-generation farm—for which, a decade ago, a farmer or his son or daughter might have said: We can no longer afford to farm it; we are going to sell it into development—all of a sudden that land, as part of our energy base and part of our food base has become increasingly important.

AMENDMENT NO. 3640 TO AMENDMENT NO. 3500

With that, Mr. President, at this time I call up amendment No. 3640 and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. Is there objection to setting aside the pending amendment?

Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG], for himself, Mr. BROWNBACK, and Mr. ALLARD, proposes an amendment numbered 3640 to amendment No. 3500.

Mr. CRAIG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the involuntary acquisition of farmland and grazing land by Federal, State, and local governments for parks, open space, or similar purposes)

At the appropriate place, insert the following:

SEC. ___. FARMLAND AND GRAZING LAND PRESERVATION.

(a) DEFINITIONS.—In this section:

(1) FARMLAND OR GRAZING LAND.—The term "farmland or grazing land" means—

(A) farmland (as defined in section 1540(c) of the Farmland Protection Policy Act (7 U.S.C. 4201(c)));

(B) land that is used for any part of the year as pasture land for the grazing of livestock;

(C) land that is assessed as agricultural land for purposes of State or local property taxes; and

(D) land that is enrolled in—

(i) the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.); or

(ii) any other program authorized under—

(I) subtitle D of title XII of that Act; or

(II) the Food and Energy Security Act of 2007.

(2) FEDERAL FUNDS OR FINANCIAL ASSISTANCE.—The term "Federal funds or financial assistance" means—

(A) Federal financial assistance (as defined in section 101 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601)); and

(B) any other Federal funds that are appropriated through an Act of Congress or otherwise expended from the Treasury.

(3) PROHIBITED CONDUCT.—

(A) IN GENERAL.—The term "prohibited conduct" means the exercise of eminent domain authority to acquire real property that is farmland or grazing land for the purpose of a park, recreation, open space, conservation, preservation view, scenic vista, or similar purpose.

(B) EXCEPTIONS.—The term "prohibited conduct" does not include a transfer of farmland or grazing land for—

(i) use by a public utility;

(ii) a road or other right of way or means, open to the public or common carriers, for transportation;

(iii) an aqueduct, pipeline, or similar use;

(iv) a prison or hospital; or

(v) any use during and in relation to a national emergency or national disaster declared by the President under other law.

(4) RELEVANT ENTITY.—The term "relevant entity" means—

(A) a State or unit of local government that engages in prohibited conduct;

(B) a State or unit of local government that gives authority for an entity to engage in prohibited conduct; and

(C) in the case of extraterritorial prohibited conduct—

(i) the entity that engages in prohibited conduct; and

(ii) the State or unit of local government that allows the prohibited conduct to take place within the jurisdiction of the State or local government.

(5) STATE.—The term "State" means—

(A) each of the several States of the United States;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa;

(F) the Commonwealth of the Northern Mariana Islands;

(G) the Federated States of Micronesia;

(H) the Republic of the Marshall Islands;

(I) the Republic of Palau; and

(J) the United States Virgin Islands.

(b) PROHIBITIONS.—

(1) IN GENERAL.—If a relevant entity engages in prohibited conduct, no officer or employee of the Federal Government with responsibility over Federal funds or financial assistance may make the Federal funds or assistance available to the relevant entity during the period described in paragraph (2).

(2) DURATION OF PROHIBITION.—The period referred to in paragraph (1) is the period that begins on the date that an officer or employee of the Federal Government determines that a relevant entity has engaged in prohibited conduct and ends on the earlier of—

(A) the date that is 5 years after the date on which the period began; or

(B) the date on which the farmland or grazing land is returned to the person from whom the property was acquired, in the same condition in which the property was originally acquired.

(3) FEDERAL PROHIBITION.—No agency of the Federal Government may engage in prohibited conduct.

(c) PRIVATE RIGHT OF ACTION.—The owner of any real property acquired by prohibited conduct that results in the prohibition under this section of Federal funds or financial assistance may, in a civil action, obtain injunctive and declaratory relief to enforce that prohibition.

(d) APPLICABILITY.—This section applies to any prohibited conduct—

(1) that takes place on or after the date of enactment of this section; or

(2)(A) that is in process on the date of enactment of this section; and

(B) for which title has not yet passed to the relevant entity.

Mr. CRAIG. Mr. President, the bill talks about land, it talks about valuable farmland, it talks about valuable grazing land, and the issue is eminent domain. As we all know, the issue of eminent domain was elevated greatly as an issue following a highly controversial 2005 Supreme Court decision known as Kelo vs. The City of New London. Since that decision, we as a nation have allowed State governments and local municipalities to utilize eminent domain to force landowners to yield their property to private development.

That is a new phenomenon in our country. That has not been and was not the historic use of eminent domain. We are talking about land that maybe generationally has served America's farmers and ranchers for the purpose of food and fiber.

As shown in this picture, here is an example of a beautiful piece of pastureland in Camas County, ID, for which one day the county and/or a city in the area could decide: Oh, gee, we like it for open space. It is open space today. As I would suggest, the economics of today would suggest it will remain open space for a long time.

But since the Supreme Court's Kelo ruling, farmers and ranchers in particular have become vulnerable to State and local municipalities taking their property for economic development, open space designations, or other purposes.

The recent, most vivid happening occurred in the State of Pennsylvania, where over a 3-year period in Pennsylvania, a county government has been in a struggle with a local family over an attempt on the county's part to purchase a section of their farmland. When the negotiations failed, the county moved to seize the land using eminent domain, with the goal of turning the land into a park or an open space along, I believe it was, the Susquehanna River. Very recently, after 2 years of dispute over the value of the land, the county withdrew its request, leaving the family without any kind of deal, with the family having spent thousands of dollars and years on endless amounts of litigation and court costs. There were no winners, but the family that had the farm still owns the farm.

In the words of the American Farm Bureau's president, Bob Stallman—he says it this way, and I think he says it accurately—No one's home or ranch or ranchland is safe from government seizure because of the Kelo ruling.

We are now increasingly hearing of incidents in which States and local governments may be pushing the boundaries of what our constitutional power was designed to accomplish. I read often of farmers and ranchers being forced to fight to save their land from local governments looking to take it. The Pennsylvania decision, of course, is a great example of that. I believe we in Congress need to bring back common sense in determining when we use the power and what it is appropriately used for; and, of course, I am talking about the power of our Constitution in respect to eminent domain. What are we talking about when we talk about common sense in State and local governments, what they should or should not do: Does it make sense to take open space out of the private sector and make it open space in the public sector by simply a taking, if you will, by the power of eminent domain? There are plenty of ways to assure that farmland and grazing lands stay as open space if the county or the government wishes to reward the landowner and establish a relationship with that landowner for the purpose of keeping that space open and available. But just to use the power of government for the purpose of crushing that private property owner's right is simply wrong.

American Farmland Trust reports that every minute of every day, America loses two or more acres of farmland, and the rate is increasing as our population grows and expands. This farm bill and what it embodies now will tell you that farmland will probably become increasingly more valuable for the production of food and fiber. In many instances, we don't have an acre to spare. When our county governments decide they want to take it for the purpose of simply changing its ownership, that is greatly frustrating.

Additionally, many of our parks in this country are facing major budgetary shortfalls. To unnecessarily add more parks using eminent domain makes the problem worse, and to take private land to do so simply makes no sense. If the city wants to create a park, go find a willing seller and a willing buyer. That is the way it has been done historically—not to use the power of eminent domain given them, if you will, by the Kelo decision.

My amendment is very simple. For this reason, in offering it, the amendment will deter State and local governments from taking working agricultural land against the will of the landowner only to designate the same land as open space for parks and similar purposes. It is a very targeted amendment. It addresses only cases in which private working agricultural land is taken and turned into open space—a park or a preservation or a conservation area.

Listen, fellow Senators: It does not prevent States and local governments from exercising their right of eminent domain. What we are talking about is that it does not prevent nor deter the use of eminent domain such as taking for what we have always viewed as a legitimate public purpose: power lines, schools, and similar projects of public value; rights-of-way, when necessary, for roads and all of that type of use. It does not even tackle the issue of taking private land for private economic development. That is the Kelo decision. That fight, I have to say, is probably for another day. I hope my colleagues of the Judiciary Committee would grab the value of private land-ownership in this country and change and allow us to work our will on the law and not give municipalities and local governments the right of eminent domain over economic development, for a private purpose. But, as I say, that is for another day and another purpose.

What does this amendment do? It creates a strong but targeted financial disincentive for the local governments to get involved. This will cause State and local governments to stop and think when considering forcibly taking the working land of a farmer or a rancher in order to keep that property as open space. Every farmer and rancher reserves the right to voluntarily, of course, enter into an agreement; as I mentioned earlier, a willing seller, a willing buyer, into a land trust for the value of keeping land private and all of those types of things but to allow it to remain as it is for the purpose of openness. That is already going on. That already has well established law as it relates to how that land gets used.

I believe land preservation is a worthy cause. However, farmers and ranchers should not be forcibly removed from their lands simply to prevent them from making a personal decision about their private property sometime out into the future.

Let me end by saying it is necessary for Congress to discourage the illogical and unwarranted use of eminent domain. I think that is very clear. Many of us were surprised by the Kelo decision, and we saw new precedent being set as it relates to government's use of eminent domain. I believe it is both illogical and unwarranted to forcibly take working agricultural land only to designate it as land as an open space or for a similar purpose. A farm bill is an appropriate vehicle to accomplish this goal to protect our private property rights and our Nation's farmers and ranchers, and I urge my colleagues to support this amendment.

Let me thank Cori Whitman on my staff for working this issue. I also note the American Farm Bureau Federation, the National Cattlemen's Beef Association, the Public Lands Council, and many others are recognizing the risk and the threat to private operating agricultural properties and are supporting this amendment to become policy in the new agriculture policy embodied in this bill.

I thank my colleagues for listening. I hope to gain their support as we work this amendment through the process over the balance of this week.

Mr. President, I yield the floor.

AMENDMENT NO. 3549 TO AMENDMENT NO. 3500

Mr. THUNE. Mr. President, I ask unanimous consent to call up amendment No. 3549 on behalf of Senator ROBERTS and ask that it be set aside.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE], for Mr. ROBERTS, proposes an amendment numbered 3549.

Mr. THUNE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 3549

(Purpose: To modify a provision relating to regulations)

Section 10208 (relating to regulations) is amended—

(1) in subsection (a), by striking the subsection designation and heading; and

(2) by striking subsection (b).

Mr. THUNE. Mr. President, I believe the Senator from New Mexico has an amendment that he wants to speak to that both Senator SALAZAR and I are cosponsors of.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, is an amendment in order or do I have to move to set aside an amendment in order to offer one?

The ACTING PRESIDENT pro tempore. Unanimous consent is required to set aside the pending amendment.

Mr. DOMENICI. I ask unanimous consent that it be set aside so that I may proceed with a different amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 3614 TO AMENDMENT NO. 3500

Mr. DOMENICI. Mr. President, I rise to call up amendment No. 3614.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes an amendment numbered 3614.

(The amendment is printed in the RECORD of Tuesday, November 13, 2007, under "Text of amendments.")

Mr. DOMENICI. Mr. President, I think there are a number of people who want to cosponsor this amendment, but I will handle those later—except for the two Senators who are here; I ask that they be original cosponsors at this time, as well as the distinguished Senator from Idaho, Mr. CRAIG.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I will try to be as brief as I can. A couple of weeks back there was much talk about the need to keep only relevant amendments in order on this farm bill. While there was much left to interpretation of what exactly "relevant amendments" mean, there can be no question that the Senate should debate and vote on my amendment.

This farm bill is called the Food and Energy Security Act of 2007. I cannot think of an amendment more relevant to the economic security of the American farmer and energy security of the American people than an amendment to increase the renewable fuels standard. Since we passed the first ever renewable fuels standard in the Energy Policy Act of 2005, of which I was proud to be the floor manager and the leader, we have seen a surge in ethanol jobs and a surge in the construction of plants.

In 2006 alone the U.S. ethanol industry supported the creation of 160,000 new jobs while producing 5 billion gallons of ethanol. These are American farm jobs which help produce American fuels and help reduce our dependence on foreign oil. We are not aware of this happening because we have a gigantic country. As for 160,000 new jobs and 5 billion gallons of ethanol being added to the American workplace, that is happening because of the gigantic disparity that has occurred in the cost of oil now versus a year and a half or two ago. That is why there is so much activity in foreign countries where we have seen a whole country saying: We are going to build a brand-new country from top up full of hotels and motels, banks, and the like. That is oil money. That is the disparity between the price of oil they are charging us now and what it was worth sometime ago, and all that left over is going into the hands of those who produce crude oil and sell it to us. We might as well understand that is not helping America.

People say: Well, it isn't hurting us yet. They still have—they are buying up our bonds. Well, I believe it is hurting us. I believe it is part of the crisis—problem with the dollar—not crisis yet. It is also part of the problem with the gross domestic product of the United States in that it is not going to be as buoyant in the future because so much of our basic wealth is going out of our country, and the price of oil that we are paying to whatever country produces it and sends it to us.

Now, what my amendment does is changes—sets an annual requirement for the amount of renewable fuels used in motor vehicles, homes, and boilers. It will require that our Nation use 8.5 billion gallons of renewable fuels in 2008 and progressively increasing to 36 billion gallons by 2022. Now, you understand wherever we use the words "renewable fuel," that means something else other than the crude oil that I have just been talking about. It means it is getting produced here or under our control.

Beginning in 2016, an increasing portion of renewable fuel must be advanced biofuels. Beginning in 2016, increased cellulosic ethanol—advanced biofuels include cellulosic ethanol, biodiesel, and other fuels derived from unconventional biomass feedstocks, like sorghum. The required amount of advanced biofuels begins at 3 billion gallons in 2016 and increases to 21 billion gallons by 2022.

Advanced biofuels do not have many of the challenges that conventional ethanol does. The inclusion of advanced biofuels strikes a balance that will allow America to begin diversifying our fuel supply, both in the short term and the long term. That is why when supporting these same provisions in the Energy bill, the Renewable Fuels Association said they "strike the right chord, " noting that "such an investment in our Nation's energy future promises to spur the creation of new, good-paying jobs" across our land.

The amendment I seek to offer and that I have offered consists of the very same provisions that passed the Senate in June during consideration of the Energy bill—the then-Energy bill. That was not the Energy Policy Act. It was the next major bill. Some may ask, then: Why do I seek to offer the amendment on the farm bill? My answer is threefold.

One, it is clear that the Energy bill has slowed down, largely because the House has passed two major provisions—a tax increase and a renewable portfolio standard—that are untenable to many in the Senate, and they have slowed the bill down. They have brought forth a discussion from the President of the United States that is unequivocal; that if those two provisions are in the bill, he will veto the bill. That is the renewable portfolio standard and the tax increases that are in the House bill. They are not only untenable to the Senate, we ought to make the point over and over that they are untenable to the President.

So what good is it to have that bill and say we are going to do it or else? What is the "or else?" We are going to do nothing. We are going to pass something that will never become the law. I wish we could do something different so we would not have to adopt this Domenici amendment because it will be adopted on the other bill where it already lies and languishes.

Second, the House Energy bill in many respects weakens the renewable fuels standard in the Senate Energy bill. Besides, if the Senate makes progress on passing the Energy bill and getting it signed into law, there would be nothing to prevent a conference from simply removing this then unnecessary provision.

Third, this amendment is relevant to the farm bill and necessary now to reinvigorate an ethanol industry that is looking to Congress to extend this mandate as soon as possible.

Mr. President, in one sense, we have been a victim of our own success. Thanks to the 2005 Energy bill, rural America has answered the call for increased ethanol production. In fact, we have now exceeded the original mandated fuel in our fuel mix. For example, in 2006, the ethanol standard was 4 billion gallons. I think the two Senators on the floor played an active role in that and are fully aware of that. In fact, our domestic production of ethanol is 5 billion, far exceeding the billions of gallons we directed. We can do more, a lot more, and the American farmer is looking for Congress to do more.

Over the last year, the price of ethanol dropped nearly 40 percent. The reason for this is simple economics. We have an increased supply and diminished demand in the marketplace. As a result, the construction of new plants has been delayed, meaning new job growth has been diminished and rural communities are looking to us to take action. We cannot wait for the Energy bill while rural communities are losing their opportunities. This amendment is not simply just relevant to the farm bill, it is necessary.

I ask my colleagues to support this bipartisan amendment. I further ask our leadership go to work today, which I am sure they will, and tomorrow on the Energy bill that went to the House. It was sent back to us not as a bill but rather as a message, and it does not do justice to the biofuels for energy. They ought to fix that and, at the same time, take the taxes out and take the 15-percent electricity mandate for alternative fuels.

I ask sincerely that our distinguished leader take the lead in that and see that gets done quickly.

I yield the floor and thank the Senators for letting me proceed.

The ACTING PRESIDENT pro tempore. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, very briefly—because it is the other side's opportunity—I thank the ranking Republican on the Energy Committee for bringing this amendment forward. It fits well in the farm bill. Last Friday afternoon, I spoke to that again. Clearly, this is an opportunity we cannot pass by. I would like to see it in the Energy bill and see this concept grow to 2022 and get us to 36 billion gallons. Corn based and cellulosic is absolutely critical. This is a market we created by public policy and with public support. There is no question about it. This is a market that can continue to grow and develop, as long as Government advances it and stays out of its way.

I thank the Senator from New Mexico for bringing up the amendment. It is appropriate on the farm bill. I hope our colleagues will consider it as a plus to the overall growth of domestic American agriculture.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I thank the Senator from New Mexico for bringing the RFS amendment to the floor. I urge my colleagues to figure out a way for us to move forward with the renewable fuels standard we in the Senate embrace because it is the right way to move forward with an RFS.

When you look at many of the concepts we have dealt with in terms of growing our energy independence, the fact is the renewable fuels standard is key in terms of how we get there. We worked long and hard in the Energy Committee to come up with the concepts included in the Energy bill. In my mind, when I look at the Energy bill, which is being discussed in its final forms in the negotiations between the House and Senate, there were five pieces to that bill. I believe we can get to a point where we have a bill that becomes a final and good energy bill, which passes the Congress and gets signed by the President.

I think we are close, as I understand it, to moving forward with CAFE standards in the legislation that makes sense to the people who are leading this effort in both Chambers. The biofuels program, which at its heart is the RFS amendment Senator DOMENICI was talking about, is something that is essential and a key component to having a good energy package.

The carbon sequestration provisions we passed out of the Senate, I understand, have been accepted by the House. It is important to move forward with that. I know conversations are going on with respect to the renewable portfolio standards. I wish to make a quick comment on the renewable fuel standard. We spent a tremendous amount of time dealing with that issue in the Energy Committee because it was so important on how we move forward. There was a recognition among the witnesses before the committee that there was a limitation with corn-based ethanol. The scientists and the experts are telling us we can get to about 15 billion gallons of production with corn-based ethanol. But we know the future for America, and for us being able to produce ethanol all across this country, is based on the next generation of advanced biofuels, and that is cellulosic ethanol. That is why this RFS makes so much sense and we should adopt it and move forward with it, whether it be in the farm bill or in the Energy bill.

The RFS we passed out of the Senate Energy Committee, with the leadership of Senator BINGAMAN, a great advocate and proponent of the RFS in the Energy bill, contemplates that we will produce 21 billion gallons of advanced biofuels. That is 21 billion gallons of cellulosic ethanol, the alcohol-based ethanol I spoke about earlier today. So I hope that, as these discussions move forward in the week ahead and we look at crafting a good energy bill for this country, the renewable fuels standard Senator DOMENICI spoke about in his amendment is included in that energy legislation. If not, it seems to me we may want to look at including it in the farm bill because it is so important to the future of rural America and to us being in a position where we can help grow our way to energy independence.

I yield the floor. My friend from South Dakota has additional comments.

Mr. THUNE. Mr. President, I, too, acknowledge the good work of our colleague from New Mexico, Senator DOMENICI, on this issue. It largely is a result of his good work in 2005. Senator SALAZAR is on the Energy Committee. I was, at the time, on the Environment and Public Works Committee, which worked to get the first ever renewable fuels standard put into law. That was a monumental breakthrough in terms of renewable energy production in this country.

If you look at the way the market has responded to that, the story has been nothing less than remarkable. In 2005, we set a goal of reaching 7½ billion gallons of renewal fuel production by 2012. We will achieve that by the end of this calendar year, 2007. South Dakota will have, on its own, a billion gallons of ethanol production reached by the end of 2008.

This is a great success story not only for agriculture and for the farmers and the rural economies that benefit but for our environment because it reduces greenhouse gases. It is a great success story also in terms of lessening our reliance upon foreign sources of energy. I mentioned the statistic earlier: 170 million barrels of oil were displaced by the amount of ethanol production in this country. That saved $11 billion that we would have shipped to one of those petro economies elsewhere around the world that Senator DOMENICI referenced in his remarks.

So the renewable fuels standard that passed in 2005 was a breakthrough; it was a milestone piece of legislation in terms of launching this industry. But what is remarkable about that is we are up against the lid that was set in that 2005 bill of 7.5 billion gallons.

What is happening now is you have a lot of those who would invest in ethanol production in this country pulling back, not knowing what the future of the industry is. The amendment offered by the Senator from New Mexico, of which Senator SALAZAR and I are cosponsors, would increase the renewable fuels standard in 2008 to 8.5 billion gallons, which ramps it up in 2022 to 36 billion gallons. It is an amendment I believe is desperately needed. We hoped it would be included in the Energy bill. There is a version of it in the Energy bill. It would be better than what we have today.

We believe the amendment offered by the Senator from New Mexico is a far better solution, superior to what is proposed now in the Energy bill. I hope we could at least get the language the Senator from New Mexico has put forward included in the Energy bill, or adopted to the farm bill that is under consideration right now. It is that important to the rural economy, to agriculture, and, frankly, there isn't anything we do, next to the production title of the farm bill, that impacts agriculture more than does the renewable fuels standard, to increase it to 36 billion gallons by 2022, relying largely on advanced biofuels, cellulosic ethanol. To help us get there, those are all important things to have.

One comment regarding the Energy bill. There is a renewable fuels standard included in that. There are a couple of troublesome provisions to many who support the industry. One allows the EPA Administrator to essentially modify and grant waivers to the renewable fuels standard, dependent upon "significant renewable feedstock disruption or other market circumstances." In other words, the EPA Administrator has total discretion when it comes to a waiver of this renewable fuels standard in the Energy bill that is currently pending. So the language, as proposed by the Senator from New Mexico, would be far superior in terms of what this industry needs in terms of market signals and certainty going forward. So whether that is included in the Energy bill or in this farm bill, it seems that ought to be the direction in which we move in this industry.

The other thing I will mention by way of importance, in terms of renewable energy, is not only the renewable fuels standard, which is critical to those who invest in this industry, but that Congress is going to send a message that the policy incentives put into place in 2005 are going to be extended and, in fact, expanded; second, that we begin to look at increasing the blends. Right now, about 50 percent of the gasoline in this country is 10 percent ethanol. Because of infrastructure constraints, it is difficult to see us getting further than 11 to 12 billion gallons of ethanol produced and marketed in this country at the 10-percent level.

If we were to increase the blends to 20 or 30 percent, it would dramatically increase the market for ethanol in this country. Studies are currently underway by the EPA and the Department of Energy that I believe will in time demonstrate that not only does ethanol not impact materials compatibility, drivability, and not only does it not affect in any way or disadvantage emissions, relative to 10 percent ethanol, I think a lot of studies are actually finding that, ironically, the mileage is better at E20 than even traditional gasoline. So those studies are in the works. When they are complete, I hope we can move quickly to implement higher blends. That is a critical component in the solution to the renewable fuels industry in this country and to lessening our dependence upon foreign sources of energy.

Every gallon of ethanol, every bushel of corn we are buying from an American farmer means that many fewer dollars we are sending to some petronationalistic economy somewhere else in the world whose intentions to the United States, as I said, very well could be hostile.

This is an important amendment. I hope as the farm bill debate continues this week and these amendments that are currently pending are disposed of in one form or another, if we do not get a vote on this amendment that we can get the amendment accepted so that we have this marker in the farm bill in the event something should happen that would not permit the Energy bill to pass and, just as important, getting language in the renewable fuel standard that is better than what we see currently in the Energy bill with regard to the waiver authorities that exist for EPA in the current Energy bill and the RFS is included in that.

I do not see any other speakers at this moment, Mr. President, so I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NOS. 3674, 3673, 3671, 3672, AND 3822 TO AMENDMENT NO. 3500

Mr. THUNE. Mr. President, I ask unanimous consent on behalf of Senator GREGG to call up amendments Nos. 3674, 3673, 3671, 3672, and 3822.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 3674

(Purpose: To amend the Internal Revenue Code of 1986 to exclude discharges of indebtedness on principal residences from gross inicome, and for other purposes)

At the appropriate place, insert the following:

SEC. ____. DISCHARGES OF INDEBTEDNESS ON PRINCIPAL RESIDENCE EXCLUDED FROM GROSS INCOME.

(a) IN GENERAL.—Paragraph (1) of section 108(a) is amended by striking "or" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", or", and by inserting after subparagraph (D) the following new subparagraph:

"(E) the indebtedness is qualified principal residence indebtedness which is discharged before January 1, 2010.".

(b) SPECIAL RULES RELATING TO QUALIFIED PRINCIPAL RESIDENCE INDEBTEDNESS.—Section 108 is amended by adding at the end the following new subsection:

"(h) SPECIAL RULES RELATING TO QUALIFIED PRINCIPAL RESIDENCE INDEBTEDNESS.—

"(1) BASIS REDUCTION.—The amount excluded from gross income by reason of subsection (a)(1)(E) shall be applied to reduce (but not below zero) the basis of the principal residence of the taxpayer.

"(2) QUALIFIED PRINCIPAL RESIDENCE INDEBTEDNESS.—For purposes of this section, the term 'qualified principal residence indebtedness' means acquisition indebtedness (within the meaning of section 163(h)(3)(B)).

"(3) EXCEPTION FOR CERTAIN DISCHARGES NOT RELATED TO TAXPAYER'S FINANCIAL CONDITION.—Subsection (a)(1)(E) shall not apply to the discharge of a loan if the discharge is on account of services performed for the lender or any other factor not directly related to a decline in the value of the residence or to the financial condition of the taxpayer.

"(4) ORDERING RULE.—If any loan is discharged, in whole or in part, and only a portion of such loan is qualified principal residence indebtedness, subsection (a)(1)(E) shall apply only to so much of the amount discharged as exceeds the amount of the loan (as determined immediately before such discharge) which is not qualified principal residence indebtedness.

"(5) PRINCIPAL RESIDENCE.—For purposes of this subsection, the term 'principal residence' has the same meaning as when used in section 121.".

(c) COORDINATION.—

(1) Subparagraph (A) of section 108(a)(2) is amended by striking "and (D)" and inserting "(D), and (E)".

(2) Paragraph (2) of section 108(a) is amended by adding at the end the following new subparagraph:

"(C) PRINCIPAL RESIDENCE EXCLUSION TAKES PRECEDENCE OVER INSOLVENCY EXCLUSION UNLESS ELECTED OTHERWISE.—Paragraph (1)(B) shall not apply to a discharge to which paragraph (1)(E) applies unless the taxpayer elects to apply paragraph (1)(B) in lieu of paragraph (1)(E).".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to discharges of indebtedness on or after January 1, 2007.

AMENDMENT NO. 3673

(Purpose: To improve women's access to health care services in rural areas and provide improved medical care by reducing the excessive burden the liability system places on the delivery of obstetrical and gynecological services)

(The amendment is printed in today's RECORD under "Text of Amendments.")

AMENDMENT NO. 3671

(Purpose: To strike the section requiring the establishment of a Farm and Ranch Stress Assistance Network)

Strike section 7042.

AMENDMENT NO. 3672

(Purpose: To strike a provision relating to market loss assistance for asparagus producers)

Beginning on page 254, strike line 19 and all that follows through page 255, line 22.

AMENDMENT NO. 3822

Purpose: To provide nearly $1,000,000,000 in critical home heating assistance to low-income families and senior citizens for the 2007-2008 winter season, and reduce the Federal deficit by eliminating wasteful farm subsidies)

Strike subtitle A of title XII and insert the following:

Subtitle A—Low-Income Home Energy Assistance

SEC. 12101. APPROPRIATIONS.

In addition to any amounts appropriated under any other Federal law, there is appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2008, $924,000,000 (to remain available until expended) for making payments under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)), notwithstanding the designation requirement of section 2602(e) of such Act (42 U.S.C. 8621(e)).

SEC. 12102. DEFICIT REDUCTION.

It is the sense of Congress that the difference between—

(1) the amount that would be made available under subtitle A of title XII (as specified in Senate amendment 3500, as proposed on November 5, 2007, to H.R. 2419, 110th Congress); and

(2) the amount made available under section 12101,

should be used only for deficit reduction.

Mr. THUNE. Mr. President, I ask unanimous consent that the amendments be set aside.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 3823 TO AMENDMENT NO. 3500

(Purpose: To provide for the review of agricultural mergers and acquisitions by the Department of Justice, and for other purposes)

Mr. THUNE. Mr. President, on behalf of Senator GRASSLEY, I ask unanimous consent to send to the desk an amendment and that it be immediately considered.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows.

The Senator from South Dakota [Mr. THUNE], for Mr. GRASSLEY, proposes an amendment numbered 3823.

Mr. THUNE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I wish to take a few minutes to speak generally about the importance of the farm bill. I wish to speak about three aspects of the bill. The first has to do with rural America, which is a part of what I have called "the forgotten America" since I came to the Senate nearly 3 years ago. Second is to speak briefly about the importance of the conservation provisions which are included in this historic legislation. And finally, I wish to speak generally about some of the renewable energy provisions that are laid out in this bill.

First, with respect to what we see happening in rural America, as we see on the chart behind me, there is a lot of red and a lot of yellow. Those are counties, some 1,700 counties in the United States of America, which have actually declined in population between the years 2000 and 2006.

What happens around this country, as we look at the macroeconomic statistics that affect the United States of America, everybody says that all is hunky-dory and things are going very well. The fact is, for a long time when we look at places in rural America, there are counties and communities that continue to decline in their economic well-being, and the very vitality of rural America is threatened. When the vitality of rural America is threatened, the food security of this Nation is also threatened. That is why when we have legislation such as the legislation before us, the farm bill, we see Democrats and Republicans coming together, many of us from rural States, many of us wanting to be champions of rural America which we believe is so important, we see Democrats and Republicans coming together to say this is a bill which is critical for our future and a bill we must have.

When we look at those red parts of the United States that are on this map, they are counties, and the people who live there are suffering. Some of them are small counties, some of them are huge counties from a geographic point of view. What we will find in those counties will be people who are hard workers and who on average make less than $10,000 per capita than their counterparts who happen to live in the bigger cities. That is a $10,000 differential in terms of their per capita income.

What we will find in those counties is also a disparity in health care. There is less health care available to people who live in those counties than people who happen to live in the larger metropolitan areas.

We also find a higher cost of living with respect to the prices paid for fuel and a whole host of other items in many of these rural communities.

So I hope, as we work before the Christmas break, that we can understand this legislation is very important to the forgotten America. For me, what I like to do when I travel around the 64 counties of my State, is I like to go to many of these places out in rural Colorado where I know communities and counties are suffering.

We have 64 counties in my State of Colorado. It is a large State, not much different than South Dakota in many ways. There are many places where one can drive down the main streets of these communities that were thriving a few years ago and now see half of the main street boarded up, and we see the pains of an economy that is suffering.

The next picture I am putting up is a picture of Merino, CO. Merino, CO, as we can see, is a town in my State which is not having the best of economic times. I would say at least half, perhaps three-fourths, of the main street in Merino, CO, today is either for sale or has many of its commercial establishments boarded up in the way that is depicted in this picture behind me. It is not only Merino; it is lots of other places.

When you get out into the eastern plains on our major interstate corridors and the town of Brush, CO—here is the town of Brush, CO. Again, this is the main street of Brush, CO, with one of its important buildings for sale. If this was the only building on the main street of Brush, CO, that was for sale, one would say that happens all the time; we often see real estate for sale. What happens is, when we go into the main street of Brush, CO, there is a huge percentage of the buildings on that main street that today are for sale. This is a typical picture of community after community across nearly a thousand counties of the United States of America.

I hope one of the statements we can make together as Democrats, led by Senator REID, and as Republicans, led by Senator McCONNELL, is that we do care about this forgotten America and that we are willing to invest in this forgotten America through the passage of this farm bill.

Secondly, I wish to speak about the conservation provisions of this farm bill. All of us who have followed the history of farm programs and the history of conservation in the United States of America know there is no greater champion for conservation than Senator TOM HARKIN. He has been a champion of the conservation programs in this farm bill from day one. This farm bill before the Senate today reflects very significant additional investments in conservation.

As my friend from South Dakota said earlier in his comments when talking generally about the farm bill and what it has done for hunters, he said there were 10 million pheasants in the State of South Dakota. That is an incredible contribution for people in our country who love to hunt. The Presiding Officer is a great hunter. I am sure he would love to go to South Dakota and get some of those 10 million pheasants. The conservation programs contribute greatly to the quality of life in America.

For my life, much of it spent as a farmer and as a rancher, I have always said that farmers and ranchers are some of the best environmentalists because they truly understand the importance of fighting for land and for water. They know that at the end of the day, unless they take care of the land and water they depend on, next year their livelihood is going to be taken away from them. So they know they have to take care of their soil. They know they have to take care of the water. They know they have to take care of that place which is the very essence of their livelihood.

This farm bill is a historic farm bill in terms of conservation because it invests more in conservation, in all the traditional programs such as the Conservation Reserve Program, the grasslands program, and a whole host of other programs that will let us make sure we continue to protect the land and water of America.

In this picture behind me, we see one of the conservation programs funded under the EQIP program in my State of Colorado. It is an irrigation line ditch to make sure that water is not being wasted in the arid part of my State. For those of us from the western part of the United States, we know that water truly is the lifeblood of our community. They say in Colorado that whiskey is for drinking and water is for fighting. That is because we know how precious the commodity of water is in the arid West.

Programs such as this conservation program under the EQIP program make sure we are being as efficient as possible in how we use water in our communities.

It goes beyond how we use water for irrigation, which is what is depicted in that picture, but it is also making sure we are helping ranchers with water tanks and cross fencing so we can make the most use of our resources. Here is a picture of an EQIP project which has put in livestock water tanks and also has put in cross fences in the northern part of my State. It is another example of one of our conservation programs.

The next picture is of a wetland reserve program near Nathrop, CO. This is a picture of a wetland which was restored under the WRP that has been included in this farm bill and has been significantly enhanced. We know the importance of wetlands not only to wildlife but also to water quality. This wetland, which shows the Rocky Mountains with its snow in the background, is one of those wetlands that has been made possible through the investments we are making in the farm bill.

Finally, in the conservation area, there is also a tremendous amount of training that takes place. This picture behind me is of farmers getting together, going through a training seminar in Colorado to learn more about how they can take care of their farms. It is a very successful program which is not only a program underway in my State but also in many other States around the country.

I wish to spend a few minutes talking a little bit more about the energy parts of this bill. I wish to talk about how important it is to my State.

When we look at what has happened with the energy challenges we face in this country, I do believe that is one of those areas where this Congress has made significant, positive action over the last several years. We started it through the passage of the 2005 Energy bill, which was led by Senator DOMENICI and Senator BINGAMAN. I had the privilege of sitting on that committee through many hearings that ended up with the 2005 Energy Policy Act we passed in the Senate. Last year, we passed another Energy Policy Act that opened up lease sale 181 in the gulf coast and created the Land and Water Conservation Fund which is a very important program.

This year we have an additional opportunity to move forward with passage of new energy legislation which we are all hoping happens maybe as early as this week.

In my State, a lot has happened in the last 2 years. When we look at all the different aspects of renewable energy, we have done more in Colorado in a very short period of time than I have seen happen with almost anything else that has come to my State. All of us probably in this Chamber would like to claim that our respective States are becoming the renewable energy capital of the United States. In my State of Colorado, it is happening in a lot of different ways, in part through the national legislation we passed in the Congress and in part through the initiative of the voters of the State of Colorado through the passage of an RPS which was adopted by the voters in 2004.

This is a picture of a wind farm located in Prowers County in Lamar, CO. It is one of several wind farms which have sprouted up across my State in the last several years. Some people may say these wind farms are important, but how much are they doing? In my State, by the end of the year 2008, our hope is that we will have about 1,000 megawatts of power being produced from these wind farms that have sprouted up throughout the eastern plains and northern Colorado. And 1,000 megawatts of power, for those who happen to be watching today, if we want to put that in layman's terms, is approximately the amount of electricity that would be generated from three coal-fired powerplants. Well, in my State of Colorado, 2½, 3 years ago, there was almost zero electrical generation coming from wind. Today, we are on the verge of approaching a thousand megawatts of electrical power from wind. So we are just beginning to tap that potential.

And it is not just from Colorado. I know in the plains of both Dakotas, as well as in Wyoming and a whole host of other States, the State of Texas and others, we see wind energy becoming a very integral part of the portfolio for renewable energy for our future. This farm bill creates significant incentives for us to continue to enhance our efforts with respect to wind power.

Here is another quick example of a smaller set of wind turbines that are now up and functioning in the State of Colorado. We have included in this legislation amendments that will allow for a credit to be provided for what we call small wind microturbines. Those are microturbines that will produces less than 50 megawatts of power. Actually, that is less than 50 kilowatts of power. And with those small microturbines there will be enough electricity generated from these small wind generators to be able to provide the energy that is needed at a farm or a small industrial park or those kinds of smaller uses.

So there is a whole future, which is a very positive future, on wind energy that is being embraced in this legislation. And as we have spoken about energy on the floor this afternoon, we also have spoken about ethanol and cellulosic ethanol.

Several years ago—it was less than 3 years ago—after having been sworn in with my colleague from South Dakota, I went back to Colorado and said: There is a lot of excitement from many of my colleagues about ethanol and about the future of biofuels in America. I want to go and visit an ethanol plant somewhere in my State of Colorado.

I was told at the time that we did not have ethanol plants in my State of significant size. Well, that has changed dramatically just in the last 2 years, in part because of the passage of the 2005 Energy Policy Act.

Today, we produce over 100 million gallons of ethanol a year. We are at 100 million gallons of ethanol per year. The picture behind me is a picture of an ethanol plant in Sterling, CO. When I went there 2 years ago, there was nothing but an empty field outside of the town of Sterling. The town of Sterling is located in a place that is part of that America that struggles to keep going forward.

I went back a year later and what is now a $50 million ethanol plant has been constructed there. It is an ethanol plant that has produced jobs for the local community. There are over 20 workers who work at this ethanol plant all the time. It has been good for the farmers because they have an alternative market for their corn which they bring to this ethanol plant. It has been good for the cattle feeders because they take the feedstock after the ethanol has been taken, then they feed it to the cattle in Sterling, CO. So this ethanol plant is only one of four ethanol plants that we now have throughout the State of Colorado, and it is our hope in the years ahead that we will have many more of these kinds of plants that we will actually see in construction.

But as we know, through the testimony we had in the Energy Committee, the testimony we have had in front of the Agriculture Committee as well, there are limitations as to how much ethanol we can actually produce through these kinds of plants, where that ethanol is derived from corn. That is why these advanced biofuels and how we move forward with this renewable fuels standard is so essential. That is why in the RFS that we included in our energy legislation we recognized that there was a 15-billion-gallon limitation that would be coming from these kind of ethanol plants. And, therefore, when we talked about the advanced biofuels, we meant we would get 21 million gallons of advanced biofuels from cellulosic ethanol. And that truly is where the future for America is, in my view, Mr. President, relative to making sure we are able to grow our way to energy independence for our country.

We are now at a point where we are asking our colleagues to come and offer amendments. We have had a number of amendments that were offered and are pending from last week. We have also had a number of amendments which have been offered and are pending here today, and we would invite our colleagues to come down and speak about the farm bill and to offer any amendments they might have.

Mr. President, I yield the floor.

AMENDMENT NO. 3596 TO AMENDMENT NO. 3500

(Purpose: To amend the Internal Revenue Code of 1986 to establish a pilot program under which agricultural producers may establish and contribute to tax-exempt farm savings accounts in lieu of obtaining federally subsidized crop insurance or noninsured crop assistance, to provide for contributions to such accounts by the Secretary of Agriculture, to specify the situations in which amounts may be paid to producers from such accounts, and to limit the total amount of such distributions to a producer during a taxable year, and for other purposes)

Mr. THUNE. Mr. President, on behalf of Senator SESSIONS, I ask unanimous consent to call up amendment No. 3596 and ask that it be reported and temporarily set aside.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. SALAZAR. Reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, we do not have an objection with respect to the amendment which was offered by the Senator from South Dakota.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE], for Mr. SESSIONS, proposes an amendment numbered 3596 to amendment No. 3500.

(The amendment is printed in the RECORD of Thursday, December 6, 2007, under "Text of Amendments.")

AMENDMENT NO. 3569 TO AMENDMENT NO. 3500

Mr. THUNE. Mr. President, on behalf of Senator STEVENS, I ask unanimous consent to call up amendment No. 3569 and that it be reported and temporarily set aside.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE], for Mr. STEVENS, Ms. MURKOWSKI, Mr. LOTT, and Mr. SMITH, proposes an amendment numbered 3569 to amendment No. 3500.

The amendment is as follows:

(Purpose: To make commercial fishermen eligible for certain operating loans)

On page 778, between lines 2 and 3, insert the following:

(c) COMMERCIAL FISHING.—Section 343 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991) is amended—

(1) in subsection (a), by inserting "and, in the case of subtitle B, commercial fishing" before the period at the end of each of paragraphs (1) and (2); and

(2) by adding at the end the following:

"(c) DEFINITION OF FARM.—In subtitle B, the term 'farm' includes a commercial fishing enterprise.".

Mr. THUNE. Mr. President, I think we are almost up to our 20 amendments. I don't know of anybody else coming down on our side, although I know of a couple of amendments out there that may get offered. But we are very close to meeting the allocation we have under the agreement, and so I suspect if there are others who want to have their amendments called up, if they can get them down here, we will get them put in the queue and made pending so that when everyone is back tomorrow we can, hopefully, move to consideration based on those amendments, start getting them voted on, disposed of, and, hopefully, get to a final vote on the bill by the end of the week. That is my hope and certainly the hope of the Senator from Colorado, and I hope that is the view that is shared by our respective leaders as well.

I would say, too, again, by way of general observation on the bill, as my colleague from Colorado has talked about, many of the different titles in the bill—and we have both covered a lot of the energy provisions which he has spoken at some length about—the conservation title, the commodity title, and as we were discussing earlier today, 67 percent of the funding of the bill is in nutrition programs, food assistance, and other types of programs; about 9-plus percent in conservation, about 14 percent, actually, in the commodity title, which supports production of agriculture, and then there is a rural development title. But in any event, it is a fairly balanced bill.

I think much of the emphasis on this bill, a new emphasis at least, has to do with what the Senator from Colorado had talked about earlier, and that is the renewable energy industry. I don't know that there are a lot of differences between this bill, if we can get it through the Senate, and what has already passed the House.

There are some things that are different in the two bills, but I think these are very reconcilable bills. And I guess my hope has been all along that we would be able to get a bill to conference and on the President's desk before the end of the year. That may be a little optimistic, but I think it is important we, at least in the Senate, act on our version of the bill, get it passed, clear that hurdle, and hopefully put us on a glidepath to getting a bill signed into law if not by the end of the year, then sometime early next year so that producers can begin to make decisions about next year; that we don't have to go through the exercise of passing an extension of the 2002 bill.

I think we have a good bill before us. And now that we finally have an agreement to move forward with amendments, I hope we can get this bill through the process and perhaps passed by the Senate if not this week certainly early next week, and that will put us on a pathway to getting a bill signed into law by early next year.

As I said before, in addition to the farmers who are looking and anticipating the passage of this bill, and those who depend upon other titles in the bill, the renewable energy industry does need some action on some of the provisions not only in this bill but that are pending in the Energy bill. A renewable fuels standard needs to be enacted either as a part of the Energy bill or the farm bill.

The Senate passed earlier this year as part of its Energy bill a 36-billion-gallon renewable fuels standard by the year 2022. The House did not have a provision on a renewable fuels standard under its version of their bill. After the two sides got together, the Energy bill now contains a renewable fuels standard; although, as I mentioned earlier, one with some provisions and some conditions imposed on it that I think make it less preferable to many of us than the renewable fuels standard amendment that has been offered to the farm bill.

But to the point my colleague from Colorado made about other forms of energy, we, too, in South Dakota have enormous potential to benefit from wind energy. We have wind energy. And I have seen studies—in fact, the National Renewable Energy Laboratory in Colorado suggests that South Dakota is the windiest State in the Nation. We have the best wind for wind energy development, exceeding all other States in the country. Many of our constituents would probably argue that it exceeds the amount of wind and hot air that comes out of Washington, DC, but if you look at where the end wind in this country is generated, it is in that middle section of the United States, and that, too, holds enormous potential for us to get away from depending upon foreign sources of energy.

Many of our constituents in the Midwest rely on fuel oil for their winter heating. You have, of course, a lot of energy that is generated from sources that are less environmentally friendly than wind energy. And so I would hope the provisions in this farm bill that provide incentives for small wind, and then some provisions in the Energy bill that include incentives for larger wind farms and types of projects—production tax credits, the clean renewable energy bond program—that those, too, could get enacted and we could continue to move forward toward the development of more renewable energy in this country and less dependence upon foreign sources of energy from countries that would do us harm.

I again commend to my colleagues, when we get to a final vote, that the energy title of this farm bill is critically important—not to just those who are investors in ethanol plants but, I would argue, to our energy security and to our national security as well.

I don't see anybody else here to offer amendments. If the Senator from Colorado would like to make some comments?

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I note that the unanimous consent agreement under which we are operating in consideration of the farm bill allows for 20 amendments from the Republican side and 20 amendments from the Democratic side. I understand we are, on the Republican side, almost at the number 20 of amendments that have been offered and called up. On the Democratic side, there have been four amendments that have been offered and called up. If any of our colleagues are here and want to come down and help us move this process along, we urge them to come to the floor and offer and call up their amendments.

The fact that we are down to 20 amendments on the Republican side, 20 amendments on the Democratic side, is a very good step in the right direction. There were approximately 300 amendments that were filed on this bill. There is no way in which we were going to work our way through those 300 amendments, so narrowing down that universe in the way we have has been very helpful and hopefully will get us to where we all want to get; that is, to get to a farm bill that can be finalized in this Chamber so we can start working toward getting a farm bill that will help guide the farm policy of this country for the next 5 years.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENTS NOS. 3551 AND 3553 EN BLOC

Mr. THUNE. On behalf of Senator ALEXANDER, I ask unanimous consent to call up two amendments—the first amendment is No. 3551 and the second amendment is No. 3553—and that those amendment also be reported and temporarily set aside.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. SALAZAR. Reserving the right to object, I will suggest the absence of quorum for a few minutes so I can study the amendments.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report the amendments.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE], for Mr. ALEXANDER, proposes amendments numbered 3551 and 3553, en bloc.

The amendments are as follows:

AMENDMENT NO. 3551

(Purpose: To increase funding for the Initiative for Future Agriculture and Food Systems, with an offset)

In section 401(b)(3) of the Agricultural Research, Extension, and Education Reform Act of 1998 (as amended by section 7201(a)), redesignate subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively, and insert before subparagraph (B) (as so redesignated) the following:

"(A) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall transfer to the Account—

"(i) $24,000,000 for fiscal year 2010; and

"(ii) $25,000,000 for each of fiscals year 2011 and 2012.

Strike section 12302.

AMENDMENT NO. 3553

(Purpose: To limit the tax credit for small wind energy property expenditures to property placed in service in connection with a farm or rural small business)

On page 1465, strike line 6 through page 1469, line 13 and insert the following:

SEC. 12301. CREDIT FOR BUSINESS WIND PROPERTY.

(a) IN GENERAL.—Section 48(a)(3)(A) (defining energy property) is amended by striking "or" at the end of clause (iii), by adding "or" at the end of clause (iv), and by inserting after clause (iv) the following new clause:

"(v) qualified small wind energy property,".

(b) 30 PERCENT CREDIT.—Section 48(a)(2)(A)(i) is amended by striking "and" at the end of subclause (II) and by inserting after subclause (III) the following new subclause:

"(IV) qualified small wind energy property, and".

(c) QUALIFIED SMALL WIND ENERGY PROPERTY.—Section 48(c) is amended—

(1) by inserting "; QUALIFIED SMALL WIND ENERGY PROPERTY" after "QUALIFIED MICROTURBINE PROPERTY" in the heading,

(2) by striking "For purposes of this subsection" and inserting "For purposes of this section",

(3) by striking "paragraph (1)" in paragraphs (1)(B) and (2)(B) and inserting "subsection (a)(1)", and

(4) by adding at the end the following new paragraph:

"(3) QUALIFIED SMALL WIND ENERGY PROPERTY.—

"(A) IN GENERAL.—The term 'qualified small wind energy property' means property which uses a qualifying small wind turbine to generate electricity, installed on or in connection with real property which is—

"(i) a farm (within the meaning of section 2032A(e)(4), or

"(ii) a small business (within the meaning of section 44(b)(1)) located in a rural area (within the meaning of clause (i) or (ii) of section 1400E(a)(2)(B)).

"(B) LIMITATION.—In the case of qualified small wind energy property placed in service during the taxable year, the credit otherwise determined under subsection (a)(1) for such year with respect to such property shall not exceed $4,000 with respect to any taxpayer.

"(C) QUALIFYING SMALL WIND TURBINE.—The term 'qualifying small wind turbine' means a wind turbine which—

"(i) has a nameplate capacity of not more than 100 kilowatts, and

"(ii) meets the performance standards of the American Wind Energy Association.

"(D) TERMINATION.—The term 'qualified small wind energy property' shall not include any property for any period after December 31, 2008.".

(d) CONFORMING AMENDMENT.—Section 48(a)(1) is amended by striking "paragraphs (1)(B) and (2)(B)" and inserting "paragraphs (1)(B), (2)(B), and (3)(B)".

(e) PREEMPTION.—Nothing in this section preempts State or local laws regarding the zoning, siting, or permitting of wind turbines.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures after December 31, 2007.

Mr. THUNE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I know there are colleagues on the Democratic side who have amendments they wish to offer. I would be happy to offer those amendments on their behalf, if they would call the cloakroom and let us know. That way we can start getting this list of amendments winnowed down to a workable number. We are on the floor and will be on the floor ready to do business. If they want to come to the floor to offer their amendments, they should do it now. If they want to call the cloakroom and let me offer them on their behalf, I will be happy to do so.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 3771 TO AMENDMENT NO. 3500

(Purpose: To amend title 7, United States Code, to include provisions relating to rulemaking)

Mr. THUNE. Mr. President, I hold in my hand the last unanimous consent request. This is the twentieth of the 20 amendments on the Republican side.

On behalf of Senator BOND I ask unanimous consent to call up amendment No. 3771, and ask that it be reported and temporarily set aside.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE], for Mr. BOND, proposes an amendment numbered 3771 to amendment No. 3500.

(The amendment is printed in the RECORD of Thursday, November 15, 2007, under "Text of Amendments.")

Mr. THUNE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SALAZAR) Without objection, it is so ordered.

Ms. STABENOW. Mr. President, I appreciate the Senator temporarily taking the chair for me at this time so I can make a few brief comments on the farm bill. I thank everyone who has been involved in getting us to this point. It has been challenging, but we have a product, as you know, that came out of committee unanimously.

I thank Senator HARKIN and Senator CHAMBLISS for their leadership in bringing us to this point. I also thank Senator CONRAD for his budget expertise that helped get us to this point, and so many other people who have worked very hard to create a product that we all can be very proud of.

We do not only support traditional agriculture, which is very important—people in my State think of automobiles, particularly as we are talking about the energy debate now—but our second largest industry is agriculture. So this is a very important bill from the standpoint of the economy of Michigan.

We have traditional agricultural programs that are supported in this legislation which I am very pleased about. But we also do something very important. We take a step toward the future in this bill in a number of ways.

Also very important to me and Michigan, and I appreciate my colleagues supporting the effort, is to have half of the crops grown by farmers in the United States, fruit and vegetable growers, called specialty crops, included in a very real way for the first time in this farm bill. That is historic. We are talking about many family farmers, folks who are growing the apples and asparagus and the cherries and the blueberries and the oranges and all of the foods we want our children to eat.

We tell our children: Eat your fruits and vegetables. Well, this farm bill for the first time makes a permanent place, a permanent home for those growers. I appreciate my colleagues who have worked with me in order to be able to make that happen.

We also take a turn to the future with alternative energy. I thank the distinguished Presiding Officer from Colorado for his passion around the issue of alternative energy as well as my distinguished colleague from South Dakota for his interest and leadership around these issues as well. We all join together in understanding that we want to be able to say: Buy your fuel from middle America instead of the Middle East. That would create energy independence. It would be great for our farmers. It is great for new technologies.

We also are very proud to be making the automobiles that will use that new fuel. So this farm bill is an energy and security bill, an effort in a very major way to turn us to that future through various kinds of incentives and supports and research and cellulosic ethanol that we know is the future.

We not only want to make ethanol from corn—and we grow a lot of corn in Michigan, but we also grow a lot of sugar beets, we have a lot of wood byproducts, we have a lot of switchgrass available and other things that we can use for the technology to be developed and supported through this farm bill to be able to create energy.

That is important. This is about the future. I believe part of reform, when we talk about reforming the farm bill, we talk about more focus on our fruit and vegetable growers, more focus on energy crops, more focus on nutrition, and the importance of being able to support our farmers markets and community gardens, the ability for people to have access to nutritious food in the United States.

This is also an important bill for conservation. Again, I know our Presiding Officer cares very much about this issue. Our chairman has been a passionate leader, focusing on conservation. This bill does it in a very real way. I thank the chairman as well for including language that addresses Great Lakes water erosion, soil runoff into the Great Lakes, into our water systems, a very critical issue. I appreciate him including language from a broad strategic effort that was put together with all eight States and our friends in Canada and the administration and others to put together a strategy to protect our Great Lakes waters. Part of that is reflected as it relates to our conservation portion of the farm bill. So there are numerous ways in which this particular legislation, as comprehensive as it is, makes sense.

I would also be remiss if I did not mention rural development. I do not think there is a town in northern Michigan, southern Michigan, in the Upper Peninsula, that has not benefitted by some help with water and sewer or housing development or small business loans or the ability to buy a needed fire truck, to be able to meet rural needs.

I am very proud of the fact that we have expanded and included the broadband access. We know, just as the telephone system was made more valuable by making sure the farmer at the end of the road was able to be connected by telephone, we need to be sure that every person in every corner of the country is connected and has access to broadband. This legislation does that as well.

There are numerous provisions in this legislation that relate to supporting and developing rural America, supporting new technologies, supporting the communities, protecting our natural resources and conservation, focusing on alternative fuels and energy independence at a time when we have never needed it more; also the wonderful partnership that we have established between our nutrition programs, schools, seniors, community programs, and our fruit and vegetable growers who are growing that nutritious food that we want to make sure gets to our families.

I hope we will come together. It is very positive that we finally broke through the logjam, and we are together here on the floor moving forward this bipartisan bill. It is my hope we will be able to move through these amendments and do it in a way that allows us to complete this bill this week and have the Senate's vision for the future of rural America and energy and nutrition, conservation, our support for traditional agriculture, have all of those visions out there together before we leave for the end of the year. This is important what we have done together. It is an important piece of work. I am pleased that we are now moving to that next step. I am hopeful that working together, we will be able to get that done this week.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THUNE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

Mr. THUNE. Madam President, we have had a number of folks here today who have spoken to different aspects of the farm bill. All are relevant, and everybody has a unique interest in this legislation. Many people come to a farm bill representing agriculture States and, therefore, have a keen interest in the commodity title of the bill, that part of the bill that directly affects production agriculture. Many are involved in food assistance programs and, therefore, interested in that aspect.

I have spoken at some length today, as has my colleague from Colorado, about the energy title of the bill which we also believe to be critically important to the future of agriculture and rural economies. I do want to speak to one other aspect of the bill that Senator SALAZAR also spoke to earlier today. That is the conservation title.

One of the aspects of this bill that is as critical to production agriculture as the commodity title is the conservation title. The conservation title of the farm bill comprises only about 9 percent of its total cost, yet it potentially affects more than 350 million acres of land. This is a photo of a piece of ground in South Dakota. This picture was taken in 2007. It is a great example of the role played by the farm bill's conservation title. The best land in this photo is planted with corn, the low-lying wetland area being enrolled in a Conservation Reserve Program. We have an example of crop production and conservation working hand in hand. You have CRP in the foreground, wetland and corn ground in the background. The CRP on this farm and the million-and-a-half acres that are enrolled in CRP in South Dakota add 10 million pheasants and $153 million to South Dakota's economy every single year. This year's record corn crop in South Dakota at 556 million bushels is worth an additional $1.8 billion to South Dakota's farmers.

I wanted to contrast that and focus on another picture taken in South Dakota in 2007. This one actually, believe it or not, was taken in March of this year. If you look at this, at first glance you would believe that was a picture that was taken during the "dirty thirties," the time of the Great Depression. Actually it is the result of native sod in South Dakota that was cropped because crop insurance provided an unintended incentive to convert marginal pastureland or native sod to cropland. This picture sends a stronger message than any words could about the inherent need to take care of our land. The topsoil and the fence line and ditch along this South Dakota field took literally millions of years to create and one dust storm to remove. The damage you see here simply cannot be undone.

A sod-saver provision in the farm bill we are considering will prohibit anyone from converting native sod to cropland. What this sod-saver provision will do is eliminate the incentives found in current Federal farm policy that encourage unwise farming practices which result in the consequences that are shown in this photo.

The next photo is a picture that is an example of some of the native sod that is being converted to cropland in South Dakota. For the past 100 years, millions of acres of prairie have been converted to productive farmland. Most native sod that can be productively farmed in South Dakota and other prairie States has already been converted to cropland. We faced a shortage of money to write this farm bill. I don't believe it is wise to use Federal funds to pay for crop insurance and disaster programs on this type of land. If the farmer who owns this land wants to crop it, wants to farm it, he or she is free to do so. But let's not subsidize it.

The next picture comes from South Dakota as well. This was a couple years ago in 2005. Dust storms, obviously, were not limited to the 1930s. This picture was taken in South Dakota in 2005. Once again, the consequences of unwise land stewardship practices are disturbingly evident. During the 1930s, South Dakota received billions of tons of Kansas and Oklahoma topsoil, much of it still in place in fence lines and fields. The programs we have drafted in the conservation title of this farm bill, if funded adequately, will ensure that Kansas and Oklahoma farmers no longer see their topsoil blow to South Dakota, and South Dakota farmers will keep their topsoil in their fields and not in the ditches and fence lines, as we see in this picture.

I want to emphasize this one more time: Production agriculture and conservation should not compete. Rather, they should complement each other. Every agricultural area in this country is blessed with productive land and land that needs help to keep from polluting the water we drink and the air we breathe. I ask those who are so critical of this farm bill to take a close look at the conservation title and what it does for all Americans. In spite of the budget cuts that made drafting this farm bill more difficult than writing any other farm bill has been, I am pleased that my colleagues and I have been able to come up with a farm bill with a sound conservation title.

I want to point out once more the benefits of the conservation title of the farm bill. First, it protects and enhances our soil and land. Secondly, it helps provide an economic alternative to placing costly fertilizer, seed, and chemicals on unproductive cropland. It also enhances recreation and boosts local economies, as is true in South Dakota, with a very robust recreation industry that is created by the abundance of pheasants we have had in the past few years and the $153 million that it contributes to South Dakota's economy. I believe it is important that we take a breather from some of the controversy that surrounds farm bill debates and focus on the farm bill's proven capabilities to enhance rural America and to improve our Nation's water and soil. The conservation title of this farm bill will do that. This is one of many reasons that this farm bill deserves the support of our colleagues.

I don't think there is much we do around here in terms of public policy that has as much impact as what we do in this farm bill in the conservation title when it comes to environmental stewardship. The conservation title is so important. The programs that have been enumerated, the Conservation Reserve Program, the Wetlands Reserve Program, the Grasslands Reserve Program, the Environmental Quality Improvement Program, or EQIP, which is used by livestock producers, all these programs are designed to lessen the impact of soil erosion, wind erosion, and improve the quality of our water. The sod-buster provision in this farm bill also moves us toward a policy that discourages those from cropping areas that should not be cropped simply to take advantage of programs such as crop insurance.

So the conservation title in this farm bill is a critically important component of the overall farm bill and one that I hope people, as they look at the farm bill in its totality, will take a very good, hard look at.

Nationwide, without a conservation title, we would have 13.5 million fewer pheasants, 450 million tons of topsoil disappearing every single year, 2.2 million fewer ducks, an additional 170,000 miles of unprotected streams, and 40 million fewer acres of wildlife habitat.

Again, if you look at what can happen when conservation programs and production are used to complement each other—and here, as shown in this picture, is another example of a field in the background and a CRP—or grasslands—in the foreground. But that is the kind of balance we try to achieve in this farm bill.

The conservation title in this farm bill is important. It is only 9 percent of the money, but it impacts 350 million acres of land in this country and adds so much to our economy and to the concerns we have about protecting and preserving our environment.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SALAZAR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Madam President, I ask unanimous consent that I be recognized to speak as in morning business for as much time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Madam President, I know for most of the day today we have been speaking about the importance of the 2007 farm bill, which is about food, about fiber, and about our fuel security. It is a very important piece of legislation. We are very hopeful we will be able to get a farm bill completed very soon that can then go to the President for his signature.

I wish to spend a few minutes talking about another piece of legislation which many of us have spent a great deal of time working on over the last year under the leadership of Senator BINGAMAN; and that is the Energy bill which came through this Chamber with a very significant, bipartisan vote and which is a very good bill that moves us forward into the new era of a clean energy economy for the United States that will help us lead the world on how we can embrace the clean energy economy for our country.

From my point of view, when I look at the reasons why we need to move forward with this clean energy economy, it comes down to three very simple reasons. The first is our national security, the second is our environmental security, and the third is the economic opportunities for our country.

On the first of those principles, when we think about what has happened to America since the 1970s and beyond, it is that America has slept. America has slept while we put our heads and our necks in the noose of the powers from foreign countries that are the petropowers that essentially control the oil resources of our country.

Many of us will remember when President Richard Nixon stood before the country and coined the term "energy independence." His view was that because of the formation of OPEC, we in the United States of America were in a position where what we were doing was abandoning the possibility of our independence because of the formation of this very powerful cartel called OPEC. So he said: We have to be energy independent.

Many of us in my generation will remember the nighttime prime-time speech President Carter gave where he spoke about the moral imperative of energy independence. He called it the equivalent of war, that it had the same kind of moral equivalency in terms of us moving forward with energy independence.

Yet what has happened from the 1970s, through the 1980s, through the 1990s, and here as we begin this new 21st century, is the fact that we have gone from a point where we were importing 30 percent of our oil from foreign countries to the point where today, in March of this year, 2007, we imported 67 percent of our oil from foreign countries. That is 67 percent of our oil from foreign countries. So when you think about what has happened, those warnings and the visions that were set out by President Carter and President Nixon simply have not materialized. The United States of America has had a failed policy on energy, and it is high time that we in Washington, DC, in our Nation's Capital, take the bull by the horns and put us in a position where we can move forward with a new ethic and a new set of programs that will get us to energy independence.

Yes, this President—with whom I disagree on a number of different issues—came to the joint session of Congress in his last two State of the Union addresses, and he talked about the addiction of the United States to oil and how it was time for us to get rid of our addiction to foreign oil. Well, he is right in that concept. Now, what we need to do is to have a set of programs that gets rid of that addiction to foreign oil. Our farm bill does that, as my friend from South Dakota spoke about, and as I spoke about earlier, because we have a very robust energy title in this farm bill. But the energy legislation which was passed out of this body a few months ago also is a very good step in that direction because of the significant components that are included in it.

Now, when I look at the foreign policy issues—I, like most of my colleagues in the Senate, have traveled to the Middle East. I have traveled to Iraq three times in the last 3 years. I have been on the border between Lebanon and Israel, looking down at Hezbollah encampments. For all of us who are concerned about what is going to happen to the United States and its future, I think we all recognize the foreign policy implications of our addiction to oil. I asked myself—when I looked down at the Hezbollah encampments where I saw Hamas activities—where is that money coming from to fuel these armies to be able to be created, and where is the money coming from that is giving to them the kinds of armaments that they have today? The money is coming from us here in America as we pay $3 and $4 a gallon for gasoline or for diesel and $89 to $100 now for every barrel of oil that is imported into this country. We are creating a wealth transfer from America to those petro nations that don't have the interests of the Western World and certainly not the interests of the United States at heart. So we are compromising our foreign policy by this addiction to foreign oil. That inescapable force should bring together progressives and conservatives, Democrats and Republicans, to work together on a real agenda for energy independence.

It was only a short few days after I arrived in Washington that I received a visit from a conservative and a progressive in my office who asked me if I would join a number of my colleagues on an agenda called the Set America Free agenda. Those friends who came to talk to me that day were my former Senator and good friend from Colorado, Tim Wirth, along with C. Boyden Gray, who is one of the best known conservatives in this country. They said it was time for us to start working together—progressives and conservatives, Republicans and Democrats—on an agenda to Set America Free. So the inescapable force of our own foreign policy and our need to be an independent America, that is independent from these forces of the Middle East and Venezuela—it is important for us to make sure we move forward with a strong program on energy independence.

The second principle at stake in the energy legislation which is now under discussion has to do with our environmental security. The time for us to argue about whether global warming is here I think has passed. I think the scientific community concluded long ago that the issue of global warming was a real issue. Yes, we will have debates on the floor of the Senate. There are debates I know that were conducted in the EPW Committee in the Senate just last week about what is the best way to move forward. But I think everyone has concluded we do need to deal with the issue. We do need to somehow formulate the best approach of how we are going to move forward to deal with the reality of global warming because otherwise it puts the planet and puts civilization very much in jeopardy.

So we have foreign policy and our national security, we have environmental security which compels us to act, and then we have the economic security of our Nation and the economic opportunities that a clean energy economy also embraces. We have spoken about some of those opportunities on the floor of the Senate today. Some of those opportunities I have seen blossom in my own State of Colorado over the last 2 years in a way that I am very proud of, but I am also proud of the fact that they are also blossoming in other places around the country. The National Renewable Energy Lab in Golden, CO, is truly one of the crown jewels on renewable energy and efficiency. It is a place which has been visited by Democrats and Republicans alike.

Senator HARKIN, as the chairman of our committee, actually in the formation of the farm bill, spent some time at the National Renewable Energy Lab in Golden, CO, as well as those who visited it, as President Bush did a year and a half or 2 years ago, found the best in technology in terms of energy. They will tell you the only limitation we have in terms of how far we can go with the renewable energy revolution is the limitation that we impose upon ourselves. When you ask them to tell you candidly whether we can be in a position where we can develop 30 percent of our energy from renewable energy resources by the year 2020, they will tell you that if you want to, we can, in fact, do it. So the scientists who have the best knowledge on the research and the technology tell us that a lot is possible in the renewable energy equation.

Now, because we have developed these technologies, we are also seeing a lot of economic activity throughout our country. In my State, again, in Colorado, when you go to the land of the turquoise skies, my native San Luis Valley where the Sun shines about 350 days of the year, we have the largest solar electrical generating plant now in existence in the world. There are other efforts that are underway in places such as Bakersfield, CA, where a company there within the next 2 years will be able to have completed the construction of a solar electrical powerplant that will generate 175 megawatts from one powerplant. So there is tremendous capacity underway that is being built all around the country as we harness the power of the Sun.

We are also harnessing the power of the wind, as I said. In my State, we are on the verge of getting to the point where we can generate 1,000 megawatts of power from the wind. We are not stopping with the power of the wind. We are moving forward with ethanol and a whole host of other things that are happening in my State. So there is tremendous economic opportunity for America as we embrace a new energy future for this country.

So I believe the forces that drive the new clean energy economy for America, again, are national security, environmental security, and economic opportunity—very simple, very fundamental principles that should guide our actions in the Senate. When we talk to experts who are involved in this field, they can get very excited about it because in their eyes, what they see is salvation not only for our country but also for civilization in terms of how we handle this very important signature issue for the 21st century.

I want to spend a few minutes speaking about the Energy bill that we crafted in the Energy Committee which was amended with the Finance Committee provisions on the floor of the Senate. From my point of view, there were five key aspects to that legislation. The first was the increase in efficiency standards, the increase in CAFE standards which have not been revised now for 30 years in this country. The second was a renewable fuels standard that will help us usher in this biofuels revolution for our country. The third is dealing with global warming by getting an understanding of how we can sequester carbon here within our country. The fourth is a renewable electrical standard or a renewable portfolio standard across the country. The fifth are the tax provisions that essentially function as a jet engine which allow us to move much of our policy forward that we articulated in that bill.

I am hopeful that as we move forward we will not lose sight of these key measures of the legislation and that we get as close to as much of these key components of this legislation enacted into law as we can. I know if the discussions that are taking place now between the leadership of the House and the Senate are successful, many of these aspects of the legislation will, in fact, be addressed so we have the 60 votes to get a good bill out of the Senate and then get a bill on to the President's desk that the President will sign.

I will make just one final comment on one of those five key aspects, and that, again, is the renewable fuels standard. The renewable fuels standard which we set at 36 billion gallons in that legislation that we passed out of this body is a very good piece of legislation. I do not believe the Senate should compromise on that renewable fuels standard at all. We went through a very thoughtful process to come up with that 36-billion-gallon standard. We had experts from around the country, including from the National Renewable Energy Lab, coming in and talking to us about how we could achieve the limitation of corn-based ethanol at 15 billion gallons. We also heard from experts who tell us we are within a year or two away from being able to open the door to the commercialization of cellulosic ethanol.

We made the determination that is where the future of our energy independence lies—in the area of biofuels and transportation. So we said we can produce in a new RFS 36 billion gallons. That is a quintupling of the current renewable fuels standard which we currently have in place. That is the correct number because that is what the science will support. We know that because 15 billion gallons will come from corn, and 21 billion gallons will come from the advanced biofuels which we are pushing in that legislation.

So I hope those who are involved in dealing with the renewable fuels standard in the legislation which is currently under negotiation understand the importance of the RFS and how much work went into coming up with that 36-billion-gallon-a-year RFS that came out of the Senate Energy Committee which was adopted with a broad bipartisan vote on the floor of the Senate.

I believe the people of America would be delighted if we in the Senate, working with the House of Representatives, were able to complete the legislation on these two very important issues: to complete the farm bill and to get it done before Christmas, and to complete a good energy bill that will help us move forward toward energy independence and address these key, critical policy challenges that confront us. It is a signature issue for the 21st century. The clean energy economy is something which we must embrace. It is something we do in both pieces of legislation that we have talked about today, the farm bill, as well as the 2007 Energy bill.

Madam President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SALAZAR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Madam President, I ask unanimous consent that the pending amendment be set aside so that I may call up another amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 3539

Mr. SALAZAR. Madam President, on behalf of Senator DURBIN, I call up amendment No. 3539.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR], for Mr. DURBIN, proposes an amendment numbered 3539.

Mr. SALAZAR. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 3539

(Purpose: To provide a termination date for the conduct of certain inspections and the issuance of certain regulations)

At the end of subtitle B of title XI, insert the following:

SEC. 1107_. TERMINATION OF AUTHORITY TO CONDUCT INSPECTIONS AND ISSUE REGULATIONS.

(a) TERMINATION OF AUTHORITY.—The authority to conduct inspections and issue regulations under the provisions of law described in subsection (b) shall terminate on the date that is 2 years after the date of enactment of this Act.

(b) PROVISIONS OF LAW.—The provisions of law referred to in subsection (a) are—

(1) the Poultry Products Inspection Act (21 U.S.C. 451 et seq.);

(2) the Federal Meat Inspection Act (21 U.S.C. 601 et seq.);

(3) the Egg Products Inspection Act (21 U.S.C. 1031 et seq.); and

(4) chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.).

Mr. FEINGOLD. Madam President, I am pleased that the leadership of both parties has resolved the issues surrounding consideration of the farm bill. I have been extremely frustrated with the delay up to this point. In my home State, thousands of Wisconsinites are waiting for this bill to pass as they prepare for the coming year. This is true for farmers, of course, but also for the hard-working people who run and depend on food pantries and other hunger relief organizations.

I know how hard the committee, particularly Chairman HARKIN and Ranking Member CHAMBLISS, worked to draft this extensive bill. I am pleased that this bill would make some significant improvements over current policy in a number of areas. I have heard some suggest that, if this impasse continued, Congress ought to just extend the status quo for 2 years. Frankly, this would be a shirking of our responsibility, and would ignore the improvements made in committee, as well as those that have already been, or may still be, added during Senate consideration. For example, the Senate committee bill would increase the reimbursement rate for the Milk Income Loss Contract, or MILC, program to 45 percent in 2009. Many Wisconsin farmers will benefit from this important increase in the MILC program's responsible safety net for small and medium dairy farmers.

I am acutely aware of the importance of the support programs for American farmers. However, there is plenty of room for improvement, and I know many of my colleagues agree. Many of us, on both sides of the aisle, have filed relevant amendments that would make reasonable changes to existing programs and spend our limited money more responsibly. I have crafted a moderate reform amendment that I am glad to have combined with a similar effort by Senator MENENDEZ. I hope our amendment will be considered by this body before the bill is passed, and look forward to supporting other reform efforts. The Senate should be considering these and other amendments to improve the bill, such as the payment limit amendment offered by Senators DORGAN and GRASSLEY.

The committee bill also provides significant investments in conservation, nutrition, and rural development programs. I especially want to highlight the nutrition programs, as the beneficiaries of Food Stamps, TEFAP, and other such programs would be among the first to see the benefits of a new farm bill, at a time when food and fuel prices are on the rise. The committee bill does much for these programs—including increasing the standard deduction for Food Stamps and indexing benefits to inflation. I am encouraged by these important investments that provide a total increase of over $5 billion.

The current problems facing food banks and pantries across the country demonstrate the need for an infusion from the farm bill. As many of my colleagues know, food pantries across the country that have long distributed TEFAP and other similar programs are finding that, this year, the same resources are providing significantly less food for their needy constituents as the cost of both food and transportation has eroded their buying power.

Just last week, my staff got an email from an employee at Milwaukee Hunger Task Force, one of the largest TEFAP distributors in the State, which highlights this dilemma. He explained that they just ordered a truckload of TEFAP peanut butter at a cost of $37,000; a year ago, this same order cost a full $10,000 less. And it is not just peanut butter—the cost of a truckload of flour rose $7,000 in the same year; a truckload of tuna rose $8,000. I am sure my colleagues have seen some of the stories in their State papers as I have in Wisconsin, announcing the bare cupboards at food pantries, shelters, and other hunger relief groups. The increases for nutrition programs included in the farm bill are vital for these groups and the Americans they serve.

I look forward to supporting proposals to further improve support for farmers, enhance life in rural areas and increase nutrition. Several amendments would significantly address the needs of farmers and rural communities while making available additional funds for nutrition as well. For example, the proposed Dorgan-Grassley payment-limits amendment that I am pleased to cosponsor provides over $200 million for nutrition programs, including $56 million to index TEFAP benefits for inflation. Similarly, my amendment with Senator MENENDEZ provides $301 million for Food Stamps in the "outyears" of the next farm bill, 2013–2017, and about $70 million annually for purchase of local food through various nutrition programs including WIC Farmers market vouchers, the Seniors Farmers Market Nutrition Program, the Fresh Fruit and Vegetable Snack Program and the Commodity Supplemental Food Program.

I hope those Senators who were delaying consideration of this bill—which helps millions of Americans, farmers and nonfarmers alike—will allow the Senate to have a fair and thorough debate on this important legislation. After all these months, any additional delay is simply unacceptable.

Mr. SALAZAR. Madam President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, for the information of all our colleagues who have been watching the debate on the farm bill today, and the amendments that have been offered, we are making significant progress based upon the unanimous consent agreement that was reached last week. We now have moved to a point where the 20 Republican amendments have been filed on the bill, there are five Democratic amendments that have been filed on the bill, and what we will do, starting in just a few seconds and moving on into tomorrow, is move forward trying to get to a final point on this farm bill.

We are hopeful and optimistic we are going to get this done. I think there is good bipartisan agreement. And I think this legislation, which Senator HARKIN has championed as chairman of the Agriculture Committee, along with the assistance of Ranking Member CHAMBLISS, will in fact move its way forward to a conclusion in the Senate.

Mr. President, I ask unanimous consent that on Tuesday, December 11, when the Senate resumes H.R. 2419, it then return to the Lugar-Lautenberg amendment, No. 3711, and that there be 3 hours of debate equally divided and controlled in the usual form, prior to a vote in relation to the amendment; that no amendment be in order to the amendment prior to the vote; that at 12:30 Tuesday, the Senate stand in recess until 2:15 p.m. for the respective party conference meetings; that upon reconvening at 2:15 p.m. the Senate resume the debate with respect to amendment No. 3711; and that upon the use or yielding back of time, the Senate proceed to vote in relation to amendment No. 3711.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. SALAZAR. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

COLORADO SHOOTINGS

Mr. SALAZAR. Mr. President, I rise today with a heavy heart, saddened and angered by the violence that shook my State of Colorado yesterday. On a day that many Americans devote to family and faith, we awoke to news that two of our young people had been shot dead early Sunday morning on the grounds of Faith Bible Church in Arvada, CO.

Tiffany Johnson was only 26 years old. Philip Crouse was 24 years old. They were killed, and two of their colleagues were injured as they worked at Youth With a Mission dormitory, waiting to welcome back kids who were returning from a late night youth bowling trip.

A few hours later, 70 miles to the south, in Colorado Springs, violence again dared to enter a place of worship on Sunday. A gunman armed with a high-powered rifle, stormed into New Life Church, killing two sisters, Stephanie Works, age 18, and Rachael Works, age 16, and injuring four others, including their father.

Only the quick thinking and bravery of a security guard was able to stop the rampage. Law enforcement officials throughout the day yesterday, last night and today, are working at top speed to get to the bottom of what happened. They have the full support of Governor Ritter of Colorado, Federal agencies, and numerous State and local law enforcement agencies that are working in this investigation.

As a former attorney general of Colorado, I know firsthand the extraordinary capabilities of our local and State law officials. I have full and complete confidence in their abilities. But having overseen investigations, including the investigation of the shooting at Columbine High School, I know that however successful we may be in uncovering what happened and bringing justice to those responsible, the transgressions the Nation witnessed yesterday defy reason and comprehension.

Sunday's violence has no place in our society. That five people were shot is a terrible tragedy, no matter in what city, neighborhood or street that kind of violence occurs. But that this barbarity invaded two places of worship, where young people were serving their community and where families were attending a Sunday service, stirs a particular outrage in all of us.

There are certain sanctuaries we share, and they should never, ever see bloodshed. Schools are sanctuaries. Our homes are sanctuaries. Churches, mosques, synagogues, and other houses of worship are sanctuaries. When these places come under attack, for whatever reason, we all suffer, for our right to pray in peace should be inviolate.

When someone undermines this right, we are compelled to respond. We are compelled to respond not just with the force of law but by mobilizing the force of our shared values and of our community. We must rebuild that sense of security that should envelop every house of worship in this country. Americans should never feel fear in a place of faith.

Our thoughts and prayers today are with the victims of yesterday's attacks, with their families and friends. To those who lost a son, a daughter or a friend, I know no words can assuage the pain you feel. I can only hope that in time your memories of the service, faith, and love of those you lost will overcome the senselessness of this terrible tragedy.

Mr. ALLARD. Mr. President, I rise today to express, on behalf of myself and my wife Joan, our devastation and heartfelt sadness for both the families and communities that are suffering as a result of the senseless shootings yesterday in Colorado.

Every shooting, and every loss of an innocent life, is a terrible blow. But, shootings at schools or churches hit an especially weak spot in our public armor. They hurt our Nation in a deeper and more profound way and we mourn for the families and communities of those who have been affected by the tragedies this weekend.

The first attack on Sunday occurred at 12:30 a.m. and left two victims dead and two other wounded at the Youth with a Mission center in metro Denver. The second, 12 hours later in Colorado Springs, left two dead and three others wounded.

The two killed at the Youth with a Mission center were a young woman from Minnesota and a young man from Alaska. They were at the center to learn how to better spread the message of their faith. The two wounded at the center are in the hospital, one in critical condition and one in fair condition. The two victims who lost their lives at the New Life Church were teenage sisters, shot in the parking lot as they left a worship service. Three others, including the father of the two teenage victims, were also wounded at the church and are recovering from injuries.

There were 7,000 people at the New Life Church yesterday when the shooting took place. A volunteer security guard stopped this murderer just inside the building, saving an unknown—but certainly large number of those from being attacked as well. The name and background of the security guard who stopped the gunman are still being withheld, but she bravely acted on her instincts and training. With quick and decisive action, she returned fire with the gunman, fatally wounding him. This real-life hero has been widely credited today for saving hundreds of lives inside the church. I join with the people of Colorado in praising her actions.

Mr. President, I hope we can find the time to consider the church members lost in Colorado yesterday, the heartache of those left behind, and the valiant action of those who stopped the tragedy from spreading and helped those in need.

REGULATIONS GOVERNING THE PUBLIC AVAILABILITY OF CONFERENCE REPORTS

Mrs. FEINSTEIN. Mr. President, I wish to notify all Senators that the Committee on Rules and Administration adopted Regulations Governing the Public Availability of Conference Reports, effective December 7, 2007.

These regulations were promulgated pursuant to Public Law 110–81, the Honest Leadership and Open Government Act of 2007.

I ask unanimous consent that the regulations be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REGULATIONS GOVERNING THE PUBLIC AVAILABILITY OF CONFERENCE REPORTS

(Adopted by the Committee on Rules and Administration, United States Senate, Effective December 7, 2007)

1. Section 511 (b)(1) of Public Law 110-81, enacted on September 14, 2007, authorizes the Committee on Rules and Administration to promulgate regulations implementing the requirements of paragraph 9 of Rule XXVIII of the Standing Rules of the Senate.

2. Under the direction of the Committee on Rules and Administration, the Government Printing Office shall create and maintain a publicly accessible website that shall make available conference committee reports.

3. The Government Printing Office shall affix a time stamp to each conference report noting the date and time the report was made available to the public on the website. The Government Printing Office shall also notify, in writing or by e-mail, designated staff of the Secretary of the Senate and the Clerk of the House of the date and time the report was posted on the website. The 48-hour period of public availability of a conference report prior to a vote on the adoption of the report, required by Section 511 (b)(1) of P.L. 110-81, shall commence on the date and time of the time stamp, unless there is an earlier public posting on a Congressionally authorized website.

4. The Government Printing Office shall provide public notification of this website through communications with the Library of Congress and the Federal Depository Library system.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

HUMAN RIGHTS DAY

• Mr. OBAMA. Mr. President, today is Human Rights Day. Fifty-nine years ago today, thanks in large measure to the tireless leadership of Eleanor Roosevelt, the United Nations General Assembly unanimously adopted the Universal Declaration of Human Rights.

The principles encompassed in the declaration are uniquely rooted in the American tradition, beginning with our founding documents. Yet the declaration also wove together a remarkable variety of political, religious, and cultural perspectives and traditions. The United States and the United Kingdom championed civil liberties. The French representative on the committee helped devise the structure of the declaration. India added the prohibition on discrimination. China stressed the importance of family and reminded U.N. delegates that every right carried with it companion duties. Today should be a day of celebration, a day when we hail the universality of these core principles, which are both beacons to guide us and the foundations for building a more just and stable world.

The Universal Declaration was a radical document in its time, and its passage required courageous leadership from political leaders. Even though no country could have been said to be in full compliance with its provisions, including the United States where Jim Crow still prevailed, all U.N. member states committed themselves to promoting, protecting, and respecting fundamental human rights. Although Franklin Delano Roosevelt did not live to see the enactment of the historic declaration, it enshrined his "four freedoms"—freedom from want, freedom of speech, freedom of religion, and freedom from fear. Individuals in the United States and everywhere else were entitled, simply by virtue of being human, to physical and economic security. The declaration was born of the recognition, in the words of one human rights scholar, that "what is pain and humiliation for you is pain and humiliation for me."

Anniversaries are a good time to examine how faithful we have been to our own aspirations—to ask ourselves how well we are measuring up, to assess whether our practice lives up to our promise. We in the United States enjoy tremendous freedoms, but we also carry a special responsibility—the responsibility of being the country so many people in the world look to, just as they did in Mrs. Roosevelt's day, for human rights leadership.

Today, on this anniversary, we must acknowledge both bad news and good news. The bad news is that for nearly seven years, President Bush has ignored Franklin Roosevelt's wise counsel about the corrosive effects of fear. Indeed, instead of urging us to reject fear, he has stoked false fear and undermined our values.

Wounded by a horrific terrorist attack, we were warned that Saddam Hussein—a man who had nothing to do with that attack—could unleash mushroom clouds from nuclear bombs. We were told that waterboarding was effective. We were assured that shipping men off to countries that tortured was good for national security. We were led to believe that our military and civilian courts were inadequate, and so we established a network of unaccountable prisons. And the administration launched secret wiretapping initiatives, scoffed at the rule of law, and flaunted the will of the Congress.

Nonetheless, in his second inaugural, President Bush rightly proclaimed, "America's vital interests and our deepest beliefs are now one." But, tragically, he has failed to heed his own words. We have not only vacated the perch of moral leader; we have also compounded the threat we face, spurring more people to take up arms against us.

The further bad news is that other countries have not stepped up to fill the void left by our lack of moral leadership. The hundreds of thousands killed and two million displaced by the genocide in Darfur; the shell-shocked Buddhist monks in Burma; the political opposition in Zimbabwe; the imprisoned independent journalists in Russia; the brave human rights lawyers and judges in Pakistan—they do not know where to turn internationally. Human rights abusers win seats on the U.N. Human Rights Council, the International Criminal Court issues war crimes indictments, but no country steps up to enforce them; the U.N. Department of Peacekeeping Operations begs in vain for troops, helicopters and police to help stave off humanitarian catastrophes. For all these reasons, the world needs renewed, principled U.S. leadership.

There is another critical reason why America must again provide moral leadership on human rights: the fate of women around the world. Whether it is in creating wealth, access to capital, and property rights, or receiving quality education, health care, and social services, women still lag far behind men. And of course the lack of full reproductive rights can be a matter of life and death for too many women. Inequality means insecurity for women, especially those who comprise 70 percent of the world's poorest. There is a clear link between discrimination and violence against women; equality and empowerment of women is the most effective approach to ending violence against women. Today, violent acts against women, in the words of UNICEF, "are the most pervasive violation of human rights in the world today."

Women's inequality and the persistent prevalence of honor killings, trafficking, repression, and sexual assault nearly six decades after the Universal Declaration shame us all. One need only look to Saudi Arabia, where a 19-year-old woman, who was raped, instead of receiving treatment and support, was sentenced to 200 lashes and 6 months in prison for riding in a car with a non-related male. In the Democratic Republic of Congo and in Darfur, rape is routinely used as a weapon of war by militia and government forces. In northern Uganda, young girls are given as "prizes" to older male soldiers to reward performance.

In Pakistan, international observers report that one of the largest challenges facing its next election is guaranteeing women enough security so they can leave their homes to vote. In Iraq the militarization and rise of radical Islam has eroded women's rights. In Afghanistan, while nothing can compare to the day when the Taliban ruled the entire country, women throughout that country complain that their freedoms have been woefully curtailed. The United States alone cannot solve the problem of women's suffering and gender inequality around the world, but with new, principled leadership, the United States can elevate women's economic, political and social development to the top of our international agenda and ensure that women around the world know that they have a reliable friend and partner in America.

Let me close by saying that the very depth of the anti-Americanism felt around the world today is a testament not to hatred but to disappointment, acute disappointment. The global public expects more from America. They expect our government to embody what they have seen in our people: industriousness, humanity, generosity, and a commitment to equality. We can become that country again.●

ADDITIONAL STATEMENTS

TERM OF SERVICE

● Mr. BAUCUS. Mr. President, within the Treasury Department is a Commissioner of Internal Revenue, who is appointed by the President with the advice and consent of the Senate. The Internal Revenue Restructuring and Reform Act of 1998 provided that the Commissioner is appointed to a 5-year term.

This bill, co-sponsored by my good friend and ranking member of the Senate Finance Committee, CHUCK GRASSLEY, clarifies that the term of the Commissioner is a 5-year term, determined by reference to a 5-year term beginning with the term commencing on November 13, 1997.

This proposal is effective as if included in the amendment made by section 1102(a) of the Internal Revenue Service Restructuring and Reform Act of 1998.●

TRIBUTE TO SCOTT MILLER

● Mr. CARPER. Mr. President, today I celebrate the tenure of Wesley College president Dr. Scott D. Miller. After 10 years as president, Dr. Miller will step down to assume leadership of Bethany College in my home State of West Virginia in January 2008.

Founded in 1873, Wesley College is located on 50 acres in historic Dover, DE. Delaware's oldest private college, the school offers 30 bachelors and 4 associates degrees, and master's degrees in nursing, education, business administration and environmental science.

I first met Dr. Miller in 1997 when I was Governor of Delaware, and he was appointed as the 15th president of Wesley College. During his tenure, the college proudly reported record applications, a climbing enrollment, increased alumni participation and a greater minority presence. For these and other accomplishments, Dr. Miller has been nationally acclaimed for his contributions to higher education.

Under Dr. Miller's leadership, Wesley experienced substantial growth, including total enrollment increases from 1,052 to 3,210 and $67 million raised in the Campaign for Wesley fund, with more than $40 million earmarked for capital renovations and new construction. Dr. Miller oversaw the creation of four graduate programs and the establishment of a New Castle County campus for Adult Studies. In addition, he established an undergraduate nursing program and five other new undergraduate majors.

Beyond academics, Wesley College has also been granted membership in the selective Capital Athletic Conference and enjoys the addition of new varsity sports programs. Congratulations to the Wolverines who are again in the quarterfinals this year for the NCAA Division III South Region collegiate football championship.

To maintain Wesley's support of the local community, Dr. Miller was also instrumental in building an alliance with Delaware State University and the Friends of the Capital Theater to maximize the usage of the historic Capital Theater, positioning it as the premiere performing arts center in southern Delaware. The relationship was formalized in January 2007 with the three organizations becoming equal partners in the operation, management and programming of the theater.

In addition to all the accolades already mentioned, Scott and his family have become valued friends of mine and of many others in Delaware over the past decade. Dr. Miller's wife Ann is an educator in her own right and has been a full partner with her husband in supporting his efforts to lead Wesley to new heights. We were also lucky to have their daughter Ashlee serve as an intern in my Wilmington office this past summer.

Scott and Wesley College have also supported my charter school initiative in Delaware by being one of the first colleges in America to charter and provide space for a public charter school. Additionally, Wesley College was one of the first institutions to sign on as a partner of a homeownership initiative that I started in Dover by supporting the effort to increase homeownership rates in the capital city. Our new homeowners include employees of the Aramark company which provides food services to Wesley College.

Prior to joining the Wesley community, Dr. Miller served as president, executive vice president, and vice president for development of Lincoln Memorial University; an interim public information officer at West Virginia Wesleyan College; and director of University Relations and Alumni Affairs at the University of Rio Grande.

Dr. Miller earned his bachelor's degree from West Virginia Wesleyan College, master's degree from the University of Dayton, education specialist from Vanderbilt University, and doctorate in higher education administration from the Union Institute and University. He has also completed postgraduate studies at Ohio University and Harvard University.

Outside of the college, Dr. Miller was an active community participant during his time in Delaware. He served on the board of numerous local and national groups including the National Association of Schools and Colleges of the United Methodist Church, the United Way of Delaware and the Greater Dover Commission. Dr. Miller was also an honorary commander of the Dover Air Force Base for 2 years and was selected to serve on the Joint Civilian Orientation Council by the Secretary of Defense.

I would like to personally acknowledge and sincerely thank Dr. Miller for the outstanding contribution he has made to Wesley College and the surrounding community over the past 10 years. The Millers have been good for Wesley, for Dover, for Kent County, and for Delaware. We will miss them a great deal.●

MATTHEW SHEPARD ACT OF 2007

● Mr. SMITH. Mr. President, today I speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

Early in the morning of May 8, 2007, 51-year-old Stevenpaul Richey was severely beaten by two men inside his Missoula, MT, apartment. The previous night, Richey had been at a bar in downtown Missoula where he met Michael Daniel Lemay and Christopher Lance Newrider, both 20 years old. The three men reportedly headed back to Richey's apartment at about 1 a.m., stopping on the way to buy beer. At that point, Richey assumed that the trio would have drinks and listen to music. He was wrong. According to Richey, once inside the apartment, one of the men stated that he did not like gay people while the other hit him suddenly from behind. Richey fell to the ground. Newrider and Lemay tied his ankles and wrists, continuing to batter him and yelling anti-gay epithets. The attackers left Richey bound with a punctured lung, two broken ribs, and shattered bones in his face. Although investigators examined the possibility that the beating was bias-motivated, Montana bias-crime laws currently do not cover crimes motivated by sexual orientation. The two assailants were charged with kidnapping and aggravated assault.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Matthew Shepard Act is a symbol that can become substance. I believe that by passing this legislation

and changing current law, we can change hearts and minds as well.●

MESSAGE FROM THE HOUSE

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

At 3:24 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolution:

S. 888. An act to amend section 1091 of title 18, United States Code, to allow the prosecution of genocide in appropriate circumstances.

S. 2371. An act to amend the Higher Education Act of 1965 to make technical corrections.

S.J. Res. 8. Joint resolution providing for the reappointment of Patricia Q. Stonesifer as a citizen regent of the Board of Regents of the Smithsonian Institution.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 2436. A bill to amend the Internal Revenue Code of 1986 to clarify the term of the Commissioner of Internal Revenue.

S. 2440. A bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

S. 2441. A bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4167. A communication from the General Counsel, Government Accountability Office, Department of Energy, transmitting, pursuant to law, the report of a violation of the Antideficiency Act by the Department in fiscal years 2006 and 2007; to the Committee on Appropriations.

EC–4168. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (72 FR 63110) received on November 26, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–4169. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (72 FR 63112) received on November 26, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–4170. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Alaska Essential Fish Habitat VMS Rule Correction" (RIN0648–AU93) received on November 26, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4171. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area" (RIN0648–XD21) received on November 26, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4172. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Economic Exclusive Zone Off Alaska; Trawl Gear in the Gulf of Alaska" (RIN0648–XD33) received on November 26, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4173. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Non-American Fisheries Act Crab Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska" (RIN0648–XD36) received on November 26, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4174. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Inseason Action, Temporary Rule, Reopening of the Eastern U.S./Canada Area" (RIN0648–XD40) received on November 26, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4175. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule; Rescission of Closure; Connecticut 2007 Summer Flounder Commercial Fishery" (RIN0648–XC92) received on November 26, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4176. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska" (RIN0648–XD07) received on November 26, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4177. A communication from the Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Ownership and Control; Permit and Application Information; Transfer, Assignment, or Sale of Permit Rights" (RIN1092–AC52) received on November 26, 2007; to the Committee on Energy and Natural Resources.

EC–4178. A communication from the Administrator, Environmental Protection Agency, transmitting, a legislative proposal intended to implement an important new treaty for the protection of the world's oceans from ocean dumping; to the Committee on Environment and Public Works.

EC–4179. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland, Pennsylvania, Virginia, West Virginia; Redesignation of 8-Hour Ozone Nonattainment Areas to Attainment and Approval of the Areas' Maintenance Plans and 2002 Base-Year Inventories; Correction" (FRL No. 8500–8) received on December 4, 2007; to the Committee on Environment and Public Works.

EC–4180. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Amendments to the Control of VOC Emissions from Consumer Products" (FRL No. 8500–6) received on December 4, 2007; to the Committee on Environment and Public Works.

EC–4181. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Minnesota" (FRL No. 8501–3) received on December 4, 2007; to the Committee on Environment and Public Works.

EC–4182. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Amendments Extending the Applicability of Four Consumer and Commercial Product Regulations to the Fredericksburg Volatile Organic Compound Emissions Control Area" (FRL No. 8500–9) received on December 4, 2007; to the Committee on Environment and Public Works.

EC–4183. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Georgia: Enhanced Inspection and Maintenance Plan" (FRL No. 8503–1) received on December 4, 2007; to the Committee on Environment and Public Works.

EC–4184. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri; General Conformity" (FRL No. 8502–2) received on December 4, 2007; to the Committee on Environment and Public Works.

EC–4185. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Saint Regis Mohawk's Tribal Implementation Plan" (FRL No. 8488–9) received on December 4, 2007; to the Committee on Environment and Public Works.

EC–4186. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bacillus Thuringiensis Vip3Aa19 Protein in Cotton; Extension of a Temporary Exemption From the Requirement of a Tolerance" (FRL No. 8340–4) received on December 4, 2007; to the Committee on Environment and Public Works.

EC–4187. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Change in Deadline for Rulemaking to Address the Control of Emissions from New Marine Compression-Ignition Engines at or Above 30 Liters per Cylinder" (FRL No. 8502–6) received on December 4, 2007; to the Committee on Environment and Public Works.

EC–4188. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Ethalfluralin; Pesticide Tolerance" (FRL No. 8342–2) received on December 4, 2007; to the Committee on Environment and Public Works.

EC–4189. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Interpretation of the National Ambient Air Quality Standards for PM2.5—Correcting and Simplifying Amendment" (FRL No. 8502–3) received on December 4, 2007; to the Committee on Environment and Public Works.

EC–4190. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pesticide Tolerance Crop Grouping Program" (FRL No. 8343–1) received on December 4, 2007; to the Committee on Environment and Public Works.

EC–4191. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Spinosad; Pesticide Tolerance" (FRL No. 8339–8) received on December 4, 2007; to the Committee on Environment and Public Works.

EC–4192. A communication from the Director, Director of Standards and Guidance, Occupational Safety and Health Administration, transmitting, pursuant to law, the report of a rule entitled "Employer Payment for Personal Protective Equipment" (RIN1218–AB77) received on November 26, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–4193. A communication from the Interim Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the Corporation's Annual Management Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4194. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, the Board's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4195. A communication from the Chairman, National Endowment for the Arts, transmitting, pursuant to law, the organization's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4196. A communication from the Secretary of Education, transmitting, pursuant to law, the Department's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4197. A communication from the Secretary, Federal Maritime Commission, transmitting, pursuant to law, the Semiannual Report of the Commission's Inspector General for the period of April 1, 2007, through September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4198. A communication from the President, Overseas Private Investment Corporation, transmitting, pursuant to law, an annual report relative to the Corporation's audit and investigative activities; to the Committee on Homeland Security and Governmental Affairs.

EC–4199. A communication from the Chairman, Federal Trade Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4200. A communication from the Chairman, Postal Regulatory Commission, transmitting, pursuant to law, the Semiannual Report of the Commission's Inspector General for the period of late June 2007 through September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4201. A communication from the Director, Congressional Affairs, Federal Election Commission, transmitting, pursuant to law, the Semiannual Report of the Commission's Inspector General for the six-month period ending September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1946. A bill to help Federal prosecutors and investigators combat public corruption by strengthening and clarifying the law (Rept. No. 110–239).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 2436. A bill to amend the Internal Revenue Code of 1986 to clarify the term of the Commissioner of Internal Revenue; read the first time.

By Mr. NELSON of Nebraska:

S. 2437. A bill for the relief of Dr. Luis A.M. Gonzalez and Dr. Virginia Aguila Gonzalez; to the Committee on the Judiciary.

By Mr. BAUCUS (for himself, Mr. CRAPO, and Mr. TESTER):

S. 2438. A bill to repeal certain provisions of the Federal Lands Recreation Enhancement Act; to the Committee on Energy and Natural Resources.

By Mr. MENENDEZ (for himself, Mrs. DOLE, Mr. KENNEDY, and Mr. LEVIN):

S. 2439. A bill to require the National Incident Based Reporting System, the Uniform Crime Reporting Program, and the Law Enforcement National Data Exchange Program to list cruelty to animals as a separate offense category; to the Committee on the Judiciary.

By Mr. REID:

S. 2440. A bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; read the first time.

By Mr. REID:

S. 2441. A bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWN:

S. Res. 398. A resolution honoring the life and recognizing the accomplishments of Joe Nuxhall, broadcaster for the Cincinnati Reds; considered and agreed to.

By Mr. BROWNBACK (for himself, Mr. KYL, Mr. LIEBERMAN, and Mr. GRASSLEY):

S. Res. 399. A resolution expressing the sense of the Senate that certain benchmarks must be met before certain restrictions against the Government of North Korea are lifted, and that the United States Government should not provide any financial assistance to North Korea until the Secretary of State makes certain certifications regarding the submission of applications for refugee status; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 617

At the request of Mr. SMITH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 617, a bill to make the National Parks and Federal Recreational Lands Pass available at a discount to certain veterans.

S. 773

At the request of Mr. WARNER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 838

At the request of Mr. SMITH, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 838, a bill to authorize funding for eligible joint ventures between United States and Israeli businesses and academic persons, to establish the International Energy Advisory Board, and for other purposes.

S. 871

At the request of Mr. LIEBERMAN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 871, a bill to establish and provide for the treatment of Individual

Development Accounts, and for other purposes.

S. 969

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 969, a bill to amend the National Labor Relations Act to modify the definition of supervisor.

S. 1317

At the request of Mr. SCHUMER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1317, a bill to posthumously award a congressional gold medal to Constance Baker Motley.

S. 1428

At the request of Mr. HATCH, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1428, a bill to amend part B of title XVIII of the Social Security Act to assure access to durable medical equipment under the Medicare program.

S. 1482

At the request of Mr. ROCKEFELLER, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1482, a bill to amend part A of title IV of the Social Security Act to require the Secretary of Health and Human Services to conduct research on indicators of child well-being.

S. 1492

At the request of Mr. INOUYE, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 1492, a bill to improve the quality of federal and state data regarding the availability and quality of broadband services and to promote the deployment of affordable broadband services to all parts of the Nation.

S. 1595

At the request of Mr. SMITH, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1595, a bill to amend title XVIII of the Social Security Act to provide flexibility in the manner in which beds are counted for purposes of determining whether a hospital may be designated as a critical access hospital under the Medicare program.

S. 1715

At the request of Mr. KERRY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1715, a bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the Medicare program.

S. 1895

At the request of Mr. REED, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1895, a bill to aid and support pediatric involvement in reading and education.

S. 1981

At the request of Mr. REED, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1981, a bill to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes.

S. 2010

At the request of Mr. LIEBERMAN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2010, a bill to require prisons and other detention facilities holding Federal prisoners or detainees under a contract with the Federal Government to make the same information available to the public that Federal prisons and detention facilities are required to do by law.

S. 2042

At the request of Ms. STABENOW, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2042, a bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes.

S. 2071

At the request of Mrs. FEINSTEIN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2071, a bill to enhance the ability to combat methamphetamine.

S. 2119

At the request of Mr. JOHNSON, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2135

At the request of Mr. DURBIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2135, a bill to prohibit the recruitment or use of child soldiers, to designate persons who recruit or use child soldiers as inadmissible aliens, to allow the deportation of persons who recruit or use child soldiers, and for other purposes.

S. 2136

At the request of Mr. DURBIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2136, a bill to address the treatment of primary mortgages in bankruptcy, and for other purposes.

S. 2159

At the request of Mr. NELSON of Florida, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Massachusetts (Mr. KERRY) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 2159, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration.

S. 2278

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2278, a bill to improve the prevention, detection, and treatment of community and healthcare-associated infections (CHAI), with a focus on antibiotic-resistant bacteria.

S. 2400

At the request of Mr. SESSIONS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2400, a bill to amend title 37, United States Code, to require the Secretary of Defense to continue to pay to a member of the Armed Forces who is retired or separated from the Armed Forces due to a combat-related injury certain bonuses that the member was entitled to before the retirement or separation and would continue to be entitled to if the member was not retired or separated, and for other purposes.

S. 2426

At the request of Mrs. CLINTON, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2426, a bill to provide for congressional oversight of United States agreements with the Government of Iraq.

S.J. RES. 22

At the request of Mr. CRAPO, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S.J. Res. 22, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to Medicare coverage for the use of erythropoiesis stimulating agents in cancer and related neoplastic conditions.

S. CON. RES. 53

At the request of Mr. NELSON of Florida, the names of the Senator from California (Mrs. BOXER), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KERRY) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. Con. Res. 53, a concurrent resolution condemning the kidnapping and hostage-taking of 3 United States citizens for over 4 years by the Revolutionary Armed Forces of Colombia (FARC), and demanding their immediate and unconditional release.

At the request of Mr. ISAKSON, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. Con. Res. 53, supra.

S. RES. 388

At the request of Mr. CRAPO, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. Res. 388, a resolution designating the week of February 4 through February

8, 2008, as "National Teen Dating Violence Awareness and Prevention Week".

S. RES. 397

At the request of Mr. DURBIN, his name was added as a cosponsor of S. Res. 397, a resolution recognizing the 2007–2008 Siemens Competition in Math, Science and Technology and celebrating the first time in the history of the competition that young women have won top honors.

AMENDMENT NO. 3614

At the request of Mr. DOMENICI, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of amendment No. 3614 proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

AMENDMENT NO. 3660

At the request of Mr. BAUCUS, the names of the Senator from Washington (Ms. CANTWELL), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Kansas (Mr. ROBERTS) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of amendment No. 3660 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. MENENDEZ (for himself, Mrs. DOLE, Mr. KENNEDY, and Mr. LEVIN):

S. 2439. A bill to require the National Incident Based Reporting System, the Uniform Crime Reporting Program, and the Law Enforcement National Data Exchange Program to list cruelty to animals as a separate offense category; to the Committee on the Judiciary.

Mr. MENENDEZ. Mr. President, today the Nation closed the book on a heinous story that brought the criminal act of dogfighting into the national spotlight. Michael Vick received 23 months in jail for his actions, but that is not the end of the story. Nor is it the end of the Nation's attack on dogfighting.

Dogfighting is reprehensible in its own right. There is no justification for the intentional mauling and destruction of a living animal. But it is a precursor of so much more. That is why we must continue to fight these crimes.

Dogfighting isn't just about cruelty to animals. Dogfights are one becoming an increasingly profitable enterprise for violent gangs. These criminals can bring in as much as $25,000 by selling a champion dog on the black market, and they can take a cut from bets that can run in excess of $100,000 for a single fight. Stopping animal cruelty means cutting off the flow of money that these criminals use to intimidate and terrorize their communities.

Studies show that animal cruelty is a steppingstone to violent crimes against humanity. When the FBI profiles serial killers, they try to find out if they have a history of animal abuse. If someone's been prosecuted for animal cruelty, they are four times more likely to commit a violent crime. The Chicago Police Department found that almost 6 out of every 10 people arrested for crimes against animals turned out to be members of gangs. Animal cruelty is one of the strongest indicators of participation in other acts of violence that criminologists have ever discovered.

No on can argue that this barbaric practice should continue. But there is an unnecessary barrier to stopping it: gathering reliable data on animal fighting is more difficult than it should be. We don't have a good idea of how fast it is growing because of a simple problem with how the crime is categorized.

That is why I introduced the Tracking Animal Cruelty Crimes Act, which would list cruelty to animals as a separate offense category in the three major crime reporting systems used by the federal government. It's time to begin tracking these crimes, so we can better understand it—and ultimately so we can shut down this vast, exploding and increasingly lucrative criminal enterprise.

Currently in the world of criminal justice, there are "Type I" crimes, like homicide and arson, and "Type II" crimes, like drug abuse, gambling, and vagrancy. But then there are crimes that are thrown into a category called "Other." Acts of animal cruelty, including dogfighting, are in the "Other" category. That means law enforcement can't separate out and analyze data about them.

How are we supposed to come up with an effective policy to target animal cruelty if that data is lumped together with other totally unrelated crimes? But there is a simple fix to this problem. Once law enforcement officials can gather information on animal cruelty as a separate category, they can track criminal activity, monitor trends, allocate resources more efficiently, and ultimately stop these criminals before they commit even more heinous crimes.

The repulsive blood-sport of dogfighting is a truly national problem, including in my home State of New Jersey, where last year officials found a dog ring in a bunker 11-feet underground. That was during a drug raid, showing how tied up that activity is with illegal gambling, drugs, and violence.

If we are going to combat a culture of violence wherever it exists in this country, we need to do everything in our power to stop the gangs that terrorize our streets and cut off their flow of money—whether it is through setting tougher penalties for gang activities, expanding funding for community policing, or boosting prevention efforts such as after-school programs.

For the sake of the safety of our communities, I urge my colleagues to take swift action to enact this important legislation.

By Mr. REID:

S. 2440. A bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 2440

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "FISA Improvement Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FOREIGN INTELLIGENCE SURVEILLANCE

Sec. 101. Targeting the communications of certain persons outside the United States.
Sec. 102. Statement of exclusive means by which electronic surveillance and interception of domestic communications may be conducted.
Sec. 103. Submittal to Congress of certain court orders under the Foreign Intelligence Surveillance Act of 1978.
Sec. 104. Applications for court orders.
Sec. 105. Issuance of an order.
Sec. 106. Use of information.
Sec. 107. Amendments for physical searches.
Sec. 108. Amendments for emergency pen registers and trap and trace devices.
Sec. 109. Foreign Intelligence Surveillance Court.
Sec. 110. Technical and conforming amendments.

TITLE II—OTHER PROVISIONS

Sec. 201. Severability.
Sec. 202. Effective date; repeal; transition procedures.

TITLE I—FOREIGN INTELLIGENCE SURVEILLANCE

SEC. 101. TARGETING THE COMMUNICATIONS OF CERTAIN PERSONS OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) by striking title VII; and

(2) by adding after title VI the following new title:

“TITLE VII—ADDITIONAL PROCEDURES FOR TARGETING COMMUNICATIONS OF CERTAIN PERSONS OUTSIDE THE UNITED STATES

“SEC. 701. LIMITATION ON DEFINITION OF ELECTRONIC SURVEILLANCE.

“Nothing in the definition of electronic surveillance under section 101(f) shall be construed to encompass surveillance that is targeted in accordance with this title at a person reasonably believed to be located outside the United States.

“SEC. 702. DEFINITIONS.

“(a) IN GENERAL.—The terms ‘agent of a foreign power’, ‘Attorney General’, ‘contents’, ‘electronic surveillance’, ‘foreign intelligence information’, ‘foreign power’, ‘minimization procedures’, ‘person’, ‘United States’, and ‘United States person’ shall have the meanings given such terms in section 101, except as specifically provided in this title.

“(b) ADDITIONAL DEFINITIONS.—

“(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term ‘congressional intelligence committees’ means—

“(A) the Select Committee on Intelligence of the Senate; and

“(B) the Permanent Select Committee on Intelligence of the House of Representatives.

“(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT; COURT.—The terms ‘Foreign Intelligence Surveillance Court’ and ‘Court’ mean the court established by section 103(a).

“(3) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW, COURT OF REVIEW.—The terms ‘Foreign Intelligence Surveillance Court of Review’ and ‘Court of Review’ mean the court established by section 103(b).

“(4) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term ‘electronic communication service provider’ means—

“(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

“(B) a provider of electronic communications service, as that term is defined in section 2510 of title 18, United States Code;

“(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

“(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored; or

“(E) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), or (D).

“(5) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term ‘element of the intelligence community’ means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

“SEC. 703. PROCEDURES FOR ACQUIRING THE COMMUNICATIONS OF CERTAIN PERSONS OUTSIDE THE UNITED STATES.

“(a) AUTHORIZATION.—Notwithstanding any other law, the Attorney General and the Director of National Intelligence may authorize jointly, for periods of up to 1 year, the targeting of persons reasonably believed to be located outside the United States to acquire foreign intelligence information.

“(b) LIMITATIONS.—An acquisition authorized under subsection (a)—

“(1) may not intentionally target any person known at the time of acquisition to be located in the United States;

“(2) may not intentionally target a person reasonably believed to be outside the United States if the purpose of such acquisition is to target for surveillance a particular, known person reasonably believed to be in the United States, except in accordance with title I; and

“(3) shall be conducted in a manner consistent with the fourth amendment to the Constitution of the United States.

“(c) UNITED STATES PERSONS LOCATED OUTSIDE THE UNITED STATES.—

“(1) ACQUISITION INSIDE THE UNITED STATES OF UNITED STATES PERSONS OUTSIDE THE UNITED STATES.—An acquisition authorized by subsection (a) that occurs inside the United States may not target a United States person except in accordance with the provisions of title I.

“(2) ACQUISITION OUTSIDE THE UNITED STATES OF UNITED STATES PERSONS OUTSIDE THE UNITED STATES.—An acquisition by an electronic, mechanical, or other surveillance device outside the United States may not intentionally target a United States person reasonably believed to be outside the United States to acquire the contents of a wire or radio communication sent by or intended to be received by that United States person under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes if the technique were used inside the United States unless—

“(A) the Attorney General or the Attorney General's designee submits an application to the Foreign Intelligence Surveillance Court that includes a statement of the facts and circumstances relied upon by the applicant to justify the Attorney General's belief that the target of the acquisition is a foreign power or an agent of a foreign power; and

“(B) the Foreign Intelligence Surveillance Court—

“(i) finds on the basis of the facts submitted by the applicant there is probable cause to believe that the target of the electronic surveillance is a foreign power or an agent of a foreign power; and

“(ii) issues an ex parte order as requested or as modified approving the targeting of that United States person.

“(3) PROCEDURES.—

“(A) SUBMITTAL TO FOREIGN INTELLIGENCE SURVEILLANCE COURT.—Not later than 30 days after the date of the enactment of this title, the Attorney General shall submit to the Foreign Intelligence Surveillance Court the procedures to be utilized in determining whether a target reasonably believed to be outside the United States is a United States person.

“(B) APPROVAL BY FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The procedures submitted under subparagraph (A) shall be utilized as described in that subparagraph only upon the approval of the Foreign Intelligence Surveillance Court.

“(C) UTILIZATION IN TARGETING.—Any targeting of persons authorized by subsection (a) shall utilize the procedures submitted under subparagraph (A) as approved by the Foreign Intelligence Surveillance Court under subparagraph (B).

“(d) CONDUCT OF ACQUISITION.—An acquisition authorized under subsection (a) may be conducted only in accordance with—

“(1) a certification made by the Attorney General and the Director of National Intelligence pursuant to subsection (g); and

“(2) the targeting and minimization procedures required pursuant to subsections (e) and (f).

“(e) TARGETING PROCEDURES.—

“(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt targeting procedures that are reasonably designed to ensure that any acquisition authorized under subsection (a) is limited to targeting persons reasonably believed to be located outside the United States.

“(2) JUDICIAL REVIEW.—The procedures referred to in paragraph (1) shall be subject to judicial review pursuant to subsection (i).

“(f) MINIMIZATION PROCEDURES.—

“(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt, consistent with the requirements of section 101(h), minimization procedures for acquisitions authorized under subsection (a).

“(2) JUDICIAL REVIEW.—The minimization procedures required by this subsection shall be subject to judicial review pursuant to subsection (i).

“(g) CERTIFICATION.—

“(1) IN GENERAL.—

“(A) REQUIREMENT.—Subject to subparagraph (B), prior to the initiation of an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence shall provide, under oath, a written certification, as described in this subsection.

“(B) EXCEPTION.—If the Attorney General and the Director of National Intelligence determine that immediate action by the Government is required and time does not permit the preparation of a certification under this subsection prior to the initiation of an acquisition, the Attorney General and the Director of National Intelligence shall prepare such certification, including such determination, as soon as possible but in no event more than 168 hours after such determination is made.

“(2) REQUIREMENTS.—A certification made under this subsection shall—

“(A) attest that—

“(i) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a) is targeted at persons reasonably believed to be located outside the United States and that such procedures have been approved by, or will promptly be submitted for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (i);

“(ii) the procedures referred to in clause (i) are consistent with the requirements of the fourth amendment to the Constitution of the United States and do not permit the intentional targeting of any person who is known at the time of acquisition to be located in the United States;

“(iii) a significant purpose of the acquisition is to obtain foreign intelligence information;

“(iv) the minimization procedures to be used with respect to such acquisition—

“(I) meet the definition of minimization procedures under section 101(h); and

“(II) have been approved by, or will promptly be submitted for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (i);

“(v) the acquisition involves obtaining the foreign intelligence information from or with the assistance of an electronic communication service provider; and

“(vi) the acquisition does not constitute electronic surveillance, as limited by section 701; and

“(B) be supported, as appropriate, by the affidavit of any appropriate official in the area of national security who is—

“(i) appointed by the President, by and with the consent of the Senate; or

“(ii) the head of any element of the intelligence community.

"(3) LIMITATION.—A certification made under this subsection is not required to identify the specific facilities, places, premises, or property at which the acquisition authorized under subsection (a) will be directed or conducted.

"(4) SUBMISSION TO THE COURT.—The Attorney General shall transmit a copy of a certification made under this subsection, and any supporting affidavit, under seal to the Foreign Intelligence Surveillance Court as soon as possible, but in no event more than 5 days after such certification is made. Such certification shall be maintained under security measures adopted by the Chief Justice of the United States and the Attorney General, in consultation with the Director of National Intelligence.

"(5) REVIEW.—The certification required by this subsection shall be subject to judicial review pursuant to subsection (i).

"(h) DIRECTIVES.—

"(1) AUTHORITY.—With respect to an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence may direct, in writing, an electronic communication service provider to—

"(A) immediately provide the Government with all information, facilities, or assistance necessary to accomplish the acquisition in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that such electronic communication service provider is providing to the target; and

"(B) maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished that such electronic communication service provider wishes to maintain.

"(2) COMPENSATION.—The Government shall compensate, at the prevailing rate, an electronic communication service provider for providing information, facilities, or assistance pursuant to paragraph (1).

"(3) RELEASE FROM LIABILITY.—Notwithstanding any other law, no cause of action shall lie in any court against any electronic communication service provider for providing any information, facilities, or assistance in accordance with a directive issued pursuant to paragraph (1).

"(4) CHALLENGING OF DIRECTIVES.—

"(A) AUTHORITY TO CHALLENGE.—An electronic communication service provider receiving a directive issued pursuant to paragraph (1) may challenge the directive by filing a petition with the Foreign Intelligence Surveillance Court.

"(B) ASSIGNMENT.—The presiding judge of the Court shall assign the petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.

"(C) STANDARDS FOR REVIEW.—A judge considering a petition to modify or set aside a directive may grant such petition only if the judge finds that the directive does not meet the requirements of this section or is otherwise unlawful. If the judge does not modify or set aside the directive, the judge shall immediately affirm such directive, and order the recipient to comply with the directive. The judge shall provide a written statement for the record of the reasons for a determination under this paragraph.

"(D) CONTINUED EFFECT.—Any directive not explicitly modified or set aside under this paragraph shall remain in full effect.

"(5) ENFORCEMENT OF DIRECTIVES.—

"(A) ORDER TO COMPEL.—In the case of a failure to comply with a directive issued pursuant to paragraph (1), the Attorney General may file a petition for an order to compel compliance with the directive with the Foreign Intelligence Surveillance Court.

"(B) ASSIGNMENT.—The presiding judge of the Court shall assign a petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.

"(C) STANDARDS FOR REVIEW.—A judge considering a petition shall issue an order requiring the electronic communication service provider to comply with the directive if the judge finds that the directive was issued in accordance with paragraph (1), meets the requirements of this section, and is otherwise lawful. The judge shall provide a written statement for the record of the reasons for a determination under this paragraph.

"(D) CONTEMPT OF COURT.—Failure to obey an order of the Court issued under this paragraph may be punished by the Court as contempt of court.

"(E) PROCESS.—Any process under this paragraph may be served in any judicial district in which the electronic communication service provider may be found.

"(6) APPEAL.—

"(A) APPEAL TO THE COURT OF REVIEW.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition with the Foreign Intelligence Surveillance Court of Review for review of the decision issued pursuant to paragraph (4) or (5) not later than 7 days after the issuance of such decision. The Court of Review shall have jurisdiction to consider such a petition and shall provide a written statement for the record of the reasons for a decision under this paragraph.

"(B) CERTIORARI TO THE SUPREME COURT.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

"(i) JUDICIAL REVIEW.—

"(1) IN GENERAL.—

"(A) REVIEW BY THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The Foreign Intelligence Surveillance Court shall have jurisdiction to review any certification required by subsection (d) or targeting and minimization procedures adopted pursuant to subsections (e) and (f).

"(B) SUBMISSION TO THE COURT.—The Attorney General shall submit to the Court any such certification or procedure, or amendment thereto, not later than 5 days after making or amending the certification or adopting or amending the procedures.

"(2) CERTIFICATIONS.—The Court shall review a certification provided under subsection (g) to determine whether the certification contains all the required elements.

"(3) TARGETING PROCEDURES.—The Court shall review the targeting procedures required by subsection (e) to assess whether the procedures are reasonably designed to ensure that the acquisition authorized under subsection (a) is limited to the targeting of persons reasonably believed to be located outside the United States.

"(4) MINIMIZATION PROCEDURES.—The Court shall review the minimization procedures required by subsection (f) to assess whether such procedures meet the definition of minimization procedures under section 101(h).

"(5) ORDERS.—

"(A) APPROVAL.—If the Court finds that a certification required by subsection (g) contains all of the required elements and that the targeting and minimization procedures required by subsections (e) and (f) are consistent with the requirements of those subsections and with the fourth amendment to the Constitution of the United States, the Court shall enter an order approving the continued use of the procedures for the acquisition authorized under subsection (a).

"(B) CORRECTION OF DEFICIENCIES.—If the Court finds that a certification required by subsection (g) does not contain all of the required elements, or that the procedures required by subsections (e) and (f) are not consistent with the requirements of those subsections or the fourth amendment to the Constitution of the United States, the Court shall issue an order directing the Government to, at the Government's election and to the extent required by the Court's order—

"(i) correct any deficiency identified by the Court's order not later than 30 days after the date the Court issues the order; or

"(ii) cease the acquisition authorized under subsection (a).

"(C) REQUIREMENT FOR WRITTEN STATEMENT.—In support of its orders under this subsection, the Court shall provide, simultaneously with the orders, for the record a written statement of its reasons.

"(6) APPEAL.—

"(A) APPEAL TO THE COURT OF REVIEW.—The Government may appeal any order under this section to the Foreign Intelligence Surveillance Court of Review, which shall have jurisdiction to review such order. For any decision affirming, reversing, or modifying an order of the Foreign Intelligence Surveillance Court, the Court of Review shall provide for the record a written statement of its reasons.

"(B) CONTINUATION OF ACQUISITION PENDING REHEARING OR APPEAL.—Any acquisitions affected by an order under paragraph (5)(B) may continue—

"(i) during the pending of any rehearing of the order by the Court en banc; and

"(ii) during the pendency of any appeal of the order to the Foreign Intelligence Surveillance Court of Review.

"(C) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of a decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

"(j) JUDICIAL PROCEEDINGS.—Judicial proceedings under this section shall be conducted as expeditiously as possible.

"(k) MAINTENANCE OF RECORDS.—

"(1) STANDARDS.—A record of a proceeding under this section, including petitions filed, orders granted, and statements of reasons for decision, shall be maintained under security measures adopted by the Chief Justice of the United States, in consultation with the Attorney General and the Director of National Intelligence.

"(2) FILING AND REVIEW.—All petitions under this section shall be filed under seal. In any proceedings under this section, the court shall, upon request of the Government, review ex parte and in camera any Government submission, or portions of a submission, which may include classified information.

"(3) RETENTION OF RECORDS.—A directive made or an order granted under this section shall be retained for a period of not less than

10 years from the date on which such directive or such order is made.

"(l) OVERSIGHT.—

"(1) SEMIANNUAL ASSESSMENT.—Not less frequently than once every 6 months, the Attorney General and Director of National Intelligence shall assess compliance with the targeting and minimization procedures required by subsections (e) and (f) and shall submit each such assessment to—

"(A) the Foreign Intelligence Surveillance Court; and

"(B) the congressional intelligence committees.

"(2) AGENCY ASSESSMENT.—The Inspectors General of the Department of Justice and of any element of the intelligence community authorized to acquire foreign intelligence information under subsection (a)—

"(A) are authorized to review the compliance of their agency or element with the targeting and minimization procedures required by subsections (e) and (f);

"(B) with respect to acquisitions authorized under subsection (a), shall review the number of disseminated intelligence reports containing a reference to a United States person identity and the number of United States person identities subsequently disseminated by the element concerned in response to requests for identities that were not referred to by name or title in the original reporting;

"(C) with respect to acquisitions authorized under subsection (a), shall review the number of targets that were later determined to be located in the United States and the number of persons located in the United States whose communications were reviewed; and

"(D) shall provide each such review to—

"(i) the Attorney General;

"(ii) the Director of National Intelligence; and

"(iii) the congressional intelligence committees.

"(3) ANNUAL REVIEW.—

"(A) REQUIREMENT TO CONDUCT.—The head of an element of the intelligence community conducting an acquisition authorized under subsection (a) shall direct the element to conduct an annual review to determine whether there is reason to believe that foreign intelligence information has been or will be obtained from the acquisition. The annual review shall provide, with respect to such acquisitions authorized under subsection (a)—

"(i) an accounting of the number of disseminated intelligence reports containing a reference to a United States person identity;

"(ii) an accounting of the number of United States person identities subsequently disseminated by that element in response to requests for identities that were not referred to by name or title in the original reporting; and

"(iii) the number of targets that were later determined to be located in the United States and the number of persons located in the United States whose communications were reviewed.

"(B) USE OF REVIEW.—The head of each element of the intelligence community that conducts an annual review under subparagraph (A) shall use each such review to evaluate the adequacy of the minimization procedures utilized by such element or the application of the minimization procedures to a particular acquisition authorized under subsection (a).

"(C) PROVISION OF REVIEW TO FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The head of each element of the intelligence community that conducts an annual review under subparagraph (A) shall provide such review to the Foreign Intelligence Surveillance Court.

"(4) REPORTS TO CONGRESS.—

"(A) SEMIANNUAL REPORT.—Not less frequently than once every 6 months, the Attorney General shall fully inform, in a manner consistent with national security, the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives, concerning the implementation of this Act.

"(B) CONTENT.—Each report made under subparagraph (A) shall include—

"(i) any certifications made under subsection (g) during the reporting period;

"(ii) any directives issued under subsection (h) during the reporting period;

"(iii) the judicial review during the reporting period of any such certifications and targeting and minimization procedures utilized with respect to such acquisition, including a copy of any order or pleading in connection with such review that contains a significant legal interpretation of the provisions of this Act;

"(iv) any actions taken to challenge or enforce a directive under paragraphs (4) or (5) of subsections (h);

"(v) any compliance reviews conducted by the Department of Justice or the Office of the Director of National Intelligence of acquisitions authorized under subsection (a);

"(vi) a description of any incidents of noncompliance with a directive issued by the Attorney General and the Director of National Intelligence under subsection (h), including—

"(I) incidents of noncompliance by an element of the intelligence community with procedures adopted pursuant to subsections (e) and (f); and

"(II) incidents of noncompliance by a specified person to whom the Attorney General and Director of National Intelligence issued a directive under subsection (h);

"(vii) any procedures implementing this section; and

"(viii) any annual review conducted pursuant to paragraph (3).

"SEC. 704. USE OF INFORMATION ACQUIRED UNDER SECTION 703.

"Information acquired from an acquisition conducted under section 703 shall be deemed to be information acquired from an electronic surveillance pursuant to title I for purposes of section 106, except for the purposes of subsection (j) of such section.".

(b) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) by striking the item relating to title VII;

(2) by striking the item relating to section 701; and

(3) by adding at the end the following:

"TITLE VII—ADDITIONAL PROCEDURES FOR TARGETING COMMUNICATIONS OF CERTAIN PERSONS OUTSIDE THE UNITED STATES

"Sec. 701. Limitation on definition of electronic surveillance.
"Sec. 702. Definitions.
"Sec. 703. Procedures for acquiring the communications of certain persons outside the United States.
"Sec. 704. Use of information acquired under section 703.".

(c) SUNSET.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (a)(2) and (b) shall cease to have effect on December 31, 2013.

(2) CONTINUING APPLICABILITY.—Section 703(h)(3) of the Foreign Intelligence Surveillance Act of 1978 (as amended by subsection (a)) shall remain in effect with respect to any directive issued pursuant to section 703(h) of that Act (as so amended) during the period such directive was in effect. The use of information acquired by an acquisition conducted under section 703 of that Act (as so amended) shall continue to be governed by the provisions of section 704 of that Act (as so amended).

SEC. 102. STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF DOMESTIC COMMUNICATIONS MAY BE CONDUCTED.

(a) STATEMENT OF EXCLUSIVE MEANS.—Title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following new section:

"STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF DOMESTIC COMMUNICATIONS MAY BE CONDUCTED

"SEC. 112. Chapters 119 and 121 of title 18, United States Code, and this Act shall be the exclusive means by which electronic surveillance (as defined in section 101(f), regardless of the limitation of section 701) and the interception of domestic wire, oral, or electronic communications may be conducted.".

(b) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding after the item relating to section 111, the following:

"Sec. 112. Statement of exclusive means by which electronic surveillance and interception of domestic communications may be conducted.".

SEC. 103. SUBMITTAL TO CONGRESS OF CERTAIN COURT ORDERS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) INCLUSION OF CERTAIN ORDERS IN SEMI-ANNUAL REPORTS OF ATTORNEY GENERAL.—Subsection (a)(5) of section 601 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871) is amended by striking "(not including orders)" and inserting ", orders,".

(b) REPORTS BY ATTORNEY GENERAL ON CERTAIN OTHER ORDERS.—Such section 601 is further amended by adding at the end the following new subsection:

"(c) The Attorney General shall submit to the committees of Congress referred to in subsection (a) a copy of any decision, order, or opinion issued by the court established under section 103(a) or the court of review established under section 103(b) that includes significant construction or interpretation of any provision of this Act not later than 45 days after such decision, order, or opinion is issued.".

SEC. 104. APPLICATIONS FOR COURT ORDERS.

Section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (2) and (11);

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively;

(C) in paragraph (5), as redesignated by subparagraph (B) of this paragraph, by striking "detailed";

(D) in paragraph (6), as redesignated by subparagraph (B) of this paragraph, in the matter preceding subparagraph (A)—

(i) by striking "Affairs or" and inserting "Affairs,"; and

(ii) by striking "Senate—" and inserting "Senate, or the Deputy Director of the Federal Bureau of Investigation, if designated by the President as a certifying official—";

(E) in paragraph (7), as redesignated by subparagraph (B) of this paragraph, by striking "statement of" and inserting "summary statement of";

(F) in paragraph (8), as redesignated by subparagraph (B) of this paragraph, by adding "and" at the end; and

(G) in paragraph (9), as redesignated by subparagraph (B) of this paragraph, by striking "; and" and inserting a period;

(2) by striking subsection (b);

(3) by redesignating subsections (c) through (e) as subsections (b) through (d), respectively; and

(4) in paragraph (1)(A) of subsection (d), as redesignated by paragraph (3) of this subsection, by striking "or the Director of National Intelligence" and inserting "the Director of National Intelligence, or the Director of the Central Intelligence Agency".

SEC. 105. ISSUANCE OF AN ORDER.

Section 105 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively;

(2) in subsection (b), by striking "(a)(3)" and inserting "(a)(2)";

(3) in subsection (c)(1)—

(A) in subparagraph (D), by adding "and" at the end;

(B) in subparagraph (E), by striking "; and" and inserting a period; and

(C) by striking subparagraph (F);

(4) by striking subsection (d);

(5) by redesignating subsections (e) through (i) as subsections (d) through (h), respectively;

(6) by amending subsection (e), as redesignated by paragraph (5) of this section, to read as follows:

"(e)(1) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of electronic surveillance if the Attorney General—

"(A) determines that an emergency situation exists with respect to the employment of electronic surveillance to obtain foreign intelligence information before an order authorizing such surveillance can with due diligence be obtained;

"(B) determines that the factual basis for issuance of an order under this title to approve such electronic surveillance exists;

"(C) informs, either personally or through a designee, a judge having jurisdiction under section 103 at the time of such authorization that the decision has been made to employ emergency electronic surveillance; and

"(D) makes an application in accordance with this title to a judge having jurisdiction under section 103 as soon as practicable, but not later than 168 hours after the Attorney General authorizes such surveillance.

"(2) If the Attorney General authorizes the emergency employment of electronic surveillance under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

"(3) In the absence of a judicial order approving such electronic surveillance, the surveillance shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 168 hours from the time of authorization by the Attorney General, whichever is earliest.

"(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

"(5) In the event that such application for approval is denied, or in any other case where the electronic surveillance is terminated and no order is issued approving the surveillance, no information obtained or evidence derived from such surveillance shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such surveillance shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

"(6) The Attorney General shall assess compliance with the requirements of paragraph (5)."; and

(7) by adding at the end the following:

"(i) In any case in which the Government makes an application to a judge under this title to conduct electronic surveillance involving communications and the judge grants such application, upon the request of the applicant, the judge shall also authorize the installation and use of pen registers and trap and trace devices, and direct the disclosure of the information set forth in section 402(d)(2).".

SEC. 106. USE OF INFORMATION.

Subsection (i) of section 106 of the Foreign Intelligence Surveillance Act of 1978 (8 U.S.C. 1806) is amended by striking "radio communication" and inserting "communication".

SEC. 107. AMENDMENTS FOR PHYSICAL SEARCHES.

(a) APPLICATIONS.—Section 303 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1823) is amended—

(1) in subsection (a)—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3) through (9) as paragraphs (2) through (8), respectively;

(C) in paragraph (2), as redesignated by subparagraph (B) of this paragraph, by striking "detailed";

(D) in paragraph (3)(C), as redesignated by subparagraph (B) of this paragraph, by inserting "or is about to be" before "owned"; and

(E) in paragraph (6), as redesignated by subparagraph (B) of this paragraph, in the matter preceding subparagraph (A)—

(i) by striking "Affairs or" and inserting "Affairs,"; and

(ii) by striking "Senate—" and inserting "Senate, or the Deputy Director of the Federal Bureau of Investigation, if designated by the President as a certifying official—"; and

(2) in subsection (d)(1)(A), by striking "or the Director of National Intelligence" and inserting "the Director of National Intelligence, or the Director of the Central Intelligence Agency".

(b) ORDERS.—Section 304 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1824) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively; and

(2) by amending subsection (e) to read as follows:

"(e)(1) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of a physical search if the Attorney General—

"(A) determines that an emergency situation exists with respect to the employment of a physical search to obtain foreign intelligence information before an order authorizing such physical search can with due diligence be obtained;

"(B) determines that the factual basis for issuance of an order under this title to approve such physical search exists;

"(C) informs, either personally or through a designee, a judge of the Foreign Intelligence Surveillance Court at the time of such authorization that the decision has been made to employ an emergency physical search; and

"(D) makes an application in accordance with this title to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 168 hours after the Attorney General authorizes such physical search.

"(2) If the Attorney General authorizes the emergency employment of a physical search under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

"(3) In the absence of a judicial order approving such physical search, the physical search shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 168 hours from the time of authorization by the Attorney General, whichever is earliest.

"(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

"(5)(A) In the event that such application for approval is denied, or in any other case where the physical search is terminated and no order is issued approving the physical search, no information obtained or evidence derived from such physical search shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such physical search shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

"(B) The Attorney General shall assess compliance with the requirements of subparagraph (A).".

(c) CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) in section 304(a)(4), as redesignated by subsection (b) of this section, by striking "303(a)(7)(E)" and inserting "303(a)(6)(E)"; and

(2) in section 305(k)(2), by striking "303(a)(7)" and inserting "303(a)(6)".

SEC. 108. AMENDMENTS FOR EMERGENCY PEN REGISTERS AND TRAP AND TRACE DEVICES.

Section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843) is amended—

(1) in subsection (a)(2), by striking "48 hours" and inserting "168 hours"; and

(2) in subsection (c)(1)(C), by striking "48 hours" and inserting "168 hours".

SEC. 109. FOREIGN INTELLIGENCE SURVEILLANCE COURT.

(a) DESIGNATION OF JUDGES.—Subsection (a) of section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by inserting "at least" before "seven of the United States judicial circuits".

(b) EN BANC AUTHORITY.—

(1) IN GENERAL.—Subsection (a) of section 103 of the Foreign Intelligence Surveillance Act of 1978, as amended by subsection (a) of this section, is further amended—

(A) by inserting "(1)" after "(a)"; and

(B) by adding at the end the following new paragraph:

"(2)(A) The court established under this subsection may, on its own initiative, or upon the request of the Government in any proceeding or a party under section 501(f) or paragraph (4) or (5) of section 703(h), hold a hearing or rehearing, en banc, when ordered by a majority of the judges that constitute such court upon a determination that—

"(i) en banc consideration is necessary to secure or maintain uniformity of the court's decisions; or

"(ii) the proceeding involves a question of exceptional importance.

"(B) Any authority granted by this Act to a judge of the court established under this subsection may be exercised by the court en banc. When exercising such authority, the court en banc shall comply with any requirements of this Act on the exercise of such authority.

"(C) For purposes of this paragraph, the court en banc shall consist of all judges who constitute the court established under this subsection.".

(2) CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 is further amended—

(A) in subsection (a) of section 103, as amended by this subsection, by inserting "(except when sitting en banc under paragraph (2))" after "no judge designated under this subsection"; and

(B) in section 302(c) (50 U.S.C. 1822(c)), by inserting "(except when sitting en banc)" after "except that no judge".

(c) STAY OR MODIFICATION DURING AN APPEAL.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

"(f)(1) A judge of the court established under subsection (a), the court established under subsection (b) or a judge of that court, or the Supreme Court of the United States or a justice of that court, may, in accordance with the rules of their respective courts, enter a stay of an order or an order modifying an order of the court established under subsection (a) or the court established under subsection (b) entered under any title of this Act, while the court established under subsection (a) conducts a rehearing, while an appeal is pending to the court established under subsection (b), or while a petition of certiorari is pending in the Supreme Court of the United States, or during the pendency of any review by that court.

"(2) The authority described in paragraph (1) shall apply to an order entered under any provision of this Act.".

SEC. 110. TECHNICAL AND CONFORMING AMENDMENTS.

Section 103(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(e)) is amended—

(1) in paragraph (1), by striking "105B(h) or 501(f)(1)" and inserting "501(f)(1) or 703"; and

(2) in paragraph (2), by striking "105B(h) or 501(f)(1)" and inserting "501(f)(1) or 703".

TITLE II—OTHER PROVISIONS

SEC. 201. SEVERABILITY.

If any provision of this Act, any amendment made by this Act, or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act, any such amendments, and of the application of such provisions to other persons and circumstances shall not be affected thereby.

SEC. 202. EFFECTIVE DATE; REPEAL; TRANSITION PROCEDURES.

(a) IN GENERAL.—Except as provided in subsection (c), the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) REPEAL.—

(1) IN GENERAL.—Except as provided in subsection (c), sections 105A, 105B, and 105C of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805a, 1805b, and 1805c) are repealed.

(2) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by striking the items relating to sections 105A, 105B, and 105C.

(c) TRANSITIONS PROCEDURES.—

(1) PROTECTION FROM LIABILITY.—Notwithstanding subsection (b)(1), subsection (l) of section 105B of the Foreign Intelligence Surveillance Act of 1978 shall remain in effect with respect to any directives issued pursuant to such section 105B for information, facilities, or assistance provided during the period such directive was or is in effect.

(2) ORDERS IN EFFECT.—

(A) ORDERS IN EFFECT ON DATE OF ENACTMENT.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978—

(i) any order in effect on the date of enactment of this Act issued pursuant to the Foreign Intelligence Surveillance Act of 1978 or section 6(b) of the Protect America Act of 2007 (Public Law 110–55; 121 Stat. 556) shall remain in effect until the date of expiration of such order; and

(ii) at the request of the applicant, the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) shall reauthorize such order if the facts and circumstances continue to justify issuance of such order under the provisions of such Act, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, and 109 of this Act.

(B) ORDERS IN EFFECT ON DECEMBER 31, 2013.—Any order issued under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101 of this Act, in effect on December 31, 2013, shall continue in effect until the date of the expiration of such order. Any such order shall be governed by the applicable provisions of the Foreign Intelligence Surveillance Act of 1978, as so amended.

(3) AUTHORIZATIONS AND DIRECTIVES IN EFFECT.—

(A) AUTHORIZATIONS AND DIRECTIVES IN EFFECT ON DATE OF ENACTMENT.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978, any authorization or directive in effect on the date of the enactment of this Act issued pursuant to the Protect America Act of 2007, or any amendment made by that Act, shall remain in effect until the date of expiration of such authorization or directive. Any such authorization or directive shall be governed by the applicable provisions of the Protect America Act of 2007 (Public Law 110–55; 121 Stat. 552), and the amendment made by that Act, and, except as provided in paragraph (4) of this subsection, any acquisition pursuant to such authorization or directive shall be deemed not to constitute electronic surveillance (as that term is defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(f)), as construed in accordance with section 105A of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805a)).

(B) AUTHORIZATIONS AND DIRECTIVES IN EFFECT ON DECEMBER 31, 2013.—Any authorization or directive issued under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101 of this Act, in effect on December 31, 2013, shall continue in effect until the date of the expiration of such authorization or directive. Any such authorization or directive shall be governed by the applicable provisions of the Foreign Intelligence Surveillance Act of 1978, as so amended, and, except as provided in section 704 of the Foreign Intelligence Surveillance Act of 1978, as so amended, any acquisition pursuant to such authorization or directive shall be deemed not to constitute electronic surveillance (as that term is defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978, to the extent that such section 101(f) is limited by section 701 of the Foreign Intelligence Surveillance Act of 1978, as so amended).

(4) USE OF INFORMATION ACQUIRED UNDER PROTECT AMERICA ACT.—Information acquired from an acquisition conducted under the Protect America Act of 2007 (Public Law 110–55; 121 Stat. 552), and the amendments made by that Act, shall be deemed to be information acquired from an electronic surveillance pursuant to title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) for purposes of section 106 of that Act (50 U.S.C. 1806), except for purposes of subsection (j) of such section.

(5) NEW ORDERS.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978—

(A) the government may file an application for an order under the Foreign Intelligence Surveillance Act of 1978, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, and 109 of this Act; and

(B) the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 shall enter an order granting such an application if the application meets the requirements of such Act, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, and 109 of this Act.

(6) EXTANT AUTHORIZATIONS.—At the request of the applicant, the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 shall extinguish any extant authorization to conduct electronic surveillance or physical search entered pursuant to such Act.

(7) APPLICABLE PROVISIONS.—Any surveillance conducted pursuant to an order entered pursuant to this subsection shall be

subject to the provisions of the Foreign Intelligence Surveillance Act of 1978, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, and 109 of this Act.

By Mr. REID:

S. 2441. A bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 2441

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2007" or the "FISA Amendments Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FOREIGN INTELLIGENCE SURVEILLANCE

Sec. 101. Targeting the communications of certain persons outside the United States.
Sec. 102. Statement of exclusive means by which electronic surveillance and interception of certain communications may be conducted.
Sec. 103. Submittal to Congress of certain court orders under the Foreign Intelligence Surveillance Act of 1978.
Sec. 104. Applications for court orders.
Sec. 105. Issuance of an order.
Sec. 106. Use of information.
Sec. 107. Amendments for physical searches.
Sec. 108. Amendments for emergency pen registers and trap and trace devices.
Sec. 109. Foreign Intelligence Surveillance Court.
Sec. 110. Review of previous actions.
Sec. 111. Technical and conforming amendments.

TITLE II—PROTECTIONS FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS

Sec. 201. Definitions.
Sec. 202. Limitations on civil actions for electronic communication service providers.
Sec. 203. Procedures for implementing statutory defenses under the Foreign Intelligence Surveillance Act of 1978.
Sec. 204. Preemption of State investigations.
Sec. 205. Technical amendments.

TITLE III—OTHER PROVISIONS

Sec. 301. Severability.
Sec. 302. Effective date; repeal; transition procedures.

TITLE I—FOREIGN INTELLIGENCE SURVEILLANCE

SEC. 101. TARGETING THE COMMUNICATIONS OF CERTAIN PERSONS OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) by striking title VII; and

(2) by adding after title VI the following new title:

"TITLE VII—ADDITIONAL PROCEDURES FOR TARGETING COMMUNICATIONS OF CERTAIN PERSONS OUTSIDE THE UNITED STATES

"SEC. 701. DEFINITIONS.

"In this title:

"(1) IN GENERAL.—The terms 'agent of a foreign power', 'Attorney General', 'contents', 'electronic surveillance', 'foreign intelligence information', 'foreign power', 'minimization procedures', 'person', 'United States', and 'United States person' shall have the meanings given such terms in section 101.

"(2) ADDITIONAL DEFINITIONS.—

"(A) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term 'congressional intelligence committees' means—

"(i) the Select Committee on Intelligence of the Senate; and

"(ii) the Permanent Select Committee on Intelligence of the House of Representatives.

"(B) FOREIGN INTELLIGENCE SURVEILLANCE COURT; COURT.—The terms 'Foreign Intelligence Surveillance Court' and 'Court' mean the court established by section 103(a).

"(C) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW; COURT OF REVIEW.—The terms 'Foreign Intelligence Surveillance Court of Review' and 'Court of Review' mean the court established by section 103(b).

"(D) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term 'electronic communication service provider' means—

"(i) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

"(ii) a provider of electronic communications service, as that term is defined in section 2510 of title 18, United States Code;

"(iii) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

"(iv) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored; or

"(v) an officer, employee, or agent of an entity described in clause (i), (ii), (iii), or (iv).

"(E) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term 'element of the intelligence community' means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

"SEC. 702. PROCEDURES FOR ACQUIRING THE COMMUNICATIONS OF CERTAIN PERSONS OUTSIDE THE UNITED STATES.

"(a) AUTHORIZATION.—Notwithstanding any other provision of law, including title I, the Attorney General and the Director of National Intelligence may authorize jointly, for periods of up to 1 year, the targeting of persons reasonably believed to be located outside the United States to acquire foreign intelligence information.

"(b) LIMITATIONS.—An acquisition authorized under subsection (a)—

"(1) may not intentionally target any person known at the time of acquisition to be located in the United States;

"(2) may not intentionally target a person reasonably believed to be outside the United States if a significant purpose of such acquisition is to acquire the communications of a specific person reasonably believed to be located in the United States, except in accordance with title I; and

"(3) shall be conducted in a manner consistent with the fourth amendment to the Constitution of the United States.

"(c) UNITED STATES PERSONS LOCATED OUTSIDE THE UNITED STATES.—

"(1) ACQUISITION INSIDE THE UNITED STATES OF UNITED STATES PERSONS OUTSIDE THE UNITED STATES.—An acquisition authorized under subsection (a) that constitutes electronic surveillance and occurs inside the United States may not intentionally target a United States person reasonably believed to be outside the United States, except in accordance with the procedures under title I.

"(2) ACQUISITION OUTSIDE THE UNITED STATES OF UNITED STATES PERSONS OUTSIDE THE UNITED STATES.—

"(A) IN GENERAL.—An acquisition by an electronic, mechanical, or other surveillance device outside the United States may not intentionally target a United States person reasonably believed to be outside the United States to acquire the contents of a wire or radio communication sent by or intended to be received by that United States person under circumstances in which a person has reasonable expectation of privacy and a warrant would be required for law enforcement purposes if the technique were used inside the United States unless—

"(i) the Foreign Intelligence Surveillance Court has entered an order approving electronic surveillance of that United States person under section 105, or in the case of an emergency situation, electronic surveillance against the target is being conducted in a manner consistent with title I; or

"(ii)(I) the Foreign Intelligence Surveillance Court has entered a order under subparagraph (B) that there is probable cause to believe that the United States person is a foreign power or an agent of a foreign power;

"(II) the Attorney General has established minimization procedures for that acquisition that meet the definition of minimization procedures under section 101(h); and

"(III) the dissemination provisions of the minimization procedures described in subclause (II) have been approved under subparagraph (C).

"(B) PROBABLE CAUSE DETERMINATION; REVIEW.—

"(i) IN GENERAL.—The Attorney General may submit to the Foreign Intelligence Surveillance Court the determination of the Attorney General, together with any supporting affidavits, that a United States person who is outside the United States is a foreign power or an agent of a foreign power.

"(ii) REVIEW.—The Court shall review, any probable cause determination submitted by the Attorney General under this subparagraph. The review under this clause shall be limited to whether, on the basis of the facts submitted by the Attorney General, there is probable cause to believe that the United States person who is outside the United States is a foreign power or an agent of a foreign power.

"(iii) ORDER.—If the Court, after conducting a review under clause (ii), determines that there is probable cause to believe that the United States person is a foreign power or an agent of a foreign power, the court shall issue an order approving the acquisition. An order under this clause shall be effective for 90 days, and may be renewed for additional 90-day periods.

"(iv) NO PROBABLE CAUSE.—If the Court, after conducting a review under clause (ii), determines that there is not probable cause to believe that a United States person is a foreign power or an agent of a foreign power, it shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause to the Foreign Intelligence Surveillance Court of Review.

"(C) REVIEW OF MINIMIZATION PROCEDURES.—

"(i) IN GENERAL.—The Foreign Intelligence Surveillance Court shall review the minimization procedures applicable to dissemination of information obtained through an acquisition authorized under subparagraph (A) to assess whether such procedures meet the definition of minimization procedures under section 101(h) with respect to dissemination.

"(ii) REVIEW.—The Court shall issue an order approving the procedures applicable to dissemination as submitted or as modified to comply with section 101(h).

"(iii) PROCEDURES DO NOT MEET DEFINITION.—If the Court determines that the procedures applicable to dissemination of information obtained through an acquisition authorized under subparagraph (A) do not meet the definition of minimization procedures under section 101(h) with respect to dissemination, it shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause to the Foreign Intelligence Surveillance Court of Review.

"(D) EMERGENCY PROCEDURES.—

"(i) IN GENERAL.—Notwithstanding any other provision of this paragraph, the Attorney General may authorize the emergency employment of an acquisition under subparagraph (A) if the Attorney General—

"(I) reasonably determines that—

"(aa) an emergency situation exists with respect to the employment of an acquisition under subparagraph (A) before a determination of probable cause can with due diligence be obtained; and

"(bb) the factual basis for issuance of a determination under subparagraph (B) to approve such an acquisition exists;

"(II) informs a judge of the Foreign Intelligence Surveillance Court at the time of such authorization that the decision has been made to employ an emergency acquisition;

"(III) submits a request in accordance with subparagraph (B) to the judge notified under subclause (II) as soon as practicable, but later than 72 hours after the Attorney General authorizes such an acquisition; and

"(IV) requires that minimization procedures meeting the definition of minimization procedures under section 101(h) be followed.

"(ii) TERMINATION.—In the absence of a judicial determination finding probable cause to believe that the United States person that is the subject of an emergency employment of an acquisition under clause (i) is a foreign power or an agent of a foreign power, the emergency employment of an acquisition under clause (i) shall terminate when the information sought is obtained, when the request for a determination is denied, or after the expiration of 72 hours from the time of authorization by the Attorney General, whichever is earliest.

"(iii) USE OF INFORMATION.—If the Court determines that there is not probable cause to believe that a United States is a foreign power or an agent of a foreign power in response to a request for a determination under clause (i)(III), or in any other case where the emergency employment of an acquisition under this subparagraph is terminated and no determination finding probable cause is issued, no information obtained or evidence derived from such acquisition shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

"(3) PROCEDURES.—

"(A) SUBMITTAL TO FOREIGN INTELLIGENCE SURVEILLANCE COURT.—Not later than 30 days after the date of the enactment of the FISA Amendments Act of 2007, the Attorney General shall submit to the Foreign Intelligence Surveillance Court the procedures to be used in determining whether a target reasonably believed to be outside the United States is a United States person.

"(B) REVIEW BY FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The Foreign Intelligence Surveillance Court shall review, the procedures submitted under subparagraph (A), and shall approve those procedures if they are reasonably designed to determine whether a target reasonably believed to be outside the United States is a United States person. If the Court concludes otherwise, the Court shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal such an order to the Foreign Intelligence Surveillance Court of Review.

"(C) USE IN TARGETING.—Any targeting of persons reasonably believed to be located outside the United States shall use the procedures approved by the Foreign Intelligence Surveillance Court under subparagraph (B). Any new or amended procedures may be used with respect to the targeting of persons reasonably believed to be located outside the United States upon approval of the new or amended procedures by the Court, which shall review such procedures under paragraph (B).

"(4) TRANSITION PROCEDURES CONCERNING THE TARGETING OF UNITED STATES PERSONS OVERSEAS.—Any authorization in effect on the date of enactment of the FISA Amendments Act of 2007 under section 2.5 of Executive Order 12333 to intentionally target a United States person reasonably believed to be located outside the United States, to acquire the contents of a wire or radio communication sent by or intended to be received by that United States person, shall remain in effect, and shall constitute a sufficient basis for conducting such an acquisition of a United States person located outside the United States, until that authorization expires or 90 days after the date of enactment of the FISA Amendments Act of 2007, whichever is earlier.

"(d) CONDUCT OF ACQUISITION.—An acquisition authorized under subsection (a) may be conducted only in accordance with—

"(1) a certification made by the Attorney General and the Director of National Intelligence pursuant to subsection (g); and

"(2) the targeting and minimization procedures required pursuant to subsections (e) and (f).

"(e) TARGETING PROCEDURES.—

"(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt targeting procedures that are reasonably designed to ensure that any acquisition authorized under subsection (a) is limited to targeting persons reasonably believed to be located outside the United States, and that an application is filed under title I, if otherwise required, when a significant purpose of an acquisition authorized under subsection (a) is to acquire the communications of a specific person reasonably believed to be located in the United States.

"(2) JUDICIAL REVIEW.—The procedures referred to in paragraph (1) shall be subject to judicial review pursuant to subsection (i).

"(f) MINIMIZATION PROCEDURES.—

"(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt, consistent with the requirements of section 101(h), minimization procedures for acquisitions authorized under subsection (a).

"(2) JUDICIAL REVIEW.—The minimization procedures required by this subsection shall be subject to judicial review pursuant to subsection (i).

"(g) CERTIFICATION.—

"(1) IN GENERAL.—

"(A) REQUIREMENT.—Subject to subparagraph (B), prior to the initiation of an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence shall provide, under oath, a written certification, as described in this subsection.

"(B) EXCEPTION.—If the Attorney General and the Director of National Intelligence determine that immediate action by the Government is required and time does not permit the preparation of a certification under this subsection prior to the initiation of an acquisition, the Attorney General and the Director of National Intelligence shall prepare such certification, including such determination, as soon as possible but in no event more than 168 hours after such determination is made.

"(2) REQUIREMENTS.—A certification made under this subsection shall—

"(A) attest that—

"(i) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a) is targeted at persons reasonably believed to be located outside the United States and that such procedures have been approved by, or will promptly be submitted for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (i);

"(ii) the procedures referred to in clause (i) are consistent with the requirements of the fourth amendment to the Constitution of the United States and do not permit the intentional targeting of any person who is known at the time of acquisition to be located in the United States;

"(iii) the procedures referred to in clause (i) require that an application is filed under title I, if otherwise required, when a significant purpose of an acquisition authorized under subsection (a) is to acquire the communications of a specific person reasonably believed to be located in the United States;

"(iv) a significant purpose of the acquisition is to obtain foreign intelligence information;

"(v) the minimization procedures to be used with respect to such acquisition—

"(I) meet the definition of minimization procedures under section 101(h); and

"(II) have been approved by, or will promptly be submitted for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (i);

"(vi) the acquisition involves obtaining the foreign intelligence information from or with the assistance of an electronic communication service provider; and

"(vii) the acquisition is limited to communications to which at least 1 party is a specific individual target who is reasonably believed to be located outside of the United States, and a significant purpose of the acquisition of the communications of any target is to obtain foreign intelligence information; and

"(B) be supported, as appropriate, by the affidavit of any appropriate official in the area of national security who is—

"(i) appointed by the President, by and with the consent of the Senate; or

"(ii) the head of any element of the intelligence community.

"(3) LIMITATION.—A certification made under this subsection is not required to identify the specific facilities, places, premises, or property at which the acquisition authorized under subsection (a) will be directed or conducted.

"(4) SUBMISSION TO THE COURT.—The Attorney General shall transmit a copy of a certification made under this subsection, and any supporting affidavit, under seal to the Foreign Intelligence Surveillance Court as soon as possible, but in no event more than 5 days after such certification is made. Such certification shall be maintained under security measures adopted by the Chief Justice of the United States and the Attorney General, in consultation with the Director of National Intelligence.

"(5) REVIEW.—The certification required by this subsection shall be subject to judicial review pursuant to subsection (i).

"(h) DIRECTIVES.—

"(1) AUTHORITY.—With respect to an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence may direct, in writing, an electronic communication service provider to—

"(A) immediately provide the Government with all information, facilities, or assistance necessary to accomplish the acquisition in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that such electronic communication service provider is providing to the target; and

"(B) maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished that such electronic communication service provider wishes to maintain.

"(2) COMPENSATION.—The Government shall compensate, at the prevailing rate, an electronic communication service provider for providing information, facilities, or assistance pursuant to paragraph (1).

"(3) RELEASE FROM LIABILITY.—Notwithstanding any other law, no cause of action shall lie in any court against any electronic communication service provider for providing any information, facilities, or assistance in accordance with a directive issued pursuant to paragraph (1).

"(4) CHALLENGING OF DIRECTIVES.—

"(A) AUTHORITY TO CHALLENGE.—An electronic communication service provider receiving a directive issued pursuant to paragraph (1) may challenge the directive by filing a petition with the Foreign Intelligence Surveillance Court.

"(B) ASSIGNMENT.—The presiding judge of the Court shall assign the petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.

"(C) STANDARDS FOR REVIEW.—A judge considering a petition to modify or set aside a directive may grant such petition only if the judge finds that the directive does not meet the requirements of this section or is otherwise unlawful. If the judge does not modify or set aside the directive, the judge shall immediately affirm such directive, and order the recipient to comply with the directive. The judge shall provide a written statement for the record of the reasons for a determination under this paragraph.

"(D) CONTINUED EFFECT.—Any directive not explicitly modified or set aside under this paragraph shall remain in full effect.

"(5) ENFORCEMENT OF DIRECTIVES.—

"(A) ORDER TO COMPEL.—In the case of a failure to comply with a directive issued pursuant to paragraph (1), the Attorney General may file a petition for an order to compel compliance with the directive with the Foreign Intelligence Surveillance Court.

"(B) ASSIGNMENT.—The presiding judge of the Court shall assign a petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.

"(C) STANDARDS FOR REVIEW.—A judge considering a petition shall issue an order requiring the electronic communication service provider to comply with the directive if the judge finds that the directive was issued in accordance with paragraph (1), meets the requirements of this section, and is otherwise lawful. The judge shall provide a written statement for the record of the reasons for a determination under this paragraph.

"(D) CONTEMPT OF COURT.—Failure to obey an order of the Court issued under this paragraph may be punished by the Court as contempt of court.

"(E) PROCESS.—Any process under this paragraph may be served in any judicial district in which the electronic communication service provider may be found.

"(6) APPEAL.—

"(A) APPEAL TO THE COURT OF REVIEW.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition with the Foreign Intelligence Surveillance Court of Review for review of the decision issued pursuant to paragraph (4) or (5) not later than 7 days after the issuance of such decision. The Court of Review shall have jurisdiction to consider such a petition and shall provide a written statement for the record of the reasons for a decision under this paragraph.

"(B) CERTIORARI TO THE SUPREME COURT.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

"(i) JUDICIAL REVIEW.—

"(1) IN GENERAL.—

"(A) REVIEW BY THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The Foreign Intelligence Surveillance Court shall have jurisdiction to review any certification required by subsection (d) or targeting and minimization procedures adopted pursuant to subsections (e) and (f).

"(B) SUBMISSION TO THE COURT.—The Attorney General shall submit to the Court any such certification or procedure, or amendment thereto, not later than 5 days after making or amending the certification or adopting or amending the procedures.

"(2) CERTIFICATIONS.—The Court shall review a certification provided under subsection (g) to determine whether the certification contains all the required elements.

"(3) TARGETING PROCEDURES.—The Court shall review the targeting procedures required by subsection (e) to assess whether the procedures are reasonably designed to ensure that the acquisition authorized under subsection (a) is limited to the targeting of persons reasonably believed to be located outside the United States, and are reasonably designed to ensure that an application is filed under title I, if otherwise required, when a significant purpose of an acquisition authorized under subsection (a) is to acquire the communications of a specific person reasonably believed to be located in the United States.

"(4) MINIMIZATION PROCEDURES.—The Court shall review the minimization procedures required by subsection (f) to assess whether such procedures meet the definition of minimization procedures under section 101(h).

"(5) ORDERS.—

"(A) APPROVAL.—If the Court finds that a certification required by subsection (g) contains all of the required elements and that the targeting and minimization procedures required by subsections (e) and (f) are consistent with the requirements of those subsections and with the fourth amendment to the Constitution of the United States, the Court shall enter an order approving the continued use of the procedures for the acquisition authorized under subsection (a).

"(B) CORRECTION OF DEFICIENCIES.—

"(i) IN GENERAL.—If the Court finds that a certification required by subsection (g) does not contain all of the required elements, or that the procedures required by subsections (e) and (f) are not consistent with the requirements of those subsections or the fourth amendment to the Constitution of the United States, the Court shall issue an order directing the Government to, at the Government's election and to the extent required by the Court's order—

"(I) correct any deficiency identified by the Court's order not later than 30 days after the date the Court issues the order; or

"(II) cease the acquisition authorized under subsection (a).

"(ii) LIMITATION ON USE OF INFORMATION.—

"(I) IN GENERAL.—Except as provided in subclause (II), no information obtained or evidence derived from an acquisition under clause (i)(I) shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

"(II) EXCEPTION.—If the Government corrects any deficiency identified by the Court's order under clause (i), the Court may permit the use or disclosure of information acquired before the date of the correction pursuant to such minimization procedures as the Court shall establish for purposes of this clause.

"(C) REQUIREMENT FOR WRITTEN STATEMENT.—In support of its orders under this subsection, the Court shall provide, simultaneously with the orders, for the record a written statement of its reasons.

"(6) APPEAL.—

"(A) APPEAL TO THE COURT OF REVIEW.—The Government may appeal any order under this section to the Foreign Intelligence Surveillance Court of Review, which shall have jurisdiction to review such order. For any decision affirming, reversing, or modifying an order of the Foreign Intelligence Surveillance Court, the Court of Review shall provide for the record a written statement of its reasons.

"(B) STAY PENDING APPEAL.—The Government may move for a stay of any order of the Foreign Intelligence Surveillance Court under paragraph (5)(B)(i) pending review by the Court en banc or pending appeal to the Foreign Intelligence Surveillance Court of Review.

"(C) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of a decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

"(7) COMPLIANCE REVIEW.—The Court may review and assess compliance with the minimization procedures submitted to the Court pursuant to subsections (c) and (f) by reviewing the semiannual assessments submitted by the Attorney General and the Director of National Intelligence pursuant to subsection (l)(1) with respect to compliance with minimization procedures. In conducting a review under this paragraph, the Court may, to the extent necessary, require the Government to provide additional information regarding the acquisition, retention, or dissemination of information concerning United States persons during the course of an acquisition authorized under subsection (a).

"(8) REMEDIAL AUTHORITY.—The Foreign Intelligence Surveillance Court shall have authority to fashion remedies as necessary to enforce—

"(A) any order issued under this section; and

"(B) compliance with any such order.

"(j) JUDICIAL PROCEEDINGS.—Judicial proceedings under this section shall be conducted as expeditiously as possible.

"(k) MAINTENANCE OF RECORDS.—

"(1) STANDARDS.—A record of a proceeding under this section, including petitions filed, orders granted, and statements of reasons for decision, shall be maintained under security measures adopted by the Chief Justice of the United States, in consultation with the Attorney General and the Director of National Intelligence.

"(2) FILING AND REVIEW.—All petitions under this section shall be filed under seal. In any proceedings under this section, the court shall, upon request of the Government, review ex parte and in camera any Government submission, or portions of a submission, which may include classified information.

"(3) RETENTION OF RECORDS.—A directive made or an order granted under this section shall be retained for a period of not less than 10 years from the date on which such directive or such order is made.

"(l) OVERSIGHT.—

"(1) SEMIANNUAL ASSESSMENT.—Not less frequently than once every 6 months, the Attorney General and Director of National Intelligence shall assess compliance with the targeting and minimization procedures required by subsections (c), (e), and (f) and shall submit each such assessment to—

"(A) the Foreign Intelligence Surveillance Court; and

"(B) the congressional intelligence committees.

"(2) AGENCY ASSESSMENT.—The Inspectors General of the Department of Justice and of any element of the intelligence community authorized to acquire foreign intelligence information under subsection (a)—

"(A) are authorized to review the compliance of their agency or element with the targeting and minimization procedures required by subsections (c), (e), and (f);

"(B) with respect to acquisitions authorized under subsection (a), shall review the number of disseminated intelligence reports containing a reference to a United States person identity and the number of United States person identities subsequently disseminated by the element concerned in response to requests for identities that were not referred to by name or title in the original reporting;

"(C) with respect to acquisitions authorized under subsection (a), shall review the number of targets that were later determined to be located in the United States and the number of persons located in the United States whose communications were reviewed; and

"(D) shall provide each such review to—

"(i) the Attorney General;

"(ii) the Director of National Intelligence; and

"(iii) the congressional intelligence committees.

"(3) ANNUAL REVIEW.—

"(A) REQUIREMENT TO CONDUCT.—The head of an element of the intelligence community conducting an acquisition authorized under subsection (a) shall direct the element to conduct an annual review to determine whether there is reason to believe that foreign intelligence information has been or will be obtained from the acquisition. The annual review shall provide, with respect to such acquisitions authorized under subsection (a)—

"(i) an accounting of the number of disseminated intelligence reports containing a reference to a United States person identity;

"(ii) an accounting of the number of United States person identities subsequently disseminated by that element in response to requests for identities that were not referred to by name or title in the original reporting; and

"(iii) the number of targets that were later determined to be located in the United States and the number of persons located in the United States whose communications were reviewed.

"(B) USE OF REVIEW.—The head of each element of the intelligence community that conducts an annual review under subparagraph (A) shall use each such review to evaluate the adequacy of the minimization procedures utilized by such element or the application of the minimization procedures to a particular acquisition authorized under subsection (a).

"(C) PROVISION OF REVIEW TO FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The head of each element of the intelligence community that conducts an annual review under subparagraph (A) shall provide such review to the Foreign Intelligence Surveillance Court.

"(4) REPORTS TO CONGRESS.—

"(A) SEMIANNUAL REPORT.—Not less frequently than once every 6 months, the Attorney General shall fully inform, in a manner consistent with national security, the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives, concerning the implementation of this Act.

"(B) CONTENT.—Each report made under subparagraph (A) shall include—

"(i) any certifications made under subsection (g) during the reporting period;

"(ii) any directives issued under subsection (h) during the reporting period;

"(iii) the judicial review during the reporting period of any such certifications and targeting and minimization procedures utilized with respect to such acquisition, including a copy of any order or pleading in connection with such review that contains a significant legal interpretation of the provisions of this Act;

"(iv) any actions taken to challenge or enforce a directive under paragraphs (4) or (5) of subsections (h);

"(v) any compliance reviews conducted by the Department of Justice or the Office of the Director of National Intelligence of acquisitions authorized under subsection (a);

"(vi) a description of any incidents of noncompliance with a directive issued by the Attorney General and the Director of National Intelligence under subsection (h), including—

"(I) incidents of noncompliance by an element of the intelligence community with procedures adopted pursuant to subsections (c), (e), and (f); and

"(II) incidents of noncompliance by a specified person to whom the Attorney General and Director of National Intelligence issued a directive under subsection (h);

"(vii) any procedures implementing this section; and

"(viii) any annual review conducted pursuant to paragraph (3).

"SEC. 703. USE OF INFORMATION ACQUIRED UNDER SECTION 702.

"Information acquired from an acquisition conducted under section 702 shall be deemed to be information acquired from an electronic surveillance pursuant to title I for purposes of section 106, except for the purposes of subsection (j) of such section.".

(b) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) by striking the item relating to title VII;

(2) by striking the item relating to section 701; and

(3) by adding at the end the following:

"TITLE VII—ADDITIONAL PROCEDURES FOR TARGETING COMMUNICATIONS OF CERTAIN PERSONS OUTSIDE THE UNITED STATES

"Sec. 701. Definitions.
"Sec. 702. Procedures for acquiring the communications of certain persons outside the United States.
"Sec. 703. Use of information acquired under section 702.".

(c) SUNSET.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (a)(2) and (b) shall cease to have effect on December 31, 2011.

(2) CONTINUING APPLICABILITY.—Section 702(h)(3) of the Foreign Intelligence Surveillance Act of 1978 (as amended by subsection (a)) shall remain in effect with respect to any directive issued pursuant to section 702(h) of that Act (as so amended) during the period such directive was in effect. The use of information acquired by an acquisition conducted under section 702 of that Act (as so amended) shall continue to be governed by

the provisions of section 703 of that Act (as so amended).

SEC. 102. STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF CERTAIN COMMUNICATIONS MAY BE CONDUCTED.

(a) STATEMENT OF EXCLUSIVE MEANS.—Title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following new section:

"STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF CERTAIN COMMUNICATIONS MAY BE CONDUCTED

"SEC. 112. (a) This Act shall be the exclusive means for targeting United States persons for the purpose of acquiring their communications or communications information for foreign intelligence purposes, whether such persons are inside the United States or outside the United States, except in cases where specific statutory authorization exists to obtain communications information without an order under this Act.

"(b) Chapters 119 and 121 of title 18, United States Code, and this Act shall be the exclusive means by which electronic surveillance and the interception of domestic wire, oral, or electronic communications may be conducted.

"(c) Subsections (a) and (b) shall apply unless specific statutory authorization for electronic surveillance, other than as an amendment to this Act, is enacted. Such specific statutory authorization shall be the only exception to subsection (a) and (b).".

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 2511(2)(a) of title 18, United States Code, is amended by adding at the end the following:

"(iii) A certification under subparagraph (ii)(B) for assistance to obtain foreign intelligence information shall identify the specific provision of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) that provides an exception from providing a court order, and shall certify that the statutory requirements of such provision have been met.".

(2) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding after the item relating to section 111, the following:

"Sec. 112. Statement of exclusive means by which electronic surveillance and interception of certain communications may be conducted.".

(c) OFFENSE.—Section 109(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1809(a)) is amended by striking "authorized by statute" each place it appears in such section and inserting "authorized by this title or chapter 119, 121, or 206 of title 18, United States Code".

SEC. 103. SUBMITTAL TO CONGRESS OF CERTAIN COURT ORDERS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) INCLUSION OF CERTAIN ORDERS IN SEMI-ANNUAL REPORTS OF ATTORNEY GENERAL.—Subsection (a)(5) of section 601 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871) is amended by striking "(not including orders)" and inserting ", orders,".

(b) REPORTS BY ATTORNEY GENERAL ON CERTAIN OTHER ORDERS.—Such section 601 is further amended by adding at the end the following new subsection:

"(c) SUBMISSIONS TO CONGRESS.—The Attorney General shall submit to the committees of Congress referred to in subsection (a)—

"(1) a copy of any decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review that includes significant construction or interpretation of any provision of this Act, and any pleadings associated with such decision, order, or opinion, not later than 45 days after such decision, order, or opinion is issued; and

"(2) a copy of any such decision, order, or opinion, and the pleadings associated with such decision, order, or opinion, that was issued during the 5-year period ending on the date of the enactment of the FISA Amendments Act of 2007 and not previously submitted in a report under subsection (a).".

SEC. 104. APPLICATIONS FOR COURT ORDERS.

Section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (2) and (11);

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively;

(C) in paragraph (5), as redesignated by subparagraph (B) of this paragraph, by striking "detailed";

(D) in paragraph (6), as redesignated by subparagraph (B) of this paragraph, in the matter preceding subparagraph (A)—

(i) by striking "Affairs or" and inserting "Affairs,"; and

(ii) by striking "Senate—" and inserting "Senate, or the Deputy Director of the Federal Bureau of Investigation, if the Director of the Federal Bureau of Investigation is unavailable—";

(E) in paragraph (7), as redesignated by subparagraph (B) of this paragraph, by striking "statement of" and inserting "summary statement of";

(F) in paragraph (8), as redesignated by subparagraph (B) of this paragraph, by adding "and" at the end; and

(G) in paragraph (9), as redesignated by subparagraph (B) of this paragraph, by striking "; and" and inserting a period;

(2) by striking subsection (b);

(3) by redesignating subsections (c) through (e) as subsections (b) through (d), respectively; and

(4) in paragraph (1)(A) of subsection (d), as redesignated by paragraph (3) of this subsection, by striking "or the Director of National Intelligence" and inserting "the Director of National Intelligence, or the Director of the Central Intelligence Agency".

SEC. 105. ISSUANCE OF AN ORDER.

Section 105 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively;

(2) in subsection (b), by striking "(a)(3)" and inserting "(a)(2)";

(3) in subsection (c)(1)—

(A) in subparagraph (D), by adding "and" at the end;

(B) in subparagraph (E), by striking "; and" and inserting a period; and

(C) by striking subparagraph (F);

(4) by striking subsection (d);

(5) by redesignating subsections (e) through (i) as subsections (d) through (h), respectively;

(6) by amending subsection (e), as redesignated by paragraph (5) of this section, to read as follows:

"(e)(1) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of electronic surveillance if the Attorney General—

"(A) determines that an emergency situation exists with respect to the employment of electronic surveillance to obtain foreign intelligence information before an order authorizing such surveillance can with due diligence be obtained;

"(B) determines that the factual basis for issuance of an order under this title to approve such electronic surveillance exists;

"(C) informs, either personally or through a designee, a judge having jurisdiction under section 103 at the time of such authorization that the decision has been made to employ emergency electronic surveillance; and

"(D) makes an application in accordance with this title to a judge having jurisdiction under section 103 as soon as practicable, but not later than 168 hours after the Attorney General authorizes such surveillance.

"(2) If the Attorney General authorizes the emergency employment of electronic surveillance under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

"(3) In the absence of a judicial order approving such electronic surveillance, the surveillance shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 168 hours from the time of authorization by the Attorney General, whichever is earliest.

"(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

"(5) In the event that such application for approval is denied, or in any other case where the electronic surveillance is terminated and no order is issued approving the surveillance, no information obtained or evidence derived from such surveillance shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such surveillance shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

"(6) The Attorney General shall assess compliance with the requirements of paragraph (5)."; and

(7) by adding at the end the following:

"(i) In any case in which the Government makes an application to a judge under this title to conduct electronic surveillance involving communications and the judge grants such application, upon the request of the applicant, the judge shall also authorize the installation and use of pen registers and trap and trace devices, and direct the disclosure of the information set forth in section 402(d)(2).".

SEC. 106. USE OF INFORMATION.

Subsection (i) of section 106 of the Foreign Intelligence Surveillance Act of 1978 (8 U.S.C. 1806) is amended by striking "radio communication" and inserting "communication".

SEC. 107. AMENDMENTS FOR PHYSICAL SEARCHES.

(a) APPLICATIONS.—Section 303 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1823) is amended—

(1) in subsection (a)—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3) through (9) as paragraphs (2) through (8), respectively;

(C) in paragraph (2), as redesignated by subparagraph (B) of this paragraph, by striking "detailed";

(D) in paragraph (3)(C), as redesignated by subparagraph (B) of this paragraph, by inserting "or is about to be" before "owned"; and

(E) in paragraph (6), as redesignated by subparagraph (B) of this paragraph, in the matter preceding subparagraph (A)—

(i) by striking "Affairs or" and inserting "Affairs,"; and

(ii) by striking "Senate—" and inserting "Senate, or the Deputy Director of the Federal Bureau of Investigation, if the Director of the Federal Bureau of Investigation is unavailable—"; and

(2) in subsection (d)(1)(A), by striking "or the Director of National Intelligence" and inserting "the Director of National Intelligence, or the Director of the Central Intelligence Agency".

(b) ORDERS.—Section 304 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1824) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively; and

(2) by amending subsection (e) to read as follows:

"(e)(1) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of a physical search if the Attorney General—

"(A) determines that an emergency situation exists with respect to the employment of a physical search to obtain foreign intelligence information before an order authorizing such physical search can with due diligence be obtained;

"(B) determines that the factual basis for issuance of an order under this title to approve such physical search exists;

"(C) informs, either personally or through a designee, a judge of the Foreign Intelligence Surveillance Court at the time of such authorization that the decision has been made to employ an emergency physical search; and

"(D) makes an application in accordance with this title to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 168 hours after the Attorney General authorizes such physical search.

"(2) If the Attorney General authorizes the emergency employment of a physical search under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

"(3) In the absence of a judicial order approving such physical search, the physical search shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 168 hours from the time of authorization by the Attorney General, whichever is earliest.

"(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

"(5)(A) In the event that such application for approval is denied, or in any other case where the physical search is terminated and no order is issued approving the physical search, no information obtained or evidence derived from such physical search shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such physical search shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

"(B) The Attorney General shall assess compliance with the requirements of subparagraph (A).".

(c) CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) in section 304(a)(4), as redesignated by subsection (b) of this section, by striking "303(a)(7)(E)" and inserting "303(a)(6)(E)"; and

(2) in section 305(k)(2), by striking "303(a)(7)" and inserting "303(a)(6)".

SEC. 108. AMENDMENTS FOR EMERGENCY PEN REGISTERS AND TRAP AND TRACE DEVICES.

Section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843) is amended—

(1) in subsection (a)(2), by striking "48 hours" and inserting "168 hours"; and

(2) in subsection (c)(1)(C), by striking "48 hours" and inserting "168 hours".

SEC. 109. FOREIGN INTELLIGENCE SURVEILLANCE COURT.

(a) DESIGNATION OF JUDGES.—Subsection (a) of section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by inserting "at least" before "seven of the United States judicial circuits".

(b) EN BANC AUTHORITY.—

(1) IN GENERAL.—Subsection (a) of section 103 of the Foreign Intelligence Surveillance Act of 1978, as amended by subsection (a) of this section, is further amended—

(A) by inserting "(1)" after "(a)"; and

(B) by adding at the end the following new paragraph:

"(2)(A) The court established under this subsection may, on its own initiative, or upon the request of the Government in any proceeding or a party under section 501(f) or paragraph (4) or (5) of section 702(h), hold a hearing or rehearing, en banc, when ordered by a majority of the judges that constitute such court upon a determination that—

"(i) en banc consideration is necessary to secure or maintain uniformity of the court's decisions; or

"(ii) the proceeding involves a question of exceptional importance.

"(B) Any authority granted by this Act to a judge of the court established under this subsection may be exercised by the court en banc. When exercising such authority, the court en banc shall comply with any requirements of this Act on the exercise of such authority.

"(C) For purposes of this paragraph, the court en banc shall consist of all judges who constitute the court established under this subsection.".

(2) CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 is further amended—

(A) in subsection (a) of section 103, as amended by this subsection, by inserting "(except when sitting en banc under paragraph (2))" after "no judge designated under this subsection"; and

(B) in section 302(c) (50 U.S.C. 1822(c)), by inserting "(except when sitting en banc)" after "except that no judge".

(c) STAY OR MODIFICATION DURING AN APPEAL.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

"(f)(1) A judge of the court established under subsection (a), the court established under subsection (b) or a judge of that court, or the Supreme Court of the United States or a justice of that court, may, in accordance with the rules of their respective courts, enter a stay of an order or an order modifying an order of the court established under subsection (a) or the court established under subsection (b) entered under any title of this Act, while the court established under subsection (a) conducts a rehearing, while an appeal is pending to the court established under subsection (b), or while a petition of certiorari is pending in the Supreme Court of the United States, or during the pendency of any review by that court.

"(2) The authority described in paragraph (1) shall apply to an order entered under any provision of this Act.".

SEC. 110. REVIEW OF PREVIOUS ACTIONS.

(a) DEFINITIONS.—In this section—

(1) the term "element of the intelligence community" means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)); and

(2) the term "Terrorist Surveillance Program" means the intelligence program publicly confirmed by the President in a radio address on December 17, 2005, and any previous, subsequent or related, versions or elements of that program.

(b) AUDIT.—Not later than 180 days after the date of the enactment of this Act, the Inspectors General of the Department of Justice and relevant elements of the intelligence community shall work in conjunction to complete a comprehensive audit of the Terrorist Surveillance Program and any closely related intelligence activities, which shall include acquiring all documents relevant to such programs, including memoranda concerning the legal authority of a program, authorizations of a program, certifications to telecommunications carriers, and court orders.

(c) REPORT.—

(1) IN GENERAL.—Not later than 30 days after the completion of the audit under subsection (b), the Inspectors General shall submit to the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate a joint report containing the results of that audit, including all documents acquired pursuant to the conduct of that audit.

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(d) EXPEDITED SECURITY CLEARANCE.—The Director of National Intelligence shall ensure that the process for the investigation and adjudication of an application by an Inspector General or any appropriate staff of an Inspector General for a security clearance necessary for the conduct of the audit under subsection (b) is conducted as expeditiously as possible.

(e) ADDITIONAL LEGAL AND OTHER PERSONNEL FOR THE INSPECTORS GENERAL.—The

Inspectors General of the Department of Justice and of the relevant elements of the intelligence community are authorized such additional legal and other personnel as may be necessary to carry out the prompt and timely preparation of the audit and report required under this section. Personnel authorized by this subsection shall perform such duties relating to the audit as the relevant Inspector General shall direct. The personnel authorized by this subsection are in addition to any other personnel authorized by law.

SEC. 111. TECHNICAL AND CONFORMING AMENDMENTS.

Section 103(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(e)) is amended—

(1) in paragraph (1), by striking "105B(h) or 501(f)(1)" and inserting "501(f)(1) or 702"; and

(2) in paragraph (2), by striking "105B(h) or 501(f)(1)" and inserting "501(f)(1) or 702".

TITLE II—PROTECTIONS FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS

SEC. 201. DEFINITIONS.

In this title:

(1) ASSISTANCE.—The term "assistance" means the provision of, or the provision of access to, information (including communication contents, communications records, or other information relating to a customer or communication), facilities, or another form of assistance.

(2) CONTENTS.—The term "contents" has the meaning given that term in section 101(n) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(n)).

(3) COVERED CIVIL ACTION.—The term "covered civil action" means a civil action filed in a Federal or State court that—

(A) alleges that an electronic communication service provider furnished assistance to an element of the intelligence community; and

(B) seeks monetary or other relief from the electronic communication service provider related to the provision of such assistance.

(4) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term "electronic communication service provider" means—

(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

(B) a provider of an electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored;

(E) a parent, subsidiary, affiliate, successor, or assignee of an entity described in subparagraph (A), (B), (C), or (D); or

(F) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), (D), or (E).

(5) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term "element of the intelligence community" means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 202. LIMITATIONS ON CIVIL ACTIONS FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS.

(a) LIMITATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a covered civil action shall not lie or be maintained in a Federal or State court, and shall be promptly dismissed, if the Attorney General certifies to the court that—

(A) the assistance alleged to have been provided by the electronic communication service provider was—

(i) in connection with an intelligence activity involving communications that was—

(I) authorized by the President during the period beginning on September 11, 2001, and ending on January 17, 2007; and

(II) designed to detect or prevent a terrorist attack, or activities in preparation for a terrorist attack, against the United States; and

(ii) described in a written request or directive from the Attorney General or the head of an element of the intelligence community (or the deputy of such person) to the electronic communication service provider indicating that the activity was—

(I) authorized by the President; and

(II) determined to be lawful; or

(B) the electronic communication service provider did not provide the alleged assistance.

(2) REVIEW.—A certification made pursuant to paragraph (1) shall be subject to review by a court for abuse of discretion.

(b) REVIEW OF CERTIFICATIONS.—If the Attorney General files a declaration under section 1746 of title 28, United States Code, that disclosure of a certification made pursuant to subsection (a) would harm the national security of the United States, the court shall—

(1) review such certification in camera and ex parte; and

(2) limit any public disclosure concerning such certification, including any public order following such an ex parte review, to a statement that the conditions of subsection (a) have been met, without disclosing the subparagraph of subsection (a)(1) that is the basis for the certification.

(c) NONDELEGATION.—The authority and duties of the Attorney General under this section shall be performed by the Attorney General (or Acting Attorney General) or a designee in a position not lower than the Deputy Attorney General.

(d) CIVIL ACTIONS IN STATE COURT.—A covered civil action that is brought in a State court shall be deemed to arise under the Constitution and laws of the United States and shall be removable under section 1441 of title 28, United States Code.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to limit any otherwise available immunity, privilege, or defense under any other provision of law.

(f) EFFECTIVE DATE AND APPLICATION.—This section shall apply to any covered civil action that is pending on or filed after the date of enactment of this Act.

SEC. 203. PROCEDURES FOR IMPLEMENTING STATUTORY DEFENSES UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as amended by section 101, is further amended by adding after title VII the following new title:

"TITLE VIII—PROTECTION OF PERSONS ASSISTING THE GOVERNMENT

"SEC. 801. DEFINITIONS.

"In this title:

"(1) ASSISTANCE.—The term 'assistance' means the provision of, or the provision of access to, information (including communication contents, communications records, or other information relating to a customer or communication), facilities, or another form of assistance.

"(2) ATTORNEY GENERAL.—The term 'Attorney General' has the meaning give that term in section 101(g).

"(3) CONTENTS.—The term 'contents' has the meaning given that term in section 101(n).

"(4) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term 'electronic communication service provider' means—

"(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

"(B) a provider of electronic communications service, as that term is defined in section 2510 of title 18, United States Code;

"(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

"(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored;

"(E) a parent, subsidiary, affiliate, successor, or assignee of an entity described in subparagraph (A), (B), (C), or (D); or

"(F) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), (D), or (E).

"(5) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term 'element of the intelligence community' means an element of the intelligence community as specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

"(6) PERSON.—The term 'person' means—

"(A) an electronic communication service provider; or

"(B) a landlord, custodian, or other person who may be authorized or required to furnish assistance pursuant to—

"(i) an order of the court established under section 103(a) directing such assistance;

"(ii) a certification in writing under section 2511(2)(a)(ii)(B) or 2709(b) of title 18, United States Code; or

"(iii) a directive under section 102(a)(4), 105B(e), as in effect on the day before the date of the enactment of the FISA Amendments Act of 2007 or 703(h).

"(7) STATE.—The term 'State' means any State, political subdivision of a State, the Commonwealth of Puerto Rico, the District of Columbia, and any territory or possession of the United States, and includes any officer, public utility commission, or other body authorized to regulate an electronic communication service provider.

"SEC. 802. PROCEDURES FOR IMPLEMENTING STATUTORY DEFENSES.

"(a) REQUIREMENT FOR CERTIFICATION.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, no civil action may lie or be maintained in a Federal or State court against any person for providing assistance to an element of the intelligence community, and shall be promptly dismissed, if the Attorney General certifies to the court that—

"(A) any assistance by that person was provided pursuant to an order of the court established under section 103(a) directing such assistance;

"(B) any assistance by that person was provided pursuant to a certification in writing under section 2511(2)(a)(ii)(B) or 2709(b) of title 18, United States Code;

"(C) any assistance by that person was provided pursuant to a directive under sections 102(a)(4), 105B(e), as in effect on the day before the date of the enactment of the FISA Amendments Act of 2007, or 703(h) directing such assistance; or

"(D) the person did not provide the alleged assistance.

“(2) REVIEW.—A certification made pursuant to paragraph (1) shall be subject to review by a court for abuse of discretion.

“(b) LIMITATIONS ON DISCLOSURE.—If the Attorney General files a declaration under section 1746 of title 28, United States Code, that disclosure of a certification made pursuant to subsection (a) would harm the national security of the United States, the court shall—

“(1) review such certification in camera and ex parte; and

“(2) limit any public disclosure concerning such certification, including any public order following such an ex parte review, to a statement that the conditions of subsection (a) have been met, without disclosing the subparagraph of subsection (a)(1) that is the basis for the certification.

“(c) REMOVAL.—A civil action against a person for providing assistance to an element of the intelligence community that is brought in a State court shall be deemed to arise under the Constitution and laws of the United States and shall be removable under section 1441 of title 28, United States Code.

“(d) RELATIONSHIP TO OTHER LAWS.—Nothing in this section may be construed to limit any otherwise available immunity, privilege, or defense under any other provision of law.

“(e) APPLICABILITY.—This section shall apply to a civil action pending on or filed after the date of enactment of the FISA Amendments Act of 2007.”.

SEC. 204. PREEMPTION OF STATE INVESTIGATIONS.

Title VIII of the Foreign Intelligence Surveillance Act (50 U.S.C. 1801 et seq.), as added by section 203 of this Act, is amended by adding at the end the following new section:

“SEC. 803. PREEMPTION.

“(a) IN GENERAL.—No State shall have authority to—

“(1) conduct an investigation into an electronic communication service provider's alleged assistance to an element of the intelligence community;

“(2) require through regulation or any other means the disclosure of information about an electronic communication service provider's alleged assistance to an element of the intelligence community;

“(3) impose any administrative sanction on an electronic communication service provider for assistance to an element of the intelligence community; or

“(4) commence or maintain a civil action or other proceeding to enforce a requirement that an electronic communication service provider disclose information concerning alleged assistance to an element of the intelligence community.

“(b) SUITS BY THE UNITED STATES.—The United States may bring suit to enforce the provisions of this section.

“(c) JURISDICTION.—The district courts of the United States shall have jurisdiction over any civil action brought by the United States to enforce the provisions of this section.

“(d) APPLICATION.—This section shall apply to any investigation, action, or proceeding that is pending on or filed after the date of enactment of the FISA Amendments Act of 2007.”.

SEC. 205. TECHNICAL AMENDMENTS.

The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as amended by section 101(b), is further amended by adding at the end the following:

“TITLE VIII—PROTECTION OF PERSONS ASSISTING THE GOVERNMENT

“Sec. 801. Definitions.
“Sec. 802. Procedures for implementing statutory defenses.
“Sec. 803. Preemption.”.

TITLE III—OTHER PROVISIONS

SEC. 301. SEVERABILITY.

If any provision of this Act, any amendment made by this Act, or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act, any such amendments, and of the application of such provisions to other persons and circumstances shall not be affected thereby.

SEC. 302. EFFECTIVE DATE; REPEAL; TRANSITION PROCEDURES.

(a) IN GENERAL.—Except as provided in subsection (c), the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) REPEAL.—

(1) IN GENERAL.—Except as provided in subsection (c), sections 105A, 105B, and 105C of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805a, 1805b, and 1805c) are repealed.

(2) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by striking the items relating to sections 105A, 105B, and 105C.

(c) TRANSITIONS PROCEDURES.—

(1) PROTECTION FROM LIABILITY.—Notwithstanding subsection (b)(1), subsection (l) of section 105B of the Foreign Intelligence Surveillance Act of 1978 shall remain in effect with respect to any directives issued pursuant to such section 105B for information, facilities, or assistance provided during the period such directive was or is in effect.

(2) ORDERS IN EFFECT.—

(A) ORDERS IN EFFECT ON DATE OF ENACTMENT.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978—

(i) any order in effect on the date of enactment of this Act issued pursuant to the Foreign Intelligence Surveillance Act of 1978 or section 6(b) of the Protect America Act of 2007 (Public Law 110–55; 121 Stat. 556) shall remain in effect until the date of expiration of such order; and

(ii) at the request of the applicant, the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) shall reauthorize such order if the facts and circumstances continue to justify issuance of such order under the provisions of such Act, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, and 109 of this Act.

(B) ORDERS IN EFFECT ON DECEMBER 31, 2013.—Any order issued under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101 of this Act, in effect on December 31, 2013, shall continue in effect until the date of the expiration of such order. Any such order shall be governed by the applicable provisions of the Foreign Intelligence Surveillance Act of 1978, as so amended.

(3) AUTHORIZATIONS AND DIRECTIVES IN EFFECT.—

(A) AUTHORIZATIONS AND DIRECTIVES IN EFFECT ON DATE OF ENACTMENT.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978, any authorization or directive in effect on the date of the enactment of this Act issued pursuant to the Protect America Act of 2007, or any amendment made by that Act, shall remain in effect until the date of expiration of such authorization or directive. Any such authorization or directive shall be governed by the applicable provisions of the Protect America Act of 2007 (121 Stat. 552), and the amendment made by that Act, and, except as provided in paragraph (4) of this subsection, any acquisition pursuant to such authorization or directive shall be deemed not to constitute electronic surveillance (as that term is defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(f)), as construed in accordance with section 105A of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805a)).

(B) AUTHORIZATIONS AND DIRECTIVES IN EFFECT ON DECEMBER 31, 2013.—Any authorization or directive issued under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101 of this Act, in effect on December 31, 2013, shall continue in effect until the date of the expiration of such authorization or directive. Any such authorization or directive shall be governed by the applicable provisions of the Foreign Intelligence Surveillance Act of 1978, as so amended, and, except as provided in section 704 of the Foreign Intelligence Surveillance Act of 1978, as so amended, any acquisition pursuant to such authorization or directive shall be deemed not to constitute electronic surveillance (as that term is defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978, to the extent that such section 101(f) is limited by section 701 of the Foreign Intelligence Surveillance Act of 1978, as so amended).

(4) USE OF INFORMATION ACQUIRED UNDER PROTECT AMERICA ACT.—Information acquired from an acquisition conducted under the Protect America Act of 2007, and the amendments made by that Act, shall be deemed to be information acquired from an electronic surveillance pursuant to title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) for purposes of section 106 of that Act (50 U.S.C. 1806), except for purposes of subsection (j) of such section.

(5) NEW ORDERS.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978—

(A) the government may file an application for an order under the Foreign Intelligence Surveillance Act of 1978, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, and 109 of this Act; and

(B) the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 shall enter an order granting such an application if the application meets the requirements of such Act, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, and 109 of this Act.

(6) EXTANT AUTHORIZATIONS.—At the request of the applicant, the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 shall extinguish any extant authorization to conduct electronic surveillance or physical search entered pursuant to such Act.

(7) APPLICABLE PROVISIONS.—Any surveillance conducted pursuant to an order entered pursuant to this subsection shall be subject to the provisions of the Foreign Intelligence Surveillance Act of 1978, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, and 109 of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 398—HONORING THE LIFE AND RECOGNIZING THE ACCOMPLISHMENTS OF JOE NUXHALL, BROADCASTER FOR THE CINCINNATI REDS

Mr. BROWN submitted the following resolution; which was considered and agreed to:

S. RES. 398

Whereas Joe Nuxhall was born on July 30th, 1928 in Hamilton, Ohio.

Whereas on June 10th, 1944 at the age of 15 years, 10 months, and 11 days Joe Nuxhall became the youngest player in the modern era to appear in a major league baseball game.

Whereas Joe Nuxhall earned over 100 victories in his sixteen year major league career and was elected into the Cincinnati Reds Hall of Fame.

Whereas Joe Nuxhall began a radio broadcasting career in 1967 and went on to call over 6,000 games for the Cincinnati Reds.

Whereas Joe Nuxhall had a career spanning over sixty years with the Cincinnati Reds.

Whereas Joe Nuxhall will be remembered for his signature signoff, "This is the Ol' Lefthander rounding third and heading for home."

Whereas Joe Nuxhall whose voice was synonymous with baseball and the summer for generations of fans across the country.

Whereas Joe Nuxhall was a beloved community leader, philanthropist, husband, father, and advocate for children, public schools, and the elderly.

Whereas Ohio has lost a beloved son and baseball one of its most distinctive voices with the passing of Joe Nuxhall on November 15, 2007.

Resolved, That the Senate honors the life of Joe Nuxhall, baseball legend, dedicated family man, and civic-minded leader.

SENATE RESOLUTION 399—EXPRESSING THE SENSE OF THE SENATE THAT CERTAIN BENCHMARKS MUST BE MET BEFORE CERTAIN RESTRICTIONS AGAINST THE GOVERNMENT OF NORTH KOREA ARE LIFTED, AND THAT THE UNITED STATES GOVERNMENT SHOULD NOT PROVIDE ANY FINANCIAL ASSISTANCE TO NORTH KOREA UNTIL THE SECRETARY OF STATE MAKES CERTAIN CERTIFICATIONS REGARDING THE SUBMISSION OF APPLICATIONS FOR REFUGEE STATUS

Mr. BROWNBACK (for himself, Mr. KYL, Mr. LIEBERMAN, and Mr. GRASSLEY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 399

Whereas international press reports noted that Iranian officials traveled to North Korea to observe the long and short-range missile tests conducted by the North Korean regime on July 4, 2006, and this was confirmed by Ambassador Christopher Hill, Assistant Secretary of State for East Asia and the Pacific, during testimony before the Committee on Foreign Relations of the Senate on July 20, 2006;

Whereas international press reports in the summer of 2006 indicated that North Korea was involved in training in guerrilla warfare of Hezbollah cadres who subsequently were involved in operations against Israeli forces in south Lebanon;

Whereas the United Nations Security Council, under the presidency of Japan, unanimously adopted Resolution 1718 on October 14, 2006, "condemning" the nuclear weapon test conducted by North Korea on October 9, 2006, and imposing sanctions on North Korea;

Whereas President George W. Bush stated in November 2006 that: "The transfer of nuclear weapons or material by North Korea to states or non-state entities would be considered a grave threat to the United States, and we would hold North Korea fully accountable for the consequences of such action. . . . It is vital that the nations of this region send a message to North Korea that the proliferation of nuclear technology to hostile regimes or terrorist networks will not be tolerated.";

Whereas Secretary of State Condoleezza Rice stated in October 2006 that "a North Korean decision to try to transfer a nuclear weapon or technologies either to another state or to a non-state actor" would be an "extremely grave" action for which the United States would "hold North Korea accountable"; and

Whereas Congress authoritatively expressed its view, in section 202(b)(2) of the North Korean Human Rights Act of 2004 (Public Law 108–333; 22 U.S.C. 7832(b)(2)), that "United States nonhumanitarian assistance to North Korea shall be contingent on North Korea's substantial progress" on human rights improvements, release of and accounting for abductees, family reunification, reform of North Korea's labor camp system, and the decriminalization of political expression, none of which has occurred: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that restrictions against the Government of North Korea were imposed by reason of a determination of the Secretary of State that the Government of North Korea, for purposes of section 6(j) of the Export Administration Act of 1979 (as continued in effect pursuant to the International Emergency Economic Powers Act; 50 U.S.C. App. 2405(j)), section 40 of the Arms Export Control Act (22 U.S.C. 2780), section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), and other provisions of law, was a government that has repeatedly provided support for acts of international terrorism;

(2) believes that this designation should remain in effect and should not be lifted unless it can be demonstrated that the Government of North Korea—

(A) is no longer engaged in the illegal transfer of missile or nuclear, biological, or chemical weapons technology, particularly to the Governments of Iran, Syria, or any other country, the government of which the Secretary of State has determined, for purposes of any of the provisions of law specified in paragraph (1), is a government that has repeatedly provided support for acts of international terrorism;

(B) is no longer engaged in training, harboring, supplying, financing, or supporting in any way—

(i) Hamas, Hezbollah, or the Japanese Red Army, or any member of such organizations;

(ii) any organization designated by the Secretary of State as a foreign terrorist organization in accordance with section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)); and

(iii) any person included on the Annex to Executive Order 13224 (September 23, 2001) and any other person identified under section 1 of that Executive Order whose property and interests in property are blocked by that section (commonly known as a "specially designated global terrorist");

(C) is no longer engaged in the counterfeiting of United States currency "supernotes";

(D) has made inoperable Bureau No. 39 under the North Korean Workers Party headed by Kim Jong Il, which is charged with laundering illicit funds obtained by narcotics trafficking and other criminal activities;

(E) has released United States permanent resident Kim Dong-Shik who, according to the findings of a South Korean court, was abducted by North Korean agents on the Chinese border in January 2000;

(F) has released or fully accounted to the satisfaction of the Government of the United States and the Government of the Republic of Korea for the whereabouts of the 15 Japanese nationals recognized as abduction victims by the National Police Agency (NPA) of Japan;

(G) has released or fully accounted to the satisfaction of the Government of the United States and the Government of the Republic of Korea for the whereabouts of an estimated 600 surviving South Korean prisoners of war, comrades-in-arms of United States and Allied forces, who have been held in North Korea against their will and in violation of the Armistice Agreement since hostilities ended in July 1953; and

(H) has ceased and desisted from engaging in further terrorist activities subsequent to the 1987 bombing of Korean Air Flight 858 over Burma, the 1996 murder in Vladivostok, Russia, of South Korean diplomat Choi Duck-keun, following Pyongyang's threats of retaliation for the deaths of North Korean commandoes whose submarine ran aground in South Korea, and the 1997 assassination on the streets of Seoul of North Korean defector Lee Han Young; and

(3) believes that the United States Government should not provide any financial assistance to North Korea (except for adequately monitored humanitarian assistance in the form of food and medicine) unless the Secretary of State certifies that—

(A) appropriate guidance has been provided to all foreign embassies and consular offices regarding their responsibility under section 303 of the North Korean Human Rights Act of 2004 (22 U.S.C. 7843) to facilitate the submission of applications by citizens of North Korea seeking protection as refugees under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157);

(B) such guidance has been published in the Federal Register; and

(C) the facilities described in subparagraph (A) are carrying out the responsibility described in subparagraph (A) in good faith.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3821. Mr. THUNE (for Mr. MCCONNELL) proposed an amendment to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

SA 3822. Mr. THUNE (for Mr. GREGG) proposed an amendment to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr.

CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra.

SA 3823. Mr. THUNE (for Mr. GRASSLEY (for himself, Mr. KOHL, and Mr. HARKIN)) proposed an amendment to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra.

TEXT OF AMENDMENTS

SA 3821. Mr. THUNE (for Mr. McCONNELL) proposed an amendment to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; as follows:

On page 20, line 11, strike "pulse crops,".

On page 23, strike paragraph (14) and redesignate paragraphs (15) through (17) as paragraphs (14) through (16), respectively.

On page 24, line 18, strike "pulse crop or".

On page 26, line 6, strike "pulse crop or".

On page 27, line 17, strike "camelina, or eligible pulse crop" and insert "or camelina".

On page 27, lines 21 and 22, strike "CAMELINA, AND ELIGIBLE PULSE CROPS" and insert "AND CAMELINA".

On page 27, lines 24 and 25, strike "camelina, and eligible pulse crops" and insert "and camelina".

On page 28, line 2, strike "camelina, or pulse crop" and insert "or camelina".

On page 28, line 5, strike "camelina, or pulse crop" and insert "or camelina".

On page 28, lines 8 and 9, strike "camelina, or eligible pulse crop" and insert "or camelina".

Beginning on page 28, line 12, through page 29, line 9, strike "camelina, or pulse crop" each place it appears and insert "or camelina".

On page 29, lines 15 through 19, strike "camelina, and eligible pulse crops" each place it appears and insert "and camelina".

On page 29, line 24, strike "(other than pulse crops)".

On page 35, strike lines 8 through 13.

Beginning on page 49, strike line 19 and all that follows through page 51, line 4, and insert the following:

(a) LOAN RATES.—For each of the 2008 through 2012 crop years, the loan rate for a marketing assistance loan under section 1201 for a loan commodity shall be equal to the following:

(1) In the case of wheat, $2.75 per bushel.

(2) In the case of corn, $1.95 per bushel.

(3) In the case of grain sorghum, $1.95 per bushel.

(4) In the case of barley, $1.85 per bushel.

(5) In the case of oats, $1.33 per bushel.

(6) In the case of the base quality of upland cotton, $0.52 per pound.

(7) In the case of extra long staple cotton, $0.7977 per pound.

(8) In the case of long grain rice, $6.50 per hundredweight.

(9) in the case of medium grain rice, $6.50 per hundredweight.

(10) In the case of soybeans, $5.00 per bushel.

(11) In the case of other oilseeds, $.0930 per pound.

(12) In the case of dry peas, $5.40 per hundredweight.

(13) In the case of lentils, $11.28 per hundredweight.

(14) In the case of small chickpeas, $7.43 per hundredweight.

(15) In the case of large chickpeas, $11.28 per hundredweight.

(16) In the case of graded wool, $1.00 per pound.

(17) In the case of nongraded wool, $0.40 per pound.

(18) In the case of mohair, $4.20 per pound.

(19) In the case of honey, $0.60 per pound.

On page 85, line 4, strike "pulse crop or".

On page 86, line 18, strike "pulse crop or".

On page 663, between lines 18 and 19, insert the following:

SEC. 49___. PERIODIC SURVEYS OF FOODS PURCHASED BY SCHOOL FOOD AUTHORITIES.

Section 6 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755) is amended by adding at the end the following:

"(f) PERIODIC SURVEYS OF FOODS PURCHASED BY SCHOOL FOOD AUTHORITIES.—

"(1) IN GENERAL.—For fiscal year 2008 and every fifth fiscal year thereafter, the Secretary shall carry out a nationally representative survey of the foods purchased during the most recent school year for which data is available by school authorities participating in the national school lunch program.

"(2) REPORT.—On completion of each survey, the Secretary shall submit to Congress a report that describes the results of the survey.

"(3) FUNDING.—Of the funds made available under section 3, the Secretary shall use to carry out this subsection not more than $3,000,000 for fiscal year 2008 and every fifth fiscal year thereafter.".

On page 672, between lines 6 and 7, insert the following:

SEC. 49___. TEAM NUTRITION NETWORK.

Section 19 of the Child Nutrition Act of 1966 (42 U.S.C. 1788) is amended by striking subsection (l) and inserting the following:

"(l) FUNDING.—

"(1) MANDATORY FUNDING.—

"(A) IN GENERAL.—On October 1, 2008, and on each October 1 thereafter through October 1, 2011, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section $25,000,000, to remain available until expended.

"(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under subparagraph (A), without further appropriation.

"(C) NUTRITIONAL HEALTH OF SCHOOL CHILDREN.—In allocating funds made available under this paragraph, the Secretary shall give priority to carrying out subsections (a) through (g).

"(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts made available under paragraph (1), there are authorized to be appropriated such sums as are necessary to carry out this section.".

SA 3822. Mr. THUNE (for Mr. GREGG) proposed an amendment to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; as follows:

Strike subtitle A of title XII and insert the following:

Subtitle A—Low-Income Home Energy Assistance

SEC. 12101. APPROPRIATIONS.

In addition to any amounts appropriated under any other Federal law, there is appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2008, $924,000,000 (to remain available until expended) for making payments under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)), notwithstanding the designation requirement of section 2602(e) of such Act (42 U.S.C. 8621(e)).

SEC. 12102. DEFICIT REDUCTION.

It is the sense of Congress that the difference between—

(1) the amount that would be made available under subtitle A of title XII (as specified in Senate amendment 3500, as proposed on November 5, 2007, to H.R. 2419, 110th Congress); and

(2) the amount made available under section 12101,

should be used only for deficit reduction.

SA 3823. Mr. THUNE (for Mr. GRASSLEY (for himself, Mr. KOHL, and Mr. HARKIN)) proposed an amendment to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; as follows:

On page 1220, between lines 11 and 12, insert the following:

(c) AGRICULTURE COMPETITION TASK FORCE.—

(1) ESTABLISHMENT.—There is established, under the authority of the Attorney General, the Agriculture Competition Task Force, to examine problems in agricultural competition.

(2) MEMBERSHIP.—The Task Force shall consist of—

(A) the Assistant Attorney General, who shall serve as chairperson of the Task Force;

(B) the Special Counsel;

(C) a representative from the Federal Trade Commission;

(D) a representative from the Department of Agriculture, Office of Packers and Stockyards;

(E) 1 representative selected jointly by the attorneys general of States desiring to participate in the Task Force;

(F) 1 representative selected jointly by the heads of the departments of agriculture (or similar such agency) of States desiring to participate in the Task Force;

(G) 8 individuals who represent the interests of small family farmers, ranchers, independent producers, packers, processors, and other components of the agricultural industry—

(i) 2 of whom shall be selected by the Majority Leader of the Senate;

(ii) 2 of whom shall be selected by the Minority Leader of the Senate;

(iii) 2 of whom shall be selected by the Speaker of the House of Representatives; and

(iv) 2 of whom shall be selected by the Minority Leader of the House of Representatives; and

(H) 4 academics or other independent experts working in the field of agriculture, agricultural law, antitrust law, or economics—

(i) 1 of whom shall be selected by the Majority Leader of the Senate;

(ii) 1 of whom shall be selected by the Minority Leader of the Senate;

(iii) 1 of whom shall be selected by the Speaker of the House of Representatives; and

(iv) 1 of whom shall be selected by the Minority Leader of the House of Representatives.

(3) DUTIES.—The Task Force shall—

(A) study problems in competition in the agricultural industry;

(B) establish ways to coordinate Federal and State activities to address unfair and deceptive practices and concentration in the agricultural industry;

(C) work with representatives from agriculture and rural communities to identify abusive practices in the agricultural industry;

(D) submit to Congress such reports as the Task Force determines appropriate on the state of family farmers and ranchers, and the impact of agricultural concentration and unfair business practices on rural communities in the United States; and

(E) make such recommendations to Congress as the Task Force determines appropriate on agricultural competition issues, which shall include any additional or dissenting views of the members of the Task Force.

(4) WORKING GROUP.—

(A) IN GENERAL.—The Task Force shall establish a working group on buyer power to study the effects of concentration, monopsony, and oligopsony in agriculture, make recommendations to the Assistant Attorney General and the Chairman, and assist the Assistant Attorney General and the Chairman in drafting agricultural guidelines under subsection (e)(1).

(B) MEMBERS.—The working group shall include any member of the Task Force selected under paragraph (2)(H).

(5) MEETINGS.—

(A) FIRST MEETING.—The Task Force shall hold its initial meeting not later than the later of—

(i) 90 days after the date of enactment of this Act; and

(ii) 30 days after the date of enactment of an Act making appropriations to carry out this subsection.

(B) MINIMUM NUMBER.—The Task Force shall meet not less than once each year, at the call of the chairperson.

(6) COMPENSATION.—

(A) IN GENERAL.—The members of the Task Force shall serve without compensation.

(B) TRAVEL EXPENSES.—Members of the Task Force shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(7) STAFF OF TASK FORCE; EXPERTS AND CONSULTANTS.—

(A) STAFF.—

(i) APPOINTMENT.—The chairperson of the Task Force may, without regard to the provisions of chapter 51 of title 5, United States Code (relating to appointments in the competitive service), appoint and terminate an executive director and such other staff as are necessary to enable the Task Force to perform its duties. The appointment of an executive director shall be subject to approval by the Task Force.

(ii) COMPENSATION.—The chairperson of the Task Force may fix the compensation of the executive director and other staff without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code (relating to classification of positions and General Schedule pay rates), except that the rate of pay for the executive director and other staff may not exceed the rate of basic pay payable for level V of the Executive Schedule under section 5315 of title 5, United States Code, as in effect from time to time.

(B) EXPERTS AND CONSULTANTS.—The Task Force may procure temporary and intermittent services of experts and consultants in accordance with section 3109(b) of title 5, United States Code.

(8) POWERS OF THE TASK FORCE.—

(A) HEARINGS AND MEETINGS.—The Task Force, or a member of the Task Force if authorized by the Task Force, may hold such hearings, sit and act at such time and places, take such testimony, receive such evidence, and administer such oaths or affirmations as the Task Force considers to be appropriate.

(B) OFFICIAL DATA.—

(i) IN GENERAL.—The Task Force may obtain directly from any executive agency (as defined in section 105 of title 5, United States Code) or court information necessary to enable it to carry out its duties under this subsection. On the request of the chairperson of the Task Force, and consistent with any other law, the head of an executive agency or of a Federal court shall provide such information to the Task Force.

(ii) CONFIDENTIAL INFORMATION.—The Task Force shall adopt procedures that ensure that confidential information is adequately protected.

(C) FACILITIES AND SUPPORT SERVICES.—The Administrator of General Services shall provide to the Task Force on a reimbursable basis such facilities and support services as the Task Force may request. On request of the Task Force, the head of an executive agency may make any of the facilities or services of such agency available to the Task Force, on a reimbursable or nonreimbursable basis, to assist the Task Force in carrying out its duties under this subsection.

(D) EXPENDITURES AND CONTRACTS.—The Task Force or, on authorization of the Task Force, a member of the Task Force may make expenditures and enter into contracts for the procurement of such supplies, services, and property as the Task Force or such member considers to be appropriate for the purpose of carrying out the duties of the Task Force. Such expenditures and contracts may be made only to such extent or in such amounts as are provided in advance in appropriation Acts.

(E) MAILS.—The Task Force may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(F) GIFTS, BEQUESTS, AND DEVISES.—The Task Force may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Task Force. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the Task Force.

(9) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $1,000,000 for each of fiscal years 2008, 2009, and 2010.

(d) AUTHORIZATION FOR ADDITIONAL STAFF AND FUNDING.—There are authorized to be appropriated such sums as are necessary to hire additional employees (including agricultural law and economics experts) for the Transportation, Energy, and Agriculture Section of the Antitrust Division of the Department of Justice, to enhance the review of agricultural transactions and monitor, investigate, and prosecute unfair and deceptive practices in the agricultural industry.

(e) ENSURING FULL AND FREE COMPETITION IN AGRICULTURE.—

(1) AGRICULTURAL GUIDELINES.—

(A) FINDINGS.—Congress finds the following:

(i) The effective enforcement of the antitrust laws in agriculture requires that the antitrust enforcement agencies have guidelines with respect to mergers and other anticompetitive conduct that are focused on the special circumstances of agricultural commodity markets.

(ii) There has been a substantial increase in concentration in the markets in which agricultural commodities are sold, with the result that buyers of agricultural commodities often possess regional dominance in the form of oligopsony or monopsony relative to sellers of such commodities. A substantial part of this increase in market concentration is the direct result of mergers and acquisitions that the antitrust enforcement agencies did not challenge, in large part because of the lack of guidelines focused on identifying particular structural characteristics in the agricultural industry and the adverse competitive effects that such acquisitions and mergers would create.

(iii) The cost of transportation, impact on quality, and delay in sales of agricultural commodities if they are to be transported to more distant buyers may result in narrow geographic markets with respect to buyer power.

(iv) Buyers have no economic incentive to bid up the price of agricultural commodities in the absence of effective competition. Further, the nature of buying may make it feasible for larger numbers of buyers to engage in tacit or overt collusion to restrain price competition.

(v) Buyers with oligopsonistic or monopsonistic power have incentives to engage in unfair, discriminatory, and exclusionary acts that cause producers of agricultural commodities to receive less than a competitive price for their goods, transfer economic risks to sellers without reasonable compensation, and exclude sellers from access to the market.

(vi) Markets for agricultural commodities often involve contexts in which many producers have relatively limited information and bargaining power with respect to the sale of their commodities. These conditions invite buyers with significant oligopsonistic or monopsonistic power to exercise that power in ways that involve discrimination and undue differentiation among sellers.

(B) ISSUANCE OF GUIDELINES.—After consideration of the findings under subparagraph (A), the Assistant Attorney General and the Chairman, in consultation with the Special Counsel, shall issue agricultural guidelines that—

(i) facilitate a fair, open, accessible, transparent, and efficient market system for agricultural products;

(ii) recognize that not decreasing competition in the purchase of agricultural products by highly concentrated firms from a sector in perfect competition is entirely consistent with the objective of the antitrust laws to protect consumers and enhance consumer benefits from competition; and

(iii) require the Assistant Attorney General or the Chairman, as the case may be, to challenge any merger or acquisition in the agricultural industry, if the effect of that merger or acquisition may be to substantially lessen competition or tend to create a monopoly.

(C) CONTENTS.—The agricultural guidelines issued under subparagraph (B) shall consist of merger guidelines relating to existing and potential competition and vertical integration that—

(i) establish appropriate methodologies for determining the geographic and product markets for mergers affecting agricultural commodity markets;

(ii) establish thresholds of increased concentration that raise a concern that the merger will have an adverse effect on competition in the affected agricultural commodities markets;

(iii) identify potential adverse competitive effects of mergers in agricultural commodities markets in a nonexclusive manner; and

(iv) identify the factors that would permit an enforcement agency to determine when a merger in the agricultural commodities market might avoid liability because it is not likely to have an adverse effect on competition.

(2) AGRICULTURE COMPETITION TASK FORCE WORKING GROUP ON BUYING POWER.—In issuing agricultural guidelines under this subsection, the Chairman and the Assistant Attorney General shall consult with the working group on buyer power of the Task Force established under subsection (c)(4).

(3) COMPLETION.—Not later than 2 years after the date of enactment of this Act, the Chairman and the Assistant Attorney General shall—

(A) issue agricultural guidelines under this subsection;

(B) submit to Congress the agricultural guidelines issued under this subsection; and

(C) submit to Congress a report explaining the basis for the guidelines, including why it incorporated or did not incorporate each recommendation of the working group on buyer power of the Task Force established under subsection (c)(4).

(4) REPORT.—Not later than 30 months after the date of enactment of this Act, the Chairman and the Assistant Attorney General shall jointly submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives regarding the issuing of agricultural guidelines under this subsection.

(f) AGRIBUSINESS MERGER REVIEW AND ENFORCEMENT BY THE DEPARTMENT OF AGRICULTURE.—

(1) NOTICE.—The Assistant Attorney General or the Commissioner, as appropriate, shall notify the Secretary of any filing under section 7A of the Clayton Act (15 U.S.C. 18a) involving a merger or acquisition in the agricultural industry, and shall give the Secretary the opportunity to participate in the review proceedings.

(2) REVIEW.—

(A) IN GENERAL.—After receiving notice of a merger or acquisition under paragraph (1), the Secretary may submit to the Assistant Attorney General or the Commissioner, as appropriate, and publish the comments of the Secretary regarding that merger or acquisition, including a determination regarding whether the merger or acquisition may present significant competition and buyer power concerns, such that further review by the Assistant Attorney General or the Commissioner, as appropriate, is warranted.

(B) SECOND REQUESTS.—For any merger or acquisition described in paragraph (1), if the Assistant Attorney General or the Chairman, as the case may be, requires the submission of additional information or documentary material under section 7A(e)(1)(A) of the Clayton Act (15 U.S.C. 18a(e)(1)(A))—

(i) copies of any materials provided in response to such a request shall be made available to the Secretary; and

(ii) the Secretary—

(I) shall submit to the Assistant Attorney General or the Chairman such additional comments as the Secretary determines appropriate; and

(II) shall publish a summary of any comments submitted under subclause (I).

(3) REPORT.—

(A) IN GENERAL.—The Secretary shall submit an annual report to Congress regarding the review of mergers and acquisitions described in paragraph (1).

(B) CONTENTS.—Each report submitted under subparagraph (A) shall provide a description of each merger or acquisition described in paragraph (1) that was reviewed by the Secretary during the year before the date that report is submitted, including—

(i) the name and total resources of each entity involved in that merger or acquisition;

(ii) a statement of the views of the Secretary regarding the competitive effects of that merger or acquisition on agricultural markets, including rural communities and small, independent producers; and

(iii) a statement indicating whether the Assistant Attorney General or the Chairman, as the case may be, instituted a proceeding or action under the antitrust laws, and if so, the status of that proceeding or action.

(g) AUTHORIZATION FOR ADDITIONAL STAFF AND FUNDING FOR THE GRAIN INSPECTION, PACKERS, AND STOCKYARDS ADMINISTRATION.—There are authorized to be appropriated such sums as are necessary to enhance the capability of the Grain Inspection, Packers, and Stockyards Administration to monitor, investigate, and pursue the competitive implications of structural changes in the meat packing and poultry industries by hiring litigating attorneys to allow the Grain Inspection, Packers, and Stockyards Administration to more comprehensively and effectively pursue its enforcement activities.

(h) DEFINITIONS.—In this section:

(1) AGRICULTURAL COMMODITY.—The term "agricultural commodity"—

(A) has the meaning given that term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602); and

(B) does not include biofuels.

(2) AGRICULTURAL COOPERATIVE.—The term "agricultural cooperative" means an association of persons that meets the requirements of the Capper-Volstead Act (7 U.S.C. 291 et seq.).

(3) AGRICULTURAL INDUSTRY.—The term "agricultural industry"—

(A) means any dealer, processor, commission merchant, or broker involved in the buying or selling of agricultural commodities; and

(B) does not include sale or marketing at the retail level.

(4) ANTITRUST LAWS.—The term "antitrust laws" has the meaning given that term in the first section of the Clayton Act (15 U.S.C. 12).

(5) ASSISTANT ATTORNEY GENERAL.—The term "Assistant Attorney General" means the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice.

(6) BIOFUEL.—The term "biofuel" has the meaning given that term in section 9001 of the Farm Security and Rural Investment Act of 2002, as amended by section 9001 of this Act.

(7) BROKER.—The term "broker" means any person (excluding an agricultural cooperative) engaged in the business of negotiating sales and purchases of any agricultural commodity in commerce for or on behalf of the vendor or the purchaser.

(8) CHAIRMAN.—The term "Chairman" means the Chairman of the Federal Trade Commission.

(9) COMMISSION MERCHANT.—The term "commission merchant" means any person (excluding an agricultural cooperative) engaged in the business of receiving in commerce any agricultural commodity for sale, on commission, or for or on behalf of another.

(10) DEALER.—The term "dealer" means any person (excluding an agricultural cooperative) engaged in the business of buying, selling, or marketing agricultural commodities in commerce, except that no person shall be considered a dealer with respect to sales or marketing of any agricultural commodity produced by that person.

(11) PROCESSOR.—The term "processor" means any person (excluding an agricultural cooperative) engaged in the business of handling, preparing, or manufacturing (including slaughtering) an agricultural commodity, or the products of such agricultural commodity, for sale or marketing in commerce for human consumption (excluding sale or marketing at the retail level).

(12) SPECIAL COUNSEL.—The term "Special Counsel" means the Special Counsel for Agricultural Competition of the Department of Agriculture established under section 11 of the Packers and Stockyards Act, 1921, as added by this Act.

(13) TASK FORCE.—The term "Task Force" means the Agriculture Competition Task Force established under subsection (c).

PRIVILEGES OF THE FLOOR

Ms. STABENOW. Mr. President, I ask unanimous consent that Ilana Levinson from my staff be afforded floor privileges for the duration of the farm bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING THE LATE JOE NUXHALL

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 398 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 398) honoring the life and recognizing the accomplishments of Joe Nuxhall, broadcaster for the Cincinnati Reds.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements be printed in the RECORD without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 398) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 398

Whereas Joe Nuxhall was born on July 30th, 1928 in Hamilton, Ohio.

Whereas on June 10th, 1944 at the age of 15 years, 10 months, and 11 days Joe Nuxhall became the youngest player in the modern era to appear in a major league baseball game.

Whereas Joe Nuxhall earned over 100 victories in his sixteen year major league career and was elected into the Cincinnati Reds Hall of Fame.

Whereas Joe Nuxhall began a radio broadcasting career in 1967 and went on to call over 6,000 games for the Cincinnati Reds.

Whereas Joe Nuxhall had a career spanning over sixty years with the Cincinnati Reds.

Whereas Joe Nuxhall will be remembered for his signature signoff, "This is the Ol' Lefthander rounding third and heading for home."

Whereas Joe Nuxhall whose voice was synonymous with baseball and the summer for generations of fans across the country.

Whereas Joe Nuxhall was a beloved community leader, philanthropist, husband, father, and advocate for children, public schools, and the elderly.

Whereas Ohio has lost a beloved son and baseball one of its most distinctive voices with the passing of Joe Nuxhall on November 15, 2007.

Resolved, That the Senate honors the life of Joe Nuxhall, baseball legend, dedicated family man, and civic-minded leader.

MEASURES READ THE FIRST TIME—S. 2436, S. 2440, AND S. 2441

Mr. SALAZAR. Mr. President, I understand there are three bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will read the titles of the bills for the first time en bloc.

The legislative clerk read as follows:

A bill (S. 2436) to amend the Internal Revenue Code of 1986 to clarify the term of the Commissioner of Internal Revenue.

A bill (S. 2440) to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

A bill (S. 2441) to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

Mr. SALAZAR. Mr. President, I now ask for a second reading en bloc and object to my own request en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will receive their second reading on the next legislative day.

ORDERS FOR TUESDAY, DECEMBER 11, 2007

Mr. SALAZAR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Tuesday, December 11; that on Tuesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour deemed expired, the time for the two leaders reserved for their use later in the day; that there then be a period of morning business for 60 minutes, with time equally divided and controlled between the two leaders or their designees; and Senators permitted to speak therein for up to 10 minutes, with the first half under the control of the Republicans and the final half under the control of the majority; that at the close of morning business, the Senate then resume consideration of H.R. 2419.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. SALAZAR. Mr. President, if there is no further business today, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:39 p.m., adjourned until Tuesday, December 11, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Monday, December 10, 2007*

The House met at 3 p.m. and was called to order by the Speaker pro tempore (Mr. McINTYRE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC.
December 10, 2007.

I hereby appoint the Honorable MIKE McINTYRE to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

At Your invitation and by Your holy inspiration, Lord God Almighty, we pray: "Thy kingdom come, thy will be done." With similar words or phrases we dispose ourselves in prayer to respond to Your initiative in us personally and as a corporate entity.

As a Nation and today in Congress we express our desire to be Your instrument in bringing peace and unity to this world. May we skillfully speak only the truth and work toward unequivocal justice so to achieve Your plan for us.

Give us patience because the work is great and our limitations are honest. But in You and through You hope is instilled in us and marvelous deeds can be expected to give You glory now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 4, 2007.

Hon. NANCY PELOSI,
The Speaker, H–232 The Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 4, 2007, at 9:57 a.m.:

That the Senate passed with an amendment H.R. 238.

With best wishes, I am
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 7, 2007.

Hon. NANCY PELOSI,
The Speaker, H–232 The Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 7, 2007, at 11:28 a.m.:

That the Senate passed without amendment H.R. 4118.

That the Senate passed without amendment H.R. 3315.

That the Senate agreed to S. Con. Res. 54.

With best wishes, I am
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 54. Concurrent resolution supporting the designation of a week as "National Cardiopulmonary Resuscitation and Automated External Defibrillator Awareness Week"; to the Committee on Oversight and Government Reform.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced her signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 888. To amend section 1091 of title 18, United States Code, to allow the prosecution of genocide in appropriate circumstances.

S. 2371. An act to amend the Higher Education Act of 1965 to make technical corrections.

S.J. Res. 8. Providing for the reappointment of Patricia Q. Stonesifer as a citizen regent of the Board of Regents of the Smithsonian Institution.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 10:30 a.m. tomorrow for morning-hour debate.

There was no objection.

Accordingly (at 3 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, December 11, 2007, at 10:30 a.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4345. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Foot-and-Mouth Disease Status of Uruguay [Docket No. 00–111–3] received November 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4346. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule—Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Capital Adequacy--Basel Accord (RIN: 3052–AC25) received November 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4347. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act, Case Number 07–07, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

4348. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Waiver of Specialty Metals Restriction for Acquisition of Commercially Available Off-the-Shelf Items [DFARS Case 2007–D013] (RIN: 0750–AF74) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4349. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting the Department's notification of its intention to disestablish the BX Mart in order to establish independent exchange and commissary operation at the Naval Air Station Joint Reserve Base, Fort

Worth, Texas, pursuant to 10 U.S.C. 2488; to the Committee on Armed Services.

4350. A letter from the Director, Office of Legislative Affairs, Department of the Treasury, transmitting the Department's final rule—Risk-Based Capital Standards: Advanced Capital Adequacy Framework—Basel II [Docket No. OCC-2007-018] (RIN: 1557-AC91) received November 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4351. A letter from the Legal Information Assistant, Department of the Treasury, transmitting the Department's final rule—Risk-Based Capital Standards: Advanced Capital Adequacy Framework—Basel II [Docket No. OCC-2007-0018] (RIN: 1557-AC91) received November 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4352. A letter from the Regulatory Specialist, LRAD, Department of the Treasury, transmitting the Department's final rule—Identity Theft Red Flags and Address Discrepancies Under the Fair and Accurate Credit Transactions Act of 2003 [Docket ID OCC-2007-0017] (RIN: 1557-AC87) received November 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4353. A letter from the Regulatory Specialist, LRAD, Department of the Treasury, transmitting the Department's final rule—Fair Credit Reporting Affiliate Marketing Regulations [Docket ID. OCC-2007-0010] (RIN: 1557-AC88) received November 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4354. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Angola pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

4355. A letter from the Deputy Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits—received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4356. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's report entitled, "Technical Guidance for the Development of Tribal Air Monitoring"; to the Committee on Energy and Commerce.

4357. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the export of defense articles and services to the Government of Japan (Transmittal No. DDTC 098-07); to the Committee on Foreign Affairs.

4358. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the export of defense articles and services to the Governments of Taiwan, Singapore, Canada, and the United Kingdom (Transmittal No. DDTC 094-07); to the Committee on Foreign Affairs.

4359. A letter from the Secretary, Department of Education, transmitting the fifty-fifth Semiannual Report to Congress on management decisions and final actions taken on audit recommendations, covering the period April 1, 2007 through September 30, 2007 in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

4360. A letter from the Deputy Chief Counsel (Regulations), Department of Homeland Security, transmitting the Department's final rule—Privacy Act of 1974: Implementation of Exemptions; Secure Flight Records [Docket No. TSA-2007-28972; Amendment No. 1507-3] (RIN: 1652-AA48) received November 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4361. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4362. A letter from the Senior Counsel for Regulatory Affairs, Department of the Treasury, transmitting the Department's final rule—Implementing Procedures for Mandatory Declassification Review and Access to Classified Information by Historical Researchers, Former Treasury Presidential and Vice Presidential Appointees, and Former Presidents and Vice Presidents—received November 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4363. A letter from the Secretary, Department of the Treasury, transmitting two Semiannual Reports which were prepared separately by Treasury's Office of Inspector General (OIG) and the Treasury Inspector General for Tax Administration (TIGTA) for the period ended September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

4364. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2007 through September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Oversight and Government Reform.

4365. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's FY 2007 Performance and Accountability Report, prepared in conformance with the Government Performance and Results Act (GPRA) of 1993, Pub. L. 103–62, and OMB Circular A-136 and A-11; to the Committee on Oversight and Government Reform.

4366. A letter from the Chairman, National Endowment for the Arts, transmitting the Semiannual Report of the Inspector General and the Semiannual Report on Final Action Resulting from Audit Reports for the period April 1, 2007 through September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

4367. A letter from the Chairman, National Endowment for the Arts, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108–199, the Endowment's report on competitive sourcing efforts for Fiscal Year 2007; to the Committee on Oversight and Government Reform.

4368. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Definition of the Municipality of Bayamon, Puerto Rico, to a Nonappropriated Fund Federal Wage System Wage Area (RIN: 3206–AL43) received November 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4369. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Abolishment of Rock Island, Illinois, as a Nonappropriated Fund Federal Wage System Wage Area (RIN: 3206–AL44) received November 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4370. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Texas Regulatory Program and Abandoned Mine Land Reclamation Plan [Docket No. TX-057-FOR] received November 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4371. A letter from the Administrator, National Oceanic and Atmospheric Administration, transmitting the Administration's Pacific Coast Salmon Recovery Fund Report for 2007; to the Committee on Natural Resources.

4372. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of a class of workers from the Nuclear Materials and Equipment Corporation in Apollo, Pennsylvania to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

4373. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's recommended authorization of a flood damage reduction project for the Wood River Levee System, Madison County, Illinois; to the Committee on Transportation and Infrastructure.

4374. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's position on the budgeting of the Breckenridge, Minnesota Local Flood Reduction Project; to the Committee on Transportation and Infrastructure.

4375. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: Holiday Flotilla Fireworks Display, Motts Channel/Banks Channel, Wrightsville Beach, North Carolina [CGD05-07-088] (RIN: 1625-AA00) received December 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4376. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Schoenith Family Foundation Fireworks, Detroit River, Detroit, MI. [CGD09-07-119] (RIN: 1625-AA00) received December 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4377. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Blue Island Regatta, Calumet Sag Channel, Blue Island, IL. [CGD09-07-122] (RIN: 1625-AA00) received December 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4378. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Queensway Bay, Long Beach, California [COTP LA-LB 07-004] (RIN: 1625-AA00) received December 6, 2007, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4379. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Monthly Biscayne Bay Yacht Racing Association Cruising Races, Biscayne Bay, Miami, FL [COTP MIAMI 07-142] (RIN: 1625-AA00) received December 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4380. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Monte Foundation Fireworks Extravaganza, Aptos, CA [Docket No. COTP San Francisco Bay 07-042] (RIN: 1625-AA00) received December 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4381. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Security Zones; Oahu, Maui, Hawaii, and Kauai, HI [CGD14-07-001] (RIN: 1625-AA87) received December 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4382. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Hawaii Superferry Arrival/Departure, Nawiliwili Harbor, Kauai, Hawaii [Docket No. USCG-2007-29153] (RIN: 1625-AA87) received December 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4383. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: Army Corps of Engineers Blasting and Dredging Operation, Boston Harbor, Boston, MA [Docket No. CGD01-07-145] (RIN: 1625-AA00) received December 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4384. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Gulf of Alaska, Narrow Cape, Kodiak Island, AK. [Docket No. COTP Western Alaska-07-003] (RIN: 1625-AA00) received December 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4385. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule—Shipping; Technical, Organizational, and Conforming Amendments [USCG-2007-29018] (RIN: 1625-ZA14) received December 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4386. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Events; John H. Kerr Reservoir, Clarksville, VA [Docket No. CGD05-07-045] (RIN: 1625-AA08) received December 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4387. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Regulated Navigated Area; Cumberland River, Clarksville, TN. [Docket No. CGD08-07-010] (RIN: 1625-AA11) received December 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4388. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Marine City Maritime Festival Fireworks, St. Clair River, Marine City, MI. [CGD09-07-016] (RIN: 1625-AA00) received December 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4389. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Events; Back River, Poquoson, VA [Docket No. CGD05-07-060] (RIN: 1625-AA08) received December 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4390. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Morgan City-Port Allen Alternate Route, Mile Marker 0.5 to Mile Marker 1.0, bank to bank. [Docket No. COTP Morgan City-07-018] (RIN: 1625-AA00) received December 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4391. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—National Air Tour Safety Standards; Final Rule [Docket No.: FAA-1998-4521; Amendment Nos. 61-115, 91-295, 121-328, 135-107, 136-1] (RIN: 2120-AF07) received October 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4392. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Modification of the Phoenix Class B Airspace Area; Arizona [Docket No Docket No. FAA-2005-23437; Airspace Docket No. 05-AWA-2] (RIN: 2120-AA66) received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4393. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Revision of Jet Routes J-29 and J-101; South Central United States [Docket No. FAA-2007-28134; Airspace Docket No. 07-ASW-1] (RIN: 2120-AA66) received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4394. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Hulett, WY [Docket No. FAA-2007-28235; Airspace Docket No. 07-ANM-9] received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4395. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30571; Amdt. No. 3237] received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4396. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Standard Instrument Procedures; Miscellaneous Amendments [Docket No. 30572; Amdt. No. 3238] received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4397. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30574 ; Amdt. No. 3239] received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4398. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30575; Amdt. No. 3240] received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4399. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 30573; Amdt. No. 470] received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4400. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Production and Airworthiness Approvals, Part Marking, and Miscellaneous Proposals [Docket No. FAA-2006-25877; Amendment No. 21-91] (RIN: 2120-AI78) received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4401. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30570; Amdt. No. 3236] received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4402. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Flightdeck Door Monitoring and Crew Discreet Alerting Systems [Docket No. FAA-2005-22449; Amendment No. 121-334] (RIN: 2120-AI16) received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4403. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Inspection Authorization 2-year Renewal [Docket No. FAA-2007-27108; Amendment No. 65-50] (RIN: 2120-AI83) received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4404. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airplane Performance and Handling Qualities in Icing Conditions [Docket No. FAA-2005-22840; Amendment No. 25-121] (RIN: 2120-AI14) received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4405. A letter from the National Ombudsman and Assistant Administrator for Regulatory Enforcement Fairness, Small Business Administration, transmitting a copy of the Administration's Office of the National Ombudsman's Annual Report on Congress for fiscal year 2006; to the Committee on Small Business.

4406. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Section 61. Gross Income Defined 26 CFR 1.61-1: Gross income. (Also 134, 140;

1.6041-1.) (Rev. Rul. 2007-69) received November 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4407. A letter from the Branch Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Phase-out of Credit for New Qualified Hybrid Motor Vehicles and New Advanced Lean Burn Technology Motor Vehicles [Notice 2007-98] received November 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4408. A letter from the Secretary, Department of Homeland Security, transmitting the Department's annual financial report for fiscal year 2007; to the Committee on Homeland Security.

4409. A letter from the Secretary, Department of Energy, transmitting an annual report concerning operations at the Naval Petroleum Reserves for fiscal year 2006, pursuant to the Naval Petroleum Reserves Production Act of 1976; jointly to the Committees on Armed Services and Energy and Commerce.

4410. A letter from the Assistant Secretary, Electricity Delivery and Energy Reliability, Department of Energy, transmitting the Department's Draft Programmatic Environmental Impact Statement for the Designation of Energy Corridors in 11 Western States, pursuant to Section 368(a) of the Energy Policy Act of 2005; jointly to the Committees on Energy and Commerce and Natural Resources.

4411. A letter from the Management Trend Company, transmitting a copy of proposed legislation entitled, "The Anti-Predatory Business Practices Act"; jointly to the Committees on Financial Services, Ways and Means, and the Judiciary.

4412. A letter from the Acting Assistant Secretary, Office of Fossil Energy, Department of Energy, transmitting The Department's report entitled "Development of America's Strategic Unconventional Fuels Resources," pursuant to Section 369(h) of the Energy Policy Act of 2005; jointly to the Committees on Energy and Commerce, Natural Resources, Armed Services, and Science and Technology.

4413. A letter from the Acting Secretary, Department of Veterans Affairs, transmitting a copy of a draft bill entitled, "American's Wounded Warriors Act"; jointly to the Committees on Armed Services, Veterans' Affairs, Oversight and Government Reform, Education and Labor, and House Administration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 4108. A bill to amend section 3328 of title 5, United States Code, relating to Selective Service registration (Rept. 110-479). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 3986. A bill to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, and for other purposes (Rept. 110-480). Referred to the Committee of the Whole House on the State of the Union.

Mr. LANTOS: Committee on Foreign Affairs. H.R. 275. A bill to promote freedom of expression on the Internet, to protect United States businesses from coercion to participate in repression by authoritarian foreign governments, and for other purposes; with an amendment (Rept. 110-481 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[The following actions occurred on December 7, 2007]

H.R. 2830. Referral to the Committee on Energy and Commerce extended for a period ending not later than December 14, 2007.

H.R. 3890. Referral to the Committee on Ways and Means extended for a period ending not later than December 12, 2007.

Submitted on December 10, 2007

H.R. 275. Referral to the Committee on Energy and Commerce extended for a period ending not later than January 16, 2008.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LEVIN:

H.R. 4341. A bill to extend the trade adjustment assistance program under the Trade Act of 1974 for 3 months; to the Committee on Ways and Means.

By Mr. BUCHANAN (for himself, Mr. Miller of Florida, Mr. Crenshaw, Mr. Stearns, Mr. Mica, Mr. Keller, Mr. Bilirakis, Mr. Young of Florida, Mr. Putnam, Mr. Weldon of Florida, Mr. Lincoln Diaz-Balart of Florida, Mr. Mario Diaz-Balart of Florida, Ms. Ros-Lehtinen, Mr. Mack, Ms. Ginny Brown-Waite of Florida, Mr. Feeney, Mr. Boyd of Florida, Ms. Corrine Brown of Florida, Mr. Mahoney of Florida, Mr. Wexler, Ms. Wasserman Schultz, Mr. Klein of Florida, Mr. Meek of Florida, Mr. Hastings of Florida, and Ms. Castor):

H.R. 4342. A bill to designate the facility of the United States Postal Service located at 824 Manatee Avenue West in Bradenton, Florida, as the "Dan Miller Post Office Building"; to the Committee on Oversight and Government Reform.

By Ms. PELOSI (for herself, Mr. George Miller of California, Mrs. Tauscher, Ms. Woolsey, Mr. Lantos, Ms. Eshoo, Ms. Zoe Lofgren of California, Ms. Lee, Ms. Matsui, Mr. Farr, Mr. McNerney, Mr. Thompson of California, and Mr. Cummings):

H. Res. 853. A resolution honoring those who have volunteered to assist in the cleanup of the November 7, 2007, oil spill in San Francisco Bay; to the Committee on Transportation and Infrastructure.

By Mr. HASTINGS of Florida (for himself, Mr. Wexler, Ms. Ros-Lehtinen, and Mr. Kirk):

H. Res. 854. A resolution expressing gratitude to all of the member states of the International Commission of the International Tracing Service (ITS) on ratifying the May 2006 Agreement to amend the 1955 Bonn Accords granting open access to vast Holocaust and other World War II related archives located in Bad Arolsen, Germany (Introduced in House); to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

217. The SPEAKER presented a memorial of the General Assembly of the State of Ohio, relative to Senate Concurrent Resolution No. 5 urging the Congress of the United States to recognize the significance of the eastern states, including Ohio, in the preparation for, and return of, the Lewis and Clark Expedition by enacting legislation extending the Lewis and Clark National Historic Trail east to its origin at Monticello; to the Committee on Natural Resources.

218. Also, a memorial of the General Assembly of the State of Illinois, relative to Senate Joint Resolution No. 17 urging the President of the United States and the Congress of the United States to make the Republic of Poland eligible for the United States Department of State's Visa Waiver Program; to the Committee on the Judiciary.

219. Also, a memorial of the Senate of the Commonwealth of Puerto Rico, relative to Senate Resolution No. 3491 petitioning the President of the United States for the release of Puerto Rican political prisoners Carlos Alberto Torres, Oscar Lopez-Rivera and Haydee Beltran; to the Committee on the Judiciary.

220. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 123 supporting the plan of the Detriot International Bridge Company to establish an enhancement span to the Ambassador Bridge; jointly to the Committees on Transportation and Infrastructure and Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 181: Mr. Rush.

H.R. 371: Mr. Watt.

H.R. 618: Mr. Roskam.

H.R. 1172: Ms. Richardson.

H.R. 1222: Mrs. Napolitano.

H.R. 1223: Mrs. Napolitano and Ms. Wasserman Schultz.

H.R. 1246: Ms. Tsongas.

H.R. 1275: Mr. Kucinich.

H.R. 1542: Mr. Gutierrez and Mr. Rangel.

H.R. 1889: Mr. Carney.

H.R. 2164: Mr. Ehlers.

H.R. 2604: Mr. Sestak.

H.R. 2634: Mr. Price of North Carolina.

H.R. 3016: Mr. Kline of Minnesota.

H.R. 3053: Mr. Klein of Florida and Mr. Melancon.

H.R. 3079: Mr. Conyers.

H.R. 3109: Mr. Tim Murphy of Pennsylvania and Mr. Kirk.

H.R. 3151: Mr. Fortenberry.

H.R. 3195: Ms. Schwartz, Mr. Capuano, and Mr. Gerlach.

H.R. 3229: Mrs. Boyda of Kansas, Mr. Brady of Pennsylvania, Mr. Meek of Florida, Mr. Carney, Mr. McGovern, Mr. Saxton, and Mr. Moran of Virginia.

H.R. 3282: Ms. Roybal-Allard and Mr. Kuhl of New York.

H.R. 3298: Mrs. Napolitano.

H.R. 3429: Mr. McNerney and Mrs. Napolitano.

H.R. 3464: Mr. Lantos.

H.R. 3689: Mr. TOWNS, Mr. WAXMAN, and Ms. HARMAN.

H.R. 3691: Mrs. MALONEY of New York and Ms. RICHARDSON.

H.R. 3696: Mr. MARSHALL.

H.R. 3865: Mrs. TAUSCHER, Mr. KUHL of New York, and Ms. SCHAKOWSKY.

H.R. 3870: Mr. MORAN of Virginia.

H.R. 3926: Mr. SPACE.

H.R. 3934: Mrs. JONES of Ohio, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. LORETTA SANCHEZ of California.

H.R. 4029: Mr. ALTMIRE.

H.R. 4054: Ms. ESHOO, Mr. TIERNEY, Mr. SESTAK, Mr. SNYDER, and Mr. MCNERNEY.

H.R. 4114: Ms. WASSERMAN SCHULTZ and Mr. UDALL of Colorado.

H.R. 4188: Mr. BLUMENAUER.

H.R. 4206: Mr. MORAN of Virginia.

H.R. 4286: Mr. TANCREDO, Mr. SULLIVAN, Mr. SAXTON, Mrs. BIGGERT, and Mr. WALDEN of Oregon.

H. Con. Res. 81: Mr. TIERNEY.

H. Con. Res. 249: Mr. FILNER, Mr. CAPUANO, Mr. BERMAN, and Mr. MICHAUD.

H. Con. Res. 265: Ms. BORDALLO, Mrs. TAUSCHER, Mr. HASTINGS of Florida, Mr. PAYNE, Mr. LANTOS, Mr. BERMAN, and Mr. MCGOVERN.

H. Res. 163: Mr. GUTIERREZ and Mrs. JONES of Ohio.

H. Res. 695: Mrs. MCCARTHY of New York.

H. Res. 727: Mr. HENSARLING.

H. Res. 819: Mr. BOSWELL, Mr. BRADY of Pennsylvania, and Mr. BRALEY of Iowa.

H. Res. 841: Ms. CORRINE BROWN of Florida, Ms. SOLIS, Mr. RYAN of Ohio, Mr. BERMAN, Mr. SHERMAN, Mr. DOOLITTLE, and Ms. RICHARDSON.

H. Res. 843: Mr. BARTLETT of Maryland, Mr. WOLF, Mr. ROYCE, Ms. BORDALLO, Mr. HENSARLING, Mrs. MYRICK, and Mr. SENSENBRENNER.

H. Res. 847: Mr. YOUNG of Alaska, Mr. PLATTS, Mr. HENSARLING, Ms. GINNY BROWN-WAITE of Florida, Mr. PITTS, and Mr. MCHENRY.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

195. The SPEAKER presented a petition of Eight Former Secretaries of State, relative to a petition opposing H. Res. 106; to the Committee on Foreign Affairs.

196. Also, a petition of the City Council of Albany, California, relative to Resolution No. 07-57 calling for the impeachment of President George W. Bush and Vice President Richard B. Cheney; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

A TRIBUTE TO MYRA L. CRUMPE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 10, 2007

Mr. TOWNS. Madam Speaker, I rise today to honor the service and achievements of Myra L. Crumpe. Myra was born and raised in Brooklyn, NY, and is a product of the New York City public schools. After her high school graduation from Erasmus Hall High, she enrolled in Kingsborough Community College, majoring in business administration.

Myra currently works in the Bedford-Stuyvesant community at JP Morgan Chase Bank as the assistant branch manager. For the past 13 years, she has worked in the banking industry, withstanding several mergers. Her professional dedication to the local businesses has been instrumental in making Chase the number one bank in the community.

Myra has always exemplified a passion for her community. She constantly seeks opportunities to help her fellow neighbors whenever needed. For more than 15 years, Myra was an active member for the Mays Designer Club, working alongside her uncle, Dr. Gerald Deas. She served as president, treasurer, and youth director for that organization whose primary goal was to raise funds to benefit the Sickle Cell Victims' organization. The money raised was donated to various families and hospitals, including Kings County Hospital Center and University Hospital of Brooklyn for the care of African-American children afflicted with the disease.

Myra wanted to do more for her community, so in 1995 she joined the Stuy Park Lions Club, which is associated with the Lions Club International and Bermuda Foundation. She has held various positions with the Lions Club, including treasurer and financial secretary, and is currently the club's president. Myra was also the district governor cabinet treasurer of District 20–K1 and is presently the chairperson for the local Habitat for Humanity.

Myra has also served on several committees and received numerous awards. Myra was recognized by Councilwoman Annette Robinson in 1999 and received the Sheroes Award as a woman who has made a difference. The East Flatbush Friends of Education presented the Booker T. Washington Award to her in 2001. Myra has also received the Melvin Jones Fellow Award for dedicated humanitarian services, the Robert J. Uplinger Distinguished Service Award, Lion of the Year Award and various certificates of appreciation.

Myra has been the loving wife of William Crumpe, Jr. for 32 years. She is a devoted mother of two daughters, Keisha and Charlene, and two grandsons, Richard, Jr., and Gurshaan.

Madam Speaker, I would like to recognize the hard work and dedication of a caring and giving woman.

Madam Speaker, I urge my colleagues to join me in paying tribute to Myra L. Crumpe.

HONORING MR. PAUL R. DE VAUL

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 10, 2007

Mr. BISHOP of New York. Madam Speaker, on the occasion of stepping down as the American Legion's junior county commander of Suffolk County, NY, I rise to honor and recognize a good friend, Mr. Paul R. De Vaul, for a lifetime dedicated to serving our Nation and the First Congressional District of New York.

For the past year and a half, Paul has worked alongside me in my Long Island office, serving my constituents capably and with steadfast dedication. In addition to his casework responsibilities, Paul has served four 1-year terms as junior county commander. I commend him for achievements during his tenure and thank him for his contributions to improving the lives of Long Island's veterans.

As a member of my New York office staff, Paul's tireless efforts and dedication are invaluable to our constituent service operation. Paul is known for going the extra mile to help my constituents, particularly veterans.

Paul is a lifetime Long Island resident and currently lives in the town of Bay Shore, Long Island, with his wife, Terri, of 31 years. They have six children, many of whom have followed in his footsteps to serve in either the military or public service.

Paul served in the U.S. Army from 1961 to 1964 and was decorated with the Army Commendation Medal, Good Conduct Medal, the National Defense Service Medal, and the NYS Conspicuous Service Cross.

After working 32 years for Keyspan Energy Corporation, Paul retired in 1999. He joined the American Legion, Bay Shore Post 365 and served as the post's commander for 2 years before first being elected Suffolk County commander in 2002.

In May 2006, Paul brought his knowledge of and experience with veterans' advocacy to my staff. We have benefited from his dedication and work ethic ever since. He has earned our deepest respect and gratitude.

Madam Speaker, on behalf of my entire staff and New York's First Congressional District, I thank Paul R. De Vaul for his lifelong commitment to veterans and public service. I congratulate him for his many contributions and wish him and his family continued success, good health, and the best of luck.

RECOGNIZING THE SERVICES OF SERGE S. DUARTE

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 10, 2007

Mr. ISSA. Madam Speaker, I rise today to honor the 20 years of exemplary service that Serge S. Duarte has given to this great country.

Serge S. Duarte, a native of southern California, is the Deputy Special Agent in Charge in San Diego for U.S. Immigration and Customs Enforcement, ICE, Office of Investigations.

From March 1987 to 2003, Mr. Duarte served in a variety of management, supervisory, and Federal investigative roles with the U.S. Customs Service. During his first 5 years with Customs, Mr. Duarte conducted extensive undercover investigations penetrating international narcotics trafficking organizations.

In March 2003, the U.S. Customs Service merged under the newly created Department of Homeland Security. Under this new organization, Mr. Duarte oversees a large Federal law enforcement workforce that conducts investigations into terrorism, protection of critical infrastructure, money laundering, commercial fraud, copyright protection, criminal gangs, immigration fraud, cyber crimes, and narcotics smuggling. He is responsible for enforcement operations that have identified and removed over 500 unauthorized aliens illegally working at airports, military installations, Government shipyards and other critical infrastructure facilities in San Diego. Additionally, over 100 persons in the San Diego area involved in sexual predation and child pornography have been arrested or deported. Finally, he oversees investigations into criminal organizations that are responsible for the illegal transfer of military aircraft hardware and restricted technology from the United States to Iran, China, and other proscribed countries.

Mr. Duarte received a masters in public administration from National University in 2003. He is also a graduate of the FBI Law Enforcement Executive Development Seminar and the Federal Executive Institute in Charlottesville, VA, and is a veteran of the United States Marine Corps. He is the Chair of the Border Research Technology Center Advisory Council, and a member of the U.S. Coast Guard Area Maritime Security Council, the National Tactical Officers Association, the California Narcotic Officers Association, the Intelligence and National Security Alliance, and the FBI Law Enforcement Executive Development Association.

On behalf of the people of the United States, whom Serge Duarte spent a career serving, I thank him for his service and commitment to the defense of our Nation.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

A TRIBUTE TO WILMA BEST

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 10, 2007

Mr. TOWNS. Madam Speaker, I rise today in recognition of Wilma Best. Wilma McGlothin was born in Excelsior, WV, to Sylvester McGlothin and Inez Tarvant-McGlothin.

Wilma, who was educated in the Excelsior school system, excelled in her studies and was voted into the National Honor Society. All of her hard work paid off and she was offered a full scholarship to Bennett College. After graduating Bennett, she enrolled and graduated from City College of New York. There she maintained her scholastic achievements earning her a place on the Dean's List. Wilma became a registered nurse in 1973 and later went to work for New York Methodist Hospital where she has been employed for 34 years.

Wilma is an active member of New Canaan Baptist Church where she serves as the superintendent of vacation bible school and a Sunday school teacher. She is also a member of the C.E. Lewis Gospel Chorus, Floral Club and the Senior Usher Board. She also serves as president of the Red Circle Ministry, the building fund, and the renovation committee. Wilma has also been named an honorary member of the First Ladies Club and Gospel Chorus.

Wilma is the faithful and loving wife to the late Robert Best. Their union was blessed with one son, Robert, Jr. She is the grandmother of two: Antoine and Christian Best; and is also a great grandmother of three: Tionnah, Tion, and Tishaun Best.

Wilma loves gardening, arts and crafts, listening to music, and attending nursing seminars. She has received a Betty Crocker Award for her baking skills.

Madam Speaker, I would like to recognize the achievements of Wilma Best and her work in caring for others.

Madam Speaker, I ask my colleagues to join me in honoring Wilma Best who demonstrates a level of altruistic dedication that makes her most worthy of our recognition today.

HONORING THE SMITHTOWN LIBRARY

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 10, 2007

Mr. BISHOP of New York. Madam Speaker, I rise today to celebrate a respected and important landmark in the First Congressional District, the Smithtown Library.

Since 1907, the Smithtown Library has been a dynamic center for continuous learning, with a multitude of resources and programs for the Long Island community. The library ranks as the seventh largest system in the State of New York. Its main building and three branch libraries serve over 115,000 residents in the town of Smithtown.

The Smithtown Library was first housed in the former chambers of Judge John Lawrence Smith, which still stands today east of the present main library building on Middle Country Road. In May 1952, the library was granted an absolute charter by the State of New York and became a town library under the direction of the town of Smithtown.

The library is home to "The Long Island History Collection and the Richard H. Handley Collection of Long Island Americana," a unique collection of priceless artifacts dating back to the 1600s that includes nearly 8,000 books, over 750 maps and 130 boxes of written documents. No other institution on Long Island has a collection this large available for public viewing and scholarly research.

In November 2001, Smithtown residents voted that the library become independent and the name was changed to the "Smithtown Special Library District," but it is still affectionately known as the Smithtown Library by the community. On Friday, November 30, the library celebrated its 100th anniversary with a gala centennial celebration.

Madam Speaker, I'd like to quote John Quincy Adams, this great country's sixth President, who said, "To furnish the means of acquiring knowledge is the greatest benefit that can he conferred upon mankind." Indeed, the Smithtown Library is a welcoming place for knowledge, dedicated to excellence and to enhancing the quality of life in Suffolk County, New York. I am proud to honor its 100th anniversary.

INTRODUCTION OF A RESOLUTION EXPRESSING GRATITUDE TO ALL OF THE MEMBER STATES OF THE INTERNATIONAL COMMISSION OF THE INTERNATIONAL TRACING SERVICE (ITS) ON GRANTING OPEN ACCESS TO VAST HOLOCAUST AND OTHER WORLD WAR II-RELATED ARCHIVES LOCATED IN BAD AROLSEN, GERMANY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 10, 2007

Mr. HASTINGS of Florida. Madam Speaker, I rise today with my good friends and original cosponsors of this important resolution, Representatives ROBERT WEXLER, chairman of the Subcommittee on Europe, ILEANA ROS-LEHTINEN, the ranking member of the House Foreign Affairs Committee, and MARK KIRK to introduce a resolution expressing gratitude to all of the member states of the International Commission of the International Tracing Service (ITS) on ratifying the May 2006 Agreement to grant open access to vast Holocaust and other World War II-related archives located in Bad Arolsen, Germany.

I am thankful for their bipartisan leadership, not only on this issue to open the Bad Arolsen archives, but on wider issues of anti-Semitism in general.

This legislation is the culmination of longstanding efforts I have made with Representatives WEXLER, ROS-LEHTINEN, KIRK, and others to release these crucial Holocaust records.

Madam Speaker, November 28, 2007, was a historic moment in time when for the first time in 62 years, Holocaust survivors, their descendants, researchers, and the public were allowed open access to the (ITS) archives in Bad Arolsen, Germany, the largest closed Holocaust-era archives in the world.

These significant archives contain 50 million records on the fates of some 17.5 million individual victims of Nazi brutality. Everything from lists of the names of Holocaust concentration camp victims murdered on Hitler's birthday to death camp prisoners' personal affect cards are included in these records, and each holds an important place in the memory of a victim.

Until earlier this year, when Holocaust survivors requested information from the ITS, they were shamefully often provided with letters written entirely in German with incomplete or misinformation about the horrors they had experienced. Often survivors passed away prior to ever being provided the truth about their experiences under Nazi persecution. Until only 2 weeks ago, these historic materials were held secret from researchers and research institutions and the general public.

In today's world, filled with growing international intolerance including anti-Semitism, hate, racial bigotry, xenophobia, and religious discrimination, it could not be more urgent and critical to allow for unfettered access to these archives.

The ultimate release of these documents serves to further delegitimize international leaders who insist on spewing Holocaust denial and other anti-Semitic rhetoric.

Allowing for open access to these historical records also contributes to the world's collective memory of the Holocaust atrocities and ensures that these historic documents will be preserved and shared with future generations when survivors are no longer among us.

I am thankful for the efforts made by the Holocaust Memorial Museum, the State Department, survivor groups, and this body of Congress to pressure the member states of the ITS to ratify the 1955 Bonn Accords and throw open the doors of these archives.

The new leadership of the International Committee of the Red Cross at the ITS should also be commended for their efforts to provide more expeditious and comprehensive responses to survivors and their descendants. A year ago, the ITS faced a 140,000 backlog of survivor and others' inquiries. Today, the ITS has reduced the requests to less than half of that amount and is committed to processing incoming requests within 8 weeks.

Our collaborative bipartisan efforts have truly paid off. I am most appreciative that the remaining European ITS member states ultimately recognized the justifiable and moral importance of combating modern day anti-Semitism with the release of these archives.

This resolution serves to commend all parties who assisted in opening the archives and increasing their accessibility to all. Finally, remaining survivors and researchers alike will be able to view these tremendously important documents and hopefully find closure on one of the darkest moments in history. Our efforts send a robust message to the world that the atrocities and murders of the Holocaust victims shall forever remain at the forefront of our collective and individual memories.

May we never forget the horrors of the Holocaust and view this historic moment as a constant reminder of what happens when humanity is silenced and evil is permitted to wage war on the innocent.

I ask for my colleagues' support and urge the swift passage of this resolution.

A TRIBUTE TO ALBERT J. SIMMONS, JR.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 10, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to Albert J. Simmons, Jr., and the hard work that he has dedicated to the better development of New York City youth.

Born in Savannah, GA, and reared in New York City, Mr. Simmons is a graduate of Brooklyn College. He resides in Forest Hills, Queens, with his wife, Cheryl, and daughter, Alexis.

At an early age in his adult life, Mr. Simmons sensed his calling as a voice and servant to the youth, and the underprivileged of the New York City community. As a former kindergarten teacher, Mr. Simmons found immeasurable pleasure in aiding our young in developing a firm foundation for education and self-esteem. As a member of Phi Beta Sigma Fraternity Inc., Mr. Simmons was able to continue his desire to serve as a mentor and role model. As a participant in the fraternity's Adopt-a-School project, sixth-grade boys at P.S. 144 in Harlem were exposed to positive male role models, participation in commencement programs at various colleges and universities as well as tutorial programs. Mr. Simmons has also served and participated in the Melvin C. Patrick Career Day Programs.

For more than two decades, Mr. Simmons has worked in the managed care industry, affording him the opportunity to continue to work with youth organizations, various community-based organizations and being an advocate for the underserved families and individuals of New York. As regional marketing manager for Fidelis Care New York, the largest and a leading state-wide non-profit managed care organization; Mr. Simmons has used his position to work with politicians, faith-based organizations and other associations to serve as a conduit for the provision of health insurance benefits and other human services to many families and individuals in New York. Mr. Simmons has been honored and recognized for his selfless contributions to the New York City community.

Madam Speaker, I would like to once again recognize Mr. Albert J. Simmons, Jr., for his tireless work with the citizens in need of New York City.

Madam Speaker, I urge my colleagues to join me in paying tribute to this wonderful man of substance and the great things for which he stands.

A TRIBUTE TO SAM LICKLIDER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 10, 2007

Mr. SKELTON. Madam Speaker, let me take this moment to recognize the career of Sam Licklider. Sam Licklider has served as the senior vice president of governmental affairs for the Missouri Association of Realtors for 40 years.

Mr. Licklider joined the Missouri Association of Realtors in 1968 after graduating from Westminster College in Fulton, MO. As the organization's head of legislative affairs, Mr. Licklider spends his time fighting for realtor issues at the Missouri capitol. He is widely regarded as being one of the Missouri Association of Realtors' biggest assets.

Sam Licklider and his wife, Jane, currently reside in Jefferson City. They have two children and four grandchildren. I trust that Members of the House will join me in wishing Sam Licklider and his family the best of luck in the days ahead.

A TRIBUTE TO CHRISTINE TOOMER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 10, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to Christine Toomer for her contributions to the nursing profession and to the Brooklyn, NY, healthcare community.

Christine Toomer as born September 11, in Kingston, Jamaica. In 1972 she moved with her family to Brooklyn, NY. Christine knew at an early age she wanted to help people, so she enrolled in the Clara Barton High School for Nursing. After high school, Christine attended Borough of Manhattan Community College and later, Long Island University. While attending LIU, Christine found employment as a nurse extern. Eventually, Christine graduated from LIU and passed her nursing board certification exams.

Christine is a dedicated nurse and has spent several years at Interfaith Medical Center always putting her patients first. In the mid-90s, her hard work and dedication was recognized and Christine was promoted to assistant head nurse of the Tuberculosis Unit. Christine continued to demonstrate her dedication to nursing and in 2006 she was honored as Nurse of the Year. In April 2007, she was named Employee of the Month. She also became an active member of the American Nurses Association and the New York State Nurses Association.

Christine is not only a wonderful nurse, but also a committed mother of two sons. She is a devoted daughter and granddaughter who oversees the care of her disabled mother and ailing grandmother.

Christine believes that nursing and teaching others the proper way to monitor their health is her purpose in life. The many contributions she has made to the Brooklyn healthcare community are evident. Her love for nursing continues to make her an asset to the profession.

Madam Speaker, I would also like to once again recognize the impressive achievements that Christine Toomer has made in the healthcare field and the Brooklyn community.

Madam Speaker, I urge my colleagues to join me in paying tribute to this wonderful woman of substance and the great things she stands for.

A TRIBUTE TO PEARLINE LOUNDS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 10, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to Pearline Lounds. Pearline was born on the island of Jamaica in the West Indies, where she has six brothers and sisters, It was there she received a formal education in home economics. Pearline later relocated to England, working at South Mead Hospital as a nurse's assistant, which gave her an opportunity to help support her family in Jamaica until her return. However, she decided instead to relocate to New York.

Pearline continued her education, attending New York City Technical College where she graduated with an associate's degree in applied science. She furthered her studies at York College of the City University of New York, earning a bachelor's degree of science and graduating with a 4.0 grade point average. Pearline later went to work at Sephardic Nursing Home as a nurse's aide. She left there for an opportunity as a social worker for Project Chance and as a social worker for Bushwick Community Services as well as Safe Horizon.

Pearline is a champion for peace. She is a member of the Interreligous and International Federation for World Peace, and in 2001, the United Nations honored her with the title of Ambassador for Peace. Pearline is a board member of New York's Family Center and is known as "Mama P" in the community, consistently encouraging young people to be themselves. She is a mother, friend, counselor, leader and guide.

Pearline is married with 7 children; 24 grandchildren; and 9 great-grandchildren, 2 of whom have been in her care for the past 7 years.

Madam Speaker, I would like to recognize this wonderful and caring woman who has always put the needs of her family and her community before her own.

Madam Speaker, I urge my colleagues to join me in paying tribute to Pearline Lounds.

HONORING THE WILLIAM FLOYD VARSITY FOOTBALL TEAM

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 10, 2007

Mr. BISHOP of New York. Madam Speaker. I rise to congratulate the extraordinary efforts of the William Floyd High School Varsity Football Team, for yet another flawless and record-setting season.

It was around this time last year that I rose to recognize the William Floyd High School team for an undefeated season and for winning the Long Island High School Championship, along with the coveted Rutgers Trophy. One full season later, and the Colonials are enjoying a winning streak of 33 consecutive games. This is a historic and unprecedented achievement in the 126-year history of Long Island high school football.

The William Floyd Colonials have been a dominating force for 3 consecutive years of perfect 11–0 seasons. Their exploits have garnered even national recognition, as a recent Sports Illustrated poll ranks the powerhouse team 25th in the entire country.

I am honored to represent William Floyd High School athletes who not only display great athletic prowess, but also a commitment to winning with class and sportsmanship. Competitive athletics teaches our students a host of valuable life lessons and I have long been an advocate of sports and extracurricular activities, as they complement, and contribute to academic excellence.

It is an honor to read the names of Coach Paul Longo's team into the RECORD.

First his coaching staff: Gil DeCicco, Pete Friedman, Robert Jackolski, Pete Lesiewicz, Brian Babst, Ernie Villatore, and Mike Agostino.

Now the players who make up one of the most feared lineups in Long Island football history: Mat Golden, John Amato, Jarel Johnson, Krys Valentin, Nick Sidaras, Ricky Kruger, Joe Sidaras, Luke Miller, Matthew Vigliotta, Rey Marcano, Brian Zippel, Steven Murphy, Nick Verderosa, Keith McCormack, Rahmel Cook, Marcus Muelthaler, Kevin Lacey, Tom Antinucci, Vaughn Magee, Jonathan Romeo, Brandon Walsh, Jon Ilernandez, Brock Jackolski, Fernando Vasquez, Malik Green, Tom Penney, Jonathan Elbedawy, Jon D'Amico, Billy Keane, Chris Mocera, Pablo Ortiz, William Melin, Nick Astore, Wayne Magee, Dom Buffa, Anthony Hernandez, Sam Feerer, Tom Mocera, JJ Santiago, Joe Johnson, Calvin Forbes, Chris Cordovano, Brendon Turril, Brandon Clark, Andrew Giovine, Andrew Incantalupo, Dan Bayer, Nick DiGiorgi, Brandon Fardella, Guy Loomis, Matt Seib, Andrew Lingg. Mike Presseison, Alex Winters, Tom Lindley, Stephen Diaz, Donald Strand, Joe Miranda, Jon Korn, Eric Koenigsdorf, Nico Gonzalez. Jesse Kelley, Orion Folborg, Joe Mensch. Ricky Stoner, Robert DeSilva, and Tim Cork.

The entire William Floyd community is justifiably excited and proud of the achievements of this team. These young student athletes represent what is good about high school sports, and it is my privilege to serve as their Congressman.

Go Floyd.

TRIBUTE TO BROOKLYN'S FIDELITY CHAPTER NO. 54 ORDER OF EASTERN STAR

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 10, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to Brooklyn's Fidelity Chapter No. 54, Order of Eastern Star. The Fidelity Chapter has been outstanding in its service to the Brooklyn community for nearly 70 years. I am privileged to have such a dedicated group of individuals in my district.

On the seventh day of November, 1938, Roland R. Johnson, Worthy Grand Patron of Eureka Grand Chapter of the Order of Eastern Star of the State of New York, Prince Hall Affiliation, by virtue of the authority vested in him, did grant and issue a warrant to Fidelity Chapter No. 54 to be held in Brooklyn, New York; Samantha Taylor, Worthy Grand Matron, Octavia Giles, Associate Grand Matron, and Frances E. Frances, Grand Secretary.

Fidelity No. 54 has been fortunate to have had dedicated members to serve Eureka Grand Chapter. Past Worthy Matrons with the help of Worthy Patrons, have contributed their time, knowledge, and experience enabling the Fidelity No. 54 Chapter to carry out a varied number of community programs. Fidelity No. 54 has been responsible for sending underprivileged children to camp during the summer, assisting in the feeding of the homeless in the Second District, responding to a request for non-perishable food and clothing for natural disaster victims, and extending charity to the family of their deceased members. Fidelity No. 54 members have taken part in doing volunteer work at several hospitals and nursing homes.

Fidelity No. 54 holds a host of community service events at the end of each year, including their annual Thanksgiving dinner for the community and their annual clothes drive.

Madam Speaker, I would like to also recognize the impressive achievements of Paulette Cudjoe, Fidelity's Worthy Matron and Elwood E. Gregory, Fidelity's Worthy Patron for their commitment to the Brooklyn community.

Madam Speaker, I urge my colleagues to join me in paying tribute to this wonderful group of Americans and the great things for which they stand.

PERSONAL EXPLANATION

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 10, 2007

Mr. NUNES. Madam Speaker, on the legislative days of Wednesday, December 5, 2007, and Thursday, December 6, 2007, I was unavoidably detained and was unable to cast a vote on a number of rollcall votes. Had I been present, I would have voted: rollcall 1127—"yea"; rollcall 1128—"yea"; rollcall 1129—"yea"; rollcall 1130—"nay"; rollcall 1131—"yea"; rollcall 1132—"yea"; rollcall 1133—"yea"; rollcall 1134—"nay"; rollcall 1135—"yea"; rollcall 1136—"nay"; rollcall 1137—"nay"; rollcall 1138—"yea"; rollcall 1140—"nay"; rollcall 1141—"yea".

A TRIBUTE TO ALBA MAY POWELL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 10, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to Alba May Powell. Alba was born and raised in the Republic of Costa Rica. She is from a tightly knit family composed of five sisters and one brother. She received her formal education at Liberty Hall School and later moved to Panama where she lived for 35 years. In 1964, she migrated to the United States and settled in Brooklyn, NY.

Alba is an active participant at the East New York Seventh Day Adventist Church, where she has been a member for the past 36 years. Additionally, she is a member of the East New York Community Service Department, an honorary deaconess, and a member of the East New York Benevolence Society. Alba is also a faithful supporter of the Concerned Women of Brooklyn.

Alba received a New York State Assembly Citation for Outstanding Achievements and Senior of the Year by Assemblywoman Diane Gordon.

Alba has no biological children of her own. She has been a supportive and concerned mother and grandmother to many children over the years. She is also a dedicated aunt to all of her beloved nieces and nephews. Alba vows to continue helping others as long as she is allowed.

Madam Speaker, I would like to recognize this wonderful and caring woman who has given so much of herself, asking very little in return.

Madam Speaker, I urge my colleagues to join me in paying tribute to Alba May Powell.

A TRIBUTE TO WANDA A. JACKSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 10, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to Wanda A. Jackson. Wanda is the second generation child of the civic-minded parents, Della and Irkston R. "Jack" Jackson, Jr. Her mother, known as a friend to the friendless, providing a home for the homeless and making everyone feel special, has long been considered the mayor of East New York. In the shadow of her parents and the only girl in a family of six boys, Wanda has quietly and steadily made contributions to the Brooklyn community as well as to the community at large.

Wanda is a native of New York and a product of the city's public school system, graduating from John Dewey High School. She earned a business management degree at Berkeley College where she graduated magna cum laude. In 2005, she was listed among Who's Who of the Berkeley College Alumni Association.

Wanda maintains strong family ties while juggling a demanding, fast-paced career for nearly 20 years as an executive assistant at a major brokerage firm on Wall Street. She still finds time to lend assistance to major fundraising campaigns such as the United Negro College Fund, United Way of Tri-State, the Building Capital Fund Campaign at St. Paul's Community Baptist Church and Project Sunshine, a non-profit organization that provides free social, educational and recreational programs to children and families living with medical challenges. During tax season, Wanda can be found preparing tax returns for Brooklyn's East New York residents. She is also former treasurer of the Rosetta Gaston United Democratic Club, Inc., where she was a close friend of the late Mary Warren, district leader for East New York. She is also a current member of the Spirit of America Heart Volunteers.

In addition to her professional and volunteer accomplishments, Wanda is extremely creative, with a flair for fashion. She attended Fishburn's Charm School and graduated from Barbizon Modeling School. She has designed her own clothes, which she models at talent shows.

Madam Speaker, I would like to recognize this accomplished, civic-minded woman who comes from a lineage of giving people.

Madam Speaker, I urge my colleagues to join me in paying tribute to Wanda A. Jackson.

TRIBUTE TO THE CHRISTIAN YOUTH CENTER IN JOLIET, IL

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 10, 2007

Mr. WELLER of Illinois. Madam Speaker, I rise today to honor the Christian Youth Center in Joliet, IL. The Christian Youth Center, CYC, is celebrating their 50th anniversary this year.

In 1957, a group of concerned businessmen under the leadership of Mr. Joseph Pickering, approached Youth Pastor Chuck Miller with the idea of starting a Christian Youth Center. In the fall of 1957, the Christian Youth Center began meeting at the home of Mr. Joseph Pickering and then to a rented storefront on Cass Street near Joliet Central High School. Within a year's time, the club had outgrown the storefront and purchased a two-story house on Herkimer Street. Mr. Miller felt called to another area of service and left the center. In 1961, Harv Russell assumed the responsibility of director of the Center.

The organization realized tremendous growth in the following 9 years. Several programs were started which include a Tuesday 1-hour high school radio program, a monthly publication called the Center News, and the establishment of the Women's Auxiliary. All of these programs and more continue to function to this day.

In the spring of 1972, ground was broken on a 5-acre tract of land to build the current Christian Youth Center. The new facility was opened on April 15, 1973. Since moving into the new facility, the center has been able to increase the staff to five full-time and five part-time employees. Thousands of young people have passed through the new facility and have participated in weekly activities, concerts, day camps, films and a host of activities established to attract young people.

Madam Speaker, I urge this body to identify, and recognize other organizations in their own districts whose actions have so greatly benefited and strengthened America's families and communities.

A TRIBUTE TO LADONNA PAULETTE KORNEGAY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 10, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to LaDonna Paulette Kornegay of Brooklyn, NY. LaDonna's musical talent, as well as her dedication to service and ministry, is truly inspirational.

LaDonna, a lifelong New Yorker, was born on December 6, 1980 to Donald Kornegay, Sr. and Emily Kornegay-Brown. Music has always been an important part of LaDonna's life. She was inspired by her father, who would sit with all of his children and teach them the lyrics to popular songs. LaDonna began to sing formally at a young age. She joined her elementary school glee club and her junior high school gospel chorus. As a member of the New Canaan Baptist Church for 27 years, she has blessed the congregation with her talents through her consistent involvement with the church's musical programs.

LaDonna began singing at the church as part of the Sunbeams. She later moved up to the RJL Youth Choir eventually becoming a member of the ALC Choral Ensemble and the directress of all New Canaan Church choirs. Along with fellow directress, Alethea Brisco, LaDonna has taken the Youth Choirs to several competitions, and has ministered in churches across New York City.

LaDonna graduated third in her class from Thomas Jefferson High School in Brooklyn after only 3 years. She was a leader in the school's Fine Arts Academy and a member of the school's Gospel Chorus and Dance Club. She was also a participant in the school's Rights of Passage Cotillion. LaDonna attended college at the Katherine Gibbs School, where she majored in business administration and minored in business law. In college, she maintained excellent grades, earning a placement on the Dean's List multiple semesters while at the same time caring for her father who had become disabled.

LaDonna lost her father January of last year but she continues to be inspired by him. Although she currently works at HSBC Private Bank, she continues to be committed to music and ministry. She sings and ministers at churches, competitions, nursing homes, shelters, and hospitals. She had the privilege of singing at New York City Hall on two occasions for both Mayor Michael R. Bloomberg and Mayor David Dinkins.

LaDonna is a volunteer youth tutor and a youth praise and worship leader, and is a member of the Youth United in the Body of Christ Ministry and Forever Anointed of Brooklyn. In addition, she is a member of Gospel Workshop of America, which hopes to release its first album in 2008.

Madam Speaker, I would like to commend this gifted woman who has so unselfishly shared her talents with the people of New York.

Madam Speaker, I urge my colleagues to join me in paying tribute to LaDonna Paulette Kornegay for her remarkable abilities and her commitment to the Brooklyn community.

PERSONAL EXPLANATION

HON. TIM MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 10, 2007

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, on rollcall No. 1141, H.R. 2085, McGee Creek Project Pipeline and Associated Facilities Conveyance Act, had I been present, I would have voted "yes".

A TRIBUTE TO KRYSTIANNI HILLS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES.

Monday, December 10, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute and honor to Krystianni Hills. Krystianni is the daughter of Harold and Patricia Hills. She was born in March 1990 at the Long Island College Hospital.

At age five, Krystianni was enrolled in St. Mark's Day School where she excelled in all of her classes. She graduated in 2004 and was one of two students in her graduating class to pass the specialized high school exam.

Krystianni is currently a senior at Brooklyn Technical High School where she majors in architecture. She is a member of the track team and the cheerleading squad. Krystianni was a flutist for the Brooklyn Technical High School Jazz Band during her sophomore and junior years. She now has an internship with Salle de Danse, a dance shop located in Flatbush and plans to attend college next year pursuing a major in forensic science.

Krystianni first received her religious training at Newman Memorial United Methodist Church Sunday School. She is currently a member of Berean Baptist Church where she serves with the Ministry of Sacred Dance under the direction of Paulette Newberns. Krystianni is the former vice-president of the Junior Usher Board under the guidance of Deacon Vernart Jenkins.

Krystianni's hobbies and interests include reading, jumping double-dutch, and science. One of her favorite television programs is C.S.I.

Madam Speaker, I would like to recognize one of our young people who is really doing some great things and who is working hard to make a difference.

Madam Speaker, I urge my colleagues to join me in paying tribute to Krystianni Hills.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, December 11, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

DECEMBER 12

9:30 a.m.

Judiciary

Constitution Subcommittee

To hold hearings to examine S. 1782, to amend chapter 1 of title 9 of United States Code with respect to arbitration.

SD–226

10 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider S. 579, to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer, and any pending nominations.

SD–430

Homeland Security and Governmental Affairs

To hold hearings to examine the nominations of Harvey E. Johnson, Jr., of Virginia, to be Deputy Administrator and Chief Operating Officer, Federal Emergency Management Agency, and Jeffrey William Runge, of North Carolina, to be Assistant Secretary for Health Affairs and Chief Medical Officer, both of the Department of Homeland Security.

SD–342

Rules and Administration

To hold hearings to examine a recently released Government Accountability Office report, focusing on funding challenges and facilities maintenance at the Smithsonian Institution.

SR–301

10:30 a.m.

Aging

To hold hearings to examine reverse mortgages, focusing on polishing not tarnishing the golden years.

SD–628

DECEMBER 13

9 a.m.

Environment and Public Works

To hold hearings to examine the Clean Water Act (Public Law 92–500), focusing on the Supreme Court decisions in Solid Waste Agency of Northern Cook County and Rapanos-Carabell.

SD–406

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine ways to reform the Mining Law of 1872.

SD–366

10 a.m.

Commerce, Science, and Transportation

To hold an oversight hearing to examine the Federal Communications Commission (FCC).

SR–253

Health, Education, Labor, and Pensions

Employment and Workplace Safety Subcommittee

To hold joint hearings with the House Committee on Education and Labor Subcommittee on Health, Employment, Labor and Pensions to examine the National Labor Relations Board, focusing on decisions and their impact on worker's rights.

2175–RHOB

Finance

To hold hearings to examine the housing decline, focusing on the extent of the problem and potential remedies.

SD–215

Judiciary

To hold hearings to examine S. 2402, to provide for the substitution of the United States in certain civil actions, S. 344, to permit the televising of Supreme Court proceedings, S. 1638, to adjust the salaries of Federal justices and judges, S. 1829, to reauthorize programs under the Missing Children's Assistance Act, S. 431, to require convicted sex offenders to register online identifiers, S. 2344, to create a competitive grant program to provide for age-appropriate Internet education for children, and S. Res. 388, designating the week of February 4 through February 8, 2008, as "National Teen Dating Violence Awareness and Prevention Week".

SD–226

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine prioritizing management, focusing on implementing chief management officers at federal agencies.

SD–342

Commission on Security and Cooperation in Europe

To hold hearings to examine freedom of the media in the Organization for Security and Co-operation in Europe (OSCE) region.

B318–RHOB

10:30 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine shopping smart and avoiding scams, focusing on financial literacy during the holiday season.

SD–538

2 p.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings to examine mine inspections, focusing on the efficacy of the Mine Safety and Health Administration (MSHA).

SD–124

Homeland Security and Governmental Affairs

Investigations Subcommittee

To hold hearings to examine United Nations Development Program operations in North Korea.

SD–342

2:30 p.m.

Foreign Relations

To hold hearings to examine perspectives on the next phase of the global fight against HIV/AIDS, tuberculosis, and malaria.

SD–419

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine forest restoration and hazardous fuels reduction efforts in the forests of Oregon and Washington.

SD–366

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

DECEMBER 18

10 a.m.

Judiciary

Business meeting to consider pending executive nominations.

SD–226

DECEMBER 19

10 a.m.

Judiciary

Business meeting to consider the nomination of Mark R. Filip, of Illinois, to be Deputy Attorney General, Department of Justice.

SD–226

POSTPONEMENTS

DECEMBER 12

10 a.m.

Commerce, Science, and Transportation

Surface Transportation and Merchant Marine Infrastructure, Safety and Security Subcommittee

To hold an oversight hearing to examine the Federal Motor Carrier Safety Administration, focusing on truck driver hours-of-service (HOS) rules and truck safety.

SR–253

SENATE—*Tuesday, December 11, 2007*

The Senate met at 10 a.m. and was called to order by the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, you are our fortress. You know everything we do and desire justice and humility. You have ordained human government for the good of humanity.

Guide our Senators by the wisdom of Your Word. Deliver them from the pride that leads to shame as they make obeying You their top priority. Remind them of Proverbs 29:2, that "when the righteous are in authority the people rejoice. But when the wicked rule, the people groan." Help our Senators also to remember Your wisdom in Proverbs 29:7, "a righteous person knows the rights of the poor; a wicked person does not understand such knowledge."

May the business done in this place conform to Your justice and equity. We ask this in Your Name and for Your glory. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHELDON WHITEHOUSE led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 11, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WHITEHOUSE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

MEASURES PLACED ON THE CALENDAR—S. 2436, S. 2440, S. 2441

Mr. REID. Mr. President, there are three bills at the desk due for a second reading en bloc.

The ACTING PRESIDENT pro tempore. The clerk will read the bills by title for the second time en bloc.

The assistant legislative clerk read as follows:

A bill (S. 2436) to amend the Internal Revenue Code of 1986 to clarify the term of the Commissioner of Internal Revenue.

A bill (S. 2440) to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

A bill (S. 2441) to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings with respect to these bills.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

SCHEDULE

Mr. REID. Mr. President, we will be in a period of morning business for 1 hour, with the time equally divided as usual, with the Republicans controlling the first half and the majority controlling the final half.

Following morning business, the Senate will resume consideration of the farm bill. There has been tremendously good movement on that. All the Republican amendments have been offered. Five Democratic amendments have been offered. We are going to set up a program for voting on these.

For example, some of the most controversial, the one we thought would be controversial that Senator DOMENICI has offered regarding the renewable fuel program, I think probably we can take that. So I think progress can be made.

We have Senator COBURN who has offered a number of amendments. Senator GREGG has offered a number of amendments. But we can set up a voting schedule for those. I think we have every indication that we can complete this bill before we leave and hopefully have it go to conference.

I have spoken to the Republican leader about the conference. We have an idea of how we can do a conference in this instance. While in some others it could not be done, I think in this instance there is a way we can have a real conference. I hope that is the case.

Under an order entered last night, the Senate will debate the Lugar-Lautenberg amendment for 3 hours. The vote in relation to that will occur sometime after the Senate returns from the caucus recess period today. That will be the first vote today. There could be other votes this afternoon. I will talk to the Republican leader about that. If we cannot schedule more votes this afternoon, we will schedule a load of them in the morning.

A lot of work remains to be done. Members can expect long days as we continue to work toward Christmas, which is 2 weeks from today.

The Senate will recess for the caucus lunch period from 12:30 to 2:15 p.m.

During the next 10 days, we have a lot of work to do. As I have indicated, we are going to try to finish the farm bill. We are going to try to make a significant effort to try to complete our intelligence legislation. We have the AMT which is still pending. Although we have passed it here, we understand the House is going to give us something dealing with that. We have to do our work on that.

We have energy legislation. We are trying to work through that, and we also have our spending. I have had a conversation with the Republican leader this morning on that, and while things do not appear as hopeful as I wish, I am kind of reminded of President Lincoln. If you go to the Lincoln Memorial, you see on the wall the carved words of his second inaugural address, which is so prophetic and so strong, where he talks about both sides are praying to the same God, praying for different results.

You know, I, of course, am confident we are trying to do the right thing on the farm bill, FISA, alternative minimum tax, our spending programs, but I am realistic enough to know there is hopefully some way in between to work all this out. Even though we are all hopeful that our side is right, I have come over the years to learn there is usually some way of working through these things, although this is pretty difficult duty we have now to complete our work in the next few days. I hope we can do that.

As the end of 2007 continues to draw near, we have, as I have indicated, a tremendously busy work period ahead of us. We hope to complete action on the appropriations process which will require the White House, along with House and Senate Republicans, to be responsible and reasonable in the pursuit of common ground.

We will work to complete the Energy bill with the bipartisan compromise that will take our country toward lower energy prices for consumers and a cleaner environment.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

We will work to complete FISA legislation to ensure that we have the tools to fight terrorism with fair and, yes, constitutional tools, and pass legislation that will fund this Government. We know we are going to have to do a very short CR, continuing resolution, to keep the Government open. Hopefully that will be for a matter of days and certainly not multiple weeks.

I look forward to some bipartisan progress. I hope that can be done.

DESTRUCTION OF CIA TORTURE TAPES

Mr. REID. Mr. President, I wish to speak this morning about another issue that concerns not just Democrats but members of both parties and our entire country. It is often said that a man has nothing but his reputation, his honor, and his integrity. I believe that to be the case. This is true not just for men but for countries.

In a thousand years, in a hundred years, when historians write the story of these early days of America, they will, of course, write about our great cities, our military and, of course, our economy. But the real story will be of a young Nation, unique among its global peers, because it has stood for liberty and justice, not just with words but with deeds. The true measure of America is our moral authority. Over the past 7 years, that authority has been significantly damaged: the war in Iraq that did not have to be waged; a CIA agent exposed to harm for telling the truth, Valerie Plame; a Justice Department in shambles with Attorney General Gonzales; the treatment of prisoners held up to no standard except the daily whims of a few people, Abu Ghraib, water torture. But now the word is that the CIA destroyed tapes from some of these interrogations. It has been acknowledged that the interrogations were by using water torture, something that originated in 1492 by Queen Isabella and King Ferdinand in the Inquisition. Here it is hundreds and hundreds of years later, and great America has reverted to what took place in the Inquisition.

The damage to our moral authority will matter to history books, but, more importantly, it matters right now. It puts our troops at greater risk if captured, impairs our relationship with nations that ought to be our allies, it impedes our ability to fight an effective war on terror, it creates terrorists.

This latest news of destroyed tapes raises far more questions than we have answers. For example, who is responsible for destroying these tapes? Why? Was something being covered up? The possibility of obstruction of justice is very real. The American people deserve a full accounting for what took place and answers for all of these questions.

Will that eradicate what has gone on over the last 7 years? Of course not. But it will help. Chairman ROCKEFELLER has launched an investigation in the Senate Intelligence Committee. I am happy that the Intelligence Committee has been working on a bipartisan basis. That is good. Senator BOND has been working with Senator ROCKEFELLER, and they have done what has been good work. There has been very little infighting between them.

The Attorney General of the United States, newly selected, has said he will launch an inquiry. We will see what this inquiry will be. I expect both the Intelligence Committee and the Attorney General of the United States to investigate aggressively the answers to questions regarding this coverup.

But the CIA, the Justice Department, the Bush White House, every American should know that if these investigations encounter resistance or are unable to find the truth, I will not hesitate to add my voice to those calling for a special counsel. For example, this weekend, JOE BIDEN, chairman of the Foreign Relations Committee, called for a special prosecutor. He may be right. I am willing to wait and see what develops before I join in that call.

We must take every step necessary to protect our country's integrity and defend this country's great moral responsibility and authority that we have.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

MOVING FORWARD

Mr. McCONNELL. Mr. President, let me say I share the view of the majority leader that there is clearly a way forward on the farm bill. We are now making substantial progress and should be able to complete that bill in the near future.

Also I think there is a way to get a Foreign Intelligence Surveillance Act measure out of the Senate that could be signed by the President.

With regard to the remaining efforts here on the spending issues, it is, indeed, hard to understand the complaints we are hearing from the other side on our supposed lack of compromise on spending. We have sought actually compromises all year in dozens of appropriations committee and subcommittee hearings, which is the normal process. But we are now a quarter of the way into the fiscal year. Responsible people understand the time to get the work done is now. As the majority leader indicated, Christmas is 2 weeks from today. We can keep going back and forth with the House maybe endlessly. But that would only further delay our fundamental responsibility of getting these spending bills signed into law.

So what is the way to do it? The way forward: Let's protect the taxpayers' wallets, fund the troops, and end this otherwise unproductive exercise.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 60 minutes with the time equally divided and controlled between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Texas.

ORDER OF PROCEDURE

Mr. CORNYN. Mr. President, I believe we have two speakers on our side in morning business this morning. I would ask unanimous consent that I be allotted 15 minutes of that, and Senator GRAHAM from South Carolina be allotted the second 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

APPROPRIATIONS

Mr. CORNYN. Mr. President, I come to the floor today to talk about an issue that should be the first priority of this Congress, and that is to fund our troops during a time of war, to make sure they have the funds they need, to have the equipment, to have logistical support and other support they need in order to fight this global war on terrorism.

There have been a lot of rumors circulating around Congress about what the way forward is going to be on the appropriations—I can only call it a mess—that confronts us when only 1 appropriations out of 12 bills has been signed by the President.

Yesterday I heard the reports for the chairman of the House Appropriations Committee, DAVID OBEY, which said he was pulling the proposed omnibus appropriations bill because he was upset with negotiations on that.

He said this—and this is the one part I do agree with—

> I want no linkage whatsoever between domestic [spending] and the war. I want the war to be dealt with totally on its own. We shouldn't be trading off domestic priorities for the war.

I would rephrase that that we should not be doing anything to tie the fate of our troops to wasteful pork projects or excessive Washington spending.

I am glad to see the distinguished majority whip on the floor because I do have a unanimous consent request that I know he will be interested in.

UNANIMOUS-CONSENT REQUEST—S. 2340

I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 484, S. 2340. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid on the table, and that any statements relating to the bill appear at this point in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DURBIN. Reserving the right to object, I ask unanimous consent that the remarks I am about to make not be taken from the time allotted to the Senator from Texas in terms of morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Reserving the right to object—and I will object to this request—let me say at the outset that what the Senator has asked for is to return to a bill which was considered by the Senate on November 16, 2007. There was a failure of a cloture vote, which is a vote requiring 60 Senators to vote affirmatively before the bill goes forward. The final vote was 45 to 53. In fact, three Republican colleagues of the Senator from Texas joined in opposing that cloture vote. This is a Senate appropriations bill. As the Senator from Texas knows, the Constitution requires that spending bills originate in the House. So the House would either object or ignore this bill or blue slip the bill in a way that would mean that whatever we would do here would not achieve the result asked for by the Senator from Texas.

As of today, we have lost 3,888 American lives in Iraq. The amount of money which we have provided, according to the administration, would allow them to continue the war at least to the end of March and perhaps beyond. So the troops are not without the resources they need. What the Senator from Texas has proposed is an approach which is on its face unconstitutional and has been rejected by the Senate on November 16, including three Republican Senators. For that reason, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. CORNYN. I differ with the distinguished Senator from Illinois. Obviously, the bill that was voted on earlier contained numerous restrictions and deadlines on deployment of our troops in Iraq. For that reason, cloture was denied. It is not that there wasn't support. Indeed, I would hope there would be unanimous support to make sure our troops get the emergency funding they need in order to continue military operations until such time as Congress can appropriate the remainder of the President's request of $196 billion.

It is important to note that this is emergency bridge funding for the troops. While I don't disagree with the distinguished Senator from Illinois that the military can borrow from Peter to pay Paul and move funds around within their budget to avoid disaster up until about mid-February, the fact is, the White House has now warned that 100,000 civilian jobs depend on this emergency funding.

Here is a story from the Army Times dated December 10, 2007, that says the Department of Defense is sending notices of layoffs this week—2 weeks before Christmas—to 100,000 civilian employees warning them, unless Congress acts, they are going to be out of a job. This is not the way to show our support for the troops. In fact, this is nonsupport for the troops.

It is important to note what is included in this emergency funding that should be voted on today and decoupled from the debate over the Omnibus appropriations bill or any other continuing resolution. Here are the most notable provisions: One, operation and maintenance funding—this finances a broad range of activities, including combat operations, transportation of personnel and equipment, fuel, equipment maintenance, and general base support for our troops.

It also funds the Iraqi security forces and Afghanistan security forces. If we have any hope of bringing our troops home sooner rather than later, it is because we have succeeded in training the Iraqis to take our place, to provide that security so we can bring our troops home as soon as possible. By not providing the funding, we are delaying that prospect, not advancing it.

The third general category is funding for the Joint Improvised Explosive Device Defeat Organization—the Joint IED Defeat Organization—which is dedicated to finding new ways to neutralize the primary threat to our troops in Iraq, which is improvised explosive devices. We ought to be providing the funding for this Joint IED Defeat Organization so they can save the lives and limbs literally of American troops.

This emergency funding being blocked by Senate Democrats would go to repair, replace, and upgrade military equipment. It also provides for military personnel funding, special pay and benefits, including hazardous duty pay for our troops, as well as the Defense Health Program. Those are the categories of items being blocked by today's objection by the Democratic leadership.

I am disappointed by the decision to block this emergency funding for our troops in Iraq. This is the material support we can provide to show our troops we are behind them, regardless of our differences on the war or how the war is being conducted. We see time and time again how this Congress, egged on by special interest groups such as Moveon.org, has been willing to use our troops as part of their political debate. This is particularly appalling when we are the ones who first asked and voted—by a vote of 77 to 21, I believe, 77 affirmatively—for the use of force in Iraq. We are the ones who voted and have the responsibility for authorizing that use of force. For us now to deny the funding they need to foster a situation where money has to be moved around from accounts just to get by and 100,000 civilian employees are being put on notice that they are going to be out of a job unless Congress quits playing a game is simply unsustainable.

Last January, of course, we unanimously confirmed GEN David Petraeus to lead our forces in Iraq. As we all know, there was serious concern about the way the military operations in Iraq were being conducted, and many, if not all, of us called for a new way forward. We unanimously agreed that General Petraeus was the right man for that job. In fact, I am proud to say that vote to support General Petraeus's nomination and that vote of confidence in the new strategy, the so-called surge of forces in operations in Iraq, proved to be a correct one.

General Petraeus, with his counterinsurgency strategy and with the hard work and dedication of our men and women in the military, has brought us closer to a stable Iraq that many had simply given up and thought not possible. Reports are appearing daily in the newspaper and on the electronic media showing that violent attacks continue to decline in Iraq and communities across that country. Reports show people not only feel safer, they are safer. Refugees who have left Iraq to go to Syria and other places to protect their lives and their families are now returning to Iraq because Iraq is safer. Taxi drivers have resumed their old routes in neighborhoods without regard for whether predominantly Shiite or Sunni, and neighbors and families previously separated by the war are reuniting as refugees are returning by the busload.

My colleagues have had a chance to show their support for the troops. Unfortunately, we see that support sorely lacking. The call of groups such as Moveon.org seems to be so loud and has such command on the other side of the aisle that it drowns out these positive reports about the improved security situation in Iraq. It leads some, unfortunately, to block emergency funding that our troops need in order to carry out continued security operations and training for Iraqis to take our place so we can bring our troops home. Unfortunately, they end up being part of the partisan political games that tend to dominate Washington, DC. My colleagues who continue to insist that

Iraq is lost and that the surge has failed or that Iraq is not making political progress are not talking about the Iraq of today.

I have said it before and I will say it again: Betting against the men and women of the U.S. military is always a bet you will lose. When our colleagues on the other side of the aisle said that all is lost even before the surge started, frankly, they have been proven wrong. They lost that bet by betting against the men and women of the U.S. military.

Michael Totten, a reporter embedded in the once volatile region of Fallujah, wrote last week in the New York Daily News:

> There's a gigantic perception lag in America these days. The Iraq of the popular imagination and the Iraq of the real world are not the same country.

Secretary of Defense Gates said on Saturday that:

> Civilian deaths across Iraq are down about 60 percent.
>
> Recently, there was the lowest number of single-day attacks across the nation in three and a half years.
>
> The progress is real. But it is also fragile.

Why in the world, given this progress and given the fragility of the conditions in Iraq, would my colleagues on the other side of the aisle deny the emergency funding that our troops need? What possible rationale could there be for making that part of the political games and dysfunction that seems to dominate the Congress?

We have to make our policy decisions based not on the Iraq many have remembered from the past but the situation on the ground today which is improving, rebounding, and growing. Yet we still hear the doomsayers and those admonishing General Petraeus and his strategy. I am reminded of something a professor once told me when he said speaking louder doesn't make you any more right. We need to listen to the facts and not the loudest voices.

We all have an important question to ask ourselves. It is not about should we have gone into Iraq or why we went into Iraq. Those questions are now relegated to the history books. The fact is, we are there. The question we must ask now is, Given the current situation in Iraq and the Middle East, what is the best course of action for the United States? We should ask ourselves, Will withdrawing troops from Iraq before securing it make us any more or less secure at home? I have no doubt—and history will agree—that the more stable we can make Iraq, the better chance they have of becoming a fully functioning partner in the Middle East, a democracy governed by Iraqis.

A precipitous withdrawal, whether caused by deadlines imposed by Congress or by cutting off funding or by leaving funding in doubt, as our Democratic colleagues have done by objecting to this unanimous consent request today, would be detrimental to the security and stability of Iraq and would endanger American lives at home.

How could that be? The intelligence community tells us that a power vacuum in Iraq left by a rapid American withdrawal would create a failed state and an opportunity for al-Qaida to reassemble and reorganize.

It would create an opportunity for a training ground and an organizing location for al-Qaida and Islamic extremists to launch future terrorist attacks against the United States or our other allies or American forces in the Middle East. Such action would also likely necessitate future American military operations in the region that would put us behind where we are today, not advance where we are today.

I think we can all agree that kind of scenario is completely unacceptable and certainly not in the best interest of the United States. The situation in Iraq, as it stands now, needs a continued military presence with a force large enough to handle potential problems until the Iraqis are able to govern and defend themselves. The more capable the Iraq military and police forces become, the fewer of our troops are necessary to assist them in that effort. But it does not help them to cause them to question whether we are going to provide the financial support for our troops and for the training of Iraqi military and police forces. But that is exactly what the Senate is doing today by blocking this unanimous consent request.

Many of my colleagues on the other side of the aisle, still now, are left to claim that the lack of Iraqi political reconciliation is the reason they are dissatisfied with the outcome in Iraq, having lost the argument by the improved security arrangements as a result of the surge and the counterinsurgency strategy of General Petraeus.

I have to wonder whether we are holding the Iraqi Government—Mr. President, I ask unanimous consent for 2 more minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, by now moving the goalposts, saying first the surge would not work to now having to declare the obvious, that the surge is working and the military situation is better, our colleagues on the other side of the aisle and the naysayers are saying: Well, really the problem is a lack of political reconciliation. But I have to ask whether we—a Congress that has proven itself to be dysfunctional over the last 8 months or 11 months now—whether we are holding the Iraqis to a different standard than we would actually hold ourselves to. We have not exactly been a model for how Congresses should function.

I think it is unfair for us to continue to move the goalposts and say that the significant reconciliation efforts that are occurring in tribal areas, in the provinces, and local areas do not count because clearly they do count, with things like the Anbar awakening and the work being done around Iraq now from the bottom up, as opposed to the top down, which is helping to make for a more secure Iraq, and making sure that Iraqis, rather than Americans, are principally responsible for maintaining security and safety in Iraq, in conjunction with American military troops.

I am discouraged and disappointed that our colleagues have blocked this emergency funding for our troops, putting 100,000 civilian employees of the Department of Defense in doubt during this Christmas season as to whether they are actually going to have a job come February and causing our troops to question our commitment to support them during a time of war. That is not the message this Senate ought to be sending, and I urge my colleagues to reconsider.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, is it my understanding I am recognized for 15 minutes. Is that correct?

The ACTING PRESIDENT pro tempore. Fifteen minutes, without objection.

Mr. GRAHAM. Thank you, Mr. President.

IRAQ

Mr. GRAHAM. Mr. President, to start this discussion about what to do in Iraq, I think we need to sort of take inventory of where we are, what common ground we do have. I do believe there is a vast, wide, and deep support for the men and women in the military by the average Republican and Democrat and Independent citizen and Members of Congress, and that is indeed good news for our country. It is not one of those situations where people came back from Vietnam and were not well received by their fellow citizens. For that, we should all be grateful.

I would like to put this debate in a little different context. As my colleague from Texas said, whether we should have gone into Iraq is sort of a matter for historical discussion. The question for us as a nation is winning and losing, and can you put Iraq in terms of winning and losing? I think you have to because our enemy has. Our enemy, al-Qaida and other extremists groups, looks at Iraq very much as a battlefront and a battle they want to win and us to lose. That is why bin Laden has rallied the jihadist and al-Qaida sympathizers to go to Iraq and go to the Land of the Two Rivers and drive the infidel out, because I think they understand pretty clearly that if Iraq can reconcile itself, become a stable, functioning democracy, with an

Iraqi spin to it, where a woman can have a say about her children, where the rule of law would reign over the rule of the gun, and be a place that would absorb religious tolerance, it would be a nightmare for their agenda. So our enemy is very certain in their own mind about what would happen if we won in Iraq.

Again, winning to me would be a stable, functioning democracy, tolerant of religious differences, where all groups would have a political say, where a woman would have a meaningful role in society regarding her children and their future. And it would contain Iran. It would be a buffer to Iranian ambitions. It would deny extremist groups, such as al-Qaida, safe haven. That, to me, is winning, and that, to me, is very possible. The reason I say it is very possible is because it is in the best interests of the Iraqi people themselves to achieve that goal. There is a Shia majority in Iraq, but they are Iraqi Shia. They are Arabs. The Persian Shia majority—there has been a war between these two countries in the past decades and a lot of animosity. So the general feeling on the streets that I have found from many visits to Iraq is that, generally speaking, the Iraqi population does not want to be dominated by anybody, including Iran.

Now, the biggest news of the surge that is not being reported enough, in my opinion, is that given a choice and an opportunity, a Muslim population, the Iraqi Sunni Arabs, rejected the al-Qaida agenda in Anbar. The al-Qaida movement in Iraq was formulated and inspired by outside forces. Leaders from al-Qaida internationally came into Iraq to rally people to the al-Qaida cause. They played a very heavy hand in Anbar, which was brutal—from the small things such as banning smoking to burning children in front of their parents who did not cooperate. They imposed a way of living on the Iraqis in Anbar Province for which the Anbar Iraqi Sunni Arabs said: No, we don't want any more of this. And the sheiks and all the tribes came to our side because al-Qaida overplayed their hand. So the real good news for me is that given an opportunity and being reinforced, the al-Qaida agenda will not sell, and people within the region will turn it down and reject it. That would not have happened without the surge.

I think most of us do not appreciate what life is like in a country where if you raise your hand to be a judge, let's say, not only do you become personally at risk, they try to kill your family—the forces that do not want to reconcile Iraq.

Political debates and discourse in this country can be very contentious, but on occasion we find that middle ground to solve our problems. It is hard and difficult to compromise in an environment where the people who want you to fail literally will kill your family. So the lack of security in the past has been our biggest impediment to reconciliation. Thank God for General Petraeus, General Odinero, and all under their command. You have done a wonderful job.

This we should all agree upon: that the surge, as a military operation, has been enormously successful and I think will be the gold standard in military history for counterinsurgency operations. Instead of bleeding it dry of funds and putting it at risk, we should reinforce it politically, monetarily, and in every other way.

A political leader can reinforce a military leader. Our military, because of our system of government, depends on us, those of us in elected office, to give them the resources to execute the mission they have been assigned. Who among us believes we understand Iraq better than General Petraeus militarily? Who among us advocated the surge as proposed by General Petraeus? Who among us understands counterinsurgency operations better than the general and his staff? None of us, if we would be honest with ourselves. He is the expert in this area. He has been given an ability to engage in military operations with a completely new theory, and it is working—undeniably working.

Security in Iraq is better. Anbar has literally been liberated. If you told me a year ago, this time last year, we would be moving marines out of Anbar because the security environment would justify it, I would have thought: That is optimism beyond what I can muster. But it has happened. And all throughout this country called Iraq, people are beginning to reconcile themselves because of better security. Quite frankly, they are war weary.

But I am not going to reinvent history. The blame is across the board and across the aisle. How many times did Republicans go to Iraq after the fall of Baghdad, for maybe 3 years, and say: It is really going well, it is just the media's fault. It was not going well, and it was not the media's fault. The strategy was failing. So people on my side of the aisle were cheerleading for a strategy that, if we followed it, we would have been hopelessly lost in Iraq. So there is plenty of blame to go around. Finally, we now have adjusted. We have a new general with a new strategy. It is a lot more complicated than just 30,000 new troops. We are deploying them differently. We are going after the insurgency in a different way.

The biggest nightmare for al-Qaida has been the surge. If you ask to pick winners and losers of the surge, it would be extremist groups. At the top of the list would be al-Qaida, and it is soon going to be the Shia militia aligned with Iran. There is an offensive about to take place in Iraq that is going to put the nail in the coffin of extremist groups. They are not defeated yet, but they are greatly diminished.

Now is not the time, colleagues, for us to put this surge in jeopardy. Our troops are in a political crossfire here at home. They are not in the middle of a heated sectarian war. Security does exist in Iraq now to get business done. There are extremist groups, and it is still dangerous, but the military has done its part to allow the Iraqi people to reconcile themselves.

We have not done our part. We are still fighting a battle as if nothing new has happened. We are still holding on to positions stated in April and May as if nothing has changed, and that is not fair to those who sacrificed to make it change. I took this floor for a very long time with Senator McCAIN and a handful of others arguing that the Department of Defense had a strategy doomed to fail. Thank God the President changed course. Thank God for General Petraeus and all under his command.

Now, to my colleagues on the other side, please let us allow General Petraeus to finish the job he started. Within a few months, the troops begin to come home based on the surge being successful. They will return with victory at hand. Victory is not yet achieved, but it is possible. The only way to roll back the security gains is to change the mission and have the Congress start running the war.

The political crossfire I speak of is that some people want to give the money to support the surge only if they get $11 billion of domestic spending unrelated to the military. Some people will not give any money for the surge, continued operations in Iraq, unless we change the mission and withdraw troops by the end of the next year. That is a crossfire politically that is doing more harm than good that should end.

Beginning in March, General Petraeus will come back. He will tell us the situation as it exists on the ground. I am here to tell you, in December, that I am disappointed in the progress at the central government level in Baghdad. They have passed a budget in Iraq—$48 billion. All revenue being shared among all groups is a great step forward, but it is not a permanent solution to the problem.

We need a permanent law, a national law, that will tell every group in Iraq: As to the wealth of the country, part of it will come to your area, and you do not have to worry about it budget by budget. Political reconciliation in Iraq has to happen for the surge to be successful. I have said on numerous occasions that if there is not some major breakthrough on the benchmarks by January, I will look at reconfiguring the aid we give to the Iraqi Government, not changing the troop missions or the troop numbers. I am going to leave that up to the military. It is in our national security interest to maintain the gains we have achieved on the ground to keep Iraq from going into chaos. But we are giving this Government hundreds of millions of dollars of aid, and if they cannot reconcile themselves, we may find other places to spend that money and other ways to spend that money.

So I urge my colleagues to allow the troop funding that is required to complete the surge, to allow it to go forward. Stop this political crossfire of trying to extract from this necessary funding event more money to spend domestically here at home or trying to take the mission away from the military commanders. That is not where our troops need to find themselves in this crucial moment in time.

I can promise you, as we go into next year, if the central government in Baghdad has not done a better job reconciling themselves, I will sit down with anyone, Republicans and Democrats alike, to find a way to put political pressure, economic pressure, on this government.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Arkansas is recognized.

CONSUMER PRODUCT SAFETY COMMISSION

Mr. PRYOR. Mr. President, I want to acknowledge my colleagues who have been helping on S. 2045. These are in alphabetical order, not in the order of work done. Everybody has worked a lot on different parts of this bill. They are Senators BROWN, CASEY, DURBIN, HARKIN, INOUYE, KLOBUCHAR, MENENDEZ, BILL NELSON, and SCHUMER. They have all helped craft this legislation relating to the Consumer Product Safety Commission.

Because we are now in the holiday season, naturally, public attention is focused on consumer product safety. I had come today prepared to ask unanimous consent to try to move to this legislation. However, last week, Thursday, I met with Al Hubbard at the White House in a very constructive meeting to talk about some of the areas of disagreement on the legislation, as it came out of the Senate Commerce Committee. It was a very constructive meeting, very frankly. I hope, in the end, we will consider that a very productive meeting. We don't know yet if there is a meeting of the minds, but I am cautiously optimistic that the White House is starting to engage in this very important issue to this country and to the families of America.

Let's talk for a moment about the Consumer Product Safety Commission. For a lot of people, the CPSC is just one of these "alphabet soup" agencies, and they don't know what the CPSC does. But I will tell you, it touches every American's life every day. It is in the small things that we use, such as batteries, coffeemakers, lawnmowers, toys, and baby cribs.

The Consumer Product Safety Commission is there to make sure these products are safe for people in my State of Arkansas to buy and for people all over this country to buy and use. One of the things the Consumer Product Safety Commission should do is give people in this country—including parents, when it comes to toys—peace of mind to know the toys they purchase and other products they purchase meet American safety standards.

This bill we are talking about today, S. 2045, was called recently by the Wall Street Journal "the most significant consumer safety legislation in a generation." I think that accurately sums up the nature of our legislation. It is consumer safety reform legislation. It is very significant, very comprehensive.

Our efforts in reforming the CPSC predate a lot of the recalls we heard about this summer. We have been working on this all year in the subcommittee. Basically, the CPSC now looks after 15,000 separate consumer products. Every year, there are about, roughly, 27,000 deaths in this country caused by consumer products that are faulty. There are 33.1 million people injured every year through consumer products that the CPSC regulates. So this is an agency that is a public safety agency, a good Government agency.

Unfortunately, the CSPC is completely overwhelmed today. I believe the Senate, the House, and the President should all work together to reauthorize this agency and put it back together again.

Let me give some examples from this year alone. This year there have been 37 million products recalled. Some people may say: Gosh, it is working because all these products have been recalled. First, a lot of those products should never have been imported in the first place. A lot of them were recalled by the manufacturers, not the Government. In any event, we have seen stories about lead-coated Big Bird, Elmo, and Barbie accessories, and we have seen collapsing cribs and kerosene-filled toy eyeballs. We have seen building toys with small, very powerful, magnets that, when kids ingest them, cause problems. We have seen craft toys that contain the date rape drug. That is unbelievable, but we have seen in this country a craft set, or a craft toy, that contains the date rape drug. These products should never be in the marketplace to begin with.

Let me talk about the status quo for a moment. The status quo today, with this flood of imports coming into this country, is completely unacceptable. We should not stand idly by and allow these products to saturate our markets. There have been stories in the last few days about charities and charitable giving. One of the great organizations during this time of year is the U.S. Marine Corps. They do the Toys for Tots Program. They have been doing it for many years. Even when I was a kid, it was a big deal because there were always kids in the community less fortunate than I was. We would gather our toys around our house and take them down to a drop station, wherever it may be, and the Marines would sort them out and deliver them to kids who needed toys on Christmas morning or during the holiday season.

One of my staff members, Jason Smedley, is a marine. Yesterday, he went to DC to volunteer on the Marine Corps Toys for Tots, the big disbursing office. Unfortunately, what he found was that the donations to Toys for Tots are way down this year because parents and other donors don't have confidence in the toys they are giving because there might be something wrong with them.

Also, you find, as Jason told me, at the Toys for Tots location in Washington, DC, they have three-ring binders with all kinds of toy recall information in them. Every toy that comes in, they go through that book to make sure that toy hasn't been recalled. Does that sound efficient to anyone? No. That means the CPSC has not been able to do its job and protect our marketplace from these dangerous toys.

There was another story in our local paper, the Arkansas Democratic Gazette, yesterday where toy recalls have hurt instate charities, the locally based charities. You see the same story there, where donations are down. It has been a very hard season for those people who are in that toy distribution operation during the holiday season.

There is a great leader in Arkansas, Hezekiah Steward. He is a reverend, and he runs something called the Watershed Human Development Center. People in our State call it the Watershed Project. He tries to meet the needs of the most needy in the Little Rock area. He does a great job. When I was Attorney General, we had a program and we tried to donate as many toys as we could to Watershed and also to Toys for Tots. We tried to help the Watershed because they are touching people in the community that a lot of times fall through the cracks. Again, Hezekiah Steward is in that article yesterday in the Arkansas Democratic Gazette, saying the donations were down and they are having to screen the toys. It is basically a big mess.

In addition to that, I have talked to parents and grandparents in Arkansas, and they are telling me the same thing. They are saying: This holiday season, when we want to buy toys, we don't know what to trust anymore. If it says "made in China," we don't buy it. That is not a good screening process. Hopefully, most of the toys in the marketplace are safe today, but the public has lost confidence in the system we have now, and we in the Senate, in the U.S.

House, and also in the White House need to do a much better job of giving the Consumer Product Safety Commission the tools it needs.

Let me talk a little bit about the Consumer Product Safety Commission and help lay out the problem. Here on this chart we see something that is very revealing. We see on the top chart the imports coming into this country. What we see on the bottom chart is the Consumer Product Safety Commission's staffing level year by year. One thing you will notice—this is very clear, and the numbers are unmistakable—is that starting in 1974, you see the general trend; it goes up and down a little bit, but the general trend is for imports to increase coming into this country. We all know that. Everybody in this body knows we have seen imports increase dramatically in the United States in the last few years. This is borne out on the chart.

Unfortunately, as the imports are going up, the staff at the CPSC is going down. You can see these numbers. Again, they are unmistakable. This is an agency in distress. If you look at what it was at its high versus what it is today, the numbers are unmistakable. The problem with the numbers is, when you see the low numbers like this on the staffing level, when you understand the situation their lab is in, where it is dilapidated and antiquated, and they are losing many people through attrition, you understand all the problems the agency has and that it is totally overwhelmed. When you look at this number, which is at an all-time low, and imports are at an all-time high, you know we have a problem.

In this body, we need to address that problem. There is no better time to address it than right now. Let me talk for a moment about what I think we need at the CPSC. We need a robust and proactive watchdog agency. We need to prevent toxic toys from ever landing on our shores and on our shelves. We need to be able to respond very quickly when there is a problem. We need to have a system in place where we can punish the bad actors and punish the repeat offenders.

Again, I have been talking to the White House, and I want to be cautiously optimistic about what the White House told me on the phone and in meetings, but we all need to work together to try to get this done.

Let me run through some of the things that S. 2045 does. Basically, what we are doing is taking this agency that needs an overhaul, and we are overhauling it. What we are trying to do is increase the staff by nearly 20 percent over time. We are trying to upgrade their testing labs. We are trying to increase their agents at ports of entry, again, so the dangerous products never enter this country. We are trying to allow the States' attorneys general to be more like cops on the beat and help the CPSC enforce the laws in all 50 States, not just in one centralized location at the CPSC itself. We want to increase the civil fines and the criminal penalties. Also, as part of this, we want to do our dead level best to streamline the recall process. It takes too long, it is too secretive, and there are many examples of people dying as discussions are going on between the manufacturers and the CPSC on how a recall will be conducted. This is very important.

This bill bans lead in children's products. I think that is very important for the American public to understand. Right now, there is not a ban on lead in children's products. We know it is dangerous, and that is well documented. Our doctors, medical researchers, and scientists have told us that. So we need to ban lead in children's products.

This bill also allows the CPSC to select recall remedies. It doesn't leave it up to the manufacture or the bad actors. Not all manufacturers or retailers are bad. In fact, the supermajority of them are not. They are trying to do what is right.

At the end of the day, the CPSC needs to make decisions that are in the public interest—not some of these manufacturers and retailers and distributors, et cetera, and what is in their own corporate interests. We need a watchdog agency that will be there to protect the public interest.

This bill increases public disclosure. That is important because most parents have heard something on the news or read a little something in the paper, but they really don't have an easy way to know what is being recalled or exactly when it gets recalled. We want more public disclosure, and we want it to happen quicker.

Also, regarding children's products, we want a third party process, where a third party will certify that those products meet U.S. safety standards. We have that in a lot of other areas, such as electronics.

There are a lot of third-party certification processes that exist in the marketplace. We need that for children's products.

The last two or three things the bill does is it improves the tracking labels on children's products. When we get a toy, and they say there is a recall, say, on a certain kind of doll, there may be 10 varieties of that doll. We may have bought a doll made a year ago and it has been in a warehouse. We don't know. We want a better labeling and tracking system.

We want to provide whistleblower protections. If there are people out there who know there is wrongdoing and somebody is covering it up—we see this in other contexts—we want to allow that whistleblower to come forward and not be punished for doing what is right.

The last point I wish to mention is the bill prohibits the sale of recalled products. Again, a lot of people in this country may be shocked to know that in many circumstances—not all—but in many circumstances, we see recalled products still for sale on the open market. Parents would be shocked to know that fact, but it is true.

We are trying to do our best, give our best effort to have a serious and fundamental reform of the Consumer Product Safety Commission.

One more point in closing, and that is, there are two major goals we are trying to accomplish with this legislation. First, we are trying to rebuild the agency. That is very important for the functioning of that agency. As I said before, it is overwhelmed. I showed some charts. There are many others I can point out to show how overwhelmed this agency is. First and foremost, we want to rebuild the agency. And second—and this point flows from the first point—we want to restore public confidence in the marketplace. We don't want to be at the next holiday season and moms and dads are coming up to me in Arkansas and coming up to my colleagues all over the country saying: Should I buy toys for my children and grandchildren this year? That is what I hear when I go back home.

People are concerned, they are scared, they are uncertain about the American marketplace, and that is too bad. We do not need that to happen. We need our people to have confidence in the marketplace in this country.

I ask my colleagues on both sides of the aisle and in the House as well and in the White House, I ask everyone to give this legislation a serious look. We would like to move it forward this month, before the end of this year, during this holiday season. I know there are some folks who expressed interest in trying to help get that done. I am available any day, any night. My staff is available. We definitely want to work with whomever is willing to work to get the Consumer Product Safety Commission reauthorization done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, parliamentary inquiry: What is before the Senate at this moment?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. If there is no further morning business, morning business is closed.

Mr. HARKIN. Morning business is closed and the Senate is back on the farm bill?

FARM, NUTRITION, AND BIOENERGY ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2419, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2419) to provide for the continuation of agricultural programs for fiscal year 2012, and for other purposes.

Pending:

Harkin amendment No. 3500, in the nature of a substitute.

Harkin (for Dorgan-Grassley) amendment No. 3695 (to amendment No. 3500), to strengthen payment limitations and direct the savings to increase funding for certain programs.

Brown amendment No. 3819 (to amendment No. 3500), to increase funding for critical farm bill programs and improve crop insurance.

Klobuchar amendment No. 3810 (to amendment No. 3500), to improve the adjusted gross income limitation and use the savings to provide additional funding for certain programs and reduce the Federal deficit.

Chambliss (for Lugar) amendment No. 3711 (to amendment No. 3500), relative to traditional payments and loans.

Chambliss (for Cornyn) amendment No. 3687 (to amendment No. 3500), to prevent duplicative payments for agricultural disaster assistance already covered by the Agricultural Disaster Relief Trust Fund.

Chambliss (for Coburn) amendment No. 3807 (to amendment No. 3500), to ensure the priority of the farm bill remains farmers by eliminating wasteful Department of Agriculture spending on casinos, golf courses, junkets, cheese centers, and aging barns.

Chambliss (for Coburn) amendment No. 3530 (to amendment No. 3500), to limit the distribution to deceased individuals, and estates of those individuals, of certain agricultural payments.

Chambliss (for Coburn) amendment No. 3632 (to amendment No. 3500), to modify a provision relating to the Environmental Quality Incentive Program.

Salazar amendment No. 3616 (to amendment No. 3500), to amend the Internal Revenue Code of 1986 to provide incentives for the production of all cellulosic biofuels.

Thune (for McConnell) amendment No. 3821 (to amendment No. 3500), to promote the nutritional health of school children, with an offset.

Craig amendment No. 3640 (to amendment No. 3500), to prohibit the involuntary acquisition of farmland and grazing land by Federal, State, and local governments for parks, open space, or similar purposes.

Thune (for Roberts-Brownback) amendment No. 3549 (to amendment No. 3500), to modify a provision relating to regulations.

Domenici amendment No. 3614 (to amendment No. 3500), to reduce our Nation's dependency foreign oil by investing in clean, renewable, and alternative energy resources.

Thune (for Gregg) amendment No. 3674 (to amendment No. 3500), to amend the Internal Revenue Code of 1986 to exclude discharges of indebtedness on principal residences from gross income.

Thune (for Gregg) amendment No. 3673 (to amendment No. 3500), to improve women's access to health care services in rural areas and provide improved medical care by reducing the excessive burden the liability system places on the delivery of obstetrical and gynecological services.

Thune (for Gregg) amendment No. 3671 (to amendment No. 3500), to strike the section requiring the establishment of a Farm and Ranch Stress Assistance Network.

Thune (for Gregg) amendment No. 3672 (to amendment No. 3500), to strike a provision relating to market loss assistance for asparagus producers.

Thune (for Gregg) amendment No. 3822 (to amendment No. 3500), to provide nearly $1,000,000,000 in critical home heating assistance to low-income families and senior citizens for the 2007–2008 winter season, and reduce the Federal deficit by eliminating wasteful farm subsidies.

Thune (for Grassley/Kohl) amendment No. 3823 (to amendment No. 3500), to provide for the review of agricultural mergers and acquisitions by the Department of Justice.

Thune (for Sessions) amendment No. 3596 (to amendment No. 3500), to amend the Internal Revenue Code of 1986 to establish a pilot program under which agricultural producers may establish and contribute to tax-exempt farm savings accounts in lieu of obtaining federally subsidized crop insurance or noninsured crop assistance, to provide for contributions to such accounts by the Secretary of Agriculture, to specify the situations in which amounts may be paid to producers from such accounts, and to limit the total amount of such distributions to a producer during a taxable year.

Thune (for Stevens) amendment No. 3569 (to amendment No. 3500), to make commercial fishermen eligible for certain operating loans.

Thune (for Alexander) amendment No. 3551 (to amendment No. 3500), to increase funding for the Initiative for Future Agriculture and Food Systems, with an offset.

Thune (for Alexander) amendment No. 3553 (to amendment No. 3500), to limit the tax credit for small wind energy property expenditures to property placed in service in connection with a farm or rural small business.

Thune (for Bond) amendment No. 3771 (to amendment No. 3500), to amend title 7, United States Code, to include provisions relating to rulemaking.

Salazar (for Durbin) amendment No. 3539 (to amendment No. 3500), to provide a termination date for the conduct of certain inspections and the issuance of certain regulations.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, as Senators are well aware, we are now back on the farm bill. I again thank both leaders, Senator REID and Senator MCCONNELL, for last week working together to reach an agreement whereby we will have 20 amendments, a maximum of 20 amendments. We don't have to have 20 amendments but a maximum of 20 amendments on each side. We now have a list, and we do have the amendments in order on the Republican side. There are 20 listed. I hope that maybe not all of them will require a vote. Maybe we can work some of those out so we will not require votes or much time on any of those amendments. Senator CHAMBLISS and I are working together to try to get some hard-and-fast time agreements on these amendments so we can move ahead expeditiously.

Right now we have seven amendments listed on the Democratic side, and I hope that might be the limit of those amendments. Republicans have about 20, and we have about 7 amendments that I know of right now.

Also, we know yesterday the Senate entered into a unanimous consent agreement that beginning at 11 a.m., the Senate will begin 3 hours of debate on the Lugar-Lautenberg amendment No. 3711 and the time is to be equally divided, so an hour and a half on each side. Of course, we will break at 12:30 p.m. for our respective weekly party conferences. We will resume at 2:15 p.m. and will resume debate on amendment No. 3711, the Lugar-Lautenberg amendment, and that when all time is used or yielded back, we will vote on or in relation to that amendment.

Senators should be aware the first vote that will occur on an amendment to the farm bill will be on the Lugar-Lautenberg amendment at some point this afternoon, and then hopefully we will move ahead after that on other amendments. I don't know exactly what the next amendment will be. We will work that out.

Hopefully, we can work out some more votes today. I don't know how late the leader wants to keep us in tonight. I am prepared to stay here very late tonight—very late tonight—to move these amendments forward. We are reaching a point where I know everyone wants to get out of here for the holiday season, for Christmas and New Year. We are approaching the end of Hanukkah. I know people would like to leave and get together with their families. I think if we put in a couple long days, we can reach pretty good agreements on these amendments to the farm bill.

I hope we will have a long day today and get some amendments offered and debated and disposed of, one way or another. I wished to lay that out. I see my colleague and good friend, the former chairman of the Agriculture Committee, Senator LUGAR, is on the floor.

So I will at this time yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

AMENDMENT NO. 3711

Mr. LUGAR. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Senator's amendment No. 3711 is pending under a 3-hour time limit.

Mr. LUGAR. Mr. President, is it appropriate to commence the debate?

The PRESIDING OFFICER. Yes, it is.

Mr. LUGAR. I thank the Chair, and I thank the distinguished chairman of the committee.

Mr. President, let me start by thanking Senator TOM HARKIN, the distinguished chairman of our committee, and the ranking Republican leader, SAXBY CHAMBLISS, for their leadership. It is not an easy task to be chairman or ranking Member of the Senate Agriculture Committee during the farm bill. Having served in both capacities, I know well of the challenges that both have faced in putting together a bill.

Let me point out, as I have during the debate in committee, some achievements have occurred. Both the chairman and ranking member have outlined a number of these in the areas of conservation, rural development, research, nutrition, and energy.

I am also pleased by the effort to provide interested farmers with the revenue-based program which should be an improvement over the status quo.

However, the farm bill before us does not provide meaningful reform. Our current farm policies, sold to the American public as a safety net, actually hurt the family farmer. In the name of maintaining the family farm and preserving rural communities, today's farm programs have benefited a select few, while leaving the majority of farmers without support or a safety net.

Let me review the history of these farm bills.

The genesis of our current farm policy began during the Great Depression as an effort to help alleviate poverty among farmers and rural communities. At that time, one in four Americans lived on a farm and the rural economy's vitality was largely dependent upon farmers. Farm programs were instituted that stifled agricultural productivity in order to raise commodity prices through a federally administered supply-and-demand program. Supply-control programs cost U.S. taxpayers handsomely in higher food costs and job loss, and now about half of the Nation's farmers are essentially prevented from growing other crops, such as fruits and vegetables.

To date, this same antiquated idea is promoted even though farm income is higher on average than other industries. Times have changed dramatically since then. Today, 1 in 75 Americans lives on a farm, and only 1 in 750 lives on a full-time commercial farm. Furthermore, nearly 90 percent of total farm household income comes from off-farm sources—90 percent.

In response to these ongoing changes, in 1996, Congress finally recognized farmers, not the Government, could best ascertain what crops are profitable and granted roughly half our farmers flexibility in planting choices, the so-called Freedom to Farm bill, and began to transition away from federally controlled agriculture programs.

But in 2002, Congress and the Bush administration reversed these reforms and created the so-called three-legged stool which, in addition to other farm programs, has helped to place us in violation of our WTO commitments.

The Senate Agriculture Committee farm bill before us today perpetuates and even expands these defective policies without regard for the fact that the majority of farmers do not have a safety net.

The first leg of this so-called three-legged stool is direct payment subsidies to specific farmers who grow certain crops. Direct payments are fixed annual taxpayer-funded subsidies that are based on a farm's historic production and a federally set payment rate. For the five major subsidized crops, the average payment rate is roughly $15 per acre for wheat, $24 per acre for corn, $33 per acre for cotton, $11 per acre for soybeans, and $94 per acre for rice.

These subsidies were originally called transition payments. They were meant to be a temporary bridge from supply management-based subsidies to free market-based agriculture. They were never intended to be a continuing entitlement.

Direct payment policies are particularly irresponsible because the taxpayer-funded subsidies go out to farmers regardless of whether cash is flowing in or out of their farms or whether they farm at all.

Although many subsidized farmers are projected to receive record crop prices and earn record farm incomes over the next 5 years, the Senate farm bill, as agreed to by the Senate Agriculture Committee, doles out up to $26 billion in direct payments from taxpayers, much of which will go to some of the largest and wealthiest farming operations in America. In fact, over 50 percent of these subsidies will continue to go to farmers in seven States, for a grand total of $13.1 billion.

Some may find these statistics surprising, but this is simply a continuation of "business as usual" when it comes to farm subsidies. Keep in mind, in the years 2000 to 2005, the farm sector received $112 billion in taxpayer subsidies, but only 43 percent of all farms received payments. This is because the majority of the payments go to just five row crops—corn, soybeans, wheat, cotton, and rice. The largest 8 percent of these farms receives 58 percent of these payments. In fact, the top 1 percent of the highest earning farmers claimed 17 percent of the crop subsidy benefits between 2003 and 2005.

Smaller farms that qualify in the current system and that could benefit from additional support did not do as well. Two-thirds of recipient farms received less than $10,000, accounting for only 7 percent of their gross cash farm income. Minority farmers fared even worse, with only 8 percent of minority farmers even receiving Federal farm subsidies. Furthermore, half of the Federal crop subsidies paid between 2003 and 2005 went to only 19 congressional districts out of 435.

Each one of these statistics illustrates that our direct payment system is inequitable and in conflict with claims we hear on the Senate floor that our current farm policies are a safety net for the family farmer.

The second leg of the stool is "countercyclical payments," or having the taxpayer pay farmers when prices fall below a congressionally set price. The third leg is a marketing loan program that allows farmers to put their crops up as collateral to receive operating capital. However, provisions allow farmers to go ahead and sell the crop and repay the Government at a lower rate, leaving taxpayers to make up the difference.

Because these two programs do not appropriately correspond with market forces, they have the effect of creating artificial markets for crops, even when markets do not exist. Yet neither program provides any help to farmers when they arguably need it most—during disasters, such as drought. Of greater concern, these programs have been ruled to violate our trade agreements. But this new farm bill actually increases target prices for at least five crops, loan rates for seven crops, and adds a number of new subsidized crops.

Now, some Senators may wonder why we should be concerned that we are in violation of our World Trade Organization—or WTO—commitments. They might think this situation is simply limited to agriculture, or specific crops, with little impact on our overall economy. Others might even suggest we are better off building more barriers to trade; that this farm bill is about American farmers and not farmers in Brazil or elsewhere. However, if Senators look further down the line, they will see that our WTO violations could cost the United States billions in revenue, intellectual property, and lost trade opportunities. And failure to move toward compliance will invite retaliatory tariffs that legally can be redirected at any U.S. industry.

In fact, as is happening now, Brazil will soon have the authority to retaliate in kind against United States products, whether they be agricultural products or intellectual property, due to our unwillingness to fix our farm policies. It is unclear if Brazil will follow through with these threats, but what is clear is that the WTO has repeatedly found the United States cotton program to be in violation of our commitments. As a result, a host of challenges to other agricultural commodities has ensued, including a case brought forth by Brazil and Canada in November that targets all of our commodity programs.

Upon the initial findings of the WTO, Congress did repeal some cotton-related programs found to violate these agreements, namely, the so-called Step 2 Program, which was a program that used taxpayer money to pay companies to use U.S. cotton. However, the farm bill we are currently considering makes virtually no attempt to bring the rest of the cotton program into compliance.

The administration earlier this year put forth a number of policy changes that they argued would have fixed our trade problems with the WTO, including a revenue-based countercyclical program, marketing loans that respond to market prices, and eliminating planting restrictions for fruits and vegetables. None of these proposals were incorporated into either the House bill or the Senate farm bill before us today. In fact, this farm bill significantly increases the likelihood that other programs will be further challenged by the World Trade Organization.

Specifically, the WTO found that countercyclical payments and marketing loans are trade distorting, and the direct payments argued to be trade neutral are a trade violation as long as planting restrictions are retained. Astonishingly, the farm bill increases payments made under these trade-distorting programs almost across the board, further exacerbating our trade situation.

In the midst of all of this, the chief economist for the Department of Agriculture projects that exports of agricultural products for this year are likely to reach $79 billion, nearly 30 percent of all farm cash receipts in 2007. Nearly 40 percent of soybeans, half of our wheat, and over 90 percent of our cotton produced in the United States this year will be exported.

Clearly, trade and our trading partners are important to American farmers now and will continue to be in the future. U.S. action to comply with WTO rulings against cotton subsidies as well as U.S. policy regarding subsidies in general will be closely monitored by the world's exporters. Should the WTO determine that other United States farm subsidy programs, as challenged by Brazil and Canada, do not comply with WTO rules, the potential for retaliation by other countries is immeasurable.

The farm bill before us today establishes a new permanent disaster trust fund at the Department of the Treasury to provide an additional $5 billion in spending for commodity crop farmers. Our amendment does not touch this provision nor any of the other provisions related to the Finance Committee package. Of this $5 billion, it is estimated that nearly half of the money will be given to farmers in counties designated as disaster counties by the President and the other half will go to crop insurance companies as a subsidy to administer higher levels of crop insurance coverage.

The idea of a permanent disaster program may have merit, especially when you consider that Congress has passed legislation to fund ad hoc disaster payment assistance nearly every year for the last 20 years, but we should ask ourselves, if the current expensive farm bill is failing to provide a safety net to farmers when these devastating events do happen, then what is the purpose of the farm bill? Why do we need a new program administered by a separate Federal agency to fulfill what most Americans believe is the core purpose of the legislation before us? We should fix the root problem, namely that the current subsidy system does not work and wastes taxpayer dollars.

If you are now a farmland owner in America, it is highly probable your land will increase in value. Why? Because a land-owning farmer or agricultural business can count upon receiving substantially more money through subsidies. As a result, you are able to leverage your land and crops to expand. If you are one of hundreds of thousands of farmers in this country who rents land as opposed to owning land, you face a very tough set of circumstances. Your rents are likely to go up each year as the value of the land goes up. Worse still, if you are a young farmer who hopes someday to own land, then your prospects diminish year by year.

As a result, there are young members of farm families who are hopeful that with the reduction or repeal of Federal estate taxes that they might inherit the land. Other young people who are interested in farming are simply out of luck, as it is too difficult to get into the business. As a result, it is predictable that the average age of farmers in this country will continue to increase, as it has been increasing in recent decades. Consider the fact that 6 percent of farmers are younger than 35, while 26 percent are over 65 years of age.

Furthermore, elderly farmers who may be land rich but cash poor will be more inclined to sell their farms as their retirement nest egg. The most likely buyer of that farm is an owner of a larger farm who is in a position to expand, thanks to Government subsidies.

In spite of all the rhetoric and all of the attempts to talk about perpetuating the small family farm or even the medium-sized farm, the facts are that consolidation is increasing, and this bill will perpetuate that cycle. I want to emphasize this point because it reflects the inequity of this entire bill. Our farm policies transfer a great deal of money from ordinary taxpayers to a few farmers. If this transfer from the many to the few produced a stable farm economy, with prospects for greater trade success, perhaps one could argue this approach is more justified. Further, these policies could be justified if they truly did support the lower to middle-class farmer and reduce the number of farm consolidations. I am arguing that our policies promote the exact opposite.

For all of these reasons, Senator FRANK LAUTENBERG and I, along with Senators HATCH, REED, MENENDEZ, CARDIN, COLLINS, DOMENICI, MCCAIN, and WHITEHOUSE are introducing an amendment today that would provide a true safety net for all farmers regardless of what they grow or where they live. For the first time, each farmer would receive, at no cost, either expanded county-based crop insurance policies that would cover 85 percent of expected crop revenue, or 80 percent of a farm's 5-year average adjusted gross revenue.

These subsidized insurance tools already exist, but our reforms would make them more effective and universally used while controlling administrative costs. Farmers would be able to purchase insurance to cover the remainder of their revenue and yields. The 85 percent county level-based policy simply looks at the expected revenue annually in each county in the United States for crops such as corn, soybeans, wheat, cotton, and rice, but it can be expanded under this bill to any commodity so long as adequate market information is available to satisfy actuarial concerns.

The USDA uses prices from the futures market in late February and multiplies them by past county average crop yields collected by the National Agricultural Statistics Service, which keeps detailed data on virtually every agricultural product produced in the United States. This creates a target price that adjusts either up or down each year to market conditions and yield trends. Farmers receive a safety net payment when the actual county revenue for a crop they are growing falls below 85 percent of the target revenue.

This program ensures that the only incentive to grow a crop is the market, not federally set prices under the farm policies before the Senate today.

For example, in Marion County, IN, where my farm is located, expected yields for corn in 2006 were 146 bushels an acre; the future price for corn in late February 2006 was $2.59 a bushel. So target revenue for corn was $378 an acre. After the harvest, USDA found that actual corn yields in Marion County were 140 bushels an acre and that harvest prices were $3.03 a bushel, producing average revenue of $424 an acre. Actual revenue exceeded target revenue so that no additional subsidies were paid to corn farmers in Marion County in 2006.

By contrast, corn farmers in Baca County, CO, experienced poor weather. Expected yields were 161 bushels an acre and the future price for corn was $2.59 a bushel, so expected revenue was $418 an acre. After the harvest, USDA found that actual yields were much lower at 116 bushels an acre and even though the harvest prices of $3.03 a bushel were higher than expected, the actual average revenue was $350 an acre. Since actual revenue was 83 percent of target revenue, corn farmers in Baca County would have received $5.30 per acre under the safety net, or the difference between actual revenue in that county and the 85 percent guarantee.

The other choice would allow farmers to protect against adverse change in their own historic average revenues. This program looks at the whole farm, recognizing the same risks exist for an apple orchard as the soybean field on the same farm. A farm's 5-year average adjusted revenue is calculated using annual tax forms. The adjusted revenue is essentially a farm's overall revenue minus expenses as indicated on their tax forms. When a farm's adjusted revenue falls below 80 percent of that 5-year average, a safety-net payment makes up the difference. This program is currently operating as a pilot program in a number of States but has been limited to the amount of revenue that can be covered for some agricultural products such as livestock and forest products. Our bill expands the program nationwide and allows the USDA to include more agricultural products. It also requires the USDA to minimize double payments under situations where farmers may also have products covered by remaining farm support programs, namely the sugar program and the Milk Income Loss Program.

In addition, this bill creates optional risk management accounts that would be available to every farmer and rancher and would work in concert with crop and revenue insurance. Producers who are eligible for direct payments would receive transition payments, phased out over the next 5 years, which would be deposited into their accounts. They would then be eligible to withdraw from their available balance to supplement their income in years when their gross revenue falls below 95 percent of their rolling 5-year average gross revenue. They could invest in a rural enterprise, purchase additional revenue or crop insurance, or upon retirement, utilize it as a farmer retirement account. These accounts provide farmers who are generally asset rich and cash poor greater incentive to save for the future, and will help maintain family farms by providing retirement benefits without forcing a liquidation of farm assets.

The FRESH Act amendment is important because savings from these reforms will allow us to provide an additional $6.1 billion more than the underlying bill in new investments to assist farmers with conservation practices, encourage rural development, develop renewable energy, expand access to healthy foods for children and consumers, and assist more hungry Americans.

Our amendment provides an additional $1 billion for important environmental and conservation programs. I am pleased that we were able to expand and improve USDA's voluntary conservation incentives programs, which provide financial and technical assistance to farmers, ranchers and forest landowners who offer to take steps to prevent soil erosion and improve water quality, air quality and wildlife habitat.

Since 2003, roughly two-thirds of farmers seeking assistance through USDA conservation programs have been rejected due to insufficient funding. Most of these conservation programs are cost-share programs. That means that farmers are offering to put their own money into environmental improvements from which the public benefits. We are missing an opportunity to utilize private dollars to produce environmental benefits such as cleaner water and cleaner air when we underfund cost-share conservation programs.

One of the most popular of these programs, the Environmental Quality Incentives Program, EQIP, has had an application backlog that has averaged $1.6 billion a year over the past 4 years. Yet the farm bill before us provides no increase in funding for this popular conservation program.

The current farm bill also provides no increase in funding for the Farmland Protection Program. This program is critical because in many areas our working farms and ranches are under tremendous development pressures. From 1992 to 1997, this country lost more than 6 million acres of agricultural land—an area the size of Maryland—to development. And yet this bill doesn't provide the funding needed to assist State and local governments and private land trusts in the important work they do to conserve our Nation's farmland.

Increasing funding for the farm bill's conservation programs also provides another way to make our farm policies more equitable. All producers can be eligible to participate in conservation programs, regardless of what they grow or where they grow it. By contrast, only producers of a handful of commodity crops can participate in commodity programs.

While discussion of commodity policy dominates much of the farm bill debate and discretionary funding, production agriculture remains a comparatively small and shrinking part of the rural economy.

Farm employment has fallen from just over 14 percent of total employment in 1969 to 6 percent in 2005. The number of counties with farm employment accounting for 20 percent or more of total employment has shrunk dramatically from 1,148 in 1969 to 348 in 2005. Furthermore, only 1 in 75 Americans lives on a farm today, and nearly 90 percent of total farm household income comes from off-farm sources.

Despite this fundamental shift, the 2002 farm bill committed 69 percent of total spending to commodity payments, plus another 13 percent to conservation payments. In all, four-fifths of total funding went to a select few farmers, while only 0.7 percent went to rural development initiatives aimed at boosting rural economies.

We now have evidence which suggests that direct payments to farmers have little positive impact on rural economies. A recent study revealed that most payment-dependent counties did not even match the national average in terms of job growth from 1992 to 2002. In fact, many experienced losses during that time.

Furthermore, most of these payment-dependent counties experienced population losses during that same 10-year period. Such job and population loss figures suggest that our current system of support for rural communities, which relies on subsidies like direct payments, does not work.

I am also pleased that the amendment we are offering expands agricultural markets and decreases oil dependency by dramatically increasing research and development efforts for cellulosic ethanol and other renewable fuels, and expanding clean renewable energy opportunities to all of our rural areas. This is an area of considerable interest to the chairman who has been a stalwart supporter.

Today's growth in ethanol production is creating jobs and bringing new sources of revenue into our communities. Because of our energy demands, we are witness to a palpable sense of optimism in rural communities for economic growth in areas that have stagnated under the current farm bill. Failure to give clear and strong Government commitment in the farm bill to developing biofuels from diverse feedstocks has unnecessarily confined new markets to midwestern States rich in corn. Spreading the economic benefits of biofuels nationwide will require breakthroughs in technologies and agricultural techniques to make more fuels from farm, municipal, and industrial wastes available from coast to coast. Strong support in the farm bill will help galvanize private investment and bring jobs across the country.

Yet the opportunity before us involves more than economic growth. Dramatic advancements in biofuels will help build a more secure and self-reliant America by reducing our dependence on foreign oil. Global competition for oil continues to grow as demand soars and oil-rich States tighten their control over supplies. Already, we have witnessed Russia cut its exports to selected countries for political gain, and the Governments of Iran and Venezuela have threatened to do the same. Each year, Americans spend hundreds of billions of dollars to import oil. Some of that money enriches authoritarian governments that suppress their own people and work against the United States. Meanwhile, oil infrastructure is being targeted by terrorists. In today's tight oil market even a small disruption in oil supplies could cause shortages and send prices much higher than the $90-plus per barrel prices Americans have paid in recent weeks.

Biofuels will not make America completely independent of energy imports, but they can strengthen our leverage over oil-rich regimes hostile to the United States, give greater freedom to our policy options in the Middle East, help protect our economy, and foster rural development.

Reaping the economic and energy security benefits of biofuels and other rural, renewable energy requires breakthroughs in research and incentives for infrastructure development. Our amendment provides an additional half billion dollars to transform renewable energy's opportunity into reality.

During the markup in the Agriculture Committee, I offered an amendment to increase nutrition funding in the farm bill by about $1.6 billion through cuts to direct payments.

Unfortunately, my amendment was defeated 17-4. However, the amendment sparked constructive, bipartisan debate on the importance of strong funding for the nutrition programs that provide a safety net for people across our country who are on the cusp of poverty. I am thankful to Senators HARKIN and CHAMBLISS for taking that discussion seriously, and as a result, using the savings generated from a committee change to the underlying bill to provide additional funding for the nutrition title of this farm bill.

But even as I applaud the efforts of Agriculture Committee members for their attention to nutrition programs, I have serious concerns that the nutrition program in this bill is essentially only authorized for 5 years. At the end of the 5 years, funding for nutrition programs drops dramatically. In 2012, we would then be faced with having to manipulate the budget to find additional funding for these programs or vulnerable Americans would lose this much-needed assistance. This is because the agriculture bill before us is "front-loading" spending during the first 5 years and then virtually zeroing out nutrition spending for years 6 through 10 so that the bill will come out budget neutral, on paper, but will cost taxpayers handsomely in reality. This is just one of many budgetary tricks performed so that the scoring works out favorably without regard to the practical application of such maneuvers.

In our amendment, nutrition programs would not end. In fact, we increase funding for these important programs by $2 billion over the underlying farm bill and make these funding increases permanent. We cannot and should not build a safety net with holes.

This leads me to another benefit of our reform proposal. Our amendment provides critical funding for each of these priorities and yet pays for itself from the existing agricultural budget passed by Congress without employing deceptive budgetary maneuvers. In fact, our bill will save taxpayers $4 billion.

Unfortunately, this is not the case with the underlying bill, and if you take a thorough look, you realize just how precarious that bill's budget situation truly is. In fact, the Bush administration's Statement of Administrative Policy highlighted a number of budget gimmicks used to make the farm bill pay-go compliant, at least on paper.

The FRESH Act amendment is fully paid for, fiscally responsible and provides a framework for growth for farmers and rural communities. Furthermore, the long-term budgetary savings from our proposal will allow for us to make considerable investments in key priority areas.

There is an inappropriate political assumption that agriculture policy is impenetrable for consumers, taxpayers, the poor, and the vast majority of Americans who are being asked to pay for subsidies, while getting little in return. Even if only a small number of farmers in a State raise a program crop or one of the protected specialty crops like milk, sugar, or peanuts, their focused advocacy somehow has more political influence than the broader well-being of consumers and taxpayers. In short, those who benefit from current agriculture programs are virtually the only participants in the debate.

This fact is probably best illustrated by the fact that one of the most contentious debates on this bill has been whether farmers with income of over $1 million, after farm expenses have been paid, should continue to receive subsidies. I have even seen media reports that indicate that if a payment limitation amendment were passed, the farm bill could be filibustered. Keep in mind that the median household income for Americans for 2006 was $48,200 and the average income of a food stamp recipient is less than $10,000.

There is also an ongoing reluctance to consider change. Members will say, "Farming is conservative by nature. You can't demand too much change." In 2002, I offered a similar type of reform proposal and opponents argued that the proposal was "too new, too radical, and required too much change."

You will hear that same baseless argument today. Mr. President and Members of the Senate, when is the time for reform? When will we fix this broken system? When will we act on the clear evidence before us?

As Senators, we clearly must understand our responsibility. Whether we understand all the complexities of our current farm programs, we know where the money goes. The bulk of the money in the underlying farm bill goes to a very few farmers, a very few. That has been clear throughout. This is not a great humanitarian effort. This does not save the family farmer, the low-income farmer, or even the middle-income farmer.

This bill is about making choices. And it is incredible to me that with all of the budgetary pressures that we are facing to fund critical needs such as providing better health insurance coverage for Americans, protecting Social Security and pension savings, improving education, increasing border security, and providing our men and women in the Armed Forces with appropriate pay and equipment that we would consider a bill which enriches so few individuals.

I believe that this year's farm bill debate is a good time to begin changing these dynamics.

This year an unconventional alliance of conservation, humanitarian, business and taxpayer advocate groups has entered the fray with success in framing the issue and building support for the FRESH Act. They represent the broadest ever political support for change.

Newspapers in at least 41 States have written editorials in support of changing our farm programs to a fair, trade compliant and fiscally responsible system. I have distributed these articles to my colleagues.

Perhaps more importantly, there has never been a better time for farmers to change. Thanks to strong foreign and domestic demand for energy crops, net farm income is forecast to be $87 billion, up $28 billion from 2006 and $30 billion above the average for the previous 10 years and setting a new record for new farm income.

As a result, average farm household income is projected to be almost $87,000 in 2007, up 8 percent from 2006, 15 percent above the 5-year average between 2002 and 2006, and well above median U.S. household income. Farm revenue may be high today but this will not always be the case. It is critical that we have an appropriate safety net in place to assist these farmers during times of need.

Agriculture policy is too important for rural America and the economic and budgetary health of our country to continue the current misguided path. Our amendment provides a much more equitable approach, produces higher net farm income for farmers, increases farm exports, avoids stimulating overproduction, and gives more emphasis to environmental, nutritional, energy security and research concerns. More importantly, this proposal will protect the family farmer through a strong safety net and encourage rural development in a fiscally responsible and trade compliant manner.

The PRESIDING OFFICER (Mr. CASEY.) The Senator from Montana.

AMENDMENT NO. 3666 TO AMENDMENT NO. 3500

Mr. TESTER. Mr. President, I ask unanimous consent to temporarily set aside amendment 3711 and call up amendment No. 3666, and further ask unanimous consent that the time not be charged against the time allocated for amendment 3711.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Montana [Mr. TESTER], for himself, Mr. GRASSLEY and Mr. HARKIN, proposes an amendment numbered 3666 to amendment No. 3500.

Mr. TESTER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify the provision relating to unlawful practices under the Packers and Stockyards Act)

On page 1232, strike lines 9 through 12 and insert the following:

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(2) in subsections (c), (d), (e), and (g) (as redesignated by paragraph (1)), by striking the semicolon each place it appears and inserting ", regardless of any alleged business justification;"; and

(3) by inserting after subsection (e) the following:

On page 1233, line 20, strike "subsection (a)" and insert "subsection (a)(3)".

On page 1234, line 2, strike "subsection (a)" and insert "subsection (a)(3)".

Mr. TESTER. Mr. President, the Packers and Stockyards Act of 1921 prohibits meatpackers from engaging in any course of business or doing any act for the purpose or with the effect of manipulating or controlling prices. This act was passed in Congress way back when it was determined that the Sherman Act, the Clayton Act, and the FTC Act were insufficient to promote competitive markets.

Unfortunately, back in 2005, three judges decided to rewrite the Packers and Stockyards Act instead of interpreting this statute. What this amendment will do is reinstate the Packers and Stockyards Act, and with that reinstate free market competition in the marketplace.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the time I am talking not be charged against the time for debate with respect to the Lugar-Lautenberg amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3660 TO AMENDMENT NO. 3500

Mr. BAUCUS. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I call up amendment No. 3660, and ask unanimous consent that once the amendment is reported by number, I be recognized to speak for up to 5 minutes, and that at the conclusion of my statement, the amendment be withdrawn.

The PRESIDING OFFICER. Is there objection?

Mr. NELSON of Florida. Reserving the right to object——

Mr. CHAMBLISS. Reserving the right to object, would the Senator mind amending his unanimous consent request to provide for Senator NELSON to speak for 5 minutes and Senator MARTINEZ to speak for up to 5 minutes?

Mr. BAUCUS. That is fine as long as the time is not being charged.

Mr. LAUTENBERG. I have no objection as long as this time is not charged against the pending amendment.

The PRESIDING OFFICER. Is there objection to the request as modified?

Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for himself and Mr. CRAPO, proposes an amendment numbered 3660 to amendment No. 3500.

The amendment is as follows:

(Purpose: To modify the trade title)

At the appropriate place in title III, insert the following:

SEC. 3___. AGRICULTURAL SUPPLY.

(a) IN GENERAL.—Section 902(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7201(1)) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraph (2) as paragraph (1); and

(3) by inserting after paragraph (1) the following:

"(2) AGRICULTURAL SUPPLY.—The term 'agricultural supply' includes—

"(A) agricultural commodities; and

"(B)(i) agriculture-related processing equipment;

"(ii) agriculture-related machinery; and

"(iii) other capital goods related to the storage or handling of agricultural commodities or products.".

(b) CONFORMING AMENDMENTS.—The Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7201 et seq.) is amended—

(1) by striking "agricultural commodities" each place it appears and inserting "agricultural supplies";

(2) in section 904(2), by striking "agricultural commodity" and inserting "agricultural supply"; and

(3) in section 910(a), in the subsection heading, by striking "AGRICULTURAL COMMODITIES" and inserting "AGRICULTURAL SUPPLIES".

SEC. 3___. CLARIFICATION OF PAYMENT TERMS UNDER TSREEA.

Section 908(b)(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7207(b)(1)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately;

(2) striking "(1) IN GENERAL.—No United States person" and inserting the following:

"(1) PROHIBITION.—

"(A) IN GENERAL.—No United States person"; and

(3) in the undesignated matter following clause (ii) (as redesignated by paragraph (1)), by striking "Nothing in this paragraph" and inserting the following:

"(B) DEFINITION OF PAYMENT OF CASH IN ADVANCE.—Notwithstanding any other provision of law, for purposes of this paragraph, the term 'payment of cash in advance' means only that payment must be received by the seller of an agricultural supply to Cuba or any person in Cuba before surrendering physical possession of the agricultural supply.

"(C) REGULATIONS.—The Secretary of the Treasury shall publish in the Federal Register a description of the contents of this section as a clarification of the regulations of the Secretary regarding sales under this title to Cuba.

"(D) CLARIFICATION.—Nothing in this paragraph".

SEC. 3___. REQUIREMENTS RELATING TO CERTAIN TRAVEL-RELATED TRANSACTIONS WITH CUBA.

Section 910 of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7208) is amended by adding at the end the following:

"(c) GENERAL LICENSE AUTHORITY FOR TRAVEL-RELATED EXPENDITURES IN CUBA BY PERSONS ENGAGING IN TSREEA-AUTHORIZED SALES AND MARKETING ACTIVITIES.—

"(1) DEFINITION OF SALES AND MARKETING ACTIVITY.—

"(A) IN GENERAL.—In this subsection, the term 'sales and marketing activity' means any activity with respect to travel to, from, or within Cuba that is undertaken by United States persons—

"(i) to explore the market in Cuba for products authorized under this title; or

"(ii) to engage in sales activities with respect to such products.

"(B) INCLUSION.—The term 'sales and marketing activity' includes exhibiting, negotiating, marketing, surveying the market, and delivering and servicing products authorized under this title.

"(2) AUTHORIZATION.—The Secretary of the Treasury shall authorize under a general license the travel-related transactions listed in paragraph (c) of section 515.560 of title 31, Code of Federal Regulations (as in effect on June 1, 2007), for travel to, from, or within Cuba in connection with sales and marketing activities involving products approved for sale under this title.

"(3) AUTHORIZED PERSONS.—Persons authorized to travel to Cuba under paragraph (2) shall include—

"(A) producers of products authorized under this title;

"(B) distributors of such products; and

"(C) representatives of trade organizations that promote the interests of producers and distributors of such products.

"(4) REGULATIONS.—The Secretary of the Treasury shall promulgate such rules and regulations as are necessary to carry out this subsection.".

SEC. 3___. AUTHORIZATION OF DIRECT TRANSFERS BETWEEN CUBAN AND UNITED STATES FINANCIAL INSTITUTIONS.

The Trade Sanctions Reform and Export Enhancement Act of 2000 is amended—

(1) by redesignating section 911 (22 U.S.C. 7201 note; Public Law 106–387) as section 912; and

(2) by inserting after section 910 (22 U.S.C. 7209) the following:

"SEC. 911. AUTHORIZATION OF DIRECT TRANSFERS BETWEEN CUBAN AND UNITED STATES FINANCIAL INSTITUTIONS.

"Notwithstanding any other provision of law (including regulations), the President shall not restrict direct transfers from Cuban to United States financial institutions executed in payment for products authorized by this Act.".

SEC. 3___. SENSE OF CONGRESS THAT PROSPECTIVE PURCHASERS OF TSREEA PRODUCTS SHOULD BE ISSUED VISAS TO ENTER THE UNITED STATES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of State should issue visas for temporary entry into the United States of Cuban nationals who demonstrate a full itinerary of purchasing activities relating to the Trade Sanctions Reform and Export Enhancement Act of 2000 (22

U.S.C. 7201 et seq.) while in the United States.

(b) PERIODIC REPORTS.—Not later than 45 days after the date of enactment of this Act and every 90 days thereafter, the Secretary of State shall submit to the Committees on Agriculture, Foreign Affairs, and Ways and Means of the House of Representatives and the Committees on Agriculture, Nutrition, and Forestry, Finance, and Foreign Relations of the Senate a report that describes any actions of the Secretary relating to this section, including—

(1) a full description of each application received from a Cuban national to travel to the United States to engage in purchasing activities described in subsection (a); and

(2) a description of the disposition of each such application.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, more than 200 years ago, Richard Whately, an English logician, said:

> A man is called selfish not for pursuing his own good, but for neglecting his neighbor's.

Not only does our current Cuba policy make it difficult to pursue our own good, we are also guilty of neglecting the good of one of our closest neighbors.

Today I am offering an amendment to enable America's farmers and ranchers to sell their wheat, potatoes, and dairy products to a neighbor only 90 miles away and a market of 11 million consumers. That market, of course, is Cuba.

In the year 2000, Congress authorized limited sales of food and medical goods to Cuba under the Trade Sanctions Reform and Export Enhancement Act, otherwise known as TSREEA. That law permitted United States farmers and ranchers to engage in cash-based sales of their goods to Cuban buyers.

Under this new law, our agricultural trade with Cuba prospered. At its peak, American farmers and ranchers, including those from Montana, sold over $400 million worth of peas, beef, and wheat to Cuba in 1 year. In fact, in the year 2003, I led a trade mission to Cuba and walked away with a $10.4 million deal for Montana. Cuba bought $10.4 million of Montana wheat, beans, and peas. I went back a year later for $15 million worth of Montana goods. But then things changed. In 2005 the Treasury Department issued rules to stymie such sales. Under the guise of clarifying the intent of Congress, the Treasury Department instead undermined the express will of Congress by restricting the ability of U.S. farmers and ranchers to engage in cash-basis sales. Specifically, the new Treasury rule requires Cuban buyers to pay for their goods before they leave U.S. ports. What is the effect of that? That converts the goods to Cuban assets, which makes them vulnerable to seizure in American ports to satisfy unrelated American claims against the Cuban Government.

In order for American farmers and ranchers to sell their wheat, beef, and pork to Cuba, they must work with foreign banks, and surrender a portion of their profits to costly fees. Not surprisingly, since Treasury's rule, cash-basis sales of agricultural products to Cuba have slowed to a trickle. It made implementation of Montana's 2004 agreement with Cuba virtually impossible.

I think I know the intent of Congress. I was here when that act was passed. I can assure you that we do not need Treasury's "clarification." Congress did not approve legislation to expand trade with Cuba with the expectation that the administration would seek to restrict it. Congress does not approve legislation to enable the sales of products by our farmers and ranchers, while at the same time making it impossible, by the Treasury Department, for them to receive payment.

These rules have continued to stifle the ability of farmers to sell their products to Cubans on a cash basis. They have encouraged foreign banks to take a cut of every United States ag deal with Cuba. They have required farmers and ranchers to wait weeks and months to get a license to travel to Cuba to meet potential buyers. They prevent Cuban buyers, who want to come to this country to meet with producers, who are going to buy the American products, from entering our country.

This amendment would change that. It restores the true intent of Congress. It simplifies the cash transactions, and expands opportunities for U.S. farmers and ranchers. It enables direct transfers from American banks to Cuban banks. It allows American farmers and ranchers to travel to Cuba to sell their products, and it encourages Cuban buyers to come to the United States to see our first-class products for themselves.

These provisions are plain, simple, common sense. These provisions are sound policy. I had hoped we could have a discussion and a vote on this amendment. But, unfortunately, some Members of this body have threatened to hold up the farm bill if we include, or even vote on, these important provisions.

AMENDMENT NO. 3660 TO AMENDMENT NO. 3500 WITHDRAWN.

In the interest of moving the farm bill forward, it is with deep regret that I ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida.

Mr. NELSON of FLORIDA. Mr. President, Senator BAUCUS and I see eye to eye on about 95 percent of the issues in front of the Senate. This is one we do not agree on.

I thank Senator BAUCUS for withdrawing his amendment. He has been an outspoken and very articulate spokesman for his point of view of wanting agricultural products to go to Cuba. And coming from his State of Montana, I certainly understand that.

There is a greater issue here, in this Senator's opinion, and that is the issue of the foreign policy of the United States.

This Senator believes this issue ought to be a foreign policy debate on the future of the relationship of the United States with Cuba. There will be an appropriate forum in which we can engage in that debate. I believe that debate will come sooner than later because there is change in the air and change on the island of Cuba. Fidel is transitioning out. Raul is transitioning in. There is a great deal of unrest among the people, increasingly in a police state that has been so effective in tamping down any dissent over the course of the last four decades. Increasingly we are seeing the people of Cuba start to resist, to dissent, and to do it openly. We are right on the cusp of the Castro government starting to disintegrate and being unable to cow the people by imprisoning them as they have in the past.

What, therefore, should be the foreign policy of the United States when we are right at this moment of change? I think we ought to have a deliberative discussion about that issue, instead of on the farm bill. That is why I am thanking the Senator from Montana for withdrawing the amendment. I look forward to that debate. I look forward to this extraordinary change that is occurring on the island of Cuba so that ultimately those people will be able to break the shackles of bondage they have been in, and we can have a normal relationship between the Government of Cuba and the Government of the United States when that country finally does become free. That is our hope, our prayer. That should be the goal of the foreign policy of the United States. It is within our grasp shortly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I join with my senior colleague in thanking the distinguished Senator from Montana for withdrawing this amendment which was ill-timed on this farm bill. Much important farm legislation and related items are in this bill. To now inject into it the very difficult issue, as my senior colleague well described, of a very fine-tuned policy, a foreign policy issue with Cuba into this bill would be a grave mistake.

I want to speak in a little broader context about the relationship between the United States and Cuba. It is one that is rooted—and the reason this proposed amendment would be so wrong—in the steps the Castro government took against U.S. economic interests on the island almost a half century ago, all uncompensated, never accounted for, and never taken care of. It is a debt that still exists. Legitimate business interests had their property taken from them without just compensation. That is why we have the policy we have today.

The question is, how can we influence events, how can we better help the Cuban people to overthrow the shackles that have held them in prison for 47 years?

The fact is, there is an awful lot happening on the island. People are increasingly saying enough is enough. It is time for change. Cimbio, the Spanish word for change, on this little bracelet that the people around the island are wearing increasingly represents the desire of the Cuban people. The Cuban regime, true to its nature, continues to repress the people. Here is why we should not reward the Cuban Government with a change in U.S. policy.

Yesterday, Human Rights Day around the world was celebrated in Cuba by a small group of people seeking to simply peacefully march to Ghandi Park, a park where Ghandi, that peaceful icon of the world, is represented. On their way there, Government thugs beat and arrested them, took them into unmarked sedans, and removed them from the area. So threatened is that Government that they also arrested 70 young people a month or so ago for wearing this simple bracelet. But that is not all. The most unheard of human rights abuse has taken place in recent days. In addition to the illegitimate detention of political prisoners in the most unspeakable conditions is the fact that the Cuban Government thugs entered a Catholic Church just a few days ago and arrested 18 young people who were there exercising the very limited right they have to at least attend church and to hear a sermon and to maybe have conversations about their hopes and dreams. The Cuban Government invaded that sacred space, took the people and arrested them. These are just a few examples of why this Government so illegitimately each day loses a little more of its grip on the people.

I believe the time will come when we can trade with Cuba, when we can have open relationships, and when we can see the fruits of that relationship benefit the people of Cuba, not just the Government structure with which America's farmers are dealing. We should not give credit to the Cuban Government. We know these cash sales are the only way we can be sure our people will be paid, and we should not enhance or increase the opportunity for the Cuban Government, which is the only owner of anything in Cuba. No one owns any property in Cuba but the Cuban Government. To trade with Cuba does not mean trading with Cuban farmers. It means trading with the Cuban Government apparatus. The Cuban people only see the meager droppings from the table of the tourists who go to Cuba with whom they are not allowed to even have a conversation.

Oftentimes people say: If we only opened the opportunity for people to freely travel, if we only allowed for the contact Americans would have with ordinary Cubans, everything would change. There are Canadian tourists, British, Italian. Their impact upon the Cuban people has not changed a thing because the tourists are prohibited from interacting with the people themselves. The people are just their servants. The people are the people who facilitate a fun time in the sun, but they are not allowed to have any political influence upon the people of Cuba.

I know there was a hearing this morning. I would love to comment further on that because much was said there which I believe to be completely wrong. But I thank the Senator from Kentucky, Mr. BUNNING, who, in this hearing this morning, spoke about his 5 months in Cuba. I saw Senator BUNNING when he was in Cuba during that time as a young boy. I had the pleasure of going to a stadium and watching him pitch, which was a thrill to me. Little did I know I would have the honor of serving with him in the Senate. I thank the Senator from Kentucky for his very good words and his clear understanding of the Cuban situation as it is today.

I thank the Senator from Montana for withdrawing an ill-timed and ill-advised amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LAUTENBERG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. I ask unanimous consent that whatever time is used during the quorum be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3720 TO AMENDMENT NO. 3500

Mr. SCHUMER. Mr. President, I ask unanimous consent that the pending amendment be set aside so I may call up my amendment and that the time I use to describe my amendment not be charged against the time for the Senators from New Jersey and Indiana.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 3720 to amendment No. 3500.

Mr. SCHUMER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To improve crop insurance and use resulting savings to increase funding for certain conservation programs)

On page 272, after line 24, add the following:

SEC. 19___ SHARE OF RISK; REIMBURSEMENT RATE; FUNDING AND ADMINISTRATION.

(a) SHARE OF RISK.—

(1) IN GENERAL.—Section 508(k)(3) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(3)) is amended—

(A) by striking "require the reinsured" and inserting the following: "require—

"(A) the reinsured";

(B) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(B)(i) the cumulative underwriting gain or loss, and the associated premium and losses with such amount, calculated under any reinsurance agreement (except livestock) ceded to the Corporation by each approved insurance provider to be not less than 12.5 percent; and

"(ii) the Corporation to pay a ceding commission to reinsured companies of 2 percent of the premium used to define the loss ratio for the book of business of the approved insurance provider that is described in clause (i).".

(2) CONFORMING AMENDMENTS.—Section 516(a)(2) of the Federal Crop Insurance Act (7 U.S.C. 1516(a)(2)) is amended by adding at the end the following:

"(E) Costs associated with the ceding commissions described in section 508(k)(3)(B)(ii).".

(3) EFFECTIVE DATE.—The amendments made by this section take effect on June 30, 2008.

(b) REIMBURSEMENT RATE.—Notwithstanding section 1911, section 508(k)(4) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(4)) (as amended by section 1906(2)) is amended—

(1) in subparagraph (A), by striking "Except as provided in subparagraph (B)" and inserting "Except as otherwise provided in this paragraph"; and

(2) by adding at the end the following:

"(E) REIMBURSEMENT RATE REDUCTION.—For each of the 2009 and subsequent reinsurance years, the reimbursement rates for administrative and operating costs shall be 4.0 percentage points below the rates in effect as of the date of enactment of the Food and Energy Security Act of 2007 for all crop insurance policies used to define loss ratio, except that the reduction shall not apply in a reinsurance year to the total premium written in a State in which the State loss ratio is greater than 1.2.

"(F) REIMBURSEMENT RATE FOR AREA POLICIES AND PLANS OF INSURANCE.—Notwithstanding subparagraphs (A) through (E), for each of the 2009 and subsequent reinsurance years, the reimbursement rate for area policies and plans of insurance shall be 17 percent of the premium used to define loss ratio for that reinsurance year.".

(c) FUNDING AND ADMINISTRATION.—Notwithstanding section 2401, section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "2007" and inserting "2012"; and

(2) by striking paragraphs (3) through (7) and inserting the following:

"(3) The conservation security program under subchapter A of chapter 2, using $2,317,000,000 to administer contracts entered into as of the day before the date of enactment of the Food and Energy Security Act of 2007, to remain available until expended.

"(4) The conservation stewardship program under subchapter B of chapter 6.

"(5) The farmland protection program under subchapter B of chapter 2, using, to the maximum extent practicable, $110,000,000 for each of fiscal years 2008 through 2012.

"(6) The grassland reserve program under chapter C of chapter 2, using, to the maximum extent practicable, $300,000,000 for the period of fiscal years 2008 through 2012.

"(7) The environmental quality incentives program under chapter 4, using, to the maximum extent practicable—

"(A) $1,345,000,000 for fiscal year 2008;

"(B) $1,350,000,000 for fiscal year 2009;

"(C) $1,385,000,000 for fiscal year 2010; and

"(D) $1,420,000,000 for each of fiscal years 2011 and 2012.".

Mr. SCHUMER. Mr. President, I rise today to offer an amendment to Senator HARKIN's substitute amendment to the farm bill. I commend Chairman HARKIN, Senator CHAMBLISS, and all the members of the Agriculture Committee for their hard work during the drafting of this farm bill.

I particularly thank the committee for its commitment to making this bill the most fair in our country's history. The committee's farm bill includes all agricultural producers, not just growers of commodity crops. With new programs for specialty growers and expanded protections for dairy and livestock producers, this bill is truly a winner for all parts of the country.

I thank my colleague from Iowa once again, now that he is in the Chamber, for his great work and for being inclusive as he always is.

I am here this morning offering an amendment I believe builds on the spirit of the committee's bill. This amendment increases funding for vital conservation programs that are important to all working farmers. It provides an additional $480 million over 5 years to the Environmental Quality Incentives Program, EQIP; an additional $65 million over 5 years to the Farmland Protection Program; and an additional $60 million to the Grassland Reserve Program.

To offset these increased payments, the amendment makes small reductions in the Federal subsidies of crop insurance. It increases the cut in administration and operations payments to 4 percent, above the committee's 2 percent, and retains the important snap-back provision Senator ROBERTS introduced.

The amendment also raises the underwriting gain share to 12.5 percent. That is the level to which the House raised it.

Working farmers are the most important stewards of our natural resources. Farmers and ranchers own 70 percent of the land in the country. They deserve help from the Government preserving these resources because all Americans benefit from them.

I would also like to add, I am in full support of the amendment—I am a cosponsor, in fact, of the amendment—the Senator from Ohio, Mr. BROWN, has offered. This amendment is along the same lines, and I will not ask for a vote on it if his amendment succeeds because I think it is an outstanding amendment.

With that, I yield back the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate now recess until 2:15 p.m.

There being no objection, the Senate, at 12:26 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

FARM, NUTRITION, AND BIOENERGY ACT OF 2007—Continued

The PRESIDING OFFICER. Who yields time?

The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, how much time remains?

The PRESIDING OFFICER. There is 41 minutes on the Republican side and 84 minutes on the majority side.

Mr. CONRAD. I wish to be alerted by the Chair when I have consumed 10 minutes.

The PRESIDING OFFICER. The Chair will be happy to do that.

Mr. CONRAD. Mr. President, I want to respond to the proposal by Senator LUGAR and Senator LAUTENBERG to substitute the Food and Energy Security Act of 2007 with the so-called FRESH Act.

Senator LUGAR and Senator LAUTENBERG are senior Members of this body, very much respected by Members on both sides. I have enormous respect and admiration, and I even have affection for both of them. But I must say, when it comes to farm policy, we have a stark disagreement. Senator LUGAR believes we would be better off if we simply disposed of the current farm safety net in favor of a revenue program with no price floor. Savings would be invested in conservation, nutrition, and specialty crop agriculture. I believe those are good priorities, in terms of where the money would go, but I remind Members of the Senate that the work of the committee—by the way, the bill came out of committee without a single dissenting vote. It is true we didn't have a rollcall, so I don't know how members might have expressed themselves, but nobody asked for a rollcall or asked to be recorded in the negative.

The fact is we increased each of those areas that is addressed in the FRESH Act. We increased conservation over the baseline by $4.5 billion. We increased nutrition by $5.3 billion over the baseline. We increased specialty crop resources by $2.5 billion. Those are all very large increases. The biggest percentage increase went for conservation.

When it comes to investing in the things Senators LUGAR and LAUTENBERG care about, the committee did a good job. So if this is not about investments in those areas, what is the real difference? I don't think this bill is about resources for other areas; I think it is largely about finding a way to gut existing commodity programs.

I have heard statements in support of the FRESH Act that amount to broadsides against existing policy. So let me respond to some of the arguments we have heard from the other side. Let's examine the attacks on the distribution of farm program benefits.

The critics say only 43 percent of all farms received payments. The critics say that 57 percent of farms unfairly operate without a safety net. The critics say the largest 8 percent of all farms receive 58 percent of the farm program benefits. All of those statements have some element of truth, but they don't tell the whole story. They don't come close to telling the whole story. In fact, taken alone, I think they completely misrepresent the reality of the farm program. Let's look at each of these claims in turn.

According to the Economic Research Service, farming operations receiving no Government payments had an average household income of over $77,000 per year. But the farm income portion of that was only $1,000. So when the assertion is made that almost half of the farms get no farm program benefits, guess what. Those people are not farmers. They have an average income of $77,000, and only a thousand of it comes from farming operations. Those people are not engaged in farming in any meaningful way. What this tells me about the 57 percent of farms operating without a safety net is that a big chunk of them aren't much into farming at all. The largest portion of them farmed only marginally, or do so as a hobby.

Our own son is in that category. They have a little farm, with over

$1,000 in receipts. So they are counted in all of the statistics as being a farmer, because that is all it takes—$1,000 of receipts—and you are counted as a farmer. But he has a job in town, a full-time job. He is basically a hobby farmer. Yet they are saying he should be getting farm program benefits; that it is unfair because he is not getting farm program benefits. No. That applies to the first argument.

The absurdity of trying to claim that these producers are terribly mistreated is the fact that the FRESH Act's own risk management accounts would not allow them to participate either. So I guess what is good for the goose is good for the gander. That is because the eligible participant is someone with an AGI from farm operations of $10,000 or more. They would not count them as farmers at all. If the proponents do not call the majority receiving Government payments farmers, why should they be clamoring to find support for them in the commodity support provisions?

Part of the problem is the way farmers are defined for statistical purposes. To quote from the Economic Research Service:

> Most establishments classified as farms are too small to support a household because the official U.S. farm definition requires only $1,000 of sales to qualify as a farm.

So the first criticism we hear is without merit. I would like to think of farm households as those that actually obtain a significant portion of their income from a farming operation. When you look at those households, you get a completely different picture.

This chart shows where Government program payments go when compared to gross receipts of farming operations. You see a very different reality. If you look at all of the farms with gross farm receipts above $50,000, you will see that only 23 percent of roughly 2 million total farms are responsible for 90 percent of farm receipts. But their share of Government payments is actually somewhat less, totaling just over 81 percent.

So here is the reality. Those with receipts of over $50,000 account for only 23 percent of farms, but they do 90 percent of the business and they get 81 percent of farm program payments. Actually, it is somewhat less than their percentage of actual production.

The group signified on the left, with sales less than $50,000, constitutes nearly 77 percent of farms, but produces about 10 percent of gross farm receipts. Yet their share of Government payments is nearly double their percentage of those gross receipts. Let me emphasize that: 77 percent of farms, as tallied by the USDA, are below $50,000 in receipts. They do about 10 percent of the production and get a disproportionate share of the benefits.

It is amazing what different conclusion one reaches when one actually researches the underlying facts.

I will repeat that first statistic again. Farms with gross receipts of over $50,000 account for only 23 percent of our farms, but they produce 90 percent of the foodstuffs we consume, and they receive 81 percent of Government payments.

When you drill deeper into the data, farms with receipts of less than $10,000 constitute 58 percent of total farm numbers. Yet they produce less than 4 percent of total farm production and still receive 7 percent of Government payments.

So the conclusion one reaches, if one actually examines these data, is totally different than the story being told by the critics. These statistics from USDA's Economic Research Service clearly show how Government payments go to those actually producing the food. That is what is happening. You get farm program benefits roughly in relationship to your share of production. That is the way it is designed to be. That is the way it is. Don't let anyone try to tell you something different.

To the extent there are farming operations that don't participate and yet provide a great deal of sales, this farm bill seeks to help them through investments in specialty crop agriculture and a broad-based disaster assistance program. But to suggest that the vast majority of farms is being mistreated by the farm program is simply false. It is not true; it is not fair; it is not accurate. In fact, the smallest producers get a bigger share of Government payments relative to receipts than do the largest producers.

Also, I seriously question how replacing the marketing loan, countercyclical, and direct payment programs with area and farm revenue programs would change how payments are distributed.

In fact, these free "revenue" programs would almost certainly follow production, and they don't have any internal payment limitations or adjusted gross income limitations provided in the titles being eliminated. They would concentrate payments even more.

The PRESIDING OFFICER. The Senator has used 11 minutes.

Mr. CONRAD. I ask to be alerted when I have taken another 5 minutes.

The PRESIDING OFFICER. The Chair will do so.

Mr. CONRAD. The FRESH program would actually concentrate payments even more. Wouldn't that be ironic? The proponents of the bill are trying to make the case that the policy contained in the committee bill violates our trade commitments. All of this talk of trade violations or potential actions against the United States on trade can be a bit confusing for Members. Let me attempt to reduce the confusion.

First, the current WTO rules limit our trade-distorting domestic support to $19 billion a year. The Congressional Budget Office says payments under this farm bill will be less than that. When it comes to potential actions against the United States by countries such as Brazil and Canada, it appears they are throwing the kitchen sink at us, hoping to make something stick. It has gotten so ridiculous that Brazil even claims that excise tax exemptions on off-road fuel are a trade violation. You have to admire them for their creativity. We cannot write a farm bill based on some agreement that has yet to be written. Sometimes we do a pretty good job of predicting the future here, but I don't know how we can direct what a future trade agreement might look like. To say we are violating an agreement that has not been written, made, or passed is an empty exercise. It is our responsibility to write a policy for agriculture that is in the best interests of America, not in the best interests of those who want to be critics.

The reductions in support to crop insurance that are contained in this alternative proposal could destroy the program. Cutting $25 billion from the crop insurance program will lead to companies simply walking away and crop insurance not being available when it is desperately needed.

I believe crop insurance needs a serious look, needs reform, but taking an axe to it is simply, I believe, simplistic and counterproductive. I would rather we do a serious study on how to reform crop insurance and follow those results, rather than an ad hoc vote here on the floor.

I want to direct colleagues' attention to the potential catastrophic impacts this bill would have on farm income if this amendment were adopted.

Texas A&M did an analysis by actually going to farms across America and looking at their books and records and determining the effect of this amendment on those farms and their incomes.

Twenty-four of the twenty-five representative crop farms would see more than a 25-percent reduction in their cash income. Seventeen of the representative crop farms would experience more than a 25-percent decline in ending net worth by the end of the period.

With lower commodity prices the "provisions do not come close to providing the same amount of support as the programs in the 2002 farm bill, and should such a low price scenario occur in the future, most of the farmers and ranchers would not be able to survive the erosion in farm income without some additional Government support."

This is a bankruptcy proposal for rural America if prices turn down. Let's be clear about the consequences of this amendment. It can be summed up in two words: mass bankruptcy. That will be the result if a proposal such as this is adopted and, God forbid, prices decline, and decline sharply, and we have seen that repeatedly in agriculture.

Essentially, what this study says from Texas A&M is, if prices remain high, the impacts of this bill would be substantial, but when low prices return—and they have a bad habit of returning in agriculture—proposals such as the FRESH Act would pull the rug out from under our producers and result in financial ruin for them. That is what the experts at Texas A&M have concluded.

I don't think the American people are interested in mass bankruptcy in rural America. For those who would like you to believe that our farm policy has not benefited the people of our country and, indeed, the people of the world, I will leave my colleagues with the words of a recent Wall Street Journal article.

I ask for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. This is what the Wall Street Journal said:

> The prospect for a long boom is riveting economists because the declining real price of grain has long been one of the unsung forces behind the development of the global economy. Thanks to steadily improving seeds, synthetic fertilizer and more powerful farm equipment, the productivity of farmers in the West and Asia has stayed so far ahead of population growth that prices of corn and wheat, adjusted for inflation, had dropped 75 percent and 69 percent, respectively, since 1974. Among other things, falling grain prices made food more affordable for the world's poor, helping shrink the percentage of the world's population that is malnourished."

We never hear it from the critics, but the Wall Street Journal is reporting that one of the key reasons for the economic boom in the world is the increase in productivity in agriculture led by the West, led by our country. That amazing increase in productivity has in real terms dramatically reduced the cost of corn and wheat by 75 percent and 69 percent since 1974. I think those words should be taken to heart.

U.S. agricultural policy has provided enormous advantages to all of our citizens and to the world. I cannot imagine what would happen without it.

I conclude by reviewing the distribution of funding for this package and the investments made in nutrition and conservation.

Under the bill proposed by the Senate Agriculture Committee, the amount for commodity programs is reduced more than 11 percent, to 13.6 percent of total outlays, while establishing many new programs to benefit speciality crop producers.

Spending for nutrition programs remains at about two-thirds of total outlays. Let me repeat that. Where is most of the money going in this bill? Where is most of the money going? It is going to nutrition. That is the bill that came out of the committee. Sixty-six percent of the money is going for nutrition. We don't hear that from the critics, but that is a fact. Less than 14 percent is going for commodity programs, and that is an 11-percent reduction from the previous bill.

This bill, the bill out of committee, represents a significant redirection of resources in areas we all know is necessary. And we didn't need to gut farm programs to make these investments.

I hope my colleagues will reject this proposal and support the committee package that is before us. It is responsible, it is good for taxpayers, it is good for farmers and ranchers, it is good for the economy, it is good for nutrition, it is good for conservation. It deserves our support.

The PRESIDING OFFICER. Who yields time? The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I wish to propose a unanimous consent request. First, I wish to let everybody know where we are. A vote was originally scheduled for sometime around 3:45 p.m. It is likely to be a little bit before that. My understanding is that Senator LAUTENBERG has some comments he wants to make on this amendment. I will make some comments. Senator LUGAR may have additional comments he wishes to make before the vote.

Following the vote on the Lugar-Lautenberg amendment, I ask unanimous consent that Senator GREGG be allowed 1 hour equally divided on his amendments Nos. 3671, 3673, and 3674; that following Senator GREGG, Senator ALEXANDER have 1 hour equally divided on his amendments Nos. 3551 and 3552; that following Senator ALEXANDER, Senator COBURN have 90 minutes equally divided on his amendments Nos. 3530, 3632, and 3807. Senator HARKIN may have some Democratic amendments that we may place among those amendments.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I discussed this with my colleague earlier, but we are also working on a unanimous consent request. There is another amendment we might want to insert. If my friend will withhold, I think we can work this out in a discussion, and then we can propound the unanimous consent request.

Mr. CHAMBLISS. That is fine. I withdraw my request.

The PRESIDING OFFICER. Who yields time?

Mr. LAUTENBERG. Mr. President, how much time remains?

The PRESIDING OFFICER. The proponents of the amendment have 41 minutes remaining, and for the opponents of the amendment, there is 62 minutes remaining.

Mr. LAUTENBERG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I again ask unanimous consent that following the vote, which I understand is going to be at approximately 3:30 p.m., the following amendments be called up in this order: Senator GREGG's amendments Nos. 3671, 3673, and 3674; that debate be 1 hour equally divided; then following that debate, Senator ALEXANDER on amendments Nos. 3551 and 3553 for 1 hour equally divided; and Senator COBURN on amendments Nos. 3530, 3632, and 3807, with 90 minutes equally divided; and that these votes will be stacked for sometime tomorrow.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Again, reserving the right to object, I, first of all, thank my colleague for working out this agreement. This is great progress. We have great time agreements. I appreciate his work in that regard.

I wish to make it clear, was it the intention of my friend to have them all in that order? Can they be in a different order when they come up or when people are here?

Mr. CHAMBLISS. The request does not pretend to set the order, the vote of the respective amendments.

Mr. HARKIN. Further reserving the right to object, I ask my friend, he said earlier if, in fact, a Democrat comes with an amendment on this side—I don't have one right now—that they could at that time work it in. We have at least one I know we might want to call up later today.

Mr. CHAMBLISS. Sure. We will be happy to amend it.

Mr. HARKIN. With that, I have no objections.

Mr. DURBIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Illinois will state his reservation.

Mr. DURBIN. Do I understand the unanimous consent request calls for specific amendments after the pending amendment is voted on?

Mr. HARKIN. That is right.

Mr. DURBIN. I followed this in my office. May I ask the Senator from Georgia if he would be kind enough to tell me, I understand amendment No. 3671 is on his list, Senator GREGG's amendment.

Mr. CHAMBLISS. Yes.

Mr. DURBIN. What are those amendments?

Mr. CHAMBLISS. Amendment No. 3671 is striking the farm stress program, and amendment No. 3673 is the OB/GYN liability reform.

Mr. DURBIN. Is there another request?

Mr. CHAMBLISS. Amendment No. 3674, the mortgage forgiveness amendment.

Mr. DURBIN. In the Senator's unanimous consent request, is there any time limit on the amendments?

Mr. CHAMBLISS. Yes, 1 hour equally divided for all three.

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that the vote in relation to amendment No. 3711 occur at 3:50 p.m., with the time divided 45 minutes for Senators LUGAR and LAUTENBERG and 15 minutes in opposition, with the remaining provisions of the previous order remaining in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, before I speak to the amendment Senator LUGAR and I have offered, I wish to express my thanks to Chairman HARKIN and Ranking Member CHAMBLISS and the entire Agriculture Committee for the weeks of work that represent the foundation of this legislation.

I also particularly thank Senator LUGAR for bringing his experience and knowledge to the development of our amendment. His background carries the tradition of generations of family farming in Indiana, where over 600 acres of theirs are still under production, and he calls for farming to be continued as a significant part of America's culture. He understands how critical it is to our national well-being that family farms exist independently to produce the nutritious foods that help America maintain a healthy population.

Although I didn't grow up on a farm, I do have experience in the business world, and our alliance on this issue brings together two views on the farm bill and what we ought to do in the interest of our country. That business experience I had matches up well with Senator LUGAR's experience in this amendment because I learned in my business experience that fair and balanced competition for all products will result in quality products at low prices, and we ought not to be subsidizing the extremely well-off producers at the expense of family farmers who need help to continue to be able to offer their produce in the marketplace.

Writing a law such as the farm bill is no simple task, with the varied views on how we put nutritious food on family tables at costs that are affordable. I believe the bill on the floor helps farmers and millions of Americans in several ways that fulfill our responsibility as public servants. For example, it imposes limits on the amount of taxpayer money that can be used to subsidize our already profitable farms. It offers opportunities to produce more renewable fuels to conserve energy and conservation to keep farmlands in existence.

Despite these improvements, we need more changes for serious reform. I know many of my colleagues agree with Senator LUGAR and me on the need to do more to encourage all farmers to continue to produce food and nourishment at the best quality and lowest possible price while they earn a livelihood.

America grows thousands of crops, but the bill before us includes $42 billion in subsidies for only five—corn, cotton, rice, soybeans, and wheat. Most of that money goes not to struggling farmers who are spending long hours in the fields away from their families toiling to bring enough crops to market to merely get by and resisting the seduction of selling their land at high prices to developers for commercial purposes, but the money is going to those who are already raking in record profits, and I want to demonstrate what I mean.

This chart says it all: 10 percent of farms receive nearly 75 percent of the subsidies. Think of it—10 percent receive nearly 75 percent of the subsidies. The 10 percent of the farms we talk about from this chart are those well-off farmers and agribusinesses—the ones that are bringing in giant profits. As a matter of fact, they received $120 billion in subsidies in the last 10 years. In fact, our current farm policy funnels subsidy checks into the mailboxes of millionaire landowners and agribusinesses across the country. Even someone who might have just become familiar with this situation in front of us would tell you that it doesn't make sense to fund huge farms and businesses while failing to help farmers continue producing crops essential to our national well-being on smaller farms that preserve the traditions that made America strong and independent.

We all recognize that the Agriculture Committee wants America's farms to thrive, our economy to be strong, and Americans to eat healthy foods, but I ask, if every farmer is helping to feed America, shouldn't America be helping every farmer? The answer is, without question, of course. We need a farm bill that helps farmers across the country regardless of where they farm or what they grow. We need a farm bill that invests in more than just crops. It must invest in nutrition and in healthier foods, such as fruits and vegetables, so that our children are not burdened with obesity, diabetes, and other serious illnesses that are the side effects of poor nutrition. It must provide more in food stamps so that modest, hardworking parents who face tough times can still prepare quality, nutritious foods for their families to eat. And it must invest in conservation so that our green spaces do not fall victim to highrises and commercial buildings and so that we don't destroy the Earth that our children and grandchildren call home by turning it into concrete highways and buildings.

The Senator from Indiana, Mr. LUGAR, and I have offered a plan for reform. We are from different States and different experiences. My colleague, Senator LUGAR, grew up on a farm, whereas I grew up in the city, but when it comes to the farm bill, Senator LUGAR and I see eye to eye on the challenges America and its lands face, and we have a shared vision for the path forward. We see that our subsidies are for only a handful of crops in our country and are going to the giant agribusinesses instead of smaller farms. The taxpayer-funded handouts we turned over to those businesses in the last 5 years totaled $72 billion. We gave them $72 billion. Think about that. The profits of four out of the five largest crops that get subsidies will set alltime records this year.

This has been a prosperous year for a lot of people who run the large agribusinesses and the large profit-making farms. As I said, alltime records are being set this year, according to the Department of Agriculture. At the same time, crops such as fruits and vegetables and other nutritious foods we want to see on American tables do not get the same kind of help. My State of New Jersey, for example, has many farms in our densely populated State. We are called the Garden State for a reason. We have major growers of blueberries, cranberries, and lettuce, for example, near the marketplace. Those nutritious fruits and vegetables go directly from our farms to markets in the cities, saving unnecessary fuel and transportation costs while improving the health of our residents at the same time. But the current farm bill fails to aid and encourage these farmers across the country, and that is why the Lugar-Lautenberg amendment makes so much sense.

Our plan for reform will help every farmer in America grow their crops and feed the Nation. I demonstrate here what I mean.

As we refer to here, our amendment provides for free crop insurance to protect all farmers from major losses. Our plan replaces the current system of subsidies with smart and free insurance programs to protect all farmers from catastrophes such as drought or pest infestation. Whether farmers grows corn or cranberries, soybeans or squash, their livelihoods are protected so they can continue to provide nutritious meals that are essential for the health of children and families across the country.

Our plan guarantees that the income of farmers will not fall so severely that they stop farming. It protects all farmers, most of whom will be covered against losses of 15 percent or more in any year whether they grow and harvest 20 acres or 2,000 acres.

This approach is not only more equitable for every farmer, but it is far less expensive—for them and for every American taxpayer. With the money we save, we are going to be able to invest $2.5 billion more in nutrition programs, food stamps, and specialty crops such as potatoes, tomatoes, and oranges. With more support for nutritional foods such as fruits and vegetables, Americans can provide healthier meals and fight health problems such as diabetes and obesity, and more money for food stamps will help the 26 million Americans who rely on food stamps to stay alive and keep their heads above water, to feed themselves and their families.

It is shocking to note that some of the food stamp recipients are expected to survive on $10 a month—think about that, $10 a month. It is a paltry sum by any standard. We checked prices at a local supermarket recently, and if you add up the cost of a loaf of bread, a gallon of milk, a pound of cheese, and a dozen eggs, you are already over $10. How is it possible for people to sustain themselves with that small amount of funds at their disposal? Helping those with the least is exactly what America is about. By increasing money for food stamps, our amendment goes in the right direction.

Our plan invests $1 billion more than does the bill on the floor in conservation programs that assure farmers they can protect their land from pollution and urban sprawl. All of us see what is happening now to farmland, to the green areas. They are falling prey to development at paces that frighten us. Cities across the country are beginning to say no more development here. And the best way to stem the tide is to give farmers the ability to preserve and conserve their land. Right now our farmers who want to participate in these programs are limited because they do not have the funds.

Our plan invests a half billion dollars more into alternative energies. With oil prices and concerns about global warming on the rise, this investment addresses both of these urgent problems.

Finally, our reform plan does what the public wants us to do: to be good stewards of the taxpayers' money by putting $4 billion toward paying down the Federal deficit. Think about it, our national debt is growing out of control, our deficits are growing, and we are constantly looking for ways to fund domestic programs. At least we will begin to arrest in significant part the growth of the annual deficit with $4 billion at the same time we accomplish the goal of helping those who do farming, those who have modest pieces of land and have businesses that are difficult to maintain in this day of competition.

Every State in America has agriculture, so we need a farm policy that helps every State. The plan that Senator LUGAR and I have offered is in the best interests of every American farmer and thus every American family. The men and women whose labor, sweat, and toil feed the Nation deserve nothing less, and we hope it will be recognized on the floor of this Chamber that we want to encourage farmers to stay on the farms; that we want to encourage the availability of products that are nutritional and will aid the health of our population.

I yield the floor and ask the remainder of my time be reserved for Senator LUGAR as he indicated he desired.

The PRESIDING OFFICER (Mrs. McCASKILL) The Senator from Georgia is recognized.

Mr. CHAMBLISS. Madam President, I rise in opposition to the amendment offered by my good friends, Senator LUGAR and Senator LAUTENBERG.

The purpose of this amendment is supposedly to "serve more farmers more fairly and be responsive to regional and national crises that endanger the continuing success of America's farmers."

For farmers in my region and in my State, this amendment does the opposite of that: if enacted, it would seriously endanger the success of my farmers.

This amendment removes the safety net that producers support, most of it immediately and the rest over a period of time. Here is what it does:

phases out nontrade distorting direct payments that are critical for farmer financing and support;

removes the availability of a nonrecourse marketing loan that producers rely upon to market their crops;

removes countercyclical support that is necessary in times of low prices;

allows, without the limitation contained in the committee-approved bill, production of fruits and vegetables for processing on any base acreage, which is a serious concern to the specialty crop industry.

Madam President, 26 agricultural organizations have signed a letter urging Senators not to support this amendment because it eliminates the safety net provided to producers and shifts significantly more funding out of the commodity title.

I ask unanimous consent the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, November 16, 2007.

DEAR SENATOR: We are writing to urge you NOT to co-sponsor or support S. 2228, the Farm, Ranch, Equity, Stewardship and Health (FRESH) Act, as either a stand-alone bill or as an amendment to the Farm Bill.

The FRESH Act eliminates the current safety net provided to U.S. producers and shifts considerable funding to conservation, nutrition, energy and other programs. It is easy to look at current high prices for most agricultural commodities and assume it is a "good time" to lower government supports. It is critical to remember that farm bills are written for the long-term rather than short-term and that there is no assurance high prices will continue over the next 5–10 years.

Additionally, the commodity title of the farm bill has already taken a $57 billion cut. In 2002 Congress committed $98.9 billion to commodity programs. According to the March 2007 CBO baseline, commodity title outlays are projected at only $42 billion over the life of the new farm bill. All told, the commodity programs are projected to be about 10% of total farm bill spending, while more than 80% of the farm bill spending is already slated for nutrition and conservation programs.

Our organizations support the safety net provided in the bill which was unanimously approved by the Senate Agriculture Committee. The stringent requirements placed on the risk management accounts that replace this safety net in the FRESH Act would not provide producers with the necessary flexibility to effectively manage their operations. Aside from crop losses, producers can face a wide range of challenges, including dramatically increasing input prices.

Our organizations believe the farm bill can live up to our current WTO obligations without gutting the critical safety net needed by producers. U.S. farm policy should continue toward a more level playing field in the global market by providing assistance to America's farmers. However, this goal is not achieved by writing a farm bill that complies with what someone assumes will be the potential outcome of the WTO negotiations.

Finally, while we support strong conservation, nutrition, and energy programs, additional support for these programs should not come at the expense of adequate funding for the safety net for American farmers.

We ask that you do not sign on as a cosponsor or support S. 2228 as a stand-alone bill or as an amendment to the Farm Bill.

Sincerely,

American Farm Bureau, National Farmers Union, National Association of Wheat Growers, Southern Peanut Farmers Federation, USA Rice Federation, American Soybean Association, Peanut Growers Marketing Cooperative, North Carolina Peanut Growers, Virginia Peanut Growers, American Beekeeping Federation, Rice Belt Warehouses Inc., United Dairymen of Arizona, American Association of Crop Insurers, National Sorghum Producers.

US Rice Producers Association, Crop Insurance Professionals Association, American Sheep Industry Association, National Council of Farmer Cooperatives, Western Peanut Growers Association, National Cotton Council, American Sugar Alliance, National Barley Growers Association, National Sunflower Association, USA Dry Pea & Lentil Council, US Canola Association, and American Honey Producers Association.

Mr. CHAMBLISS. Senator LUGAR's amendment replaces the current safety net with several measures—two of which are related to crop insurance and revenue protection.

I greatly appreciate Senator LUGAR's interest in expanding crop insurance coverage, because there are very few farmers in my State who are even eligible to purchase the coverage Senator LUGAR uses as a component of his safety net. I appreciate his interest in expanding the Group Risk Income Protection—GRIP—and Group Risk Protection—GRP—which are county-level revenue plans of insurance, but I have serious concerns about building the safety net around these programs as a replacement to traditional commodity programs.

While GRIP and GRP may be popular, workable programs in Indiana, they are not in Georgia. Of the 159 counties in my home State, these policies are only offered in: for soybeans, 7 counties; for corn, 9 counties; for wheat, 4 counties; for cotton, 16 counties; for peanuts, about 25 counties.

In Georgia in 2006, only 47 of these policies were sold and earned premium; 47 for the whole State out of over 13,000 total policies sold and earning premium. Only seven of those triggered indemnity payments. One of those 47 producers called my office and said he wished he had never taken it because it did not provide individualized coverage.

Let's look at participation in States in which this coverage is more widely available. Nebraska in 2006 sold 576 GRIP and GRP policies of the 90,896 total policies sold and earning premium. That is less than 1 percent of all policies. Kansas in 2006 sold 110 GRIP and GRP policies out of a total of 117,984. Again, less than 1 percent of all policies. South Dakota in 2006 sold 20 GRIP and GRP policies out of a total of 59,648 policies. Again, less than 1 percent of all policies. North Dakota in 2006 sold 9 GRIP policies and 0 GRP policies out of a total of 69,539 policies. Again, less than 1 percent of all policies. Illinois and Indiana have a different experience: 20 percent in each of these States were GRIP/GRP policies.

I am very glad these products are viable risk management tools in Illinois and Indiana and possibly other States, and I want those folks to continue to use them. But I wonder why producers in these other States aren't purchasing these products. And I question how prudent it is to include these products as a significant component of a replacement so-called safety net when few producers are voluntarily purchasing them in most places except Illinois and Indiana.

Again, while I appreciate Senator LUGAR's interest in expanding this coverage, I do not support it as a replacement to the safety net provided in the committee-approved bill, which contains a safety net that producers have voiced support for and works especially for my home State.

Crop insurance has experienced tremendous growth and success since the enactment of the 2000 reform bill. In 2007, farmers insured more than 271 million acres, with an estimated crop loss liability of $67 billion. In my home State in 1994, only 38 percent of eligible acres were insured; and in 2006, 89 percent of eligible acres were insured.

In the committee-approved farm bill, over $4.7 billion has been taken out of the crop insurance program to fund other farm bill priorities. These savings were achieved to answer criticisms of the program and improve operational efficiency. We have tried to manage these funding reductions in a way that will not unduly harm the program or the delivery system.

Because crop insurance is a Federal program that is supported through a blend of private and Federal reinsurance and delivered through private insurance providers and a network of agents nationwide, we have to be careful in making any changes to the program. There must be sufficient financial incentives for providers and agents to provide appropriate service to their customers yet not so lucrative as to waste taxpayer dollars. The financial strength of the insurance providers is critical to the reinsurance community providing financial and risk-bearing support to the insurance providers. Commercial reinsurance helps assure the economic stability and continuity of the insurance providers in delivering and servicing the crop insurance policies.

By requiring a ceding of 30 percent of risk by companies to USDA and a much deeper cut in the administrative and operating—A&O—expense reimbursement to providers than the committee-approved bill and the House-passed bill, Senator LUGAR's amendment will have serious negative effects on the delivery system that could impact service and the availability of coverage in many States.

After the House passed its farm bill this summer, the reinsurance community sent me a letter expressing concerns about significant cuts the House made to the A&O expense reimbursement as well as the required increased quota share by USDA. For reference, the House cuts were greater than those in the committee-approved bill but less than what Senator LUGAR proposes.

Specifically, the letter signed by 13 reinsurers states that the House's proposed reduction in A&O will further strain the insurance providers' ability to properly deliver and service the crop insurance program.

The letter notes that there is a justifiable and widespread concern that even fewer insurance providers will exist in the future. There are 16 approved insurance providers nationwide. That does not mean 16 providers in every State—some States have as many as 16, others have less. This issue raised by the reinsurance community should be concerning, especially for those of us whose States have fewer insurance providers than the current nationwide total.

The letter states that if reinsurers sense that insurance providers will be unable to subsidize further the costs of processing and claims settlements, reinsurers will likely exercise extreme caution in providing private reinsurance. Creditworthiness is paramount for reinsurers, which do not need and do not want to support thinly capitalized and/or overleveraged insurers.

The letter also maintains that allegations about the insurance providers earning excessive profits in recent years are unwarranted and inaccurate.

Madam President, I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CROP INSURANCE
RESEARCH BUREAU, INC.,
Overland Park, KS, September 18, 2007.

Hon. TOM HARKIN,
Chairman, Senate Committee on Agriculture, Nutrition and Forestry, Washington, DC.
Hon. SAXBY CHAMBLISS,
Ranking Member, Senate Committee on Agriculture, Nutrition and Forestry, Washington, DC.

DEAR CHAIRMAN HARKIN AND RANKING MEMBER CHAMBLISS: The undersigned represent a cross section of the private reinsurance community engaged in the Federal Crop Insurance program. Private reinsurers are a critical element in a successful program because they afford standard reinsurance contract holders the ability to offer it on a truly national basis. Our continued presence is predicated upon the overall strength and viability of the program. The provisions in the House version of the Farm Bill give us considerable pause for concern.

The crop insurance program has enjoyed unqualified success since the private sector was introduced in 1981. This success is measured in terms of the percentage of eligible acres insured today versus those acres insured in 1981. Today roughly 80% of eligible crops are insured versus less than 20% in 1981. Furthermore, the numbers of crops that are eligible for insurance coverage today have also increased significantly since 1981. This success in insuring over 242 million acres has created an economical safety net for America's farmers—and a safety net for the entire rural community that depends upon a strong agricultural economy.

Discussions on the crop insurance program usually focus on the farmers and those companies that deliver crop insurance—the Approved Insurance Providers (AIP). However, a critical component to an AIP's operation is the reinsurance, which the AIP purchases from the private sector.

Many legislators seem to assume the only reinsurance that is needed is that which is provided by the Standard Reinsurance Agreement (SRA). The crop industry needs, and relies upon, so-called commercial reinsurance to supplement the reinsurance provided to the AIPs under the SRA. Commercial reinsurance provides two essential benefits to an AIP:

1. This reinsurance provides financial and risk-bearing support to the AIP whereby the AIP can deliver crop insurance over a greater geographic area and/or assist the AIP in delivering a greater number of insurance policies than the AIP could normally provide on their own.

2. This commercial reinsurance provides a vital economic backstop to the AIP.

Therefore, the commercial reinsurance helps assure the economic stability and continuity of the AIP in delivering and servicing the crop insurance.

As Congress continues its review of various aspects of the crop insurance program, the commercial reinsurance industry has noted certain aspects that may have an undesirable impact on the crop insurance industry if these various aspects are implemented.

REDUCTION IN ADMINISTRATIVE AND OPERATING EXPENSE (A&O):

The proposed reduction in A&O will reduce the income to the AIPs and will further strain their ability to properly deliver and service the crop insurance program. From a reinsurer's perspective, there is a justifiable and widespread concern even fewer AIPs will exist in the future. There were some 55 AIPs in the late 1980s. Today there are only 16 AIPs. The reduction in the number of AIPs is directly attributable to the historical reduction in the A&O percentage. Quality, accurate and timely service is of utmost importance in order that policies are processed properly and that insurance claims are settled properly. If reinsurers sense that AIPs will be unable to subsidize further the costs of processing and claims settlements, leading to a heightened perception of their financial vulnerability, reinsurers will likely exercise extreme caution in providing private reinsurance. AIP creditworthiness is paramount for reinsurers, which do not need and do not want to support thinly capitalized and/or over leveraged insurers.

INCREASED QUOTA SHARE BY FCIC:

Certain legislators have alleged that the crop industry AIPs have made "excessive" profits in recent years. These statements are simply unwarranted and inaccurate. The time span used to support this allegation is too short in its duration and simply ignores all statistical principles of insurance. Because loss experience always reverts to the mean, in the coming years droughts, excessive moisture, disease, e.g. Asian soybean rust, and a multitude of other perils will erode the profits that have been earned in recent years. Profits are needed to balance the inevitable losses; hopefully the resulting balance will result in, appropriate long-term profits in order that the crop insurance industry can continue to provide returns on equity adequate to continue to attract the support of the reinsurance community.

The foremost consideration of the reinsurance community is the financial viability of the AIPs. Erosion in the financial strength of the AIPs will cause the reinsurance industry to reconsider their support of the industry and will negatively impact this vital aspect in the delivery of the crop insurance program. Excessive budget balancing at the expense of the crop insurance industry is short sighted. The crop insurance program has provided—and must continue to provide—farmers, lenders, and rural constituents a known, predictable economic safety net.

We appreciate the opportunity to share our thoughts with you and urge you to continue your support of the crop insurance program.

Sincerely,

AON Re; Collins; Cooper Gay Intermediaries, LLC; Endurance Reinsurance Corporation of America; Farmers Mutual Hail Insurance Company; Fireman's Fund Insurance Company.

Guy Carpenter & Co., LLC; Mapfre Reinsurance Corporation; Munich Re Group; Partner Reinsurance Company of the U.S.; Swiss Reinsurance Company; Totsch Enterprises Inc.; Western Agricultural Insurance Company.

Mr. CHAMBLISS. An independent study was recently shared with my staff about the profitability of the Federal crop insurance community. National Crop Insurance Services, NCIS, is an international not-for-profit organization representing the interests of more than 60 crop insurance companies. Representatives of NCIS recently shared the results of an independent study of the Federal crop insurance program compared to the Property & Casualty, P&C, insurance industry for the period of 1992–2006. Key findings include:

> The Federal crop insurance program is not as profitable as the P&C industry and writing Federal crop insurance entails greater risk;
>
> under the current standard reinsurance agreement, SRA, which is the contractual agreement between USDA and approved insurance providers for delivering the program, A&O reimbursements continue to be below actual Federal crop insurance expenses incurred by private insurers.

Although the latter finding indicates crop insurance companies' costs are not fully covered by the Federal Government, the committee-approved bill contains an A&O reduction of 2 percentage points below the rates currently in effect for policies except in a State in a year in which the loss ratio is above 1.2. The policy basis for this was to answer criticisms concerning costs of A&O reimbursements while providing an exception in cases where loss adjustments and claims processing will be much greater. We believe this is a balanced approach to reducing A&O expenditures.

The crop insurance industry and the crop insurance program make a significant financial contribution in the committee-approved bill, but not to the detriment of the delivery system as under Senator LUGAR's amendment.

While there are parallels between conservation provisions in this bill and those in the committee bill, there are important differences.

The committee bill is more comprehensive and incorporates important new emphases on forestry, specialty and organic production, wildlife, and pollinators, among others.

The committee bill addresses the significant challenges in existing programs that stakeholders have identified, such as the appraisal process in WRP and FPP, CSP scope and delivery, third party eligibility in GRP, and delivery of technical assistance.

The committee bill includes new flexibilities to improve and accelerate program delivery through improvements to technical service provider provisions, producer group participation, and partnerships and cooperation.

For all the above reasons, I respectfully request that my colleagues vote against this amendment.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Madam President, I wish to acknowledge the importance of the arguments that have been forwarded by my colleagues, especially those comments most recently by the distinguished ranking member of the Agriculture Committee and earlier by Senator CONRAD, the Chairman of the Budget Committee and also a very valued member for a long time of the Agriculture Committee.

I think it is important in response, as the Senator from North Dakota pointed out, as he described the situation, that we have to take his common sense that farms that produce much more are likely, under the current farm legislation, to receive more in subsidy and payments of various sorts.

There have been certainly comments made on our side of the question that a disproportionate amount of money goes to a very few farmers. Senator CONRAD attempted to rebut that by pointing out that these very few farmers may very well produce, in some States, the bulk of all that is produced.

So as a matter of common sense, if payments are being made, they would receive a very large share of those payments. Certainly, that logic is impeccable. The point the Lugar-Lautenberg amendment tries to bring to the floor is that leaving aside specific farmers, we are talking about the interests of all the American people, all the taxpayers who make these payments, in fact, to a very few.

We are making the point that farmers who do produce a lot of corn or wheat or soybeans or cotton are very likely to be more successful. I pointed out in my opening statement how farms have grown, how successful farmers have purchased the farms of those who were elderly or from the estates or from young people who have moved away from the States or from young people who do not have the wherewithal to buy property.

In short, what I describe is the consolidation of agriculture in America, which is a pretty strong trend and which I believe the underlying farm bill we are discussing today would accelerate. I think that would be regrettable. Therefore, the point I am making with our amendment is not to discuss whether, proportionately, subsidies go to those who are most successful and produce the most but, rather, to say we should not have these payments at all.

What we should have is a safety net for all farmers, including large and the wealthy as well as those who are not very wealthy and not very large, an underlying safety net of crop insurance based upon each county in America, so it is not a broad-gauge situation, it is a very locally specific situation, taking into consideration presumably the soil, the weather pattern, the history of crops in that particular county in America, or the farmer could choose to take the last 5 years of net farm income and have crop insurance based upon that farm history, a whole farm history, not simply of a specific crop, although the farmer would have the option under our plan of choosing a specific crop.

The farmer could choose whole farm income across the board, including a great number of items that are not now covered in these specific crop situations. The bill we are talking about now provides that insurance. It literally pays the premiums for all farmers, so in the event that in any particular area of America, by county, by State or by region, there is difficulty created by the weather or conceivably by world trade distortions, elements that are well beyond the ability of any one individual farmer's management to control, that farmer is going to receive compensation that will keep that farmer in business.

Now, furthermore, the farmer would have the option of buying additional crop insurance, as each of us as farmers now do, to cover the other 15 or 20 percent, depending upon the plan chosen, so that, in fact, you could ensure you were going to at least receive the same income as you have received over the last 5 years, on average, or receive at least the computed predictions of what the price ought to be for soybeans or for corn.

Let me say, as a practical example, that I take our own experience on the Lugar farm indicative of how this might work. We have had a profit on our farm for the last 50 years. Every year. Now, one reason we have had those profits is because we have had crop insurance and we have bought the highest level of crop insurance that was possible. We paid premiums for it. It was not given to us. We paid money for it.

A good many farmers who are neighbors said: I do not want to put that expense into insurance. I will let the Lord provide, sort of hope it will all work out. But it does not always work out, given the weather patterns.

On our farm, in this soybean season, we had very adverse weather. We had drought during many of the weeks of the summer coming up toward harvest. Fortunately, it did not injure the crop totally. We had at least a 41-bushel yield, and we could have anticipated normally more like 51, about a 20-percent deficiency. But that is the way things move in this world. We understand that.

The antidote has been crop insurance. So if you have a productive farm operation, you are not penalized because of acts of God, literally, through the weather.

Now, that is what we are proposing for all farmers in America and covering all the crops that are associated with our amendment. I think this is a very important discrepancy.

The distinguished ranking member of the Ag Committee, Senator CHAMBLISS, has described the current three-legged stool proposition I discussed earlier today. Direct payments. Direct payments historically on my farm, once again, we receive now under the bill that is being produced, the underlying bill, direct payments whether we have the same number of acres or even the same crops. It is a historical record from which these payments come.

Furthermore, we could, under the so-called marketing loan situation, try to game the system, trying to borrow money from the Federal Government and pay it back in lesser amounts, depending upon the crop moving upward, moving downward. We do not lose.

I would say this is not a fair system with regard either to agricultural competition or with regard to the rest of the public. The public, as a whole, wants to make certain farmers stay in business, wants to make certain small farmers have a shot at it, wants to pay at least for the insurance premiums so if there is an adverse situation, it could not be controlled, the income will come in and the farm stays alive. This is what the argument is about.

Now, let me simply indicate, as the distinguished ranking member has pointed out, 26 farm groups have endorsed the underlying bill. I have no doubt that is true. I would say there are a good number of agricultural interests deeply involved in this bill, and that has usually been the extent of the argument. Those are the groups that are heard in the hearings, are heard sometimes by Senators.

But this time we have had a different situation. I have cited that over 40 major newspapers in the United States of America have taken time in their editorial policies, and furthermore in supporting articles, to point out the deficiencies of farm legislation as it has evolved.

But this represents, I would submit, a much larger group than 26 agricultural groups or even members of our committees who believe they are advocates for specific groups in American agriculture. This time a very broad number of Americans have spoken out in a humanitarian way, as people who respect the Federal budget, as people who respect general fairness, in terms of group and Federal support for those situations.

I think that is very healthy. I hope that will be reflected in the vote we are about to have. I am convinced a large majority of constituents in every State of our Union would favor the Lugar-Lautenberg FRESH amendment if they had any idea of the argument that is being presented today. Thank goodness through our newspapers and editorials, a lot more people do have such an idea, and they are expressing themselves.

Let me make a technical point, and that is that an argument has been made that if we are so reliant, as I have pointed out, on crop insurance, that the Lugar-Lautenberg amendment will hurt crop insurance. I want to recite some specifics about the technicalities of crop insurance. For the moment, crop insurance companies are reimbursed by the Federal Government as a percentage of the cost of the policy. So as commodity prices have increased, so has the reimbursement of private companies, even though the workload has not changed. If, in fact, there is huge demand now for corn, huge demand for soybeans, the prices have gone up, in the case of soybeans, to record levels, exceeded only last in 1973. The compensation to the crop insurance people moves right along with it, without any of the risk involved changing. The GAO described this as "a kind of windfall." Our amendment reduces the reimbursement to a rate that is still well above historical averages and, furthermore, we create a safety net through crop insurance programs dramatically increasing business opportunities for private crop insurance companies.

As has been cited by the distinguished Senator from Georgia, many crop insurance policies may not be available in certain counties in his State and in others, but under our amendment, crop insurance is available everywhere, every county, every State. That is a very important consideration in terms of a national safety net as opposed to a crop-specific or State-specific safety net.

The GAO has reported crop insurance underwriting profits of $2.8 billion over the last decade, three times the insurance industry average. The amendment I am offering today with Senator LAUTENBERG also reduces underwriting profits by requiring companies to share 30 percent of their accumulative underwriting gain back with the taxpayers, back with the Federal Government, so there is not an undisguised windfall. We have estimated this will save taxpayers more than $1.4 billion and reduce the outlays in the 10 years this bill covers.

I point this out because I think it is important to say our amendment is going to be a remarkable boon for crop insurance. It is going to be virtually universal. A lot of money is going to be made. But before we get into that, we had better change the terms of reference with regard to what taxpayers are paying for and the underwriting risks that are involved.

I point out one further argument; that is, that we have been talking about the relative merits of our amendment when it comes to conservation. We have not discussed differences with regard to research. We might have talked more about development in rural areas. I tried to make the point in an earlier statement that only about 14 percent of the people now living in rural America live on farms. Only about 1 out of 750 individuals actually does farm. The need for development in our rural counties is obvious. The population flight from so many counties is very apparent. If we are talking about rural America, we have to be talking about ways in which new jobs will come to counties in America, and that is not going to come through a normal farm bill situation, rewarding specific farmers and specific crops and not all of those. I point out that our amendment tries to focus on rural America, on the opportunities for jobs for people in county seats all over our country.

I also point out that we have tried to think through the problems of the young. We have tried to talk about resisting the trend toward consolidation of agriculture by truly providing support for the small farmers who do not receive much support. And, as has been pointed out, they don't produce as much, and they never will under the circumstances currently in American agriculture. We think it is very important that young people coming out of college have this choice and, furthermore, that families who do have a tradition of farming not be entrapped by current circumstances that are driving clearly toward much more concentrated management and ownership of American agriculture.

I would say that the reason why a farm such as we have in the Lugar family in Marion County, IN has great hopes for the future is that some great things have occurred in agricultural research. It is a small point in all of this debate, but I touched upon this a moment ago in describing the soybean price. I could have discussed the evolution of prices of corn in the last 3 or 4 years. The fact is corn and soybeans are now being utilized for energy. The demand for these grains for energy is controversial all by itself. There are some outside of this Chamber as well as inside this body who would say there is a danger that food supplies are going to be converted into energy. Some have even theologically said this is not what God suggested. It should not be energy, it should be food. Others have suggested that the price of corn, because it is going up abnormally, some would say, to provide ethanol is driving the rest of American food costs up. Ditto for soybeans. Some even make the case that it is driving world food prices upward, that residents of very poor countries are now forced to pay more for food because of our policies of using food for fuel.

I appreciate this is an argument that will go on in many circles well beyond this one for a long time. But I also point out that the President of the United States and the leaders of both of our major political parties have for some time said this Nation is now two-thirds dependent upon foreign oil in terms of our petroleum needs. That percentage is increasing. Those sources of supply are more and more precarious and sometimes very unfriendly. The fact is, despite all of our conservation efforts, we are still using more oil each year. If we do not have a policy that even moves toward a slight bit of energy independence—not total, which I would agree is not within the cards as we now see life in our country—if we don't move at least to eliminate a portion of that vulnerability, we are going to have very severe consequences in terms of our own jobs, our competitive ability in the world, quite apart from the ability to drive our cars and heat our homes. We understand that.

I point out that the agricultural research that got ahead of the curve here has made possible huge changes in agricultural income in this year as well as in the last year, and will continue to do so, if we continue our research on cellulosic ethanol, if we continue our research on all of the ways in which agricultural food and fiber might play a role in this and then how we increase the yields. To believe that somehow because we have increased the acreage of corn this year and we are running out of land, that that is the end of the story, is to deny a fact I remember from boyhood onward. My dad was receiving about one-third as much yield out of our cornfields as we are getting now. I have seen that in the last 60 years of time. There are many who would point out that on our farm we could do a whole lot better. I am all ears for that, as are most productive farmers. In short, we are at the threshold of potential for income. Therefore, to have a debate mired in the thought that we must maintain all the subsidies and the programs that as a matter of fact have been so expensive, have brought about concentration, have led even to a loss of jobs in rural America makes no sense at all, in my judgment. We have to talk about the future.

I would say furthermore that, speaking about those abroad, 10 bishops from a church in Africa came to visit with me and I suppose with others in this body. They pointed out specifically that the cotton programs we support debilitate their hopes of coming into self-support in many very tough situations in their countries. They suggest, leaving aside the World Trade Organization criticism of the cotton program specifically and perhaps the opportunities Brazil may have to extract $4 billion out of somewhere in our economy that may be hitting other crops under the order they may receive, that we need to have reform, that the specific policies that are now a part of that program for cotton, they could apply it likewise to corn or to beans, are simply not going to work in a world that also has a humanitarian focus on feeding people, on humane results, on foreign policy that has at least some public diplomacy that works.

I agree with them. I would say to cotton farmers or to soybean farmers or corn farmers, let's make sure we do have an underlying safety net. Let's make certain there cannot be catastrophe to hit any of our groups. Let's do it by State, by county, by local circumstances, by history. Let's do it right. But it is another thing to demand, as a cotton farmer or a corn farmer or a soybean farmer, payments upfront, regardless of what happens, and likewise the ability to game the Government with regard to these marketing loans. I would say on the face of it, taxpayers generally, persons of humane quality in our country, are not going to like the looks of that kind of program. That has been the nature of our program in the farm bill that we have been experiencing and in the one that is about to continue.

I add finally the situation this year in this debate. I agree it is always oversimplified, but let me try to tell it as I saw it. In the House of Representatives, the farm groups, whether it was the 26 Senator CHAMBLISS referenced or others, came in. They saw their Members, and they said: We want every penny, every penny of what we got in the past and more. We want those farm programs and we don't want them touched. However, the Members also began to hear from humanitarian groups, groups that wanted to feed Americans, interested in Food Stamps. Oxfam came in. People in conservation came in in numbers. People in energy research came in. And so pragmatically, the House committee said: Fine, we will do more for each one of you, a whole lot more, as a matter of fact. We are going to add to programs. And they did. So they took the whole block of the farm subsidies as they were and added on all of these additional programs. Then at the end of the trail, they said: We have a pay-go system, and so they added a tax bill offered by Representative DOGGETT who was outside the farm community but at the same time had an idea over in Finance as to how some money might be raised with regard to certain commercial foreign interests he saw. So you pay for it that way and ship the whole thing along, hoping that many constituencies will be pleased now and that the basic farm subsidies will not be touched, might even be enhanced.

In our situation in this body, we had an even more curious situation. The distinguished Senator from North Dakota who spoke earlier was a proponent, along with others, of a disaster relief program, a huge one. That went over to the Finance Committee, had the Finance Committee discussing the farm bill; as a matter of fact, making a huge contribution to the farm bill.

That particular disaster relief, as I can best fathom, would be run by some bureaucrats in the Treasury Department, that somehow would be signalled when there is a disaster and would send the money over by electronic means.

It is an unusual situation in which we have no idea how much this might cost, and actuarially I think the assumptions are not very sound. But it was an interesting way of meeting at least one particular objective and trying at least to find some other way of paying for it through an unusual clause in tax law.

I mention all of this because this kind of legislation is not good, is not necessary. I hope Members will, in fact, know there is a strong alternative—the FRESH Act, the Lugar-Lautenberg amendment—that they will vote for that, and they will make a sizable difference in the history of farm legislation.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Madam President, I ask that the vote originally set at 3:50 p.m. be moved to an immediate vote.

Have the yeas and nays been requested?

The PRESIDING OFFICER. They have not.

Mr. LUGAR. I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

All time is yielded back.

The question is on agreeing to amendment No. 3711.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Ms. KLOBUCHAR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 58, as follows:

[Rollcall Vote No. 417 Leg.]

YEAS—37

Allard
Barrasso
Boxer
Brown
Bunning
Cardin
Carper
Casey
Collins
DeMint
Domenici
Durbin
Ensign
Enzi
Feinstein
Gregg
Hagel
Kennedy
Kerry
Kyl
Lautenberg
Lieberman
Lugar
McConnell
Menendez
Mikulski
Murkowski
Nelson (FL)
Reed
Schumer
Snowe
Specter
Sununu
Voinovich
Warner
Webb
Whitehouse

NAYS—58

Akaka
Alexander
Baucus
Bayh
Bennett
Bingaman
Bond
Brownback
Burr
Byrd
Cantwell
Chambliss
Coburn
Cochran
Coleman
Conrad
Corker
Cornyn
Craig
Crapo
Dole
Dorgan
Feingold
Graham
Grassley
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Klobuchar
Kohl
Landrieu
Leahy
Levin
Lincoln
Lott
Martinez
McCaskill
Murray
Nelson (NE)
Pryor
Reid
Roberts
Rockefeller
Salazar
Sanders
Sessions
Shelby
Smith
Stabenow
Stevens
Tester
Thune
Vitter
Wyden

NOT VOTING—5

Biden
Clinton
Dodd
McCain
Obama

The amendment (No. 3711) was rejected.

Mr. CONRAD. Madam President, I move to reconsider the vote.

Mr. BROWN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

AMENDMENT NO. 3819

Mr. BROWN. Madam President, on behalf of Senators SUNUNU, MCCASKILL, DURBIN, and SCHUMER, I am proud today to offer the reduction of excess subsidies to crop underwriters rescue amendment to the farm bill.

The rescue amendment is based on a simple premise. When resources are limited, we cannot afford to waste them. We cannot afford to overpay crop insurance——

Mr. HARKIN. Will the Senator yield for a question?

Mr. BROWN. Yes.

Mr. HARKIN. Is the Senator talking about his amendment on crop insurance, the one the Senator laid down the other day?

Mr. BROWN. Yes, it was laid down on Friday.

Mr. HARKIN. I ask the Senator if he would yield, without losing his right to the floor, for Senator CHAMBLISS to make a unanimous consent request, at the end of which time the Senator would regain the floor.

Mr. BROWN. Of course.

Mr. CHAMBLISS. Madam President, I request of the Senator from Ohio, how long does he intend to speak?

Mr. BROWN. Five minutes.

Mr. CHAMBLISS. Madam President, I ask unanimous consent that following the 5 minutes for the Senator from Ohio, the Senator from New Hampshire, Mr. GREGG, be recognized for 30 minutes, equally divided, on three amendments: Nos. 3671, 3672, and 3674.

Mr. DOMENICI. Reserving the right to object, Madam President——

Mr. HARKIN. Does that include the medical?

Mr. CHAMBLISS. No.

Mr. DOMENICI. Madam President, I wanted to ask the Senator for whom the 30 minutes is being reserved, and the managers, if they would grant me 6 minutes before they start to inform the Senate about the status of a project that I think is vital and they should know about.

Mr. GREGG. Madam President, I have no objection. I want to make sure we are working off the same page on amendments to be offered. I will reserve the right to object to make sure we are on the same page.

Mr. CHAMBLISS. Madam President, let me try this one more time. I ask unanimous consent that the Senator from Ohio have 5 minutes to discuss his amendment, the Senator from New Mexico be recognized for 6 minutes, and then the Senator from New Hampshire be recognized for 30 minutes, equally divided, to debate three amendments. The first is No. 3671, the farm stress program; No. 3672, which is to strike the asparagus provision; and No. 3674, which is the mortgage forgiveness amendment.

Mr. GREGG. Madam President, I would be happy to do that approach. In talking to the Senator from Michigan, who has an interest in the asparagus program, if this is not a convenient time for her, I will substitute the amendment on the emergency funding, which is No. 3822, for the asparagus one, No. 3672, unless the Senator is ready to go.

Mr. CHAMBLISS. I believe she said she is ready to go. So the Senator from New Hampshire will be recognized for 30 minutes, equally divided, on those three amendments.

Mr. HARKIN. Mr. President, just a minute. I have now been informed there is objection on our side to including No. 3674, which has to do with the mortgage crisis.

The Finance Committee has informed me they want to take a look at this amendment on the mortgage crisis before we agree to a time.

Mr. GREGG. Reserving the right to object, I suggest I be recognized to offer those three amendments and set a time limit at the convenience of the managers. I am agreeable to a time limit. I can proceed to offer them and my colleagues can work out the time agreements.

Mr. HARKIN. I say to my friend from New Hampshire, there is an indication from some on our side that a couple of those amendments, Nos. 3674 and 3673, I am now informed, will both perhaps require 60 votes.

Mr. CHAMBLISS. Madam President, let's try this one more way. I ask unanimous consent that the Senator from Ohio be recognized for 5 minutes, the

Senator from New Mexico be recognized for 6 minutes, and then the Senator from New Hampshire be recognized to discuss his amendments, whatever they may be; that following him, the Senator from Tennessee, Mr. ALEXANDER, be recognized.

Mr. GREGG. Reserving the right to object, I am wondering, does this mean we are not going to have votes on the amendments I am offering?

Mr. CHAMBLISS. There will be no more votes today.

Mr. GREGG. No, but is it the understanding that at some point, we are going to get to votes on the 5 amendments that are part of the original 20 amendments that were agreed to?

Mr. CHAMBLISS. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio is recognized.

AMENDMENT NO. 3819

Mr. BROWN. Madam President, our bipartisan amendment, on behalf of Senators SUNUNU, MCCASKILL, MCCAIN, DURBIN, and SCHUMER, takes dollars from where they do not belong—that is, heavily subsidized crop insurers—and invests them in priorities with a return to the United States, as nutrition programs, conservation programs, and initiatives that create sustainable economic development in other countries which, after all, is the key to strong export markets.

Our amendment does not increase the cost of crop insurance for any farmer. That is an important point. It merits repeating. Our amendment does not increase the cost of crop insurance for any farmer. Instead, it reduces the excessive taxpayer-funded fees that crop insurers receive for servicing their customers.

The savings from this amendment will be invested in programs that work—programs such as McGovern-Dole which provides school lunches to the over 100 million children around the world who suffer from hunger.

There is a reason the House provides $800 million in mandatory funding for this program; the Senate provided none. There is a reason this program was developed by and is named after two of the most notable Members of this body. The reason is this program stands out. It melds compassion with common sense, feeding the hungry and building sustainable economies in the developing countries, making our country safer.

We responded to a hostile Communist threat in Europe with the Marshall Plan. Our best response to a hostile threat overseas is to provide help in nutrition and education to people who desperately need it.

This amendment is also about ensuring the appropriate funding levels for conservation programs. We have done a good job with conservation in the Senate farm bill and much of that credit goes to Chairman HARKIN. We can do better, and it will pay off for our Nation to do so.

The Farmland Protection Program received no increase in funding from the committee-passed bill. Yet it is crucial to the protection of family farms.

The Environmental Quality Incentives Program, EQIP, protects water quality and provides farmers and ranchers with the tools they need and want to be good environmental stewards. Yet three out of four applications go unfunded.

Our amendment invests in these resource conservation programs.

Importantly, it invests in human decency. It invests in preventing Americans from going hungry. How, in the wealthiest country in the world, can we let too many of our people be hungry? More Americans are struggling to make ends meet, and with the savings from our amendment, children who rely on food stamps will not have to go to bed hungry.

It is a smart amendment.

I know some of my colleagues are skeptical about the amendment's "payfor." Some of my colleagues don't want to take money from crop insurers. That is why we must take a serious look at the excessive subsidies in the Federal Crop Insurance Program.

Federal crop insurance is an essential part of the farm safety net and will continue to be in the future. However, billions of dollars that are intended to benefit farmers are instead siphoned off by large crop insurance companies.

Since 2000, farmers have received $10.5 billion in benefits from crop insurance, but it has cost taxpayers $19 billion: $10 billion in benefits, it has cost taxpayers $19 billion to deliver those benefits.

Where does the difference go? According to a GAO report, crop insurance companies take 40 cents out of every dollar that Congress appropriates to help farmers manage the risk of agricultural production. What kind of good business sense is that?

In the same report, GAO finds crop insurance company profits are more than double industry averages. Private and casualty insurance has 8.3 percent; Federal crop insurance is literally more than double the rate of profit.

Over the past 10 years, crop insurance companies have had an average rate of return of 18 percent compared to just over 8 percent for the comparable private property and casualty insurance companies.

Let me repeat, no farmer under the Brown-Durbin-McCaskill-McCain-Sununu amendment, no farmer will pay more for crop insurance because of this amendment. The Federal Government sets Federal crop insurance premium rates. This amendment does not change any of that.

This amendment will require that crop insurance companies share a greater portion of their underwriting gains with taxpayers. It is only right in a true public-private partnership that both sides benefit fairly.

This amendment also reduces the exorbitant—and I mean exorbitant—administrative fees that crop insurers receive for each policy they sell. A GAO report shows that per-policy subsidies to insurance companies will be triple what they were less than 10 years ago.

This amendment will reduce administrative subsidies for each policy to the national average from 2004 to 2006. It is not a huge cut. It says to the crop insurance companies: Let's go back a couple years. You were getting well compensated and well subsidized. Why should we do more than that? With high commodity prices, this is still well above every year prior to 2006.

This amendment provides commonsense reforms to a system of subsidies that has simply spun out of control.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Madam President, first, I regret I had to ask for time in the middle of debate on such a serious subject. I will talk about an issue that is not related.

It looks to me as if the Senate, once again, will be forced to consider a tax package we know is likely to be vetoed. We considered an energy tax increase in June on the Senate floor, and the Senate rejected it. We considered an energy tax increase on the Senate floor last Friday, and the Senate rejected it. Now we will be forced again to consider what I understand is a $21 billion tax increase that is likely to be vetoed. I hope that, once again, the Senate will reject it.

But while we delay in playing these games, we jeopardize the passage of the CAFE standards and a real increase in much-needed renewable fuel standards should be able to be put to work, and we will be reshaping the flawed amendment that was sent to us by the House on that score.

I urge the majority to reconsider this attempt to force another vote on taxes, and that provision we have been told by the President will be vetoed.

I cannot answer the question why is it going to be vetoed, why can't we do it another way, why can't we negotiate, why can't we have part of the taxes. All I know is the President says: If you send me this tax bill, no matter how good it is, with $21 billion in taxes, it is dead; I will veto it.

I wish to tell my colleagues, I have been in this Senate for 36 years, and for 20 years of it, we have been trying to change the CAFE standards on automobile fleets in the United States. Increasing the CAFE standards to 35 miles by 2020 will be the biggest conservation initiative for transportation fuels in years.

Additionally, increasing the renewable fuel standard will bring thousands of jobs to rural America and help reduce our increasing dependence on foreign oil.

All this good work will be put at risk by the inclusion of the $21 billion tax increase. I urge my colleagues on the other side to stand back from this risky decision and let us pass a bill and send it to the House that does not include these taxes, and we will get one of the most important amendments we could ever do for saving transportation fuel.

Let me start over: The most important area where we abuse the use of fuel—that is, fuel that comes from crude oil—is in the transportation system. What we are trying to do is to modify the CAFE standards to force the production of higher mileage cars in the fleets of America.

We are told by the best expert in the world, who testified before one of the committees, there is nothing else we can do that will increase our savings of crude oil and diesel than this particular provision of CAFE modification.

I say to everyone, the fact is, you think you need taxes, you know you want taxes, you say when are you going to get these taxes, and you say they ought to be on this bill. I say to you: If you put them on this bill, you don't get the taxes and you don't get the big energy savings part of this bill. What do you say? You are going to do it anyway? What are you going to do it for? We might as well throw the bill in the basket here. We don't have to fool around and waste time. Put it in the basket and throw it away, because if you insist on putting the $21 billion on and sending it back to the House so they can play games, they will keep the $21 billion and then the President will say: I told you not to do it. Here it is. Goodbye.

I urge that the best opportunity to get major energy-saving legislation is with CAFE standards modification, and with it this other provision which will give us ethanol 2, which will be for rural America to begin producing not by corn but other than corn, producing ethanol for transportation fuel.

I believe I cannot say it any better. It is wasted time and effort to pass a bill with $21 billion worth of taxes. We will not get either the taxes, which will lose, and we will not get the energy savings portion.

I thank my colleagues for giving me an opportunity to speak to the Senate. I hope those proposing this legislation will understand it cannot be done. I cannot fix it. I cannot help it. It is the President. Who will get him to change his mind? He will not do it. I have asked him. He will not do it.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

AMENDMENTS NOS. 3671, 3672, AND 3674

Mr. GREGG. Madam President, I rise to speak about amendments which I have pending to the agriculture bill. I hoped they would be voted on today. I guess there is a fundraiser this evening on the Democratic side of the aisle which allows us to not have any more votes. Certainly, I hope most will be voted on tomorrow.

There are five amendments which I have proposed to the bill to try to make it a better bill, although it is a bill that has very serious problems. Let me talk about that quickly.

This agriculture bill comes forward every 5 years. It is a reauthorization of the farm programs. The practical effect is every year consumers get sort of taken to the woodshed behind the barn and get fleeced. This is no change from that historic activity under the farm bill. Only this time the fleecing is happening by the use of jiggling numbers and gamesmanship of numbers.

There is $34 billion of spending in this bill which is done through gimmicks—gimmicks to avoid what is euphemistically called pay-go around here, gimmicks to avoid budget points of order, gimmicks to make this bill cost less than it actually costs—$34 billion, with date changes and things such as that.

Then there is another game that is played, which is money which has historically been spent by direct mandatory spending is taken from the mandatory spending accounts and moved over to the tax accounts. Basically, in the conservation area, where we used to have, I think, $5 billion or $3 billion of mandatory accounts spending, we now have $5 billion or $3 billion of what is known as tax credits.

What is the practical effect of that? What it does by moving that spending over to the tax side is you free up that amount of money on the spending side, on the mandatory side to be spent, with the practical implication that the bill jumps in its cost by that amount of money. So you have a fairly significant increase by doing that. In the end, that adds to the deficit, of course, because you have ended up increasing spending by that amount of money.

In addition, the bill adds a large number of new programmatic activities through the subsidy realm. We already subsidize a lot of farm products around here in a questionable way. Sugar is a good example of that. We basically subsidize sugar so that the price of sugar in this country is about 75 percent higher than it is on the world market. That has an effect not only on the cost of sugar but it also has an effect on things such as the production of ethanol, because ethanol can be produced from sugarcane.

In addition, we subsidize all sorts of different commodities. As we know, the farm bill is the classic example of what you learned in school called log rolling. That is where you say, if you will vote for my subsidy, I will vote for yours, and down the road we go. You vote for wheat, I will vote for corn, corn will vote for soybeans, soybeans will vote for peanuts, peanuts will vote for cotton, and so forth and so on. So although none of these subsidies could stand on their own, when they get in this sequential support effort, they build a very solid wall of support for a lot of programs which are of questionable need, and certainly of questionable value when you look at a market economy, and we are supposedly a market economy. Of course, in the farm area we are not a market economy, we are a throwback to a commissar economy.

Well, in this bill they add a number of new programs. They add an asparagus payment, they add a chickpea payment, they add a camellia subsidy, and they create new programs in the area of a national sheep and goat industry. They create a new program to look at the stress farmers are under. So they add a panoply of new programmatic activity in this bill, most of which is of questionable value, but it obviously has some interest group which promoted it and, therefore, it gets put in the bill.

What I have done is I have lined up five amendments here which I think are fairly reasonable and address a number of issues—policywise big issues, and from a farm standpoint some of them address fairly narrow and concise issues.

The first amendment which I have offered—which has been offered on my behalf by Senator THUNE, but which I will call up and ask for a vote on as soon as we can get to it, as soon as we can get people to give us votes around here—is the mortgage forgiveness amendment. What we are seeing in America today, whether it is in farm America, rural America, or in urban America, is obviously a huge meltdown in the subprime lending markets. The effect of that meltdown is that many people are finding their mortgages foreclosed on, which is obviously an extremely traumatic event, to have your house taken in a mortgage foreclosure. I can't think of too many more traumatic physical events than that. Obviously, there are more traumatic health events, but not too many more physical events or economic events.

Well, when you have a mortgage foreclosed on, you have a second totally incomprehensible event. The IRS assesses you a tax on the amount of the money which you owed to the bank, or to the lender, which you couldn't repay and which was wiped out in the foreclosure.

For example, if you have an obligation to a bank of $150,000 and your home is foreclosed on, and it is sold for something that recovers $100,000 of that, then that $50,000 difference becomes personal income to you and the IRS sends you a tax bill for it, even though you got foreclosed on. Well, can you think of anything worse than that? I can't, from the standpoint of economics happening on a daily basis—a person loses their home and then the IRS collection agents come by and say you owe us X number of dollars because your home was foreclosed on.

Well, this amendment would put an end to that. It would say that will not be deemed income to the taxpayer, so that a taxpayer whose home is foreclosed on does not receive the double whammy of having a tax bill sent to them. It seems pretty reasonable to me. I can't imagine anybody is going to oppose this amendment. I would hope it would get a very large vote. It is not subject to a point of order, because the cost of it is within what is left on the pay-go scorecard, to the extent there is anything left on the pay-go scorecard, it having been shredded. But Senator CONRAD said last week there was $670 million left on the pay-go scorecard, which my staff confirms, as ranking member of the Budget Committee, and this amendment costs less than that. So it is in order, and I hope it will be supported. I think it is only the fair and right thing to do. I mean, this is a quirk of tax policy which, unfortunately, if you are caught in it as a citizen of America it is not a quirk, it is a devastation, and it is not right. Nobody, because their home gets foreclosed on, should suddenly get a tax bill for the amount the bank didn't recover from the home they sold.

The second amendment I am going to call up, and hope I can call it up very soon and get a vote on it, is already pending, and it is what I call the "baby doctors for farm families" amendment. Today, in rural America, there is a crisis in the area of health care. There are a lot of problems in health care across this country, but especially in rural America there is a significant crisis. The crisis is this: If you are a woman of childbearing age, or a woman, period, you are going to have a lot of trouble finding an OB–GYN. Why is that? Because baby doctors are being sued out of existence in rural America. As a result of the avariciousness of the trial lawyers in this country, and their constant attack especially on the practice of obstetrics and delivering babies, it is virtually impossible, it is extremely difficult for OB–GYNs to practice in rural communities, whether they are farm communities or rural communities.

Why is that? Because the base of practice, the number of people they can see, the number of babies they deliver never creates enough revenue to simply pay the cost of their malpractice insurance. And it is a crisis.

If you are a woman in a farm community and you have to drive 2, 3, 4 hours to see a doctor when you are having a baby, that can be a serious problem, obviously. It can be a serious problem on the face of it, but it is especially a serious problem in a place such as New Hampshire, where you are probably driving in a snowstorm or sleet or something else that is not very easy to drive in, and you shouldn't have to go that sort of distance.

We have suggested that simply in the area of baby doctors in rural America that we put in place something to support the women in those communities and make sure they have proper access to those doctors. Essentially, we are following the Texas and the California proposal, where we limit pain and suffering liability in a manner which allows these doctors to have affordable malpractice premiums. It doesn't mean somebody who gets injured doesn't get recovery. They do. They get full and total recovery in the area of economics. They get significant recovery in the area of pain and suffering. But what we do not have are these explosively large verdicts which essentially make it impossible for someone to pay the cost of the premium to support an obstetrics practice in a rural area.

This proposal, which is very narrow and very reasonable, will serve a very large need in our country. It is to make sure that women get proper health care, and especially during their childbearing years, in rural America. Again, I can't imagine this being opposed, but actually this one is being opposed aggressively by the trial lawyer lobby. They are opposed to anything that limits their income in any way, even when it is something as reasonable as saying in an area where we have a clearly underserved population, which is rural America and doctors serving women in rural America, doctors who deliver babies. They are going to stop any sort of reform that tries to make it possible to improve that situation.

We know this reform works. Why do we know it works? Because Texas has tried it. The language here mirrors Texas. Texas tried it, and what Texas has seen during this period when they put in this law is a huge influx of doctors who deliver children, who are baby doctors. So there is a track record. This isn't some sort of theoretical exercise. We know in practice that this works. I know if it were in place, it would give a lot of women in this country the comfort of knowing they were going to have a decent doctor, or any doctor—it would be a decent doctor, obviously—to care for them as they decide to have children.

I hope we can get to this amendment. But again, I am interested in the fact that this amendment is being stonewalled by the other side of the aisle. They are telling me, well, we can't vote on this amendment. Why? Because we have a fundraiser tonight. I wonder who is at that fundraiser, by the way? There wouldn't be any trial lawyers there. We can't vote on this amendment because we don't have our people here. Well, there ought to be enough votes to take care of women in this country so you wouldn't have to have extra people here to defeat a proposal which is fairly reasonable and which tracks a major State's decision and which has been proven to work when it comes to caring for women who want to have children. It is very narrow. Again, it only applies to rural communities, only applies to doctors who deliver babies in rural communities, only gives women an opportunity to get decent health care.

I have another amendment which I hope to call up, which I would like to have voted on fairly soon. And by the way, I am agreeable to voting on all these tonight. I am agreeable to a half-hour timeframe. I am agreeable to voting them all tomorrow. So I am not holding this bill up. I am offering these amendments. They are pending and they are ready to go.

Another amendment I have says this new program of creating a farmers stress network should not be created. This is more of a statement. I mean how many new programs can we create in this bill? This is an unauthorized program. It is not funded. But I suspect it will be appropriated before we get too far down the road. But why do we need a stress program for farmers? Granted, farmers are under stress. I used to work on a farm, so I understand that farming is a stressful activity. But running a shoe store during an economic downturn is a stressful activity, running a restaurant is a stressful activity, running a garage is a stressful activity. There are a lot of activities in America that involve stress. Are we going to set up a stress network for every activity in America that has stress? And are we going to expect the Federal Government to fund it? Yeah.

My goodness, think of what we would have to do for our wonderful staff here. My goodness, we would have to have such a program it would be incredible, because we really give them a lot of stress. The simple fact is, you can't keep throwing these programs out there because they make good press releases. There are 51 new programs in this bill. Let us at least pick one of them that is so far off the ranch when it comes to being anything rational that the American taxpayer should have to pay for and say, no, we are not going to go this way. That would be a nice gesture. A gesture to the American taxpayer, I would call it. Kill the stress network.

Then I have an amendment which says the money in here for the asparagus program shouldn't be in here. I like asparagus. I have been accused of not liking asparagus, and that is why I am being bringing this forward. That is not true. I actually like asparagus. In fact, I have even grown asparagus. It is very easy to grow, after you get it cultivated. It takes 2 or 3 years to get a good asparagus bed, and you can grow a lot of asparagus, as long as you don't rototill over it. Then you kill it, which is what I did to my asparagus. But as a practical matter, there is no reason we should set up a new program for asparagus. This is going too far.

A lot is going too far in this bill, but this is another example of going too far. Now, granted, it is only $15 million, but, again, I like to think of it as a statement on behalf of the American taxpayer that we are not going to spend that money on a brandnew asparagus program.

There are some others we should also throw out. The camellia program we should throw out, the chickpea program—these are all new programs. They should go out too. But I was only allowed five amendments, and so I picked out the ones I think are most egregious and the ones I think we should make a little attempt to try to put some fiscal discipline into this bill.

Then there is one that is fairly big, which is my last amendment. There is $5 billion in this bill which is the ultimate earmark. It is $5 billion alleged to be an emergency fund for when emergencies strike farm communities. You have to understand how this works. Essentially this is a slush fund. It is a "walking around money" fund for about five States. It is, purely and simply, an earmark and a classic porkbarrel initiative.

We know that when we have an emergency in this country we will fund it, especially if the emergency is in farm country. We do it every year, and I believe historically it has averaged about $3.5 billion. I think that is the number. It is off the top of my head as a budgeter. I think that is the number we usually spend on emergencies in farm communities. If it is bigger than that, we spend more than that; if it is less than that, we spend less. But when you put in place a program which exists before the emergency occurs, all you are saying is: Here is a bunch of money folks, come and get it. For every big windstorm that occurs in North Dakota, somebody is going to declare an emergency and try to get reimbursed for their mailbox that got blown over because the money is sitting there. It is that simple. It really is terrible policy to put this forward. You have absolutely set a floor. You know you are going to spend every year in this account, and you know it is going to go to four or five States because that is where the claims are made.

Much better is the approach we presently use, although not perfect, I admit to that. Much better is to identify it when the emergency occurs, know what the costs were when the emergency occurred, and then pay those costs in order to reimburse the farm community which has been impacted, which is what we do. And we do it in a fairly prompt and efficient way around here whenever there is such an event.

There is one emergency out there today, and that is the price of oil. The price of oil has jumped radically. As a result, the cost of heating in this country has jumped radically. People who are of low income, in States from the northern tier especially—places such as Minnesota, New Hampshire—people of low income are in dire need of additional funds in order to meet their heating bills or else, literally, they are going to be in the cold. They are going to spend this winter, as we head into February, in serious straits. In New Hampshire, we have already seen a significant increase in the number of people applying for low-income home energy assistance. This is not going to wealthy people. This doesn't even go to middle-income people. It just marginally goes to low-income people. It really goes to people in the lowest of low incomes, people who really need that in order to make ends meet and keep their heat on in the winter.

What I am suggesting is if we are going to declare emergencies around here and spend money, let's use the money on a real emergency, something that actually exists where people are actually feeling the pain right now, today—in the area of paying for heating for low-income families.

In addition, I have suggested that we reduce the deficit because that is a pretty big emergency, in my humble opinion, getting this deficit down. So this amendment essentially says let's take $1 billion and add it to the low-income heating assistance program and let's take the other $4 billion and reduce the deficit with it. That is a pretty practical approach. That is addressing a need that exists today and a need that is going to exist tomorrow, which is to reduce the deficit, rather than adding to the deficit and creating an emergency spending account which basically ends up being a slush fund and walking-around money for folks in four or five States that traditionally declare emergencies.

Those are the five amendments. I regret quite honestly that we cannot get an agreement to vote on all of them right now. I would be willing to say: OK, let's debate all of them for half an hour and then go to a vote, in seriatim vote them—bang, bang, bang, bang. Obviously, I have serious reservations about this bill. I think it is very bad policy in a lot of areas. But I recognize that the votes are there to pass the bill, so I am not trying to delay it in some tactical or procedural way. I am suggesting just the opposite, that we proceed to vote on issues which are important, which include making sure people whose homes are foreclosed on do not end up with the tax man showing up the next day and saying they owe money on money they didn't ever see as a result of their home being foreclosed on; making sure that women who are having children can see a doctor in a rural community; that farm families have adequate access to baby doctors; making sure that people who are very low income have enough to be able to meet the heating costs of this winter, which we know are going to be 30 percent to 40 percent higher than they were last winter; making sure that we reduce the deficit; suggesting we eliminate a couple of programs which are not that big but which are sort of examples of an underlying problem, which is that there is a lot of new programmatic activity here that probably should not be here and there are a lot of new subsidies in here that should not be in here—the asparagus program and the farmers stress network program.

AMENDMENT NO. 3673

Madam President, at this time I would like to call up amendment No. 3673. I am not calling it up for a vote because I understand it is not agreed to, but I do want to call it up and send a motion to the desk.

The PRESIDING OFFICER. Is there objection to making this the pending amendment?

Mr. HARKIN. I am sorry, I didn't hear?

Mr. GREGG. I am calling up the medical malpractice amendment, not for a vote but because I want to second-degree it.

Mr. HARKIN. Madam President, reserving the right to object, but I think the Senator has a right to that—I object for the moment.

Mr. GREGG. Madam President, I ask for the regular order relative to amendment No. 3673.

The PRESIDING OFFICER. The amendment is now pending.

AMENDMENT NO. 3825 TO AMENDMENT NO. 3673

Mr. GREGG. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the second-degree amendment.

The assistant legislative clerk read as follows:

> The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 3825 to amendment No. 3673.

Mr. GREGG. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> At the end of the amendment, add the following:
>
> "This title shall take effect 1 day after the date of enactment."

Mr. GREGG. Madam President, at this point I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Tennessee will be recognized.

Mr. ALEXANDER. Madam President, may I ask that I be notified when I have 5 minutes remaining?

First, I would like to congratulate the Senator from New Hampshire for his, as usual, eloquent remarks, but I would like to congratulate him especially.

The PRESIDING OFFICER. How much time is allocated? How much time was agreed to for the Senator?

Mr. ALEXANDER. I believe I am recognized for up to 30 minutes?

The PRESIDING OFFICER. The Senator will be so notified.

Mr. ALEXANDER. Madam President, I congratulate the Senator from New Hampshire. He is usually eloquent, and he was again today. But the subject matter is not just eloquent, it is critical in the State of Tennessee.

There is a medical liability crisis, especially for women who live in rural areas. The fact is, as the Senator from New Hampshire has said, women who live in rural areas do not have access to doctors for prenatal health care. They do not have access to doctors to deliver their babies.

According to data from the Health Services and Resources Administration, in 2004, in 45 of Tennessee's 95 counties, pregnant mothers had to drive for miles to get prenatal care or to deliver their babies. In 15 of those counties, pregnant mothers have no access whatsoever to any prenatal health care within their counties.

The Tennessean newspaper, on July 20, 2004, reported that only 1 of 104 medical students graduating from Vanderbilt University Medical School chose OB/GYN.

Dr. Frank Boehm said that:

> We must not lose sight of the fact that one of the side effects of our current medical malpractice crisis in OB/GYN is the steady loss of medical students who are choosing not to practice one of our most important medical specialties. If the decline continues, patients having babies or needing high-risk care will be faced with access problems this country has not yet seen. The same story is true at the University of Tennessee Medical School in Memphis.

On any given day, there are more than 125,000 medical liability suits in progress against America's 700,000 doctors.

There is a way to fix this. The State of Texas has shown us how, and it is similar to the way Senator GREGG has suggested. Put a reasonable cap on punitive damages, but let there be unlimited liability for any real damages. That was done in Texas in the year 2005, and in the following year, last year, more than 4,000 doctors applied for licenses to practice in Texas. OB/GYNs and other doctors are pouring back into Texas—up 34 percent from the previous year—because of a change just like the one the Senator from New Hampshire has suggested.

I am happy for Texas, but I would like Tennessee and the rest of the country to experience the same thing. Senator GREGG is exactly right to point out the medical crisis that is caused when women who live in rural counties cannot have access to prenatal health care and care for their pregnancy and for their babies.

AMENDMENTS NOS. 3551 AND 3553

Mr. ALEXANDER. Madam President, I rise to speak in support of amendments Nos. 3551 and 3553, which were previously offered on my behalf.

The first amendment is No. 3551. This is an amendment which would add $74 million to the last 3 years of the farm bill for agricultural research at land grant colleges or universities. Specifically, it would provide mandatory funding for the Initiative for Future Agricultural and Food Systems as follows: $24 million in fiscal year 2010, $25 million in 2011, and $25 million in 2012. It would be fully offset by striking section 12302 of the tax title in the Harkin substitute amendment to the farm bill, which basically says that taxpayers in Georgia and in Tennessee, for example, will pay for transmission lines for ratepayers in North Dakota and South Dakota and in other States who want to build transmission lines through rural areas, primarily for wind energy.

I am here today to talk primarily about farm incomes, and I am talking about America's secret weapons for farm incomes in the day in which we live, which are the land grant universities of America. Iowa State is a great land grant university. I imagine the University of Minnesota is a great land grant university in Minnesota. I know I was president of the University of Tennessee, which is our land grant university, and I confess to some bias because I think I am the only former president of a land grant university in the Senate.

Why is that so important? Earlier this year, we unanimously passed, after 2 years of work, a bill we called the America COMPETES Act. What it did was recognize America's brainpower advantage is what has given us our incredibly high standard of living.

In this last year, our country, the United States of America, produced about 30 percent of all the wealth in the world for about 5 percent of the people in the world—that is, our population. How did we do that? There are a variety of reasons, but primarily, since World War II, we have taken our brainpower advantage to create new jobs that have given us that great high standard of living. This amendment is about making sure we take advantage of that in the agriculture community. It will provide more competitive grants to our land grant universities so they can create value-added agricultural products, of which I have an example right back here.

Congress recognized the importance of this brainpower advantage our land grant universities have when it authorized the 1998 farm bill. It created something called the Initiative for Future Agricultural and Food Systems. In addition to farm income, this research was to be for future food production for environmental quality, for natural resource management, as well as, as I said, farm income.

Here is a specific example of the value-added opportunity I am talking about. There is a weed, I guess people would call it, called the guayule weed that grows out in the Southwest. Research that was done at the University of Arizona led to the development of a non-allergenic rubber product that is made from that plant that is as useful as latex rubber, for example, for gloves that we use with which to work. But it does not cause allergic reactions, as latex does, in 10 percent of our Nation's health care workforce. That is an example of the brain power advantage.

The University of New Mexico and the University of Tennessee are taking opportunities to use manure as sources of energy and as ways to create nursery crop containers. At Texas Tech University, the research that has come directly from the program I described that was started in 1998 has led to the development of a less toxic version of the castor seed created by using genetic modifications. This means we can grow more castor oil in this country instead of having to import it.

Now, one might say: Well, what is the big deal about castor oil? It tastes bad. It is what you take when you are sick. Not anymore. On the Defense Department's Critical Needs List there are multiple uses of castor oil for military purposes, including lubricants, adhesives, pharmaceuticals, waxes and polishes and inks.

The Senator from Georgia and from Iowa will know very well the value-added advantage to our country of all the products that have come from soybeans. Our great land grant universities have led the way to create these extra farm incomes, these new jobs for our country.

There are 76 land grant universities in America. During the 2 years where this program that was passed in 1998 worked well, 2001 and 2002, this grant program I am describing awarded 183 different grants, one grant at least in every State and in the District of Columbia.

So these land grant universities, created in Abraham Lincoln's administration, have been at the forefront of our agriculture in America for a long time. If we want to keep high farm income, they are a major part of our ability to do that.

We have had some experience now since 1998 with this grant program I am describing, which has a long name, called the Initiative for Future Agriculture and Food Systems. First, when it was appropriated, and the Senator from Georgia mentioned this to me, the appropriators got to the money and they canceled the appropriation and then increased another account and earmarked the money for their favorite university.

That practice stopped in 2001 and 2002. Basically, we went through a period where the research grants were awarded in the way they are supposed to be, the way most of our research grants are awarded. One reason our great higher education system works so well is because it is a large marketplace; students may choose their school, Government money follows them to the institution of their choice, public, private, nonprofit, and the billions of dollars we spend on research to create jobs, giving us the brain-power advantage, is competitively awarded, usually peer reviewed.

So in a couple years, that worked for this program. But then, the authorizers looked at what the appropriators had done and they said, in effect: We are going to earmark some of this money to our favorite universities. That happened for a while.

Then, in 2005, we got into a budget crunch, and those trying to balance the budget said: Here is a place to get some money. They took the money that was dedicated for agriculture research and used it for the 2005 budget reconciliation. So only in 2 years since 1998 has this excellent competitive grant program worked very well, 2001 and 2002.

Now, in the current House version of the farm bill we are debating today, they try to put it back on track. In the first 2 years of the bill, they appropriate the money to deal with the budget deficit that was dealt with in 2005. But in the last 3 years, they authorize money for this kind of research, $200 million in each of 2010, 2011, 2012, $600 million, amounts to about two-tenths of 1 percent of the total cost of the House version of the farm bill.

The Senate version, unfortunately, well, fortunately in the first 2 years, does pay the money to deal with the budget problem. The decision was made a few years ago. But in the last 3 years, during the time when the House put in 600 million, the Senate puts in zero.

So my amendment would restore $74 million of the $600 million, and in conference, hopefully, the conferees could decide this is an important provision. Since both Houses had provided money, we can put the program back on track.

How do we pay for it? Well, by striking section 12302 from the tax title. Now, section 12302 of the tax title provides new tax breaks for large transmission towers that transmit electricity, primarily from wind farms, in remote and rural areas.

In my part of the country, Tennessee, for example, wind farms barely work at all because the wind does not blow. But where they do work a little bit is up on top of some of our most scenic mountains. So what the effect of this provision would be is to say: We are going to give people who own the land an ability not to pay income tax on the income they get from running these big transmission towers from the top of our scenic mountains all the way down to where the electric grid is.

That is unnecessary in the first place because the provision, as written, is retroactive. In addition to applying to future deals that will be made with landowners, it seems to apply to current and existing deals.

No. 2, it provides tens of millions of dollars, about $55 million, in my computation, of new subsidy for wind. Wind already is, in my judgment and in the judgment of many others, over-subsidized in terms of an energy source.

Third, and perhaps the largest objection, is transmission towers should be paid for by the utilities that build the transmission towers. If the Tennessee Valley Authority builds a transmission tower for whatever purpose, those of us who buy our electricity from TVA ought to pay the bill. We should not send the bill to the Colorado taxpayer or to someone who lives in southern Georgia or someone who lives in Iowa or New York, and neither should they send their bills to us.

So I think it is inappropriate for all those reasons, to subsidize further the ability to build transmission lines, primarily from wind farms to the grid. What it tends to do is to create such extravagant subsidies for wind that investors see an opportunity to make a lot of money, and they build wind farms in places where the wind does not blow.

That might sound to some like a ridiculous statement. But we have one of those in the Southeastern United States. It happens to be in east Tennessee. It is a TVA experimental farm. It is up on top of Buffalo Mountain, 3,500 feet up. It ought to be a particularly good place for it. You can see the big white towers and flashing lights, instead of seeing the mountain tops, which we prefer to see.

What does it do? Not much. It cost $60 million over 20 years to TVA ratepayers to pay somebody to provide this energy. But during August, when we were in a drought and we needed to turn our air-conditioning on, it was operating 10 or 15 percent of the time.

So there is a much better solution to the need for new electricity in our part of the world and in many parts of America than to encourage investors through extravagant subsidies to build huge transmission lines through rural areas to connect wind farms with grids that are a long distance away.

If the market supports that sort of electricity investment, let it support it. That will usually mean, if you are going to build big wind farms, you will build them fairly close to the electric grid so you will not have to spend a million dollars a mile on the transmission line.

That is the first amendment. We would take the $74 million from this unnecessary expenditure that causes people to pay, in one part of the country, for what should be an electric ratepayer's bill in another part of the country; gives an unnecessary amount of money to wind developers. It, in fact, takes an example of wasteful Washington spending and uses it for higher farm incomes. .

Mr. President, I ask unanimous consent to have printed in the RECORD a letter to Chairman HARKIN from organizations stating their support for increased funding for research at land-grant universities.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NOVEMBER 7, 2007.

Hon. TOM HARKIN,
Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, DC.
Hon. SAXBY CHAMBLISS,
Ranking Member, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, DC.

DEAR CHAIRMAN HARKIN AND RANKING MEMBER CHAMBLISS: As you know, the committee reported Food and Energy Security Act proposes to eliminate mandatory funding for the Initiative for Future Agriculture and Food Systems (IFAFS). Currently, $200 million per year in IFAFS funds are scheduled to become available in FY2010. The House Farm Bill protects IFAFS funding so that it becomes available as scheduled and provides additional mandatory research dollars.

Elimination of IFAFS funds will severely limit integrated agriculture research and extension programs at America's land-grant universities, at a time when such efforts are ever more necessary to help solve pressing national and international problems. We urge you to allow IFAFS funds to become available as allowed for in the baseline.

The IFAFS program was, as you know, created in 1998 to provide a source of mandatory funding for integrated competitive programs sponsored by the land-grant universities. Since its inception, however, IFAFS funds have been captured in all but two years by the Appropriations Committees, the Office of Management and Budget and Committees on Agriculture via the budget reconciliation process. Nonetheless, the land-grant system has worked hard to reverse this situation in light of the tremendous unfunded needs—in areas as diverse as human nutrition and biofuels—that must be addressed through programs where scientific research is directly linked to public outreach.

Without IFAFS the agricultural research, education and extension baseline is diminished substantially, something that is harmful to every single stakeholder this bill is created to serve. Agricultural production, healthy, abundant and safe foods, conservation, rural development, biofuels, specialty crops, aquaculture and countless other areas impacted by this legislation are reliant on research, and the application of the results of that research via education and extension.

While we appreciate the new mandatory funding for bio-fuels, specialty crops and organics contained in this bill, we are still facing a net cut to research, education and extension as a result of eliminating IFAFS funds. Therefore, we respectfully urge you to ensure the IFAFS funding becomes available for the nation's agricultural research, education, and extension needs as scheduled. We sincerely believe that we should not short-change the future for short-term gains.

Please utilize the IFAFS funds in the Research Title, as that is where the future lies.

Sincerely,

American Association of State Colleges of Agriculture and Renewable Resources, American Dietetic Association, American Feed Industry Association, American Sheep Industry Association, American Society for Horticultural Science, American Society for Nutrition, American Society of Plant Biologists, Cherry Marketing Institute, Coalition on Funding Agricultural Research Missions (CoFARM), Crop Science Society of America, Donald Danforth Plant Science Center, and Federation of Animal Science Societies.

Institute of Food Technologists, National Association of State Departments of Agriculture, National Association of State Universities and Land Grant Colleges, National Association of Wheat Growers, National Cattlemen's Beef Association, National Coalition for Food and Agricultural Research (NC-FAR), National Corn Growers Association, National Sorghum Producers, Soil Science Society of America, The American Society of Agronomy, United Egg Producers, and US Rice Producers Association.

Mr. ALEXANDER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. SALAZAR). The Senator has used 18 minutes.

Mr. ALEXANDER. Please let me know when there are 5 minutes remaining.

AMENDMENT NO. 3553

Here is my second amendment. It is amendment No. 3553. I say it with all due respect to the Senator from Colorado because he and I discussed this. I am sure he will have more to say about this. But here is what this amendment is about.

The question is whether every Member of this body—I hope a lot of Senators are watching or their staffs are watching, because you do want to help your Senator if you are a staff member go home and explain, wherever you may live in America, why you took $4,000 of their tax money and gave it to their neighbor to build a 12-story tower in that neighbor's front yard with a flashing red light on top.

That is the question. The farm bill tax title, as reported by the Senate Finance Committee, says it is called a small wind tax credit. Now, I would ask those who can see this picture whether they would consider this tower an example of a small wind turbine? I think you can see the large crane next to it. You can see the telephone pole by it. Imagine if that is in your neighborhood, in the front yard of your neighbor. What the proposal in the tax title as reported says, that a small wind tax credit would give you up to $4,000 toward building a turbine of up to 100 kilowatts. That is a 100-kilowatt wind turbine.

Now, you might build a smaller one, and the cost would vary—a 0.5 kilowatt turbine might cost about $1,900 and receive a $570 tax credit, which is 30 percent of the total cost. A 1 kilowatt turbine might cost about $4,000 and receive a $1,200 credit, which is also 30 percent of this turbine's cost. A 2.5 kilowatt turbine costs about $15,000 and would receive a $4,000 credit, which is 27 percent of the turbine's cost. But you could build one as big as the 100 kilowatt turbine depicted here with taxpayer funds under the provisions of this bill.

I would like to ask my colleagues to think about whether they think that is an appropriate use of tax money. My view is the puny amount of electricity produced by these wind turbines is not worth ruining the character of our neighborhoods.

So what my amendment would do is simply say: This is a farm bill. If the Members of this body and this Congress want to subsidize the building of 12-story white towers in rural areas for farms and businesses, then do that in the farm bill. But do not allow that to go into residential neighborhoods across America, which the bill, as presently written, does.

Now, when I say a puny amount of electricity, what do I mean by that? Well, according to the Joint Committee on Taxation, which has examined this provision of the proposed farm bill, it would encourage the installation of 12 megawatts of electricity.

Electrical generators have something called rated capacity. The rated capacity is the power that an electrical plant generates when operating at its full capacity. A nuclear power plant, for example, in Tennessee on average operates at 90 to 95 percent of rated capacity. That is why so many Americans are beginning to understand that nuclear power is the way you deal with climate change, if you are serious about it, because they produce 1,100 or 1,200 megawatts of power 92 percent percent of the time, and that is clean power. That has no nitrogen, no sulfur, no mercury. It has no carbon. Nuclear power produces 20 percent of our electricity and 80 percent of our carbon-free electricity.

The idea here is that by putting 12-story towers or up to 12-story towers in our neighbor's front yard or in our front yard, we could produce under this proposal an estimated 12 Megawatts of electricity. Probably turbines like that would operate 20, 25, 30 percent of the time. So it wouldn't be 12 megawatts of electricity, it would be 3 or 4 megawatts on average. This is equivalent to two-tenths of 1 percent of the energy from a nuclear reactor or six-tenths of 1 percent of the energy from a single coal plant.

My appeal is that we respectfully use our common sense as we think about how to deal with the various challenges we have with clean air, with climate change, with our need for energy. Common sense does not say we ought to subsidize the building of 12-story towers or up to 12-story towers in our front yards. For example, we would get a much better bang for the buck—$5 million is what is estimated to be spent—if we simply bought energy-efficient light bulbs and gave them to our neighbors. Spending $5 million on $2 energy-efficient light bulbs would save eight times the electricity generated by these "small wind turbines." So why should we ruin the character of our neighborhoods when we could do eight times as much good with the same amount of money by changing our light bulbs? That would be common sense.

I am very much aware of the concern about climate change. Ever since I have been a Member of this body, I have had legislation in the Senate—first with Senator CARPER, then with Senator LIEBERMAN—to establish caps on utilities which produce a third of all the carbon in the country. That legislation, which I introduced with those two Senators over the last 5 years, also would establish more aggressive standards for nitrogen, mercury, and sulfur than the administration does. In addition, last week when we were debating climate change, the Environment Committee adopted my proposal for a low-carbon fuel standard which would be one of the most effective ways, probably the most effective way, to reduce quickly the amount of carbon in the fuel we use. In the last Congress, I was the principal sponsor of the solar energy tax credit. So I, like most Americans, am looking for ways for us to continue to power our huge economy but to do it in a clean way. I make a plea for common sense while we do this.

I suppose it would be possible for us to give $4,000 to a homeowner and say: Build a big bonfire in your backyard, and then we will give you more money to sequester the carbon and bury it under the ground. That would be possible. But would it make common sense? No, it wouldn't make common sense. There are better ways to use the money. Why would we destroy the environment to save the environment, which is precisely what we are doing in residential neighborhoods with this proposal. I regret not that it allows farm families and farm businesses a small subsidy to build large wind turbines. I regret that we would extend that to residential neighborhoods at the same time.

Let me say something else about the number of subsidies for wind power that exist today in our country. Sometimes the need for wind has become nearly a religion. Instead of looking carefully at whether we should use more efficient light bulbs or smart meters on utilities or solar panels or efficient appliances or green buildings, a whole variety of things we can do as a country to be green—instead of doing that, I think we have gone overboard on the idea of wind.

Let me give a couple of examples of that, if I may. There are a great many subsidies already in existence for wind. The biggest, of course, is the renewable electricity production tax credit. Through that renewable production tax credit, according to the Joint Committee on Taxation, the United States taxpayer will spend $11.5 billion on wind energy over the next 10 years. Let me say that again. The United States taxpayer is committed, through the existing renewable electricity production tax credit, to spend $11.5 billion on wind energy over the next 10 years. That doesn't count the value of various other Federal, State, and local subsidies for wind. There are the clean renewable energy bonds to help build the wind turbines. There are Department of Energy grants and incentive programs. There are Department of Agriculture renewable energy and energy efficiency grants and loans. There are various State subsidies for wind.

Texas is appropriating billions of dollars for transmission lines for wind. That is their decision. It is not as if this were a form of energy which lacked support. I am afraid the result is that the extravagant subsidies for wind are causing people to build wind farms and to use wind where they otherwise would not. In testimony before the Environmental and Public Works Committee recently, one utility manager from Oklahoma said he is tripling the amount of wind they are using.

I said: Why are you doing that? Can you use it as baseload power; that is, can you use it as reliable power all day long?

He said: We can only use it when the wind blows.

I said: Can you use it for peaking power?

He said: No, we can't use it for that because the peaking power, the busiest time of the day or year, might come when the wind is not blowing.

I said: Why are you doing it then?

He said: To make the legislators happy.

So we are not letting the market decide. We have become obsessed with the idea that this needs to be done. How big is that obsession? I think most Senators would be surprised to learn that by fiscal year 2009, the renewable electricity production tax credit will be the single largest tax expenditure for energy: $1.9 billion of that in 2009 would go for all renewable sources, but $1.3 billion would be for wind. We hear a lot about oil and gas and the subsidies for oil and gas. One might think that would be true since we have this massive economy. We use about 25 percent of all the oil and gas in the world. But according to figures from the Joint Tax Committee—and perhaps somebody will point out that the Joint Tax Committee is wrong, but this is what they say in the year 2009, the subsidies for oil and gas tax expenditures will be $2.7 billion from the taxpayers. The production tax credit for wind will be $1.3 billion. Wind, $1.3 billion; oil and gas, $2.7 billion. The reason I mention that is because of the disproportionate relationship between the value of oil and gas to an economy that uses 25 percent of all of it in the world and the amount of electricity produced by wind.

In 2006, wind energy produced seven-tenths of 1 percent of the electricity we consumed in the United States, yet it is the largest single energy tax expenditure by the taxpayer. Something is wrong there. The Energy Information Administration estimates that by the year 2020, after we have spent presumably tens of billions of dollars of subsidies for large wind turbines in your front yard and backyard and side yard and our national forests, along our beaches, our most scenic mountaintops, after we have done all of that, according to the Energy Information Administration, wind is projected to produce about 1 percent of our electricity needs.

I am skeptical of that figure. I think the Energy Information Administration is too conservative. It might be 2 percent. It might be 3 percent. Maybe it is 4 percent. But should the largest energy expenditure be to encourage the building of such towers, or should we be spending our money in different ways?

We have other ways to produce electricity: 49 percent of our electricity is produced by coal. Would it be wise to spend money in finding a way to sequester that coal, perhaps through algae, perhaps through enzymes, so we can use it to reduce our dependence on foreign oil? I think it would. But the largest single energy tax expenditure is for wind. Twenty percent of our electricity is produced by nuclear power, 80 percent of our clean power. In my view, if we are serious about climate change in this generation, climate change is an inconvenient truth, the inconvenient solution is nuclear power and conservation. But the largest single energy tax expenditure is for large wind turbines. Hydropower is clean as well. It is only about 7 percent of the electricity in the United States. It will drop a little by 2020. But wouldn't there be ways to encourage that as well?

It may be said that this is only a small matter. It is only $5 million. But it won't be a small matter in residential neighborhoods in Knoxville and Denver and Los Angeles, all across the country, when a neighbor comes in and says: I just got $4,000 of your tax money, and I am going to put up a 12-story white tower with a blinking red light on top because I want to do what I can for climate change.

I think the proper answer is to say that is not the most commonsense thing we can do. There are many ways we can conserve. Efficient light bulbs would save eight times as much as this proposal would generate. Why don't we do that instead?

If you think this is not going to happen in your neighborhood, I ask unanimous consent to print in the RECORD following my remarks a story from CNN.com about neighbors in Atlanta who are already squabbling about someone who has built a wind turbine in their front yard in a historic neighborhood. It makes no difference that the wind doesn't blow very much in Atlanta. The neighbor is just making a statement. That is the kind of thing that this will encourage.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALEXANDER. It would be my hope that this amendment would be accepted by the Senate. The effect of it would be to leave in place up to $4,000 support for building a tower that could be as large as that one, a 100 kilowatt turbine, in rural areas or for rural business. That would still be in place under my amendment. What would not be in place is the ability to use that in residential neighborhoods. The amendment would also make clear that nothing we are doing in this legislation preempts any local decision about the kind of decisions people will make. I am for caps on utilities. I am the sponsor of the solar credit. I am for cleaner air, more aggressively than the administration has been. I am ready to use smart meters. I am ready to try geothermal, almost anything, the low-carbon fuel standard. But I hope we will use common sense.

Common sense says to me, with all due respect, that we should not encourage using other people's tax money for your neighbor to build up to a 12-story white tower in his front yard as a solution to the current concern about climate change. There are other, better ways to do it, starting with energy efficiency, other ways that make much more common sense.

I yield the floor.

EXHIBIT 1

NEIGHBORS FIGHT, STATES SCRAMBLE OVER CLEAN POWER

(By Thom Patterson)

ATLANTA, GEORGIA (CNN).—Curt Mann's neighbors are livid, accusing him of erecting an ugly wind turbine among their historic homes for no other reason than to show off his environmental "bling."

The 49-year-old residential developer is remodeling his 1920's house to be more environmentally friendly, including installation of a 45-foot-tall wind turbine in his front yard. "It's really none of their business how I spend my money," Mann said.

The towering turbine, which overlooks majestic trees and Victorian rooftops, pits preservationists in Atlanta's Grant Park Historic District against a property owner and his individual rights.

"It's unattractive and it's a nuisance," said Scott Herzinger, whose home is three doors down. Mann "invaded the public view . . . when he put that tower up."

In blustery regions, home turbines can cut power bills by up to 80 percent. But opponents claim Mann's wind turbine needlessly threatens neighborhood property values because Atlanta's low winds don't produce enough speed to make the device worthwhile.

At a cost of $15,000, Mann said the turbine will shave at least $20 per month off his power bill—hardly a windfall. A proposed federal tax credit would bring Mann $3,000. Acknowledging it could be decades before his investment pays off, Mann said, "even if it was a 50-year payback, at least we've done something to reduce our dependency on fossil fuels."

Herzinger blames Atlanta, which "let us down miserably" when zoning officials sided with Mann.

Said Mann, "If regulations for historic preservation don't address modern-day issues, then they're not very sound."

But Herzinger, 48, who shares Mann's support for wind power, said Mann could have considered many alternatives which would have helped the environment more than the turbine. "After looking at the facts, it doesn't seem unreasonable to think of Mann's wind turbine as eco-bling."

Although opponents filed a lawsuit in Fulton County Superior Court against both Atlanta and Mann, the squabble poses larger, far-reaching questions about how communities, states and the nation as a whole should tackle the ongoing shift toward cleaner energy.

"I don't think we're going to revolutionize the utility industry through wind turbines in the front yard," said longtime California energy consultant Nancy Rader, "To really make a dent in the power sector we've got to have the big, central, bulk-generating facilities."

At least 21 states and the District of Columbia have set deadlines or goals for utilities to obtain electricity from clean renewable sources instead of fossil-fuel burning plants.

The scramble has triggered construction of large-scale wind farms throughout much of the nation, including proposals for the first U.S. offshore facilities.

Delaware and Galveston, Texas, have offshore projects in the works, although a farm proposed off New York's Long Island was shelved this year due to high projected construction costs.

Top New York energy official Paul Tonko said the push toward renewable energy became more urgent as oil prices hit a record $80 a barrel September 13.

"We have precious little time to adjust," said Tonko, president of New York State Energy Research and Development Authority. "We are behind the curve of several leading nations who have moved forward with very aggressive outcomes."

In Massachusetts, where utilities are under the gun to obtain four percent of electricity from renewables by 2009, builders await federal approval of a hugely controversial wind farm off historic Cape Cod.

The Cape Wind project envisions 130 wind turbines each rising 440 feet above Nantucket Sound by 2011. State officials said the farm will eliminate pollution equal to 175,000 gas-burning cars.

Like Mann's neighbors, Cape Wind opponents are rallying to protect historic properties. The Massachusetts historical commission said the wind farm's "visual elements" would be "out of character" and would have an "adverse effect" on more than a dozen historic sites, including the Kennedy family residential compound in Hyannis Port.

James E. Liedell, director of Clean Power Now, a grass-roots group that supports the project, said he once asked Sen. Edward Kennedy, during a random encounter in 2003, what he thought of Cape Wind. "It's the sight of wind turbines that bothers me," Liedell said Kennedy said, reminding Liedell that, "'that's where I sail, and I don't want to see them when I sail either.'"

According to polling in northern Europe where wind farms are flourishing, residents eventually have come to accept turbine towers dotting the landscape, said Dr. Mike Pasqualetti, who has done much research on the topic. Communities near many California wind farms, which were built in the 1980s, have largely come to accept the turbines, said the Arizona State University professor.

As the nation's fastest growing form of new power generation, wind-born electricity may soon fuel commutes for millions of Americans.

"If we power electric hybrid cars with electricity that comes from wind farms, it means you aren't polluting on either end of the equation," said Dr. Robert Lang, director of the Metropolitan Institute at Virginia Tech. "It doesn't make sense to power electric cars with electricity from fossil fuel burning plants."

Governments should consider offering property owners reduced energy rates or other incentives to win their support for green energy projects, suggested Lang.

Washington state utilities are racing to obtain 15 percent renewable energy by 2020—much of that from wind. When the Kittitas County Commission unanimously rejected placing a 65-turbine facility near residential property, Gov. Chris Gregoire overruled the commissioners in a move that Chairman Alan Crankovich called disappointing and unprecedented.

"To have a land-use decision overturned by the governor, that scares me," Crankovich said. "I'm concerned about it because this is the first step in weakening local authority and I hope she understands that."

Bertha Morrison, 89, a lifelong resident whose property abuts the proposed site applauded the governor's decision. "There'll be money coming from it to the county and that will keep our taxes down a little bit."

Individuals such as Morrison, Mann and Herzinger can influence public energy policy, said energy consultant Rader, by participating in local government and casting votes on statewide initiatives.

"We're going to have to bite the bullet," said Rader. "I think we need to do every damn thing we can to save this planet and everybody on it."

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I wish to enter into a unanimous consent agreement in terms of the order of speakers. I ask unanimous consent that after Senator BARRASSO speaks for 7 minutes, that I be recognized for 10 minutes, Senator KLOBUCHAR for 10 minutes, Senator SANDERS for 10 minutes, and Senator CRAPO for 30 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Wyoming.

Mr. BARRASSO. Mr. President, agriculture is one of the most trusted, respected, and revered ways of life in America. It is the farmers and the ranchers who feed this country.

Wyoming agriculture is a billion-dollar industry, and livestock producers are at the heart of our State's prosperity.

I am privileged to represent more than 9,100 farm and ranch operations in the State of Wyoming. That is why I fight every day to ensure that our farm and our ranch businesses continue to thrive.

This generation of farmers and ranchers faces more challenges than our parents ever did. We need agricultural policy that adapts to this changing world. Frankly, following the same old farm bill paradigm is not getting us there. Agriculture is critical to Wyoming. We produce over a billion dollars of agricultural products each year. Agriculture provides more than 10 percent of the jobs in our State.

I am coming to this debate with a real interest in seeing American agriculture succeed. To do that, we need to change our thinking and change our policy.

I commend the Senate Agriculture Committee for producing bipartisan legislation that addresses the important issues of conservation, rural development, and agricultural disaster. But let's not forget this bill also carries a huge pricetag. And let's not forget that cost is for programs targeted at the old ways of agriculture.

I believe we need to spend our taxpayer dollars wisely. We should focus our efforts on smart growth in agriculture. We should sunset those programs of the past that fail to address the real issues facing agriculture today.

I support conservation programs. I believe providing incentives for farmers and ranchers to make improvements to their operations and to benefit the environment—both of those—serves all of our interests.

In Wyoming, we have seen smart growth spurred by conservation programs. Wyoming producers have implemented almost 3,000 Environmental Quality Incentives Program contracts over the past 5 years. We have protected over 34,000 acres in our State through the Grassland Reserve Program. Conservation programs, provided for in this farm bill, will continue the real, on-the-ground results we have seen in Wyoming.

Our conservation policies should give incentives to ranchers, incentives that will help ranchers to operate at maximum efficiency and promote good business and a healthy environment.

I support business-friendly policies that help our farmers and ranchers succeed in marketing their products. It is a victory that this bill contains meaningful implementation guidelines for country-of-origin labeling. We raise exceptional beef and exceptional lamb in this country. Our producers deserve the opportunity to label their product "born and raised in the USA." Consumers demand it, and they will buy it.

I am also pleased this farm bill will end the prohibition on the shipment of Wyoming beef and lamb products to other States. Our State inspection program is more stringent than Federal programs, and yet we have faced a limit on our product for years. I am very pleased this farm bill will change that. Eliminating this restriction will help spur new small business opportunities for all. I hope to see more livestock competition reforms included in this farm bill.

In addition, I have offered an amendment promoting veterinary research. This amendment authorizes the Minor Use Animal Drug Program. This amendment helps the American sheep industry be competitive in the world market. I am proud to sponsor it on behalf of Wyoming's 900 sheep producers. I am pleased the bill's sponsors have included this amendment in the managers' package.

Animal disease research is of the utmost importance in Wyoming. Our rugged landscape is a real challenge to ranchers trying to keep their livestock healthy. To meet this need, I have cosponsored an amendment, along with my neighbors from Montana and Idaho, to promote brucellosis and pasturella research. I hope my colleagues will join us in support of this much needed work.

One of the amendments we are likely to consider on this legislation would expand the renewable fuels standard enacted in 2005. This expansion is concerning both to Wyoming's livestock producers and to Wyoming's energy producers. I am troubled by the food versus fuel debate. When we use so much corn to make ethanol, there is less corn to feed our cattle. The price of corn is rising, and ranchers are struggling to keep their businesses profitable.

This afternoon the Presiding Officer and I attended a meeting of the Energy Committee. We heard testimony from Pat O'Toole, a former Wyoming legislator and a rancher from Savery, WY. He told the committee that as he was testifying, his wife was driving a truck along I–80 in southern Wyoming—a truck of corn—and the corn this year costs twice as much as it did last year.

I strongly support policies that advance the development of alternative and renewable energy: Solar energy, wind, geothermal, coal-to-liquids, biofuels. We need all of the energy. But we cannot forget the cost if we trade food for fuel.

There is a great opportunity before this Congress to meet the changing needs of agriculture. We need to set a standard that improves our industry for the future. That is why the people of Wyoming want to see farm policies that use common sense. Let's put an end to farm policies that are outdated. Let us embrace the agriculture markets of today and of tomorrow.

Now we can do this with on-the-ground conservation programs. This farm bill can provide profit incentives and market-based agricultural research. That is what the American farmers and American ranchers deserve. It is also what the American taxpayers deserve.

I thank my colleagues for the hard work that has gone into this bill. I now call on the Senate to make real commonsense reforms for American agriculture.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise, first of all, to indicate again my strong support for the bill that is in front of us, the Food and Energy Security Act, and to thank one more time our leader, Senator HARKIN, and his partner in this, Senator CHAMBLISS, for their leadership and great work, and for all the support of the committee in bringing forward a unanimous bill, bipartisan bill.

AMENDMENT NO. 3672

I specifically today, though, want to touch briefly on two amendments that have been proposed by my good friend from New Hampshire. I really do mean that. He is somebody whom I enjoy working with very much, although I must rise to oppose him on an amendment dealing with the asparagus growers of this country.

As a background to this, the U.S. asparagus industry was and continues to be economically injured, unfortunately, by an agreement back in 1990, the Andean Trade Preferences Act, which extended duty-free status to imports of fresh Peruvian asparagus. This particular agreement eliminated the tariffs on a wide variety of products, including asparagus, coming into this country.

Unlike most trade agreements, ATPA provided no transition period for American growers to allow our producers to prepare or adapt to an unlimited quantity of Peruvian asparagus coming in with a zero tariff. The recently approved Peruvian Trade Promotion Agreement actually codifies that particular situation for American asparagus growers.

Following the enactment of this original agreement in 1990, imports of processed asparagus products surged 2,400 percent into the United States, from 500,000 pounds of asparagus in 1990 to over 12 million pounds in 2006—with a zero tariff—coming into the United States to compete with American asparagus.

Our domestic asparagus acreage dropped 54 percent from 90,000 acres in 1991 to under 49,000 acres in 2006. That is American farmers losing acreage, losing their farms, being placed in a very difficult situation, a very difficult situation economically.

Michigan asparagus acreage has dropped from 15,500 acres in 1991 to 12,500 acres in 2006.

In Washington State, asparagus decreased from 31,000 acres in 1991 to 9,300 acres in 2006. The value of Washington asparagus in 1990 was approximately $200 million. The present value is $75 million.

This is a huge drop for any area of American agriculture. This is a huge drop and has created great hardship for our asparagus growers.

Asparagus acreage in California decreased from 36,000 acres in 1990 to 22,500 acres in 2006.

What we have in this bill is some small effort to help those growers who have found themselves—because of our policy, our trade policy—in an immediate situation of facing an unlimited supply of asparagus coming in with no tariff and with no ability to have any kind of a transition.

Unlike other areas that have been hit by trade, they did not qualify for trade adjustment assistance. So the Asparagus Market Loss Program is a relatively small program compared to other parts of this farm bill. It is a $15 million effort that is critically important to compensate American asparagus growers across the country for the loss to this industry that resulted from the ATPA.

This program is based on a similar market loss program for apples and onions back in 2002, where cheap Chinese imports harmed those American growers, and that program provided $94 million for apple and onion growers. I might add, I say to my friend, the author of this amendment, the State of New Hampshire received over $1 million from this particular market loss program for apples. That was done in 2002. So what we are doing is patterning this program after the very same marketing loss program that helped our apple growers.

Market loss funds will be used to offset costs for American asparagus producers to plant new acreage and invest in more efficient planting and harvesting equipment. It is a very small fraction of, in fact, what they have incurred, as well as a result of the policy that was enacted back in 1990.

I urge my colleagues to vote "no" on the Gregg amendment and to support the effort of the Agriculture Committee to help alleviate an industry that has received dramatic losses as a result of our Federal trade policy.

AMENDMENT NO. 3674

On a different note, Senator GREGG has offered an amendment that, in fact, is a reflection of a bill I have introduced regarding the mortgage industry. Senator GEORGE VOINOVICH is my Republican cosponsor. We have a number of colleagues who have joined us in this effort. I certainly support the intent of that amendment. I know there is a strong understanding of support coming from the chairman of the Finance Committee about the need to make sure people who find themselves losing their home because of a foreclosure situation or a short sale or some other situation regarding the housing crisis—that they do not also end up with a big tax bill after possibly losing their home. I know there is a commitment from the Finance Committee, of which I am a member, to address this issue and, in fact, to make sure people do not end up with this tax liability.

The real question is how we do this in terms of this particular amendment. Certainly, substantively I support it, but the farm bill will not be done before the end of this year, and if we don't have something in place by the end of this year, people who have found themselves in the middle of a mortgage crisis with this kind of an unforeseen tax liability will have an additional tax bill. I know it is our desire not to have that happen. It would be a real tragedy, in fact, if that did happen.

So I know we have to work out what will happen on that amendment, but certainly I think there is very broad support for the substance of it. It is a question of whether we are able to get relief to people quickly enough. The farm bill will not be done and passed into law by the end of the year, and we need to have that provision done by the end of the year. So I know the Finance Committee leadership is making determinations about the best way to approach this, but certainly I appreciate the issue being raised because no one wants to see people who have found themselves in a potential situation of losing their home or their home going into foreclosure or some kind of a refinancing for less than the mortgage price, to find themselves also in a situation where they have a new tax bill. That certainly is no one's intent.

I am pleased the White House is supporting our legislation to fix this. The House has, in fact, acted as well and has sent a bill to us to address this issue. It is my hope—my sincere hope and urgent hope—that we will have this done by the end of this year rather than placing this policy into the farm bill because there is a sense of urgency about getting this done right now. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, as has been previously agreed, I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, I first again wish to commend Senator HARKIN, Senator CHAMBLISS, and our entire Agriculture Committee for the work we are doing on this farm bill. I am excited that it is moving ahead. As you know, I am hopeful that we will get some more reform in the bill, including my amendment to make sure the hard-working farmers in this country are at the receiving end of the help from the farm bill as opposed to multimillionaires from across this country. I look forward to debating that in the next few days.

TOY SAFETY

I am here to talk about another topic, and that is that across Minnesota and across the country, families are making their annual trips to stores and to malls for their holiday presents. Kids are making their wish lists. I know my daughter has her own. Parents are combing the ads for the best prices. But this year, parents are thinking about something a little more than the price, a little more than the wish list. They are also wondering if the toys they are buying are safe.

In fact, just this weekend, I visited Morehead, MN, in 20-below-zero weather, and I can tell you there were a number of parents who turned out, as well as people who work in this area, to talk about their concerns about the safety of toys. They told me they are shocked that in this day and age that we have these toxic toys on our shores and in our stores and we have to put an end to it.

This year, almost 29 million toys and pieces of children's jewelry have been recalled because they were found to be dangerous and, in some cases, deadly for children. In many cases, the reason for these recalls have been truly horrific. Who would believe that a parent would buy some Aqua Dots, a very popular toy for their children, and find out the child swallowed this little dot, which normally you wouldn't think would become a disaster, but in fact this toy had morphed into the date rape drug and put their child into a coma. That is what happened in this country.

Another 9 million toys have been recalled this year for containing toxic levels of lead. The lead levels in these toys can lead to development delay, brain damage, and even death, if swallowed.

As a mom and as a former prosecutor and now as a Senator, I find it totally unacceptable that these toys are in our country. As my 12-year-old daughter said when her famous Barbies were recalled: Mom, this is really getting serious.

It is clear that the current system we have in place to ensure the safety of products for our most vulnerable consumers—our children—needs to be fixed, and we need to fix it now.

The Senate Commerce Committee on which I serve has taken strong action to stem the tide of these recalls. The Consumer Product Safety Commission Reform Act of 2007, which was passed by the Commerce Committee under the leadership of Chairman INOUYE and Chairman PRYOR and with my help, as well as the help of Senator BILL NELSON and Senator DURBIN, represents some of the most sweeping reforms that we have seen in 15 years for the Consumer Product Safety Commission. The bill would finally take the lead out of children's products, establish real third party verification, simplify the recall process, and make it illegal to sell a recalled product. It also gives this long forgotten agency the resources it needs to protect our children.

The recent action by the Commerce Committee sends to the Senate floor an opportunity to reform our consumer protection laws and effectively ban lead from kids' products. I am hopeful that we will act quickly, that we will work out any details that need to be worked out, and that when we adjourn for the holidays, this reform will be passed.

To me, the focus is simple. We need to make sure there is a clear mandatory standard—not just voluntary, not just a guideline, but with the force of law. I think it is shocking for most parents when they realize there has never been a mandatory ban on lead in children's products; instead, we have this voluntary guideline that involves a bunch of redtape that makes it hard to enforce. As millions of toys are being pulled from the store shelves for fear of lead contamination, it is time to make crystal clear that lead has no place in kids' toys.

The need for this ban was crystallized for me in Minnesota when a little 4-year-old boy named Jarnell Brown got a pair of tennis shoes at a store in our State. With the pair of shoes came a little charm, and this little boy was playing with the charm and swallowed it. He didn't die from choking or from some kind of blockage of his airways. No, he died from the lead in that charm. The lead that should never have been in that charm went into his bloodstream over a period of time. When they tested that charm, it was 99 percent lead. It came from China. This little boy died.

What is most tragic about this death is that it could have been prevented. He should never have been given that toy in the first place. It shouldn't take a child's death to alert us that we need to do something about this problem in this country. The legislation I originally introduced to address this problem is included in our bill. There is a lead standard in the bill that effectively bans lead, allowing for trace levels for jewelry and allowing for some trace levels for toys.

For 30 years we have been aware of the dangers posed to children by lead. The science is clear. It is undisputed that lead poisons kids. It shouldn't have taken this long to figure that out, but we know it and know we can do something about it.

As we all know, the Consumer Product Safety Commission's last authorization expired in 1992, and its statutes have not been updated since 1990. During that time, since 1990, we have had billions of dollars' worth of toys coming in from China and other countries that have essentially been unregulated because of a lack of resources for that agency. It is a shadow of its former self. It is half the size that it used to be in the 1980s. Here we have billions of dollars' worth of unregulated toys coming into this country, and there has been no response from this agency, no requests for a big increase. Nothing. Meanwhile, these toys are coming on to our shores.

The inspection effort for toys at the Consumer Product Safety Commission is led by a man named Bob, and he has an office that is kind of messy in the back of the CPSC and he is retiring at the end of this year. We need to get more toy inspectors in the field. We need to give this agency the tools it needs to do its job.

The legislation sitting before the Senate today goes a long way in modernizing the Commission. The legislation more than doubles the CPSC's budget by the year 2015—something we wish the CPSC asked for itself, but we went ahead and did it ourselves. The CPSC Reform Act will actually make it illegal to sell a recalled toy, finally taking action against those bad actors out there who are knowingly leaving recalled products on their shelves.

I do at this moment wish to thank some retailers that have worked with us on this bill. The CEO of Toys 'R Us testified. We worked with Target, a Minnesota company. They want to get some legislation passed, and they want to actually increase the budget of this agency so there can be more inspection. This bill will also—and this is the piece of the bill that I worked on—make it easier for parents to identify toys when they are recalled.

I have to tell my colleagues, when most parents get their toys and their children open them on Christmas morning, they don't keep the packaging. My mother-in-law keeps the packaging, but most people don't. So you have this packaging, and then you have the toy. What we are saying is, the batch number should be on the toy if it is practical. You can't do it on Pick Up Sticks, but you can do it on the foot of a Barbie or on SpongeBob Square Pants, so that when a parent knows about a recall—and we know there are more to come, although we hope they level off soon—the parent can actually figure out which toy to throw out and which toy to keep in their toy box. This is good practical reform to which everyone has agreed.

The other piece of this is that the batch number should be on the packaging. That is because, unlike some of the big retailers where it is easy for them to pull these recalled toys from their shelves and to zero them out on their computer system, some people buy toys on eBay, they buy them at garage sales, and that is why we think it is very important these toy numbers be on the actual packaging as well as on the toy.

We have seen too many headlines this year to sit around and think this problem is going to solve itself. As a Senator, I feel strongly it is important to take this step to protect the safety of our children. When I think of that little 4-year-old boy's parents back in Minnesota and think about all of those other children who have been hurt by these toys—the one who just went into a coma over the date rape drug—they are just little kids. We can do better in this country. We can put the rules in place and make it easier for them to do their job. We can't just sit around bemoaning the results anymore. We have to act. We have the opportunity. We must pass this bill before we go home for recess.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, I ask unanimous consent to set aside the pending amendment and that the Gregg amendment No. 3822 be the pending amendment.

The PRESIDING OFFICER. Is there objection?

Mr. CHAMBLISS. Mr. President, reserving the right to object, what is the nature of this amendment?

Mr. SANDERS. What the Gregg amendment does is take $5.1 billion from agricultural disaster assistance for farmers, and it puts $924 million into LIHEAP. What my amendment does is put $924 million into LIHEAP but does not affect agriculture disaster assistance.

Mr. CHAMBLISS. It is a second-degree amendment?

Mr. SANDERS. It is a second-degree, yes.

Mr. CHAMBLISS. Then I do not object, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3826 TO AMENDMENT NO. 3822

(Purpose: To provide for payments under subsections (a) through (e) of section 2604 of the Low-Income Home Energy Assistant Act of 1981, and restore supplemental agricultural disaster assistance from the Agriculture Disaster Relief Trust Fund)

Mr. SANDERS. Mr. President, I come from a State where the weather gets 20, 30 below zero.

I send to the desk a second-degree amendment to the Gregg amendment No. 3822 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. SANDERS] proposes an amendment numbered 3826 to amendment No. 3822.

Mr. SANDERS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. SANDERS. As I mentioned a moment ago, I come from a State, as do many others in the Senate, where the weather gets cold—sometimes 20 or 30 degrees below zero. I come from a State, as do many other Members, where many folks are finding it extremely difficult this year to pay for their home heating fuel costs because, as we all know, costs are soaring. It is not unusual when I walk the streets of Burlington, VT, or other towns in the State of Vermont, that people are appalled and frightened about the rapidly escalating costs of home heating oil, and they are in need of help.

As you know, Mr. President, the LIHEAP program has been an enormously successful program in providing help to many Americans in paying their heating bills, especially the senior citizens.

So what this amendment would do—and I will talk at greater length about it tomorrow—is provide $924 million in increased LIHEAP funding because we need that funding now.

We need to see LIHEAP significantly increased beyond where it is right now if for no other reason than to simply keep pace with the outrageous increase in costs for home heating.

Further, it is my view, and why I am offering this amendment, that it is wrong to be cutting into agriculture disaster assistance for farmers. There are disasters and there will be disasters. If we are serious about maintaining family-based agriculture in America, it is important those provisions be maintained. That is essentially what that amendment is about.

I ask unanimous consent to lay aside the pending amendment and call up an amendment that I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. MENENDEZ). Is there objection?

Mr. CHAMBLISS. Mr. President, reserving the right to object, I inquire of the Senator, is this an amendment that was not on our list that we have already received unanimous consent on?

Mr. SANDERS. I believe that is the case.

Mr. CHAMBLISS. Senator HARKIN and I have worked diligently over the last 4 weeks to get where we are today, and we have winnowed this list down to 20 amendments on each side. If we make an exception on one side, I obviously have a lot of folks who would like to add an amendment to the list. We simply cannot do that. We have to cut it off. Regrettably, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SANDERS. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAPO. Mr. President, I seek recognition under the unanimous consent agreement.

The PRESIDING OFFICER. The Senator is recognized for up to 30 minutes.

Mr. CRAPO. Mr. President, I come today to speak in general about the farm bill, which we are debating, more correctly called the Food and Energy Security Act of 2007, and also to speak about some of the amendments proposed to it.

This is an essential piece of legislation. I am proud to have been part of both committees that have brought separate parts of this legislation forward and to have been able to work together in a bipartisan fashion to craft a bill in the Senate I believe very effectively addresses the food and fiber needs of our Nation as we move forward.

This legislation impacts the lives of families across this Nation and around the world through providing food security, enabling global competitiveness, and ensuring a better environment. I have been pleased to work with my colleagues on the Senate Agriculture Committee, the Senate Finance Committee, and others in Congress to craft a bill that builds upon previous farm bills for a stronger Federal farm policy.

The legislation includes essential provisions, such as the new specialty crops subtitle that strengthens the specialty crop block grant and other important programs. I thank Senator STABENOW, Senator CRAIG, and others for working with me on this effort. I also thank the committee for its commitment to helping us be sure that these new specialty crop provisions have been included in the legislation. There has been confusion because, although we have included specialty crops in the legislation this year, they have not been included as a commodity crop, in those crops that are covered by the commodity programs. Instead, they are included in ways that will help them to obtain better technical assistance and grant programs so they can facilitate and enhance their development, the growing of these crops, and the marketing of them; but they don't technically, under this bill or in any way, participate in the commodity programs.

I also thank Chairman BAUCUS and Ranking Member GRASSLEY on the Finance Committee for helping to craft a tax title for the farm bill that, in addition to its many other strong provisions, includes improvements to the Endangered Species Act, through tax incentives for landowners, to help them with species recovery. This is a piece of legislation Senators BAUCUS and GRASSLEY have agreed to cosponsor with me, as well as many other Senators, both Republicans and Democrats in the Senate. It is one we have worked on for years to try to find a bipartisan path forward, where those who are concerned about the preservation and recovery of species, as well as those who are concerned about the impacts of our efforts on private property owners, can come together with a proposal that will help us to facilitate the recovery of endangered species.

One little-known fact is approximately 80 percent of the threatened or endangered species in the United States are located on private property. It is critical we bring forward the assistance of private property owners and incentivize their involvement in the recovery of these threatened and endangered species. That is what this legislation will do.

I wish to take some time to talk more about other important aspects of the farm bill and some changes being proposed. In order to do so, I wish to explain what many people don't understand when we talk about the farm bill. We discuss the farm bill as though it were a bill that focused on production agriculture, and certainly it does.

The commodity title I referenced and the conservation title I will reference in a minute both focus closely on production agriculture but not solely on it. What goes unnoticed in these debates is the farm bill is a very broad bill that deals with a multitude of critical issues in our Nation relating to the production of food and fiber. It has 11 titles—titles on commodities and conservation, as I have indicated; titles on trade, nutrition, rural development, credit, research, forestry, energy, livestock, and other miscellaneous provisions.

One other little known or little focused on fact relating to the farm bill is the commodity title, which we most often talk about, represents only 14 percent of the funding allocated in the bill. The conservation title, which is another one of those we talk about a lot, only represents about 9 percent of the funding in the bill. The nutrition portion of the farm bill includes almost two-thirds—in fact, a little over two-thirds of the funding in the bill, 67.2 percent, is allocated to the nutrition program. I will talk about those as well as I go forward.

My point is this is a very broad-based bill. It is one that impacts rural and urban areas. It deals with the importance of food and fiber in many different contexts, from feeding a nation and clothing a nation to engaging in international trade, to our security as a nation, and to many other aspects of our lives. As I said earlier, it literally impacts people not only throughout this country but throughout the world.

Let me move on and talk about a couple of those titles. The first one I will go to is the commodity program and the commodity title.

I am concerned with efforts that have been introduced in some amendments to the bill on the floor that would lower selected loan rates, including the rates for barley, wheat, oats, wool, and honey loan rates—reduce them back down to the 2002 farm bill levels and then divert the funding saved by that reduction into the nutrition title and other titles of the bill.

I certainly understand and don't question the importance of our nutrition programs and other programs being targeted for this diverted funding. But it is important to note that under this farm bill, nutrition funding already accounts for over two-thirds of the funding in the bill, with only 14 percent allocated to commodities.

Much work has been done in this bill to try to provide adequate support for farm families across our Nation, while carefully balancing the limited funding available to each title of the bill.

Additionally, adjustments or corrections have been made to loan rates to better ensure the loan rates don't distort planting decisions. That is very critical in our World Trade Organization negotiations. Under the 2007 farm bill, we have the rates established in a way that will assist us in our global trade negotiations. Specifically, the adjustments in the Senate bill increase the loan rates for wheat, barley, oats, and minor oilseeds to 85 percent of the Olympic average for prices between 2002 and 2006. For those who don't pay attention to what all that means, the bottom line is it is important, as we move forward in the commodity program, that we not establish programs that distort planting decisions by farmers; otherwise, we will be accused of improper subsidy or improper trade-impacting decisions and policies that will be challenged in world trade negotiation arenas.

Loan rates for crops that compete for acres must be set at similar percentages of recent market prices or they can affect production decisions when prices are expected to be near or below loan levels.

Farmers and their lenders take price support from the loan program into consideration in making planting decisions. Current loan rates under the 2002 farm bill were heavily skewed in favor of and against different crops, ranging from 69 percent to 111 percent of the Olympic average during the years 2002 through 2006. It is these variations that create planting decision distortions we need to avoid.

Efforts to strike the changes we have made and divert the funding will prolong the existing disparity in the current farm bill, a policy which has been a factor of loss of wheat, barley, oats, and minor oilseeds to increased production in other commodities.

Our producers work to feed our country and people of nations across the world, while also dealing with high levels of regulation and taxation, labor shortages, droughts, and other natural disasters and ever-increasing input costs, substantial foreign market barriers, and other factors that put them at a disadvantage in a very competitive world market.

We have to ensure our farm families have the necessary support as they continue to work to remain successful, while factoring in and facing these increased challenges.

I ask other Senators in the Chamber to stand with me in supporting this careful balance we have reached in the bill and to vote against amendments or other efforts to eliminate the loan rate rebalancing and other commodity program support.

I also wish to talk about, in the commodity title, the importance of pulse crop support.

As amendments are being considered to strike portions of the farm bill, I wish to discuss the history and importance of support for pulse crops in this farm bill.

Pulse crops are cool season legumes that can withstand the cool temperatures of the northern tier of the United States. Pulse crops are such things as dry peas, lentils, small chickpeas, and large chickpeas. These cool season, nitrogen-fixing legumes are grown across the northern tier of the United States in rotation with wheat, barley, and other minor oilseeds.

In the late 1990s, when agriculture prices for commodities struggled, bankers steered growers away from raising pulse crops because they did not have the farm program safety net provided to other crops in their rotation.

In 1999, dry pea acres dropped by 55 percent. The pulse industry responded by requesting full program crop status for pulse crops as a way to keep the nitrogen-fixing legumes in the crop rotation with other program crops. Again, as we worked with issues in the previous farm bill, this was an area that needed adjustment and attention.

In 2002, I worked with the industry and other Members of Congress to include dry peas, lentils, and small chickpeas in the 2002 farm bill. Specifically, the industry was granted a marketing assistance loan program for dry peas, lentils, and small chickpeas.

Pulse crops are very good for the environment and for the overall soil health. The citizens of our country demand that our farm programs protect the long-term sustainability of our agricultural production. These legumes generate their own nitrogen and require no processed fertilizer to produce a crop.

Pulses fix nitrogen in the soil, which supplies a 40-pound-per-acre nitrogen credit to the following crop in the rotation, such as wheat, barley, and other minor oilseeds. Pulse crops and soybeans are the only farm program crops that do not require nitrogen fertilizer.

The carbon footprint of pulses and soybeans is lower than any other farm program crop because of their ability to generate their own nitrogen.

The farm bill provides us with the opportunity to encourage our Nation's farmers to protect the long-term sustainability of our soils. Including pulse crops in farm programs provides a safety net to other program crops and, therefore, encourages crop diversity and sustainability. Once again, it is an issue of favoring one crop over another with the unintended impact on the soils of our Nation.

Stripping pulse crops out of the farm programs, as some are proposing, would encourage farmers in the northern tier to shift production to those crops with a safety net in periods of low prices. This shift in production would upset the delicate environmental balance that pulse crops provide to overall soil health and sustainability and would result in acreage loss.

I encourage my fellow Senators to oppose amendments that would strip pulse crops and support for them from the farm bill.

Let me shift for a moment to the conservation title. As the ranking member of the Subcommittee on Rural Revitalization, Conservation, and Forestry, I wish to take a few minutes to evaluate and discuss the critical importance of the conservation title.

The programs authorized through the conservation title of the farm bill provide landowners with both financial and technical assistance necessary to bring real environmental results. In fact, I have said many times that of all the legislation we consider in these Chambers year in and year out, it is the farm bill that provides the most significant protection and support of our environment than any other legislation we consider. Conservation programs are the backbone of the Federal conservation and environmental policy.

The farm bill before us provides $4.4 billion in new conservation spending. The legislation builds on current successful conservation programs and needed enhancements to make them work better for our producers. It provides $1.28 billion in new spending for a program named the Conservation Stewardship Program. Funding is provided for continuation of the Wetlands Reserve Program and the Grasslands Reserve Program.

The Wetlands Reserve Program would be provided with funds to enroll 250,000 new acres per year through 2012, and the Grasslands Reserve Program would have sufficient resources to work in a similar fashion from 2008 through 2012.

As of fiscal year 2006, more than 9,000 wetland reserve sites have been enrolled and improved on more than 1 million acres of land in the United States. There are more than 900,000 acres enrolled in the Grasslands Reserve Program, providing habitat for more than 300 migratory birds species that rely on this prairie habitat.

The Conservation Reserve Program would be maintained at its 39.2 million acres. This program has reduced cropland soil loss by about 450 million tons. It has restored 2 million acres of wetlands, protected 170,000 miles of streams, and sequestered 48 million tons of carbon dioxide through 2006.

The Wildlife Habitat Incentives Program would be continued with $85 million per year through the year 2012.

The Farmland and Ranchlands Protection Program would also be authorized at $97 million per year. Easements on nearly 2,000 farms and ranches have been enabled through this program. It is estimated that almost 384,000 acres of prime, unique, and important farmland soil on the urban fringe have been or will be permanently protected from conversion to nonagricultural uses with these easements.

These are just some of the programs that are included in the conservation title of the farm bill. I understand and share the interest of many who want to increase funding for conservation programs, and as a strong supporter and proponent of these programs, I believe we will all benefit from these investments in conservation. However, I think we should be very careful where we look to obtain these funding increases. A strong farm bill is one that carefully balances each of the items, as I have indicated before.

I have indicated that the nutrition title represents almost or little more than two-thirds of the funding in the bill. Nutrition in our schools remains an issue of critical importance for all Americans. As a father, I understand the positive effects that good nutrition has in helping a child develop and learn throughout the course of a schoolday.

In addition, I am troubled by the fact that the percentage of overweight young Americans has more than doubled in the past 30 years. I have been a strong proponent of programs that increase access to healthy foods for our children in schools. One example is the Fresh Fruit and Vegetable Program. The farm bill would expand this existing limited program to every State in the United States and the District of Columbia and would require that at least 100 of the chosen participating schools be located on Indian reservations.

I applaud the members of the Senate Agriculture Committee for working toward these commonsense solutions and programs to support positive steps in nutrition for our children and others across our Nation. But as I said earlier, I also must express my concerns with proposals that seek to regulate food and beverage choices in schools from the Federal level.

I am wary of Federal policies that interfere with the local autonomy of

State and local schools in this matter. In addition, studies have shown that parents and educators need to work with our youth to educate them about the right choices they can make for dietary health. The best way to get a child to do something different is to tell them they cannot do it sometimes. Instead of dictating to our children, we have a responsibility to teach them about their choices and encourage them to make the right choices for themselves.

The rural development title also has much assistance for America. Throughout the farm bill debate, there has been much discussion regarding investing in rural communities across our Nation, and I am pleased to have had the opportunity today to highlight just a few of the ways in which this farm bill helps us to further invest in rural America.

One of the things we have noticed, as we have seen economic decline in rural America, is that we must build the infrastructure in our rural communities so they can have access to the increasing markets overseas and nationally. It has become apparent to me that the effect of our Federal environmental rules and regulations is also felt most heavily in small and rural communities. These communities do not have the economies of scale because of the small population for very expensive updating required for their water and wastewater systems that they must do in order to comply with Federal law. Something a large urban community could handle can literally bankrupt a smaller community seeking to comply with our clean water and safe drinking water standards. Because of that, I have fought for years to promote a program called Project Search which we established in the 2002 farm bill to provide small rural communities with financial assistance to help them comply with these regulations.

Through the changes made to Project Search's model, small, financially distressed communities in Idaho and across the Nation will now have increased and more streamlined access to Federal assistance in the early stages of water, wastewater, and waste disposal projects. This will help them keep their water clean and help them do so in a way that allows the community to avoid financial ruin.

This farm bill has also made critical reforms to the Rural Broadband Loan Program ensuring that broadband access is provided to those communities with the greatest need.

The Connect the Nation matching grant program will be added to benchmark current broadband access programs and build GIS service maps to promote greater accuracy and understanding of our Nation's broadband networks.

I am also pleased that this farm bill will reauthorize the National Rural Development Partnership.

There are many other important programs included within the rural development title that will have a major impact on our rural communities. Again, I thank my colleagues for working with us to make this part of the title effective.

There are only two more titles about which I want to talk. One is the energy title. The largest energy reserves in our Nation reside in the farmland and forests across this country. Let me say that again. The largest energy reserves in our Nation reside in our farmland and forests across this country.

In order to provide for national energy security, it has become clear that agriculture is a part of the solution. For far too long we have been dependent almost entirely on petroleum as our major source of energy in this Nation. We are far too dependent not only on petroleum but on foreign sources of petroleum. And as anyone working with a portfolio would say, we must diversify. That is why I have supported many of the provisions in this farm bill to move our Nation into more diverse forms of alternative and renewable fuels.

Let's take, for example, biomass. The stored energy in biomass worldwide amounts to approximately 50 billion tons of crude oil equivalent units every year, over five times our current energy needs.

Using 17 million tons of biomass a year for energy could produce up to 7,000 new primary jobs, displace 6.8 million tons of CO_2 from natural gas-fired powerplants, and generate renewable carbon credits that might eventually be worth more than $200 million.

Through research, we can expand and harness a good part of that astronomical potential, and that is why we included biomass provisions in this bill, provisions such as the Crop Transition Program, that will stimulate production and ease transition toward perennial biomass crops. Mr. President, $172 million would be provided over 5 years for this program.

There would be competitive research grants of $75 million for biomass to bioenergy programs, focusing on increasing process efficiency and utilization of byproducts, and providing for a regional bioenergy program that is awarded competitively to land grant universities.

I also support a strong focus in this bill on biofuels. We have long recognized the value in providing homegrown fuel in the form of ethanol. It is cleaner, it is renewable, and it reduces our dependence on foreign oil.

As we move forward, it is also clear that as we approach the maximum production limits of our starch ethanol, we also need to move into cellulosic ethanol which must be a primary component of our Nation's ethanol portfolio. America's energy demand will increase 30 percent over the next 22 years, and biofuels are critical to that increase.

Finally, I wish to talk about the trade portion of our bill. As Congress moves forward in a farm bill debate, we often wonder what is the future of American agriculture. I wish to discuss one very important piece of it because it is very clear to all of us that a major part of our future in American agriculture lies beyond our borders. Agriculture production in the State of Idaho is a great example.

According to statistics from the Idaho State Department of Agriculture, if Idahoans had to consume all the farm products produced within the State, every day each resident would have to eat 52 potatoes, 240 slices of bread, 38 glasses of milk or 1.9 pounds of cheese, two quarter-pound hamburgers, two onions, and the list goes on and on. The point being, we depend on other markets for our successful agricultural programs, and trade support must be a critical part of our agricultural programs in this farm bill.

This farm bill contains a number of programs such as the Market Access Program, the Foreign Market Development Program, and the Technical Assistance Program for Specialty Crops, which I talked about earlier, to name a few.

One final point. Senator BAUCUS and I have offered an amendment with regard to trade with Cuba. The future success of our agricultural programs and the ability of this Nation to remain globally competitive depend on our ability to have access to markets beyond our borders. There is a huge debate in this country about whether we should continue to refuse or to limit our trade with Cuba or whether to open trade with Cuba, and I am one of those who believes we should open it.

I recognize we face in Cuba and in the Castro Government a brutal dictatorship, one in which human rights and civil rights are not recognized or honored in any way realistically. But for us to refuse to trade with them, in my opinion, does nothing to solve that problem and does everything to reduce the opportunities of the United States to influence Cuba, both on economic levels, as well as political levels.

If we look at the economic impact on the United States, our refusal to sell our agricultural products to Cuba does not mean that Cubans cannot eat or they cannot gain these agricultural products. They simply buy them from somewhere else—Canada, Europe, or other places.

Yet if we were to open our trade with Cuba and allow more aggressive U.S. marketing of agricultural products there, a recent study by the trade commission says that exports of fresh fruits and vegetables would likely increase by $37 million to $68 million in exports; milk powder exports would more than double; processed food exports would see a $26 million increase;

wheat exports would be doubled to $34 million; and exports of dry beans would increase by $9 million, up to $22 million, to give a few examples.

The point is, there are markets in Cuba for our goods which our producers need to be able to take advantage of, and we will do nothing but increase our ability to work with the people of Cuba to address the political issues they face by doing so.

If we want to have a positive impact on the people of Cuba and the pressures they face under the regime in which they live, then we should open trade, open travel, and open communication so we can take to them an opportunity to see the freedom we experience here and to experience the power of open and free markets.

That is why Senator BAUCUS and I have introduced this legislation, and I hope the Senators here will support this amendment to this critical bill to help the United States in this one area move forward.

When we have significant trade with a nation such as China across the Pacific Ocean, yet we will not open significant trade with a neighbor such as Cuba, 90 miles off our shore, we need to reevaluate the effectiveness of our foreign policy, not only in terms of its impact on U.S. producers but in terms of its impact on our ability to truly reach out and cause the kind of positive change in Cuba that will help them achieve the kind of political freedom and avoid the kinds of oppression and human rights pressures they now face.

I have talked about a number of the portions of the farm bill. There are other very critical portions as well. The bottom line is we have an opportunity in the Senate this month, if we will deal with the amendments that are pending, to move forward on a very critical piece of legislation, a piece of legislation that, as I indicated, deals with the food and fiber of our Nation and the ability of our people and of people globally to have a better diet, to have a better opportunity to participate in global markets, and a stronger and cleaner environment.

I hope that as we move through this process, we will not make changes to the bill that will make it worse, that instead we will simply adopt those improving proposals and then hopefully soon send on to the House this very significant and important piece of legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 3736 TO AMENDMENT NO. 3500

(Purpose: To modify a provision relating to bioenergy crop transition assistance)

Mr. WYDEN. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 3736.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. WYDEN] proposes an amendment numbered 3736 to amendment No. 3500.

(The amendment is printed in the RECORD of Thursday, November 15, 2007, under "Text of Amendments.")

Mr. WYDEN. Mr. President, I ask unanimous consent to proceed at this time.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

Mr. WYDEN. Mr. President, it is my intention to be brief. I am offering this amendment with the distinguished chairman of the Agriculture Committee, Senator HARKIN, and I have had a chance to visit with the distinguished Senator from Georgia, Mr. CHAMBLISS. It is our intention to work very closely with Senator CHAMBLISS in hopes that we can work out the amendment I am going to offer now.

This amendment is an important one because it gives us a chance to promote the use of biofuels to reduce our Nation's dependence on foreign oil. We have worked hard to try to build a broad coalition of organizations, ranging from the National Association of Wheat Growers to the League of Conservation Voters, in an attempt to ensure this proposal would have broad support in the Senate.

From an oil standpoint, I think we all understand the value of promoting biofuels. Our country now imports roughly $1 billion a day of oil. The fact is—and Senator CHAMBLISS and I serve on the Intelligence Committee—I have come to believe our dependence on foreign oil is a national security issue. When you pull up at a gas pump in this country, whether it is New Jersey or Oregon or Alabama, you, in effect, pay a terror tax. A portion of what you pay at the gas pump in our States, in effect, eventually finds its way to a government in the Middle East, such as Saudi Arabia, which consistently ends up, through charitable groups and others, back to terrorist organizations that want to kill patriotic Americans. So our dependence on foreign oil has very clear consequences, and it is important for wheat growers and environmentalists and others to come together, as Senator HARKIN and I have sought to do in our amendment with respect to biofuels. It is important as a national security issue, and it is important from an environmental standpoint.

In my view, our proposals can reduce the amount of CO_2 and other greenhouse gases that are being released into the atmosphere and contributing to global warming. Our amendment will provide an opportunity for new sources of income for our farmers and our communities. What Senator HARKIN and I and the wheat growers and the environmental folks have sought to do is to make sure we can get these economic benefits for our farmers in a way that will ensure we protect the land and water and air for the longer term.

The amendment Senator HARKIN and I offer is built on four key principles: We want to promote growing biofuels stocks with sustainable agricultural practices, we want to protect native ecosystems, we want to protect biodiversity, and we want to encourage this biofuels production on a local basis so as to promote local economies. That means assembling enough farmers, growing enough feedstocks, and being in a position to fund a new bioenergy fuel or conversion facility. We give a boost to that effort with some small planning grants in order to help those farmers get off the ground. In addition, we think our proposed amendment is going to set realistic kinds of conservation objectives, again to promote soil and wetlands, avoid the untouched native grasslands and forests, and warrant the investment our country should be making in this exciting area.

At the end of the day—and then I will yield to my friend, the distinguished chairman of the committee—we think bioenergy production can be done in a way that protects threatened ecosystems. The two are not mutually exclusive. It is not a question of bioenergy production or protecting our treasured lands and air and water. We can do both, and that is what the distinguished Senator from Iowa, the chairman, and I have sought to do.

I am really pleased—I think the chairman may not have been on the floor—that we have the National Association of Wheat Growers in alliance with the League of Conservation Voters. It doesn't happen every day. I had a chance to visit with the distinguished Senator from Georgia, Mr. CHAMBLISS, and what I was trying to do was to talk about the fact that this is an exciting coalition that adds a lot of energy and passion for the future to this bill.

Mr. President, I wish to yield at this time to my friend, the distinguished chairman of the committee. It is our intent to work with the Senator from Georgia in hopes that we can all work this out. We had a good conversation before we got on the floor, and I thank the Senator from Iowa for all his assistance.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, are we under a time limitation here?

The PRESIDING OFFICER. No.

Mr. HARKIN. Mr. President, I wish to thank my colleague and friend from Oregon for sponsoring this amendment. I am proud to be a cosponsor of it.

Quite frankly, this amendment brings us to where we initially started when we started talking about biomass production for biofuels. If we do it right—if we do it right—I predict that 5 years from now, by the end of the life of this farm bill, we will see cellulosic ethanol plants springing up like mushrooms all over the country—in the far west, in the Plains States, the southeastern part of the United States, all over America, using different inputs such as wood pulp, fast-growing poplars, pine, switchgrass, Buffalo grass, miscanthus, and various other species depending upon the area of the country you are from.

In order to get there, we have to merge two things. Right now, I say to my friend from Oregon, we have a classic chicken-and-egg situation. You can't get investors to invest in biorefineries for cellulose because they ask a very important question: Where is the feedstock? Well, then you go to farmers and say, we would like you to grow biomass for cellulosic ethanol, and they ask a very important question: Where is the market? So on the one hand you have investors saying where is the feedstock, and then the farmers saying where is the market, and we have to get these two together.

Well, in the farm bill before us—and my friend knows this very well—we have very good provisions for loan guarantees for biorefineries. So on the investor end, I think we have done a really good job with this bill of looking at that. On the other end, providing the transition payments and support to farmers to grow biomass feedstocks, this amendment fills in that gap. This says to farmers: Look, you can go ahead and transition some of your land to producing biomass crops, such as perennials, and you can do it without having a long-term financial commitment to a biorefinery, and you can do it by adhering to conservation goals.

Now, that is the other part of this amendment that is so important. What this amendment basically says is: Look, we will be glad to give you—an individual farmer—financial support for establishment. Because if you are going to transition from row crops to perennials for biomass production, that may cost some money. You may have to buy some new equipment or change your practices or that type of thing. Maybe you have to separate out a certain section of your land. Well, that is a transition cost, and this provides for 50 percent matching money for those transition costs.

The other thing is to provide for a rental payment, a rental payment to a farmer to make up the revenues lost on the land while the crop is being established. For example, if you have a row crop or something now, but you want to, say, take a certain part of your land and you would like to start growing biomass, well, your income from that will probably be a little less for the first few years. So what the Wyden amendment does is it provides for a rental payment for that period of time.

The other key thing is it provides for a preference for enrollment in the Conservation Stewardship Program. Now, again, in order to get this, the contract the farmer would sign would require them to limit their plantings to noninvasive species, enroll only land that was previously used for agricultural purposes, potentially including grazing and CRP lands. In other words, you couldn't take lands out of the WRP program or that type of thing. You have to meet the stewardship threshold of the CSP program by the end of the contract period, and you have to limit the harvest of your biomass crops to time periods outside the major brooding and nesting season for wildlife and avian species in your area.

So again, this is a very good amendment, I say to my friend from Oregon. It is very well thought out and very well tailored. And the Senator from Oregon is absolutely right, we have a lot of groups supporting this amendment. I may be repeating what the Senator said—I didn't hear all of his remarks—but we have a letter here from the National Wildlife Federation that includes 94 different groups that support the Wyden amendment, everything from the American Corn Growers to the Audubon Society, the Center for Rural Affairs, Defenders of Wildlife—basically, a lot of wildlife groups all over this country supporting this amendment.

Did the Senator ask consent to put those in the RECORD?

Mr. WYDEN. I thank the chairman for all his assistance in this. We have not put it in the RECORD, so if you would do that, that would be very helpful.

Mr. HARKIN. Mr. President, I ask unanimous consent to have printed in the RECORD the letter and the signatories of the groups from the National Wildlife Federation supporting the Wyden amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECEMBER 6, 2007.

Re Wyden-Harkin Amendment to the Senate Farm Bill

DEAR SENATOR WYDEN: The organizations signed onto this letter urge you to support the Wyden-Harkin Amendment to the Senate farm bill which provides critical improvements to a new Bioenergy Crop Transition Assistance Program in the farm bill's Energy Title.

Sustainable bioenergy production from agriculture holds substantial promise for promoting rural economic development, reducing dependence on imported fuels, enhancing the environment and reducing greenhouse gases. While the farm bill Energy Title contains several programs for research and development of the next generation of bioenergy refineries, the Bioenergy Crop Transition Assistance Program is the only measure designed to assist farmers and foresters who want to start producing cellulosic bioenergy crops.

The Bioenergy Crop Transition Assistance Program was originally designed to provide incentives to farmers and foresters to plant and grow bioenergy crops in a sustainable manner. Many bioenergy crops—particularly perennial native species—will be grown for production for the first time in regions across the country. The goal of the original measure was to give farmers and foresters financial assistance and incentives to use good conservation measures with new bioenergy crop systems and to generate information that other farmers can use to grow sustainable bioenergy crops.

The current Senate farm bill language, however, will not achieve these original goals. A farmer or forester cannot participate unless there is a formal financial commitment from a biomass energy facility. This prevents farmers and foresters from undertaking trial plantings of bioenergy crops and would exclude bioenergy facilities under development from participating. Adequate conservation goals are missing and funding could be used to support agricultural or forest practices that harm wildlife and destroy native habitat. The limited funds are not targeted to perennial systems which can increase soil quality and carbon sequestration and decrease soil erosion and field run-off.

The Wyden-Harkin Amendment would help ensure that the farm bill's incentives for bioenergy production to increase the nation's energy security and achieve substantial economic gain for rural communities at the same time improve the rural environment and conserve the nation's natural resources. It would help accelerate the challenging transition from traditional row crops to more sustainable perennial feedstocks for bioenergy.

The Amendment would provide modest grant funding for groups of farmers or foresters and local entities to join with the bioenergy sector in conducting feasibility studies for bioenergy crop production. It allows participating farmers and foresters to undertake trial plantings of bioenergy crops at the planning stages for biorefinery development. The Program's limited funding is targeted to perennial crop systems that can increase soil quality and carbon sequestration and decrease erosion and field run-off. The Amendment restores conservation goals to ensure that funding under this Program does not increase environmental degradation, harm wildlife or destroy native habitat.

The emerging bioenergy sector provides a unique opportunity to create an industry that supports agriculture, environmental goals, energy security, and local economic development. Policies that do not consider all of these issues could fracture the coalition that supports bioenergy production, thereby making future policy initiatives all the more difficult.

Thank you for your consideration of our request that you support the Wyden-Harkin Amendment to the Senate farm bill.

Sincerely,

AERO, Alternative Energy Resources Organization, Agricultural Missions, Inc. (NY), Agri-Process Innovations (AR), Alliance for a Sustainable Future, American Agriculture Movement, American Corn Growers Association, American Farmland Trust, American Society of Agronomy, Animal Answers (VT), Audubon Minnesota (MN), BioLyle's Biodiesel Workshop (WA), Biomass Gas & Electric LLC (GA), Bronx Greens (NY), California Institute for Rural Studies, Caney Fork Headwaters Association (TN), C.A.S.A. del Llano, Inc. (TX), Catholic Charities of Kansas City—St. Joseph, Center for

Earth Spirituality and Rural Ministry (MN), Center for Rural Affairs, Center for Sustaining Agriculture & Natural Resources, Washington State University (WA), Clean Fuels Development Coalition, Clean Up the River Environment (MN), Coevolution Institute, Cornucopia Institute, Crop Science Society of America, CROPP Cooperative/Organic Valley, Cumberland Countians for Peace & Justice (TN), Dakota Resource Council, Dakota Rural Action, Defenders of Wildlife, Endangered Habitats League (CA), Environmental Defense, Environmental & Energy Study Institute, Environmental Law & Policy Center, Farmworker Association of Florida, Fresh Energy (MN), Friends of the Earth, Hancock Public Affairs (NY), Illinois Stewardship Alliance, Independent Beef Association of North Dakota, Innovative Farmers of Ohio, Institute for Agriculture & Trade Policy, Iowa Farmers Union, Izaak Walton League of America, Kansas Rural Center, Land Stewardship Project, Local 20/20 (Jefferson County WA), Maysie's Farm Conservation Center (PA), Michigan Land Trustees, Minnesota Center for Environmental Advocacy, Minnesota Conservation Federation, Minnesota Farmers Union, Minnesota Food Association, Minnesota Project, Mississippi Biomass Council, National Audubon Society, National Campaign for Sustainable Agriculture, National Catholic Rural Life Conference, National Center for Appropriate Technology, National Farmers Organization, National Wildlife Federation, Nebraska Wildlife Federation, Network for Environmental & Economic Responsibility (TN), New Fuels Alliance, NOFA/Mass (Northeast Organic Farming Association/Mass), Northern Plains Sustainable Agriculture Society, Northwest Biofuels Association, Orapa Limited (TN), Oregon Environmental Council, Organic Consumers Association, Pacific Biofuels, Pennypack Farm Education Center for Sustainable Food Systems (PA), Pinchot Institute for Conservation, Progressive Christians Uniting, ReEnergizeKC, a Project of Heart of America Action Linkage, Robyn Van Eyn Center (PA), Rural Advantage (MN), Sierra Club, Social Concerns Office—Diocese of Jefferson City (MO), Soil Science Society of America, Southern Alliance for Clean Energy, Southern Sustainable Agriculture Working Group, SUN DAY Campaign (MD), Sundays Energy (MN), Sustainable Agriculture Coalition, The Corporation for Economic Opportunity (SC), Union of Concerned Scientists, Washington Sustainable Food & Farming Network, Western Organization of Resource Councils, World Wildlife Fund—U.S.

Mr. HARKIN. Mr. President, I also have a letter here, also from a coalition of conservation organizations, the American Sport Fishing Association, Ducks Unlimited, Izaak Walton League of America, Pheasants Forever, Quail Forever, Trout Unlimited, and again a number of groups supporting the Wyden amendment. So I ask unanimous consent to have printed in the RECORD the letter and the signatories thereto.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECEMBER 7, 2007.

DEAR SENATOR: As the coalition of America's leading conservation organizations, we urge your support for the Wyden-Harkin Amendment to the Farm Bill. This amendment provides needed improvements to a new Bioenergy Crop Transition Assistance Program (BCTAP) within the bill's Energy title that would make the program work better for both farmers and wildlife.

The BCTAP was originally designed to provide financial assistance and incentives to farmers and foresters to get started growing next generation bioenergy crops in a sustainable manner. It is the only farm bill program that is designed specifically to help farmers and foresters establish cellulosic bioenergy crops. Many of these bioenergy crops—particularly perennial native species—will be grown for production for the very first time in many regions across the country. The goal of the original measure was to give farmers and foresters financial assistance and incentives to use good conservation measures with these new bioenergy crop systems and to generate information that other farmers could use to grow sustainable bioenergy crops.

However, the current Senate Farm Bill language will not achieve these original goals. As presently written, participation by a farmer or forester is dependent upon a formal financial commitment from a biomass energy facility. This would prevent farmers and foresters from undertaking trial plantings of bioenergy crops and would exclude those growing crops for bioenergy facilities still under development. Conservation goals are also missing from the current Senate bill and funding could be used to support agricultural or forest practices that harm wildlife, introduce invasive species, destroy native habitat, or convert perennial grasses that have been restored for wildlife and other conservation purposes (such as has been done in the CRP) to fast-growing trees. Moreover, these limited funds are not targeted to promoting development of perennial systems. Developing perennial systems is vital because of their strong promise in serving as future sources of energy, while improving soil quality, increasing carbon sequestration, and decreasing soil erosion and field run-off. And because farmers have little experience with such systems, development assistance will be key to achieving the great potential of perennials.

The Wyden-Harkin Amendment would improve the BCTAP within the Farm bill and address the existing deficiencies found in the current language. Specific improvements include: Offers matching grants of up to $50,000 to farmer groups, counties, or other local entities for feasibility studies and planning including outreach to farmers about bioenergy crop production; stipulates that a letter of intent from an existing or planned facility is sufficient to allow farmers to apply for assistance in planting and maintaining bioenergy crops, allowing farmers more flexibility to field test new perennial bioenergy crops for proposed and existing bioenergy facilities encourages participating farmers to meet reasonable conservation goals in return for financial assistance and incentives to establish and maintain perennial bioenergy crops under a 5-year contract with USDA; limits eligible land to that which has already been used for production, such as previously cultivated land, managed pasture, or clearcut forest land—ensuring that public subsidies do not promote the loss of native habitats; and restricts harvesting of bioenergy crops until after bird nesting and brood rearing seasons, which is typically not a problem for the harvesting dates sought by most bioenergy companies anyway.

Bioenergy production from agriculture holds substantial promise for promoting rural economic development, improving energy independence, enhancing habitat for some species of fish and wildlife, and reducing greenhouse gases. As this burgeoning industry and the technologies developed to support it continue to grow, it is vital that all these factors be considered to ensure its long-term sustainability. The Wyden-Harkin Amendment does just that and we encourage you to support it in the Farm Bill.

Sincerely,

American Sportfishing Association; Association of Fish and Wildlife Agencies; Ducks Unlimited; Izaak Walton League of America; Mississippi Fish and Wildlife Foundation; National Wildlife Federation; Pheasants Forever; Quail Forever; Quail Unlimited; Theodore Roosevelt Conservation Partnership; Trout Unlimited; and The Wildlife Society.

Mr. HARKIN. Lastly, the National Association of Wheat Growers and IOGEN Corporation together have sent a letter in support of the Wyden amendment. I ask unanimous consent the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECEMBER 6, 2007.

Hon. TOM HARKIN,
Chairman, Committee on Agriculture, Nutrition and Forestry, U.S. Senate, Washington, DC.
Hon. SAXBY CHAMBLISS,
Ranking Member, Committee on Agriculture, Nutrition and Forestry, U.S. Senate, Washington, DC.

DEAR CHAIRMAN HARKIN AND RANKING MEMBER CHAMBLISS: We wish to express our support for the efforts both in your chamber and in the House of Representatives to provide appropriate incentives for agricultural producers interested in producing non-traditional biomass crops as feedstock for commercialized cellulosic ethanol.

We appreciate your co-sponsorship of a substitute amendment offered by Sen. Ron Wyden that would, in part, establish a Bioenergy Crop Transition Assistance Program within the Senate's 2007 Farm Bill. We also recognize and commend House Agriculture Committee Chairman Collin Peterson for including similar provisions in the House-passed version of H.R. 2419.

Both of these programs recognize that, for the potential of cellulosic ethanol to be fully realized, there is a need to encourage growers to begin establishing crops for which no market, as of yet, exists. As you know, farmers operate in a business environment with a multitude of risks and, therefore, tend to avoid risk wherever possible. Committing to grow crops for a yet-to-arrive market qualifies as an easily avoided risk. Yet commodity crop residues can carry cellulosic ethanol only so far, and dedicated energy crops will be needed before long. Encouraging producers to begin experimenting with crops that may require innovative agronomy and for which there is no market will require just the type of transition program both House and Senate provisions are attempting to provide.

We are in wholehearted support of your and Chairman Peterson's goals, and hope to continue working with you to refine the legislative language. In both the House and

Senate versions there are provisions that we find commendable and others which we believe can be improved through further collaboration with you and your colleagues. For example, we would encourage you to consider including in the final legislation a small plot pilot program as outlined in the attached document. We are currently in the process of creating a side-by-side comparison of the House and Senate language including our comments on specific provisions, which we will share with you shortly.

The future of the cellulosic energy industry is predicated on the ability and willingness of growers to produce biomass feedstock. We appreciate your ongoing support of measures that would provide for an effective transition into commercial production of these crops, and look forward to continued work together on these issues.

Sincerely,

JOHN THAEMERT,
President, National Association of Wheat Growers.
BRIAN FOODY,
President and CEO, Iogen Corporation.

Mr. HARKIN. Again, this amendment is broadly supported. This is an amendment that is good for the entire country, not just Oregon but also for Iowa, for the plains States, and for the southeastern part of the United States. This is good for America. This is good for our farmers.

It will get us moving on the right path toward biomass production, and at the same time protecting our environment, protecting our wildlife habitats, and making sure that cellulosic ethanol from biomass gets a firm foothold, as I said, within the life of this farm bill. Probably by the end of this farm bill, as I said, if we do it right—and the Wyden amendment is the amendment that makes sure we do it right—then we will see the cellulosic plants springing up all over the country. We will have better wildlife, we will have more ducks, more pheasants, more geese. We will have more hunting grounds for hunters and fishermen. We will have better and cleaner water. We will have the energy we need in America growing in this country.

I applaud the Senator from Oregon. It is a very thoughtful amendment, very farsighted, very meaningful, and I hope we can adopt it overwhelmingly.

Mr. WYDEN. Mr. President, I am going to wrap up very briefly, and I know the Senator from Alabama was waiting, but the Senator from North Dakota wanted to do a very brief unanimous consent request, and I think that is acceptable to all Senators.

I thank the Senator from Iowa for his assistance. What the Senator from Iowa essentially described, by way of bringing together people such as wheat growers and corn growers and conservation groups and the Wildlife Federation, the League of Conservation Voters—this is the future of modern agriculture: bringing all these folks together so we can take steps that will ensure that farmers grow their incomes. We want farmers to prosper on the land. We want to make sure their kids have a future in agriculture. To do it, we are going to have to adopt, as the Senator from Iowa has pointed out, an approach that encourages more sustainable agriculture.

We think this is a winner for farmers' income. We think this is good for the environment. We think it is going to promote conservation.

The Senator from Georgia has left the Senate floor, but it is my intent, with the Senator from Iowa, to work closely today and over the next day or so to make an agreement that will be acceptable all around. I think we are capable of doing it. I thank the Senator from Iowa, once again, for his support and that of his staff on some other issues as well—the illegal logging question, where the chairman has been so helpful.

I yield the floor.

MODIFICATION TO AMENDMENT NO. 3695

Mr. DORGAN. Mr. President, if it will be permissible, I ask unanimous consent to modify an amendment. I have cleared this with Senator CHAMBLISS and Senator HARKIN. I ask for the regular order on my amendment No. 3695 for the purpose of modifying it.

The PRESIDING OFFICER. The Senator has a right to call for regular order.

Mr. DORGAN. The modification is at the desk. I ask the amendment be so modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

The modification is as follows:

(C) $15,000,000 for fiscal year 2012;

(7) the improvements to the food and nutrition program made by sections 4103, 4108, 4208, and 4801(g) (and the amendments made by those sections) without regard to section 4908(b);

Mr. DORGAN. I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 3596

Mr. SESSIONS. I call up amendment No. 3596.

The PRESIDING OFFICER. Without objection, the amendment will be once again the pending question.

Mr. SESSIONS. Mr. President, I believe I will have an hour debate on this, 30 minutes on each side. I ask I be recognized for 10 minutes tonight and be notified when that 10 minutes has run.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized for 10 minutes.

Mr. SESSIONS. Mr. President, first I would like to share in the gist of the remarks of Senator WYDEN, that OPEC is a cartel. They meet to decide how much production they will allow. The reason they do that is to control the price of oil in the world marketplace. By controlling the amount they produce, they control the price. It is a cartel price, it is not a free market price. They call themselves a cartel. In effect, they meet to decide how much they are going to tax the American consumer. That is because the value of the oil on the global marketplace is disconnected to the cost of its production throughout the world.

I think we should do what we can with ethanol and other alternative fuels to reduce our dependence on foreign oil, both for our economy, as well as for our national security.

I thank Senator HARKIN for his leadership as chairman of the Agriculture Committee. He has been courteous to me and other Senators in any number of ways. I thank Senator CHAMBLISS for his leadership and his expertise, particularly concerning matters in our region of the country.

My amendment has to do with crop insurance. I truly believe it is an amendment that will be a good-government amendment that will allow us to test an idea that came from farmers themselves and could, indeed, create a situation in which crop insurance works better in America than it currently does.

Crop insurance alone has not worked as well as we expected. Many farmers don't sign up, one farmer told me today. That alone should tell you something. He said farmers are pretty clever. They know a good deal when they see it. If they are not signing up, usually there is a reason.

But crop insurance is a critical component of farming in America today. We need more farmers signed up. We need more farmers insured. How we get there is the question. The farm insurance program that the Government funds and helps support has not ended the periodic disaster payment bills that Congress has considered. Since the year 2000, $1.3 billion per year has been appropriated by this Congress as disaster relief, indicating that the crop insurance is not yet covering the losses that farmers are sustaining. In addition, we are supporting crop insurance premiums to the tune of $3.25 billion a year. That is a lot of money.

What can we do? I suggest we should listen to the farmers. In 1999, the Alabama Farmers Federation held a conference and formed a committee to see what could be done to improve crop insurance. That committee was led by Ricky Wiggins, a cotton and peanut farmer in south Alabama, and concluded that farm savings accounts could do that. That is what they recommended. My amendment would create and allow the Department of Agriculture, in fact, to create farm savings accounts for farmers. The Federal Government subsidy that has been going to insurance premiums would go into this account, and the farmers' part of the premium would go into this account. It would be their controlled insurance fund.

I talked to Secretary Johanns about this when he was our Secretary, and he liked the idea. He thought it was premature to try to mandate this around the country. We discussed a pilot program and he thought that was a good idea and that is what I am proposing in this amendment.

The concept would be for the Department of Agriculture to create and implement regulations for a pilot program. It would be limited to just 1 percent of farmers throughout the country. That is only approximately 20,000 farmers nationwide. It would create a whole farm risk-management account for all the farming activities, not just on a commodity-by-commodity basis. The combination of two and three failures of a small nature can put a farm in critical condition, and often they are not able to collect on their crop insurance because no one particular crop has been badly damaged. Farm savings accounts would overcome this by providing more flexibility.

The Federal Government would contribute, the farmer would contribute, and when a disaster occurs, a farmer would be allowed to withdraw the money from his emergency fund. If his income fell below 80 percent of his 3-year farm income average, unless there was change in his activities, he would be able to draw money out of that account. But the farmer also must have catastrophic insurance through an insurance company because it is still possible that there would be a catastrophe and he would have a total loss and would need the kind of coverage this farm savings account does not provide. The pilot program would be totally voluntary. No farmer would be required to participate.

I believe the results of this pilot program could be substantial. It would certainly save overhead. It would create a situation where the farmer could decide how to utilize his resources. Today, if a farmer believes his crop is a total loss, he calls in an adjuster. The adjuster has to look at the crop and has to certify that this crop is likely to be a failure at the time it is harvested and would not be worth carrying forward. This will allow farmers in many circumstances to plow under that crop and replant another crop. Until he gets the certification that his insurance is going to pay, he is delayed from doing the replanting. This can be crucial because as the weeks go by the season gets shorter and the farmer has less and less ability to replant.

Those are things I hear about a lot. They come to me and complain. I called insurance companies on behalf of farmers. It is a difficult situation for both sides. The insurance companies have legitimate reasons to be cautious and responsible with their money. Farmers have a legitimate reason to seek prompt payment so they can move forward.

Farm savings accounts could reduce the amount of disaster relief that our Nation is paying out each year. I believe it is an amendment that my colleagues should sincerely consider.

In conclusion, let me say this about it. We will talk about it more tomorrow. This is a farmers plan. They came forward with it. The Alabama Farmers Federation is an affiliate with the American Farm Bureau. They strongly support it. The Farm Bureau itself has not taken a position on it. They are not opposing this legislation.

It would apply only to 1 percent of farmers. It would be voluntary. No farmer would have to sign up for it. The decisionmaking for how to utilize the money when a disaster occurs would be given to the farmer and not an insurance adjuster. And we can see how it works. Maybe it will not work, and maybe we will realize this is not the way to go. But, then again, it might work. In fact, I think it will work. In fact, I think our farmers were very smart when they asked for this.

I believe quite a number of farmers may find this is far more effective for them than the present system we are utilizing. One can conjure up objections that might occur. Certainly, for some farmers this would not be something they would want to opt for, but I believe the Department of Agriculture can work through this and create some guidelines and regulations that would work.

So I say, let's try. Let's give this idea a chance. Let's see if we can create a better way of handling insurance for a number of farmers. After a few we will have learned something. I urge my colleagues to consider this legislation as we go forward with this farm bill. We will probably have a vote on it tomorrow. I truly urge them, let's try this. If you have any objections, I would be pleased to try to address them, and we will speak in more detail about the amendment tomorrow.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3830 TO AMENDMENT NO. 3500

Mr. HARKIN. Mr. President, I ask unanimous consent to set aside the pending amendment and I have an amendment that I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself and Mr. KENNEDY, proposes an amendment numbered 3830 to amendment No. 3500.

Mr. HARKIN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. HARKIN. Mr. President, it looks as though we are wrapping up here for the day. I do not know of other speakers who want to come to the floor.

We are now working, I might inform fellow Senators, on a unanimous consent agreement that we hope to propound shortly that will set up some votes for tomorrow, I think hopefully about five votes that have been agreed upon. We are working on the consent to get those lined up right now so we can have those first thing tomorrow.

Quite frankly, I am very optimistic. I thank all of the Senators who came here today, debated their amendments. I thank the ranking member, Senator CHAMBLISS. We have been working together on this. If we get these amendments agreed to, to dispose of them early tomorrow, and then work through other amendments tomorrow—hopefully we can work a little bit later than perhaps we did today—I can see that we can have a lot of votes tomorrow.

We have two or three amendments on the farm bill that we, by mutual agreement, were going to bring up on Thursday. The end may be in sight. The end actually may be in sight on this farm bill. I am hopeful this week, if we continue on the pace we are going, we can do that.

Mr. President, I ask unanimous consent on the amendment I just placed at the desk to add Senator GREGG as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I take this opportunity to say a few words about a couple of amendments that are offered and are pending that we may have votes on tomorrow.

AMENDMENT NO. 3553

First, the Alexander amendment No. 3553 that the Senator from Tennessee discussed earlier. The tax package that was added to the farm bill includes a small wind tax credit of up to 30 percent, or $4,000, for small wind turbines installed at a residence or a business. A small wind turbine is one with generation capacity of less than 100 kilowatts. The amendment offered by the Senator from Tennessee, amendment 3553, would limit the eligibility of this to only wind turbines installed on farms or at a rural small business.

Well, you might say: What is wrong with that? At first blush that sounds all right, except that we have new technologies coming on line, small wind turbines that are very effective, cost effective, that will be used on farms, will be used at some small businesses. But I can also see some of them being used for plain old residences. They may be rural, they may be in rural areas, but they would be on farms. They may not be a business or a farm, but they will be rural residences. They ought to be allowed also to have access to this.

I think the amendment unduly restricts the number of people who can be eligible for purchasing these small wind turbines. Also, it says "a rural small business." Well, a rural small business has a rather definite definition, a restricted definition. So there may be a lot of small businesses that would want to put up a wind turbine for their small business, but they may not be classified as a rural small business.

It could be in a small town, it could be in the suburbs, it could be in metropolitan areas, but they are on the outskirts of a metropolitan area, but they may not be listed as a "rural small business." So why would we want to say to a small business that might be in a rural area, classified in a rural area, but 10 miles away, you would have a small business that might not be classified as rural, but they would not be eligible for it even though they could use and would be inclined to construct or buy a small wind turbine?

Again, I think we want to keep the amendment open to a broader population. It means more wind power installations, more clean and renewable power. Again, the Senator from Tennessee is probably correct, and the majority of these may well, I hope, be put in rural areas, on farms, or at rural businesses. But why would we want to restrict that if we want clean, renewable energy in this country? We want to get off the oil pipeline.

It would seem to me we would continue to encourage this wherever we could. I think the Finance Committee had it right. They had it right, and they drafted it right. I hope we will keep the amendment as written and defeat this Alexander amendment on wind power.

AMENDMENT NO. 3551

Again, Senator ALEXANDER also has an amendment No. 3551, much along the same lines. Right now, rural landowners receive an easement payment when electric transmission lines are sited on their property.

Well, the Finance tax package in the farm bill includes a section which would allow property owners to exclude these easement payments from their gross income when calculating their tax payments if the transmission property meets certain requirements, including high voltage and used primarily to transmit renewable energy.

Again, do we not want to encourage renewable energy? Do we want to get off the pipeline? We want to encourage rural landowners to be more prone to let a transmission line be constructed across their property if it is renewable electricity.

That is what the amendment does. It allows them to exclude the easement payment if it meets the voltage and renewable use requirements. So, again, this is another small thing to do to help encourage the development of wind power and wind farms or solar energy or geothermal energy; it could be any of those.

Since a lot of these will be located in rural areas, they are going to need to build transmission lines across the farms in rural areas, so the Finance Committee added this to the farm bill. It can help support transmission access development for renewable energy and expand and modernize the transmission grid, and benefit consumers nationwide by bringing down the cost of renewable electricity. But it is often the farmers and ranchers who see the actual infrastructure on their property. This is, again, another way of encouraging, as rapidly as possible, the building of more renewable energy systems in the country.

AMENDMENT NO. 3671

Lastly, Mr. President, Senator GREGG today offered amendment No. 3671 to strike the Farm and Ranch Stress Assistance Network from the farm bill.

I listened a little bit to what the Senator had to say. I want to make it very clear for the record that this is not a mandatory program. This is only an authorization. It is fully discretionary. It is up to, of course, the Agriculture Appropriations Committee to appropriate money for it. Senator GRASSLEY, and a lot of other members are supportive of this provision. The Farm and Ranch Stress Assistance Network provision is a bipartisan part of the farm bill. We included it to respond to an increase in the incidences of psychological distress and suicide in rural areas.

Farmers and rural residents often lack affordable health insurance, and they lack any close proximity to any mental health treatment services. So this program we included would provide telephone help lines, Web sites, support groups, outreach services to farmers, ranchers and rural residents who need this help.

Again, it is an authorization only. There are no mandatory funds. I find it odd this provision is singled out when there are no mandatory funds involved. Farmers increasingly face a lot of stress. They have no control over many factors such as drought, blizzards, floods, ice storms, as we are having in Iowa right now, financial difficulties beyond their control, foreign markets, imports, disease, different things that happen. A lot of times farmers have no control over these. It can be compounded if a farmer or rancher has some poor physical health problems, in addition, and they lack insurance coverage. So again, it is trying to establish some rural help lines so a farmer out there, rancher out there who feels stressed might want to call and seek some help and assistance.

Farmers and ranchers pride themselves on being rugged individuals. That they are. But that doesn't mean they are not subject to stress. That doesn't mean they don't commit suicide. They do. That doesn't mean they sometimes get so stressed out they act out in violent ways. It happens to the best of people and the most rugged of individuals. I have been approached—I am sure others have—by a lot of farm groups asking that we do something more to assist farmers and farm families who have had stresses. That was why we set up the Farm and Ranch Stress Assistance Network. It had never been done before. We wanted to test it out and see if it might work and might help save a few lives, keep a few families together, cut down on spousal abuse, cut down on maybe even some child abuse in some cases. It is a good part of the farm bill. I hope Senators will oppose the Gregg amendment and keep the rural stress assistance network as part of the farm bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. ENZI pertaining to the introduction of S. 2448 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SUNUNU. Mr. President, it was 8 degrees in Manchester this morning. Home heating oil costs $3.27 per gallon. These are the cold, hard facts of winter in New England—8 degrees; $3.27 per gallon. As we continue debate this week on a comprehensive energy bill, let's keep these numbers in mind, and let's not pass energy policies that increase the cost of heating our homes in the winter.

The Federal Government has limited power to reduce energy prices in the near future. Taxes and regulations can greatly increase them, but Congress is in poor position to affect the laws of supply and demand. So what are we to do to help those most in need during the long, cold winter?

Fortunately, there is a program in place to help low-income households pay to heat their homes; a program that does a good job getting assistance to those who need it; a program that I have consistently supported during my 11 years here in Congress: the Low Income Home Energy Assistance Program, or LIHEAP.

LIHEAP works. It is administered by the States and by local agencies that know the people receiving assistance. Congress passed the precursor program back in 1980, and the program has grown over the years, to $3.2 billion nationwide in 2006.

Last year, under the continuing resolution, LIHEAP funding was roughly a billion dollars less. Because we have provided less money for the program, Health and Human Services is providing less money to States. So far, HHS has only been able to release 75 percent of each State's traditional allocation under LIHEAP.

Since my first year in Congress, I have consistently supported funding for LIHEAP. I have asked President Clinton and President Bush to support LIHEAP. I have asked Republican appropriations chairmen and Democratic appropriations chairmen to increase support for LIHEAP. I have asked Health and Human Service Secretaries to release contingency funds in response to heat waves in the summer and cold snaps in the winter. And today, I have joined the senior Senator from New Hampshire, Mr. GREGG, as a cosponsor of an amendment to the farm bill that would provide an additional $924 million for LIHEAP this year. The Senator from Vermont, Mr. SANDERS, has introduced a bill that would provide a billion dollars in emergency funds for LIHEAP, and I am a cosponsor of that legislation as well.

I have joined colleagues from both parties in requesting additional support of LIHEAP in the Omnibus appropriations bill that is now being drafted, and I have joined colleagues from both parties in seeking a meeting with Director Jim Nussle at the Office of Management and Budget in order to press for support for this vital program.

The Low Income Home Energy Assistance Program has broad bipartisan support in the House and the Senate. We are pursuing a number of ways to get this increased assistance out to people who are having trouble heating their homes.

Quite frankly, these folks don't really care how we go about it. They just know that it was 8 degrees this morning in Manchester and that heating oil costs $3.27 per gallon.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PRYOR). Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 6

Mr. REID. Mr. President, I ask unanimous consent that any cloture filed on Wednesday, December 12, with respect to H.R. 6, the Energy bill, be considered as having been filed on Tuesday, December 11.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the vote in relation to the Dorgan-Grassley amendment No. 3695 occur at 9:15 a.m. on Thursday, December 13.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that when the Senate resumes H.R. 2419 tomorrow, December 12, it proceed to vote in relation to the following two amendments in the order listed, with no amendments in order to the amendments prior to the votes, and that there be 2 minutes of debate prior to each vote, equally divided and controlled: Gregg amendments Nos. 3671 and 3672, with the second vote 10 minutes in duration; further, that on Wednesday, December 12, the following amendments be debated for the time limits specified, with all time equally divided and controlled in the usual form, with no amendments in order to any of the amendments covered under this agreement prior to a vote in relation to the amendment: Alexander amendments Nos. 3551 and 3353, with 30 minutes divided as follows: 10 minutes each for Senators Alexander, Bingaman, and Salazar; Cornyn amendment No. 3687, 30 minutes; Dorgan-Grassley amendment No. 3695, as modified, 2 hours; Klobuchar amendment No. 3810, 60 minutes; Gregg amendment No. 3673, 2 hours; Sessions amendment No. 3596, 40 minutes; Coburn amendments Nos. 3807, 3530, and 3632, a total of 90 minutes.

Mr. President, I will add, Senator COBURN, even though I get upset at him for offering all these amendments, some of which I think are not in the best interests of the Senate, is always very agreeable to work with. He is a very pleasant man. I like him a lot. Here is an indication on these amendments, about which he feels strongly. He agreed to a short period of time and rarely takes all his time. A little side comment.

Continuing the unanimous consent request, provided further, that the following amendments be subject to a 60-vote threshold, and that if the amendment achieves 60 votes, then it be agreed to and the motion to reconsider be laid upon the table; that if the amendment fails to achieve 60 votes, then it be withdrawn: Dorgan-Grassley amendment No. 3695, Gregg amendment No. 3673, and Klobuchar amendment No. 3810; further, that in any vote sequence, there be 2 minutes equally divided prior to each vote, and that after the first vote in any sequence, the remaining votes be limited to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

IMPORTANCE OF A CPSC BILL

Mr. DURBIN. Mr. President, I rise to discuss an issue that is very important to Americans, especially during this holiday season: the safety of consumer products.

The string of recalls of toys and other children's products we have all read about in the news over the past 6 months has created uncertainty and anxiety among parents shopping for their children for the holidays.

Parents now come to toy stores armed with shopping lists, as well as lists of toy recalls from the Consumer Product Safety Commission's Web site.

Their concern is understandable. This year has seen an unprecedented number of unsafe toys recalled this year—more than 25 million so far, and counting.

They include some of the most popular children's characters: Thomas the Tank Engine, Elmo, Dora the Explorer, Polly Pockets—even Curious George and SpongeBob SquarePants.

The list of dangers range from high lead content and toxic chemicals to choking hazards and dangerously powerful magnets that can rip open a child's intestines if they are swallowed.

What is going on with all these recalls?

The Consumer Product Safety Commission is responsible for overseeing the safety of more than 15,000 consumer products—everything from toys to power tools.

That agency has suffered deeper staffing and budget cuts than any other Federal health and safety regulator.

Here are some numbers that ought to worry every American:

In 1974, its first year of operation, the CPSC had a budget of $146 million in today's dollars. Today, its budget is less than half that amount: just over $62 million.

In the last 3 years, the CPSC has suffered its deepest staff cuts since the Reagan administration—from 471 full-time employees down to just 401.

Today, with imports at an all-time high, the CPSC employs 15 port inspectors for the entire country.

In addition, CPSC does not have the authority or tools it needs to protect American consumers.

The CPSC cannot require premarket testing, cannot order a recall when it knows a product poses a hazard to consumers, and can't quickly notify the public of product hazards.

In some instances, the combination of lack of funding and lack of tools has led to unnecessary, preventable injuries and fatalities suffered by children.

It is hard to imagine that our lead product safety agency does not have these tools.

Fortunately, there is a set of proposals pending in the Senate that will aid consumer safety by restoring the CPSC to a functioning agency and requiring manufacturers of children's products to test and certify the safety of their products.

The Senate Commerce Committee has reported a bill by voice vote, authored by Senator PRYOR, that would fix many of these problems.

Commerce Committee Chairman INOUYE and Senator PRYOR, chairman of the Consumer Affairs Subcommittee, deserve credit for a balanced, responsible plan.

The bill would more than double CPSC's current budget, to $141 million, and increase the agency's staff by 20 percent over the next 7 years.

It would also eliminate the use of dangerous lead in toys; require independent, third-party safety tests of toys before they can be sold in this country; give the CPSC new powers to regulate the marketplace, including more authority to force the recall of dangerous products more quickly; give State prosecutors the authority to enforce Federal consumer safety laws; and increase the maximum fines for willful violation of consumer safety laws from $1.8 million to $100 million.

I expect the Senate to move important legislation in this area before the holiday. The House, led by Congressman BOBBY RUSH, is engaged in a similar effort on the House side.

If we are going to pass stronger consumer product safety legislation, it is vital that we have bipartisan cooperation and pursue this legislation in a bipartisan fashion. I support the effort led by Senators INOUYE and PRYOR to reach out to Senators STEVENS and SUNUNU of the Commerce Committee to do just that.

I encourage these efforts to continue in order to produce a robust bill that will improve consumer safety and the functioning of the CPSC.

It is a noncontroversial, bipartisan idea that the American public expects.

TRIBUTE TO MAGGIE LAINE WEBB

Mr. DURBIN. Mr. President, today, in Moline, IL, Maggie Laine Webb will be buried.

A promising career took Maggie away from Moline. Sadly, gun violence has brought her home.

Maggie Webb was working at the Van Maur department store in Omaha last Wednesday when a 19-year-old man opened fire with an AK-47 assault rifle, killing eight people and wounding five more before taking his own life.

Maggie Webb was the youngest of the gunman's victims. She was just 24; she would have turned 25 in 2 weeks.

She had transferred to Omaha from another Von Maur department store just 6 weeks earlier. In Omaha, Maggie was a store manager—a position of unusual responsibility for someone her age. But then, Maggie Webb was, by all accounts, an unusually responsible, talented young woman.

At Moline High School, where she graduated in 2001, Maggie was a softball standout, she ran track, and she was involved in student council and many other activities. She went on to graduate in 2005 from Illinois State University.

News of her death has hit many of her former teachers at Moline High School hard. Bill Burrus, the school principal, said one teacher remarked of Maggie, "She was one of the good ones," paused, and then said, "No, one of the great ones."

Maggie Webb is survived by her parents, Dave and Vicki Webb, of Port Byron, IL, and her two older sisters.

Our thoughts, prayers, and condolences are with the Webb family and all of the families affected by this senseless violence.

FURTHER CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, section 307 of S. Con. Res. 21, the 2008 budget resolution, permits the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other appropriate levels for legislation, including one or more bills and amendments, that reauthorizes the 2002 farm bill or similar or related programs, provides for revenue changes, or any combination thereof. Section 307 authorizes the revisions provided that certain conditions are met, including that amounts provided in the legislation for the above purposes not exceed $20 billion over the period of fiscal years 2007 through 2012 and that the legislation not worsen the deficit over the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

I find that Senate amendment No. 3711 offered by Senator LUGAR to Senate amendment No. 3500, an amendment in the nature of a substitute to H.R. 2419, satisfies the conditions of the deficit-neutral reserve fund for the farm bill. Therefore, pursuant to section 307, I am adjusting the aggregates in the 2008 budget resolution, as well as the allocation provided to the Senate Agriculture, Nutrition, and Forestry Committee.

I ask unanimous consent to have the following revisions to S. Con. Res. 21 RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Concurrent Resolution on the Budget for Fiscal Year 2008—S. Con. Res. 21; Further Revisions to the Conference Agreement Pursuant to Section 307 Deficit-Neutral Reserve Fund for the Farm Bill

[In billions of dollars]

Section 101	
(1)(A) Federal Revenues:	
FY 2007	1,900.340
FY 2008	2,024.835
FY 2009	2,121.607
FY 2010	2,176.229
FY 2011	2,357.094
FY 2012	2,498.971
(1)(B) Change in Federal Revenues:	
FY 2007	−4.366
FY 2008	−25.961
FY 2009	14.681
FY 2010	12.508
FY 2011	−37.456
FY 2012	−98.125
(2) New Budget Authority:	
FY 2007	2,371.470
FY 2008	2,509.169
FY 2009	2,523.934
FY 2010	2,581.464
FY 2011	2,696.588
FY 2012	2,737.256
(3) Budget Outlays:	
FY 2007	2,294.862
FY 2008	2,471.293
FY 2009	2,569.600
FY 2010	2,607.308
FY 2011	2,702.556
FY 2012	2,717.397

Concurrent Resolution on the Budget for Fiscal Year 2008—S. Con. Res. 21; Further Revisions to the Conference Agreement Pursuant to Section 307 Deficit-Neutral Reserve Fund for the Farm Bill

[In millions of dollars]

Current Allocation to Senate Agriculture, Nutrition, and Forestry Committee:	
FY 2007 Budget Authority	14,284
FY 2007 Outlays	14,056
FY 2008 Budget Authority	17,088
FY 2008 Outlays	14,629
FY 2008–2012 Budget Authority	76,881
FY 2008–2012 Outlays	71,049
Adjustments:	
FY 2007 Budget Authority	0
FY 2007 Outlays	0
FY 2008 Budget Authority	336
FY 2008 Outlays	−255
FY 2008–2012 Budget Authority	−2,290
FY 2008–2012 Outlays	−5,504
Revised Allocation to Senate Agriculture, Nutrition, and Forestry Committee:	
FY 2007 Budget Authority	14,284
FY 2007 Outlays	14,056
FY 2008 Budget Authority	17,424
FY 2008 Outlays	14,374
FY 2008–2012 Budget Authority	74,591
FY 2008–2012 Outlays	65,545

FURTHER CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, earlier today, pursuant to section 307 of S. Con. Res. 21, I filed revisions to S. Con. Res. 21, the 2008 budget resolution. Those revisions were made for Senate amendment No. 3711, an amendment offered to Senate amendment No. 3500, an amendment in the nature of a substitute to H.R. 2419.

The Senate did not adopt Senate amendment No. 3711. As a consequence, I am further revising the 2008 budget resolution and reversing the adjustments made pursuant to section 307 to the aggregates and the allocation provided to the Senate Agriculture, Nutrition, and Forestry Committee for Senate amendment No. 3711.

I ask unanimous consent that the following revisions to S. Con. Res. 21 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Concurrent Resolution on the Budget for Fiscal Year 2008—S. Con. Res. 21; Further Revisions to the Conference Agreement Pursuant to Section 307 Deficit-Neutral Reserve Fund for the Farm Bill

[In billions of dollars]

Section 101	
(1)(A) Federal Revenues:	
FY 2007	1,900.340
FY 2008	2,024.835
FY 2009	2,121.607
FY 2010	2,176.229
FY 2011	2,357.094
FY 2012	2,498,971
(1)(B) Change in Federal Revenues:	
FY 2007	-4.366
FY 2008	-25.961
FY 2009	14.681
FY 2010	12.508
FY 2011	-37.456
FY 2012	-98,125
(2) New Budget Authority:	
FY 2007	2,371.470
FY 2008	2,508.833
FY 2009	2,526.124
FY 2010	2,581.369
FY 2011	2,696.797
FY 2012	2,737.578
(3) Budget Outlays:	
FY 2007	2,294.862
FY 2008	2,471.548
FY 2009	2,573.005
FY 2010	2,609.873
FY 2011	2,702.839
FY 2012	2,716.392

Concurrent Resolution on the Budget for Fiscal Year 2008—S. Con. Res. 21; Further Revisions to the Conference Agreement Pursuant to Section 307 Deficit-Neutral Reserve Fund for the Farm Bill

[In millions of dollars]

Current Allocation to Senate Agriculture, Nutrition, and Forestry Committee:	
FY 2007 Budget Authority	14,284
FY 2007 Outlays	14,056
FY 2008 Budget Authority	17,424
FY 2008 Outlays	14,374
FY 2008–2012 Budget Authority	74,591
FY 2008–2012 Outlays	65,545
Adjustments:	
FY 2007 Budget Authority	0
FY 2007 Outlays	0
FY 2008 Budget Authority	-336
FY 2008 Outlays	255
FY 2008–2012 Budget Authority	2,290
FY 2008–2012 Outlays	5,504
Revised Allocation to Senate Agriculture, Nutrition, and Forestry Committee:	
FY 2007 Budget Authority	14,284
FY 2007 Outlays	14,056
FY 2008 Budget Authority	17,088
FY 2008 Outlays	14,629
FY 2008–2012 Budget Authority	76,881
FY 2008–2012 Outlays	71,049

SCHOOL SAFETY AND LAW ENFORCEMENT IMPROVEMENT ACT

Mr. LEAHY. Mr. President, in the 8 months since the horrific incident at Virginia Tech that resulted in the tragic deaths of 32 students, we have witnessed a barrage of new incidents involving threatening conduct and, too often, deadly acts of violence at our schools and college campuses nationwide.

Just this past Saturday, police arrested a student at Loyola Marymount University in Los Angeles on suspicion of posting an anonymous online threat to kill people on campus. The threat appeared on a blog used primarily by college students. It said: "I am going to shoot and kill as many people as I can until which time I am incapacitated or killed by police." Fortunately, police got to this troubled student before he could make good on his threat. But I urge the Senate not to sit back and wait until the next time, when police may not be able to stop a deadly event before it occurs. We must act now to protect our schools and college campuses.

Those who perpetrate these terrible crimes know no boundaries. No targets are off limits. This past Sunday, a man killed two people in Arvada, CO, after being refused lodging at a Christian missionary center. Later that day, in Colorado Springs, the same man opened fire outside the New Life Church, taking the lives of two teenaged sisters and leaving a third victim in critical condition. These recent incidents make clear yet again that we must do all we can to ensure that law enforcement is prepared and equipped to respond to such incidents.

I urge Congress to take prompt action to help stem this tide of violence. The full Senate can begin to address this terrible and recurring problem by taking up and passing the School Safety and Law Enforcement Improvement Act of 2007, a legislative package that responds to the Virginia Tech tragedy and the ongoing problem of violence in our schools and in our communities.

The Judiciary Committee passed this important bill out of committee over 4 months ago. In passing the bill out of the Judiciary Committee this past September, the committee attempted to show deference to Governor Kaine and the task forces at work in Virginia and to complement their work and recommendations. Working with several Senators, including Senators BOXER, REED, SPECTER, FEINGOLD, SCHUMER, and DURBIN, the committee originated this bill and reported it before the start of the academic year in the hope that the full Senate could pass these critical school safety improvements this fall.

Regrettably, the bill has been stalled on the Senate floor. I urge those holding up its passage to consider that this administration has spent more than $15 billion to equip, train, and build facilities for the Iraqi security forces. Surely Congress can stand up for American kids who face unrelenting school violence by authorizing just a fraction of this money to reduce deadly violence in our schools and communities right here at home.

I do not think the Senate should continue to stand by and wait for the next horrific school tragedy to make the critical changes necessary to insure safety in our schools and on our college campuses. The risk of school violence will not go away just because Congress may shift its focus. Since this bill passed out of committee, we have seen tragedy at Delaware State, University of Memphis, SuccessTech Academy in Cleveland, OH, as well as incidents in California, New York, Pennsylvania, and Oregon, to name just a few. I urge the Senate to move aggressively with the comprehensive school safety legislation. It includes background check improvements, together with other sensible yet effective safety improvement measures supported by law enforcement across the country. If we are prohibited by objection from doing so by unanimous consent, then let us move to it and let those with objections seek to amend those provisions to which they object.

There are too many incidents at too many colleges and schools nationwide. This terrorizes students and their parents. We should be doing what we can to help.

Several weeks ago, a troubled student wearing a Fred Flintstone mask and carrying a rifle through campus was arrested at St. John's University in Queens, NY, prompting authorities to lock down the campus for 3 hours. The day after that incident, an armed 17-year-old on the other side of the country in Oroville, CA, held students hostage at Las Plumas High School, also resulting in a lock-down. The incidents have continued with the arrest a few weeks ago of an armed student suspected of plotting a Columbine-style attack on fellow high school students in Norristown, PA. More recently, in Happy Valley, OR, police arrested a 10-year-old student who brought a semiautomatic weapon into his elementary school. The students in these situations were lucky and escaped without injury.

University of Memphis student Taylor Bradford was not so lucky. He was killed on campus on September 30 in what university officials believe was a targeted attack. He was 21 years old. Shalita Middleton was not so lucky. She died on October 23 from injuries she sustained during the Delaware State incident. She was 17 years old. Nathaniel Pew was not so lucky. He was wounded at Delaware State. High school teachers Michael Grassie and David Kachadourian and students Michael Peek and Darnell Rodgers—all of whom were wounded by a troubled student at SuccessTech Academy on October 10—were not so lucky.

The School Safety and Law Enforcement Improvement Act responds directly to incidents like these by squarely addressing the problem of violence in our schools in several ways. The bill enlists the States as partners in the dissemination of critical information by making significant improvements to the National Instant Background Check System, known as the NICS system. The bill also authorizes Federal assistance for programs to improve the safety and security of our schools and institutions of higher education, provides equitable benefits to law enforcement serving those institutions including bulletproof vests, and funds pilot programs to develop cutting-edge prevention and intervention programs for our schools. The bill also clarifies and strengthens two existing statutes—the Terrorist Hoax Improvements Act and the Law Enforcement Officers Safety Act—which are designed to improve public safety.

Specifically, title I would improve the safety and security of students both at the elementary and secondary school level, and on college and university campuses. The K-12 improvements are drawn from a bill that Senator BOXER introduced in April, and I want to thank Senator BOXER for her hard work on this issue. The improvements include increased funding for much-needed infrastructure changes to improve security as well as the establishment of hotlines and tip-lines, which will enable students to report potentially dangerous situations to school administrators before they occur.

These improvements can save lives. After the four students and teachers were wounded at SuccessTech Academy, the press reported that parents had been petitioning to get a metal detector installed and additional security personnel added, and that the guard who was previously assigned to the school had been removed 3 years ago. In fact, the entire city of Cleveland has just 10 metal detectors that are rotated throughout the city's more that 100 schools. Title I of the bill would enhance the ability of school district to apply for and receive grant money to fund the installation of metal detectors and the training and hiring of security personnel to keep our kids safe. Over the past 4 years, this administration has spent over $15 billion to equip, train, and build facilities for the Iraqi security forces. Surely, Congress can stand up for American kids who face unrelenting school violence by supporting just a small fraction of this figure for much-needed school safety improvements.

To address the new realities of campus safety in the wake of Virginia Tech and more recent college incidents, title I also creates a matching grant program for campus safety and security to be administered out of the COPS Office of the Department of Justice. The grant program would allow institutions of higher education to apply, for the first time, directly for Federal funds to make school safety and security improvements. The program is authorized to be appropriated at $50,000,000 for the next 2 fiscal years. While this amounts to just $3 per student each year, it will enable schools to more effectively respond to dangerous situations on campus.

Title II of the bill seeks to improve the NICS system. The senseless loss of life at Virginia Tech revealed deep flaws in the transfer of information relevant to gun purchases between the States and the Federal Government. The defects in the current system permitted the perpetrator of this terrible crime to obtain a firearm even though a judge had declared him to be a danger to himself and thus ineligible under Federal law. Seung-Hui Cho was not eligible to buy a weapon given his mental health history, but he was still able to pass a background check because data was missing from the system. We are working to close gaps in the NICS system. Title II will correct these problems, and for the first time will create a legal regime in which disqualifying mental health records, both at the State and Federal level, would regularly be reported into the NICS system.

Title III would make sworn law enforcement officers who work for private institutions of higher education and rail carriers eligible for death and disability benefits, and for funds administered under the Byrne grant program and the bulletproof vest partnership grant program. Providing this equitable treatment is in the best interest of our Nation's educators and students and will serve to place the support of the Federal Government behind the dedicated law enforcement officers who serve and protect private colleges and universities nationwide. I commend Senator JACK REED for his leadership in this area.

Title IV of the bill makes improvements to the Law Enforcement Officers Safety Act of 2003. These amendments to existing law will streamline the system by which qualified retired and active officers can be certified under LEOSA. It serves us all when we permit qualified officers, with a demonstrated commitment to law enforcement and no adverse employment history, to protect themselves, their families, and their fellow citizens wherever those officers may be.

Title V incorporates the PRECAUTION Act, which Senators FEINGOLD and SPECTER asked to have included. This provision authorizes grants to develop prevention and intervention programs for our schools.

Finally, Title VI incorporates the Terrorist Hoax Improvements Act of 2007, at the request of Senator KENNEDY.

Let us go forward and act now on this important bill. The Virginia Tech Review Panel—a body commissioned by Governor Tim Kaine to study the Virginia Tech tragedy—recently issued its findings based on a 4-month long investigation of the incident and its aftermath. This bill would adopt a number of recommendations from the review panel aimed at improving school safety planning and reporting information to NICS. We must not miss this opportunity to implement these initiatives nationwide, and to take concrete steps to ensure the safety of our kids.

I recognize that there is no solution to fully end the sad phenomenon of school violence. But the recent tragedies should prompt us to respond in realistic and meaningful ways when we are presented with such challenges. I hope the Senate can promptly move this bill forward to invest in the safety of our students and better support law enforcement officers across the country.

FEDERAL CRACK COCAINE SENTENCING POLICY

Mr. LEAHY. Mr. President, nothing is more fundamental to our system of justice than the tenet inscribed in Vermont marble on the supreme court building, that all people should receive "equal justice under law." For more than 20 years, however, our Nation has tolerated a Federal cocaine sentencing policy that treats crack offenders more harshly than cocaine offenders. This policy has unacceptably had a disparate impact on people of color and the poor—without any empirical justification.

Today, the U.S. Sentencing Commission took yet another important step in addressing the wide disparity in our Federal cocaine sentencing laws. By voting to change our Sentencing Guidelines to reduce the sentences of crack offenders currently incarcerated, the Commission took a moderate but significant step to reduce unwarranted sentencing disparities in Federal crack and powder cocaine laws. Their unanimous vote is consistent with the goals of the Sentencing Reform Act, including "the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct" and brings our Nation one step closer to a drug policy that is fair and equal for all Americans.

The good news does not stop there. Just yesterday, in the landmark ruling of Kimbrough v. United States, the Supreme Court of the United States expanded the power of our Federal trial courts to address the unfair disparity in our Federal sentencing laws between crack and powder cocaine. By a vote of 7 to 2, the Court ruled that Federal judges may, in their discretion, consider this disparity and depart from a guideline sentence where the punishment is "greater than necessary" to serve Congress's objectives.

Under current law, an offender apprehended with 5 grams of crack cocaine faces the same 5-year mandatory minimum sentence as an offender with 500 grams of powder cocaine. That means existing law gives the same sentence to a drug trafficker dealing crack cocaine as it would to one dealing 100 times more powder cocaine.

This year, the Sentencing Commission has taken historic actions to address the unfairness and injustice of this disparity. The Commission held hearings and, after extensive study of this issue, reiterated its long-held position that crack cocaine penalties continue to disproportionately impact minorities and undermine various congressional objectives set forth in the Sentencing Reform Act. Next, the Commission attempted to correct this disparity and provide some relief to some crack cocaine offenders by recommending that all crack penalties be lowered by two base offense levels. Last month, Congress allowed this new Commission amendment—the so-called "Crack Minus 2" amendment—to be enacted in the Sentencing Guidelines.

Today, the Sentencing Commission has taken yet another positive step.

This amendment is consistent with Congress's intent in creating a sentencing guideline system. In its report to Congress, the Commission said that the Crack Minus 2 amendment was needed to address its long-held finding that "the 100-to-1 drug quantity ratio (for crack cocaine) significantly undermines the various congressional objectives set forth in the Sentencing Reform Act." I agree. I join the chorus of our esteemed Federal judges, articulated in the Judicial Commission's testimony before the Sentencing Commission on this amendment, that fundamental fairness dictates that this amendment "equally applies to offenders who were sentenced in the past as well as offenders [who] will be sentenced in the future."

Fundamental fairness dictates that we undo past errors to build public confidence in the rule of law. Americans must have faith and confidence that our drug laws are fair and proportional, and a rule correcting a past injustice should be applied retroactively to restore that public confidence. The public's faith is even more critical in crack cocaine cases where 85 percent of the defendants are African Americans—a fact which only enhances the public perception that harsh and punitive sentences are imposed disproportionately on persons of color.

Allowing judges to reconsider the sentences for crack offenders will not threaten public safety. As the Judicial Conference noted in its testimony before the Sentencing Commission, "no offender would be eligible for release without judicial approval." This amendment allows judges the discretion to give a sentence outside of the Federal guidelines but does not mandate that such a sentence must be imposed. As chairman of the Senate Judiciary Committee, I have some experience with the people who serve our Nation in lifetime positions on the Federal bench. Unlike those who argue that the sky is falling, I have every confidence in the ability of our Federal judges to use this power sparingly and to provide a proper check when necessary to prevent the release of dangerous offenders back into our communities and neighborhoods.

Most importantly, while I abhor the damage done by drug abuse, I also abhor that the penalties for those in the inner city are different than for those in affluent society. For 21 years, far too many African Americans and low-level drug offenders were subject to unfair and overly punitive Federal crack cocaine sentencing laws. With the Commission's amendment to reduce this disparity, we begin the process of healing wounds which have long shaken the public's confidence in our Federal drug policy. Applying this fix retroactively is only fair and just.

The administration's failure to support retroactivity of even the slightest modification of crack penalties is both a surprise and a deep disappointment. I recall that 2 days before taking office, President Bush said that we should address this problem "by making sure the powder cocaine and the crack cocaine sentences are the same." He also said, "I don't believe we ought to be discriminatory." Yet his Justice Department has strongly opposed retroactive application of this crack cocaine reform amendment, even though failure to act would once again disparately impact African Americans, since an estimated 85 percent of those who would benefit from the policy are African Americans. The Justice Department's position would also erode public confidence that our drug laws are free from bias since previous drug reform amendments more likely to benefit Whites and Hispanics were made retroactive.

Thankfully, the Sentencing Commission accepted the administration's view. Their decision today was unanimous. I hope the Attorney General will take notice and move to support drug laws that treat all Americans equally.

While fundamental change will require congressional action, I salute the Sentencing Commission for its leadership on this issue. I urge my colleagues to support the Commission's decision and support additional changes to our laws to further reduce the disparity in our Federal cocaine sentencing laws. It is long past time for us to rectify this problem.

ADDITIONAL STATEMENTS

RECOGNIZING HIDALGO EARLY COLLEGE HIGH SCHOOL

• Mr. CORNYN. Mr. President, today I recognize the many schools in my State of Texas that are working to close achievement gaps and provide their students with an excellent education. Last week, the U.S. News and World Report issued the very first national rankings for the Best High Schools in America. Out of more than 20,000 schools that were evaluated, one school in south Texas, Hidalgo Early College High School, ranked 11th among the top schools that provide "a good education across their entire student body, not just for some students."

I will have more to say about the other schools on the list in separate remarks, but today I would like to focus on the extraordinary story of Hidalgo High School, home of the Pirates and 850 Hispanic students in grades 9–12.

Hidalgo, TX, is a small town, population 7322, on the U.S.-Mexico border about 250 miles south of San Antonio. Although Hidalgo is the fourth largest U.S. port of entry, unemployment tops 11 percent and nearly 40 percent of the population is below the poverty level. Over a quarter of the students at Hidalgo High are limited English proficient. Yet this school has a 94-percent graduation rate.

A grant from the Bill and Melinda Gates Foundation in 2006 has allowed Hidalgo High and the University of Texas-Pan American to develop an innovative partnership for college preparation. All students at Hidalgo High School are enrolled in the Early College High School Program, where they will earn both a high school diploma and an associate's degree or up to 2 years of credit toward a bachelor's degree. Students receive college level credit from the University of Texas-Pan American. The class of 2010 will be the first class to participate in this program for a full 4 years.

According to Hidalgo High Principal Edward Blaha:

> We continuously strive to seek high expectations for all students in their academic, civic and social endeavors and to provide them with opportunities for a successful transition to higher education and the marketplace. . . . Our high school program is designed to engage students in active, collaborative learning that emphasizes the development of critical thinking skills to be applied to real-world concepts.

Congratulations to Principal Edward Blaha, the faculty and staff, and all of the students and their families at Hidalgo High School on achieving this distinction. The decision to pursue the Early College High School Program provides students with the educational opportunities necessary to generate economic and intellectual progress. I am proud of your vision, hard work and achievement.•

RETIREMENT OF ELESTINE SMITH NORMAN

• Mr. GRAHAM. Mr. President, it is my honor and distinct pleasure to recognize Elestine Smith Norman for 34 years of public service to South Carolina's Third Congressional District. Elestine's dedication to her community is without equal and I was fortunate to have her as a member of my staff when I served in the House of Representatives.

Born on December 12, 1949, to the late Wilbert and Elese Morton Smith of Greenwood, SC, Elestine is the youngest of five children. She attended Brewer High School in Greenwood and became the first member of her family to graduate from college, receiving degrees from Piedmont Technical College and Limestone College.

Elestine has been married to Willie Neal Norman for 37 years. Neal works for the South Carolina Department of Social Service and is the pastor of Weston Chapel AME Church in Greenwood where they have faithfully served for 18 years.

She is a two-time survivor of breast cancer and will be the first to tell you that her faith in Jesus Christ provided her the strength to beat this deadly disease.

Elestine's commitment to her community extends well beyond the office door. She was president of the Greenwood Business and Professional Women's Club, a board member of the local United Way, and sat on the Board of Visitors for both Piedmont Technical College and Lander University. In 2007, she was recognized with the Women's History Month Government Award from the AME Church for the State of South Carolina.

Elestine began her career with the U.S. House of Representatives in 1973. She has been a constituent service liaison for four consecutive Members from the Third Congressional District, Democrat and Republican Representatives Bryan Dorn, Butler Derrick, me, and the current office holder GRESHAM BARRETT. Her love for people and her desire to serve has always put her above a party label.

At the end of this year, Elestine Norman will retire after more than three decades of public service. I thank her for her passion and dedication to her job. She exemplifies the high level of service to humanity we should all strive to achieve.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The President pro tempore (Mr. BYRD) announced that on today, December 11, 2007, he had signed the following enrolled bills and joint resolution, previously signed by the Speaker of the House:

S. 888. An act to amend section 1091 of title 18, United States Code, to allow the prosecution of genocide in appropriate circumstances.

S. 2371. An act to amend the Higher Education Act of 1965 to make technical corrections.

S.J. Res. 8. Joint resolution providing for the reappointment of Patricia Q. Stonesifer as a citizen regent of the Board of Regents of the Smithsonian Institution.

At 1:08 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 710. An act to amend the National Organ Transplant Act to provide that criminal penalties do not apply to human organ paired donation, and for other purposes.

H.R. 3315. An act to provide that the great hall of the Capitol Visitor Center shall be known as Emancipation Hall.

H.R. 3688. An act to implement the United States-Peru Trade Promotion Agreement.

H.R. 4118. An act to exclude from gross income payments from the Hokie Spirit Memorial Fund to the victims of the tragic event at Virginia Polytechnic Institute & State University.

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

At 6:20 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4341. An act to extend the trade adjustment assistance program under the Trade Act of 1974 for 3 months.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 2436. A bill to amend the Internal Revenue Code of 1986 to clarify the term of the Commissioner of Internal Revenue.

S. 2440. A bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

S. 2441. A bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4202. A communication from the Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Hospital Mortgage Insurance Program" (RIN2502–AI22) received on December 6, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–4203. A communication from the Associate General Counsel for Legislation and Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Project-Based Voucher Rents for Units Receiving Low-Income Housing Tax Credits" (RIN2577–AC62) received on December 6, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–4204. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Identity Theft Red Flags and Address Discrepancies Under the Fair and Accurate Credit Transactions Act of 2003" (RIN3084–AA94) received on December 5, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–4205. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Purchase, Sale, and Pledge of Eligible Operations" (RIN3133–AD37) received on December 6, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–4206. A communication from the Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Revisions to Rule 12h–1 under the Securities Exchange Act of 1934" (RIN3235–AJ91) received on December 3, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–4207. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Updated Statements of Legal Authority for the Export Administration Regulations" (RIN0694–AE19) received on December 6, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–4208. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airplane Performance and Handling Qualities in Icing Conditions" ((RIN2120–AI14)(Docket No. FAA–2005–22840)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4209. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747 Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–204)) received on

December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4210. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; DG Flugzeugbau GmbH Model DG–1000T Gliders" ((RIN2120–AA64)(Docket No. 2007–CE–032)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4211. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; SICMA Aero Seat 50XXX Passenger Seats" ((RIN2120–AA64)(Docket No. 2007–NE–09)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4212. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Societe de Motorisations Aeronautiques SR305–230 and SR305–230–1 Reciprocating Engines" ((RIN2120–AA64)(Docket No. 2007–NE–26)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4213. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca S.A. Artouste III B, Artouste III B1, and Artouste III D Turboshaft Engines" ((RIN2120–AA64)(Docket No. 2005–NE–54)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4214. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model MD–11, MD–11F, DC–10–10, DC–10–10F, DC–10–15, DC–10–30, DC–10–30F, DC–10–40, DC–10–40F, MD–10–10F, and MD–10–30F Airplanes" ((RIN2120–AA64)(Docket No. 2007–NM–061)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4215. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; B/E Aerospace Skyluxe II Passenger Seats" ((RIN2120–AA64)(Docket No. 2007–NE–21)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4216. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca Arriel 2B1 Turboshaft Engines" ((RIN2120–AA64)(Docket No. 2007–NE–02)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4217. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc RB211 Trent 500 Series Turbofan Engines" ((RIN2120–AA64)(Docket No. 2007–NE–15)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4218. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company Aircraft Engine Group CF6–45A Series, CF6–50A, CF6–50C Series and CF6–50E Series Turbofan Engines" ((RIN2120–AA64)(Docket No. 2006–NE–23)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4219. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Hawker Beechcraft Model 400, 400A, and 400T Series Airplanes" ((RIN2120–AA64)(Docket No. 2007–NM–016)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4220. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300F4–605R and A300F4–622R Airplanes" ((RIN2120–AA64)(Docket No. 2007–NM–080)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4221. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 727 Airplanes" ((RIN2120–AA64)(Docket No. 2007–NM–089)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4222. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company CF6–80C2A5F Turbofan Engines" ((RIN2120–AA64)(Docket No. 2007–NE–23)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4223. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Raytheon Aircraft Company Models 58P and 58TC Airplanes" ((RIN2120–AA64)(Docket No. 2005–CE–24)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4224. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Alpha Aviation Design Limited Model R2160 Airplanes" ((RIN2120–AA64)(Docket No. 2006–CE–076)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4225. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Saab Model SAAB 2000 Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–248)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4226. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Hawker Beechcraft Corporation Model 390 Airplanes" ((RIN2120–AA64)(Docket No. 2007–CE–043)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4227. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 Airplanes and Model A310 Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–259)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4228. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A318–111 and A318–112 Airplanes and Model A319, A320, and A321 Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–169)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4229. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Production and Airworthiness Approvals, Part Marking, and Miscellaneous Proposals" ((RIN2120–AI78)(Docket No. FAA–2006–25877)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4230. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Flightdeck Door Monitoring and Crew Discreet Alerting Systems" ((RIN2120–AI16)(Docket No. FAA–2005–22449)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4231. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Inspection Authorization 2-year Renewal" ((RIN2120–AI83) (Docket No. FAA–2007–27108)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4232. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Viking Air Limited Model DHC–7 Airplanes" ((RIN2120–AA64) (Docket No. 2007–NM–004)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4233. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, and 747SP Series Airplanes" ((RIN2120–AA64) (Docket No. 2007–NM–025)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4234. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300–600 Series Airplanes" ((RIN2120–AA64) (Docket No. 2007–NM–008)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4235. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus

Model A300–600R Series Airplanes; and Model A310–300 Series Airplanes'' ((RIN2120–AA64) (Docket No. 2007–NM–067)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4236. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737–600, –700, –700C, –800, –900, and –900ER Series Airplanes'' ((RIN2120–AA64) (Docket No. 2007–NM–215)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4237. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pilatus Aircraft Limited Model PC–6 Series Airplanes'' ((RIN2120–AA64) (Docket No. 2007–CE–074)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4238. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747SR, and 747SP Series Airplanes'' ((RIN2120–AA64) (Docket No. 2007–NM–198)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4239. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model MD–10–10F and MD–10–30F Airplanes, Model MD–11 and MD–11F Airplanes, and Model 717–200 Airplanes'' ((RIN2120–AA64) (Docket No. 2006–NM–156)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4240. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747 Airplanes'' ((RIN2120–AA64) (Docket No. 2006–NM–233)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4241. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 Series Airplanes'' ((RIN2120–AA64) (Docket No. 2006–NM–292)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4242. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A321 Series Airplanes'' ((RIN2120–AA64) (Docket No. 2007–NM–019)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4243. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pacific Aerospace Limited Model 750XL Airplanes'' ((RIN2120–AA64) (Docket No. 2007–CE–055)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4244. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747–100, –200B, –200C, and –200F Series Airplanes'' ((RIN2120–AA64) (Docket No. 2007–NM–034)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4245. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Lady Lake, FL'' ((RIN2120–AA64) (Docket No. 07–ASO–15)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4246. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Live Oak, FL'' ((RIN2120–AA64) (Docket No. 07–ASO–8)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4247. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Winfield, FL'' ((RIN2120–AA64) (Docket No. 07–ASO–13)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4248. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Gainesville, FL'' ((RIN2120–AA66) (Docket No. 07–ASO–14)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4249. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Forest Hill, MD'' ((RIN2120–AA64) (Docket No. 06–AEA–13)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4250. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Removal of Class D and E Airspace; Utica, NY; Amendment of Class D and E Airspace; Rome, NY; Establishment of Class E Airspace; Rome, NY'' ((RIN2120–AA66) (Docket No. 07–AEA–3)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4251. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Kotzebue, AK'' ((RIN2120–AA66) (Docket No. 07–AAL–07)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4252. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Fort Yukou, AK'' ((RIN2120–AA66) (Docket No. 07–AAL–06)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4253. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Removal of Class E Airspace; Columbus, GA'' ((RIN2120–AA66) (Docket No. 07–ASO–18)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4254. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Everett, WA'' ((RIN2120–AA66) (Docket No. 07–ANM–2)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4255. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Hoquiam, WA'' ((RIN2120–AA66) (Docket No. 06–ANM–9)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4256. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Centreville, AL; Correction'' ((RIN2120–AA66) (Docket No. 07–AAL–7)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4257. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airspace Designations; Incorporation by Reference'' ((RIN2120–AA66) (Docket No. 29334)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4258. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Hailey, ID'' ((RIN2120–AA66) (Docket No. 07–ANM–8)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4259. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model DC–9–10, –20, –30, –40, and –50 Series Airplanes; Model DC–9–81, –82, –83, and –87 Airplanes; and Model MD–88 Airplanes'' ((RIN2120–AA64) (Docket No. 2003–NM–198)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4260. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model MD–90–30 Airplanes'' ((RIN2120–AA64) (Docket No. 2003–NM–194)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4261. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 Series Airplanes'' ((RIN2120–AA64) (Docket No. 2007–NM–077)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4262. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model EMB–135BJ Airplanes" ((RIN2120–AA64) (Docket No. 2007–NM–018)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4263. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model 717–200 Airplanes" ((RIN2120–AA64)(Docket No. 2007–NM–068)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4264. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 777 Airplanes" ((RIN2120–AA64)(Docket No. 2005–NM–200)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4265. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pacific Aerospace Corporation, Ltd. Model 750XL Airplanes" ((RIN2120–AA64)(Docket No. 2007–CE–039)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4266. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model 717–200 Airplanes" ((RIN2120–AA64)(Docket No. 2005–NM–010)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4267. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company CF6–80E1 Turbofan Engines" ((RIN2120–AA64)(Docket No. 2007–NE–32)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4268. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Avions Marcel Dassault-Breguet Model Falcon 10 Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–192)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4269. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–170)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4270. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Piaggio Aero Industries S.p.A. Model P–180 Airplanes" ((RIN2120–AA64)(Docket No . 2007–C–041)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4271. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney JT9D–7R4 Turbofan Engines" ((RIN2120–AA64)(Docket No. 2005–NE–38)) received on December 5, 2007; to the Committee on Commerce , Science, and Transportation.

EC–4272. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330 and A340 Airplanes" ((RIN2120–AA64)(Docket No. 2007–NM–178)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4273. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company CF34–1A, –3A, –3A1, –3A2, –3B, and –3B1 Turbofan Engines" ((RIN2120–AA64)(Docket No. 2000–NE–42)) received on December 5 , 2007; to the Committee on Commerce, Science, and Transportation.

EC–4274. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Enstrom Helicopter Corporation Model F–28A, F–28C, F–28F, TH–28, 280, 280C, 280F, 280FX, 480, and 480B Helicopters" ((RIN2120–AA64)(Docket No. 2005–SW–07)) received on December 5, 2007; to the Committee on Commerce , Science, and Transportation.

EC–4275. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney Canada PW535A Turbofan Engines; Correction" ((RIN2120–AA64)(Docket No. 2006–NE–35)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4276. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–300, 747–400, 747–400D, 747SR, and 747SP Series Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–159)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4277. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments" ((RIN2120–AA65)(Amdt. No. 3240)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4278. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments" ((RIN2120–AA65)(Amdt. No. 3239)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4279. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments" ((RIN2120–AA65)(Amdt. No. 3237)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4280. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments" ((RIN2120–AA65)(Amdt. No. 3238)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4281. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments" ((RIN2120–AA65)(Amdt. No. 3236)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4282. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "IFR Altitudes; Miscellaneous Amendments" ((RIN2120–AA63)(Amdt. No. 470)) received on December 5, 2007; to the Committee on Commerce; Science, and Transportation.

EC–4283. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Hulett, WY" ((RIN2120–AA66) (Docket No. 07–ANM–9)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4284. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Jet Routes J–29 and J–101; South Central United States" ((RIN2120–AA66) (Docket No. 07–ASW–1)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4285. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of the Phoenix Class B Airspace Area; Arizona" ((RIN2120–AA66) (Docket No. 05–AWA–2)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4286. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule; Closure of Quota Period 2 Fishery for Spiny Dogfish" (RIN0648–XD92) received on December 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4287. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule; Closure of a New York 2007 Summer Flounder Commercial Fishery" (RIN0648–XD45) received on December 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4288. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule; Inseason Bluefish Quota Transfer from VA to NY" (RIN0648–XD65) received on December 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4289. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fraser River Sockeye and Pink Salmon Fisheries; Inseason Orders" (RIN0648–XD05) received on December 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4290. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Extension of Emergency Action to Lower the Haddock Minimum Size Limit to 18 Inches to Reduce Regulatory Discarding" (RIN0648–AV75) received on December 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4291. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone (including 5 regulations beginning with CGD09–07–119)" (RIN1625–AA00) received on December 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4292. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; Hawaii Superferry Arrival/Departure, Nawiliwili Harbor, Kauai, Hawaii" (RIN1625–AA87) received on December 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4293. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone: Marine City Maritime Festival Fireworks, St. Clair River, Marine City, MI" ((RIN1625–AA00)(CGD09–07–016)) received on December 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4294. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area; Cumberland River, Clarksville, TN" ((RIN1625–AA11)(CGD08–07–010)) received on December 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4295. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone (including 2 regulations beginning with CGD14–07–001)" (RIN1625–AA87) received on December 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4296. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations for Marine Events; John H. Kerr Reservoir, Clarksville, VA" ((RIN1625–AA08)(CGD05–07–045)) received on December 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4297. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone (including 2 regulations beginning with COTP Western Alaska–07–003)" (RIN1625–AA00) received on December 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4298. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations for Marine Events; Back River, Poquoson, VA" ((RIN1625–AA08)(CGD05–07–060)) received on December 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4299. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone" ((RIN1625–AA00)(CGD05–07–088)) received on December 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4300. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Morgan City-Port Allen Alternate Route, Mile Marker 0.5 to Mile Marker 1.0, Bank to Bank" (RIN1625–AA00) received on December 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4301. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Shipping; Technical, Organizational, and Conforming Amendments" ((RIN1625–ZA14)(Docket No. USCG–2007–29018)) received on December 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4302. A communication from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program for Consumer Products: Energy Conservation Standards for Residential Furnaces and Boilers" (RIN1904–AA78) received on December 5, 2007; to the Committee on Energy and Natural Resources.

EC–4303. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Report on University Collaboration"; to the Committee on Energy and Natural Resources.

EC–4304. A communication from the Secretary of Energy, transmitting, pursuant to law, an annual report relative to operations at the Naval Petroleum Reserves for fiscal year 2006; to the Committee on Energy and Natural Resources.

EC–4305. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Acetamiprid; Pesticide Tolerance" (FRL No. 8340–6) received on December 6, 2007; to the Committee on Environment and Public Works.

EC–4306. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bacillus Thuringiensis Vip3Aa20 Protein and the Genetic Material Necessary for Its Production in Corn; Extension of Temporary Exemption From the Requirement of a Tolerance" (FRL No. 8340–5) received on December 6, 2007; to the Committee on Environment and Public Works.

EC–4307. A communication from the Deputy Assistant Secretary of Textiles and Apparel, Import Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Imports of Certain Cotton Shirting Fabric: Implementation of Tariff Rate Quota Established Under the Tax Relief and Health Care Act of 2006" (RIN0625–AA74) received on December 6, 2007; to the Committee on Finance.

EC–4308. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Employer-Owned Life Insurance" ((RIN1545–BG58)(TD 9364)) received on December 6, 2007; to the Committee on Finance.

EC–4309. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2008 Annual Covered Compensation Tables" (Rev. Rul. 2007–71) received on December 6, 2007; to the Committee on Finance.

EC–4310. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Annual Cumulative List of Changes in Plan Qualification Requirements" (Notice 2007–94) received on December 5, 2007; to the Committee on Finance.

EC–4311. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Model Amendments for Certain Section 403(b) Plans" (Rev. Proc. 2007–71) received on December 5, 2007; to the Committee on Finance.

EC–4312. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Announcement—Disqualified Corporate Interest Expense Disallowed Under Section 163(j)" (Announcement 2007–114) received on December 5, 2007; to the Committee on Finance.

EC–4313. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice: Tier 2 Rates for 2008" (26 U.S.C. 3241) received on December 5, 2007; to the Committee on Finance.

EC–4314. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Definition of Insurance Under Section 402(1) of the Code—Modification of Notice 2007–7" (Notice 2007–99) received on December 4, 2007; to the Committee on Finance.

EC–4315. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Revisions to the Medicare Advantage and Part D Prescription Drug Contract Determinations, Appeals, and Intermediate Sanctions Processes" (RIN0938–AO78) received on December 4, 2007; to the Committee on Finance.

EC–4316. A communication from the Program Manager, Centers for Medicare and

Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program; Optional State Plan Case Management Services" (RIN0938–AO50) received on December 4, 2007; to the Committee on Finance.

EC–4317. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Integrity Program; Limitation on Contractor Liability" (RIN0938–AO88) received on December 4, 2007; to the Committee on Finance.

EC–4318. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense articles to Taiwan, Singapore, Canada, and the United Kingdom relative to the installation of two multi-source remote sensing satellite ground stations; to the Committee on Foreign Relations.

EC–4319. A communication from the Deputy Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Parts 4022 and 4044) received on December 6, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-4320. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report relative to the implementation of the Age Discrimination Act of 1975 for fiscal year 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–4321. A communication from the Program Manager, Centers for Disease Control and Prevention, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Procedure for Designating Classes of Employees as Members of the Special Exposure Cohort under the Energy Employees Occupational Illness Compensation Act of 2002; Amendments" (RIN0920–AA13) received on December 4, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-4322. A communication from the Chair, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4323. A communication from the Chairman, Merit Systems Protection Board, transmitting, pursuant to law, the Board's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4324. A communication from the Executive Director, Marine Mammal Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4325. A communication from the Chairman, National Endowment for the Humanities, transmitting, pursuant to law, the organization's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4326. A communication from the Federal Co-Chair, Appalachian Regional Commission, transmitting, pursuant to law, the Semiannual Report of the Commission's Inspector General for the period of April 1, 2007, through September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4327. A communication from the Director, National Science Foundation, transmitting, pursuant to law, the Foundation's Annual Financial Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4328. A communication from the Director of Regulations Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Reasonable Charges for Medical Care or Services" (RIN2900–AM35) received on December 4, 2007; to the Committee on Veterans' Affairs.

EC–4329. A communication from the Director of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Extension of the Presumptive Period for Compensation for Gulf War Veterans" (RIN2900–AM47) received on December 3, 2007; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 2445. An original bill to provide for the flexibility of certain disaster relief funds, and for improved evacuation and sheltering during disasters and catastrophes (Rept. No. 110–240).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment:

S. 2135. A bill to prohibit the recruitment or use of child soldiers, to designate persons who recruit or use child soldiers as inadmissible aliens, to allow the deportation of persons who recruit or use child soldiers, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KYL:

S. 2442. A bill to provide the Secretary of Agriculture with alternatives to comply with the Federal Property and Administrative Services Act; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ENSIGN (for himself and Mr. REID):

S. 2443. A bill to provide for the release of any revisionary interest of the United States in and to certain lands in Reno, Nevada; to the Committee on Energy and Natural Resources.

By Mrs. MURRAY (for herself, Mr. BINGAMAN, Mr. KERRY, Mr. KENNEDY, and Mr. DODD):

S. 2444. A bill to direct the Secretary of Education to provide grants to establish and evaluate sustainability programs, charged with developing and implementing integrated environmental, economic, and social sustainability initiatives, and to direct the Secretary of Education to convene a summit of higher education experts in the area of sustainability; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LIEBERMAN:

S. 2445. An original bill to provide for the flexibility of certain disaster relief funds, and for improved evacuation and sheltering during disasters and catastrophes; from the Committee on Homeland Security and Governmental Affairs; placed on the calendar.

By Mr. SCHUMER (for himself and Mr. HAGEL):

S. 2446. A bill to provide that the Secretary of Homeland Security may waive certain retirement provisions for reemployed annuitants in the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 2447. A bill to make a technical correction to section 119 of title 17, United States Code; to the Committee on the Judiciary.

By Mr. ENZI (for himself, Mr. BAUCUS, Mr. TESTER, and Mr. BARRASSO):

S. 2448. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to make certain technical corrections; to the Committee on Energy and Natural Resources.

By Mr. KOHL (for himself and Mr. LEAHY):

S. 2449. A bill to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, disclosures of discovery information in civil actions, and for other purposes; to the Committee on the Judiciary.

By Mr. LEAHY (for himself and Mr. SPECTER):

S. 2450. A bill to amend the Federal Rules of Evidence to address the waiver of the attorney-client privilege and the work product doctrine; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. 2451. A bill to enhance public safety by improving the reintegration of youth offenders into the families and communities to which they are returning; to the Committee on the Judiciary.

By Mrs. DOLE:

S.J. Res. 27. A joint resolution proposing an amendment to the Constitution of the United States relative to the line item veto; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. INOUYE (for himself, Mr. BROWNBACK, Mr. DORGAN, Mr. BINGAMAN, Mrs. CLINTON, Ms. CANTWELL, Mr. COCHRAN, Mr. JOHNSON, Mr. CONRAD, Mr. DOMENICI, Mr. AKAKA, Mrs. BOXER, Mrs. FEINSTEIN, Mr. STEVENS, Mr. BAUCUS, and Mr. TESTER):

S. Res. 400. A resolution to designate Friday, November 23, 2007, as "Native American Heritage Day" in honor of the achievements and contributions of Native Americans to the United States; to the Committee on the Judiciary.

By Mr. LIEBERMAN (for himself, Mr. MCCAIN, Ms. COLLINS, Mr. LEAHY, Mr. CORNYN, and Mr. HARKIN):

S. Res. 401. A resolution to provide Internet access to certain Congressional Research Service publications; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 469

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 469, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 871

At the request of Mr. LIEBERMAN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 871, a bill to establish and provide for the treatment of Individual Development Accounts, and for other purposes.

S. 898

At the request of Ms. MIKULSKI, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 898, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 961

At the request of Mr. NELSON of Nebraska, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 1107

At the request of Mr. SMITH, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1107, a bill to amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals.

S. 1164

At the request of Mr. CARDIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1164, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program.

S. 1394

At the request of Ms. STABENOW, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1394, a bill to amend the Internal Revenue Code of 1986, to exclude from gross income of individual taxpayers discharges of indebtedness attributable to certain forgiven residential mortgage obligations.

S. 1910

At the request of Mr. CARDIN, his name was withdrawn as a cosponsor of S. 1910, a bill to amend the Internal Revenue Code of 1986 to provide that amounts derived from Federal grants and State matching funds in connection with revolving funds established in accordance with the Federal Water Pollution Control Act and the Safe Drinking Water Act will not be treated as proceeds or replacement proceeds for purposes of section 148 of such Code.

At the request of Mr. WYDEN, his name was withdrawn as a cosponsor of S. 1910, supra.

S. 1951

At the request of Mr. BAUCUS, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1951, a bill to amend title XIX of the Social Security Act to ensure that individuals eligible for medical assistance under the Medicaid program continue to have access to prescription drugs, and for other purposes.

S. 2020

At the request of Mr. LUGAR, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2020, a bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2010, to rename the Tropical Forest Conservation Act of 1998 as the "Tropical Forest and Coral Conservation Act of 2007", and for other purposes.

S. 2042

At the request of Ms. STABENOW, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 2042, a bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes.

S. 2051

At the request of Mr. CONRAD, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2051, a bill to amend the small rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965.

S. 2123

At the request of Mr. KENNEDY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2123, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 2140

At the request of Mr. DORGAN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 2140, a bill to award a Congressional Gold Medal to Francis Collins, in recognition of his outstanding contributions and leadership in the fields of medicine and genetics.

S. 2166

At the request of Mr. CASEY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2166, a bill to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes.

S. 2181

At the request of Ms. COLLINS, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2181, a bill to amend title XVIII of the Social Security Act to protect Medicare beneficiaries' access to home health services under the Medicare program.

S. 2213

At the request of Mr. HATCH, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2213, a bill to amend title 18, United States Code, to improve prevention, investigation, and prosecution of cybercrime, and for other purposes.

S. 2257

At the request of Ms. SNOWE, her name was added as a cosponsor of S. 2257, a bill to impose sanctions on officials of the State Peace and Development Council in Burma, to amend the Burmese Freedom and Democracy Act of 2003 to prohibit the importation of gemstones and hardwoods from Burma, to promote a coordinated international effort to restore civilian democratic rule to Burma, and for other purposes.

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of S. 2257, supra.

S. 2347

At the request of Mr. OBAMA, the names of the Senator from Florida (Mr. NELSON), the Senator from Michigan (Mr. LEVIN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 2347, a bill to restore and protect access to discount drug prices for university-based and safety-net clinics.

S. 2385

At the request of Mr. BROWN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2385, a bill to provide Federal Perkins Loan cancellation to fire fighters.

S. 2400

At the request of Mr. SESSIONS, the names of the Senator from Nevada (Mr. ENSIGN) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 2400, a bill to amend title 37, United States Code, to require the Secretary of Defense to continue to pay to a member of the Armed Forces who is retired or separated from the Armed Forces due to a combat-related injury certain bonuses that the member was entitled to before the retirement or separation and would continue to be entitled to if the member was not retired or separated, and for other purposes.

S. 2425

At the request of Mrs. HUTCHISON, the name of the Senator from Texas (Mr.

CORNYN) was added as a cosponsor of S. 2425, a bill to require the Secretary of Transportation and the Secretary of Commerce to submit reports to Congress on the commercial and passenger vehicle traffic at certain points of entry, and for other purposes.

S. 2431

At the request of Mr. BROWN, the names of the Senator from California (Mrs. BOXER), the Senator from Massachusetts (Mr. KERRY) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 2431, a bill to address emergency shortages in food banks.

S.J. RES. 22

At the request of Mr. BAUCUS, the names of the Senator from Illinois (Mr. OBAMA) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S.J. Res. 22, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to Medicare coverage for the use of erythropoiesis stimulating agents in cancer and related neoplastic conditions.

S. CON. RES. 53

At the request of Mr. ISAKSON, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. Con. Res. 53, a concurrent resolution condemning the kidnapping and hostage-taking of 3 United States citizens for over 4 years by the Revolutionary Armed Forces of Colombia (FARC), and demanding their immediate and unconditional release.

S. RES. 178

At the request of Mr. BINGAMAN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. Res. 178, a resolution expressing the sympathy of the Senate to the families of women and girls murdered in Guatemala, and encouraging the United States to work with Guatemala to bring an end to these crimes.

S. RES. 398

At the request of Mr. BROWN, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. Res. 398, a resolution honoring the life and recognizing the accomplishments of Joe Nuxhall, broadcaster for the Cincinnati Reds.

S. RES. 399

At the request of Mr. BROWNBACK, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. Res. 399, a resolution expressing the sense of the Senate that certain benchmarks must be met before certain restrictions against the Government of North Korea are lifted, and that the United States Government should not provide any financial assistance to North Korea until the Secretary of State makes certain certifications regarding the submission of applications for refugee status.

AMENDMENT NO. 3616

At the request of Mr. SALAZAR, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 3616 proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

AMENDMENT NO. 3639

At the request of Mr. HARKIN, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Alaska (Mr. STEVENS), the Senator from Florida (Mr. NELSON), the Senator from Ohio (Mr. VOINOVICH) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of amendment No. 3639 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

AMENDMENT NO. 3695

At the request of Mr. DORGAN, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Nebraska (Mr. NELSON), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from South Dakota (Mr. JOHNSON), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Montana (Mr. TESTER), the Senator from Illinois (Mr. OBAMA), the Senator from Nebraska (Mr. HAGEL), the Senator from Connecticut (Mr. DODD), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of amendment No. 3695 proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

AMENDMENT NO. 3814

At the request of Ms. STABENOW, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 3814 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

AMENDMENT NO. 3822

At the request of Mr. GREGG, the names of the Senator from Maine (Ms. COLLINS), the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of amendment No. 3822 proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ENZI (for himself, Mr. BAUCUS, Mr. TESTER, and Mr. BARRASSO):

S. 2448. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to make certain technical corrections; to the Committee on Energy and Natural Resources.

Mr. ENZI. Mr. President, I rise to introduce legislation that is of great importance to my State. Last year a bipartisan coalition of Senators came together to pass the Surface Mining Control and Reclamation Act Amendments of 2007. Since that time, some lawyers and bureaucrats in Washington have taken it upon themselves to misinterpret the law. We need to fix this. The legislation I am introducing will yet again reiterate congressional intent as to how the program should be run. The bill that passed as part of the Tax Relief and Health Care Act 2006, which was a part originally of the pension reform bill, fixed the abandoned mine land trust fund so it would run as Congress originally intended, which was some 30 years earlier. For the first time in years, States were scheduled to receive funding they were promised that would be used to clean up abandoned coal mines where that was needed.

For States that had been certified by the Office of Surface Mining as having completed their coal cleanup work, funding was expected to go to these States to do whatever the State legislators chose to be a priority for that State.

The language is simple and straightforward. It reads:

> Payments shall be made in 7 equal annual installments, beginning in fiscal year 2008.

As we passed the legislation, everyone involved knew what that meant. For years, our State's money has been held hostage to pay for other programs. With the passage of the abandoned mine land bill, the money would flow with no strings attached and no diversions to other programs. Congressional intent was very clear. Unfortunately, last week I was told by lawyers and bureaucrats at the Department of Interior that they have decided to ignore the congressional intent and have chosen to send the money to States such as Wyoming in the form of grants. It seems they don't have enough Federal employees because their plan will create an onerous program that will undoubtedly require more hires.

As one of the lead Senators in passing the original legislation, I know what Congress meant when we wrote:

> Payments shall be made in 7 equal and annual installments, beginning in fiscal year 2008.

To ensure that no confusion existed, I met with the Office of Surface Mining and with the Office of Management and Budget on numerous occasions to discuss that particular issue. Congress intended for payments to be made. Congress did not expect the agency to create a new grant program. When I realized this egregious misinterpretation of the law was a possibility, I took immediate action. I asked those same lawyers and bureaucrats who did not read the law to provide me with the legislative language that makes it explicitly clear that they should interpret the law the way Congress intended.

That is the bill I am introducing today with my colleague from Montana and the other Senator from Wyoming. Only in the absurd world that is Washington could an agency believe the word "payment" means grant. I look forward to working with my colleagues to swiftly move this forward so the executive branch can finally follow what Congress intended.

I have to tell my colleagues it was quite a shock to find out a whole program was going to be set up so Wyoming could ask for its money piecemeal. We have been begging for 30 years to get this money. The money has been paid in by the coal companies to cover reclamation and then anything that had to do with coal impact. We did the reclamation. We are now handling the coal impact. But the money has been held hostage; $550 million worth of money has been held over that period.

Last year Congress said: Wyoming and Montana—Montana has $58 million—deserve their money. So do several other States. We will give it to them.

Now there was a little question about what that did with debt, but we were able to show them that paying off debt with debt wound up with the same amount of debt but wasn't stealing from the States. So we were able to get that confirmed by this body and put into law. It said we would be paid in seven equal annual payments, beginning in the year 2008. Now we find out it could be millions of payments over a number of years under a grant program. They do realize they can't deny any grant request the State has, but each and every transaction would have to go through somebody. We are not about to hire that many people to do what is explicit in the language.

I will ask the rest of my colleagues to help us on this amendment. We will find a place to put it, and we will get it done this year so the intent of the law we passed last year will get done.

By Mr. KOHL (for himself and Mr. LEAHY):

S. 2449. A bill to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, disclosures of discovery information in civil actions, and for other purposes; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce the Sunshine in Litigation Act of 2007, a bill to curb the ongoing abuse of secrecy orders in Federal courts. The result of this abuse, which often comes in the form of sealed settlement agreements, is to keep important health and safety information from the public.

This problem has been recurring for decades, and most often arises in product liability cases. Typically, an individual brings a cause of action against a manufacturer for an injury or death that has resulted from a defect in one of its products. The injured party often faces a large corporation that can spend an unlimited amount of money defending the lawsuit and prolong its resolution. Facing a formidable opponent and mounting medical bills, plaintiffs often have no choice but to settle the litigation. In exchange for the award he or she was seeking, the victim is forced to agree to a provision that prohibits him or her from revealing information disclosed during the litigation.

Plaintiffs get a respectable award, and the defendant is able to keep damaging information from getting out. Because they remain unaware of critical public health and safety information that could potentially save lives, the American public incurs the greatest cost.

This concern for excessive secrecy is warranted by the fact that tobacco companies, automobile manufacturers, and pharmaceutical companies have settled with victims and used the legal system to hide information which, if it became public, could protect the American people. Surely, there are appropriate uses for such orders, like protecting trade secrets and other truly confidential company information. This legislation makes sure such information is protected. But, protective orders are certainly not supposed to be used for the sole purpose of hiding damaging information from the public to protect a company's reputation or profit margin.

One of the most famous cases of abuse involved Bridgestone/Firestone tires. From 1992–2000, tread separations of various Bridgestone and Firestone tires were causing accidents across the country, many resulting in serious injuries and even fatalities. Instead of owning up to their mistakes and acting responsibly, Bridgestone/Firestone quietly settled dozens of lawsuits, most of which included secrecy agreements. It wasn't until 1999, when a Houston public television station broke the story, that the company acknowledged its wrongdoing and recalled 6.5 million tires. By then, it was too late. More than 250 people had died, and more than 800 were injured as a result of the defective tires.

If the story ended there, and the Bridgestone/Firestone cases were just an aberration, one might argue that there is no urgent need for legislation. But, unfortunately, the list goes on. There is the case of General Motors. Although an internal memo demonstrated that GM was aware of the risk of fire deaths from crashes of pickup trucks with "side saddle" fuel tanks, an estimated 750 people were killed in fires involving these fuel tanks. When victims sued, GM disclosed documents only under protective orders and settled these cases on the condition that the information in these documents remained secret. This type of fuel tank was installed for 15 years before being discontinued.

Evidence suggests that the dangers posed by protective orders and secret settlements continue. On December 11, 2007, at a hearing before the Senate Judiciary Committee Subcommittee on Antitrust, Competition Policy and Consumer Rights, Johnny Bradley, Jr. described his tragic personal story about the implications of court-endorsed secrecy. In 2002, Mr. Bradley's wife was killed in a rollover accident allegedly caused by tread separation in his Cooper tires. While litigating the case, his attorney uncovered documented evidence of Cooper tire design defects. Through aggressive litigation of protective orders and confidential settlements in cases prior to the Bradleys' accident, Cooper had managed to keep the documents confidential. Prior to the end of Mr. Bradley's trial, Cooper Tires settled with him on the condition that almost all litigation documents would be kept confidential under a broad protective order. With no access to documented evidence of design defects, consumers will continue to remain in the dark.

In 2005, the drug company Eli Lilly settled 8,000 cases related to harmful side effects of its drug Zyprexa. All of those settlements required plaintiffs to agree, "not to communicate, publish or cause to be published. . .any statement. . .concerning the specific events, facts or circumstances giving rise to [their] claims." In that case, the plaintiffs uncovered documents that showed that, through its own research, Lilly knew about the side effects as early as 1999. While the plaintiffs kept quiet, Lilly continued to sell Zyprexa and generated $4.2 billion in sales that year. More than a year later, information about the case was leaked to the New York Times and another 18,000 cases settled. Had the first settlement not included a secrecy agreement, consumers would have been able to make informed choices and avoid the harmful side effects, including enormous weight gain, dangerously elevated blood sugar levels and diabetes.

There are no records kept of the number of confidentiality orders accepted by State or Federal courts. However, anecdotal evidence suggests that court secrecy and confidential settlements are prevalent. Beyond General Motors, Bridgestone/Firestone, Cooper Tires, and Zyprexa, secrecy agreements had real life consequences by allowing Dalkon Shield, Bjork-Shiley heart valves, and numerous other dangerous products and drugs to remain on the market. And those are only the ones we know about.

While some States have already begun to move in the right direction, we still have a long way to go. It is time to initiate a Federal solution for this problem. The Sunshine in Litigation Act is a modest proposal that would require Federal judges to perform a simple balancing test to ensure that the defendant's interest in secrecy truly outweighs the public interest in information related to public health and safety.

Specifically, prior to making any portion of a case confidential or sealed, a judge would have to determine—by making a particularized finding of fact—that doing so would not restrict the disclosure of information relevant to public health and safety. Moreover, all courts, both Federal and State, would be prohibited from issuing protective orders that prevent disclosure to relevant regulatory agencies.

This legislation does not prohibit secrecy agreements across the board. It does not place an undue burden on judges or our courts. It simply states that where the public interest in disclosure outweighs legitimate interests in secrecy, courts should not shield important health and safety information from the public. The time to focus some sunshine on public hazards to prevent future harm is now.

I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 2449

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sunshine in Litigation Act of 2007".

SEC. 2. RESTRICTIONS ON PROTECTIVE ORDERS AND SEALING OF CASES AND SETTLEMENTS.

(a) IN GENERAL.—Chapter 111 of title 28, United States Code, is amended by adding at the end the following:

"§ 1660. Restrictions on protective orders and sealing of cases and settlements

"(a)(1) A court shall not enter an order under rule 26(c) of the Federal Rules of Civil Procedure restricting the disclosure of information obtained through discovery, an order approving a settlement agreement that would restrict the disclosure of such information, or an order restricting access to court records in a civil case unless the court has made findings of fact that—

"(A) such order would not restrict the disclosure of information which is relevant to the protection of public health or safety; or

"(B)(i) the public interest in the disclosure of potential health or safety hazards is outweighed by a specific and substantial interest in maintaining the confidentiality of the information or records in question; and

"(ii) the requested protective order is no broader than necessary to protect the privacy interest asserted.

"(2) No order entered in accordance with paragraph (1), other than an order approving a settlement agreement, shall continue in effect after the entry of final judgment, unless at the time of, or after, such entry the court makes a separate finding of fact that the requirements of paragraph (1) have been met.

"(3) The party who is the proponent for the entry of an order, as provided under this section, shall have the burden of proof in obtaining such an order.

"(4) This section shall apply even if an order under paragraph (1) is requested—

"(A) by motion pursuant to rule 26(c) of the Federal Rules of Civil Procedure; or

"(B) by application pursuant to the stipulation of the parties.

"(5)(A) The provisions of this section shall not constitute grounds for the withholding of information in discovery that is otherwise discoverable under rule 26 of the Federal Rules of Civil Procedure.

"(B) No party shall request, as a condition for the production of discovery, that another party stipulate to an order that would violate this section.

"(b)(1) A court shall not approve or enforce any provision of an agreement between or among parties to a civil action, or approve or enforce an order subject to subsection (a)(1), that prohibits or otherwise restricts a party from disclosing any information relevant to such civil action to any Federal or State agency with authority to enforce laws regulating an activity relating to such information.

"(2) Any such information disclosed to a Federal or State agency shall be confidential to the extent provided by law.

"(c)(1) Subject to paragraph (2), a court shall not enforce any provision of a settlement agreement between or among parties that prohibits 1 or more parties from—

"(A) disclosing that a settlement was reached or the terms of such settlement, other than the amount of money paid; or

"(B) discussing a case, or evidence produced in the case, that involves matters related to public health or safety.

"(2) Paragraph (1) does not apply if the court has made findings of fact that the public interest in the disclosure of potential health or safety hazards is outweighed by a specific and substantial interest in maintaining the confidentiality of the information.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 28, United States Code, is amended by adding after the item relating to section 1659 the following:

"1660. Restrictions on protective orders and sealing of cases and settlements".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall—

(1) take effect 30 days after the date of enactment of this Act; and

(2) apply only to orders entered in civil actions or agreements entered into on or after such date.

By Mr. LEAHY (for himself and Mr. SPECTER):

S. 2450. A bill to amend the Federal Rules of Evidence to address the waiver of the attorney-client privilege and the work product doctrine; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I introduce legislation to create Federal Rule of Evidence 502. I am pleased that Senator SPECTER has joined me in this effort. After much study, several hearings, and significant public comment, the Judicial Conference's Standing Committee on Rules of Practice and Procedure, and the Advisory Committee on Evidence Rules, arrived at a proposed new rule that is intended to provide predictability and uniformity in a discovery process that has been made increasingly difficult with the growing use of email and other electronic media. I commend all of the judges, professors and practitioners who were involved in the rule's drafting and subsequent improvement for their hard work and attention to this issue. The legislation we are introducing today contains the text that the Judicial Conference recommends.

Billions of dollars are spent each year in litigation to protect against the inadvertent disclosure of privileged materials. With the routine use of email and other electronic media in today's business environment, discovery can encompass millions of documents in a given case, vastly expanding the risks of inadvertent disclosure. The rule proposed by the Standing Committee is aimed at adapting to the new realities that accompany today's modes of communication, and reducing the burdens associated with the conduct of diligent electronic discovery.

Our proposed legislation would set clear guidelines regarding the consequences of inadvertent disclosure of privileged material, and provides that so long as reasonable steps are taken in the prevention of such a disclosure, or to assure the prompt retrieval of disclosed information, no waiver will result. Moreover, an inadvertent disclosure of privileged information would not result in a broader subject matter waiver beyond the specific materials disclosed.

If a disclosure of privileged material is made voluntarily, only the privilege associated with the voluntarily disclosed material is waived, and not other undisclosed related materials. But if voluntary disclosure of privileged material is done selectively in an effort to mislead or gain unfair advantage, then where fairness dictates, this will result in a subject matter waiver.

This legislation would also provide that confidentiality agreements entered into by parties to litigation, and approved by the court, will bind all non-parties in other State or Federal litigation. This provision will add meaningful protection to parties entering confidentiality agreements and, along with other components of the proposed rule, will aid in reducing the burdens of excessive pre-production document review.

Unlike other Federal court rules, any proposed rule that modifies an evidentiary privilege must be approved by Congress pursuant to the Rules Enabling Act. The modification of a privilege is an undertaking not to be approached lightly, and the process that resulted in proposed Rule 502 was thorough and thoughtful. It has resulted in widespread approval of the proposed rule from the bench and bar at both the State and Federal level.

I urge all Senators to join Senator SPECTER and me to pass this proposal and take a positive step toward modernizing and improving the Federal Rules of Evidence.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2450

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ATTORNEY-CLIENT PRIVILEGE AND WORK PRODUCT; LIMITATIONS ON WAIVER.

(a) IN GENERAL.—Article V of the Federal Rules of Evidence is amended by adding at the end the following:

"Rule 502. Attorney-Client Privilege and Work Product; Limitations on Waiver

"The following provisions apply, in the circumstances set out, to disclosure of a communication or information covered by the attorney-client privilege or work-product protection.

"(a) DISCLOSURE MADE IN A FEDERAL PROCEEDING OR TO A FEDERAL OFFICE OR AGENCY; SCOPE OF A WAIVER.—When the disclosure is made in a federal proceeding or to a federal office or agency and waives the attorney-client privilege or work-product protection, the waiver extends to an undisclosed communication or information in a federal or state proceeding only if:

"(1) the waiver is intentional;

"(2) the disclosed and undisclosed communications or information concern the same subject matter; and

"(3) they ought in fairness to be considered together.

"(b) INADVERTENT DISCLOSURE.—When made in a federal proceeding or to a federal office or agency, the disclosure does not operate as a waiver in a federal or state proceeding if:

"(1) the disclosure is inadvertent;

"(2) the holder of the privilege or protection took reasonable steps to prevent disclosure; and

"(3) the holder promptly took reasonable steps to rectify the error, including (if applicable) following Federal Rule of Civil Procedure 26(b)(5)(B).

"(c) DISCLOSURE MADE IN A STATE PROCEEDING.—When the disclosure is made in a state proceeding and is not the subject of a state-court order concerning waiver, the disclosure does not operate as a waiver in a federal proceeding if the disclosure:

"(1) would not be a waiver under this rule if it had been made in a federal proceeding; or

"(2) is not a waiver under the law of the state where the disclosure occurred.

"(d) CONTROLLING EFFECT OF A COURT ORDER.—A federal court may order that the privilege or protection is not waived by disclosure connected with the litigation pending before the court—in which event the disclosure is also not a waiver in any other federal or state proceeding.

"(e) CONTROLLING EFFECT OF A PARTY AGREEMENT.—An agreement on the effect of disclosure in a federal proceeding is binding only on the parties to the agreement, unless it is incorporated into a court order.

"(f) CONTROLLING EFFECT OF THIS RULE.—Notwithstanding Rules 101 and 1101, this rule applies to state proceedings and to federal court-annexed and federal court-mandated arbitration proceedings, in the circumstances set out in the rule. And notwithstanding Rule 501, this rule applies even if state law provides the rule of decision.

"(g) DEFINITIONS.—In this rule:

"(1) 'attorney-client privilege' means the protection that applicable law provides for confidential attorney-client communications; and

"(2) 'work-product protection' means the protection that applicable law provides for tangible material (or its intangible equivalent) prepared in anticipation of litigation or for trial.".

(b) TECHNICAL AND CONFORMING CHANGES.—The table of contents for the Federal Rules of Evidence is amended by inserting after the item relating to rule 501 the following:

"502. Attorney-client privilege and work-product doctrine; limitations on waiver.".

(c) EFFECTIVE DATE.—The amendments made by this Act shall apply in all proceedings commenced after the date of enactment of this Act and, insofar as is just and practicable, in all proceedings pending on such date of enactment.

Mr. SPECTER. Mr. President, I seek recognition today to introduce legislation, together with Senator LEAHY, to enact Federal Rule of Evidence 502.

Federal Rule of Evidence 502, which was drafted and proposed to Congress by the Judicial Conference of the United States, is a rule to provide heightened protection against inadvertent loss of the attorney-client privilege during the discovery process. At a time when litigation costs are skyrocketing and discovery alone can last for years, this rule is urgently needed. And unlike other Federal rules of procedure, which go into effect unless Congress acts, rules governing evidentiary privilege must be enacted by Congress.

Current law on attorney-client privilege and work product is responsible in large part for the rising costs of discovery—especially electronic discovery. Right now, it is far too easy to inadvertently lose—or "waive"—the privilege. A single inadvertently disclosed document can result in waiving the privilege not only as to what was produced, but as to all documents on the same subject matter. In some courts, a waiver may be found even if the producing party took reasonable steps to avoid disclosure. Such waivers will not just affect the case in which the accidental disclosure is made, but will also impact other cases filed subsequently in State or Federal courts.

Thus, lawyers must spend significant amounts of time ensuring that documents containing privileged communications and work product are not inadvertently produced. In this day and age when there can be literally millions of electronic files to comb through looking for privileged material, the risk of one slipping through the cracks is very high. The fear of waiver leads to undue expense and to extravagant claims of privilege.

The proposed rule will alleviate these burdens in two primary ways: First, it protects against undue forfeiture of attorney-client privilege and work product protections when privileged communications are inadvertently produced in discovery—where the party producing the documents took reasonable steps to prevent the disclosure and does not try to use the disclosed information in a misleading way. Second, it permits parties and courts to protect against the consequences of waiver by permitting limited disclosure of privileged information between the parties to litigation. This allows parties and courts to manage the effects of disclosure and provide predictability in current and future litigation.

The proposed rule enjoys wide support from parties on both sides of the "v." Both plaintiffs and defendants want this rule because it makes the litigation more efficient and less costly; it ensures that the wheels of justice will not become bogged down in the mud of discovery.

The Judicial Conference, which is the body responsible for proposing new procedural rules, has undertaken an extensive process in crafting this rule over the last year and a half. The rule was approved by the Judicial Conference's Advisory Committee on Evidence Rules, the Standing Committee on Rules of Practice and Procedure, and the Judicial Conference itself, after a public comment period that included several hearings with supportive comments and testimony from bench and bar. There were more than 70 public comments, and more than 20 witnesses testified.

The time is ripe to move forward and enact this proposed rule into law. Therefore, I have worked with Senator LEAHY to bring this bill to the floor in a timely and bipartisan fashion. This rule is necessary to protect the attorney-client privilege, to bring clarity to the law, and to ensure fairness for all parties. And every day we wait wastes the time and resources of litigants and the courts. I urge my colleagues to join with Senator LEAHY and me in supporting this bill.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 400—TO DESIGNATE FRIDAY, NOVEMBER 23, 2007, AS "NATIVE AMERICAN HERITAGE DAY" IN HONOR OF THE ACHIEVEMENTS AND CONTRIBUTIONS OF NATIVE AMERICANS TO THE UNITED STATES

Mr. INOUYE (for himself, Mr. BROWNBACK, Mr. DORGAN, Mr. BINGAMAN, Mrs. CLINTON, Ms. CANTWELL, Mr. COCHRAN, Mr. JOHNSON, Mr. CONRAD, Mr. DOMENICI, Mr. AKAKA, Mrs. BOXER,

Mrs. FEINSTEIN, Mr. STEVENS, Mr. BAUCUS, and Mr. TESTER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 400

Whereas Native Americans are the descendants of the aboriginal, indigenous, native people who were the original inhabitants of and who governed the lands that now constitute the United States;

Whereas Native Americans have volunteered to serve in the United States Armed Forces and have served with valor in all of the Nation's military actions from the Revolutionary War through the present day, and in most of those actions, more Native Americans per capita served in the Armed Forces than any other group of Americans;

Whereas Native American tribal governments developed the fundamental principles of freedom of speech and separation of governmental powers that were a model for those that form the foundation of the United States Constitution;

Whereas the Founding Fathers based the provisions of the Constitution on the unique system of democracy of the Six Nations of the Iroquois Confederacy, which divided powers among the branches of government and provided for a system of checks and balances;

Whereas Native Americans have made distinct and significant contributions to the United States and the rest of the world in many fields, including agriculture, medicine, music, language, and art, and Native Americans have distinguished themselves as inventors, entrepreneurs, spiritual leaders, and scholars;

Whereas Native Americans should be recognized for their contributions to the United States as local and national leaders, artists, athletes, and scholars;

Whereas nationwide recognition of the contributions that Native Americans have made to the fabric of American society will afford an opportunity for all Americans to demonstrate their respect and admiration of Native Americans for their important contributions to the political, cultural, and economic life of the United States;

Whereas nationwide recognition of the contributions that Native Americans have made to the Nation will encourage self-esteem, pride, and self-awareness in Native Americans of all ages;

Whereas designation of the Friday following Thanksgiving as Native American Heritage Day will underscore the government-to-government relationship between the United States and Native American governments; and

Whereas designation of Native American Heritage Day will encourage public elementary and secondary schools in the United States to enhance understanding of Native Americans by providing curricula and classroom instruction focusing on the achievements and contributions of Native Americans to the Nation: Now, therefore, be it

Resolved, that the Senate—

(1) designates Friday, November 23, 2007, as "Native American Heritage Day"; and

(2) encourages the people of the United States, as well as Federal, State, and local governments and interested groups and organizations to observe Native American Heritage Day with appropriate programs, ceremonies, and activities, including activities related to—

(A) the historical and constitutional status of Native American tribal governments as well as the present day status of Native Americans;

(B) the cultures, traditions, and languages of Native Americans; and

(C) the rich Native American cultural legacy that all Americans enjoy today.

SENATE RESOLUTION 401—TO PROVIDE INTERNET ACCESS TO CERTAIN CONGRESSIONAL RESEARCH SERVICE PUBLICATIONS

Mr. LIEBERMAN (for himself, Mr. MCCAIN, Ms. COLLINS, Mr. LEAHY, Mr. CORNYN and Mr. HARKIN) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 401

Resolved,

SECTION 1. PUBLIC AVAILABILITY OF INFORMATION.

The Sergeant-at-Arms of the Senate shall make information available to the public in accordance with the provisions of this resolution.

SEC. 2. AVAILABILITY OF CERTAIN CONGRESSIONAL RESEARCH SERVICE INFORMATION.

(a) AVAILABILITY OF INFORMATION.—

(1) IN GENERAL.—The Sergeant-at-Arms of the Senate, in consultation with the Director of the Congressional Research Service, shall make available through a centralized electronic system, for purposes of access and retrieval by the public under section 3 of this resolution, all information described in paragraph (2) that is available through the Congressional Research Service website.

(2) INFORMATION TO BE MADE AVAILABLE.—The information to be made available under paragraph (1) is the following:

(A) Congressional Research Service Issue Briefs.

(B) Congressional Research Service Reports that are available to Members of Congress through the Congressional Research Service website.

(C) Congressional Research Service Authorization of Appropriations Products and Appropriations Products.

(b) LIMITATIONS.—

(1) CONFIDENTIAL INFORMATION.—Subsection (a) does not apply to—

(A) any information that is confidential, as determined by—

(i) the Director of the Congressional Research Service; or

(ii) the head of a Federal department or agency that provided the information to the Congressional Research Service; or

(B) any documents that are the product of an individual, office, or committee research request (other than a document described in subsection (a)(2)).

(2) REDACTION AND REVISION.—In carrying out this section, the Sergeant-at-Arms of the Senate, in consultation with the Director of the Congressional Research Service, may—

(A) remove from the information required to be made available under subsection (a) the name and phone number of, and any other information regarding, an employee of the Congressional Research Service;

(B) remove from the information required to be made available under subsection (a) any material for which the Director of the Congressional Research Service, determines that making that material available under subsection (a) may infringe the copyright of a work protected under title 17, United States Code; and

(C) make any changes in the information required to be made available under subsection (a) that the Director of the Congressional Research Service, determines necessary to ensure that the information is accurate and current.

(c) MANNER.—The Sergeant-at-Arms of the Senate, in consultation with the Director of the Congressional Research Service, shall make the information required under this section available in a manner that is practical and reasonable.

SEC. 3. METHOD OF ACCESS.

(a) CRS INFORMATION.—Public access to Congressional Research Service information made available under section 2 shall be provided through the websites maintained by Members and Committees of the Senate.

(b) EDITORIAL RESPONSIBILITY FOR CRS REPORTS ONLINE.—The Sergeant-at-Arms of the Senate is responsible for maintaining and updating the information made available on the Internet under section 2.

SEC. 4. IMPLEMENTATION.

The Sergeant-at-Arms of the Senate shall establish the database described in section 2(a) within 6 months after the date of adoption of this resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3824. Ms. STABENOW (for herself and Mr. COCHRAN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table.

SA 3825. Mr. GREGG proposed an amendment to amendment SA 3673 proposed by Mr. GREGG to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra.

SA 3826. Mr. SANDERS proposed an amendment to amendment SA 3822 proposed by Mr. THUNE (for Mr. GREGG) to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra.

SA 3827. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3822 proposed by Mr. THUNE (for Mr. GREGG) to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3828. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3674 proposed by Mr. GREGG to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3829. Mr. REID (for Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3830. Mr. HARKIN (for himself, Mr. KENNEDY, and Mr. GREGG) proposed an amendment to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra.

SA 3831. Mr. REID (for Mr. KENNEDY) proposed an amendment to the bill S. 793, to provide for the expansion and improvement of traumatic brain injury programs.

TEXT OF AMENDMENTS

SA 3824. Ms. STABENOW (for herself and Mr. COCHRAN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1362, between lines 19 and 20, insert the following:

SEC. 11072. DEBT FOR CONSERVATION PROGRAM.

Section 349 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1997) is amended—

(1) by striking "SEC. 349. (a) For purposes of this section:" and inserting the following:

"SEC. 349. DEBT FOR CONSERVATION PROGRAM.

"(a) DEFINITIONS.—In this section:";

(2) in subsection (a)(4), by inserting ", fishing, and wildlife viewing" after "includes hunting";

(3) in subsection (c)—

(A) in the heading, by striking "LIMITATIONS" and inserting "ELIGIBILITY"; and

(B) by striking paragraph (1) and inserting the following:

"(1) such property—

"(A) is wetland, upland, or highly erodible land; or

"(B) subject to the availability of appropriated funds, will be enrolled in—

"(i) the wetlands reserve program established under subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837 et seq.);

"(ii) the grassland reserve program established under subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.); or

"(iii) the healthy forests reserve program established under subchapter D of chapter 1 of subtitle D of title XII of the Food Security Act of 1985;";

(4) in subsection (e)(2), by striking subparagraph (B) and inserting the following:

"(B) in the case of a nondelinquent loan—

"(i) 33 percent of the amount of the loan secured by the land; or

"(ii) if the loan is secured by an easement on the land, 50 percent of the amount of the outstanding loan.";

(5) by redesignating subsections (f) and (g) as (g) and (h), respectively;

(6) by inserting after subsection (e) the following:

"(f) LIMITATIONS; EFFECT.—

"(1) REDUCTION OF PAYMENT.—If a landowner receives payments in accordance with a program described in subsection (c)(1)(B), such payment shall be reduced by the amount of the debt reduced or forgiven by the Secretary in accordance with the program under this section.

"(2) EFFECT WITH RESPECT TO CERTAIN PROGRAMS.—Landowners in the program under this section shall be considered by the Secretary as other enrollees for each program described in subsection (c)(1)(B)."; and

(7) by adding at the end the following:

"(h) REGULATIONS.—As soon as practicable after the date of enactment of this subsection, the Secretary shall promulgate regulations to ensure communication between the Administrator of the Farm Service Agency and the Chief of the Natural Resources Conservation Service to promote and carry out the program under this section.".

SA 3825. Mr. GREGG proposed an amendment to amendment SA 3673 proposed by Mr. GREGG to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; as follows:

At the end of the amendment, add the following:

"This title shall take effect 1 day after the date of enactment."

SA 3826. Mr. SANDERS proposed an amendment to amendment SA 3822 proposed by Mr. THUNE (for Mr. GREGG) to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

Subtitle A—Low-Income Home Energy Assistance

SEC. 12101. LOW-INCOME HOME ENERGY ASSISTANCE APPROPRIATIONS.

(a) IN GENERAL.—In addition to any amounts appropriated under any other Federal law, there is appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2008—

(1) $462,000,000 (to remain available until expended) for making payments under subsections (a) through (d) of section 2604 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623); and

(2) $462,000,000 (to remain available until expended) for making payments under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)), notwithstanding the designation requirement of section 2602(e) of such Act (42 U.S.C. 8621(e)).

(b) EMERGENCY REQUIREMENT.—The amount provided under this section is designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

SEC. 12102. SUPPLEMENTAL AGRICULTURE DISASTER ASSISTANCE.

(a) IN GENERAL.—The Trade Act of 1974 (19 U.S.C. 2101 et seq.) is amended by adding at the end the following:

"TITLE IX—SUPPLEMENTAL AGRICULTURE DISASTER ASSISTANCE

"SEC. 901. PERMANENT AUTHORITY FOR SUPPLEMENTAL REVENUE ASSISTANCE.

"(a) DEFINITIONS.—In this section:

"(1) ACTUAL PRODUCTION HISTORY YIELD.—The term 'actual production history yield' means the weighted average actual production history for each insurable commodity or noninsurable commodity, as calculated under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or the noninsured crop disaster assistance program, respectively.

"(2) COUNTER-CYCLICAL PROGRAM PAYMENT YIELD.—The term 'counter-cyclical program payment yield' means the weighted average payment yield established under section 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912).

"(3) DISASTER COUNTY.—

"(A) IN GENERAL.—The term 'disaster county' means a county included in the geographic area covered by a qualifying natural disaster declaration.

"(B) INCLUSION.—The term 'disaster county' includes—

"(i) a county contiguous to a county described in subparagraph (A); and

"(ii) any farm in which, during a calendar year, the total loss of production of the farm relating to weather is greater than 50 percent of the normal production of the farm, as determined by the Secretary.

"(4) ELIGIBLE PRODUCER ON A FARM.—

"(A) IN GENERAL.—The term 'eligible producer on a farm' means an individual or entity described in subparagraph (B) that, as determined by the Secretary, assumes the production and market risks associated with the agricultural production of crops or livestock.

"(B) DESCRIPTION.—An individual or entity referred to in subparagraph (A) is—

"(i) a citizen of the United States;

"(ii) a resident alien;

"(iii) a partnership of citizens of the United States; or

"(iv) a corporation, limited liability corporation, or other farm organizational structure organized under State law.

"(5) FARM.—

"(A) IN GENERAL.—The term 'farm' means, in relation to an eligible producer on a farm, the sum of all crop acreage in all counties that —

"(i) is used for grazing by the eligible producer; or

"(ii) is planted or intended to be planted for harvest by the eligible producer.

"(B) AQUACULTURE.—In the case of aquaculture, the term 'farm' means, in relation to an eligible producer on a farm, all fish being produced in all counties that are intended to be harvested for sale by the eligible producer.

"(C) HONEY.—In the case of honey, the term 'farm' means, in relation to an eligible producer on a farm, all bees and beehives in all counties that are intended to be harvested for a honey crop by the eligible producer.

"(6) FARM-RAISED FISH.—The term 'farm-raised fish' means any aquatic species (including any species of finfish, mollusk, crustacean, or other aquatic invertebrate, amphibian, reptile, or aquatic plant) that is propagated and reared in a controlled or semicontrolled environment.

"(7) INSURABLE COMMODITY.—The term 'insurable commodity' means an agricultural commodity (excluding livestock) for which the producer on a farm is eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

"(8) LIVESTOCK.—The term 'livestock' includes—

"(A) cattle (including dairy cattle);

"(B) bison;

"(C) poultry;

"(D) sheep;

"(E) swine;

"(F) horses; and

"(G) other livestock, as determined by the Secretary.

"(9) MOVING 5-YEAR OLYMPIC AVERAGE COUNTY YIELD.—The term 'moving 5-year Olympic average county yield' means the weighted average yield obtained from the 5 most recent years of yield data provided by the National Agriculture Statistics Service obtained from data after dropping the highest and the lowest yields.

"(10) NONINSURABLE COMMODITY.—The term 'noninsurable commodity' means a crop for which the eligible producers on a farm are eligible to obtain assistance under the noninsured crop assistance program.

"(11) NONINSURED CROP ASSISTANCE PROGRAM.—The term 'noninsured crop assistance program' means the program carried out under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

"(12) QUALIFYING NATURAL DISASTER DECLARATION.—The term 'qualifying natural disaster declaration' means a natural disaster declared by the Secretary for production losses under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)).

"(13) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"(14) STATE.—The term 'State' means—

"(A) a State;

"(B) the District of Columbia;

"(C) the Commonwealth of Puerto Rico; and

"(D) any other territory or possession of the United States.

"(15) TRUST FUND.—The term 'Trust Fund' means the Agriculture Disaster Relief Trust Fund established under section 902.

"(16) UNITED STATES.—The term 'United States' when used in a geographical sense, means all of the States.

"(b) SUPPLEMENTAL REVENUE ASSISTANCE PAYMENTS.—

"(1) IN GENERAL.—The Secretary shall use such sums as are necessary from the Trust Fund to make crop disaster assistance payments to eligible producers on farms in disaster counties that have incurred crop production losses or crop quality losses, or both, during the crop year.

"(2) AMOUNT.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall provide crop disaster assistance payments under this section to an eligible producer on a farm in an amount equal to 52 percent of the difference between—

"(i) the disaster assistance program guarantee, as described in paragraph (3); and

"(ii) the total farm revenue for a farm, as described in paragraph (4).

"(B) LIMITATION.—The disaster assistance program guarantee for a crop used to calculate the payments for a farm under subparagraph (A)(i) may not be greater than 90 percent of the sum of the expected revenue, as described in paragraph (5) for each of the crops on a farm, as determined by the Secretary.

"(3) SUPPLEMENTAL REVENUE ASSISTANCE PROGRAM GUARANTEE.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, the supplemental assistance program guarantee shall be the sum obtained by adding—

"(i) for each insurable commodity on the farm, the product obtained by multiplying—

"(I) the greatest of—

"(aa) the actual production history yield;

"(bb) 90 percent of the moving 5-year Olympic average county yield; and

"(cc) the counter-cyclical program payment yield for each crop;

"(II) the percentage of the crop insurance yield guarantee;

"(III) the percentage of crop insurance price elected by the eligible producer;

"(IV) the crop insurance price; and

"(V) 115 percent; and

"(ii) for each noninsurable commodity on a farm, the product obtained by multiplying—

"(I) the weighted noninsured crop assistance program yield guarantee;

"(II) except as provided in subparagraph (B), 100 percent of the noninsured crop assistance program established price; and

"(III) 115 percent.

"(B) SUPPLEMENTAL BUY-UP NONINSURED ASSISTANCE PROGRAM.—Beginning on the date that the Secretary makes available supplemental buy-up coverage under the noninsured assistance program in accordance with subsection (h), the percentage described in subclause (II) of subparagraph (A)(ii) shall be equal to the percentage of the noninsured assistance program price guarantee elected by the producer.

"(C) ADJUSTMENT INSURANCE GUARANTEE.—Notwithstanding subparagraph (A), in the case of an insurable commodity for which a plan of insurance provides for an adjustment in the guarantee, such as in the case of prevented planting, the adjusted insurance guarantee shall be the basis for determining the disaster assistance program guarantee for the insurable commodity.

"(D) ADJUSTED ASSISTANCE LEVEL.—Notwithstanding subparagraph (A), in the case of a noninsurable commodity for which the noninsured crop assistance program provides for an adjustment in the level of assistance, such as in the case of prevented harvesting, the adjusted assistance level shall be the basis for determining the disaster assistance program guarantee for the noninsurable commodity.

"(E) EQUITABLE TREATMENT FOR NON-YIELD BASED POLICIES.—The Secretary shall establish equitable treatment for non-yield based policies and plans of insurance, such as the Adjusted Gross Revenue Lite insurance program.

"(F) PUBLIC MANAGED LAND.—Notwithstanding subparagraph (A), if rangeland is managed by a Federal agency and the carrying capacity of the managed rangeland is reduced as a result of a disaster in the preceding year that was the basis for a qualifying natural disaster declaration—

"(i) the calculation for the supplemental assistance program guarantee determined under subparagraph (A) as the guarantee applies to the managed rangeland shall be not less than 75 percent of the guarantee for the preceding year; and

"(ii) the requirement for a designation by the Secretary for the current year is waived.

"(4) FARM REVENUE.—

"(A) IN GENERAL.—For purposes of this subsection, the total farm revenue for a farm, shall equal the sum obtained by adding—

"(i) the estimated actual value for grazing and for each crop produced on a farm by using the product obtained by multiplying—

"(I) the actual crop acreage grazed or harvested by an eligible producer on a farm;

"(II) the estimated actual yield of the grazing land or crop production; and

"(III) subject to subparagraphs (B) and (C), the average market price received or value of the production during the first 5 months of the marketing year for the county in which the farm or portion of a farm is located;

"(ii) 20 percent of amount of any direct payments made to the producer under section 1103 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7913) or of any fixed direct payments made at the election of the producer in lieu of that section or a subsequent section;

"(iii) the amount of payments for prevented planting on a farm;

"(iv) the amount of crop insurance indemnities received by an eligible producer on a farm for each crop on a farm, including indemnities for grazing losses;

"(v) the amount of payments an eligible producer on a farm received under the noninsured crop assistance program for each crop on a farm, including grazing losses; and

"(vi) the value of any other natural disaster assistance payments provided by the Federal Government to an eligible producer on a farm for each crop on a farm for the same loss for which the eligible producer is seeking assistance.

"(B) ADJUSTMENT.—The Secretary shall adjust the average market price received by the eligible producer on a farm—

"(i) to reflect the average quality discounts applied to the local or regional market price of a crop, hay, or forage due to a reduction in the intrinsic characteristics of the production resulting from adverse weather, as determined annually by the State office of the Farm Service Agency; and

"(ii) to account for a crop the value of which is reduced due to excess moisture resulting from a disaster-related condition.

"(C) MAXIMUM AMOUNT FOR CERTAIN CROPS.—With respect to a crop for which an eligible producer on a farm receives assistance under the noninsured crop assistance program, the average market price received or value of the production during the first 5 months of the marketing year for the county in which the farm or portion of a farm is located shall be an amount not more than 100 percent of the price of the crop established under the noninsured crop assistance program.

"(5) EXPECTED REVENUE.—The expected revenue for each crop on a farm shall equal the sum obtained by adding—

"(A) the expected value of grazing;

"(B) the product obtained by multiplying—

"(i) the greatest of—

"(I) the actual production history yield of the eligible producer on a farm;

"(II) the moving 5-year Olympic average county yield; and

"(III) the counter-cyclical program payment yield;

"(ii) the acreage planted or intended to be planted for each crop; and

"(iii) 100 percent of the insurance price guarantee; and

"(C) the product obtained by multiplying—

"(i) 100 percent of the noninsured crop assistance program yield; and

"(ii) 100 percent of the noninsured crop assistance program price for each of the crops on a farm.

"(c) LIVESTOCK INDEMNITY PAYMENTS.—

"(1) IN GENERAL.—The Secretary shall use such sums as are necessary from the Trust Fund to make livestock indemnity payments to eligible producers on farms that have incurred livestock death losses in excess of the normal mortality due to adverse weather, as determined by the Secretary, during the calendar year, including losses due to hurricanes, floods, blizzards, disease, wildfires, extreme heat, and extreme cold.

"(2) PAYMENT RATES.—Indemnity payments to an eligible producer on a farm under paragraph (1) shall be made at a rate of 75 percent of the market value of the applicable livestock on the day before the date of death of the livestock, as determined by the Secretary.

"(d) EMERGENCY ASSISTANCE FOR LIVESTOCK, HONEY BEES, AND FARM-RAISED FISH.—

"(1) IN GENERAL.—The Secretary shall use up to $35,000,000 per year from the Trust Fund to provide emergency relief to eligible producers of livestock, honey bees, and farm-raised fish to aid in the reduction of losses due to adverse weather or other environmental conditions, such as blizzards and wildfires, as determined by the Secretary, that are not covered under the authority of the Secretary to make qualifying natural disaster declarations.

"(2) USE OF FUNDS.—Funds made available under this subsection shall be used to reduce losses caused by feed or water shortages, disease, or other factors as determined by the Secretary.

"(3) AVAILABILITY OF FUNDS.—Any funds made available under this subsection and not used in a crop year shall remain available until expended.

"(e) TREE ASSISTANCE PROGRAM.—

"(1) DEFINITIONS.—In this subsection:

"(A) ELIGIBLE ORCHARDIST.—The term 'eligible orchardist' means a person that—

"(i) produces annual crops from trees for commercial purposes; or

"(ii) produces nursery, ornamental, fruit, nut, or Christmas trees for commercial sale.

"(B) NATURAL DISASTER.—The term 'natural disaster' means plant disease, insect infestation, drought, fire, freeze, flood, earthquake, lightning, or other occurrence, as determined by the Secretary.

"(C) TREE.—The term 'tree' includes a tree, bush, and vine.

"(2) ELIGIBILITY.—

"(A) LOSS.—Subject to subparagraph (B), the Secretary shall provide assistance under paragraph (3) to eligible orchardists that planted trees for commercial purposes but lost the trees as a result of a natural disaster, as determined by the Secretary.

"(B) LIMITATION.—An eligible orchardist shall qualify for assistance under subparagraph (A) only if the tree mortality of the eligible orchardist, as a result of damaging weather or related condition, exceeds 15 percent (adjusted for normal mortality).

"(3) ASSISTANCE.—The assistance provided by the Secretary to eligible orchardists for losses described in paragraph (2) shall consist of—

"(A)(i) reimbursement of 75 percent of the cost of replanting trees lost due to a natural disaster, as determined by the Secretary, in excess of 15 percent mortality (adjusted for normal mortality); or

"(ii) at the option of the Secretary, sufficient seedlings to reestablish a stand; and

"(B) reimbursement of 50 percent of the cost of pruning, removal, and other costs incurred by an eligible orchardist to salvage existing trees or, in the case of tree mortality, to prepare the land to replant trees as a result of damage or tree mortality due to a natural disaster, as determined by the Secretary, in excess of 15 percent damage or mortality (adjusted for normal tree damage and mortality).

"(f) PLANT PEST AND DISEASE MANAGEMENT AND DISASTER PREVENTION.—

"(1) DEFINITIONS.—In this subsection:

"(A) EARLY PLANT PEST DETECTION AND SURVEILLANCE.—The term 'early plant pest detection and surveillance' means the full range of activities undertaken to find newly introduced plant pests, whether the plant pests are new to the United States or new to certain areas of the United States, before—

"(i) the plant pests become established; or

"(ii) the plant pest infestations become too large and costly to eradicate or control.

"(B) PLANT PEST.—The term 'plant pest' has the meaning given such term in section 403 of the Plant Protection Act (7 U.S.C. 7702).

"(C) SPECIALTY CROP.—The term 'specialty crop' has the meaning given the term in section 3 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108-465).

"(D) STATE DEPARTMENT OF AGRICULTURE.—The term 'State department of agriculture' means an agency of a State that has a legal responsibility to perform early plant pest detection and surveillance activities.

"(2) EARLY PLANT PEST DETECTION AND SURVEILLANCE IMPROVEMENT PROGRAM.—

"(A) COOPERATIVE AGREEMENTS.—The Secretary shall enter into a cooperative agreement with each State department of agriculture that agrees to conduct early plant pest detection and surveillance activities.

"(B) CONSULTATION.—In carrying out this paragraph, the Secretary shall consult with—

"(i) the National Plant Board;

"(ii) the National Association of State Departments of Agriculture; and

"(iii) stakeholders.

"(C) FUNDS UNDER AGREEMENTS.—Each State department of agriculture with which the Secretary enters into a cooperative agreement under this paragraph shall receive funding for each of fiscal years 2008 through 2012 in an amount to be determined by the Secretary.

"(D) USE OF FUNDS.—

"(i) PLANT PEST DETECTION AND SURVEILLANCE ACTIVITIES.—A State department of agriculture that receives funds under this paragraph shall use the funds to carry out early plant pest detection and surveillance activities to prevent the introduction of a plant pest or facilitate the eradication of a plant pest, pursuant to a cooperative agreement.

"(ii) SUBAGREEMENTS.—Nothing in this paragraph prevents a State department of agriculture from using funds received under subparagraph (C) to enter into subagreements with political subdivisions of the State that have legal responsibilities relating to agricultural plant pest and disease surveillance.

"(iii) NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out a cooperative agreement under this section may be provided in-kind, including through provision of such indirect costs of the cooperative agreement as the Secretary considers to be appropriate.

"(E) SPECIAL FUNDING CONSIDERATIONS.—The Secretary shall provide funds to a State department of agriculture if the Secretary determines that—

"(i) the State department of agriculture is in a State that has a high risk of being affected by 1 or more plant pests; and

"(ii) the early plant pest detection and surveillance activities supported with the funds will likely—

"(I) prevent the introduction and establishment of plant pests; and

"(II) provide a comprehensive approach to compliment Federal detection efforts.

"(F) REPORTING REQUIREMENT.—Not later than 180 days after the date of completion of an early plant pest detection and surveillance activity conducted by a State department of agriculture using funds provided under this subsection, the State department of agriculture shall submit to the Secretary a report that describes the purposes and results of the activities.

"(3) THREAT IDENTIFICATION AND MITIGATION PROGRAM.—

"(A) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Animal and Plant Health Inspection Service (referred to in this section as the 'Secretary'), shall establish a threat identification and mitigation program to determine and prioritize foreign threats to the domestic production of crops.

"(B) REQUIREMENTS.—In conducting the program established under subparagraph (A), the Secretary shall—

"(i) consult with the Director of the Center for Plant Health Science and Technology;

"(ii) conduct, in partnership with States, early plant pest detection and surveillance activities;

"(iii) develop risk assessments of the potential threat to the agricultural industry of the United States from foreign sources;

"(iv) collaborate with the National Plant Board on the matters described in subparagraph (C);

"(v) implement action plans developed under subparagraph (C)(ii)(I) immediately after development of the action plans—

"(I) to test the effectiveness of the action plans; and

"(II) to assist in preventing the introduction and widespread dissemination of new foreign and domestic plant pest and disease threats in the United States; and

"(vi) as appropriate, consult with, and use the expertise of, the Administrator of the Agricultural Research Service in the development of plant pest and disease detection, control, and eradication strategies.

"(C) MATTERS DESCRIBED.—The matters described in this subparagraph are—

"(i) the prioritization of foreign threats to the agricultural industry; and

"(ii) the development, in consultation with State departments of agriculture and other State or regional resource partnerships, of—

"(I) action plans that effectively address the foreign threats, including pathway analysis, offshore mitigation measures, and comprehensive exclusion measures at ports of entry and other key distribution centers; and

"(II) strategies to employ if a foreign plant pest or disease is introduced;

"(D) REPORTS.—Not later than 1 year after the date of enactment of this paragraph, and annually thereafter, the Secretary shall update and submit to Congress the priority list and action plans described in subparagraph (C), including an accounting of funds expended on the action plans.

"(4) SPECIALTY CROP CERTIFICATION AND RISK MANAGEMENT SYSTEMS.—The Secretary shall provide funds and technical assistance to specialty crop growers, organizations representing specialty crop growers, and State and local agencies working with specialty crop growers and organizations for the development and implementation of—

"(A) audit-based certification systems, such as best management practices—

"(i) to address plant pests; and

"(ii) to mitigate the risk of plant pests in the movement of plants and plant products; and

"(B) nursery plant pest risk management systems, in collaboration with the nursery industry, research institutions, and other appropriate entities—

"(i) to enable growers to identify and prioritize nursery plant pests and diseases of regulatory significance;

"(ii) to prevent the introduction, establishment, and spread of those plant pests and diseases; and

"(iii) to reduce the risk of, mitigate, and eradicate those plant pests and diseases.

"(5) FUNDING.—The Secretary shall use from the Trust Fund to carry out this subsection—

"(A) $10,000,000 for fiscal year 2008;

"(B) $25,000,000 for fiscal year 2009;

"(C) $40,000,000 for fiscal year 2010;

"(D) $50,000,000 for fiscal year 2011; and

"(E) $64,000,000 for fiscal year 2012.

"(g) RISK MANAGEMENT PURCHASE REQUIREMENT.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the eligible producers on a farm shall not be eligible for assistance under this section with respect to losses to an insurable commodity or noninsurable commodity if the eligible producers on the farm—

"(A) in the case of an insurable commodity, did not obtain a policy or plan of insurance for the insurable commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) (excluding a crop insurance pilot program under that Act) for the crop incurring the losses; or

"(B) in the case of a noninsurable commodity, did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity under the noninsured crop assistance program for the crop incurring the losses.

"(2) MINIMUM.—To be considered to have obtained insurance under paragraph (1), an eligible producer on a farm shall have obtained a policy or plan of insurance with not less than 50 percent yield coverage at 55 percent of the insurable price for each crop grazed, planted, or intended to be planted for harvest on a whole farm.

"(3) WAIVER.—With respect to eligible producers that are limited resource, minority, or beginning farmers or ranchers, as determined by the Secretary, the Secretary may—

"(A) waive paragraph (1); and

"(B) provide disaster assistance under this section at a level that the Secretary determines to be equitable and appropriate.

"(4) EQUITABLE RELIEF.—The Secretary may provide equitable relief to eligible producers on a farm that unintentionally fail to meet the requirements of paragraph (1) for 1 or more crops on a farm on a case-by-case basis, as determined by the Secretary.

"(h) SUPPLEMENTAL BUY-UP NONINSURED ASSISTANCE PROGRAM.—

"(1) IN GENERAL.—The Secretary shall establish a program under which eligible producers on a farm may purchase under the noninsured crop assistance program additional yield and price coverage for a crop, including a forage, hay, or honey crop, of—

"(A) 60 or 65 percent (as elected by the producers on the farm) of the yield established for the crop under the program; and

"(B) 100 percent of the price established for the crop under the program.

"(2) FEES.—The Secretary shall establish and collect fees from eligible producers on a farm participating in the program established under paragraph (1) to offset all of the costs of the program, as determined by the Secretary.

"(i) PAYMENT LIMITATIONS.—

"(1) IN GENERAL.—The total amount of disaster assistance that an eligible producer on a farm may receive under this section may not exceed $100,000.

"(2) AGI LIMITATION.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a or any successor provision) shall apply with respect to assistance provided under this section.

"(j) PERIOD OF EFFECTIVENESS.—This section shall be effective only for losses that are incurred as the result of a disaster, adverse weather, or other environmental condition that occurs on or before September 30, 2012, as determined by the Secretary.

"SEC. 902. AGRICULTURE DISASTER RELIEF TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Agriculture Disaster Relief Trust Fund', consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this section.

"(b) TRANSFER TO TRUST FUND.—

"(1) IN GENERAL.—There are appropriated to the Agriculture Disaster Relief Trust Fund amounts equivalent to 3.34 percent of the amounts received in the general fund of the Treasury of the United States during fiscal years 2008 through 2012 attributable to the duties collected on articles entered, or withdrawn from warehouse, for consumption under the Harmonized Tariff Schedule of the United States.

"(2) AMOUNTS BASED ON ESTIMATES.—The amounts appropriated under this section shall be transferred at least monthly from the general fund of the Treasury of the United States to the Agriculture Disaster Relief Trust Fund on the basis of estimates made by the Secretary of the Treasury. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

"(c) ADMINISTRATION.—

"(1) REPORTS.—The Secretary of the Treasury shall be the trustee of the Agriculture Disaster Relief Trust Fund and shall submit an annual report to Congress each year on the financial condition and the results of the operations of such Trust Fund during the preceding fiscal year and on its expected condition and operations during the 5 fiscal years succeeding such fiscal year. Such report shall be printed as a House document of the session of Congress to which the report is made.

"(2) INVESTMENT.—

"(A) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Agriculture Disaster Relief Trust Fund as is not in his judgment required to meet current withdrawals. Such investments may be made only in interest bearing obligations of the United States. For such purpose, such obligations may be acquired—

"(i) on original issue at the issue price, or

"(ii) by purchase of outstanding obligations at the market price.

"(B) SALE OF OBLIGATIONS.—Any obligation acquired by the Agriculture Disaster Relief Trust Fund may be sold by the Secretary of the Treasury at the market price.

"(C) INTEREST ON CERTAIN PROCEEDS.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Agriculture Disaster Relief Trust Fund shall be credited to and form a part of such Trust Fund.

"(d) EXPENDITURES FROM TRUST FUND.—Amounts in the Agriculture Disaster Relief Trust Fund shall be available for the purposes of making expenditures to meet those obligations of the United States incurred under section 901.

"(e) AUTHORITY TO BORROW.—

"(1) IN GENERAL.—There are authorized to be appropriated, and are appropriated, to the Agriculture Disaster Relief Trust Fund, as repayable advances, such sums as may be necessary to carry out the purposes of such Trust Fund.

"(2) REPAYMENT OF ADVANCES.—

"(A) IN GENERAL.—Advances made to the Agriculture Disaster Relief Trust Fund shall be repaid, and interest on such advances shall be paid, to the general fund of the Treasury when the Secretary determines that moneys are available for such purposes in such Trust Fund.

"(B) RATE OF INTEREST.—Interest on advances made pursuant to this subsection shall be—

"(i) at a rate determined by the Secretary of the Treasury (as of the close of the calendar month preceding the month in which the advance is made) to be equal to the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the anticipated period during which the advance will be outstanding, and

"(ii) compounded annually.".

(b) TECHNICAL PROVISIONS RELATING TO THE PLANT PROTECTION ACT.—

(1) Section 442(c) of the Plant Protection Act (7 U.S.C. 7772(c)) is amended by striking "of longer than 60 days".

(2) Congress disapproves the rule submitted by the Secretary of Agriculture relating to cost-sharing for animal and plant health emergency programs (68 Fed. Reg. 40541 (2003)), and such rule shall have no force or effect.

SA 3827. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3822 proposed by Mr. THUNE (for Mr. GREGG) to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. 12103. EMERGENCY SERVICE ROUTE.

Section 1948 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1514) is amended—

(1) by inserting "(a) IN GENERAL.—" before "Notwithstanding"; and

(2) by adding at the end the following:

"(b) EFFECTIVE DATE.—This section takes effect if and only on the date on which the Secretary of Energy certifies to Congress that the section will not negatively impact the supply or availability of heating fuel, or increase the cost of heating fuel, for consumers in the Northeastern United States during the 10-year period beginning on the date of the certification.".

SA 3828. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3674 proposed by Mr. GREGG to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

SEC. _____. USE OF AMENDED INCOME TAX RETURNS TO TAKE INTO ACCOUNT RECEIPT OF CERTAIN HURRICANE-RELATED CASUALTY LOSS GRANTS BY DISALLOWING PREVIOUSLY TAKEN CASUALTY LOSS DEDUCTIONS.

Notwithstanding any other provision of the Internal Revenue Code of 1986, if a taxpayer claims a deduction for any taxable year with respect to a residential property casualty loss resulting from Hurricane Katrina or Hurricane Rita and in a subsequent taxable year receives a grant as reimbursement for such loss from the State of Louisiana or the State of Mississippi, such taxpayer may file an amended income tax return for the taxable year in which such deduction was allowed and disallow such deduction. Any increase in Federal income tax resulting from such disallowance shall not be subject to any penalty or interest under such Code if such tax is paid not later than 1 year after the filing of such amended return.

SA 3829. Mr. REID (for Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 868, between lines 15 and 16, insert the following:

SEC. 6____. COMPREHENSIVE RURAL BROADBAND.

(a) COMPREHENSIVE RURAL BROADBAND STRATEGY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Chairman of the Federal Communications Commission, in coordination with the Secretary, shall submit to the Committees on Energy and Commerce and Agriculture of the House of Representatives and the Committees on Commerce, Science, and Transportation and Agriculture, Nutrition, and Forestry of the Senate a report describing a comprehensive rural broadband strategy that includes—

(A) recommendations—

(i) to promote interagency coordination of Federal agencies in regards to policies, procedures, and targeted resources, and to improve and streamline the polices, programs, and services;

(ii) to coordinate among Federal agencies regarding existing rural broadband or rural initiatives that could be of value to rural broadband development;

(iii) to address both short- and long-term solutions and needs assessments for a rapid build-out of rural broadband solutions and applications for Federal, State, regional, and local government policy makers; and

(iv) to identify how specific Federal agency programs and resources can best respond to rural broadband requirements and overcome obstacles that currently impede rural broadband deployment; and

(B) a description of goals and timeframes to achieve the strategic plans and visions identified in the report.

(2) UPDATES.—The Chairman of the Federal Communications Commission, in coordination with the Secretary shall update and evaluate the report described in paragraph (1) on an annual basis.

(b) RURAL BROADBAND.—Section 306(a)(20)(E) of the Consolidated Rural Development Act (7 U.S.C. 1926(a)(20)(E)) is amended by striking "dial-up Internet access or".

SA 3830. Mr. HARKIN (for himself, Mr. KENNEDY, and Mr. GREGG) proposed an amendment to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; as follows:

At the appropriate place in title XI, insert the following:

Subtitle ___—Public Safety Officers

SEC. ____1. SHORT TITLE.

This subtitle may be cited as the "Public Safety Employer-Employee Cooperation Act of 2007".

SEC. ____2. DECLARATION OF PURPOSE AND POLICY.

The Congress declares that the following is the policy of the United States:

(1) Labor-management relationships and partnerships are based on trust, mutual respect, open communication, bilateral consensual problem solving, and shared accountability. Labor-management cooperation fully utilizes the strengths of both parties to best serve the interests of the public, operating as a team, to carry out the public safety mission in a quality work environment. In many public safety agencies it is the union that provides the institutional stability as elected leaders and appointees come and go.

(2) State and local public safety officers play an essential role in the efforts of the United States to detect, prevent, and respond to terrorist attacks, and to respond to natural disasters, hazardous materials, and other mass casualty incidents. State and local public safety officers, as first responders, are a component of our Nation's National Incident Management System, developed by the Department of Homeland Security to coordinate response to and recovery from terrorism, major natural disasters, and other major emergencies. Public safety employer-employee cooperation is essential in meeting these needs and is, therefore, in the National interest.

(3) The Federal Government needs to encourage conciliation, mediation, and voluntary arbitration to aid and encourage employers and the representatives of their employees to reach and maintain agreements concerning rates of pay, hours, and working conditions, and to make all reasonable efforts through negotiations to settle their differences by mutual agreement reached through collective bargaining or by such methods as may be provided for in any applicable agreement for the settlement of disputes.

(4) The absence of adequate cooperation between public safety employers and employees has implications for the security of employees and can affect interstate and intrastate commerce. The lack of such labor-management cooperation can detrimentally impact the upgrading of police and fire services of local communities, the health and well-being of public safety officers, and the morale of the fire and police departments. Additionally, these factors could have significant commercial repercussions. Moreover, providing minimal standards for collective bargaining negotiations in the public safety sector can prevent industrial strife between labor and management that interferes with the normal flow of commerce.

SEC. ____3. DEFINITIONS.

In this subtitle:

(1) AUTHORITY.—The term "Authority" means the Federal Labor Relations Authority.

(2) EMERGENCY MEDICAL SERVICES PERSONNEL.—The term "emergency medical services personnel" means an individual who provides out-of-hospital emergency medical care, including an emergency medical technician, paramedic, or first responder.

(3) EMPLOYER; PUBLIC SAFETY AGENCY.—The terms "employer" and "public safety agency" mean any State, or political subdivision of a State, that employs public safety officers.

(4) FIREFIGHTER.—The term "firefighter" has the meaning given the term "employee engaged in fire protection activities" in section 3(y) of the Fair Labor Standards Act (29 U.S.C. 203(y)).

(5) LABOR ORGANIZATION.—The term "labor organization" means an organization composed in whole or in part of employees, in which employees participate, and which represents such employees before public safety agencies concerning grievances, conditions of employment, and related matters.

(6) LAW ENFORCEMENT OFFICER.—The term "law enforcement officer" has the meaning given such term in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b).

(7) MANAGEMENT EMPLOYEE.—The term "management employee" has the meaning given such term under applicable State law in effect on the date of enactment of this subtitle. If no such State law is in effect, the term means an individual employed by a public safety employer in a position that requires or authorizes the individual to formulate, determine, or influence the policies of the employer.

(8) PERSON.—The term "person" means an individual or a labor organization.

(9) PUBLIC SAFETY OFFICER.—The term "public safety officer"—

(A) means an employee of a public safety agency who is a law enforcement officer, a firefighter, or an emergency medical services personnel;

(B) includes an individual who is temporarily transferred to a supervisory or management position; and

(C) does not include a permanent supervisory or management employee.

(10) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, and any territory or possession of the United States.

(11) SUBSTANTIALLY PROVIDES.—The term "substantially provides" means compliance with the essential requirements of this subtitle, specifically, the right to form and join a labor organization, the right to bargain over wages, hours, and conditions of employment, the right to sign an enforceable contract, and availability of some form of mechanism to break an impasse, such as arbitration, mediation, or fact-finding.

(12) SUPERVISORY EMPLOYEE.—The term "supervisory employee" has the meaning given such term under applicable State law in effect on the date of enactment of this subtitle. If no such State law is in effect, the term means an individual, employed by a public safety employer, who—

(A) has the authority in the interest of the employer to hire, direct, assign, promote, reward, transfer, furlough, lay off, recall, suspend, discipline, or remove public safety officers, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment; and

(B) devotes a majority of time at work exercising such authority.

SEC. ____4. DETERMINATION OF RIGHTS AND RESPONSIBILITIES.

(a) DETERMINATION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subtitle, the Authority shall make a determination as to whether a State substantially provides for the rights and responsibilities described in subsection (b). In making such determinations, the Authority shall consider and give weight, to the maximum extent practicable, to the opinion of affected parties.

(2) SUBSEQUENT DETERMINATIONS.—

(A) IN GENERAL.—A determination made pursuant to paragraph (1) shall remain in effect unless and until the Authority issues a subsequent determination, in accordance with the procedures set forth in subparagraph (B).

(B) Procedures for Subsequent Determinations.—Upon establishing that a material change in State law or its interpretation has occurred, an employer or a labor organization may submit a written request for a subsequent determination. If satisfied that a material change in State law or its interpretation has occurred, the Authority shall issue a subsequent determination not later than 30 days after receipt of such request.

(3) Judicial Review.—Any person or employer aggrieved by a determination of the Authority under this section may, during the 60-day period beginning on the date on which the determination was made, petition any United States Court of Appeals in the circuit in which the person or employer resides or transacts business or in the District of Columbia circuit, for judicial review. In any judicial review of a determination by the Authority, the procedures contained in subsections (c) and (d) of section 7123 of title 5, United States Code, shall be followed.

(b) Rights and Responsibilities.—In making a determination described in subsection (a), the Authority shall consider whether State law provides rights and responsibilities comparable to or greater than the following:

(1) Granting public safety officers the right to form and join a labor organization, which may exclude management employees and supervisory employees, that is, or seeks to be, recognized as the exclusive bargaining representative of such employees.

(2) Requiring public safety employers to recognize the employees' labor organization (freely chosen by a majority of the employees), to agree to bargain with the labor organization, and to commit any agreements to writing in a contract or memorandum of understanding.

(3) Permitting bargaining over hours, wages, and terms and conditions of employment.

(4) Making available an interest impasse resolution mechanism, such as fact-finding, mediation, arbitration, or comparable procedures.

(5) Requiring enforcement through State courts of—

(A) all rights, responsibilities, and protections provided by State law and enumerated in this section; and

(B) any written contract or memorandum of understanding.

(c) Failure To Meet Requirements.—

(1) In general.—If the Authority determines, acting pursuant to its authority under subsection (a), that a State does not substantially provide for the rights and responsibilities described in subsection (b), such State shall be subject to the regulations and procedures described in section _____5.

(2) Effective date.—Paragraph (1) shall take effect on the date that is 2 years after the date of enactment of this subtitle.

SEC. _____5. ROLE OF FEDERAL LABOR RELATIONS AUTHORITY.

(a) In General.—Not later than 1 year after the date of enactment of this subtitle, the Authority shall issue regulations in accordance with the rights and responsibilities described in section _____4(b) establishing collective bargaining procedures for employers and public safety officers in States which the Authority has determined, acting pursuant to section _____4(a), do not substantially provide for such rights and responsibilities.

(b) Role of the Federal Labor Relations Authority.—The Authority, to the extent provided in this subtitle and in accordance with regulations prescribed by the Authority, shall—

(1) determine the appropriateness of units for labor organization representation;

(2) supervise or conduct elections to determine whether a labor organization has been selected as an exclusive representative by a voting majority of the employees in an appropriate unit;

(3) resolve issues relating to the duty to bargain in good faith;

(4) conduct hearings and resolve complaints of unfair labor practices;

(5) resolve exceptions to the awards of arbitrators;

(6) protect the right of each employee to form, join, or assist any labor organization, or to refrain from any such activity, freely and without fear of penalty or reprisal, and protect each employee in the exercise of such right; and

(7) take such other actions as are necessary and appropriate to effectively administer this subtitle, including issuing subpoenas requiring the attendance and testimony of witnesses and the production of documentary or other evidence from any place in the United States, and administering oaths, taking or ordering the taking of depositions, ordering responses to written interrogatories, and receiving and examining witnesses.

(c) Enforcement.—

(1) Authority to petition court.—The Authority may petition any United States Court of Appeals with jurisdiction over the parties, or the United States Court of Appeals for the District of Columbia Circuit, to enforce any final orders under this section, and for appropriate temporary relief or a restraining order. Any petition under this section shall be conducted in accordance with subsections (c) and (d) of section 7123 of title 5, United States Code.

(2) Private right of action.—Unless the Authority has filed a petition for enforcement as provided in paragraph (1), any party has the right to file suit in a State court of competent jurisdiction to enforce compliance with the regulations issued by the Authority pursuant to subsection (b), and to enforce compliance with any order issued by the Authority pursuant to this section. The right provided by this subsection to bring a suit to enforce compliance with any order issued by the Authority pursuant to this section shall terminate upon the filing of a petition seeking the same relief by the Authority.

SEC. _____6. STRIKES AND LOCKOUTS PROHIBITED.

(a) Prohibition.—An employer, public safety officer, or labor organization may not engage in a lockout, sickout, work slowdown, strike, or any other action that will measurably disrupt the delivery of emergency services and is designed to compel an employer, public safety officer, or labor organization to agree to the terms of a proposed contract.

(b) Mandatory Terms and Conditions.—It shall not be a violation of subsection (a) for a public safety officer or labor organization to refuse to carry out services that are not required under the mandatory terms and conditions of employment applicable to the public safety officer or labor organization.

SEC. _____7. EXISTING COLLECTIVE BARGAINING UNITS AND AGREEMENTS.

A certification, recognition, election-held, collective bargaining agreement or memorandum of understanding which has been issued, approved, or ratified by any public employee relations board or commission or by any State or political subdivision or its agents (management officials) and is in effect on the day before the date of enactment of this subtitle shall not be invalidated by the enactment of this subtitle.

SEC. _____8. CONSTRUCTION AND COMPLIANCE.

(a) Construction.—Nothing in this subtitle shall be construed—

(1) to preempt or limit the remedies, rights, and procedures of any law of any State or political subdivision of any State or jurisdiction that provides greater or comparable rights and responsibilities than the rights and responsibilities described in section _____4(b);

(2) to prevent a State from enforcing a right-to-work law that prohibits employers and labor organizations from negotiating provisions in a labor agreement that require union membership or payment of union fees as a condition of employment;

(3) to preempt or limit any State law in effect on the date of enactment of this subtitle that provides for the rights and responsibilities described in section _____4(b) solely because such State law permits an employee to appear on the employee's own behalf with respect to the employee's employment relations with the public safety agency involved;

(4) to preempt or limit any State law in effect on the date of enactment of this subtitle that provides for the rights and responsibilities described in section _____4(b) solely because such State law excludes from its coverage employees of a State militia or national guard;

(5) to permit parties in States subject to the regulations and procedures described in section _____5 to negotiate provisions that would prohibit an employee from engaging in part-time employment or volunteer activities during off-duty hours;

(6) to prohibit a State from exempting from coverage under this subtitle a political subdivision of the State that has a population of less than 5,000 or that employs less than 25 full-time employees; or

(7) to preempt or limit the laws or ordinances of any State or political subdivision of a State that provide for the rights and responsibilities described in section _____4(b) solely because such law does not require bargaining with respect to pension, retirement, or health benefits.

For purposes of paragraph (6), the term "employee" includes each and every individual employed by the political subdivision except any individual elected by popular vote or appointed to serve on a board or commission.

(b) Compliance.—

(1) Actions of states.—Nothing in this subtitle or the regulations promulgated under this subtitle shall be construed to require a State to rescind or preempt the laws or ordinances of any of its political subdivisions if such laws provide rights and responsibilities for public safety officers that are comparable to or greater than the rights and responsibilities described in section _____4(b).

(2) Actions of the authority.—Nothing in this subtitle or the regulations promulgated under this subtitle shall be construed to preempt—

(A) the laws or ordinances of any State or political subdivision of a State, if such laws provide collective bargaining rights for public safety officers that are comparable to or greater than the rights enumerated in section _____4(b);

(B) the laws or ordinance of any State or political subdivision of a State that provide for the rights and responsibilities described in section _____4(b) with respect to certain categories of public safety officers covered by this subtitle solely because such rights and responsibilities have not been extended to other categories of public safety officers covered by this subtitle; or

(C) the laws or ordinances of any State or political subdivision of a State that provides for the rights and responsibilities described in section _____4(b), solely because such laws or ordinances provide that a contract or memorandum of understanding between a public safety employer and a labor organization must be presented to a legislative body as part of the process for approving such contract or memorandum of understanding.

(3) LIMITED ENFORCEMENT POWER.—In the case of a law described in paragraph (2)(B), the Authority shall only exercise the powers provided in section _____5 with respect to those categories of public safety officers who have not been afforded the rights and responsibilities described in section _____4(b).

(4) EXCLUSIVE ENFORCEMENT PROVISION.—Notwithstanding any other provision of this subtitle, and in the absence of a waiver of a State's sovereign immunity, the Authority shall have the exclusive power to enforce the provisions of this subtitle with respect to employees of a State or political subdivision of a State.

SEC. _____9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subtitle.

SA 3831. Mr. REID (for Mr. KENNEDY) proposed an amendment to the bill S. 793, to provide for the expansion and improvement of traumatic brain injury programs; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reauthorization of the Traumatic Brain Injury Act".

SEC. 2. CONFORMING AMENDMENTS RELATING TO RESTRUCTURING.

Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended—

(1) by redesignating the section 393B (42 U.S.C. 280b–1c) relating to the use of allotments for rape prevention education, as section 393A and moving such section so that it follows section 393;

(2) by redesignating existing section 393A (42 U.S.C. 280b–1b) relating to prevention of traumatic brain injury, as section 393B; and

(3) by redesignating the section 393B (42 U.S.C. 280b–1d) relating to traumatic brain injury registries, as section 393C.

SEC. 3. TRAUMATIC BRAIN INJURY PROGRAMS OF THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) PREVENTION OF TRAUMATIC BRAIN INJURY.—Clause (ii) of section 393B(b)(3)(A) of the Public Health Service Act, as so redesignated, (42 U.S.C. 280b–1b) is amended by striking "from hospitals and trauma centers" and inserting "from hospitals and emergency departments".

(b) NATIONAL PROGRAM FOR TRAUMATIC BRAIN INJURY SURVEILLANCE AND REGISTRIES.—Section 393C of the Public Health Service Act, as so redesignated, (42 U.S.C. 280b et seq.) is amended—

(1) in the section heading, by inserting "**SURVEILLANCE AND**" after "**NATIONAL PROGRAM FOR TRAUMATIC BRAIN INJURY**"; and

(2) in subsection (a), in the matter preceding paragraph (1), by striking "may make grants" and all that follows through "to collect data concerning—" and inserting "may make grants to States or their designees to develop or operate the State's traumatic brain injury surveillance system or registry to determine the incidence and prevalence of traumatic brain injury and related disability, to ensure the uniformity of reporting under such system or registry, to link individuals with traumatic brain injury to services and supports, and to link such individuals with academic institutions to conduct applied research that will support the development of such surveillance systems and registries as may be necessary. A surveillance system or registry under this section shall provide for the collection of data concerning—".

(c) REPORT.—Section 393C of the Public Health Service Act (as so redesignated) is amended by adding at the end the following:

"(b) Not later than 18 months after the date of enactment of the Reauthorization of the Traumatic Brain Injury Act, the Secretary, acting through the Director of the Centers for Disease Control and Prevention and the Director of the National Institutes of Health and in consultation with the Secretary of Defense and the Secretary of Veterans Affairs, shall submit to the relevant committees of Congress a report that contains the findings derived from an evaluation concerning activities and procedures that can be implemented by the Centers for Disease Control and Prevention, the Department of Defense, and the Department of Veterans Affairs to improve the collection and dissemination of compatible epidemiological studies on the incidence and prevalence of traumatic brain injury in the military and veterans populations who return to civilian life. The report shall include recommendations on the manner in which such agencies can further collaborate on the development and improvement of traumatic brain injury diagnostic tools and treatments.".

SEC. 4. STUDY ON TRAUMATIC BRAIN INJURY.

Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended by inserting after section 393C the following:

"SEC. 393C–1. STUDY ON TRAUMATIC BRAIN INJURY.

"(a) STUDY.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention with respect to paragraph (1) and in consultation with the Director of the National Institutes of Health and other appropriate entities with respect to paragraphs (2), (3), and (4), may conduct a study with respect to traumatic brain injury for the purpose of carrying out the following:

"(1) In collaboration with appropriate State and local health-related agencies—

"(A) determining the incidence of traumatic brain injury and prevalence of traumatic brain injury related disability and the clinical aspects of the disability in all age groups and racial and ethnic minority groups in the general population of the United States, including institutional settings, such as nursing homes, correctional facilities, psychiatric hospitals, child care facilities, and residential institutes for people with developmental disabilities; and

"(B) reporting national trends in traumatic brain injury.

"(2) Identifying common therapeutic interventions which are used for the rehabilitation of individuals with such injuries, and, subject to the availability of information, including an analysis of—

"(A) the effectiveness of each such intervention in improving the functioning, including return to work or school and community participation, of individuals with brain injuries;

"(B) the comparative effectiveness of interventions employed in the course of rehabilitation of individuals with brain injuries to achieve the same or similar clinical outcome; and

"(C) the adequacy of existing measures of outcomes and knowledge of factors influencing differential outcomes.

"(3) Identifying interventions and therapies that can prevent or remediate the development of secondary neurologic conditions related to traumatic brain injury.

"(4) Developing practice guidelines for the rehabilitation of traumatic brain injury at such time as appropriate scientific research becomes available.

"(b) DATES CERTAIN FOR REPORTS.—If the study is conducted under subsection (a), the Secretary shall, not later than 3 years after the date of the enactment of the Reauthorization of the Traumatic Brain Injury Act, submit to Congress a report describing findings made as a result of carrying out such subsection (a).

"(c) DEFINITION.—For purposes of this section, the term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to trauma including near drowning. The Secretary may revise the definition of such term as the Secretary determines necessary.".

SEC. 5. TRAUMATIC BRAIN INJURY PROGRAMS OF THE NATIONAL INSTITUTES OF HEALTH.

Section 1261 of the Public Health Service Act (42 U.S.C. 300d–61) is amended—

(1) in subsection (b)(2), by striking "Labor and Human Resources" and inserting "Health, Education, Labor, and Pensions";

(2) in subparagraph (D) of subsection (d)(4), by striking "head brain injury" and inserting "brain injury"; and

(3) in subsection (i), by inserting ", and such sums as may be necessary for each of fiscal years 2008 through 2011" before the period at the end.

SEC. 6. TRAUMATIC BRAIN INJURY PROGRAMS OF THE HEALTH RESOURCES AND SERVICES ADMINISTRATION.

(a) STATE GRANTS FOR DEMONSTRATION PROJECTS REGARDING TRAUMATIC BRAIN INJURY.—Section 1252 of the Public Health Service Act (42 U.S.C. 300d–52) is amended—

(1) in subsection (a)—

(A) by striking "may make grants to States" and inserting "may make grants to States and American Indian consortia"; and

(B) by striking "health and other services" and inserting "rehabilitation and other services";

(2) in subsection (b)—

(A) in paragraphs (1), (3)(A)(i), (3)(A)(iii), and (3)(A)(iv), by striking the term "State" each place such term appears and inserting the term "State or American Indian consortium"; and

(B) in paragraph (2), by striking "recommendations to the State" and inserting "recommendations to the State or American Indian consortium";

(3) in subsection (c), by striking the term "State" each place such term appears and inserting "State or American Indian consortium";

(4) in subsection (e), by striking "A State that received" and all that follows through the period and inserting "A State or American Indian consortium that received a grant under this section prior to the date of the enactment of the Reauthorization of the Traumatic Brain Injury Act may complete the activities funded by the grant.";

(5) in subsection (f)—

(A) in the subsection heading, by inserting "AND AMERICAN INDIAN CONSORTIUM" after "STATE";

(B) in paragraph (1) in the matter preceding subparagraph (A), paragraph (1)(E), paragraph (2)(A), paragraph (2)(B), paragraph (3) in the matter preceding subparagraph (A), paragraph (3)(E), and paragraph (3)(F), by striking the term "State" each place such term appears and inserting "State or American Indian consortium";

(C) in clause (ii) of paragraph (1)(A), by striking "children and other individuals" and inserting "children, youth, and adults"; and

(D) in subsection (h)—

(i) by striking "Not later than 2 years after the date of the enactment of this section, the Secretary" and inserting "Not less than biennially, the Secretary";

(ii) by striking "Commerce of the House of Representatives, and to the Committee on Labor and Human Resources" and inserting "Energy and Commerce of the House of Representatives, and to the Committee on Health, Education, Labor, and Pensions"; and

(iii) by inserting "and section 1253" after "programs established under this section,";

(6) by amending subsection (i) to read as follows:

"(i) DEFINITIONS.—For purposes of this section:

"(1) The terms 'American Indian consortium' and 'State' have the meanings given to those terms in section 1253.

"(2) The term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to trauma. The Secretary may revise the definition of such term as the Secretary determines necessary, after consultation with States and other appropriate public or nonprofit private entities."; and

(7) in subsection (j), by inserting ", and such sums as may be necessary for each of the fiscal years 2008 through 2011" before the period.

(b) STATE GRANTS FOR PROTECTION AND ADVOCACY SERVICES.—Section 1253 of the Public Health Service Act (42 U.S.C. 300d–53) is amended—

(1) in subsections (d) and (e), by striking the term "subsection (i)" each place such term appears and inserting "subsection (l)";

(2) in subsection (g), by inserting "each fiscal year not later than October 1," before "the Administrator shall pay";

(3) by redesignating subsections (i) and (j) as subsections (l) and (m), respectively;

(4) by inserting after subsection (h) the following:

"(i) DATA COLLECTION.—The Administrator of the Health Resources and Services Administration and the Commissioner of the Administration on Developmental Disabilities shall enter into an agreement to coordinate the collection of data by the Administrator and the Commissioner regarding protection and advocacy services.

"(j) TRAINING AND TECHNICAL ASSISTANCE.—

"(1) GRANTS.—For any fiscal year for which the amount appropriated to carry out this section is $6,000,000 or greater, the Administrator shall use 2 percent of such amount to make a grant to an eligible national association for providing for training and technical assistance to protection and advocacy systems.

"(2) DEFINITION.—In this subsection, the term 'eligible national association' means a national association with demonstrated experience in providing training and technical assistance to protection and advocacy systems.

"(k) SYSTEM AUTHORITY.—In providing services under this section, a protection and advocacy system shall have the same authorities, including access to records, as such system would have for purposes of providing services under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000."; and

(5) in subsection (l) (as redesignated by this subsection) by striking "2005" and inserting "2011".

SEC. 7. GAO STUDY WITH RESPECT TO MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study regarding members of the armed forces who have acquired a disability resulting from a traumatic brain injury incurred while serving in Operation Enduring Freedom and Operation Iraqi Freedom. Such study shall examine how these individuals are being reintegrated into their communities, including—

(1) what is known about this population; and

(2) what challenges they may face in returning to their communities, such as accessing employment, housing, transportation, and community care programs, and coordinating benefits.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Veterans' Affairs and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Veterans' Affairs and the Committee on Education and the Workforce of the House of Representatives, a report summarizing the results of the study conducted under subsection (a).

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a nomination hearing has been scheduled before the Senate Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, December 18, 2007, at 10:30 a.m., in room SD366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the nomination of Jon Wellinghoff, of Nevada, to be a Member of the Federal Energy Regulatory Commission, for the term expiring June 30, 2013.

For further information, please contact Sam Fowler at (202) 224–7571 or Rosemarie Calabro at (202) 224–5039.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, December 11, 2007, at 2:30 p.m., in room SD366 of the Dirksen Senate Office Building in order to conduct a hearing. At this hearing, the committee will hear testimony regarding the Science and Engineering to Comprehensively Understand and Responsibly Enhance Water Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, December 11, 2007, at 10 a.m., in room 215 of the Dirksen Senate Office Building, in order to hear testimony on S. 1673, the Promoting American Agricultural and Medical Exports to Cuba Act of 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, December 11, 2007, at 2:30 p.m. in order to hold a classified briefing on Iran.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing entitled "Meeting the Global Challenge of AIDS, TB, and Malaria," during the session of the Senate on Tuesday, December 11, 2007, at 10 a.m. in room 325 of the Russell Senate Office Building.

The PRESIDING OFFICER, Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, December 11, 2007, at 10 a.m. in order to conduct a hearing entitled "E-Government 2.0: Improving Innovation, Collaboration, and Access."

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations, of the Committee on Homeland Security and Governmental Affairs, be authorized to meet during the session of the Senate on Tuesday, December 11, 2007, at 10 a.m., in order to conduct a hearing entitled, "Speculation in the Crude Oil Market."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Select

Committee on Intelligence be authorized to meet during the session of the Senate on December 11, 2007, at 2:30 p.m. in order to hold a closed briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY, AND CONSUMER RIGHTS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy, and Consumer Rights, be authorized to meet during the session of the Senate in order to conduct a hearing entitled "The Sunshine in Litigation Act: Does Court Secrecy Undermine Public Health and Safety?" on Tuesday, December 11, 2007 at 2:30 p.m. in room SD–226 of the Dirksen Senate Office Building.

Witness list

The Honorable Joseph F. Anderson, United States District Court Judge, United States District Court for the District of South Carolina.

Johnny Bradley, Jr., Pachuta, Mississippi.

Robert N. Weiner, Partner, Arnold & Porter, LLP, Washington, DC.

Leslie A. Bailey, Brayton-Baron Attorney, Public Justice, Oakland, CA.

Stephen G. Morrison, Partner, Nelson Mullins Riley & Scarborough, LLP, Columbia, SC.

Richard A. Zitrin, Adjunct Professor of Law, University of California at Hastings, San Francisco, CA.

The PRESIDING OFFICER. Without objections, it is so ordered.

SUBCOMMITTEE ON TERRORISM, TECHNOLOGY, AND HOMELAND SECURITY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Terrorism, Technology, and Homeland Security, be authorized to meet during the session of the Senate in order to conduct a hearing entitled "The Legal Rights of Guantánamo Detainees: What Are They, Should They Be Changed, and Is an End in Sight?" on Tuesday, December 11, 2007 at 10 a.m. in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. ALEXANDER. Mr. President, I unanimous consent that a fellow on my staff, Jack Wells, be granted the privilege of the floor for the duration of the debate on the farm bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. First, on behalf of the Presiding Officer, Senator SALAZAR, I ask unanimous consent that Ben Brown, a fellow in Senator SALAZAR's office, be allowed floor privileges for the remainder of the debate on the farm bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

METHAMPHETAMINE REMEDIATION RESEARCH ACT OF 2007

Mr. REID. Mr. President, I ask unanimous consent that the Environment and Public Works Committee be discharged from further consideration of H.R. 365.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 365) to provide for a research program for remediation of closed methamphetamine production laboratories, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table, and that any statement relating to the bill be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 365) was ordered to a third reading, was read the third time, and passed.

REAUTHORIZATION OF THE TRAUMATIC BRAIN INJURY ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 317, S. 793.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 793) to provide for the expansion and improvement of traumatic brain injury programs.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reauthorization of the Traumatic Brain Injury Act".

SEC. 2. CONFORMING AMENDMENTS RELATING TO RESTRUCTURING.

Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended—

(1) by redesignating the section 393B (42 U.S.C. 280b–1c) relating to the use of allotments for rape prevention education, as section 393A and moving such section so that it follows section 393;

(2) by redesignating existing section 393A (42 U.S.C. 280b–1b) relating to prevention of traumatic brain injury, as section 393B; and

(3) by redesignating the section 393B (42 U.S.C. 280b–1d) relating to traumatic brain injury registries, as section 393C.

SEC. 3. TRAUMATIC BRAIN INJURY PROGRAMS OF THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) PREVENTION OF TRAUMATIC BRAIN INJURY.—Clause (ii) of section 393B(b)(3)(A) of the Public Health Service Act, as so redesignated, (42 U.S.C. 280b–1b) is amended by striking "from hospitals and trauma centers" and inserting "from hospitals and emergency departments".

(b) NATIONAL PROGRAM FOR TRAUMATIC BRAIN INJURY SURVEILLANCE AND REGISTRIES.—Section 393C of the Public Health Service Act, as so redesignated, (42 U.S.C. 280b et seq.) is amended—

*(1) in the section heading, by inserting "**SURVEILLANCE AND**" after "**NATIONAL PROGRAM FOR TRAUMATIC BRAIN INJURY**"; and*

(2) in subsection (a), in the matter preceding paragraph (1), by striking "may make grants" and all that follows through "to collect data concerning—" and inserting "may make grants to States or their designees to develop or operate the State's traumatic brain injury surveillance system or registry to determine the incidence and prevalence of traumatic brain injury and related disability, to ensure the uniformity of reporting under such system or registry, to link individuals with traumatic brain injury to services and supports, and to link such individuals with academic institutions to conduct applied research that will support the development of such surveillance systems and registries as may be necessary. A surveillance system or registry under this section shall provide for the collection of data concerning—".

(c) REPORT.—Section 393C of the Public Health Service Act (as so redesignated) is amended by adding at the end the following:

"(b) Not later than 18 months after the date of enactment of the Reauthorization of the Traumatic Brain Injury Act, the Secretary, acting through the Director of the Centers for Disease Control and Prevention and the Director of the National Institutes of Health and in consultation with the Secretary of Defense and the Secretary of Veterans Affairs, shall submit to the relevant committees of Congress a report that contains the findings derived from an evaluation concerning activities and procedures that can be implemented by the Centers for Disease Control and Prevention, the Department of Defense, and the Department of Veterans Affairs to improve the collection and dissemination of compatible epidemiological studies on the incidence and prevalence of traumatic brain injury in the military and veterans populations who return to civilian life. The report shall include recommendations on the manner in which such agencies can further collaborate on the development and improvement of traumatic brain injury diagnostic tools and treatments.".

SEC. 4. STUDY ON TRAUMATIC BRAIN INJURY.

Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended by inserting after section 393C the following:

"SEC. 393C–1. STUDY ON TRAUMATIC BRAIN INJURY.

"(a) STUDY.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention with respect to paragraph (1) and the Director of the National Institutes of Health with respect to paragraphs (2) and (3), shall conduct a study with respect to traumatic brain injury for the purpose of carrying out the following:

"(1) In collaboration with appropriate State and local health-related agencies—

"(A) determining the incidence of traumatic brain injury and prevalence of traumatic brain injury related disability and the clinical aspects of the disability in all age groups and racial and ethnic minority groups in the general population of the United States, including institutional settings, such as nursing homes, correctional facilities, psychiatric hospitals, child care facilities, and residential institutes for people with developmental disabilities; and

"(B) reporting national trends in traumatic brain injury.

"(2) Identifying common therapeutic interventions which are used for the rehabilitation of individuals with such injuries, and, subject to the availability of information, including an analysis of—

"(A) the effectiveness of each such intervention in improving the functioning, including return to work or school and community participation, of individuals with brain injuries;

"(B) the comparative effectiveness of interventions employed in the course of rehabilitation of individuals with brain injuries to achieve the same or similar clinical outcome; and

"(C) the adequacy of existing measures of outcomes and knowledge of factors influencing differential outcomes.

"(3) Identifying interventions and therapies that can prevent or remediate the development of secondary neurologic conditions related to traumatic brain injury.

"(4) Developing practice guidelines for the rehabilitation of traumatic brain injury at such time as appropriate scientific research becomes available.

"(b) DATES CERTAIN FOR REPORTS.—Not later than 3 years after the date of the enactment of the Reauthorization of the Traumatic Brain Injury Act, the Secretary shall submit to the Congress a report describing findings made as a result of carrying out subsection (a).

"(c) DEFINITION.—For purposes of this section, the term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to trauma including near drowning. The Secretary may revise the definition of such term as the Secretary determines necessary.".

SEC. 5. TRAUMATIC BRAIN INJURY PROGRAMS OF THE NATIONAL INSTITUTES OF HEALTH.

Section 1261 of the Public Health Service Act (42 U.S.C. 300d–61) is amended—

(1) in subsection (b)(2), by striking "Labor and Human Resources" and inserting "Health, Education, Labor, and Pensions";

(2) in subparagraph (D) of subsection (d)(4), by striking "head brain injury" and inserting "brain injury"; and

(3) in subsection (i), by inserting ", and such sums as may be necessary for each of fiscal years 2008 through 2011" before the period at the end.

SEC. 6. TRAUMATIC BRAIN INJURY PROGRAMS OF THE HEALTH RESOURCES AND SERVICES ADMINISTRATION.

(a) STATE GRANTS FOR DEMONSTRATION PROJECTS REGARDING TRAUMATIC BRAIN INJURY.—Section 1252 of the Public Health Service Act (42 U.S.C. 300d–52) is amended—

(1) in subsection (a)—

(A) by striking "may make grants to States" and inserting "may make grants to States and American Indian consortia"; and

(B) by striking "health and other services" and inserting "rehabilitation and other services";

(2) in subsection (b)—

(A) in paragraphs (1), (3)(A)(i), (3)(A)(iii), and (3)(A)(iv), by striking the term "State" each place such term appears and inserting the term "State or American Indian consortium"; and

(B) in paragraph (2), by striking "recommendations to the State" and inserting "recommendations to the State or American Indian consortium";

(3) in subsection (c), by striking the term "State" each place such term appears and inserting "State or American Indian consortium";

(4) in subsection (e), by striking "A State that received" and all that follows through the period and inserting "A State or American Indian consortium that received a grant under this section prior to the date of the enactment of the Reauthorization of the Traumatic Brain Injury Act may complete the activities funded by the grant.";

(5) in subsection (f)—

(A) in the subsection heading, by inserting "AND AMERICAN INDIAN CONSORTIUM" after "STATE";

(B) in paragraph (1) in the matter preceding subparagraph (A), paragraph (1)(E), paragraph (2)(A), paragraph (2)(B), paragraph (3) in the matter preceding subparagraph (A), paragraph (3)(E), and paragraph (3)(F), by striking the term "State" each place such term appears and inserting "State or American Indian consortium";

(C) in clause (ii) of paragraph (1)(A), by striking "children and other individuals" and inserting "children, youth, and adults"; and

(D) in subsection (h)—

(i) by striking "Not later than 2 years after the date of the enactment of this section, the Secretary" and inserting "Not less than biennially, the Secretary";

(ii) by striking "Commerce of the House of Representatives, and to the Committee on Labor and Human Resources" and inserting "Energy and Commerce of the House of Representatives, and to the Committee on Health, Education, Labor, and Pensions"; and

(iii) by inserting "and section 1253" after "programs established under this section,";

(6) by amending subsection (i) to read as follows:

"(i) DEFINITIONS.—For purposes of this section:

"(1) The terms 'American Indian consortium' and 'State' have the meanings given to those terms in section 1253.

"(2) The term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to trauma. The Secretary may revise the definition of such term as the Secretary determines necessary, after consultation with States and other appropriate public or nonprofit private entities."; and

(7) in subsection (j), by inserting ", and such sums as may be necessary for each of the fiscal years 2008 through 2011" before the period.

(b) STATE GRANTS FOR PROTECTION AND ADVOCACY SERVICES.—Section 1253 of the Public Health Service Act (42 U.S.C. 300d–53) is amended—

(1) in subsections (d) and (e), by striking the term "subsection (i)" each place such term appears and inserting "subsection (l)";

(2) in subsection (g), by inserting "each fiscal year not later than October 1," before "the Administrator shall pay";

(3) by redesignating subsections (i) and (j) as subsections (l) and (m), respectively;

(4) by inserting after subsection (h) the following:

"(i) DATA COLLECTION.—The Administrator of the Health Resources and Services Administration and the Commissioner of the Administration on Developmental Disabilities shall enter into an agreement to coordinate the collection of data by the Administrator and the Commissioner regarding protection and advocacy services.

"(j) TRAINING AND TECHNICAL ASSISTANCE.—

"(1) GRANTS.—For any fiscal year for which the amount appropriated to carry out this section is $6,000,000 or greater, the Administrator shall use 2 percent of such amount to make a grant to an eligible national association for providing for training and technical assistance to protection and advocacy systems.

"(2) DEFINITION.—In this subsection, the term 'eligible national association' means a national association with demonstrated experience in providing training and technical assistance to protection and advocacy systems.

"(k) SYSTEM AUTHORITY.—In providing services under this section, a protection and advocacy system shall have the same authorities, including access to records, as such system would have for purposes of providing services under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000."; and

(5) in subsection (l) (as redesignated by this subsection) by striking "2005" and inserting "2011".

SEC. 7. GAO STUDY WITH RESPECT TO MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a national study regarding whether, and, if so, to what extent, members of the armed forces who have acquired a disability from serving in Operation Enduring Freedom and Operation Iraqi Freedom are being reintegrated into their communities. Such study shall specifically include an examination of factors affecting the reintegration of such members of the armed forces who have acquired a traumatic brain injury into their communities, including an analysis of—

(1) the unavailability of suitable employment, housing, and transportation;

(2) the existence, availability, and capacity of community care programs; and

(3) the extent to which there is coordination of benefits for these men and women.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Veterans' Affairs and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Veterans' Affairs and the Committee on Education and the Workforce of the House of Representatives, a report summarizing the results of the study conducted under subsection (a).

Mr. KENNEDY. Mr. President, in passing the reauthorization of the Traumatic Brain Injury Act today, the Senate has taken an important step toward making a difference in the lives of some of our Nation's most deserving citizens: our soldiers and our children. It is a privilege to have worked with my colleague, Senator HATCH, on this legislation. It is an important and timely bill that helps an especially deserving group of people.

Brain injuries have become the signature wound of the war in Iraq. Up to two-thirds of our wounded soldiers may have suffered such injuries. Here at home, an unacceptably large number of children from birth to age 14 experience traumatic brain injuries—approximately 475,000 a year and some of the most frequent of these injuries are to children under the age of five. In Massachusetts alone, more than 40,000 individuals experience brain injuries each year.

As a result of such injuries, over 5.3 million Americans are now living with a permanent disability. Today, we have taken a step toward ensuring that these citizens and their families will receive the best care we can provide.

The bill reauthorizes grants that assist States, Territories, and the District of Columbia in establishing and expanding coordinated systems of community-based services and supports for those with such injuries.

When Congress approved the Traumatic Brain Injury Act as part of the Children's Health Act of 2000, we included a specific provision called the Protection and Advocacy for Individuals with Traumatic Brain Injury Program. This program has become essential because persons with these injuries have an array of needs beyond treatment and health care, including assistance in returning to work, finding a place to live, obtaining supports and services such as attendant care and assistive technology, and obtaining appropriate mental health, substance abuse, and rehabilitation services.

Often these persons—especially our returning veterans—must remain in extremely expensive institutions far longer than necessary, because the community-based supports and services they need are not available, even though they can lead to reduced government expenditures, increased productivity, independence and community integration. Those who provide such assistance must have special skills, and their work is often time-intensive.

Our legislation allocates funds for CDC programs that will provide important information and data on injury prevention. A recent Institute of Medicine report showed that such programs work. Their benefit is obvious, and we must do all we can to expand this appropriation in the years ahead to meet the urgent and growing need for this assistance.

A recent report by the Institute of Medicine calls the current TBI programs an "overall success." It states that "there is considerable value in providing funding," and "it is worrisome that the modestly budgeted TBI Program continues to be vulnerable to budget cuts."

Current estimates show that the Federal Government spends less than $3 dollars per brain injury survivor on research and services. As the IOM study suggests, this program must be able to grow, so that each State has the resources necessary to maintain vital services and advocacy for the large number of Americans who sustain such a brain injury each year.

Today's passage of this bipartisan bill moves us closer to continuing and strengthening these important programs which say to our Nation's wounded soldiers and injured children: "You deserve the best we can provide". I hope very much that Congress will continue to expand these programs, so that we can truly do all we can for these deserving individuals and their families.

Mr. REID. Mr. President, I ask unanimous consent that the amendment at the desk be considered and agreed to; that the committee-reported substitute, as amended, be agreed to; that the bill, as amended, be read a third time, passed, and the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3831) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments."

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 793), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

ORDERS FOR WEDNESDAY, DECEMBER 12, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9 a.m., Wednesday, December 12; that on Wednesday, December 12, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour deemed expired, the time for the two leaders reserved for their use later in the day; that there then be a period of morning business for 3 hours, with the time equally divided and controlled between the two leaders or their designees and Senators permitted to speak therein for up to 10 minutes each, with the first half under the control of the majority and the final half under the control of the Republicans; that at the close of morning business, the Senate then resume consideration of H.R. 2419, as provided for under a previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. REID. Mr. President, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:21 p.m., adjourned until Wednesday, December 12, 2007, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

YOUSIF BOUTROUS GHAFARI, OF MICHIGAN, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SLOVENIA.

JAMES K. GLASSMAN, OF CONNECTICUT, TO BE UNDER SECRETARY OF STATE FOR PUBLIC DIPLOMACY WITH THE RANK OF AMBASSADOR, VICE KAREN P. HUGHES.

DEPARTMENT OF THE TREASURY

DOUGLAS H. SHULMAN, OF THE DISTRICT OF COLUMBIA, TO BE COMMISSIONER OF INTERNAL REVENUE FOR THE TERM PRESCRIBED BY LAW, VICE MARK W. EVERSON.

DEPARTMENT OF ENERGY

STANLEY C. SUBOLESKI, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF ENERGY (FOSSIL ENERGY), VICE JEFFREY D. JARRETT, RESIGNED.

FEDERAL ENERGY REGULATORY COMMISSION

JON WELLINGHOFF, OF NEVADA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2013. (REAPPOINTMENT)

THE JUDICIARY

GLENN T. SUDDABY, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF NEW YORK, VICE LAWRENCE E. KAHN, RETIRED.

G. MURRAY SNOW, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA, VICE STEPHEN M. MCNAMEE, RETIRED.

DEPARTMENT OF JUSTICE

GREGORY G. KATSAS, OF MASSACHUSETTS, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE PETER D. KEISLER, RESIGNED.

KEVIN J. O'CONNOR, OF CONNECTICUT, TO BE ASSOCIATE ATTORNEY GENERAL, VICE ROBERT D. MCCALLUM, JR.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. BRUCE A. LITCHFIELD, 4854

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL MARK A. EDIGER, 6172
COLONEL RICHARD A. HERSACK, 7842
COLONEL DANIEL O. WYMAN, 4744

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. CHRISTOPHER F. BURNE, 2139
COL. DWIGHT D. CREASY, 0424

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

JOHN R. SHAW, 1708

To be major

GREGORY S.F. MCDOUGAL, 8539
NATALIE L. RESTIVO, 7303

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

QUINDOLA M. CROWLEY, 9098

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

PAUL A. MABRY, 2322

To be major

JON E. LUTZ, 1770
ROBERT PERITO, 2540

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JOSEPH M. ADAMS, 0024
MICHAEL A. BALSER, 9424
BRETT A. BARRACLOUGH, 5406
ROGER S. BASNETT, 5674
DAVID G. BASSETT, 8360
THOMAS C. BEANE, JR., 7814
VERNON L. BEATTY, JR., 1322
TIMOTHY D. BECKNER, 2431
ALAN R. BERNARD, 6357
FRANCISCO R. BETANCOURT, 4040
MICHAEL C. BIRD, 8303
GREGG A. BLANCHARD, 1265
GEORGE W. BOND, 9158
MICHAEL T. BOONE, 3892
WILLIAM K. BOYETT, 3733
LEO E. BRADLEY III, 3034
WILLIAM B. BRENTS, 1896
BRIAN P. BRINDLEY, 9325
STEVEN R. BUSCH, 2330
DOUGLAS B. BUSHEY, 6265
KENNETH G. CARRICK, 2790
ANTHONY K. CHAMBERS, 4465
DOUGLAS G. CHAMBERS, 3410
DANIEL M. CHARTIER, 9776
MARCUS C. CHERRY, 3500
LARY E. CHINOWSKY, 2246

LINWOOD B. CLARK, JR., 6497
EMMA K. COULSON, 5648
STEVEN F. CUMMINGS, 5642
DEBRA D. DANIELS, 5201
WILLIAM J. DAVISSON, 2387
JAMES V. DAY, 5515
ROBERT W. DEJONG, 5597
BARRY A. DIEHL, 3746
RICHARD B. DIX, 4786
DAVID B. DYE, 1219
STEVEN M. ELKINS, 5544
RONALD P. ELROD, 6048
KENNETH E. EVANS, JR., 8549
CHRISTOPHER R. FARLEY, 7003
MICHAEL P. FLANAGAN, 1333
JEFFERY D. FORD, 8932
DARLENE S. FREEMAN, 3785
LAWRENCE W. FULLER, 5504
ROBERT E. GAGNON, 6945
MARIO V. GARCIA, JR., 5378
TODD GARLICK, 8946
KEVIN E. GENTZLER, 6091
LESLIE A. GERALD, 1868
CHARLES C. GIBSON, 9041
MAXINE C. GIRARD, 2687
MICHELE L. GODDETTE, 9999
NANCY J. GRANDY, 2248
KATHRYN R. HALL, 4030
SEAN T. HANNAH, 3276
DEBRA A. HANNEMAN, 9085
LEO R. HAY, 4319
ERIC J. HESSE, 7483
KENNETH E. HICKINS, 3251
MARK R. HICKS, 8469
MICHAEL D. HOSKIN, 0664
MICHAEL C. HOWITZ, 0882
KENNETH D. HUBBARD, 5301
WILLIAM B. HUGHES, 5042
MICHAEL L. HUMMEL, 8238
RONALD JACOBS, JR., 1964
GRANT A. JACOBY, 6742
ROBERT G. JOHNSON, 0122
JACK T. JUDY, 8146
KEVIN K. KACHINSKI, 8040
ALLEN W. KIEFER, 2622
JOHN C. KILGALLON, 5545
JAMES D. KINKADE, 8923
RONALD KIRKLIN, 9266
LENNY J. KNESS, 5601
ROBERT D. KNOCK, JR., 9933
RICHARD J. KRAMER, 4419
DREFUS LANE, 9825
THOMAS J. LANGOWSKI, 0601
JOHN M. LAZAR, 8222
JOHN R. LEAPHART, 8863
STANLEY M. LEWIS, 8297
EUGENE W. LILLIEWOOD, JR., 9379
SCOTT J. LOFREDDO, 7632
KERRY J. MACINTYRE, 6842
ROBERT L. MARION, 7348
PATRICK H. MASON, 7313
PATRICIA A. MATLOCK, 7080
THOMAS D. MCCARTHY, 9665
MARK A. MCCORMICK, 3102
TRACY E. MCLEAN, 6098
JOHN H. MCPHAUL, JR., 3197
PHILLIP A. MEAD, 0135
HOWARD L. MERRITT, 9521
THOMAS MINTZER, 2197
CONRADO B. MORGAN, 1720
JEFFREY S. MORRIS, 1165
MICHAEL S. OUBRE, 9732
FRANCIS S. PACELLO, 9114
GUST W. PAGONIS, 9264
PATRICK V. PALLATTO, 1271
RICHARD B. PARKER, 6950
THOMAS L. PAYNE, 9032
BRENT A. PENNY, 3191
BROC A. PERKUCHIN, 5226
MICHAEL P. PETERMAN, 9999
DIANNA ROBERSON, 5417
HARVEY R. ROBINSON, 3963
KENNETH P. RODGERS, 2597
RONALD J. ROSS, 1152
WILLIAM I. RUSH, 9703
KURT J. RYAN, 7572
WILLIAM A. SANDERS, 3238
LYNN W. SANNICOLAS, 4564
LISA R. SCHLEDERKIRKPATRICK, 5196
THOMAS S. SCHORR, JR., 1726
MICHAEL J. SCHROEDER, 5302
RICHARD L. SHEPARD, 4700
JOE K. SLEDD, 0245
JAMES H. SMITH, 8715
JEANNE C. SMITHHOOPER, 2152
JOHNNY W. SOKOLOSKY, 5161
JEFFREY K. SOUDER, 3065
LOUIS F. STEINBUGL, 3537
VANCE F. STEWART III, 8161
DEBORAH S. STUART, 2806
WAYNE L. STULTZ, 0195
JOHN P. SULLIVAN, 4464
JOHN H. SUTTON, 8892
MICHAEL R. SWITZER, 8333
MARK E. TALKINGTON, 2774
JOEL C. TAYLOR, 6198
DANNY F. TILZEY, 3571
FERNANDO L. TORRENT, 2968
EVELYN M. TORRES, 7741
JOHN S. TURNER, 5217
DAVID E. VANSLAMBROOK, 2579
JOEL D. WEEKS, 2717
FRANKLIN L. WENZEL, 5075
HARRY F. WILKES, 5089
CURTIS WILLIAMS, JR., 7564
KELVIN R. WOOD, 2756
REED F. YOUNG, 0366
MICHAEL E. ZARBO, 9447
JOHN V. ZAVARELLI, 8081
D060254
D060256

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

ANTHONY J. ABATI, 9711
DAVID P. ANDERS, 6526
BRUCE P. ANTONIA, 5849
ANDREW W. BACKUS, 1189
ROBERT A. BAER, 3929
JUNIOOMARU BARBER, 4912
DAVID B. BATCHELOR, 2223
MARK A. BERTOLINI, 1800
KENNETH J. BILAND, 7460
ALAN C. BLACKWELL, 3640
MARK A. BLAIR, 3667
MARLON D. BLOCKER, 5320
BRADLEY D. BLOOM, 8174
DONALD C. BOLDUC, 0267
JOHN R. BOULE II, 5522
PATRICK P. BREWINGTON, 7660
DARRYL J. BRIGGS, 6002
ERIC W. BRIGHAM, 1442
GARY M. BRITO, 9038
THOMAS H. BRITTAIN, 8080
MICHAEL W. BROBECK, 8173
JEFFREY M. BRODEUR, 6038
MICHAEL A. BROWDER, 9627
KEVIN P. BROWN, 2326
ROBERT S. BROWN, 6159
ROSS A. BROWN, 6537
VINCENT D. BRYANT, 4365
WILLARD M. BURLESON II, 8352
FRANCIS B. BURNS, 0476
DAVID A. BUSHEY, 1188
WILLIAM C. BUTCHER, 0167
MIKE A. CARTER, 7439
CHRISTOPHER G. CAVOLI, 7949
ROBERT P. CERJAN, 5198
RANDALL K. CHEESEBOROUGH, 4007
FREDRICK S. CHOI, 9072
PERRY C. CLARK, 7281
JOSEPH S. COALE, 2430
DAVID C. COGDALL, 1799
CRAIG A. COLLIER, 4119
LYDIA D. COMBS, 3976
ERIC R. CONRAD, 0764
LEONARD A. COSBY, 7830
KENNETH J. CRAWFORD, 6006
REGINALD R. DAVIS, 3899
BRANT V. DAYLEY, 3279
EDMUND J. DEGEN, 4828
TIMOTHY P. DEVITO, 5225
BARRY S. DIRUZZA, 8678
BRIAN J. DISINGER, 5501
MICHAEL J. DOMINIQUE, 2199
SCOTT E. DONALDSON, 5363
GEORGE T. DONOVAN, JR., 7483
TERENCE M. DORN, 1791
KENNETH E. DOWNER, 3365
STEVEN W. DUKE, 0624
BRIAN P. DUNN, 3044
JOHN C. DVORACEK, 9952
CHESTER F. DYMEK III, 5421
CHARLES N. EASSA, 2643
MARK L. EDMONDS, 1303
GEOFFREY D. ELLERSON, 5616
MICHAEL T. ENDRES, 8827
MALCOLM B. FROST, 8125
MICHAEL J. GAWKINS, 5071
WILLIAM K. GAYLER, 2754
STEPHEN J. GAYTON, JR., 7511
RAY D. GENTZYEL, 5782
BERTRAND A. GES, 9980
MICHAEL L. GIBLER, 2824
CARL L. GILES, 8392
MARK J. GORTON, 0595
DEWEY A. GRANGER, 5656
THOMAS C. GRAVES, 3857
WAYNE A. GREEN, 8357
PAUL S. GREENHOUSE, 0146
GREGORY J. GUNTER, 3463
MICHAEL J. HARRIS, 1458
ROBERT D. HAYCOCK, 8590
ASHTON L. HAYES, 6714
KYLE D. HICKMAN, 5629
THOMAS E. HIEBERT, 7597
MICHAEL S. HIGGINBOTTOM, 8317
BRYAN C. HILFERTY, 1610
ADAM R. HINSDALE, 0085
TERRY D. HODGES, 8026
PATRICK B. HOGAN, 7596
JAMES A. HOWARD, 3838
WILLIAM P. HUBER, 2713
PAUL G. HUMPHREYS, 0600
MARC B. HUTSON, 0056
MICHAEL J. INFANTI, 5221
JAMES P. INMAN, 8675
JOSEPH D. JACKY, 8154
JAMES H. JENKINS III, 3465
JACK J. JENSEN, 6074
BARRY A. JOHNSON, 9466
FRED W. JOHNSON, 7754
MICHAEL J. JOHNSON, 4573
MICIOTTO O. JOHNSON, 3230
HARVEY B. JONES III, 5773
ROGER T. JONES, 8434
ARTHUR A. KANDARIAN, 0031
THOMAS L. KELLY, 2640
PATRICK J. KILROY, 3493
SCOTT D. KIMMELL, 5229
WILLIAM E. KING IV, 4170
REINHARD W. KOENIG, 0162
STEVEN T. KOENIG, 1700
CHRISTOPHER D. KOLENDA, 3390
FRED T. KRAWCHUK, JR., 0669
RYAN J. KUHN, 4974
JOHN F. LAGANELLI, 5373
JAMES E. LARSEN II, 6933
LOUIS J. LARTIGUE, JR., 5738
TERRY M. LEE, 0298
JON N. LEONARD II, 3498
DAVID J. LIDDELL, 2733
TIMOTHY J. LONEY, 1895
VICTOR H. LOSCH II, 5693
VIET X. LUONG, 0232
LATONYA D. LYNN, 0049
CHARLES C. MACK, 2699
SCOTT F. MALCOM, 5335
SAMUEL P. MANSBERGER, 6335
FRED V. MANZO, JR., 1497
JAMES P. MARSHALL, 6560
JEFFREY R. MARTINDALE, 1972
PATRICK E. MATLOCK, 0903
SEAN W. MCCAFFREY, 8330
JOHN C. MCCLELLAN, JR., 4064
DAN MCELROY, 8708
BRIAN S. MCFADDEN, 8095
SHAWN P. MCGINLEY, 1680
JOHN M. MCHUGH, 0164
ROBERT F. MCLAUGHLIN, 8054
KEVIN W. MILTON, 5432
JAMES B. MINGO, 7379
JAMES J. MINGUS, 2565
JAMES M. MIS, 0772
LENTFORT MITCHELL, 8506
MARK E. MITCHELL, 5329
STEPHEN P. MONIZ, 4559
JOHN J. MULBURY, 9092
ROBERT M. MUNDELL, 6493
RICHARD J. MURASKI, JR., 0348
FRANK M. MUTH, 0975
DEBORAH A. MYERS, 2001
DONALD H. MYERS, 0276
BARRY A. NAYLOR, 2217
ANDREW B. NELSON, 5161
CRAIG M. NEWMAN, 2165
JAMES D. NICKOLAS, 1447
NOEL T. NICOLLE, 6607
GARY R. NICOSON, 6536
KIRK H. NILSSON, 3920
EDWARD T. NYE, 6246
ALFRED A. PANTANO, JR., 6276
PAUL M. PAOLOZZI, 1044
ROBERT J. PAQUIN, 9360
JOHN A. PEELER, 1742
WARREN M. PERRY, 1405
JAMES A. PETERSON, 7852
JEFFREY D. PETERSON, 3136
JODY L. PETERY, 6928
KURT J. PINKERTON, 2744
DANIEL A. PINNELL, 5728
MARK B. POMEROY, 2470
MICHAEL L. POPOVICH, 0219
ANDREW P. POPPAS, 9179
WILLIAM W. PRIOR, 4445
BRIAN M. PUGMIRE, 4329
MICHAEL D. PYOTT, 5838
VINCENT V. QUARLES, 9679
STEPHEN M. QUINN, 0160
VINCENT M. REAP, 8754
JOHN G. REILLY, 7591
PAUL K. REIST, 9370
JOHN S. RENDA, 2541
DARYL S. REY, 6578
TERRY L. RICE, 5316
TIMOTHY J. RICHARDS, 1228
RICHARD S. RICHARDSON, 6831
GLENN S. RICHIE, 0443
STEPHEN J. RICHMOND, 0460
JAMES M. ROBERTSON, 8336
JOHN R. ROBINSON, 4058
DAVID A. RODDENBERRY, 6175
ROBERT R. ROGGEMAN, 1948
ROBERT J. RUCH, 8317
BRYAN L. RUDACILLE, JR., 7765
OLIVER S. SAUNDERS, 6647
DANIEL P. SAUTER III, 9373
ERIC O. SCHACHT, 1648
GEORGE T. SHEPARD, JR., 5264
MILTON L. SHIPMAN, 3031
WILSON A. SHOFFNER, JR., 8488
GEORGE B. SHUPLINKOV, 0707
STEPHEN J. SICINSKI, 6748
GEORGE SIMON III, 1342
JOSEPH A. SIMONELLI, JR., 8429
JOHN D. SIMS, 5461
LAURA L. SINGER, 5329
MICHAEL K. SKINNER, 4256
AVANULAS R. SMILEY, 6331
KURT L. SONNTAG, 9060
WILLIAM E. SPADIE, 9645
JAMES R. SPANGLER II, 2448
WILLIAM T. STEELE, 0990

RUSSELL STINGER, 6036
MARK W. SUICH, 2894
GEORGE L. SWIFT, 2628
SEAN P. SWINDELL, 2429
JAMES F. SWITZER, 9636
ROBERT M. TARADASH, 6740
VINCENT J. TEDESCO III, 3181
PATRICK R. TERRELL, 7230
DAVID T. THEISEN, 7046
DAVID E. THOMPSON II, 7188
EDWARD W. TIMMONS, SR., 9098
KEITRON A. TODD, 5620
MICHAEL A. TODD, 5268
CHRISTOPHER R. TONER, 7110
WILLIAM A. TURNER, 5349
JOHN C. VALLEDOR, 2095
DOUGLAS L. VICTOR, 3737
JEFFREY E. VUONO, 2867
JOSEPH D. WAWRO, 6762
CHARLES R. WEBSTER, JR., 1172
DAVE WELLONS, 6470
RANDOLPH C. WHITE, JR., 6503
STEVEN J. WHITMARSH, 7756
DANIEL T. WILLIAMS, 4498
THEARON M. WILLIAMS, 5901
STEVEN C. WILLIAMSON, 9276
ERIC J. WINKIE, 7236
BRIAN E. WINSKI, 0229
JAMES M. WOLAK, 9330
JAMES J. WOLFF, 4869
D060654
D060260

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

DAVID P. ACEVEDO, 5339
CHARLES T. AMES, 8921
KEVIN J. AUSTIN, 3675
BERNARD B. BANKS, 1064
ROBERT A. BARKER, 5547
PETER J. BEIM, 7365
KIRK C. BENSON, 8162
BURT A. BIEBUYCK, 7598
KENNETH C. BLAKELY, 2251
ALFRED L. BROOKS, 8714
TODD D. BROWN, 0760
TIMOTHY S. BURNS, 9852
KIMBERLY L. CARDEN, 2485
THOMAS E. CARTLEDGE, JR., 4728
MICHAEL R. CHILDERS, 5423
MICHAEL J. CHINN, 1458
BRIAN J. CLARK, 5739
ALEXANDER S. COCHRAN III, 2209
JOHN P. CODY, SR., 3144
MARK F. CONROE, 0113
SYLVESTER COTTON, 2466
JOSEPH M. COX, 8889
JUAN A. CUADRADO, 8167
MICHAEL L. CURRENT, 7632
ANTHONY J. DATTILO, JR., 1279
DENNIS J. DAY, 3838
KEVIN J. DEGNAN, 3406
DAVID F. DIMEO, 4378
MARK A. EASTMAN, 2914
BRIAN K. EBERLE, 5669
MARK R. ELLINGTON, 5842
PAUL A. ENGLISH, 8056
KEVIN W. FARRELL, 9546
MICHAEL A. FARUQUI, 7235
TIMOTHY L. FAULKNER, 8291
JOSEPH H. FELTER III, 0616
JAMES C. FLOWERS, 8442
KEVIN D. FOSTER, 1752
VINCENT L. FREEMAN, JR., 6982
PATRICIA A. FROST, 1309
GARY J. GARAY, 8296
ANTHONY D. GARCIA, 5828
KATHLEEN A. GAVLE, 8364
GIAN P. GENTILE, 9950
JESSE L. GERMAIN, 7313
LEE P. GIZZI, 7455
MATTHEW P. GLUNZ, 3633
MATTHEW B. GRECO, 5635
JOHN B. HALSTEAD, 7106
DEBORAH L. HANAGAN, 7076
WILLIAM H. HARMAN, 8203
CHARLES E. HARRIS III, 3367
KEITH B. HAUK, 1571
ERIC P. HENDERSON, 7495
CHRISTOPHER M. HILL, 6381
TIMOTHY D. HODGE, 4631
SCOTT T. HORTON, 5992
JOE G. HOWARD, JR., 9731
PHILIP A. HOYLE, 0444
KEVIN L. HUGGINS, 2366
RODERICK E. HUTCHINSON, 6761
MICHAEL P. JACKSON, 6854
GARY W. JOHNSTON, 9901
BRADLEY E. JONES, 9410
MICHAEL T. KELL, 1771
GLENN A. KENNEDY II, 9504
MITCHELL L. KILGO, 2288
ROBERT C. KNUTSON, 3550
DONNA K. KORYCINSKI, 6230
ANTHONY D. KROGH, 5150
MARK D. LANDERS, 5612
STEVEN E. LANDIS, 6563
WILLIAM B. LANGAN, 6553
LARRY R. LARIMER, 3508
JOSEPH K. LAYTON, 5222
EDWARD D. LOEWEN, 5975
CHRISTOPHER D. LONG, 9219
STEPHEN J. MARIANO, 3261
DANIEL R. MATCHETTE, 7614
PETER J. MATTES, 8084
BRENDAN B. MCALOON, 7460
TAREK A. MEKHAIL, 1474
THOMAS J. MOFFATT, 4674
LOUISE M. MORONEY, 4596
DAVID W. MORRISON, 8022
JAY P. MURRAY, 2397
VINCENT P. OCONNOR, 5341
RICHARD J. ODONNELL, 9967
DEREK T. ORNDORFF, 8378
ORLANDO W. ORTIZ, 4990
LEO R. PACHER, 5839
CECIL R. PETTIT, JR., 5097
CHARLES A. PFAFF, 5277
BRADLEY W. PIPPIN, 6620
LISA K. PRICE, 8494
RICHARD B. PRICE, 8707
JAMES W. PURVIS, 1344
BURL W. RANDOLPH, JR., 7613
KIMBERLY A. RAPACZ, 6832
PATRICK D. REARDON, 4187
SEAN P. RICE, 2312
RANDOLPH E. ROSIN, 4365
EDWARD C. ROTHSTEIN, 4822
BRIDGET M. ROURKE, 6465
JOHN D. RUFFING, 2440
ARNOLD L. RUMPHREY II, 5757
MARIA D. RYAN, 9189
RONALD A. RYNNE, 2695
ROBERT W. SADOWSKI, 8412
JACINTO SANTIAGO, JR., 1592
PHILIP H. SARNECKI, 0972
JEFFREY B. SCHAMBURG, 0274
SCOTT SCHUTZMEISTER, 6333
GLENN G. SCHWEITZER, 9758
DAVID W. SEELY, 0692
STEPHEN S. SEITZ, 7230
RICHARD L. SHELTON, 3631
THOMAS E. SHEPERD, 9824
DAVID W. SHIN, 2375
MICHAEL S. SIMPSON, 5051
DAVID F. SMITH, 2839
TIMOTHY J. STARKE, JR., 6111
ROBERT P. STAVNES, 4312
JOHN M. SWARTZ, 9275
DANA S. TANKINS, 4422
RANDY S. TAYLOR, 4738
PERRY W. TEAGUE, 5797
JOHN M. THACKSTON, 2344
DAVID W. TOHN, 2946
OTILIO TORRES, JR., 5831
PHILIP VANWILTENBURG, 1654
FREDERICK L. WASHINGTON, 0292
RICHARD B. WHITE, 0935
WILLIAM E. WHITNEY III, 2239
ANDRE L. WILEY, 2554
CHARLES H. WILSON III, 6325
AUBREY L. WOOD III, 0775
GREGORY D. WRIGHT, 3326
D060472
D060588
X0042
X1408

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

STEPHEN W. ALDRIDGE, 2370
RICHARD BETANCOURT, 1932
WILLIAM F. BUNDY, JR., 7392
DAVID M. DONSELAR, 5705
ROBERT J. GELINAS, 2283
DAVID C. GRATTAN, 9888
TRAVIS W. HAIRE, 8671
CHRISTOPHER J. HIGHLEY, 8143
HEATH E. JOHNMEYER, 5642
JASON V. JULAO, 9433
CRAIG E. LITTY, 5066
ERIK T. LUNDBERG, 9480
KEITH MARINICS, 5962
JEREMY A. MILLER, 0252
EDWIN E. OSTROOT II, 6060
LUKE D. SCHMIDT, 4037
JACKIE A. SCHWEITZER, 7163
COLBY W. SHERWOOD, 4967
BRENT C. SPILLNER, 8215
BRIAN C. STOUGH, 0025
CHARLES W. TURNER, 1068
WILLIAM E. WELCH II, 5820
KRISTOFER J. WESTPHAL, 9784

WITHDRAWAL

Executive Message transmitted by the President to the Senate on December 11, 2007 withdrawing from further Senate consideration the following nomination:

JAMES K. GLASSMAN, OF CONNECTICUT, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2010. (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON APRIL 26, 2007.

HOUSE OF REPRESENTATIVES—*Tuesday, December 11, 2007*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. CLAY).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 11, 2007.

I hereby appoint the Hon. WILLIAM LACY CLAY to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

IRAQI REFUGEE CRISIS

Mr. BLUMENAUER. Mr. Speaker, the largest humanitarian crisis in the world continues to unfold in Iraq. Over 4 million displaced people, more than the crisis in Darfur, two million or more, have fled their country; and the rest are displaced within. They have fled to Syria, to Jordan, throughout the Middle East and beyond. It is brutal, not just for the refugees themselves, and the displaced people, but it places a great strain on the host country.

Late last summer, Ambassador Ryan Crocker pointed out the problems that this refugee crisis is posing for the United States itself when he expressed deep concerns that if we don't do a better job of helping to protect the people whose lives are at risk because they have worked for the United States, if we turn our back on them when they flee the country, than people will be less willing to work with us, and we won't be able to rely on those who make such a difference in terms of services of interpreters and guides and others providing essential services for United States activities in Iraq.

I have been deeply concerned about this problem over the course of the last year, finding out how far we have fallen short of the mark when I was working with a group of high school students in Oregon and returning U.S. Oregon National Guard troops. They were fighting to bring to the United States their interpreter, a young woman who had been marked for death in Iraq because of her cooperation with the United States. It was frustrating over the course of the months that we worked with them because I really had no good explanation for these young people, the Guard and the high school students, about why it should be so hard for the United States to help people who helped us.

It is not just people who had helped the United States who have fled the country, it is not just those that are concerned about Sunni and Shia violence; the Mandean, an ancient people, a small Christian sect, are caught in the crossfire of this civil war in Iraq, and they are at risk of being wiped out in their entirety for all time.

Having been inspired by these young Oregonians, having been inspired, by other dedicated advocates, for example, Kirk Johnson, a former AID staff member, who chronicled the plight of over 600 people at risk, of whom less than 10 had been resettled, we introduced legislation to deal with the mismatch between the scope of the problem and the limited resources the United States Government has put into addressing it.

Indeed, after we "won the war in Iraq," the situation became worse on the ground, and we witnessed the explosion of this crisis. For 2005 and 2006, the numbers of people we helped were miniscule. Out of the 4 million people who have left their homes, we allowed 198 Iraqis in the United States in 2005, and 202 last year, almost entirely people who were being reunited with their families, who had been made refugees in 1991.

There were glimmers of hope this year, with the administration promising, to allow 25,000 people into the United States, which was the same number of refugees that the Prime Minister of Sweden told me that Sweden was willing to accept. Later, the U.S. number fell to 7,000, and then ultimately we only let 1,800 Iraqis in throughout the entire last fiscal year. Even that was after a last-minute rush, because the first 6 months we had only allowed 69 Iraqi refugees.

There is good news, however, because due to an amendment by Senator KENNEDY that was adopted in the Senate for the Defense authorization bill, largely taken from provisions in our House legislation, we are actually going to be able to make some real progress. We will be able to process some of these refugees in their own country. Until now, people had been forced to leave Iraq. Even though we have the largest embassy in the history of the planet, they had to leave Iraq before they could apply for refugee status. We have an opportunity to increase to 5,000 a year those people who are at risk because they have helped us. These are important steps, and I hope they are approved.

But much more needs to be done. First, we have to actually do what is authorized. Second, we need to put some real money into it, not just the $250 million for refugee assistance that is currently pending. That is rounding error, given the billions that we have spent in Iraq that we can't even account for.

It is important for us to scale our commitment to make sure that we meet the humanitarian crisis in the aftermath of our war in Iraq.

"TECHNICALITIES"

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized during morning-hour debate for 5 minutes.

Mrs. BLACKBURN. Mr. Speaker, I rise today to respond to my colleagues' remarks from last week that "technically, the troops are funded right now," as if the bottom line on the budget report is sufficient for some in this chamber to ensure that our war fighters have all the resources that they need.

Well, war is a serious business, Mr. Speaker, and we are indeed a Nation at war. Our men and women in harm's way don't have time for our political games or "technicalities." Clever word play isn't going to turn DOD ink from red to black. There is nothing "technical" about the risk our war fighters face every day. They are not fighting an enemy that "technically" wants to do us harm. Instead, they are fighting a lethal terrorist network actually bent on spreading real Islamist totalitarianism in Iraq and across the globe.

Mr. Speaker, the success of the surge strategy in Iraq is not making things "technically" better. We are seeing actual results and real improvement on

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the ground. Even the most liberal newspapers admit that the improvement is real. IED attacks are not "technically" down; they are actually fewer in number, fewer bombs being placed to attack our troops and Iraqi allies. Casualties rates are not "technically" down. We are actually losing fewer Americans as the security conditions improve.

These improving conditions are not "technically" creating reconciliation. Iraqis across the country are really beginning to bridge age-old divides as they unite to secure their future. By playing political games with vital war funding, we are not "technically" sending a message to our war fighters in harm's way, we are actually putting all of the progress that they have made in very real jeopardy. Mr. Speaker, is that a message we choose to send?

My own constituents, civilian and soldiers alike, work at Fort Campbell, home of the 101st Airborne. This holiday season, two brigades of the 101st are serving in Afghanistan and two more in Iraq. They are supported by the men and women at Fort Campbell, and their families are embraced by the citizens of Clarksville and Montgomery County, Tennessee.

This Christmas, if we don't actually provide DOD the funding they need, my constituents will begin to get furlough letters in the mail. There is nothing "technical" about being laid off. There is nothing "technical" about being told that in 60 days you won't get a paycheck. It is very real.

Before this Chamber actually adjourns so that we can spend happy and comfortable holidays with our families, I would ask my colleagues to please remember these constituents of Clarksville, Tennessee, who are actually in harm's way in Iraq and Afghanistan and who are actually worried about being laid off next year.

I urge my colleagues not to return home until we actually give the troops the very real funding that they need. Our men and women are not "technicalities," they are indeed our sons, our daughters, our neighbors, our constituents. They are the bravest among us. They need our support and they deserve a Congress who will honor their service and who will do our job.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 41 minutes a.m.), the House stood in recess until noon.

☐ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PASTOR) at noon.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, Founders of this Nation destined for greatness called upon Your Divine Providence to guide their efforts to establish freedom under the governance of law.

In our own day, we call upon Your Holy Name for the divine light of truth and wisdom.

Heal our wounds, protect us from evil, forgive our sins, and rebuild the walls of justice and integrity that identify Your goodness in the Nation.

May this end time of this session of Congress as well as the approaching celebration of holidays and holy days bring joy and peace to this Nation and allow the world to witness anew the advent prophesied by Isaiah: "Open the gates to let a righteous nation in, a nation that keeps faith."

For this we long and pray both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from American Samoa (Mr. FALEOMAVAEGA) come forward and lead the House in the Pledge of Allegiance.

Mr. FALEOMAVAEGA led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

BELIEF UNDER SIEGE IN BRITAIN

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, the freedom of religion is under attack in Great Britain.

Last week British news reported that the daughter of a British Imam, we will call her Hannah, is living under police protection after receiving death threats from her father and brother because she converted to Christianity.

Hannah was born in Britain to immigrant Pakistani parents. She renounced the Muslim faith when she was a teenager and has been in hiding for over 10 years.

After multiple death threats and an attempt on her life by 40 men, led by her father, brandishing axes, hammers, and knives, Hannah has sought protection from the British Government.

According to her, her father believes that the Koran teaches that anyone who walks away from Islam should be killed. Well, murder is bad enough, but murder in the name of religion is worse, and it's legal, at least in a free state where all religions are to be tolerated, even Christianity.

Democracy values the freedom of other people's faith; it does not restrict it. That is the difference in a democracy and a government that is controlled by a religion.

And that's just the way it is.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

NORTHERN MARIANA ISLANDS COVENANT IMPLEMENTATION ACT

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3079) to amend the Joint Resolution Approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3079

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—NORTHERN MARIANA ISLANDS IMMIGRATION, SECURITY, AND LABOR ACT

SECTION 101. SHORT TITLE.

This title may be cited as the "Northern Mariana Islands Immigration, Security, and Labor Act".

SEC. 102. STATEMENT OF CONGRESSIONAL INTENT.

(a) IMMIGRATION AND GROWTH.—In recognition of the need to ensure uniform adherence to long-standing fundamental immigration policies of the United States, it is the intention of the Congress in enacting this title—

(1) to ensure that effective border control procedures are implemented and observed, and that national security and homeland security issues are properly addressed, by extending the immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(17)), to apply to the Commonwealth of the Northern Mariana Islands (referred to in this title as the "Commonwealth"), with special provisions to allow for—

(A) the orderly phasing-out of the nonresident contract worker program of the Commonwealth; and

(B) the orderly phasing-in of Federal responsibilities over immigration in the Commonwealth; and

(2) to minimize, to the greatest extent practicable, potential adverse economic and fiscal effects of phasing-out the Commonwealth's nonresident contract worker program and to maximize the Commonwealth's

potential for future economic and business growth by—

(A) encouraging diversification and growth of the economy of the Commonwealth in accordance with fundamental values underlying Federal immigration policy;

(B) recognizing local self-government, as provided for in the Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America through consultation with the Governor of the Commonwealth;

(C) assisting the Commonwealth in achieving a progressively higher standard of living for citizens of the Commonwealth through the provision of technical and other assistance;

(D) providing opportunities for individuals authorized to work in the United States, including citizens of the freely associated states; and

(E) providing a mechanism for the continued use of alien workers, to the extent those workers continue to be necessary to supplement the Commonwealth's resident workforce, and to protect those workers from the potential for abuse and exploitation.

(b) AVOIDING ADVERSE EFFECTS.—In recognition of the Commonwealth's unique economic circumstances, history, and geographical location, it is the intent of the Congress that the Commonwealth be given as much flexibility as possible in maintaining existing businesses and other revenue sources, and developing new economic opportunities, consistent with the mandates of this title. This title, and the amendments made by this title, should be implemented wherever possible to expand tourism and economic development in the Commonwealth, including aiding prospective tourists in gaining access to the Commonwealth's memorials, beaches, parks, dive sites, and other points of interest.

SEC. 103. IMMIGRATION REFORM FOR THE COMMONWEALTH.

(a) AMENDMENT TO JOINT RESOLUTION APPROVING COVENANT ESTABLISHING COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—The Joint Resolution entitled "A Joint Resolution to approve the 'Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America', and for other purposes", approved March 24, 1976 (Public Law 94-241; 90 Stat. 263), is amended by adding at the end the following new section:

"SEC. 6. IMMIGRATION AND TRANSITION.

"(a) APPLICATION OF THE IMMIGRATION AND NATIONALITY ACT AND ESTABLISHMENT OF A TRANSITION PROGRAM.—

"(1) IN GENERAL.—Subject to paragraphs (2) and (3), effective on the first day of the first full month commencing 1 year after the date of the enactment of the Northern Mariana Islands Immigration, Security, and Labor Act (hereafter referred to as the 'transition program effective date'), the provisions of the 'immigration laws' (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) shall apply to the Commonwealth of the Northern Mariana Islands (referred to in this section as the 'Commonwealth'), except as otherwise provided in this section.

"(2) TRANSITION PERIOD.—There shall be a transition period beginning on the transition program effective date and ending on December 31, 2013, except as provided in subsections (b) and (d), during which the Secretary of Homeland Security, in consultation with the Secretary of State, the Attorney General, the Secretary of Labor, and the Secretary of the Interior, shall establish, administer, and enforce a transition program to regulate immigration to the Commonwealth, as provided in this section (hereafter referred to as the 'transition program').

"(3) DELAY OF COMMENCEMENT OF TRANSITION PERIOD.—

"(A) IN GENERAL.—The Secretary of Homeland Security, in the Secretary's sole discretion, in consultation with the Secretary of the Interior, the Secretary of Labor, the Secretary of State, the Attorney General, and the Governor of the Commonwealth, may determine that the transition program effective date be delayed for a period not to exceed more than 180 days after such date.

"(B) CONGRESSIONAL NOTIFICATION.—The Secretary of Homeland Security shall notify the Congress of a determination under subparagraph (A) not later than 30 days prior to the transition program effective date.

"(C) CONGRESSIONAL REVIEW.—A delay of the transition program effective date shall not take effect until 30 days after the date on which the notification under subparagraph (B) is made.

"(4) REQUIREMENT FOR REGULATIONS.—The transition program shall be implemented pursuant to regulations to be promulgated, as appropriate, by the head of each agency or department of the United States having responsibilities under the transition program.

"(5) INTERAGENCY AGREEMENTS.—The Secretary of Homeland Security, the Secretary of State, the Secretary of Labor, and the Secretary of the Interior shall negotiate and implement agreements among their agencies to identify and assign their respective duties so as to ensure timely and proper implementation of the provisions of this section. The agreements should address, at a minimum, procedures to ensure that Commonwealth employers have access to adequate labor, and that tourists, students, retirees, and other visitors have access to the Commonwealth without unnecessary delay or impediment. The agreements may also allocate funding between the respective agencies tasked with various responsibilities under this section.

"(6) CERTAIN EDUCATION FUNDING.—In addition to fees charged pursuant to section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)) to recover the full costs of providing adjudication services, the Secretary of Homeland Security shall charge an annual supplemental fee of $150 per nonimmigrant worker to each prospective employer who is issued a permit under subsection (d) of this section during the transition period. Such supplemental fee shall be paid into the Treasury of the Commonwealth government for the purpose of funding ongoing vocational educational curricula and program development by Commonwealth educational entities.

"(7) ASYLUM.—Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) shall not apply during the transition period to persons physically present in the Commonwealth or arriving in the Commonwealth (whether or not at a designated port of arrival), including persons brought to the Commonwealth after having been interdicted in international or United States waters.

"(b) NUMERICAL LIMITATIONS FOR NONIMMIGRANT WORKERS.—An alien, if otherwise qualified, may seek admission to Guam or to the Commonwealth during the transition program as a nonimmigrant worker under section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) without counting against the numerical limitations set forth in section 214(g) of such Act (8 U.S.C. 1184(g)). This subsection does not apply to any employment to be performed outside of Guam or the Commonwealth. Not later than 3 years following the transition program effective date, the Secretary of Homeland Security shall issue a report to the Committee on Energy and Natural Resources and the Committee on the Judiciary of the Senate and the Committee on Natural Resources and the Committee on the Judiciary of the House of Representatives projecting the number of asylum claims the Secretary anticipates following the termination of the transition period, the efforts the Secretary has made to ensure appropriate interdiction efforts, provide for appropriate treatment of asylum seekers, and prepare to accept and adjudicate asylum claims in the Commonwealth.

"(c) NONIMMIGRANT INVESTOR VISAS.—

"(1) IN GENERAL.—Notwithstanding the treaty requirements in section 101(a)(15)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)), during the transition period, the Secretary of Homeland Security may, upon the application of an alien, classify an alien as a CNMI-only nonimmigrant under section 101(a)(15)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)(ii)) if the alien—

"(A) has been admitted to the Commonwealth in long-term investor status under the immigration laws of the Commonwealth before the transition program effective date;

"(B) has continuously maintained residence in the Commonwealth under long-term investor status;

"(C) is otherwise admissible; and

"(D) maintains the investment or investments that formed the basis for such long-term investor status.

"(2) REQUIREMENT FOR REGULATIONS.—Not later than 60 days before the transition program effective date, the Secretary of Homeland Security shall publish regulations in the Federal Register to implement this subsection.

"(d) SPECIAL PROVISION TO ENSURE ADEQUATE EMPLOYMENT; COMMONWEALTH ONLY TRANSITIONAL WORKERS.—An alien who is seeking to enter the Commonwealth as a nonimmigrant worker may be admitted to perform work during the transition period subject to the following requirements:

"(1) Such an alien shall be treated as a nonimmigrant described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), including the ability to apply, if otherwise eligible, for a change of nonimmigrant classification under section 248 of such Act (8 U.S.C. 1258) or adjustment of status under this section and section 245 of such Act (8 U.S.C. 1255).

"(2) The Secretary of Homeland Security shall establish, administer, and enforce a system for allocating and determining the number, terms, and conditions of permits to be issued to prospective employers for each such nonimmigrant worker described in this subsection who would not otherwise be eligible for admission under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.). In adopting and enforcing this system, the Secretary shall also consider, in good faith and not later than 30 days after receipt by the Secretary, any comments and advice submitted by the Governor of the Commonwealth. This system shall provide for a reduction in the allocation of permits for such workers on an annual basis, to zero, during a period not to extend beyond December 31, 2013, unless extended pursuant to paragraph 5 of this subsection, and shall take into account the number of petitions granted under subsection (i). In no event shall a permit be valid beyond the expiration of the transition period. This system may be based on any reasonable method and criteria determined by the Secretary of Homeland Security to promote the maximum use of, and to prevent adverse effects on wages and working conditions of, workers authorized to be employed in the United States, including lawfully admissible freely associated state citizen labor. No alien shall be granted nonimmigrant classification or a visa under this subsection unless the permit requirements established under this paragraph have been met.

"(3) The Secretary of Homeland Security shall set the conditions for admission of such an alien under the transition program, and the Secretary of State shall authorize the issuance of nonimmigrant visas for such an alien. Such a visa shall not be valid for admission to the United States, as defined in section 101(a)(38) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(38)), except admission to the Commonwealth. An alien admitted to the Commonwealth on the basis of such a visa shall be permitted to engage in employment only as authorized pursuant to the transition program.

"(4) Such an alien shall be permitted to transfer between employers in the Commonwealth during the period of such alien's authorized stay therein, without permission of the employee's current or prior employer, within the alien's occupational category or another occupational category the Secretary of Homeland Security has found requires alien workers to supplement the resident workforce.

"(5)(A) Not later than 180 days prior to the expiration of the transition period, or any extension thereof, the Secretary of Labor, in consultation with the Secretary of Homeland Security, the Secretary of the Interior, and the Governor of the Commonwealth, shall ascertain the current and anticipated labor needs of the Commonwealth and determine whether an extension of up to 5 years of the provisions of this subsection is necessary to ensure an adequate number of workers will be available for legitimate businesses in the Commonwealth. For the purpose of this subparagraph, a business shall not be considered legitimate if it engages directly or indirectly in prostitution, trafficking in minors, or any other activity that is illegal under Federal or local law. The determinations of whether a business is legitimate and to what extent, if any, it may require alien workers to supplement the resident workforce, shall be made by the Secretary of Homeland Security, in the Secretary's sole discretion.

"(B) If the Secretary of Labor determines that such an extension is necessary to ensure an adequate number of workers for legitimate businesses in the Commonwealth, the Secretary of Labor may, through notice published in the Federal Register, provide for an additional extension period of up to 5 years.

"(C) In making the determination of whether alien workers are necessary to ensure an adequate number of workers for legitimate businesses in the Commonwealth, and if so, the number of such workers that are necessary, the Secretary of Labor may consider, among other relevant factors—

"(i) government, industry, or independent workforce studies reporting on the need, or lack thereof, for alien workers in the Commonwealth's businesses;

"(ii) the unemployment rate of United States citizen workers residing in the Commonwealth;

"(iii) the unemployment rate of aliens in the Commonwealth who have been lawfully admitted for permanent residence;

"(iv) the number of unemployed alien workers in the Commonwealth;

"(v) any good faith efforts to locate, educate, train, or otherwise prepare United States citizen residents, lawful permanent residents, and unemployed alien workers already within the Commonwealth, to assume those jobs;

"(vi) any available evidence tending to show that United States citizen residents, lawful permanent residents, and unemployed alien workers already in the Commonwealth are not willing to accept jobs of the type offered;

"(vii) the extent to which admittance of alien workers will affect the compensation, benefits, and living standards of existing workers within those industries and other industries authorized to employ alien workers; and

"(viii) the prior use, if any, of alien workers to fill those industry jobs, and whether the industry requires alien workers to fill those jobs.

"(6) The Secretary of Homeland Security may authorize the admission of a spouse or minor child accompanying or following to join a worker admitted pursuant to this subsection.

"(e) PERSONS LAWFULLY ADMITTED UNDER THE COMMONWEALTH IMMIGRATION LAW.—

"(1) PROHIBITION ON REMOVAL.—

"(A) IN GENERAL.—Subject to subparagraph (B), no alien who is lawfully present in the Commonwealth pursuant to the immigration laws of the Commonwealth on the transition program effective date shall be removed from the United States on the grounds that such alien's presence in the Commonwealth is in violation of section 212(a)(6)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(A)), until the earlier of the date—

"(i) of the completion of the period of the alien's admission under the immigration laws of the Commonwealth; or

"(ii) that is 2 years after the transition program effective date.

"(B) LIMITATIONS.—Nothing in this subsection shall be construed to prevent or limit the removal under subparagraph 212(a)(6)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(A)) of such an alien at any time, if the alien entered the Commonwealth after the date of the enactment of the Northern Mariana Islands Immigration, Security, and Labor Act, and the Secretary of Homeland Security has determined that the Government of the Commonwealth has violated section 103(i) of the Northern Mariana Islands Immigration, Security, and Labor Act.

"(2) EMPLOYMENT AUTHORIZATION.—An alien who is lawfully present and authorized to be employed in the Commonwealth pursuant to the immigration laws of the Commonwealth on the transition program effective date shall be considered authorized by the Secretary of Homeland Security to be employed in the Commonwealth until the earlier of the date—

"(A) of expiration of the alien's employment authorization under the immigration laws of the Commonwealth; or

"(B) that is 2 years after the transition program effective date.

"(3) REGISTRATION.—The Secretary of Homeland Security may require any alien present in the Commonwealth on or after the transition period effective date to register with the Secretary in such a manner, and according to such schedule, as he may in his discretion require. Paragraphs (1) and (2) of this subsection shall not apply to any alien who fails to comply with such registration requirement. Notwithstanding any other law, the Government of the Commonwealth shall provide to the Secretary all Commonwealth immigration records or other information that the Secretary deems necessary to assist the implementation of this paragraph or other provisions of the Northern Mariana Islands Immigration, Security, and Labor Act. Nothing in this paragraph shall modify or limit section 262 of the Immigration and Nationality Act (8 U.S.C. 1302) or other provision of the Immigration and Nationality Act relating to the registration of aliens.

"(4) REMOVABLE ALIENS.—Except as specifically provided in paragraph (1)(A) of this subsection, nothing in this subsection shall prohibit or limit the removal of any alien who is removable under the Immigration and Nationality Act.

"(5) PRIOR ORDERS OF REMOVAL.—The Secretary of Homeland Security may execute any administratively final order of exclusion, deportation or removal issued under authority of the immigration laws of the United States before, on, or after the transition period effective date, or under authority of the immigration laws of the Commonwealth before the transition period effective date, upon any subject of such order found in the Commonwealth on or after the transition period effective date, regardless whether the alien has previously been removed from the United States or the Commonwealth pursuant to such order.

"(f) EFFECT ON OTHER LAWS.—The provisions of this section and of the immigration laws, as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)), shall, on the transition program effective date, supersede and replace all laws, provisions, or programs of the Commonwealth relating to the admission of aliens and the removal of aliens from the Commonwealth.

"(g) ACCRUAL OF TIME FOR PURPOSES OF SECTION 212(A)(9)(B) OF THE IMMIGRATION AND NATIONALITY ACT.—No time that an alien is present in the Commonwealth in violation of the immigration laws of the Commonwealth shall be counted for purposes of inadmissibility under section 212(a)(9)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)).

"(h) REPORT ON NONRESIDENT GUESTWORKER POPULATION.—The Secretary of the Interior, in consultation with the Secretary of Homeland Security, and the Governor of the Commonwealth, shall report to the Congress not later than 2 years after the date of the enactment of the Northern Mariana Islands Immigration, Security, and Labor Act. The report shall include—

"(1) the number of aliens residing in the Commonwealth;

"(2) a description of the legal status (under Federal law) of such aliens;

"(3) the number of years each alien has been residing in the Commonwealth;

"(4) the current and future requirements of the Commonwealth economy for an alien workforce; and

"(5) such recommendations to the Congress, as the Secretary may deem appropriate, related to whether or not the Congress should consider permitting lawfully admitted guest workers lawfully residing in the Commonwealth on such enactment date to apply for long-term status under the immigration and nationality laws of the United States.".

(b) WAIVER OF REQUIREMENTS FOR NONIMMIGRANT VISITORS.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(1) in section 214(a)(1) (8 U.S.C. 1184(a)(1))—

(A) by striking "Guam" each place such term appears and inserting "Guam or the

Commonwealth of the Northern Mariana Islands"; and

(B) by striking "fifteen" and inserting "45";

(2) in section 212(a)(7)(B) (8 U.S.C. 1182(a)(7)(B)), by amending clause (iii) to read as follows:

"(iii) GUAM AND NORTHERN MARIANA ISLANDS VISA WAIVER.—For provision authorizing waiver of clause (i) in the case of visitors to Guam or the Commonwealth of the Northern Mariana Islands, see subsection (l)."; and

(3) by amending section 212(l) (8 U.S.C. 1182(l)) to read as follows:

"(l) GUAM AND NORTHERN MARIANA ISLANDS VISA WAIVER PROGRAM.—

"(1) IN GENERAL.—The requirement of subsection (a)(7)(B)(i) may be waived by the Secretary of Homeland Security, in the case of an alien applying for admission as a nonimmigrant visitor for business or pleasure and solely for entry into and stay in Guam or the Commonwealth of the Northern Mariana Islands for a period not to exceed 45 days, if the Secretary of Homeland Security, after consultation with the Secretary of the Interior, the Secretary of State, the Governor of Guam and the Governor of the Commonwealth of the Northern Mariana Islands, determines that—

"(A) an adequate arrival and departure control system has been developed in Guam and the Commonwealth of the Northern Mariana Islands; and

"(B) such a waiver does not represent a threat to the welfare, safety, or security of the United States or its territories and commonwealths.

"(2) ALIEN WAIVER OF RIGHTS.—An alien may not be provided a waiver under this subsection unless the alien has waived any right—

"(A) to review or appeal under this Act an immigration officer's determination as to the admissibility of the alien at the port of entry into Guam or the Commonwealth of the Northern Mariana Islands; or

"(B) to contest, other than on the basis of an application for withholding of removal under section 241(b)(3) of this Act or under the Convention Against Torture, or an application for asylum if permitted under section 208, any action for removal of the alien.

"(3) REGULATIONS.— All necessary regulations to implement this subsection shall be promulgated by the Secretary of Homeland Security, in consultation with the Secretary of the Interior and the Secretary of State, on or before the 180th day after the date of the enactment of the Northern Mariana Islands Immigration, Security, and Labor Act. The promulgation of such regulations shall be considered a foreign affairs function for purposes of section 553(a) of title 5, United States Code. At a minimum, such regulations should include, but not necessarily be limited to—

"(A) a listing of all countries whose nationals may obtain the waiver also provided by this subsection, except that such regulations shall provide for a listing of any country from which the Commonwealth has received a significant economic benefit from the number of visitors for pleasure within the one-year period preceding the date of the enactment of the Northern Mariana Islands Immigration, Security, and Labor Act, unless the Secretary of Homeland Security determines that such country's inclusion on such list would represent a threat to the welfare, safety, or security of the United States or its territories; and

"(B) any bonding requirements for nationals of some or all of those countries who may present an increased risk of overstays or other potential problems, if different from such requirements otherwise provided by law for nonimmigrant visitors.

"(4) FACTORS.—In determining whether to grant or continue providing the waiver under this subsection to nationals of any country, the Secretary of Homeland Security, in consultation with the Secretary of the Interior and the Secretary of State, shall consider all factors that the Secretary deems relevant, including electronic travel authorizations, procedures for reporting lost and stolen passports, repatriation of aliens, rates of refusal for nonimmigrant visitor visas, overstays, exit systems, and information exchange.

"(5) SUSPENSION.—The Secretary of Homeland Security shall monitor the admission of nonimmigrant visitors to Guam and the Commonwealth of the Northern Mariana Islands under this subsection. If the Secretary determines that such admissions have resulted in an unacceptable number of visitors from a country remaining unlawfully in Guam or the Commonwealth of the Northern Mariana Islands, unlawfully obtaining entry to other parts of the United States, or seeking withholding of removal or asylum, or that visitors from a country pose a risk to law enforcement or security interests of Guam or the Commonwealth of the Northern Mariana Islands or of the United States (including the interest in the enforcement of the immigration laws of the United States), the Secretary shall suspend the admission of nationals of such country under this subsection. The Secretary of Homeland Security may in the Secretary's discretion suspend the Guam and Northern Mariana Islands visa waiver program at any time, on a country-by-country basis, for other good cause.

"(6) ADDITION OF COUNTRIES.—The Governor of Guam and the Governor of the Commonwealth of the Northern Mariana Islands may request the Secretary of the Interior and the Secretary of Homeland Security to add a particular country to the list of countries whose nationals may obtain the waiver provided by this subsection, and the Secretary of Homeland Security may grant such request after consultation with the Secretary of the Interior and the Secretary of State, and may promulgate regulations with respect to the inclusion of that country and any special requirements the Secretary of Homeland Security, in the Secretary's sole discretion, may impose prior to allowing nationals of that country to obtain the waiver provided by this subsection.".

(c) SPECIAL NONIMMIGRANT CATEGORIES FOR GUAM AND THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—The Governor of Guam and the Governor of the Commonwealth of the Northern Mariana Islands (referred to in this subsection as "CNMI") may request that the Secretary of Homeland Security study the feasibility of creating additional Guam or CNMI-only nonimmigrant visas to the extent that existing nonimmigrant visa categories under the Immigration and Nationality Act do not provide for the type of visitor, the duration of allowable visit, or other circumstance. The Secretary of Homeland Security may review such a request, and, after consultation with the Secretary of State and the Secretary of the Interior, shall issue a report to the Committee on Energy and Natural Resources and the Committee on the Judiciary of the Senate and the Committee on Natural Resources and the Committee on the Judiciary of the House of Representatives with respect to the feasibility of creating those additional Guam or CNMI-only visa categories. Consideration of such additional Guam or CNMI-only visa categories may include, but are not limited to, special nonimmigrant statuses for investors, students, and retirees, but shall not include nonimmigrant status for the purpose of employment in Guam or the CNMI.

(d) INSPECTION OF PERSONS ARRIVING FROM THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS; GUAM AND NORTHERN MARIANA ISLANDS-ONLY VISAS NOT VALID FOR ENTRY INTO OTHER PARTS OF THE UNITED STATES.—Section 212(d)(7) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(7)) is amended by inserting "the Commonwealth of the Northern Mariana Islands," after "Guam,".

(e) TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary of the Interior, in consultation with the Governor of the Commonwealth, the Secretary of Labor, and the Secretary of Commerce, and as provided in the Interagency Agreements required to be negotiated under section 6(a)(4) of the Joint Resolution entitled "A Joint Resolution to approve the 'Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America', and for other purposes", approved March 24, 1976 (Public Law 94-241), as added by subsection (a), shall provide—

(A) technical assistance and other support to the Commonwealth to identify opportunities for, and encourage diversification and growth of, the economy of the Commonwealth;

(B) technical assistance, including assistance in recruiting, training, and hiring of workers, to assist employers in the Commonwealth in securing employees first from among United States citizens and nationals resident in the Commonwealth and if an adequate number of such workers are not available, from among legal permanent residents, including lawfully admissible citizens of the freely associated states; and

(C) technical assistance, including assistance to identify types of jobs needed, identify skills needed to fulfill such jobs, and assistance to Commonwealth educational entities to develop curricula for such job skills to include training teachers and students for such skills.

(2) CONSULTATION.—In providing such technical assistance under paragraph (1), the Secretaries shall—

(A) consult with the Government of the Commonwealth, local businesses, regional banks, educational institutions, and other experts in the economy of the Commonwealth; and

(B) assist in the development and implementation of a process to identify opportunities for and encourage diversification and growth of the economy of the Commonwealth and to identify and encourage opportunities to meet the labor needs of the Commonwealth.

(3) COST-SHARING.—For the provision of technical assistance or support under this paragraph (other than that required to pay the salaries and expenses of Federal personnel), the Secretary of the Interior shall require a non-Federal matching contribution of 10 percent.

(f) OPERATIONS.—

(1) ESTABLISHMENT.—At any time on and after the date of the enactment of this Act, the Attorney General, Secretary of Homeland Security, and the Secretary of Labor may establish and maintain offices and other operations in the Commonwealth for the purpose of carrying out duties under—

(A) the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); and

(B) the transition program established under section 6 of the Joint Resolution entitled "A Joint Resolution to approve the 'Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America', and for other purposes", approved March 24, 1976 (Public Law 94-241), as added by subsection (a) of this section.

(2) PERSONNEL.—To the maximum extent practicable and consistent with the satisfactory performance of assigned duties under applicable law, the Attorney General, Secretary of Homeland Security, and the Secretary of Labor shall recruit and hire personnel from among qualified United States citizens and national applicants residing in the Commonwealth to serve as staff in carrying out operations described in paragraph (1).

(g) CONFORMING AMENDMENTS TO PUBLIC LAW 94-241.—

(1) AMENDMENTS.—Public Law 94-241 is amended as follows:

(A) In section 503 of the covenant set forth in section 1, by striking subsection (a) and redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

(B) By striking section 506 of the covenant set forth in section 1.

(C) In section 703(b) of the covenant set forth in section 1, by striking "quarantine, passport, immigration and naturalization" and inserting "quarantine and passport".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the transition program effective date described in section 6 of Public Law 94-241 (as added by subsection (a)).

(h) REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than March 1 of the first year that is at least 2 full years after the date of the enactment of this title, and annually thereafter, the President shall submit to the Committee on Energy and Natural Resources and the Committee on the Judiciary of the Senate and the Committee on Natural Resources and the Committee on the Judiciary of the House of Representatives a report that evaluates the overall effect of the transition program established under section 6 of the Joint Resolution entitled "A Joint Resolution to approve the 'Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America', and for other purposes", approved March 24, 1976 (Public Law 94-241), as added by subsection (a) of this section, and the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on the Commonwealth.

(2) CONTENTS.—In addition to other topics otherwise required to be included under this title or the amendments made by this title, each report submitted under paragraph (1) shall include a description of the efforts that have been undertaken during the period covered by the report to diversify and strengthen the local economy of the Commonwealth, including efforts to promote the Commonwealth as a tourist destination. The report by the President shall include an estimate for the numbers of nonimmigrant workers described under section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) necessary to avoid adverse economic effects in Guam and the Commonwealth.

(3) GAO REPORT.—The Government Accountability Office shall submit a report to the Congress not later than 2 years after the date of the enactment of this title, to include, at a minimum, the following items:

(A) An assessment of the implementation of this title and the amendments made by this title, including an assessment of the performance of Federal agencies and the Government of the Commonwealth in meeting congressional intent.

(B) An assessment of the short-term and long-term impacts of implementation of this title and the amendments made by this title on the economy of the Commonwealth, including its ability to obtain workers to supplement its resident workforce and to maintain access to its tourists and customers, and any effect on compliance with United States treaty obligations mandating nonrefoulement for refugees.

(C) An assessment of the economic benefit of the investors "grandfathered" under subsection (c) of section 6 of the Joint Resolution entitled "A Joint Resolution to approve the 'Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America', and for other purposes", approved March 24, 1976 (Public Law 94-241), as added by subsection (a) of this section, and the Commonwealth's ability to attract new investors after the date of the enactment of this title.

(D) An assessment of the number of illegal aliens in the Commonwealth, including any Federal and Commonwealth efforts to locate and repatriate them.

(4) REPORTS BY THE LOCAL GOVERNMENT.—The Governor of the Commonwealth may submit an annual report to the President on the implementation of this title, and the amendments made by this title, with recommendations for future changes. The President shall forward the Governor's report to the Congress with any Administration comment after an appropriate period of time for internal review, provided that nothing in this paragraph shall be construed to require the President to provide any legislative recommendation to the Congress.

(5) REPORT ON FEDERAL PERSONNEL AND RESOURCE REQUIREMENTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security, after consulting with the Secretary of the Interior and other departments and agencies as may be deemed necessary, shall submit a report to the Committee on Natural Resources, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives, and to the Committee on Energy and Natural Resources, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate, on the current and planned levels of Transportation Security Administration, United States Customs and Border Protection, United States Immigration and Customs Enforcement, United States Citizenship and Immigration Services, and United States Coast Guard personnel and resources necessary for fulfilling mission requirements on Guam and the Commonwealth in a manner comparable to the level provided at other similar ports of entry in the United States. In fulfilling this reporting requirement, the Secretary shall consider and anticipate the increased requirements due to the proposed realignment of military forces on Guam and in the Commonwealth and growth in the tourism sector.

(i) REQUIRED ACTIONS PRIOR TO TRANSITION PROGRAM EFFECTIVE DATE.—During the period beginning on the date of the enactment of this Act and ending on the transition program effective date described in section 6 of Public Law 94-241 (as added by subsection (a)), the Government of the Commonwealth shall—

(1) not permit an increase in the total number of alien workers who are present in the Commonwealth as of the date of the enactment of this Act; and

(2) administer its nonrefoulement protection program—

(A) according to the terms and procedures set forth in the Memorandum of Agreement entered into between the Commonwealth of the Northern Mariana Islands and the United States Department of Interior, Office of Insular Affairs, executed on September 12, 2003 (which terms and procedures, including but not limited to funding by the Secretary of the Interior and performance by the Secretary of Homeland Security of the duties of "Protection Consultant" to the Commonwealth, shall have effect on and after the date of the enactment of this Act), as well as CNMI Public Law 13-61 and the Immigration Regulations Establishing a Procedural Mechanism for Persons Requesting Protection from Refoulement; and

(B) so as not to remove or otherwise effect the involuntary return of any alien whom the Protection Consultant has determined to be eligible for protection from persecution or torture.

(j) CONFORMING AMENDMENTS TO THE IMMIGRATION AND NATIONALITY ACT.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(1) in section 101(a)(15)(D)(ii), by inserting "or the Commonwealth of the Northern Mariana Islands" after "Guam" each time such term appears;

(2) in section 101(a)(36), by striking "and the Virgin Islands of the United States" and inserting "the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands";

(3) in section 101(a)(38), by striking "and the Virgin Islands of the United States" and inserting "the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands";

(4) in section 208, by adding at the end the following:

"(e) COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—The provisions of this section and section 209(b) of this Act shall apply to persons physically present in the Commonwealth of the Northern Mariana Islands or arriving in the Commonwealth (whether or not at a designated port of arrival and including persons who are brought to the Commonwealth after having been interdicted in international or United States waters) only on or after January 1, 2014."; and

(5) in section 235(b)(1), by adding at the end the following:

"(G) COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—Nothing in this subsection shall be construed to authorize or require any person described in section 208(e) of this Act to be permitted to apply for asylum under section 208 of this Act at any time before January 1, 2014.".

(k) AVAILABILITY OF OTHER NONIMMIGRANT PROFESSIONALS.—The requirements of section 212(m)(6)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(m)(6)(B)) shall not apply to a facility in Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands.

SEC. 104. FURTHER AMENDMENTS TO PUBLIC LAW 94-241.

Public Law 94-241, as amended, is further amended in section 4(c)(3) by striking the colon after "Marshall Islands" and inserting the following: ", except that $200,000 in fiscal year 2009 and $225,000 annually for fiscal years 2010 through 2018 are hereby rescinded; Provided, That the amount rescinded shall be increased by the same percentage as that of the annual salary and benefit adjustments for Members of Congress".

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title.

SEC. 106. EFFECTIVE DATE.

(a) IN GENERAL.—Except as specifically provided in this section or otherwise in this Act, this title and the amendments made by this title shall take effect on the date of the enactment of this title.

(b) AMENDMENTS TO THE IMMIGRATION AND NATIONALITY ACT.—The amendments to the Immigration and Nationality Act made by this Act, and other provisions of this Act applying the immigration laws (as defined in section 101(a)(17) of Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) to the Commonwealth, shall take effect on the transition program effective date described in section 6 of Public Law 94-241 (as added by section 103(a) of this Act), unless specifically provided otherwise in this Act.

(c) CONSTRUCTION.—Nothing in this Act or the amendments made by this Act shall be construed to make any residence or presence in the Commonwealth before the transition program effective date described in section 6 of Public Law 94-241 (as added by section 103(a) of this Act) residence or presence in the United States, except that, for the purpose only of determining whether an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20))) has abandoned or lost such status by reason of absence from the United States, such alien's presence in the Commonwealth before, on, or after the date of the enactment of this Act shall be considered to be presence in the United States.

TITLE II—NORTHERN MARIANA ISLANDS DELEGATE ACT

SEC. 201. SHORT TITLE.

This title may be cited as the "Northern Mariana Islands Delegate Act".

SEC. 202. DELEGATE TO HOUSE OF REPRESENTATIVES FROM COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

The Commonwealth of the Northern Mariana Islands shall be represented in the United States Congress by the Resident Representative to the United States authorized by section 901 of the Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America (approved by Public Law 94-241 (48 U.S.C. 1801 et seq.)). The Resident Representative shall be a nonvoting Delegate to the House of Representatives, elected as provided in this title.

SEC. 203. ELECTION OF DELEGATE.

(a) ELECTORS AND TIME OF ELECTION.—The Delegate shall be elected—

(1) by the people qualified to vote for the popularly elected officials of the Commonwealth of the Northern Mariana Islands; and

(2) at the Federal general election of 2008 and at such Federal general election every 2d year thereafter.

(b) MANNER OF ELECTION.—

(1) IN GENERAL.—The Delegate shall be elected at large and by a plurality of the votes cast for the office of Delegate.

(2) EFFECT OF ESTABLISHMENT OF PRIMARY ELECTIONS.—Notwithstanding paragraph (1), if the Government of the Commonwealth of the Northern Mariana Islands, acting pursuant to legislation enacted in accordance with the Constitution of the Commonwealth of the Northern Mariana Islands, provides for primary elections for the election of the Delegate, the Delegate shall be elected by a majority of the votes cast in any general election for the office of Delegate for which such primary elections were held.

(c) VACANCY.—In case of a permanent vacancy in the office of Delegate, the office of Delegate shall remain vacant until a successor is elected and qualified.

(d) COMMENCEMENT OF TERM.—The term of the Delegate shall commence on the 3d day of January following the date of the election.

SEC. 204. QUALIFICATIONS FOR OFFICE OF DELEGATE.

To be eligible for the office of Delegate a candidate shall—

(1) be at least 25 years of age on the date of the election;

(2) have been a citizen of the United States for at least 7 years prior to the date of the election;

(3) be a resident and domiciliary of the Commonwealth of the Northern Mariana Islands for at least 7 years prior to the date of the election;

(4) be qualified to vote in the Commonwealth of the Northern Mariana Islands on the date of the election; and

(5) not be, on the date of the election, a candidate for any other office.

SEC. 205. DETERMINATION OF ELECTION PROCEDURE.

Acting pursuant to legislation enacted in accordance with the Constitution of the Commonwealth of the Northern Mariana Islands, the Government of the Commonwealth of the Northern Mariana Islands may determine the order of names on the ballot for election of Delegate, the method by which a special election to fill a permanent vacancy in the office of Delegate shall be conducted, the method by which ties between candidates for the office of Delegate shall be resolved, and all other matters of local application pertaining to the election and the office of Delegate not otherwise expressly provided for in this title.

SEC. 206. COMPENSATION, PRIVILEGES, AND IMMUNITIES.

Until the Rules of the House of Representatives are amended to provide otherwise, the Delegate from the Commonwealth of the Northern Mariana Islands shall receive the same compensation, allowances, and benefits as a Member of the House of Representatives, and shall be entitled to whatever privileges and immunities are, or hereinafter may be, granted to any other nonvoting Delegate to the House of Representatives.

SEC. 207. LACK OF EFFECT ON COVENANT.

No provision of this title shall be construed to alter, amend, or abrogate any provision of the covenant referred to in section 202 except section 901 of the covenant.

SEC. 208. DEFINITION.

For purposes of this title, the term "Delegate" means the Resident Representative referred to in section 202.

SEC. 209. CONFORMING AMENDMENTS REGARDING APPOINTMENTS TO MILITARY SERVICE ACADEMIES BY DELEGATE FROM THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) UNITED STATES MILITARY ACADEMY.—Section 4342(a)(10) of title 10, United States Code, is amended by striking "resident representative" and inserting "Delegate in Congress".

(b) UNITED STATES NAVAL ACADEMY.—Section 6954(a)(10) of such title is amended by striking "resident representative" and inserting "Delegate in Congress".

(c) UNITED STATES AIR FORCE ACADEMY.—Section 9342(a)(10) of such title is amended by striking "resident representative" and inserting "Delegate in Congress".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

GENERAL LEAVE

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3079 is legislation which I introduced, along with Natural Resources Chairman NICK RAHALL, on July 18 of this year. The Insular Subcommittee held two hearings on the matters addressed in this bill.

The first, in April, was an oversight hearing on the current economic, social, and security conditions in the Northern Marianas. The second, in August, was a legislative field hearing held in the CNMI. It was the first time a congressional committee convened officially in the U.S. territory.

H.R. 3079 responds to a number of outstanding issues that have been a concern of this Congress, the people of the CNMI as well, and successive administrations beginning with President Reagan. It is no secret that beginning in the 1990s, the CNMI came under great criticism for its immigration policies which left the territory with a nationwide, if not also an international, reputation.

Undercover investigations by national media, reports by human rights organizations, complaints received from foreign governments, and a report issued by the former chairman and ranking member, GEORGE MILLER, detailed a miscarriage of CNMI immigration policy which left foreign guest workers open to abuse by their employers.

Though congressional efforts to reform local immigration control throughout the 1990s were unsuccessful, Congress was able to establish a Federal ombudsman office in the islands to educate foreign guest workers of their rights under both Federal and local laws and to liaison between such populations and the CNMI government.

Today, national security is prominent to the argument to extend Federal immigration laws to the CNMI. Located just 40 miles to the south of the CNMI is Guam, her sister territory. As we know, since the end of World War II, Pacific islands have played a significant role in our strategy to secure our Nation. Most notable, however, amongst all such islands is Guam, as it is the home to many military bases.

Currently, an agreement between the U.S. and Japan would add $15 billion to Guam's existing multi-billion-dollar military infrastructure and would relocate to the island the Third Marine Expeditionary Forces, comprising 8,000 active-duty soldiers, as well as the stationing of a Global Hawk surveillance unit, the establishment of a U.S. Army air defense battalion, and other operations critical to U.S. Naval regional presence.

Guam has been described by military officials as the "tip of the spear." As both Guam and the CNMI make up the Mariana Islands chain, if Guam is the "tip of the spear," then the CNMI is part of the same blade. If one would be interested in preserving national security, then you would want to support this legislation.

Lastly, this legislation would provide a nonvoting delegate for the only U.S. jurisdiction in our country without any form of representation in Congress. Similar legislation has been favorably reported by the Natural Resources Committee in three previous Congresses and received no further consideration by the House. It is time that we provide the same level of representation afforded to other U.S. territories.

In closing, H.R. 3079 is legislation necessary on several fronts. The bill would provide a stable immigration policy to rebuild the CNMI economy, augment current efforts to diversify and strengthen the future economy, increase the opportunities and skills of local residents to fill private sector employment needs, safeguard the existing foreign guest worker population from employer abuse, and secure the region in the interest of national security and give the CNMI representation in Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3079, as amended, has received much support from the Bush administration, as well as the Northern Marianas elected resident representative, a Republican, Pedro Tenorio. Mr. Tenorio has worked hard to bring forth a bill which has consensus from both sides of the aisle.

This bill brings about unified border control and immigration to the Marianas region, which will benefit our national security. In addition, the bill will foster economic development on the islands by providing local businesses and the military with ready access to labor to support the tourist industry and military base construction.

I appreciate the assistance of our colleagues from the Judiciary Committee. I believe that their efforts have helped to improve the bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I submit for the CONGRESSIONAL RECORD Chairman CONYERS' letter on behalf of the Judiciary Committee and Chairman RAHALL's letter on behalf of the Natural Resources Committee regarding this legislation.

DECEMBER 10, 2007.

Hon. NICK J. RAHALL II,
Chairman, Committee on Natural Resources, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN RAHALL: This is to advise you that, as a result of your agreeing to make requested revisions to provisions in H.R. 3079, the Northern Mariana Islands Covenant Implementation Act, that fall within the rule X jurisdiction of the Committee on the Judiciary, we are able to waive any sequential referral of the bill to our committee in order that the bill may proceed without delay to the House floor for consideration.

The Judiciary Committee takes this action with the understanding that by foregoing consideration of H.R. 3079 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation. We also reserve the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this important legislation, and request your support if such a request is made.

I would appreciate your including this letter in the Congressional Record during consideration of the bill on the House floor. Thank you for your attention to this request, and for the cooperative relationship between our two committees.

Sincerely,

JOHN CONYERS, Jr.,
Chairman, Committee on the Judiciary.

DECEMBER 10, 2007.

Hon. JOHN CONYERS,
Chairman, Committee on the Judiciary, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your recent letter regarding provisions of H.R. 3079, the Northern Marianas Islands Covenant Implementation Act, that fall within the jurisdiction of the Committee on the Judiciary. I appreciate your willingness to waive sequential referral of the bill so that it may proceed to the House floor for consideration without delay.

I understand that this waiver is not intended to prejudice any future jurisdictional claims over these provisions or similar language. I also understand that you reserve the right to seek to have conferees named from the Committee on the Judiciary on these provisions, and would support such a request if it were made.

This letter will be entered into the Congressional Record during consideration of H.R. 3079 on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

With warm regards, I am

Sincerely,

NICK J. RAHALL II,
Chairman, Committee on Natural Resources.

Mr. Speaker, at this time I would like to yield 5 minutes to the gentlewoman from Guam (Ms. BORDALLO).

Ms. BORDALLO. I want to thank my good friend, the distinguished gentlewoman from the Virgin Islands, for her hard work on this legislation and for yielding me the time.

Mr. Speaker, I rise in full support of H.R. 3079. The bill represents a very important opportunity for this Congress to advance the political relationship between the United States and the Commonwealth of the Northern Mariana Islands and its U.S. citizens, to strengthen homeland security in the Western Pacific region, and to bring about needed economic and labor reforms for the benefit of both the people of Guam and the CNMI.

Mr. Speaker, I especially thank the chairwoman of the Subcommittee on Insular Affairs, Mrs. CHRISTENSEN, and the ranking member, Mr. FORTUÑO, as well as Chairman NICK RAHALL and Ranking Member DON YOUNG of the full committee, for working with me throughout this process to address concerns important to my constituents and my district. I also thank the chairman of the Committee on the Judiciary, Mr. CONYERS, and the Immigration Subcommittee chairwoman, ZOE LOFGREN, for the assistance that they have provided in addressing the bill's immigration provisions. I also want to thank my dear friend ENI FALEOMAVAEGA of American Samoa for his assistance.

Guam is geographically a part of the Mariana Islands chain, and we share, Mr. Speaker, a common Chamorro heritage and culture. The Northern Marianas is comprised of the 14 islands north of Guam, and Guam is the southernmost of the Mariana Islands. I have traveled to the Northern Marianas many times over the years and have witnessed our communities on Guam and the CNMI advance both politically and economically. I listened intently to the concerns and the views of the community during the subcommittee's hearing held on Saipan in August. Revisions were made to this bill based upon the input the subcommittee received at the hearings on Guam and Saipan this summer and from stakeholders in the weeks since those hearings.

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I want to highlight a few provisions important to Guam.

First is the establishment of a unified, regional visa waiver program for both Guam and the CNMI. This program is to be modeled off of the highly successful Guam-only visa waiver program which Congress authorized in 1986. Our islands are marketed together in Asia as a regional destination, and a unified program makes sense from a homeland security and marketing viewpoint. Additionally, the bill allows for sufficient flexibility to expand participation under the program in future years.

Secondly, Mr. Speaker, the bill provides for important relief in terms of ability to authorize entry of temporary skilled and unskilled workers to Guam and the CNMI to meet the demands associated with the military buildup and economic growth in the civilian sector in the years ahead.

And finally, Mr. Speaker, I want to underscore my emphatic and strong support for title II of this bill, which would provide for representation for the people of the CNMI in this House of Congress. A delegate from the CNMI would help Congress respond to the needs and concerns of the people of the CNMI. A delegate or representative from the CNMI is in keeping with the traditions of this House of Congress and our American democratic form of government. A delegate from the CNMI would aid us in our work to legislate on matters affecting the CNMI and the insular areas. Up to this point, Mr. Speaker, I have been representing the CNMI. This is long overdue, and it's unfair. We have U.S. citizens living in a U.S. commonwealth without a voice in Congress.

So, I urge my colleagues to right this wrong, and I urge my colleagues to support this legislation.

Mr. BISHOP of Utah. Mr. Speaker, at this time I don't have anyone coming down to speak on the bill, but I anticipate they may. So, until the gentlelady is finished, I will continue to reserve my time.

Mrs. CHRISTENSEN. At this time, Mr. Speaker, I would like to yield 5 minutes to the former Chair and former ranking member of the Committee on Natural Resources, GEORGE MILLER.

Mr. GEORGE MILLER of California. I thank the gentlewoman for yielding, and I want to congratulate her on this legislation.

This is an important piece of legislation, and I'm delighted that we were able to work it out in the committee on a bipartisan basis. And I want to thank all of the Members on both sides of the aisle.

Since the early 1990s, I've tried to bring legislation to the floor of this Congress to reform the abusive labor practices and the broken immigration policies of the Commonwealth of the Northern Mariana Islands, an American territory in the Pacific.

I sought these changes so that we could put a stop to the well-documented and widespread abuse of poor men and women in the garment and tourism industry in the CNMI and to better secure America's borders. But for more than a decade, a lobbyist by the name of Jack Abramoff joined then-Majority Leader Tom Delay and others here in Congress to block my reform efforts, even though they passed on a bipartisan basis in the Senate and in the Senate committee twice.

Ten years ago this month, in fact, Tom Delay visited the Mariana Islands and declared that our Federal reforms "had no future" as long as he was in control of the House of Representatives, but there is a new Congress in town. We have new Republican leadership and we have new Democratic leadership, and we're moving quickly under the leadership of the gentlewoman from the Virgin Islands to right the wrongs of the past.

Earlier this year, we raised the minimum wage across the country, and for the first time in almost a decade we gave the workers of the Northern Marianas a raise as well. Thanks to that minimum wage increase, workers in the Marianas make $3.55 an hour, up from barely $3 that workers were paid for these past years. And what's more, the minimum wage will continue to rise in the CNMI until their wage is equal to that of other American territories.

Today, my friend and committee colleague from the Virgin Islands has brought this legislation to the floor to fix the other long-standing problem in the CNMI. The broken local immigration program in the CNMI has allowed unscrupulous recruiters to exploit and abuse thousands of workers and their families, and it helped the CNMI's sweatshop-based economy to persist for decades. The legislation we are considering today brings the CNMI within the Federal immigration system so that we can put an end to that exploitation and abuse. The bill was drafted by the Bush administration and improved by the Natural Resources Committee.

I want to congratulate Chairman RAHALL and Chairwoman DONNA CHRISTENSEN for bringing this legislation to the floor. As I said earlier, I also want to thank Congressman CONYERS, the chairman of the Judiciary Committee, for helping to improve this. And I thank the cooperation of the Republicans, DON YOUNG, and the subcommittee of the Resources Committee.

Today, Jack Abramoff is in prison and Tom Delay has resigned in disgrace. And today we pass a bill that restores the human rights to those individuals working in the CNMI. And today we strengthen the borders of America.

With these two pieces of legislation soon to become law, the minimum wage, which is already the law, and this legislation, to repair the immigration, I think now we can comfortably consider and support the notion of a delegate from the CNMI to the Congress. And I want to thank the gentlewoman for her persistence, the gentlewoman from Guam, and the gentleman from American Samoa for that effort. As they know, this is legislation that I have been deeply concerned about for a very, very long time that unfortunately brought about a lot of bad practices in the CNMI. But I am convinced with this legislation that we're doing the right thing, and we can open a new chapter, hopefully, of economic prosperity and of representation for the CNMI in the Congress of the United States.

And again, I thank the gentlewoman very much for your tireless effort on this legislation.

Mrs. CHRISTENSEN. Thank you, Chairman MILLER.

Mr. Speaker, might I inquire as to how much time remains?

The SPEAKER pro tempore. The gentlewoman has 8 minutes remaining.

Mrs. CHRISTENSEN. Mr. Speaker, at this time, I yield 5 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. I want to thank the gentlelady from the Virgin Islands, our distinguished chairman of our Insular Affairs Subcommittee, Mrs. CHRISTENSEN, for allowing me to speak concerning this legislation.

Mr. Speaker, I rise in full support of H.R. 3079, and I want to commend the chairman of our committee, Mr. NICK RAHALL, and also the chairlady of our Insular Affairs Subcommittee, Mrs. DONNA CHRISTENSEN, for their leadership and service, and above all, their commitment and willingness to go through some of the provisions in the bill which I have concerns with.

Mr. Speaker, I also want to thank the gentleman, former chairman of the Natural Resources Committee and now chairman of our Education and Labor Committee, the gentleman from California, my good friend, Mr. MILLER, not only for his leadership, but throughout the years that he has been very diligent in bringing attention to our colleagues and our Nation about the serious problems involving the situation there in the Northern Mariana Islands.

I recall distinctly that because of the violations of Federal labor laws, the garment factories that were instituted by this one gentleman that was fined by some $9 million, just to show without even questioning or even taking the matter to court some of the problems that we had faced within the CNMI.

Mr. Speaker, I support the concerns of the administration and House Members supporting the bill, but we should also be mindful that there is a GAO study currently under way in reviewing CNMI's immigration problems that hopefully will shed more light on the current situation in CNMI. It is my sincere hope that the GAO study will give us more information on CNMI's overall economic and political development, and the bill we're about to pass will complement the findings of the GAO report that will be completed in the near future.

Mr. Speaker, we ought not to put the blame on the current administration, Governor Ben Fitial, for the failures and misdeeds of his predecessors. Since becoming Governor of CNMI, Governor Fitial has addressed several concerns that had plagued previous administrations. For example, with the closures of most of the government factories in CNMI, the number of alien guest workers has declined from its peak of about 30,000 now to about 20,000 by the end of this year. This will further decrease to about 15,000 by next year.

Governor Fitial has instituted an effective and fair system for handling complaints by alien guest workers. The new system implemented by the Governor has eliminated a backlog of some 3,400 pending labor cases carried over from previous administrations.

Under Governor Fitial's administration, the CNMI Government has implemented a new computerized system for tracking arrivals and departures of alien guest workers, leading to a more effective control of CNMI's immigration problems.

I am especially pleased, Mr. Speaker, for the removal of a certain provision that would have legalized the status of illegal overstayers in CNMI. I want to thank Chairman RAHALL, Chairwoman CHRISTENSEN and Ranking Member DON YOUNG for the spirit of bipartisanship that has authorized CNMI to also have a delegate in the U.S. Congress, as stated in the bill. I cannot stress enough the importance of the unique political relationship between the United States and CNMI, especially in the interest of our national security. The significance of this political relationship has elevated since the closures of the Clarke Air Force Base and our Naval Base in Subic Bay in the Philippines.

I cannot help but mention the name of the late Congressman Phil Burton, Mr. Speaker, who played a most critical role in the development of this unique political relationship between CNMI and the United States. Furthermore, the pending transfer of some 9,000 U.S. marines and their families from Okinawa to Guam, and likely also to CNMI, has made this relationship even more critical and important to our strategic and military interests in this region of the world.

Overall, we have a very important military interest in these islands, and our Nation is grateful that Guam and CNMI are members of our American family.

I urge my colleagues to support this legislation.

Mrs. CHRISTENSEN. Mr. Speaker, H.R. 3079 is supported by the administration and also received bipartisan support during consideration by the Natural Resources Committee. In addition, since reporting the measure, our committee has worked very closely with the House Judiciary Committee, as you've heard, to address other concerns.

I want to take this opportunity to thank Chairman RAHALL for making this issue a priority at the start of this Congress, as well as thank our ranking member, Mr. YOUNG. And we appreciate the collaboration of our colleagues on the Judiciary Committee, Chairman CONYERS, Ranking Member SMITH and Subcommittee Chairman LOFGREN and Ranking Member KING, as well as the Judiciary Committee staff.

At this time, Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I understand that we have another speaker who wishes to come here, so I appreciate this opportunity just to say a short word on behalf of this bill. And I appreciate the many speakers who have spoken already who have spoken to the bipartisan nature in which this bill has proceeded.

At this time, I think we need to thank the Judiciary Committee, and I believe the chairman wishes to say something about this particular bill, for the way in which they've worked in a bipartisan way. I am also very grateful to be a part of the Natural Resources Committee, which I think has worked in a bipartisan way to present this bill.

I have to admit that the only thing that would really make me happier is if we were discussing this bill in October rather than this close to Christmas. But other than that, I am very much appreciative of those people who worked for this bill, especially the administration, who is supportive of it, and the resident representative from this particular area.

I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. I thank the Speaker and the leaders, the floor managers on this provision. I want to thank first of all the ranking member, LAMAR SMITH; the Chair of the Immigration Subcommittee on the Judiciary Committee, ZOE LOFGREN; and in particular, my friend, Chairman NICK RAHALL of the Natural Resources Committee because we have all worked together in making important refinements to the bill. There was a great deal of cooperation.

As it is now clear, what we are dealing with now is the fact that the minimum wage question, the immigration standards, and the taxes to the islands are of great consequence. I commend all of my colleagues here this afternoon for the tremendous work that has occurred.

Labor unions and human rights groups have long called attention to these abuses. And both the Clinton and Bush administration Justice Departments have brought prosecutions under the 13th amendment.

I do also want to commend this administration for the excellent work they have done in this regard.

The decision in the 1976 Covenant establishing the Commonwealth of the Northern Mariana Islands to leave decisions on minimum wages, immigration standards, and taxes to the Islands has had tragic consequences.

Wide-open guestworker programs, and utter lack of basic labor protections, turned the Northern Marianas into a haven for sweatshops. But modern slavery didn't just occur by day, in the garment factories. It also occurred by night, as cruel brothel owners used deceit and brutality to gratify the demand for prostitutes.

Labor unions and human rights groups have long called attention to these abuses, and both the Clinton and Bush Administration Justice Departments have brought prosecutions under the Thirteenth Amendment against some of the most notorious offenders. But these efforts have been blunted at every turn by the factory owners and their high-paid lobbyists.

A more fundamental effort is clearly needed, and long overdue, and this legislation will finally provide it. It brings the Commonwealth under the Immigration and Nationality Act, with a balanced approach that will help the Islands through the transition. Workers in the Islands will no longer be kept in the shadows, where they have been too readily prey to abuse.

We can see how this effort is already having a result. Just this weekend on Saipan, as many as 15,000 workers and their supporters marched for unity and justice. Fifteen thousand marched on an island of only 60,000 people. We owe it to them to act.

The fundamental immigration policy and human freedom issues at stake are of obvious importance to the Judiciary Committee, and I deeply appreciate the openness of the Natural Resources Committee, under the leadership of Chairman RAHALL, in working with us on important refinements to the bill.

Immigration Subcommittee Chair ZOE LOFGREN and I have also had tremendous help from Ranking Member LAMAR SMITH, in making these improvements in a bipartisan fashion. Finally, I would like to thank the Administration for its constructive role in bringing us to this point.

Ms. ZOE LOFGREN of California. Mr. Speaker, H.R. 3079 would apply the Nation's immigration laws to the Commonwealth of the Northern Mariana Islands (CNMI). For too long, the CNMI has managed its own immigration system outside of the constraints and protections of Federal law. The result has been a massive influx of exploited workers and victims of human trafficking, with concomitant increases in sex slavery and other abusive labor practices.

Recent investigations and prosecutions have uncovered terrible stories of enslavement and forced labor. Thousands of young women and girls lured to the CNMI with promises of good jobs with good pay only to be enslaved and forced into prostitution. Others forced to toil in harsh conditions and for little money in garment sweatshops, made profitable by their ability to exploit cheap labor yet still use the "Made in the USA" label.

And to understand the depth of the problem, one only has to look at the statistics. For years, foreign workers have actually outnumbered the indigenous population. It is like the United States bringing in over 300 million foreign workers to the mainland, without giving them any rights or protections.

We have known about these problems since the 1990s, but we have done nothing about them. It is time to change that. H.R. 3079 would extend the protections of the country's immigration laws to the CNMI, using a balanced approach that takes into account the CNMI's vulnerable economy as well as past abuses. It would reign in the islands' lax immigration policies while appropriately considering the labor needs of legitimate businesses. It would also provide for a regional visa waiver program along with Guam, which would provide both increased security and the tourists needed to help sustain the economies of both territories.

This bill is strongly needed to break from the abuses of the past. It is backed by the Administration, and it has bipartisan support in the House and Senate.

I want to thank Chairman RAHALL of the Natural Resources Committee and Chairwoman CHRISTENSEN of the Subcommittee on Insular Affairs for caring deeply about this issue and shepherding this bill through Congress. I also want to thank Chairman CONYERS for his leadership, as well as Mr. LAMAR SMITH, the ranking member of the Judiciary Committee, for working with us in a bipartisan fashion to improve the bill. I urge its passage.

Mr. RAHALL. Mr. Speaker, I rise in strong support of H.R. 3079, a bill which would extend U.S. immigration laws to the Commonwealth of the Northern Mariana Islands and also authorize a non-voting Delegate from the Northern Marianas to the U.S. House of Representatives.

At the start of the 110th Congress, as the Chairman of the Natural Resources Committee, I set out an agenda which included revisiting the CNMI's control and enforcement over immigration policy. Many in this House will recall that for at least two decades, our government and this Congress expressed our concerns with how immigration policy in the CNMI was envisioned and implemented.

When the Northern Marianas was transitioned from being a trust territory of the United Nations to a U.S. territory under our stars and stripes, temporary control over immigration and minimum wage laws were placed in the hands of the new local government. This was done in light of their small, mostly indigenous, population and their undeveloped economy. Their control was never meant to be a permanent fixture of their government.

Throughout the 1990s the CNMI economy grew by taking advantage of its control over immigration and wage policy. A garment industry, much of it owned by nationals of China, saw fit to make the CNMI their new home. In so doing, the industry was able to fill practically every position in their operations with a foreign worker at a minimal cost to their operations.

In 2000, garment exports from the CNMI to the U.S. were estimated to be worth about $1 billion annually. To support this industry, the U.S. Census estimated the foreign guest worker population at 40,000 outnumbering the local population by at least 10,000 and because of lax protections of foreign guest workers under CNMI law many were subject to abuses by their employers. Much of this abuse had been documented by our national media, human rights organizations, and our Committee's former Chairman GEORGE MILLER.

In that decade of the 90s and into the 21st century, despite the clear need to reform the system in the CNMI, any attempts at extending U.S. immigration law or minimum wage laws were met with resistance in Congress.

I loathe thinking that Members of this body would want such a system to flourish. Or that anyone would view what occurred in the CNMI as an economic experiment, grown in a "petri dish" because of the CNMI's distance and relative isolation from the U.S. mainland.

Mr. Speaker, with the enactment of H.R. 3079, the dismal and degrading decade of the 90's will be put to rest—never to repeat itself again.

H.R. 3079 would also authorize a non-voting Delegate from the CNMI to be a Member of the House of Representatives. In previous Congresses, similar legislation has passed the Natural Resources Committee more than once and with broad bipartisan support. This goodwill and collaboration has continued in this Congress with the inclusion of the Northern Mariana Island Delegate Act as Title II of H.R. 3079.

Mr. Speaker, I commend the gentle lady from the Virgin Islands, Mrs. CHRISTENSEN, for her leadership throughout this process. As the chairman of Subcommittee on Insular Affairs, she took on this very complex issue at the start of this Congress. Her Subcommittee has been very active on this issue and made every attempt to address concerns raised by different interests in the CNMI before bringing this legislation to the Floor.

I would also like to thank the leadership of the Judiciary Committee who collaborated with us on this legislation. We do appreciate their involvement with this bill and their constructive input as we prepared to have it considered under the suspension calendar.

I support H.R. 3079 and urge its passage.

Mr. BISHOP of Utah. Having no other speakers on our side, I yield back the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time and I urge my colleagues to pass H.R. 3079.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and pass the bill, H.R. 3079, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend the joint resolution that approved the covenant establishing the Commonwealth of the Northern Mariana Islands, and for other purposes".

A motion to reconsider was laid on the table.

□ 1230

SAN GABRIEL BASIN RESTORATION FUND AUTHORIZATION ACT

Mrs. NAPOLITANO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 123) to authorize appropriations for the San Gabriel Basin Restoration Fund, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 123

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SAN GABRIEL BASIN RESTORATION FUND.

Section 110 of division B of the Miscellaneous Appropriations Act, 2001 (114 Stat. 2763A–222), as enacted into law by section 1(a)(4) of the Consolidated Appropriations Act, 2001 (Public Law 106–554, as amended by Public Law 107-66), is further amended—

(1) in subsection (a)(3)(B), by inserting after clause (iii) the following:

"(iv) NON-FEDERAL MATCH.—After $85,000,000 has cumulatively been appropriated under subsection (d)(1), the remainder of Federal funds appropriated under subsection (d) shall be subject to the following matching requirement:

"(I) SAN GABRIEL BASIN WATER QUALITY AUTHORITY.—The San Gabriel Basin Water Quality Authority shall be responsible for providing a 35 percent non-Federal match for Federal funds made available to the Authority under this Act.

"(II) CENTRAL BASIN MUNICIPAL WATER DISTRICT.—The Central Basin Municipal Water District shall be responsible for providing a 35 percent non-Federal match for Federal funds made available to the District under this Act.";

(2) in subsection (a), by adding at the end the following:

"(4) INTEREST ON FUNDS IN RESTORATION FUND.—No amounts appropriated above the cumulative amount of $85,000,000 to the Restoration Fund under subsection (d)(1) shall be invested by the Secretary of the Treasury in interest-bearing securities of the United States."; and

(3) by amending subsection (d) to read as follows:

"(d) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to the Restoration Fund established under subsection (a) $146,200,000. Such funds shall remain available until expended.

"(2) SET-ASIDE.—Of the amounts appropriated under paragraph (1), no more than $21,200,000 shall be made available to carry out the Central Basin Water Quality Project.".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. NAPOLITANO) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. NAPOLITANO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. NAPOLITANO. Mr. Speaker, I yield myself such time as I may consume.

H.R. 123 was introduced by our colleague and good friend, Congressman DAVID DREIER of California, to provide additional funds for the San Gabriel Basin Restoration Fund. This bill, which is a very important bill for my whole area, has worked to clean up a contamination, a Superfund site, that has cleaned up much of the contamination in an area that comprises probably around 30 cities, and as amended will raise the appropriation ceiling by an additional $61.2 million.

We need this to further continue to provide the cleanup on this water to millions of people in dozens of cities. This bill has been worked on in a bipartisan basis. Both my colleague, Mr. DREIER, myself, our staffs have worked diligently for a long time to carry this bill to where it is.

When H.R. 123 was introduced earlier this year, it only included funds for cleanup in the San Gabriel Basin. Since then, my staff, committee staff and Congressman DREIER's staff have worked together to amend the bill to include additional funds for cleanup in the central basin as well. While this legislation provides a central basin with access to much-needed additional funds, all funds left under the original authorization should remain dedicated to the Water Quality Authority, the entity which is responsible for coordinating cleanup efforts in the San Gabriel Basin.

Mr. Speaker, we have no objection to this noncontroversial, bipartisan bill and I urge my colleagues to support H.R. 123, as amended.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, H.R. 123 was introduced by our distinguished colleague, the gentleman from California, the distinguished ranking member of the Rules Committee, DAVID DREIER; and it extends a highly successful water cleanup effort in Southern California. This legislation as amended authorizes additional Federal dollars for groundwater remediation aquifers that provide drinking water to the Los Angeles area residents.

As explained by the Democrat bill manager, this amended bill will allow the central basin water authorities to pursue their own appropriations while not harming what remains of the original San Gabriel Restoration Fund. This aspect of the bill is very important when it comes to protecting the San Gabriel water supply. This bill has enjoyed bipartisan support and dialogue throughout the legislative process, and I urge my colleagues to support this result-oriented bill.

I will reserve at this moment.

Mrs. NAPOLITANO. Mr. Speaker, I have no speakers waiting. I still remain committed to reserving my time.

Mr. BISHOP of Utah. It is only right that I yield as much time as he chooses to consume to the gentleman from California, the sponsor of this wonderful piece of legislation, Mr. DREIER.

Mr. DREIER. Mr. Speaker, let me begin by rising to compliment my distinguished California colleague, the Chair of the subcommittee, for her amazing and festive outfit which includes shoes and earrings which I hope very much our colleagues will seize the opportunity to see during this holiday season.

The importance of stating that is matched by my praise for her work and the work of her staff on this important legislation. It has been nearly a decade, actually back in 1999, that we were able to first pass legislation designed to deal with a horrendous tragedy that came in the aftermath of the Cold War. It was during the Cold War that we had a wide range of defense contractors, some of which are in business today, and some of which no longer are in business; but during that period of time, they legally disposed of spent rocket fuel. They did it legally. No one knew what the ramifications of that would be at the time.

And so, Mr. Speaker, what happened? Well, in the mid-1990s there was this discovery of perchlorate which was a byproduct of the disposal of that spent rocket fuel. Unfortunately, it created the potential to contaminate the water for as many as 7 million Californians.

That is why I want to join in praising Mrs. NAPOLITANO for her work in expanding this cleanup effort, and I want to thank all the members of her staff. I also want to express appreciation to our colleague, CATHY MCMORRIS RODGERS, who also has worked very hard on this. And I know that the discovery of perchlorate is something that has hit other parts of the country.

Well, we in the San Gabriel Valley have put together what clearly is the best model for not only our area, Mr. Speaker, but for other parts of the country, Dallas, Texas, other parts of California, where this has been found. What does that partnership consist of? It is the Federal Government, and there was a lot of litigation that was initiated in the 1990s over this problem. I decided back then in the 1990s, why should we wait for litigation to go through the courts when perchlorate was seeping into the groundwater when it was very clear that the Federal Government had contracted with these people and we won the Cold War.

And so it was obvious that this was a Federal responsibility for us to step up to the plate. But there, obviously, were a lot of others who did want to take on some of the responsibility, so companies like Aerojet and other companies did agree to participate in the cleanup effort. And the State of California and local governments as well have been part of this process.

Again, our bipartisan staffs have worked so closely together on this issue that to me, Mr. Speaker, it is a great demonstration of the willingness of Chairwoman NAPOLITANO to reach out and work on an issue where we could find areas of agreement. Again, I can't thank her enough for that. And I will say that as we look at this challenge down the road, we hope very much that it is taken care of. But I am well aware of the fact that we will see further environmental difficulties in the future, and I believe that this legislation, H.R. 123, will be a model that can be utilized for many of the other environmental challenges that we face beyond the issue of water in the future.

So again I thank all of my colleagues who have been involved, Mr. Speaker, and I thank those in our local area, the Water Quality Authority and other entities that have stepped up and are working with us, because they really were key in putting together this model; and I urge my colleagues to support the gentlewoman's resolution here.

Mrs. NAPOLITANO. Mr. Speaker, my colleague has very well outlined the background of the bill. Due to his vision, this started over a decade over ago, brought all the parties together, had many hurdles that were accomplished only when people were brought to the table and were able to seek the solution to be more expediently cleaning up that area. And I can tell you that this has been, as he has outlined, a very hard-worked, joint effort, not only at the local level with the State, the locals, the Fed, the EPA, all the water districts, but also our staffs who have run into difficulties and had been able to work to iron them out. So kudos also, Mr. Speaker, to Chairman DREIER's staff in being willing to work with our staff in bringing this to the solution where we are now.

I have no further speakers, Mr. Speaker, and I reserve the balance of my time.

Mr. BISHOP of Utah. We have no other speakers, Mr. Speaker. I did not have the opportunity of giving my life history on the last bill, and I really am disappointed Mr. DREIER didn't give his life history in his bill; but beside that disappointment, I also am grateful to be here with the distinguished subcommittee chairwoman who is dressed in as festive an outfit for this time of year as is possible to do, and we simply yield back the balance of our time in urging my colleagues to approve this piece of legislation.

Mrs. NAPOLITANO. Mr. Speaker, I appreciate the comments about my dress and demeanor. I only feel that we are hoping to wrap it up this week and not be here through Christmas.

Mr. DREIER. Mr. Speaker, I rise in strong support of this bill's passage. H.R. 123 is an important continuation of the successful federal–state–local partnership that already exists in providing one of the most basic necessities of life—clean drinking water. The bill extends the current authorization of the San Gabriel Basin Restoration Fund by a total of $61.2 million—$50 million for the San Gabriel Basin Water Quality Authority (WQA), and $11.2 million for the Central Basin Municipal Water District (Central Basin).

The San Gabriel Basin Restoration Fund was created because of the critical need to quickly implement a plan that would address the contaminated groundwater in the San Gabriel Valley. Before important environmental laws were put into place, the Federal Government had contracted with defense companies that were, at that time, legally permitted to dispose of spent-rocket fuel without proper safeguards for groundwater. There had already been clean-up efforts in the region for other contaminants but in 1997, perchlorate contamination was discovered in the groundwater in the San Gabriel Valley. Unfortunately, at the time of discovery, many of those contractors and other responsible parties had either moved their businesses to other locations, or had simply gone out of business. The region's groundwater remained threatened while mounting litigation between the Environmental Protection Agency and private parties potentially responsible for the contamination delayed any hope for a solution.

In 1999, the Federal Government rightfully stepped in with the creation of the Restoration Fund to provide a mechanism for those responsible for the contamination to partner with local, state and federal agencies to solve the crisis and immediately implement the cleanup. The willingness of the Federal Government to partner with local and state agencies proved to be the impetus for private investment and participation in the ongoing cleanup efforts.

I am proud to say that this partnership is an example of good stewardship of taxpayer money. Initially in 1999, when we first began the process for creating the Restoration Fund, the total cost of cleaning up the basin was estimated at $320 million. Congress created the Restoration Fund in 2000, with an initial authorization of $85 million, or a 25 percent investment. To date, a little over $70 million has been appropriated, with approximately 83 percent of the cleanup provided by local sources and responsible parties, with about 12 percent federal funding.

After recent evaluation of the total project, accounting for increased levels of detected contamination, increased energy costs and inflation, the total cost of cleanup now, almost a decade later, is approximately $1 billion. With a modest increase of $61.2 million, bringing the total federal investment to $146.2 million, or approximately 14 percent, the WQA and the U.S. Bureau of Reclamation can continue jointly administering this cleanup program.

Their outstanding work is why this project is cost effective and such a huge success. In working with the WQA and the U.S. Bureau of Reclamation over the past decade on this regional solution, there is no doubt that this increase is warranted and will be utilized in the most effective way to continue to provide safe drinking water.

The cost-effectiveness of the original authorization of the Restoration Fund is clear. And without a doubt, that cost-effective use of the federal investment will be continued in this new authorization. The federal partnership will continue to hold the coalition of local water agencies and private parties together to finish the job that we started a decade ago.

It is important to note that this bill, while originally introduced to authorize additional funds for the WQA, was amended to include additional funding for the Central Basin. The WQA and Central Basin were jointly authorized to implement the cleanup by the original Restoration Fund. These two agencies have worked side by side for many years to ensure that the millions of residents in our region have safe drinking water. While the Central Basin has realized its full authorization under the Restoration Fund, there are funds yet to be appropriated to the WQA under the original authorization. Therefore, the WQA is not responsible to provide the Central Basin with any further appropriations that are secured under the original $85 million ceiling.

However, we all recognize Central Basin's desire to seek additional funds beyond what they have already been fully provided under the original authorization to ensure the safety of the region's groundwater. Central Basin has stepped forward in committing to providing the 35 percent local cost share on any future appropriations they secure. Once the WQA receives its full appropriation under the original authorization, should the WQA and Central Basin decide to pursue and split a single appropriation as they've done in the past, then the WQA and the Central Basin have mutually agreed that the WQA will receive 90 percent, and Central Basin will receive 10 percent of any annual appropriation to the Restoration Fund under the new authorization ceiling outlined in this bill. I want to commend the cooperation between these two agencies in working out the details of the implementation of this bill and for their continued service to the residents of the San Gabriel Valley.

This bill is a product of strong bipartisan cooperation with the Chair of the House Natural Resources Subcommittee on Water and Power, Ms. NAPOLITANO, an original cosponsor of the bill and great partner throughout the years in addressing the very serious challenge of keeping our groundwater supply safe for southern Californians. I am very proud to have the support of our friends GARY MILLER, LUCILLE ROYBAL-ALLARD, ADAM SCHIFF, HILDA SOLIS and LINDA SÁNCHEZ. I also want to thank Ranking Member CATHY MCMORRIS-RODGERS for her support throughout the legislative process as well as recognize the hard work of the very able Majority and Minority subcommittee staff including Steve Lanich, Kiel Weaver, Emily Knight and from Chairwoman NAPOLITANO's personal office, Daniel Chao.

Mr. Speaker, I urge my colleagues to support passage of this legislation.

Mrs. NAPOLITANO. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. NAPOLITANO) that the House suspend the rules and pass the bill, H.R. 123, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ARIZONA WATER SETTLEMENTS ACT MODIFICATION

Mrs. NAPOLITANO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3739) to amend the Arizona Water Settlements Act to modify the requirements for the statement of findings.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3739

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATION TO REQUIREMENTS FOR STATEMENT OF FINDINGS.

Section 302 of the Arizona Water Settlements Act (Public Law 108–451; 118 Stat. 3571) is amended as follows:

(1) In subsection (b)(5), by striking "proceedings," and all that follows through the end of the paragraph and inserting "proceedings;".

(2) In subsection (c), by striking "subsection (a)" and inserting "subsection (b)".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. NAPOLITANO) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. NAPOLITANO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on this bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. NAPOLITANO. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3739, as introduced by our friend and colleague, Congressman RAUL GRIJALVA of Arizona, our colleague on the Natural Resources Committee and chairman of the subcommittee on National Parks, Forests and Public Lands, amends the 2004 Arizona Water Settlements Act to modify one technical, enforceability condition necessary to implement the water settlement for the Tohono O'odham Nation.

Mr. Speaker, we support this bill. It was passed through our committee on a bipartisan basis, and we look forward to working with other tribes who have similar concerns in the future; and I urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. BISHOP of Utah. My colleague from the majority has adequately described this technical correction bill. We have no objection. We urge its passage.

I have no further speakers, and I yield back the balance of my time.

Mrs. NAPOLITANO. Mr. Speaker, having no further speakers, I will only mention that it was a pleasure working with my ranking member, CATHY MCMORRIS RODGERS, and some of my colleagues on the other side to get this very important piece of legislation for the tribe.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. NAPOLITANO) that the House suspend the rules and pass the bill, H.R. 3739.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

☐ 1245

EXPRESSING SYMPATHY TO THE VICTIMS OF CYCLONE SIDR IN SOUTHERN BANGLADESH

Mr. MEEKS of New York. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 842) expressing sympathy to and pledging the support of the House of Representatives and the people of the United States for the victims of Cyclone Sidr in southern Bangladesh, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 842

Whereas on November 15, 2007, Cylcone Sidr hit the coast of southern Bangladesh with 155 mile-an-hour winds that smashed tens of thousands of homes, damaged roads and buildings, and caused a 15-foot tidal surge that ruined thousands of hectares of crops;

Whereas early reports have branded the destruction from Cyclone Sidr as the worst in Bangladesh in 16 years;

Whereas the resulting damage from the cyclone affected more than 8,000,000 people through loss of their homes and livelihoods;

Whereas over half of the affected internally displaced population are children;

Whereas Bangladesh's Disaster Ministry estimates that the cyclone damaged or destroyed 1,500,000 houses;

Whereas the death toll from the cyclone stands at more than 3,000;

Whereas as the 4 districts in southern Bangladesh that were most drastically affected by the cyclone are Patuakhali, Bagerhat, Barisal, and Pirojpur;

Whereas one relief worker commented that Bagerhat looked like a "valley of death" in the days after the storm;

Whereas an entire island in Barisal, another district of southern Bangladesh, was submerged under at least 6 feet of water and houses were blown away by winds;

Whereas the capital, Dhaka, which is located over 130 miles away from the devastated southern coastline, was also impacted by the storm, losing access to power and water for days;

Whereas a massive tidal wave that was caused by Cyclone Sidr hit the Sunderbans, the world's biggest mangrove forest that is home to the endangered Royal Bengal tiger, leaving a wake of death and destruction that have caused experts to declare the forest an "ecological disaster";

Whereas officials at the United Nations World Food Program have appealed for international aid to help save lives in Bangladesh, noting that food supplies have been severely disrupted by the cyclone; and

Whereas, due to the limited access to water supply and sanitation facilities that millions of Bangladeshis will face, health officials have warned against the possibility of cholera, dysentery, and other waterborne diseases: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its heartfelt sympathy for the victims of Cyclone Sidr, which has affected southern Bangladesh;

(2) conveys its sincere support to the people of Bangladesh;

(3) supports the United States Government's efforts to immediately make available all appropriate assistance requested by Bangladeshi authorities; and

(4) reaffirms its commitment to provide relief aid to the victims as the effects of the cyclone continue to unfold.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MEEKS) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. MEEKS of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MEEKS of New York. Mr. Speaker, I rise in strong support of this bill, and I yield myself such time as I may consume.

Let me first thank my good friend and colleague, Mr. ROTHMAN from New Jersey, for introducing this timely resolution. More than 2 years ago, Hurricane Katrina struck our gulf coast with a fury rarely seen. Katrina caused severe loss of life and property to the citizens of Louisiana, Mississippi and Alabama, and our Nation continues to deal with the enormous human and financial consequences of this devastating storm.

Unfortunately, halfway across the world, our friends in Bangladesh are undergoing their own nightmare scenario in the aftermath of Cyclone Sidr. Cyclone Sidr struck on November 15, with 155-mile-an-hour winds and 15-foot tidal waves. The destruction that this cyclone left in its wake is the worst Bangladesh has seen in 16 years, and that is not a trivial statement, considering that Bangladesh is a nation that suffered through horrific droughts, floods and other natural disasters on almost an annual basis.

The numbers from Cyclone Sidr are astounding: 3,300 dead, over 800 missing, and 1.5 million houses damaged or destroyed. All told, at least 8.7 million people have been affected, and the economic and social impacts will undoubtedly loom large for years to come.

Just as the world offered their help to us during Hurricane Katrina, Bangladesh needs immediate support from the international community. In that regard, I am proud of the way that the United States Government has responded to this disaster. The U.S. Agency for International Development has already dispatched millions in emergency assistance, and our United States Navy is busy airlifting necessary food and supplies to those that have been affected.

This resolution supports our efforts and reaffirms our commitment to our friends in Bangladesh. I strongly support this resolution and encourage my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. POE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 842, as amended, expressing sympathy and support for the victims of Cyclone Sidr in southern Bangladesh. At the outset, I would like to commend the gentleman from New Jersey (Mr. ROTHMAN) for introducing this timely measure, and also extend my appreciation to Chairman LANTOS, as well as Ranking Member ILEANA ROS-LEHTINEN, for helping to expedite its consideration before the House today.

As my colleagues may know, on the 15th of November a powerful, category five-equivalent tropical cyclone struck low-lying areas of Bangladesh from the Bay of Bengal. Mr. Speaker, in the West we call these tropical storms hurricanes, and in the Far East they call them cyclones. Be that as it may, they both have destructive power. Being from southeast Texas on the gulf coast, we call the area "hurricane alley," and we are not unfamiliar with hurricanes. Even this year, Hurricane Humberto, and Hurricane Rita 2 years ago hit my area of the State of Texas.

So, the effects of hurricanes and cyclones are devastating. The effects of Cyclone Sidr has been extremely devastating to the people. Some 6.8 million people have been affected by this disaster, 3,000 people have died, 1,000 people are unaccounted for, and approximately 15,000 people have been injured. In the immediate aftermath of this storm, President and Mrs. Bush offered condolences to the victims, especially those who lost loved ones, people who lost homes and livelihoods in this tragedy.

The United States immediately conveyed to the authorities in Dhaka its willingness to assist in responding to this natural disaster. The United States Agency for International Development provided more than $19 million in emergency funds to support relief and early recovery activities, including shelter and water, sanitation, hygiene programs and emergency food assistance. The United States Department of Defense has also provided invaluable assistance, with 2,400 United States marines and sailors helping the Bangladesh Government provide clean water, medical aid, food, and other relief supplies to the victims of this cyclone. Indeed, more than 162,000 pounds of relief supplies have been delivered to Bangladesh by USS *Kearsarge* and the 22nd Marine Expeditionary Unit as of early this month.

Mr. Speaker, Bangladesh and the United States have been close friends since 1971. Our hearts go out to those who have suffered so grievously during this disaster, and on behalf of the American people it is fitting that we reiterate our commitment to assist the people of Bangladesh as they recover from this devastating storm, and I urge support of this resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker. I rise today in strong support of H. Res. 842, expressing sympathy to and pledging the support of the House of Representatives and the people of the United States for the victims of Cyclone Sidr in southern Bangladesh, introduced by my distinguished colleague from New Jersey, Representative ROTHMAN. This important resolution reaffirms the commitment of the United States to the people of Bangladesh in the wake of the devastation of Cyclone Sidr.

Mr. Speaker, Bangladesh has long been a valued ally of the United States; and a key Muslim democracy in a region where adherence to democratic principles is at a premium. Recently, I met with Mr. Don Haque, nephew of former Prime Minister Khaleda Zia. After listening to his concerns and insights, it is my hope that Bangladesh will move swiftly toward regaining its status as a thriving, emerging democracy and set an example for its neighbors and the rest of the world.

The region has been undergoing serious political and economic changes, with several nations undergoing significant political upheaval. Key among these is Bangladesh, where emergency rule was declared by President Iajuddin Ahmed following opposition protests during the run-up to the January 2007 elections. This military-backed caretaker government, currently headed by Fakhruddin Ahmed, is expected to continue to hold power through 2008, though some observers have estimated that elections will not actually take place until 2009 or later.

It is my sincere hope that the military-backed caretaker government currently in power in Bangladesh will promptly lift the state of emergency and move expeditiously toward holding free and fair elections. It would also be my expectation that the caretaker government will abide by internationally recognized standards of human rights and due process in its activities. I am personally concerned by reported events in Bangladesh, including the ban on political and union activity; the restrictions on free movement, free assembly, free association, free speech and a free press; and the denial of bail and other due process rights to more than 200,000 jailed individuals, according to some accounts.

In this key period of political change, one that will hopefully ensure a more free and fair democratic Bangladesh, the nation has been hit by an unthinkable natural disaster that has affected all ways of life. On November 15, the southern coast of Bangladesh was struck by Cyclone Sidr with raging winds of 155 miles-per-hour smashing tens of thousands of homes, damaging roads and buildings, and causing a 16 foot tidal surge that has destroyed thousands of hectares of crops.

This natural disaster is estimated to have affected over 4 million people thus far, with millions being evacuated from their homes due to loss or damage. The Bangladesh Disaster Ministry now estimates that some 750,000 homes were damaged or destroyed in the aftermath of Cyclone Sidr. As a Member of the House Foreign Affairs Committee and Chair of the Congressional Children's Caucus, I am especially concerned by the internal displacement of millions of Bangladeshis, over 400,000 of whom are children below the age of five. The catastrophic death toll has already reached 3,500, though the Bangladesh Red Crescent has warned that the number of deaths may climb as high as 10,000 in what is being called the greatest destruction from a cyclone in Bangladesh in 16 years.

It appears we are only just beginning to see the effects of this great human catastrophe. While Cyclone Sidr is responsible for widespread destruction, the five provinces of Patuakhali, Barguna, Bagerhat, Barisal, and Pirojpur that sit on the southern coast of Bangladesh were the most drastically affected. The nation's capital, Dhaka, which is located over 130 miles away from the country's devastated coastline, still lost access to power and food for days following the storm. Hundreds of thousands of people in southern Bangladesh's remote areas have been cut off from relief operations leading to massive suffering and starvation due to the current lack of access to drinking water and medicines. One relief worker in Bagerhat went so far as to say that the region looked like a "valley of death." Unfortunately, the worst may be yet to come. Health officials have begun to warn against the serious threat posed by cholera, dysentery, and other waterborne diseases as a result of the limited access to water supplies and sanitation facilities that millions of Bangladeshis will face.

As a member of the international community, the United States must offer its support and assistance to a nation that has been devastated by such a tremendous natural disaster. The United Nations World Food Program has appealed to the international community to provide aid to the peoples of Bangladesh, noting that food supplies have been severely disrupted by the cyclone leading to an increased and very real threat of famine. This resolution is significant because it reaffirms the commitment of the United States to provide relief aid to the victims of Cyclone Sidr as its effects continue to unfold. Furthermore, this resolution calls upon the United States to immediately make available any and all appropriate assistance that has been requested by the Bangladeshi authorities.

I believe that it is imperative that the United States government express its heartfelt sympathy and support to the people of Bangladesh in the wake of this terrific disaster, which is why I am a proud cosponsor of this legislation. I urge my colleagues to join me in strongly supporting this legislation, and to call for still more to be done.

Mr. ROTHMAN. Mr. Speaker, I rise in support of H. Res. 842, a resolution that I introduced. This legislation expresses sympathy to and pledges the support of the House of Representatives and the people of the United States to help the victims of Cyclone Sidr in Southern Bangladesh.

Cyclone Sidr struck southern Bangladesh with 155-mile-an-hour winds on November 15th. Since then, its impact has been felt by more than 8.7 million Bangladeshis—more than 3,000 of whom were killed by this storm, 1.5 million who have lost their homes and livelihoods, and thousands of children who have lost one or more parents, their schools and their access to food and water.

The damage caused by Cyclone Sidr was widespread. In fact, the southern districts of Bangladesh were so devastated by the cyclone that one relief worker commented that Bagerhat—one of the districts most damaged—looked like a "valley of death" in the days after the storm. Even Dhaka, the capital of Bangladesh that is located more than 130 miles away from the southern coastline, was impacted by the storm—losing access to power and water for days.

In addition to the human loss of life and livelihood caused by this storm, another great loss was felt by the flora and fauna of Bangladesh. During the cyclone, a massive tidal wave hit the Sunderbans, the world's biggest mangrove forest and the home of the endangered Royal Bengal tiger. While researchers have yet to verify how many of these endangered tigers were killed in the storm, the damage that resulted from the cyclone has led experts to declare the forest an "ecological disaster."

However, in the midst of this death and destruction, the U.S. government has been doing invaluable work to help the people of Bangladesh. That is why this resolution also expresses support for the U.S. government's efforts to provide emergency assistance to the people of Bangladesh. In fact, I want to single out the work of the U.S. Agency for International Development (USAID), which has thus far provided the people of Bangladesh with more than $19.5 million in emergency food aid and other humanitarian assistance. USAID has also—in collaboration with the government of Bangladesh—quickly reached over 8 million of the most vulnerable people in the wake of this disaster to provide assistance and help relieve human suffering.

Mr. Speaker, while Cyclone Sidr took away thousands of lives in Bangladesh, it has brought out the best in both American and Bangladeshi aid workers—enabling them to work together to help millions of people hurt by this storm and provide them with humanitarian assistance. I commend them for their efforts and call on my colleagues to join with me in supporting this legislation so that we may express the House's strong sympathy and support for the people of Bangladesh in their time of crisis.

Mr. POE. Mr. Speaker, I have no other speakers, and I yield back the balance of my time.

Mr. MEEKS of New York. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MEEKS) that the House suspend the rules and agree to the resolution, H. Res. 842, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MEEKS of New York. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HONORING THE LIFE AND ACCOMPLISHMENTS OF LUCIANO PAVAROTTI

Mr. MEEKS of New York. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 708) honoring the life and accomplishments of Luciano Pavarotti and recognizing the significant and positive impact of his astounding musical talent, his achievement in raising the profile of opera with audiences around the world, and his commitment to charitable causes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 708

Whereas Luciano Pavarotti was born on October 12, 1935, in the outskirts of Modena, Italy;

Whereas Mr. Pavarotti first began singing in a church choir at the age of 9;

Whereas Mr. Pavarotti was trained as a teacher and taught second grade in Italy before deciding to pursue his music full time;

Whereas Mr. Pavarotti began serious voice training at the age of 19 under Arrigo Pola, a respected teacher and professional tenor in Modena, Italy;

Whereas Mr. Pavarotti made his operatic debut on April 29, 1961, as Rodolfo in La Boheme by Giacomo Puccini, at the opera house in Reggio Emilia;

Whereas Mr. Pavarotti made his American debut with the Greater Miami Opera in February of 1965 as a last minute replacement in Donizetti's Lucia di Lammermoor;

Whereas Mr. Pavarotti's February 17, 1972, performance in Donizetti's La Fille du Régiment at New York's Metropolitan Opera, included nine high C's during the signature aria and helped him break through to American audiences;

Whereas Mr. Pavarotti made frequent television performances which attracted some of the largest audiences ever recorded for televised opera events;

Whereas Mr. Pavarotti, with Placido Domingo and Jose Carreras, made their debut as "The Three Tenors" in Rome during the 1990 World Cup;

Whereas "The Three Tenors" recording from their debut concert became the biggest selling classical record of all time;

Whereas Mr. Pavarotti earned five Grammy awards and a Grammy Legend Award;

Whereas on December 12, 1998, Mr. Pavarotti became the first and, so far, only opera singer to perform on "Saturday Night Live";

Whereas Mr. Pavarotti organized and hosted annual "Pavarotti and Friends" charity concerts in his home town of Modena in Italy, to raise money for worthy United Nations' causes;

Whereas Mr. Pavarotti sang at numerous benefit concerts to help victims of natural and manmade tragedies;

Whereas in 1998 Mr. Pavarotti was named the United Nations Messenger of Peace;

Whereas in 2001 Mr. Pavarotti received the Nansen Medal from the United Nations High Commission for Refugees for his efforts raising money on behalf of refugees worldwide;

Whereas Mr. Pavarotti received the Kennedy Center Honors in 2001;

Whereas on February 10, 2006, Mr. Pavarotti sang "Nessun Dorma" as the final act of the 2006 Winter Olympics Opening Ceremony in Turin, Italy;

Whereas Mr. Pavarotti's immense talent, and passion for his art encouraged people around the world to embrace opera; and

Whereas Luciano Pavarotti died on September 6, 2007 in a hospital in Modena, Italy: Now, therefore, be it

Resolved, That the House of Representatives honors the life and accomplishments of Luciano Pavarotti and recognizes the significant and positive impact of his astounding musical talent, his achievement in raising the profile of opera with audiences around the world, and his commitment to charitable causes.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MEEKS) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. MEEKS of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MEEKS of New York. Mr. Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

Mr. Speaker, let me first thank my good friend and colleague from California, Representative LORETTA SANCHEZ, for introducing this timely resolution.

Mr. Speaker, there is literally no one who has done more to expand world audiences for opera than the late Luciano Pavarotti. He achieved this with a combination of inimitable talent, determination, and an untiring and affable manner. Just as important, he parlayed this fame into an international presence, which he used to push for a host of important causes. This resolution honors his life, his talent, his commitment to those causes.

Like many an Italian boy, Pavarotti dreamed of becoming a soccer star and was better at it than most of his later fans would ever know. But his father, himself an amateur singer, and his recording of the great Italian tenors soon put young Luciano on a path which would catapult him to fame.

From his operatic debut in 1961 to his U.S. debut a few years later opposite Joan Sutherland in Lucia di Lammermoor, Pavarotti soon became known for the sheer beauty of his voice. But the world was wowed in 1972 when Pavarotti struck nine unwavering high C's at New York's Metropolitan Opera House, earning him a title the "King of High C's."

Roughly 20 years later, he recorded the biggest selling classical music album of all time, when he teamed up with Placido Domingo and Jose Carreras as the Three Tenors. It must have caused the man who once dreamed of soccer stardom great joy to have debuted this project for the 1990 Soccer World Cup in Italy.

He shared the stage with rock stars, including U2's lead singer, Bono, Eric Clapton, and even pop stars like Celine Dion and the Spice Girls. Pavarotti also won humanitarian awards during the Bosnia war, as well worked alongside Diana, Princess of Wales, to raise money to ban land mines, was named a U.N. Messenger of Peace in 1998, and received the Nansen Medal from the U.N. High Commissioner for Refugees in 2001. He never tired of bringing his voice to rally around causes that make us all proud. When he died this year, his wife, sister, four daughters, nephews, and close relatives and friends were all at his side.

Mr. Speaker, Luciano Pavarotti was a man blessed with an unusual talent, a talent he used to promote not only opera, but a myriad of other causes that helped men and women all throughout the world. This resolution seeks to cast a small light on a soaring life, and I urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. POE. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to rise in support of H. Res. 708, which honors the life and accomplishments of Luciano Pavarotti and recognizes the significant and positive impact of his amazing and astounding musical talent, his achievement in raising the profile of opera with audiences around the world and his commitment to charitable causes.

On September 6th of this year, a legend of the opera would take his final curtain call. When the great Luciano Pavarotti passed away in September, the world lost one of its most beautiful voices. Those with a love of all kinds of music, everyone from opera singers to instrumentalists and pop singers, grieved at the loss of such a great talent. One of those musicians, the rock singer Bono of the group U2, described Pavarotti as, and I quote, "a great volcano of a man who sang fire but spilled over with a love of life in all its complexity."

From the time that he made his first debut in 1961, Luciano Pavarotti was an inspiration, not just for the unmatched quality of God-given voice and talent, but for his generosity. Indeed, he used immense talent to raise funds for many worthy causes, including his concerts on behalf of refugees throughout the world.

In 1998, he was named United Nations Messenger of Peace. In 2001, the same year that he received the Kennedy Center Honors, he received a medal from the United Nations High Commissioner for Refugees for his fundraising efforts on behalf of refugees throughout the world.

In memory of this giant man of music, beloved by all those who enjoy the great opera, I ask my colleagues to join in supporting H. Res. 708, introduced by our colleague from California, Ms. LORETTA SANCHEZ.

Mr. Speaker, I reserve the balance of my time.

Mr. MEEKS of New York. Mr. Speaker, I yield 3½ minutes to the gentlewoman from California (Ms. SANCHEZ).

☐ 1300

Ms. LORETTA SANCHEZ of California. I thank my good friend from New York.

I am pleased that today the House of Representatives is considering House Resolution 708, honoring the life and accomplishments of Luciano Pavarotti. As the sponsor of this legislation, I would like to thank the Committee on Foreign Affairs, especially the chairman, Mr. LANTOS, for his assistance in bringing this before the end of the year, the year 2007, the year in which Mr. Pavarotti died.

He was born on October 12, 1935, and he died on September 6, 2007, in Modena, Italy. I know, because I was in the Veneto that day when his death was announced by his family. And during his life, Mr. Pavarotti shared his incredible talent and passion for opera with the entire world. During his life, he actually began as a second grade teacher before he decided to turn to his pursuit of music full time. After devoting himself to serious voice training for over 7 years, Mr. Pavarotti made his operatic debut in the role of Rodolfo in Puccini's "La Boheme."

From that initial performance, Pavarotti continued to follow his dream of performing opera around the world. And after many years of hard work, of course, he became really one of opera's premier performers. But in addition to his incredible voice and his talent on stage; Mr. Pavarotti made frequent television performances, and as a result he really opened up the world of opera to a whole new audience. Mr. Pavarotti, with Placido Domingo and Jose Carreras, entered into one of the most famous collaborations in music, and The Three Tenors continued to bring opera music to more and more people around the world. As an established opera star, he decided to use his talent and his connections to benefit charities, and he began hosting the annual Pavarotti and Amici, or Pavarotti and Friends, concerts in Modena, Italy, to raise money for worthy United Nations causes.

Mr. Pavarotti's appeal to opportunities, he got an opportunity to see things that are rarely enjoyed by most of us. He earned five Grammy Awards and a Grammy Legend Award, and he became the first and so far the only opera singer to perform on "Saturday Night Live." Mr. Pavarotti also received numerous honors for his charitable work including being named the United Nations' Messenger of Peace and receiving the Nansen Medal from the United Nations High Commission for Refugees in honor of his efforts to raise money on behalf of refugees around the world.

Mr. Pavarotti's career is an inspiration to aspiring young artists around the world, and it encourages them to continue to go after their dream. In addition, Mr. Pavarotti's commitment to charitable causes provides an important example of how artists can raise awareness in funding for people in need.

Mr. Speaker, since his death, the world has missed his talent and his passion. And although we will always have recordings of his beautiful music, we will continue to miss his presence and his love for life. And I know that in the last 10 years of his life he filled his life and was very fulfilled. But we should remember that Mr. Pavarotti once said: "A life in music is a life beautifully spent, and this is what I have devoted my life to."

Mr. Pavarotti's life was indeed a life beautifully spent, and I urge my colleagues to join me in supporting House Resolution 708 to honor his life and his achievements.

Mr. POE. Mr. Speaker, I yield back the balance of my time.

Mr. MEEKS of New York. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MEEKS) that the House suspend the rules and agree to the resolution, H. Res. 708.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING THE IMPORTANCE OF CHRISTMAS AND THE CHRISTIAN FAITH

Mr. MEEKS of New York. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 847) recognizing the importance of Christmas and the Christian faith, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 847

Whereas Christmas, a holiday of great significance to Americans and many other cultures and nationalities, is celebrated annually by Christians throughout the United States and the world;

Whereas there are approximately 225,000,000 Christians in the United States, making Christianity the religion of over three-fourths of the American population;

Whereas there are approximately 2,000,000,000 Christians throughout the world, making Christianity the largest religion in the world and the religion of about one-third of the world population;

Whereas Christians and Christianity have contributed greatly to the development of western civilization;

Whereas the United States, being founded as a constitutional republic in the traditions of western civilization, finds much in its history that points observers back to its Judeo-Christian roots;

Whereas on December 25 of each calendar year, American Christians observe Christmas, the holiday celebrating the birth of their savior, Jesus Christ;

Whereas for Christians, Christmas is celebrated as a recognition of God's redemption, mercy, and Grace; and

Whereas many Christians and non-Christians throughout the United States and the rest of the world, celebrate Christmas as a time to serve others: Now, therefore be it

Resolved, That the House of Representatives—

(1) recognizes the Christian faith as one of the great religions of the world;

(2) expresses continued support for Christians in the United States and worldwide;

(3) acknowledges the international religious and historical importance of Christmas and the Christian faith;

(4) acknowledges and supports the role played by Christians and Christianity in the founding of the United States and in the formation of the western civilization;

(5) rejects bigotry and persecution directed against Christians, both in the United States and worldwide; and

(6) expresses its deepest respect to American Christians and Christians throughout the world.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MEEKS) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. MEEKS of New York. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MEEKS of New York. Mr. Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

Let me first thank our colleague from Iowa, STEVE KING, for introducing this important and timely resolution.

Mr. Speaker, along with people of other faiths, our Christian friends and neighbors around the world mark this time of year as a special festive season. As Kwanzaa approaches and Hanukkah draws to a close, it is notably the

Christmas season. We are in the midst of Advent, and this discussion today is bracketed by two holidays observed by many Catholics who make up the majority of Christiandom: the Feast of the Immaculate Conception, and Our Lady of Guadalupe. There are approximately 2 billion Christians, making Christianity the largest religion of the world and the faith of about one-third of the global population.

On December 25, Christians will celebrate Jesus the Christ, whom they have embraced as their savior. For believers, this holiday is a recognition of God's redemption, mercy, and grace. For Christians and non-Christians alike, Christmas is also a time to serve others. The celebration of Christmas requires devotion to faith, community, and family, truly universal values we all can share.

It is both fitting and important for the United States House of Representatives to mark this event. This legislation expresses the deep respect we feel for Christians in the United States and throughout the world. The House must reject bigotry and persecution directed against Christians, both in the United States and worldwide. We must affirm the values of religious freedom in this country and abroad. I strongly support this legislation, and I encourage my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. POE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased, as original cosponsor, to rise in support of this timely resolution recognizing the significance of Christmas and the contribution of the Christian faith to the United States and to other nations throughout the world. While Christmas does not have the same religious meaning for all citizens, it nevertheless invokes the values of friendship and goodwill that are common to all nations.

December 25, or Christmas, as we say, commemorates a birth that influenced the world in an unmatched way. Christ's life, his teachings, his example, his sacrifice, and his death brought to life one of the great religions of the world, one which underpins the foundations of democracy in our own United States of America and even other countries throughout the world.

Even in complex times such as those in which we live at this time, the simple central message of Christianity endures: "love thy neighbor as thyself."

For many, Christmas invokes the images of Santa Claus and exchanging of gifts. This comes from the patron St. Nicholas, who helped poor children hundreds of years ago by giving them presents. But Christianity is more. It is the birth of the Christian religion and commemorates the birth of its founder, Jesus, on Christmas day.

At its core are the fundamental important ideals of "Peace on Earth, Goodwill toward men." The poor, the suffering, those left alone or far from their families, and those departed who were dear to us whom we remember from time to time are all recognized in this great religion of Christianity, and, through it, all have been offered hope.

At this time of year in this season of Christmas, I ask my colleagues to join in supporting House Resolution 847 introduced by our colleague, Mr. KING of Iowa, recognizing the importance of Christmas and the Christian faith.

I reserve the balance of my time.

Mr. MEEKS of New York. I reserve the balance of my time.

Mr. POE. Mr. Speaker, I yield to the gentleman from Georgia (Mr. GINGREY) such time as he may consume.

Mr. GINGREY. Mr. Speaker, I thank the gentleman for yielding, and I rise today in support of House Resolution 847, which recognizes the importance of Christmas and the Christian faith.

While there may be some who bristle at the idea of the House of Representatives considering this resolution or any similar resolution, I would note that though the first amendment states that the Congress shall make no law respecting an establishment of religion, the first amendment also states that the Congress shall make no law prohibiting the free exercise thereof.

Mr. Speaker, our Founders had the foresight to realize that a state-run church of America would do more harm to the perseverance of faith and the hearts of our citizenry, and it would certainly lead to irreconcilable division. However, at the same time, the Founders and writers of the Constitution also recognized that the success of this great American experiment, this historic social contract, was contingent upon a moral and a religious people and the recognition that we had inalienable rights, because those rights are given to us by our Creator. If these rights are given to us by a Creator, then no human being can take them away. And this is the foundation of our system of justice, the foundation of our American society.

And so today we take just a few minutes to consider this resolution which respects the faith and the beliefs of a vast majority of this country and a plurality of the world, stating that, and I quote:

"Whereas Christians identify themselves as those who believe in the salvation from sin offered to them through the sacrifice of their savior, Jesus Christ, the son of God, and who, out of gratitude for the gift of salvation, commit themselves to living their lives in accordance with the teachings of the Holy Bible."

So I hope that no Member of this Congress, no individual anywhere takes offense to this debate and this resolution, because none is intended. This resolution simply offers recognition to a faith and the values of that faith which has sustained hundreds of millions of people throughout the world, not just the United States. And after more than two millennia, we once again approach the commemoration of a birth that many recognize as holy but all recognize as historic.

Mr. Speaker, I want to point out that just this past weekend I took my granddaughters, 9-year-old, almost 10 they would want me to say, identical twin granddaughters with my wife, and we were in Representative MEEKS' great City of New York and we had an opportunity to take our grandchildren to the Radio City Music Hall to see that annual Christmas performance. That 1½ hour performance, Mr. Speaker, was absolutely wonderful and a great tribute to the city, a great tribute to Representative MEEKS and all of our colleagues from New York.

In that performance, Mr. Speaker, they had a nativity scene, the most beautiful nativity scene that I have had the opportunity to witness. And it meant so much to my granddaughters for me to explain about our Christian faith and heritage. So if it is good enough for New York City and Radio City Music Hall, it is good enough for this Congress. And, by golly, I want to encourage all my speakers to support the resolution of Representative KING from Iowa. He was detained because of inclement weather; otherwise, he would be on this floor. But I commend and thank my colleague from New York, Representative MEEKS, and also my colleague from Texas, Representative POE, for allowing me time.

Mr. MEEKS of New York. Mr. Speaker, I reserve the balance of my time.

Mr. POE. Mr. Speaker, the author of this resolution, Mr. KING from Iowa, is already having a white Christmas. He is stuck in Iowa because of the snow. He could not be here.

I yield back the balance of my time.

Mr. MEEKS of New York. Mr. Speaker, this just shows how great our Nation is as we celebrate holidays, as we indicated Hanukkah, Kwanzaa, we look at other religions, Islam and Ramadan. It shows the diversity and it shows the tolerance that we have for all. And as we enter this great holiday season, this is the example I think that we show around the world, that we celebrate each other's religion in great joy here, recognizing with respect whom they worship.

Mr. KING of Iowa. Mr. Speaker, I would like to begin by thanking the Ranking Member of the Foreign Affairs Committee, the gentlewoman from Florida, Ms. ROS-LEHTINEN, for her support and help in getting this important measure to the House floor for a vote.

Mr. Speaker, it is a privilege to address the House today to discuss the importance and relevance of Christmas, the Christian holiday celebrating the birth of our savior Jesus Christ.

As this resolution notes, there are approximately 225 million Christians in the United States, making Christianity the religion of over three-fourths of the American population. Beyond that, there are approximately 2 billion Christians throughout the world, making Christianity the largest religion in the world and the religion of about one-third of the world population.

And yet, Mr. Speaker, in recent decades there have been some who have undertaken efforts to diminish the significance of this great religion, and these efforts are no more apparent than during this time of Christmas.

It is not hard to look out over this great country of ours and find those who, for one reason or another, have engaged in a highly-politicized and highly-publicized crusade to rid the public square of any reference to the religious underpinnings of the Christmas holiday. These are individuals who have subscribed to a radical interpretation of our Constitution's free exercise and establishment clauses and have sought to impose their secular views and beliefs on the nation as a whole.

In many respects, it is this ongoing effort to bring about the secularization of Christmas—and all of our everyday lives for that matter—that motivated me to bring this resolution before the House today.

Regardless of how others may define it, Mr. Speaker, Christmas is a religious holiday. It is the day on which Christians—those who identify themselves as believers in the salvation from sin offered to them through the death and resurrection of their savior, Jesus Christ, the Son of God, and who, out of gratitude for the gift of salvation, commit themselves to living their lives in accordance with the teachings of the Holy Bible—celebrate the birth of their savior. For Christians, the birth of Jesus is cause for great celebration. As the Son of God, Jesus was sent to earth, by our Heavenly Father, to become a human being, live a sinless life, be crucified on a cross for our sins, and rise from the dead three days later. The purpose of this, as you well know, Mr. Speaker, was to save sinners from eternal death—the price to be paid for their sin.

And so, Mr. Speaker, the birth of Christ, as celebrated by Christians on Christmas is a truly important and significant day because it is celebrated as a recognition of God's redemption, mercy and Grace.

The importance of Christmas, however, does not end with the tenets of Christianity. Because Christmas is one of the most important holidays on the Christian calendar, I believe that its annual passage should serve as an opportunity for all Americans, Christian or not, religious or not, to recognize the important role played by Christianity in the formation of our nation and in the founding of our civilization.

It is no coincidence, Mr. Speaker, that courthouses throughout this country proudly display the Ten Commandments. It is no accident that, in this very chamber, it is the face of Moses, the human author of those divinely dictated commandments, that looks down upon you, keeping close watch on all that transpires in this chamber. Mr. Speaker the framework of our laws and the fabric of our society is heavily dependent upon the maxims of Christianity, and I believe that as we Christians begin our annual celebration of the birth of our savior, the one from whom Christianity derives its name, it is wholly appropriate for us, as a nation and as members of this House, to take the time to acknowledge the contributions that the Christian religion has made to our country and our way of life.

Mr. Speaker, I think we all can agree that virtually any American, whether Christian, atheist, agnostic, or otherwise, when confronted with the fact that he has in some way wronged his neighbor, will rightly respond in one universal way—knock on his door, confess to him, repent, and ask for forgiveness. The neighbor would then forgive them as Christ has taught us. True and simple as this may seem, it is important to ask why we as Americans naturally react in such a way. The answer of course is that in this "conditioned behavior" we see very clearly the positive effect that Christianity has had on the development of our country and culture.

There are few places in the United States—if any—that you can visit where the laws "do not steal" and "do not murder" do not apply. Likewise, there are few households in this great country in which moral character is developed in young children without the invocation of the ninth and tenth amendments regarding lying and coveting that which belongs to others.

Mr. Speaker, we as Americans live in a moral society and in a country that is governed by moral laws. While many of these laws obviously cannot be found in any explicit sense within the pages of the Holy Bible, when we survey the content of that book—the document that outlines how it is the Christians are to live their lives here on earth—we do find much in the way of foundational principles that has come to guide not just the development of our laws, but also the foundation of our nation.

It was from the Bible and the example of Jesus that Pilgrims first established government on this continent, from which the Founders outlined the political thought that shaped our nation, and by which Congress first intended to educate our children. Furthermore, as the scholar David Barton and others have tirelessly pointed out, it was from the Bible that early American leaders derived concepts like private ownership, the free-enterprise system, an industrious work ethic, and workfare rather than welfare. As a result, the life and teachings of Jesus Christ have permeated every aspect of life in America. He has shaped our culture and transformed every great leader to rise from our population. As a testament to this, each of our American Presidents has acknowledged God's hand on this Christian nation that is the United States. If there never had been a Jesus Christ, there would never have been an America.

In an address to the nation President Truman once said that, "In love, which is the very essence of the message of the Prince of Peace, the world would find a solution for all its ills. I do not believe there is one problem in this country or in the world today which could not be settled if approached through the teaching of the Sermon on the Mount. The poets' dream, the lesson of priest and patriarch and the prophets' vision of a new heaven and a new earth, all are summed up in the message delivered in the Judean hills beside the Sea of Galilee. Would that the world would accept that message in this time of its greatest need!"

He went on to say that, "This is a solemn hour. In the stillness of the Eve of the Nativity when the hopes of mankind hang on the peace that was offered to the world nineteen centuries ago, it is but natural, while we survey our destiny, that we give thought also to our past—to some of the things which have gone into the making of our Nation."

In 1940, President Franklin Delano Roosevelt said of Christmas, "it is well for all humanity to remind itself that while this is in its name a Christian celebration, it is participated in reverently and happily by hundreds of millions of people who are members of other religions, or belong actively to no church at all. The reason is not far to seek. It is because the spirit of unselfish service personified by the life and the teachings of Christ makes appeal to the inner conscience and hope of every man and every woman in every part of the earth."

President Eisenhower called the nation to reflect during his remarks at the lighting of the Nation's Christmas Tree on December, 15th 1967 when he said, "In a few days we shall all celebrate the birth of His Holiness on earth. We shall recreate in our minds, once more, the ancient coming of that Spirit who remains alive for millions in our time. We shall acknowledge the Kingdom of a Child in a world of men."

He went on to say, "That Child—we should remember—grew into manhood Himself, preached and moved men in many walks of life, and died in agony. But His death—so the Christian faith tells us—was not the end. For Him, and for millions of men and women ever since, it marked a time of triumph—when the spirit of life triumphed over death. So—if this Christmas season in a time of war is to have real meaning to us, it must celebrate more than the birth of a Baby."

During his Radio Address to the Nation on Christmas Eve, 1983 President Reagan pointed out that "It's been said that all the kings who ever reigned, that all the parliaments that ever sat have not done as much to advance the cause of peace on Earth and good will to men as the man from Galilee, Jesus of Nazareth."

As the words of these great men—these revered and honored presidents of the United States of America have clearly demonstrated, it is not a stretch to say that the precepts and principles of Jesus have so completely permeated the culture of this nation that even an American atheist would be hard pressed to separate his worldview from the impact of the first Christmas.

Though we are not all Christians, Mr. Speaker, we are all Americans. By virtue of that simple fact, I will again reiterate my belief that it is not only appropriate but, more importantly, is necessary during this special time of year to remember not only the birth of Jesus Christ, the savior of the world, but also to recognize the important impact that the Christian faith has had on the foundation and development of our society, our nation, and our civilization.

Mr. MEEKS of New York. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr.

MEEKS) that the House suspend the rules and agree to the resolution, H. Res. 847, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. POE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

☐ 1315

BLOCK BURMESE JADE (JUNTA'S ANTI-DEMOCRATIC EFFORTS) ACT OF 2007

Mr. MEEKS of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3890) to amend the Burmese Freedom and Democracy Act of 2003 to waive the requirement for annual renewal resolutions relating to import sanctions, impose import sanctions on Burmese gemstones, expand the number of individuals against whom the visa ban is applicable, expand the blocking of assets and other prohibited activities, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3890

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2007".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Burmese regime has continued and worsened its obstruction of democratic processes and mass violation of human rights identified in the Burmese Freedom and Democracy Act of 2003 (Public Law 108-61; 50 U.S.C. 1701 note). In August and September 2007, Burmese people from all walks of life conducted their largest peaceful public protests since 1988. The peaceful public protests responded to a drastic increase in fuel prices, as well as the Burmese regime's ongoing denial of the democratic and human rights of the Burmese people. On September 24, 2007, Buddhist monks actively participated and increasingly led these peaceful demonstrations, culminating in an estimated 100,000 people marching through Rangoon, Burma. The protesters peacefully demanded the release of 1991 Nobel Peace Prize Winner Daw Aung San Suu Kyi, the leader of the National League for Democracy (NLD), marching past security barricades to her house in a show of support for Burmese democracy. The Burmese regime continues to refuse to recognize the results of the 1990 election, won by the NLD, which gave Aung San Suu Kyi's party the right to form a government.

(2) The Burmese regime, which calls itself the State Peace and Development Council (SPDC), responded to these peaceful protests with a violent crackdown leading to the reported killing of some 200 people, including a Japanese photojournalist, and hundreds of injuries. Human rights groups further estimate that over 2,000 individuals have been detained, arrested, imprisoned, beaten, tortured, or otherwise intimidated as part of this crackdown. The Burmese regime continues to detain, torture, and otherwise intimidate those individuals whom it believes participated in or led the protests and it has closed down or otherwise limited access to several monasteries and temples that played key roles in the protests.

(3) The Burmese regime and its supporters finance their ongoing violations of human rights, undemocratic policies, and military activities through financial transactions, travel, and trade involving the United States, including the sale of gemstones. Despite the sanctions imposed in the Burmese Freedom and Democracy Act of 2003, the Burmese regime seeks out ways to evade these restrictions. Millions of dollars in gemstones that are exported from Burma ultimately enter the United States but the Burmese regime attempts to conceal the origin of the gemstones in an effort to evade the sanctions in the Burmese Freedom and Democracy Act of 2003. For example, over 90 percent of the world's ruby supply originates in Burma but only three percent of the rubies entering the United States are claimed to be of Burmese origin. The value of Burmese gemstones is more than 99 percent a function of their original quality and geological origin, and not a result of the labor involved in cutting and polishing the gemstones.

SEC. 3. AMENDMENTS TO THE BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.

(a) PROHIBITION ON IMPORTATION OF JADEITE AND RUBIES FROM BURMA AND ARTICLES OF JEWELRY CONTAINING JADEITE OR RUBIES FROM BURMA.—The Burmese Freedom and Democracy Act of 2003 (Public Law 108–61; 50 U.S.C. 1701 note) is amended by inserting after section 3 the following new section:

"SEC. 3A. PROHIBITION ON IMPORTATION OF JADEITE AND RUBIES FROM BURMA AND ARTICLES OF JEWELRY CONTAINING JADEITE OR RUBIES FROM BURMA.

"(a) DEFINITIONS.—In this section:

"(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

"(A) the Committee on Ways and Means and the Committee on Foreign Affairs of the House of Representatives; and

"(B) the Committee on Finance and the Committee on Foreign Relations of the Senate.

"(2) BURMESE COVERED ARTICLE.—The term 'Burmese covered article' means—

"(A) jadeite mined or extracted from Burma;

"(B) rubies mined or extracted from Burma; or

"(C) articles of jewelry containing jadeite described in subparagraph (A) or rubies described in subparagraph (B).

"(3) NON-BURMESE COVERED ARTICLE.—The term 'non-Burmese covered article' means—

"(A) jadeite mined or extracted from a country other than Burma;

"(B) rubies mined or extracted from a country other than Burma; or

"(C) articles of jewelry containing jadeite described in subparagraph (A) or rubies described in subparagraph (B).

"(4) JADEITE; RUBIES; ARTICLES OF JEWELRY CONTAINING JADEITE OR RUBIES.—

"(A) JADEITE.—The term 'jadeite' means any jadeite classifiable under heading 7103 of the Harmonized Tariff Schedule of the United States (in this paragraph referred to as the 'HTS').

"(B) RUBIES.—The term 'rubies' means any rubies classifiable under heading 7103 of the HTS.

"(C) ARTICLES OF JEWELRY CONTAINING JADEITE OR RUBIES.—The term 'articles of jewelry containing jadeite or rubies' means—

"(i) any article of jewelry classifiable under heading 7113 of the HTS that contains jadeite or rubies; or

"(ii) any article of jadeite or rubies classifiable under heading 7116 of the HTS.

"(5) UNITED STATES.—The term 'United States', when used in the geographic sense, means the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

"(b) PROHIBITION ON IMPORTATION OF BURMESE COVERED ARTICLES.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, until such time as the President determines and certifies to the appropriate congressional committees that Burma has met the conditions described in section 3(a)(3), beginning 60 days after the date of the enactment of the Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2007, the President shall prohibit the importation into the United States of any Burmese covered article.

"(2) REGULATORY AUTHORITY.—The President is authorized to, and shall as necessary, issue such proclamations, regulations, licenses, and orders, and conduct such investigations, as may be necessary to implement the prohibition under paragraph (1).

"(3) OTHER ACTIONS.—Beginning on the date of the enactment of this Act, the President shall take all appropriate actions to seek the following:

"(A) The issuance of a draft waiver decision by the Council for Trade in Goods of the World Trade Organization granting a waiver of the applicable obligations of the United States under the World Trade Organization with respect to the provisions of this section and any measures taken to implement this section.

"(B) The adoption of a resolution by the United Nations General Assembly expressing the need to address trade in Burmese covered articles and calling for the creation and implementation of a workable certification scheme for non-Burmese covered articles to prevent the trade in Burmese covered articles.

"(c) REQUIREMENTS FOR IMPORTATION OF NON-BURMESE COVERED ARTICLES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), until such time as the President determines and certifies to the appropriate congressional committees that Burma has met the conditions described in section 3(a)(3), beginning 60 days after the date of the enactment of the Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2007, the President shall require as a condition for the importation into the United States of any non-Burmese covered article that—

"(A) the exporter of the non-Burmese covered article has implemented measures that have substantially the same effect and achieve the same goals as the measures described in clauses (i) through (iv) of paragraph (2)(B) (or their functional equivalent) to prevent the trade in Burmese covered articles; and

"(B) the importer of the non-Burmese covered article agrees—

"(i) to maintain a full record of, in the form of reports or otherwise, complete information relating to any act or transaction related to the purchase, manufacture, or shipment of the non-Burmese covered article for a period of not less than 5 years from the date of entry of the non-Burmese covered article; and

"(ii) to provide the information described in clause (i) to the relevant United States authorities upon request.

"(2) EXCEPTION.—

"(A) IN GENERAL.—The President may waive the requirements of paragraph (1) with respect to the importation of non-Burmese covered articles from any country with respect to which the President determines and certifies to the appropriate congressional committees has implemented the measures described in subparagraph (B) (or their functional equivalent) to prevent the trade in Burmese covered articles.

"(B) MEASURES DESCRIBED.—The measures referred to in subparagraph (A) are the following:

"(i) With respect to exportation from the country of jadeite or rubies in rough form, a system of verifiable controls on the jadeite or rubies from mine to exportation demonstrating that the jadeite or rubies were not mined or extracted from Burma, and accompanied by officially-validated documentation certifying the country from which the jadeite or rubies were mined or extracted, total carat weight, and value of the jadeite or rubies.

"(ii) With respect to exportation from the country of finished jadeite or polished rubies, a system of verifiable controls on the jadeite or rubies from mine to the place of final finishing of the jadeite or rubies demonstrating that the jadeite or rubies were not mined or extracted from Burma, and accompanied by officially-validated documentation certifying the country from which the jadeite or rubies were mined or extracted.

"(iii) With respect to exportation from the country of articles of jewelry containing jadeite or rubies, a system of verifiable controls on the jadeite or rubies from mine to the place of final finishing of the article of jewelry containing jadeite or rubies demonstrating that the jadeite or rubies were not mined or extracted from Burma, and accompanied by officially-validated documentation certifying the country from which the jadeite or rubies were mined or extracted.

"(iv) With respect to re-exportation from the country of jadeite or rubies in rough form, finished jadeite or polished rubies, or articles of jewelry containing jadeite or rubies, a system of verifiable controls on the jadeite or rubies or articles of jewelry containing jadeite or rubies ensuring that no jadeite or rubies mined or extracted from Burma have entered the legitimate trade in jadeite or rubies.

"(v) Verifiable recordkeeping by all entities and individuals engaged in mining, importation, and exportation of non-Burmese covered articles in the country, and subject to inspection and verification by authorized authorities of the government of the country in accordance with applicable law.

"(vi) Implementation by the government of the country of proportionate and dissuasive penalties against any persons who violate laws and regulations designed to prevent trade in Burmese covered articles.

"(vii) Full cooperation by the country with the United Nations or other official international organizations that seek to prevent trade in Burmese covered articles.

"(d) INAPPLICABILITY.—

"(1) IN GENERAL.—The requirements of subsection (b)(1) and subsection (c)(1) shall not apply with respect to the importation of Burmese covered articles and non-Burmese covered articles, respectively, that were previously exported from the United States and reimported into the United States by the same person, without having been advanced in value or improved in condition by any process or other means while outside the United States, if the person declares that the reimportation of the Burmese covered articles or non-Burmese covered articles, as the case may be, satisfies the requirements of this paragraph.

"(2) ADDITIONAL PROVISION.—The requirements of subsection (c)(1) shall not apply with respect to the importation of non-Burmese covered articles that are imported by or on behalf of an individual for personal use and accompanying an individual upon entry into the United States.

"(e) ENFORCEMENT.—Burmese covered articles or non-Burmese covered articles that are imported into the United States in violation of any prohibition of this Act or any other provision law shall be subject to all applicable seizure and forfeiture laws and criminal and civil laws of the United States to the same extent as any other violation of the customs laws of the United States.

"(f) SENSE OF CONGRESS.—

"(1) IN GENERAL.—It is the sense of Congress that the President should take the necessary steps to seek to negotiate an international arrangement—similar to the Kimberley Process Certification Scheme for conflict diamonds—to prevent the trade in Burmese covered articles. Such an international arrangement should create an effective global system of controls and should contain the measures described in subsection (c)(2)(B) (or their functional equivalent).

"(2) KIMBERLEY PROCESS CERTIFICATION SCHEME DEFINED.—In paragraph (1), the term 'Kimberley Process Certification Scheme' has the meaning given the term in section 3(6) of the Clean Diamond Trade Act (Public Law 108–19; 19 U.S.C. 3902(6)).

"(g) REPORT.—

"(1) IN GENERAL.—Not later than 180 days after the date of the enactment of the Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2007, the President shall transmit to the appropriate congressional committees a report describing what actions the United States has taken during the 60-day period beginning on the date of the enactment of such Act to seek—

"(A) the issuance of a draft waiver decision by the Council for Trade in Goods of the World Trade Organization, as specified in subsection (b)(3)(A);

"(B) the adoption of a resolution by the United Nations General Assembly, as specified in subsection (b)(3)(B); and

"(C) the negotiation of an international arrangement, as specified in subsection (f)(1).

"(2) UPDATE.—Not later than 180 days after the transmission of the report required under paragraph (1), and every 6 months thereafter, the President shall transmit to the appropriate congressional committees an update of the report describing the continued efforts of the United States to seek the items specified in subparagraphs (A), (B), and (C) of paragraph (1).

"(h) GAO REPORT.—Not later than 14 months after the date of the enactment of the Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2007, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the effectiveness of the implementation of this section. The Comptroller General shall include in the report any recommendations or any modifications to this Act that may be necessary.".

(b) VISA BAN.—Paragraph (1) of section 6(a) of the Burmese Freedom and Democracy Act of 2003 is amended to read as follows:

"(1) VISA BAN.—

"(A) IN GENERAL.—The Secretary of State shall deny the issuance of a visa and the Secretary of Homeland Security shall deny admission to the United States to a sanctioned person (as such term is defined in section 4(b)(8).

"(B) WAIVER.—The ban described in subparagraph (A) may be waived only if the President determines and certifies in writing to Congress that such is in the national interests of the United States.".

(c) FREEZING ASSETS OF THE BURMESE REGIME IN THE UNITED STATES.—Section 4 of the Burmese Freedom and Democracy Act of 2003 is amended—

(1) by redesignating subsections (b) and (c) as subsection (c) and (d); and

(2) by inserting after subsection (a) the following new subsection:

"(b) BLOCKING OF ASSETS AND OTHER PROHIBITED ACTIVITIES.—

"(1) IN GENERAL.—The President shall block all property and interests in property, including all commercial, industrial, or public utility undertakings or entities, that, on or after the date of the enactment of the Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2007—

"(A) are owned, in whole or in part, by any sanctioned person; and

"(B) are in the United States, or in the possession or control of the Government of the United States or of any financial institution or financial agency organized under the laws of a State, territory, or possession of the United States, including any branch or office of such financial institution or financial agency that is located outside the United States.

"(2) PROHIBITED ACTIVITIES.—Any person who, on or after the date of the enactment of the Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2007, engages in any of the following activities shall be subject to penalties described in paragraph (6):

"(A) Payments or transfers of any property, or any transactions involving the transfer of anything of economic value by any United States person, including any financial institution or financial agency organized under the laws of a State, territory, or possession of the United States and any branch or office of such financial institution or financial agency that is located outside the United States, to any sanctioned person.

"(B) Direct or indirect payments of any tax, cancellation penalty, or any other amount to the Burmese Government, including amounts paid or incurred with respect to any joint production agreement relating to the Yadana or Shwe gas fields or pipelines. Any such payment made by or on behalf of a United States person after the date of the enactment of the Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2007 shall be deemed a willful violation of this Act for purposes of penalties described in paragraph (6) and any other related provision of law.

"(C) The export or reexport to any entity owned, controlled, or operated by a sanctioned person directly or indirectly, of any goods, technology, or services by a United States person.

"(D) The performance by any United States person of any contract, including a contract providing a loan or other financing, in support of an industrial, commercial, or public utility operated, controlled, or owned by a sanctioned person.

"(3) EXTENSION OF AUTHORITY.—

"(A) BLOCKING OF PROPERTY.—The President may block all property and interests in property of the following entities and persons, to the same extent as property and interests in property of a foreign person determined to have committed acts of terrorism for purposes of Executive Order No. 13224 of September 21, 2001, (50 U.S.C. 1701 note) may be blocked:

"(i) The Burmese Government, the Burmese military, or a sanctioned person, including entities owned or effectively controlled by the Burmese Government, the Burmese military, or a sanctioned person.

"(ii) Persons otherwise associated with the Burmese Government, the Burmese military, or a sanctioned person.

"(B) CONDITIONS ON CERTAIN ACCOUNTS.—The President may prohibit or impose conditions on the opening or maintaining in the United States of a correspondent account or payable-through account by any financial institution or financial agency that is organized under the laws of a State, territory, or possession of the United States, if the President determines that such an account might be used—

"(i) by a person or entity that holds property or an interest in property belonging to the Burmese Government, the Burmese military, or a sanctioned person; or

"(ii) to conduct a transaction on behalf of or for the benefit of the Burmese Government, the Burmese military, or a sanctioned person.

"(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit any contract or other financial transaction with any nongovernmental humanitarian organization in Burma.

"(5) EXCEPTIONS.—The prohibitions and restrictions described in paragraphs (1), (2), and (3) shall not apply to medicine, medical equipment or supplies, food, or any other form of humanitarian assistance provided to Burma as relief in response to a humanitarian crisis.

"(6) PENALTIES.—Any person who violates any prohibition or restriction described in paragraph (1), (2), or (3) shall be subject to the penalties under section 6 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as for a violation under that Act.

"(7) LISTING OF SANCTIONED PERSONS.—The Secretary of State and Secretary of the Treasury shall update and publish in the Federal Register new lists of sanctioned persons as additional information becomes available. The Secretary of State and the Secretary of the Treasury shall devote sufficient resources to the identification of information concerning sanctioned persons to carry out the purposes described in this Act.

"(8) DEFINITIONS.—In this subsection:

"(A) CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms 'correspondent account' and 'payable-through account' have the meanings given such terms in section 5318A(e)(1) of title 31, United States Code.

"(B) FINANCIAL AGENCY.—The term 'financial agency' has the meaning given such term in section 5312 of title 31, United States Code.

"(C) FINANCIAL INSTITUTION.—The term 'financial institution' has the meaning given such term in section 5312 of title 31, United States Code.

"(D) UNITED STATES PERSON.—The term 'United States person' means—

"(i) any United States citizen or alien lawfully admitted for permanent residence to the United States;

"(ii) any person in the United States;

"(iii) any entity organized under the laws of the United States, any State or territory thereof, or the District of Columbia, and any foreign branch or subsidiary of such an entity; or

"(iv) any entity organized under the laws of the United States, any State or territory thereof, or the District of Columbia, in which an individual or entity described in clauses (i), (ii), or (iii) owns, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such entity.

"(E) SANCTIONED PERSON.—The term 'sanctioned person' means—

"(i) any individual who is a member of the former or present leadership of the SPDC or the union Solidarity Development Association;

"(ii) any member of the Burmese military involved in the violent repression of the public protests in Burma in August, September, and October 2007 (regardless of when such repression occurred);

"(iii) any Burmese official who has engaged in, ordered, or facilitated acts of gross violations of internationally recognized human rights (as defined in section 502B(d)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(d)(1)), either as an individual or as a member of a group or government; or

"(iv) any member of the immediate family of any individual described in clauses (i), (ii), or (iii).".

SEC. 4. SUPPORT FOR DEMOCRACY PROMOTION AND HUMANITARIAN ASSISTANCE IN BURMA.

(a) IN GENERAL.—The President is authorized to use all available resources to assist Burma democracy activists and humanitarian aid workers in their efforts to promote freedom, democracy, and human rights in Burma.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $20,000,000 to the Secretary of State for each of the fiscal years 2008 and 2009 for the following purposes:

(1) To provide aid to democracy and human rights activists and organizations inside and outside of Burma working to bring a transition to democracy inside Burma, including to individuals and groups that—

(A) promote democracy and human rights;

(B) represent the ethnic minorities of Burma;

(C) broadcast radio and television programs into Burma that promote democracy and report on human rights conditions inside Burma; or

(D) compile evidence of human rights violations by the SPDC and its civilian militia, the Union Solidarity and Development Association (USDA), and of the SPDC and its entities' efforts to repress peaceful activities.

(2) To provide aid to humanitarian workers who—

(A) provide food, medical, educational, or other assistance to refugees and internally displaced persons;

(B) assist women and girls after incidents of rape and other forms of sexual violence; or

(C) assist in the rehabilitation of child soldiers.

(c) PREVENTING FUNDS FROM ENRICHING THE SPDC.—None of the funding made available under this section may be provided to SPDC-controlled entities, entities working with or providing cash or resources to the SPDC, including organizations affiliated with the United Nations, or entities requiring the approval of the SPDC to operate within the borders of Burma.

SEC. 5. REPORT ON MILITARY AND INTELLIGENCE AID TO BURMA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report containing a list of countries, companies, and other entities that provide military or intelligence aid to the SPDC and describing such military or intelligence aid provided by each such country, company, and other entity.

(b) MILITARY OR INTELLIGENCE AID DEFINED.—For the purpose of this section, the term "military or intelligence aid" means, with respect to the SPDC—

(1) the provision of weapons, weapons parts, military vehicles, or military aircraft;

(2) the provision of military or intelligence training, including advice and assistance on subject matter expert exchanges;

(3) the provision of weapons of mass destruction and related materials, capabilities, and technology, including nuclear, chemical, or dual-use capabilities;

(4) conducting joint military exercises;

(5) the provision of naval support, including ship development and naval construction;

(6) the provision of technical support, including computer and software development and installations, networks, and infrastructure development and construction; or

(7) the construction or expansion of airfields, including radar and anti-aircraft systems.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form but may include a classified annex.

SEC. 6. DENIAL OF FOREIGN TAX CREDIT WITH RESPECT TO BURMA.

(a) IN GENERAL.—Paragraph (2) of section 901(j) of the Internal Revenue Code of 1966 is amended by adding at the end the following new subparagraph:

"(C) SPECIAL RULE FOR BURMA.—In addition to any period during which this subsection would otherwise apply to Burma, this subsection shall apply to Burma during the period—

"(i) beginning on January 1, 2008, and

"(ii).ending on the date the Secretary of State certifies to the Secretary of the Treasury that Burma meets the requirements of section 3(a)(3) of the Burmese Freedom and Democracy Act of 2003 (as in effect on the date of the enactment of this subparagraph).".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 2008.

SEC. 7. WAIVER OF COMPETITIVE NEED LIMITATION UNDER GENERALIZED SYSTEM OF PREFERENCES FOR CERTAIN ARTICLES OF INDIA AND THAILAND.

(a) WAIVER.—Not later than 60 days after the date of the enactment of this Act, the President shall waive the application of subsection (c)(2) of section 503 of the Trade Act of 1974 (19 U.S.C. 2463) pursuant to subsection (d) of such section (relating to waiver of competitive need limitation) with respect to articles of Thailand and India classifiable under subheading 7113.19.50 of the Harmonized Tariff Schedule of the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should—

(1) review any waiver of the application of subsection (c)(2) of section 503 of the Trade Act of 1974 pursuant to subsection (d) of such section with respect to any eligible article of any beneficiary developing country that is revoked pursuant to subsection (d)(4)(B)(ii) of such section; and

(2) reinstate such waiver unless the United States International Trade Commission affirmatively determines that—

(A) revocation of such waiver will not reduce the current level of exports of such article from the beneficiary developing country to the United States; and

(B) revocation of the waiver will not benefit one or more countries that are not designated as beneficiary developing countries for purposes of title V of the Trade Act of 1974.

SEC. 8. OFFSETS.

(a) TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.—The percentage under subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 in effect on the date of the enactment of this Act is increased by 0.25 percentage points.

(b) CUSTOMS USER FEES.—Section 13031(j)(3)(B)(i) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(B)(i)) is amended by striking "December 13, 2014" and inserting "January 24, 2015".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MEEKS) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. MEEKS of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MEEKS of New York. Mr. Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

Mr. Speaker, just a few short months ago, Burma's Saffron Revolution unfolded before the eyes of the world. Buddhist monks draped in crimson robes peacefully marching through the streets of Rangoon. Tens of thousands of Burmese citizens joining the monks, echoing their calls for change. A chorus of world voices asking the Burma's ruling junta to respond peacefully and responsibly to cries for freedom and democracy.

The reaction of the ruling regime to these peaceful demonstrations was equally as unforgettable. Unarmed monks shot in the streets, in full view of the international community. Thousands of peaceful monks hauled off to detention centers to be tortured. Political dissidents tossed in jail, facing years behind bars simply for criticizing the government.

In recent days, loudspeakers across the country warn: "We have video. We will find you," all in an Orwellian effort to intimidate Burma's people and deter them from their aspirations for democracy and a better life.

This crackdown on nonviolent protesters and Buddhist monks by Burma's military thugs sets a new low of brutality even for this regime of military dictators.

These brutal actions demonstrate the moral bankruptcy of the regime. Unfortunately, the regime is not economically bankrupt. It continues to take Burma's vast resources as its own while the vast majority of Burma's people suffer in dire poverty.

The legislation before the House today hits the regime where it hurts, in the wallet. By blocking the import of Burmese gems into the United States and expanding financial sanctions, the legislation will take hundreds of millions out of the pockets of the regime each year.

This legislation is supported by United States industry. The 11,000-store Jewelers of America supports a ban of Burmese gem imports to the United States. Major retailers like Tiffany's and Bulgari have also voluntarily implemented such a ban.

The bill before the House also cuts off tax deductions for Chevron's major gas investment in Burma. By closing this loophole, we can dramatically increase pressure on other civilized nations to similarly demand that their firms divest themselves of Burma holdings.

This bipartisan bill strengthens our goal of a coordinated, multilateral approach to sanctions against Burma. The European Union recently announced a similar ban on the import of Burmese gems, as have the Canadians. I hope our legislation will push other countries to reexamine their financial dealings with the regime and the investment their oil companies make in Burma.

Mr. Speaker, I am pleased to offer this legislation to strengthen the sanctions imposed by the 2003 Burmese Freedom and Democracy Act. In doing so, I am again joined by the ranking Republican member of the Foreign Affairs Committee, ILEANA ROS-LEHTINEN, and Mr. PETER KING of the Homeland Security Committee, both of whom have been strong voices for freedom in Burma.

Let me also express my appreciation to the chairman of the Ways and Means Committee, Mr. RANGEL, and the chairman of the Trade Subcommittee, Mr. LEVIN, as well as their Republican counterparts, Mr. MCCRERY and Mr. HERGER, for their enormous help in moving this bill forward.

Finally, I would like to highlight the indispensable leadership of Speaker NANCY PELOSI on this legislation. Since the first shots were fired in Rangoon, the Speaker has firmly indicated the intention of House Democrats to significantly tighten sanctions on the ruling Burmese regime. And today, we fulfill that promise.

Mr. Speaker, Burmese freedom fighter and Nobel Laureate Aung San Suu Kyi memorably asked the world community, "Use your liberty to promote ours." So today, we use our liberty in the United States Congress to dramatically increase the economic pressure on the Burmese regime to move towards freedom, democracy and respect for human rights.

We use our liberty to stop the flow of blood red rubies from Burma into American jewelry stores. The Burmese regime might have washed the blood from the streets of Rangoon, but they have not erased the images of peaceful protesters being shot down from our minds. Today, we act, and we act decisively.

Mr. Speaker, I reserve the balance of my time.

Mr. POE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the world was rightfully shocked and outraged this past fall by reports of midnight raids on temples in Burma and televised images of monks and other peaceful demonstrators being shot down on the streets and arrested.

Appeals for human decency and restraint have fallen on deaf ears with regard to Burma's generals. It is thus time to send them a message that they understand, a message that is loud and clear.

The international community must no longer subsidize the leaders of this immoral regime by trading in the commodities they peddle on international markets. This rainbow coalition of contraband products for sale by the military junta has included red rubies, white opium, green jade and brown timber.

The legislation put forward today sends a simple, but clear and strong message: It will not be business as usual for the people in Rangoon until they stop their suppression of their own people in the nation of Burma.

Is there any Member here today who has any doubts about making economic sanctions against the current Rangoon regime permanent and hard hitting? This legislation has the full support of leaders of the American gem industry. They have seen the necessity of putting principle ahead of money and profit when it comes to the actions of the Burmese rogue regime.

And this legislation also seeks to put the blame squarely on the backs of those who have earned it, the ruling generals and their families, and not on the backs of the Burmese people who have already suffered too much.

It calls for frozen bank accounts for the generals, an ending to money laundering by the ruling junta, and no visas to the United States for those involved in the continuing acts of repression and no visas for their immediate families.

The urgency with which we are here today in view of this issue of the restoration of the democratic rights to the people of Burma is demonstrated by the fact that already over 240 Members of this House of Representatives have agreed to cosponsor legislation giving official Congressional recognition to Nobel Peace Prize Laureate and Burma democratic leader Aung San Suu Kyi.

H.R. 4286, introduced December 5 by Mr. MANZULLO and Mr. CROWLEY, would award a Congressional Gold Medal to Aung San Suu Kyi in recognition of her courageous and unwavering commitment to peace, nonviolence, human rights, and democracy in Burma.

There is no clearer indication than this legislation of the solidarity that exists between the people of the United States and the good people of Burma on the issues of human rights and democracy.

This legislation is also fully in keeping with administration policy. In a statement made on October 19, following the latest series of bloody and tragic events, President Bush announced an executive order imposing additional sanctions on Burmese leaders and entities. The President also instructed the Commerce Department to tighten export control and regulation over Burma. On that occasion, the President noted that "Burmese leaders continue to defy the world's just demands to stop their vicious persecution. They continue to dismiss calls to begin peaceful dialogue aimed at national reconciliation. Most of all, they continue to reject the clear will of the Burmese people who wish to live in freedom under leaders of their choosing."

The President concluded with these observations: "The people of Burma are showing great courage in the face of immense repression. They are appealing for our help. We must not turn a deaf ear to their cries. I believe no nation can forever suppress its own people. And we are confident that the day is coming when freedom's tide will reach the shores of Burma."

This legislation provides an opportunity to send a strong, bipartisan and loud message that where human freedom is concerned, politics does stop at the water's edge.

I rise today to urge my colleagues to join in voicing their enthusiastic support for a free Burma by supporting the Block Burmese JADE Act of 2007.

Mr. Speaker, I reserve the balance of my time.

Mr. MEEKS of New York. Mr. Speaker, I reserve the balance of my time.

Mr. POE. Mr. Speaker, I want to thank Chairman LANTOS of the Foreign Affairs Committee, the author of this bill, for his efforts in introducing this bill. We have no other speakers at this time.

Mr. Speaker, I yield back the balance of my time.

Mr. MEEKS of New York. Mr. Speaker, I include for the RECORD an exchange of letters between Chairman RANGEL and Chairman LANTOS on H.R. 3890.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, December 10, 2007.

Hon. TOM LANTOS,
Chairman, Committee on Foreign Affairs,
Washington, DC.

DEAR MR. CHAIRMAN: I am writing regarding H.R. 3890, the Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2007, which was reported by the House Foreign Affairs Committee on October 31, 2007.

As you know, the Committee on Ways & Means has jurisdiction over import matters, such as the import ban and restrictions on imports imposed by the Block Burmese JADE Act of 2007. Accordingly, certain provisions of H.R. 3890 fall under the Committee's jurisdiction.

There have been some productive conversations between the staffs of our committees, during which we have proposed some changes to H.R. 3890 that I believe help clarify the intent and scope of the measure. My understanding is that there is an agreement with regard to these changes.

The following provisions of H.R. 3890 were among those changed, added, or removed because they fell within the Committee's jurisdiction:

Section 3(a) ("Annual Renewal of Resolutions No Longer Required"): This subsection was removed;

Section 3(b) (Import Restrictions on Gemstones): This subsection was removed and a new Section 3A ("Prohibition on Importation of Certain Jadeite and Rubies and Articles of Jewelry Containing Jadeite or Rubies") was added;

New Section 3A(a) ("Definitions") contains definitions for the terms "Appropriate Congressional Committees," "Burmese Covered Article," "Non-Burmese Covered Article," "Jadeite; Rubies; Articles of Jewelry Containing Jadeite or Rubies," and "United States";

New Section 3A(b) ("Prohibitions on Importation of Burmese Covered Articles"): Provides that the President shall prohibit the importation into the United States of any Burmese covered article and use provided regulatory authority as necessary; and the President shall take actions to seek a draft waiver decision by the Council on Trade in Goods of the World Trade Organization and adoption of a United Nations General Assembly resolution;

New Section 3A(c) ("Requirements for Importation of Non-Burmese Covered Articles"): Provides that the President, beginning 60 days after the date of enactment, shall require certain actions by the exporting country, exporter and importer as a condition of importing non-Burmese covered articles into the United States to ensure that the imported articles do not contain Burmese jadeite or rubies;

New Section 3A(d) ("Inapplicability"): Exempts certain imports from the requirements of the Act;

New Section 3A(e) ("Enforcement"): Provides that Burmese covered articles and non-Burmese covered articles imported into the United States in violation of the Act are subject to all applicable laws of the United States;

New Section 3A(f) ("Sense of Congress"): Provides that the President should take the necessary steps to negotiate an international agreement similar to the Kimberley Process Certification Scheme for conflict diamonds; and

New Section 7 ("Waiver of Competitive Need Limitation Under Generalized System of Preferences For Certain Articles of India and Thailand"): Provides for the reinstatement of Generalized System of Preferences (duty-free treatment) for specified Thai and Indian jewelry.

To expedite this legislation for floor consideration, the Committee will forgo action on this bill and will not oppose its consideration on the suspension calendar. This is done with the understanding that it does not in any way prejudice the Committee or its jurisdictional prerogatives on this, or similar legislation, in the future.

I would appreciate your response to this letter, confirming our understanding with respect to H.R. 3890, and would ask that a copy of our exchange of letters on this matter be included in the record.

Sincerely,

CHARLES B. RANGEL,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, December 10, 2007.

Hon. CHARLES B. RANGEL,
Chairman, Committee on Ways and Means,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 3890, the Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2007.

I appreciate your willingness to work cooperatively on this legislation and the mutually agreed upon text that is being presented to the House, including the amendments to H.R. 3890 reported by the Committee on Foreign Affairs, as described in your letter. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Ways and Means. I agree that the inaction of your Committee with respect to the bill does not in any way prejudice the Committee on Ways and Means or its jurisdictional prerogatives on this or similar legislation in the future.

I will ensure that our exchange of letters be included in the Congressional Record.

Cordially,

TOM LANTOS,
Chairman.

Mr. SMITH of New Jersey. Mr. Speaker, I'm proud to be an original cosponsor of this important resolution strengthening the Burmese Freedom and Democracy Act of 2003, and I want to thank my good friend and colleague, Chairman LANTOS, for his continued leadership on this issue. It's an issue that concerns Members on both sides of the aisle and anyone who cares about freedom and human rights.

The despicable actions of Burma's brutal regime in recent months are only the latest chapter in a long history of repression by that country's dictators. After their shocking murder and incarceration 2 months ago of peaceful demonstrators, including Buddhist monks—the very symbols of the Burmese people's desire for peace—the Government thugs hope that our attention will turn elsewhere. They hope that the international outcry over the violence and humiliation of this fall will die down. But we are all too aware of the history of this regime to let that happen.

If we turn our attention elsewhere, the regime will intensify the abuse and repeat these crimes again and again. Since the 1988 slaughter of several thousand peaceful demonstrators, the story of Burma has been a constant saga of harassment, violence, and torture. The inhumane treatment of Nobel Peace Prize winner Daw Aung San Suu Kyi is only the most glaring example of the regime's efforts to stifle democracy—unfortunately there are many others that don't get as many headlines.

Members may recall that I have mentioned in the past how the military regime in Burma locked up a 19-year-old student from my district, Michelle Keegan, who had traveled to Burma in 1998 to mark in a peaceful way the 10th anniversary of those 1988 massacres. She and others were sentenced to 5 years in jail for distributing small leaflets calling for democracy in Burma.

I, and others, were outraged, and agitated for the release of these young people. They wouldn't let us into the country, but they couldn't keep us quiet. If not for the attention of the U.S. Congress and the American people—and for the international pressure that resulted—who knows what would have happened to these students in the prisons of Burma? Thankfully, we gained their release.

The Block Burmese JADE Act will tighten the noose on this murderous regime, expanding what this body has already done to isolate these criminals. Burma's junta continues to enrich itself from the country's vast natural resources while most of its people are mired in poverty. The generals and their families milk state-owned enterprises for all they're worth, getting their hands on much of the nearly $3 billion in annual revenues from oil and gas, timber and gems.

By blocking further assets, imposing more severe import restrictions on Burmese gemstones, and expanding the visa ban on the regime's cronies, we will further limit its comfort zone. The regime will be less able to avoid U.S. sanctions—and U.S. companies will no longer be able to take tax deductions for investment in Burma.

These measures alone won't bring about wholesale change in Burma. We need more help from our allies and from Burma's neighbors if we dare to hope for true freedom in that country. We need China to take a serious stand on the right side of this issue instead of remaining—as usual—lined up against human rights and human dignity.

But this strengthening of our law—this strengthening of our resolve—will take another concrete step in the right direction. It will also make an important statement to Burma's brutal dictators—and to the beleaguered pro-democracy activists in that country struggling under the yoke of military repression.

Mr. HERGER. Mr. Speaker, I rise in support of extending additional import sanctions against the repressive Burmese military junta. This regime has steadfastly refused to make progress—not only with respect to its abhorrent and inexcusable human rights record, but also in preventing democracy to take root in Burma.

This past July, the House and Senate passed a bill which renewed our import ban against all Burmese products. Unfortunately, shortly after our renewal of the ban, the situation in Burma took a grave turn for the worse. As we all know, in September 2007, Buddhist monks led demonstrations in Burma, which ultimately culminated in an estimated 100,000 people marching through Rangoon. The peaceful protestors called for improvements in human rights, democratic processes, and the release of opposition leader and Nobel Peace Prize winner Aung San Suu Kyi, who still lives under unjustified house arrest.

The Burmese regime responded to these peaceful demonstrations with a violent crackdown that led to deaths and hundreds more injuries. In addition, according to human rights groups, thousands of individuals have been arrested, tortured, or otherwise intimidated based on the regime's belief that these individuals participated in the protests.

These recent events make clear that it is time to strengthen our sanctions by putting a full stop on trade in Burmese rubies and jadeite, the sales of which finance the Burmese regime. While we need to act unilaterally, we also need to structure our strengthened import ban in a way that encourages and paves the way for multilateral pressure on the military regime. A multilateral effort that truly squeezes the junta is the only way sanctions will lead to real, lasting reform.

The Committee on Ways and Means, which has jurisdiction over import matters, has done just that. Working with the Foreign Affairs Committee, my committee was able to refine provisions so that all Burmese rubies and jadeite—and jewelry containing these Burmese stones—could fall under the purview of the current ban, even if the jewelry was made in, and exported from, a third country.

While we believe the changes the Ways and Means Committee made to this legislation maximize our compliance with U.S. international obligations, the added provisions also open the door to building a multilateral consensus at the United Nations and World Trade Organization to prevent trade in Burmese rubies and jadeite. Modeled after the successful conflict diamonds legislation, the provisions my committee added are proven and administrable.

At the same time, however, I am concerned about the provisions relating to the Generalized System of Preferences. While I understand the need to avoid unduly harming third countries affected by this ban, I believe that the approach outlined in this bill creates a number of problems and doesn't create a solid basis for holding these countries harmless. It is our expectation that there will be continued work with Chairman RANGEL and the other body to solve these problems as this bill moves forward.

For these reasons, I urge support of H.R. 3890, as amended.

Mr. MEEKS of New York. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MEEKS) that the House suspend the rules and pass the bill, H.R. 3890, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend the Burmese Freedom and Democracy Act of 2003 to impose import sanctions on Burmese gemstones, expand the number of individuals against whom the visa ban is applicable, expand the blocking of assets and other prohibited activities, and for other purposes."

A motion to reconsider was laid on the table.

HONORING THE LIFE OF THOMAS "TOMMY" MAKEM

Ms. SHEA-PORTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 768) honoring the life of Thomas "Tommy" Makem.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 768

Whereas Thomas "Tommy" Makem was born on November 4, 1932 in Keady, County Armagh, in Northern Ireland;

Whereas Thomas Makem emigrated from Ireland to Dover, New Hampshire in 1955, after having won the All-Ireland Championship in acting, to pursue a career in acting and carrying with him only a makeshift suitcase, a pair of bagpipes, and proof of his health;

Whereas in 1956 Thomas Makem joined the Clancy Brothers, all of whom had immigrated to the United States from Ireland, and began performing musically together as "The Clancy Brothers and Tommy Makem" and were signed by Columbia Records;

Whereas in 1961 Thomas Makem performed at the Newport Folk Festival and, along with Joan Baez, was named as the most promising newcomer;

Whereas in 1963 the Clancy Brothers and Tommy Makem performed at the White House at the request of President John F. Kennedy;

Whereas the Clancy Brothers and Tommy Makem continued to perform and record music together, performing in venues such as Carnegie Hall and on programs including The Ed Sullivan Show and The Tonight Show until 1969 when Thomas Makem left the band amicably to pursue a solo career;

Whereas in 1975 Thomas Makem again joined with Liam Clancy and the duo performed together until 1988, including a Clancy Brothers and Tommy Makem reunion at the Lincoln Center in New York City, New York;

Whereas in 1997 Thomas Makem wrote a book, Tommy Makem's Secret Ireland, and in 1999 premiered his own one-man theatre show, Invasions and Legacies, in New York, and established the Tommy Makem International Festival of Song in South Armagh, Ireland in 2000;

Whereas throughout his performing career Thomas Makem was highly regarded as an exceptional musician by both his colleagues and the public and received many awards and honors including the World Folk Music Association's Lifetime Achievement Award in 1999 and honorary doctorates from the University of New Hampshire in 1998, the University of Limerick in 2001, and the University of Ulster in 2007; and

Whereas Thomas Makem died on Wednesday, August 1, 2007 in Dover, New Hampshire and will now be remembered as a dedicated husband, father, and grandfather and as one of the greatest Irish-Americans of the 20th Century: Now, therefore, be it

Resolved, That the House of Representatives honors the life of Thomas "Tommy" Makem, and his accomplishments as a musician, composer and performer.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New Hampshire (Ms. SHEA-PORTER) and the gentleman from Louisiana (Mr. BOUSTANY) each will control 20 minutes.

The Chair recognizes the gentlewoman from New Hampshire.

GENERAL LEAVE

Ms. SHEA-PORTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New Hampshire?

There was no objection.

Ms. SHEA-PORTER. Mr. Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

Mr. Speaker, Tommy Makem was one of the greatest Irish-American performers to ever grace the stage. Not only have his works inspired generations of artists, but his determination and success broke down barriers that had long been raised to Irish Americans. Tommy and the Clancy Brothers, with whom he played for many years, were instrumental in breaking down these cultural divides.

Tommy lived a truly remarkable life. He arrived in America in 1955 to pursue a career in acting, having just won the All-Ireland Championship in acting. Like so many immigrants before and after, Tommy arrived with very little, carrying with him only a makeshift suitcase, a pair of bagpipes and proof of his health. However, it did not take Tommy long to find a life in America.

In 1956, he joined with the Clancy Brothers—Patrick, Tom, Bobby and Liam—and they began performing together. In 1961, Tommy performed at the Newport Folk Festival and, along with Joan Baez, he was heralded as "the most promising newcomer." In 1963, Tommy and the Clancy Brothers performed at the White House at the request of President Kennedy. They continued to perform together for years and played venues from Carnegie Hall to the Ed Sullivan Show, until Tommy embarked on a solo career in 1969. For decades, he continued to compose and perform. He would later reunite with the Clancy Brothers in 1988 for a reunion concert. In 1999, Tommy was awarded the World Folk Music Association's Lifetime Achievement Award.

Tommy was not just a musician, he was so much more. Tommy was an author, a philanthropist, a businessman, an inspiration and, most importantly, he was a loving father, grandfather and husband.

Tommy passed away earlier this year on August 1 in Dover, New Hampshire, where he lived for many years. He left behind a daughter, Katie Makem-Boucher, and two grandchildren, Molly Dickerman and Robert Boucher, and three sons, Shane, Conor and Rory, whom with his nephew, Tom Sweeney, continue the family folk music tradition. They will remember Tommy for the living man he was and for the impact he had on their lives.

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Upon his passing, condolences streamed in from all over the country, as well as the world. The Makem family has said that while many talked about his music, most noted what a generous and kind man he was.

Mr. Speaker, I urge my colleagues to support this resolution and honor the life of a truly remarkable man, an immigrant who touched the lives of so many.

I reserve the balance of my time.

Mr. BOUSTANY. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise today in support of House Resolution 768, honoring the life of Thomas "Tommy" Makem. Makem was an internationally celebrated Irish folk musician, artist, poet and storyteller, best known as a member of the Clancy Brothers and Tommy Makem. He played the long-necked five string banjo, guitar, tin whistle, border pipes, and sang in a very distinctive baritone. He was sometimes known as the Godfather of Irish music.

The son of a successful Irish folk singer, Sarah Makem, Tommy Makem mesmerized audiences for more than four decades. He expanded and reshaped the boundaries of Irish culture and infused a pride and a quest for knowledge of Irish culture in countless others.

In 1955, Makem's ambition to become an actor took him to New York where, after a brief but rewarding career in live television and off-Broadway plays, he teamed up with the Clancy Brothers. They appeared on the "Ed Sullivan Show," the "Tonight Show" and every major television network show in the United States. The Clancy Brothers and Tommy Makem played to audiences from New York's Carnegie Hall and London's Royal Albert Hall to every major concert venue in the English-speaking world.

In 1969, Tommy left the Clancy Brothers to pursue a solo career and immediately sold out Madison Square Garden in New York. His popularity soared, and he went on to three sold out concert tours in Australia, including Sydney's opera house.

By 1975, Makem had rejoined Liam Clancy of the Clancy Brothers. The duo worked together until 1988. Their collaboration garnered the pair an Emmy nomination, as well as several platinum and gold records.

Tommy Makem's music will live on forever. "The Rambles of Spring," "Farewell to Carlingford," "Gentle Annie," "The Winds Are Singing Freedom" and, of course, "Four Green Fields" are all standards in the repertoire of folk singers around the world in the late 20th and early 21st centuries.

I am very happy to join my good friend and colleague, Representative SHEA-PORTER, in honoring the life of Thomas "Tommy" Makem, and I ask my colleagues to support this resolution.

I reserve the balance of my time.

Ms. SHEA-PORTER. Does the gentleman from Louisiana have any further speakers?

Mr. BOUSTANY. I have no other Members requesting time, and I'll be happy to yield back the balance of my time.

Mr. CROWLEY. Mr. Speaker, I rise today to observe the passing of a friend and a man for whom I held a tremendous amount of respect, Tommy Makem.

Tommy was an internationally celebrated folk musician, actor, artist, poet, songwriter, and storyteller from Ireland who took pride in sharing the Irish culture with those around the globe. He emigrated to the United States in 1955, with nothing more than a makeshift suitcase, a pair of bagpipes, and proof of his health, to pursue a career in acting. He settled in Dover, New Hampshire. After a brief period as an actor, Tommy Makem went on to join a band of Irish descent, The Clancy Brothers, where he rose to international fame.

Tommy broke out on his own following his time with The Clancy Brothers and educated generations on the history, traditions, and customs of Ireland through his music, art, and poetry. He wrote hundreds of songs, including, "Four Green Fields," "Gentle Annie," and "The Rambles of Spring," which have been played in Carnegie Hall, Madison Square Garden, Royal Albert Hall and across the United States, Canada, and Australia.

Tommy Makem's illustrious career awarded him honorary doctorates from the University of New Hampshire in 1998, the University of Limerick in 2001, and the University of Ulster in 2007. He was regarded as an exceptional musician and achieved both gold and platinum albums, and a host of other awards, such as the Gold Medal of the Eire Society in Boston, the Genesis Award from Stonehill College in Massachusetts, an Emmy nomination for a New Hampshire public television series, as well as the first Lifetime Achievement Award in the Irish Voice/Aer Lingus Community Awards. Tommy, one of the greatest Irish-Americans of the 20th Century, was also listed as one of the top 100 Irish Americans in the Irish American Magazine 5 years in a row. The World Folk Music Association awarded him its Lifetime Achievement Award in 1999.

Tommy Makem passed away on Wednesday, August 1, 2007, in Dover, New Hampshire. He will be remembered not only for his incredible achievements, but as a dedicated husband, father, and grandfather. His enduring memory and music will live on, as will the power and energy of his unyielding spirit. He remains a true inspiration to me and millions of others around the world.

Ms. SHEA-PORTER. Mr. Speaker, I have no further requests for time.

I urge my colleagues to support this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New Hampshire (Ms. SHEA-PORTER) that the House suspend the rules and agree to the resolution, H. Res. 768.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING THE UNIVERSITY OF HAWAII FOR ITS 100 YEARS OF COMMITMENT TO PUBLIC HIGHER EDUCATION

Ms. HIRONO. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 264) honoring the University of Hawaii for its 100 years of commitment to public higher education.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 264

Whereas while the natural beauty of Hawaii is recognized throughout the world, the real beauty of the island state lies in its people, who, through their personal relationships with their families, friends, and neighbors, and through their dedicated efforts to serve the needs of the people of Hawaii, have created prosperity and high standards of living;

Whereas the institution which would eventually become the University of Hawaii at Manoa finds its humble beginnings in 1907 in a small house on Young Street as the College of Agriculture and Mechanic Arts;

Whereas with the establishment of the Colleges of Arts and Sciences in 1920, the university became a full-fledged university, known today as the University of Hawaii at Manoa;

Whereas in 1941, the Hawaii Vocational School was founded near downtown Hilo, becoming a University branch campus in 1951 and the University of Hawaii at Hilo in 1970;

Whereas in 1964, the University of Hawaii community colleges system was established with the creation of four community college campuses: Honolulu; Kapiolani; Kauai; and Maui, with Leeward joining the community college system in 1969, Windward in 1972, and Hawaii in 1990, as the seventh community college;

Whereas West Oahu College was founded in 1976, gaining university status in 1989 as the University of Hawaii—West Oahu, the youngest of the university's baccalaureate degree-granting campuses;

Whereas the 10 campuses of the University of Hawaii combined offer more than 620 certificate and degree-granting programs in a variety of nationally and internationally-recognized areas of excellence, including culinary arts, health sciences, construction, automotive mechanics, digital media, justice administration, forensic anthropology, indigenous languages, tropical agriculture, natural sciences, ocean sciences, earth sciences, astronomy, international business, languages and culture, legal studies, and medicine, to over 50,000 students across the State every year;

Whereas the University of Hawaii has embraced and employed technological advances to reach and serve students via distance learning technologies on the Internet, two-way video, and cable television;

Whereas the nearly 15,000 Hawaii residents who are employed full-time by the University of Hawaii as faculty, staff, researchers, and in other capacities, serve the University and the State of Hawaii by educating its citizens, contributing to the economy, supporting workforce development, and engaging the community to address societal issues and underserved populations;

Whereas the impacts of the University of Hawaii are not confined to those students in its classrooms, but residents and visitors alike who benefit from its outreach, cultural, and entertainment programs: more than 75,000 people register in its non-credit courses; more than 33,000 people participate in university-sponsored conferences, workshops, and training sessions; nearly 130,000 people attend theater, music, and dance events at the University's performing arts centers at the Manoa, Hilo, Kauai, Leeward, and Windward campuses; and nearly 700,000 people cheer on the Manoa and Hilo athletic teams;

Whereas the vitality of today's University of Hawaii touches someone in virtually every family in these islands;

Whereas more than 250,000 alumni now residing in all 50 States and in more than 80 countries around the world are proud to call the University of Hawaii their alma mater, as the educational programs at the University have shaped these individuals into global citizens who contribute to the well-being of a world-wide society with a commitment to integrity, diversity, and service wherever they may be;

Whereas the House of Representatives of the State of Hawaii proudly boasts 38 alumni of the University of Hawaii system, and the Senate 15, for a total of 53 proud alumni in the Hawaii State Legislature;

Whereas 2007 marks the 100th Anniversary of the establishment of the University of Hawaii, a momentous occasion by nearly every measure;

Whereas the centennial observance offers the people of Hawaii the opportunity to reflect on 100 years of higher education in Hawaii, celebrate the rich heritage of the University of Hawaii, honor the people who took part in building this outstanding educational enterprise, and envision an even more remarkable future of excellence, sustainability, and innovation that the University of Hawaii has introduced to our islands;

Whereas over the past 100 years, the University of Hawaii has developed into a prominent, world-renowned educational institution famed for its gracious spirit of aloha; academic excellence, intellectual vigor, and opportunity; institutional integrity and service; diversity, cultural identity, social responsibility, and fairness; collaboration and respect; and accountability and fiscal integrity;

Whereas "Maluna a'e o nâ lâhui a pau ke ola ke kanaka: Above All Nations is Humanity," the philosophy of the University of Hawaii is befitting for an institution that has transformed the lives of many around the world through their experiences at the University; and

Whereas all four members of Hawaii's congressional delegation are proud graduates of the University of Hawaii: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress congratulates the University of Hawaii on the momentous occasion of its 100th Anniversary, and expresses its warmest aloha and best wishes for continued success.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Hawaii (Ms. HIRONO) and the gentleman from Louisiana (Mr. BOUSTANY) each will control 20 minutes.

The Chair recognizes the gentlewoman from Hawaii.

GENERAL LEAVE

Ms. HIRONO. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert material relevant to House Concurrent Resolution 264 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

Ms. HIRONO. Mr. Speaker, I yield myself as much time as I may consume.

I rise today in support of House Concurrent Resolution 264, honoring the University of Hawai'i for its 100 years of dedication to public higher education.

The 10 campuses of the University of Hawai'i offer more than 620 nationally and internationally recognized academic programs, everything from culinary arts to tropical agriculture. It is the only place in the Nation where students can earn a master's degree in indigenous language studies and has the top 25 programs for environmental law, eastern philosophy, international business, and second-language studies.

The 50,000 students who attend the university include many of Hawaii's best and brightest. The sizable Native Hawaiian, Caucasian, Japanese, Chinese, Filipino, and Pacific Islander populations on our campuses reflect the great diversity of our State. Their years at the University of Hawai'i will prepare them to be the business, community, and political leaders of tomorrow.

I am proud to be among the 250,000 University of Hawai'i alumni who now reside in every State in the Union and in at least 80 countries around the world. This extended community brings the aloha spirit to the world at large.

Just last week I was here on the floor of the House with my two green and white footballs in honor of the university Warriors' perfect 2007 football season. The Warriors are the only college team in the country to go undefeated, but they are just one of the UH sports teams we cheer on across the islands. From volleyball to basketball, our athletes draw nearly 700,000 fans to games every year.

This is a special year for higher education in Hawaii. Not only is it University of Hawai'i's centennial, but it is also the 35th anniversary of the passage of title IX, now known as the

Patsy T. Mink Equal Opportunity in Education Act. Patsy was a friend and continues to be an inspiration to me. This year the University of Hawai'i joined me and Congress in honoring Patsy and her trailblazing work to open the doors of higher education to women across the country.

I want to take a moment to thank the people who make the University of Hawai'i what it is today. David McClain, the current president of the university, and the 17 presidents who have come before him have all been leaders, dedicated to excellence in public higher education. The phenomenal team of faculty and staff has truly made a positive difference in the lives of hundreds of thousands of students, past and present. Those students, in turn, are making enormous contributions to our towns, our State, and our country.

My years at the University of Hawai'i in the late '60s were a time of awakening and questioning for me. Attending the university made a profound difference in my life. In fact, all four members of Hawai'i's current congressional delegation have degrees from the University of Hawai'i.

I am proud to work closely with the University of Hawai'i as a member of the House Committee on Education and Labor. As we come to the end of the 100th year in the university's history, congratulations to all involved. Here's to the next 100 successful years.

I reserve the balance of my time.

Mr. BOUSTANY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Concurrent Resolution 264, honoring the University of Hawai'i for its 100 years of commitment to public higher education.

In 1907, the Hawaii Territorial Legislature established the College of Agriculture and Mechanic Arts in Honolulu under terms of the U.S. land grant legislation. Ten students began classes with 13 faculty members in September of the following year, and the first graduates received degrees in 1912. The university has been growing ever since.

In 1912, the founding campus was renamed the College of Hawai'i, and it moved to its present location in the Manoa Valley. Pig farms and kiwi groves were cleared for construction of the first permanent building, Hawaii Hall. Six years later, William Kwai Fong Yap petitioned the legislature for university status and the campus became the University of Hawai'i in 1920.

After the December 1941 attack on Pearl Harbor, classes were suspended for 2 months, and University of Hawai'i students of Japanese ancestry formed the Varsity Victory Volunteers to assist with civil defense, many of whom later became a part of the famous 100th Infantry Battalion.

In 1964, the University of Hawai'i Community Colleges System was established with four additional campuses. Two years later, the founding campus, now called UH Manoa, established a School of Travel Industry Management and the forerunner programs of the School of Hawaiian, Asian and Pacific studies. The John A. Burns School of Medicine opened in 1967, and construction began on the first telescope atop Mauna Kea volcano in 1968.

In 2000, Hawaii voters overwhelmingly supported constitutional autonomy for the University of Hawai'i, ensuring the institution more control in the management of its resources.

Honolulu Community College was selected to be one of only six Cisco Training Academies in the country to offer certified network professional training, and Maui Community College continued a tradition of statewide outreach by opening the Moloka'i Education Center.

Additional highlights include winning the contract to manage the Maui Supercomputing Center for the Air Force Research Laboratory, and in 2003, walls were raised for a new medical school and biomedical research facility.

Today, the University of Hawai'i system includes 10 campuses and dozens of educational, training, and research centers across the Hawaiian Islands. As the public system of higher education in Hawaii, UH offers opportunities as unique and diverse as the islands themselves.

UH is the State's leading engine for economic growth and diversification, stimulating the local economy with jobs, research, and skilled workers.

I am happy to join my good friend and colleague, Representative HIRONO, in honoring this exceptional university for all of its accomplishments and wish the faculty, staff, and students continued success.

I reserve the balance of my time.

Ms. HIRONO. Mr. Speaker, I thank my colleague from Louisiana for his very complete and kind remarks in support of this measure, and I yield 5 minutes to the gentleman from American Samoa, Hawaii's friend, and my friend, ENI FALEOMAVAEGA.

Mr. FALEOMAVAEGA. Mr. Speaker, I thank the gentlelady from the great State of Hawaii.

Mr. Speaker, again I thank the gentlelady from Hawaii (Ms. HIRONO) and also the gentleman from Hawaii (Mr. ABERCROMBIE) for their sponsorship of this legislation which honors the 100th anniversary of one of our Nation's great public institutions of learning, the University of Hawai'i, along with her 10 campuses established all over the State and some 620 certificate, degree, and postgraduate programs for some 50,000 students also currently attending the university.

Mr. Speaker, I echo the sentiments expressed earlier by my colleague from Hawaii. This also exemplifies the caliber of the leadership coming from this great State of Hawaii.

I think also of Mrs. Patsy Takomoto Mink for the 35th year now in celebrating the piece of legislation that she championed while a Member of this great institution, and that of course is title IX, which has given authorization to promote and enhance our women's athletic programs, which currently now are taking place all over the country.

I also want to pay special commendation to the head coach of the University of Hawai'i Warriors, June Jones, for doing something that is very special to our island community: they are going to the Sugar Bowl. And having a perfect record, I am disappointed that Colt Brennan did not become the Heisman Trophy winner this year. But be that as it may, I do want to thank Coach June Jones for personally coming to my little territory, American Samoa, to recruit some of our football players who now make up in large part members of the University of Hawai'i Warrior team.

I'm also reminded that some of the great leaders of our country are alumnae of the University of Hawai'i. As a former member of 100th Battalion 442nd Infantry Reserve Battalion, I can only think of Senator INOUYE and the late Senator Spark Matsunaga, both graduates of the University of Hawai'i. I need not share with my colleagues the prominence and the tremendous leadership that these gentlemen have also exemplified while serving the great State of Hawaii.

Mr. Speaker, over the years, the University of Hawai'i has been the center of higher education for many of our Pacific Island leaders from Oceania, namely from Micronesia, Polynesia, and even Melanesia.

The University of Hawai'i also played a critical role in coordinating and facilitating the academic programs instituted through the congressionally mandated institute currently known as the East-West Center. The East-West Center, since its inception in 1963, is a unique institution which, over the years, has brought scholars and leaders from all over the world to meet and discuss issues that are especially important to our Nation's economic, political, social and especially strategic and military interests with countries of the Asian Pacific region; and the University of Hawai'i, to this day, still is part of the East-West Center's current activities and programs.

Mr. Speaker, I am especially proud that just a few days ago, an alumnus of the University of Hawai'i, who happens to be a relative also, Mr. Ken Niumatalolo, whose parents, Simi and La Niumatalolo, from the little village of La'ie, Hawaii, is now the newly appointed head coach of the football team of the U.S. Naval Academy in Annapolis.

As far as I'm aware, Mr. Speaker, Mr. Niumatalolo is the first of Samoan and Polynesian ancestry to coach an NCAA Division I university team, again a credit also to the University of Hawai‘i for giving Mr. Niumatalolo a chance not only to play as a quarterback for the UH Warriors, but to enroll as a student and to obtain a good education.

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Mr. Speaker, again, my congratulations not only to my distinguished friend and dear colleague Ms. HIRONO for introducing this legislation, but to honor this great institution, the University of Hawai‘i.

Mr. BOUSTANY. Mr. Speaker, coming from the great State of Louisiana, I wish to issue a warm welcome to the University of Hawai‘i as they come to New Orleans for the Sugar Bowl, and I also want to congratulate them on a perfect regular season for their football team.

Mr. Speaker, I have no further Members on this side wishing to speak and I yield back.

Ms. HIRONO. I thank my colleague from Louisiana for your warm, what we call, "Aloha" welcome to your State. Expect thousands and thousands of rabid Rainbow Warrior fans to descend upon your State to spend money but mainly to cheer on our undefeated team, the Warriors.

I would like to add also, Mr. Speaker, that my colleague NEIL ABERCROMBIE, who is even as we speak on a plane coming back to Washington, DC, is, of course, very much in support of this resolution. As I mentioned, all four Members of our congressional delegation have one degree or another from the University of Hawai‘i. In NEIL's case, it is a Ph.D., and he also had taught at the University of Hawai‘i.

I'm looking forward to also working with Mr. MILLER on reauthorization of the Higher Education Act, which has helped the University of Hawai‘i so much over the years, and it's an honor for me to be on the Higher Education Committee, because the University of Hawai‘i, unlike many other States, is the institution of higher learning in Hawaii. It is the public institution of higher learning in Hawaii, which is why literally hundreds of thousands of us have matriculated at the university, and we have a lot to be thankful for for the kind of quality education that the University of Hawai‘i has offered to us and continues to do so for the 50,000 or so students who are on campuses all across the State.

And as we are moving forward to celebrate our 100th anniversary, we even now prepare to move forward to create further campuses on Oahu and the neighbor islands to afford more educational opportunities, particularly in the rural areas of our State for students in those areas.

So with that, Mr. Speaker, thank you very much, and my colleague from Louisiana, once again, "Mahalo nui loa," to each one of you in support of this resolution.

Mr. ABERCROMBIE: Mr. Speaker, I rise today in strong support of House Concurrent Resolution 264, honoring the University of Hawaii for 100 years of educating and serving the people of the state of Hawaii. I'd like to thank Congresswoman HIRONO and Chairman MILLER for their support of this legislation. I'd like to recognize President David McClain and the administration and faculty of UH for all their hard work and dedication. UH holds a distinguished record of achievement in academics, community service and athletics. As a proud alumni and former faculty member of the University of Hawaii, I know personally the impact of the school on those who work and learn there. Yet, that is not the full extent of the University's reach; it touches in some capacity nearly every person in the state.

In 1907, the College of Agriculture and Mechanic Arts in Honolulu was established by the Hawaii Territorial Legislature with 10 students and 13 faculty members. Today, the University of Hawaii system is spread across the state with 10 campuses, 3 degree-granting universities: Manoa, the flagship campus, Hilo, and West Oahu; and 7 community colleges: Hawaii, Honolulu, Kapiolani, Kauai, Leeward, Maui, and Windward. The system includes the John A. Burns School of Medicine, the William S. Richardson School of Law, the Shidler College of Business, the College of Pharmacy, and the Congressionally-established East-West Center. There are currently over 50,000 students and 624 academic programs. Across the system, UH's students and faculty have won countless awards, and been recognized for agriculture, anthropology, computer programming, diversity, education and curriculum research, international business, medical research, oceanographic science, public service, and myriad other fields of study.

The University values aloha, the Hawaiian concept that embraces respect for the history, traditions and culture of Hawaii's indigenous people. It reflects compassion for all people and commitment to the well-being of these islands. To practice this value UH employs nearly 15,000 Hawaii residents who serve the University and the State of Hawaii by educating its citizens, contributing to the economy, supporting workforce development and engaging the community in addressing societal issues and the challenges faced by underserved populations.

The University has also produced more than 250,000 alumni, now residing in all 50 states and more than 80 countries around the world, who are proud to call the University of Hawaii their alma mater. The educational programs at the University have shaped these individuals into global citizens who contribute to the well-being of a world-wide society, with a commitment to integrity, diversity, and service wherever they may be. Alumni who live abroad and on the U.S. mainland take the aloha spirit with them across the nation and world to enrich the lives of others. Among these alumni are all four current and two former members of the Hawaii congressional delegation; former Surgeon General of the United States Kenneth Moritsugu; Time Warner Chairman and CEO Richard Parsons; Miss America 2001 Angela Perez Baraquio Grey; 53 members of the Hawaii State Legislature; numerous professional athletes; and many other academic, art, athletic, business and political leaders.

As a reflection of the state of Hawaii, UH is a rainbow of ethnicities, cultures, nationalities, languages and ideas. The University maintains that society is best served by representing populations equitably throughout UH, and that diverse perspectives help root out prejudice and injustice. This dedication is captured succinctly in the motto of the University, "Ma luna ae o na lahui a pau ke ola o ke kanaka," or "Above all nations is humanity." The value of diversity is also shown through the student body: UH is one of the most diverse universities in the nation, with no dominant ethnic group and over 2,500 international students.

A further source of pride for the University of Hawaii is the Warriors and Wahine. The athletes, coaches, and support staff are some of the most accomplished and dedicated members of the UH ohana, or family. There are no professional sports teams in Hawaii and the student-athletes of the University carry much expectation and affection from the state. The UH women's volleyball team is among the most esteemed programs in the National Collegiate Athletics Association (NCAA), winning three NCAA national championships and one Association for Intercollegiate Athletics for Women (AIAW, the predecessor to the NCAA for women's sports) national championship, and are consistently in the hunt for a national championship year after year. The Wahine have produced 23 All-Americans, and three National Players of the Year. The Warrior football team is also an immense source of pride to the state. This year the Warriors were the only NCAA Division I school to go undefeated during the regular season and will be playing on New Year's Day in the Sugar Bowl. The current and former starting quarterbacks; Heisman Trophy finalist Colt Brennan and Timmy Chang, hold numerous NCAA records. The entire state will be cheering on the Warriors and, win or lose, will show aloha to this team. The women's volleyball and football team are two of the 21 programs at the University, all of which bring pride and joy to the people of Hawaii.

On this 100th anniversary of the University of Hawaii, I am honored to be able to extend my aloha and mahalo to UH for all it has afforded me personally, and to the state of Hawaii, which is truly enriched because of the efforts of the University.

Ms. HIRONO. Mr. Speaker, I yield back the remainder of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 264.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING THE 100TH ANNIVERSARY OF ROBSTOWN, TEXAS

Mr. CLAY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 785) recognizing the 100th Anniversary of Robstown, Texas.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 785

Whereas in 2007, the city of Robstown, Texas, celebrates its centennial as the "Biggest Little Town in Texas";

Whereas before Robstown became a city in Nueces County, Robstown was a major thoroughfare north of the National Mexican Railway, making it vital for trade and commerce between Mexico and the United States;

Whereas rancher and businessman Robert Driscoll conveyed territories encircling the boundaries of Robstown, inspiring Robstown's name;

Whereas Robstown enters the 21st century as the crossroads of international trade, being the location where the Texas Mexican Railway connects the Port of Laredo with the Port of Corpus Christi and Interstate 69 will intersect Texas State Highway 44;

Whereas Robstown is the home of a new fairgrounds and entertainment venue; the future home of an inland port, which will be the first such port in the United States; and the future home of an Army storage facility;

Whereas Robstown is one of the leading cotton producing areas in the United States, at one time operating the most cotton gins in the United States and later naming the mascot of the Robstown high school the "Cotton Picker";

Whereas, a steadfast community in Nueces County, the residents of Robstown have included legendary National Football League Hall of Famer Gene Upshaw; Federal Judge Hilda Tagle; and numerous county, State, and Federally elected officials;

Whereas Robstown has scheduled "Century of Celebration" festivities throughout 2007, beginning on January 1 and including a formal celebration on June 1 and the Cottonfest festival in October; and

Whereas Robstown's contributions to the history of the United States include being the site of the first game of Texas Hold 'em poker: Now, therefore, be it

Resolved, That the House of Representatives recognizes the 100th anniversary of Robstown, Texas, and commends all of the residents of Robstown and all other individuals who call Robstown home.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I'm pleased to join my colleagues in the consideration of H. Res. 785, which recognizes the 100th anniversary of Robstown, Texas.

H. Res. 785, which was introduced by Representative SOLOMON P. ORTIZ on October 30, 2007, was reported from the oversight committee on November 8, 2007, by a voice vote. This measure has been cosponsored by 53 Members.

Known as the "Biggest Little Town in Texas," Robstown is known for its international trade, oil and involvement in the agriculture and cotton industries.

Mr. Speaker, I commend my colleague for the recognition of the 100th anniversary of this historic town, and I urge the swift passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I thank the gentleman from Missouri, and I join with him in urging the passage of this important commemorative piece of legislation recognizing, as the gentleman said, the "Biggest Little Town in Texas," on its 100th anniversary.

Certainly Robstown, Texas, located in north central Nueces County, which was established in 1906 by a real estate developer from Iowa, says a great deal about the development of Texas and of the Texas-Mexican railroad connection from the Port of Laredo to the Port of Corpus Christi and along State Highway 44. The sustainability of the small town both before, during and after the Industrial Revolution, throughout a period of development in Texas, took it from a State that was rural in every sense to a State today that is both filled with high-tech and with world headquarters.

Mr. Speaker, I join with my colleagues in urging quick support and ratification of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield as much time to my friend from Texas (Mr. ORTIZ) as he would like to consume.

Mr. ORTIZ. Mr. Speaker, let me thank Chairman CLAY and my good friend Mr. ISSA for bringing this bill to the floor, and I want today to congratulate and honor the "Biggest Little Town in Texas."

Robstown has been "Celebrating a Century" this year as the city turns 100 years old. This centennial celebration and resolution are especially important to me because Robstown, a city of about 14,000 people, is my hometown.

I was born and reared and raised there, attended the public schools there, and had my first job as a printer's devil with the local newspaper, the Robstown Record.

Cotton and vegetable farming played an important role in the history and economy of Robstown, named after prominent local leader Robert Driscoll.

Robstown is a town where citizens are deeply committed to public service. We've sent sons and daughters to shape the history of local, State and Federal offices. They have all served in our military. They've distinguished themselves in military services.

We've had county commissioners, sheriffs, district attorneys, district judges, Federal judges, State representatives, and this proud Member of the Congress, who came out from this little town of 14,000 people.

Robstown also has a great athletic tradition. Gene Upshaw, of the National Football League and a great football star, came from this little town of Robstown.

Humberto "Lefty" Barrera, bantamweight boxer on the historic 1960 Olympic team who later earned an engineering degree at night school, also called Robstown "my hometown."

Kathryn Grandstaff, from Robstown, she married Bing Crosby, who we all know.

Our students also excel in the classroom, including the Robstown High School Cotton Pickers band, and they have achieved much in the fields of athletics and academics.

All year long we have recognized the "Century of Celebration," which included a formal celebration on June 1.

One of the greatest traditions is the annual Cottonfest held in October. This year was the biggest ever event that we've had. We have live music, arts and crafts, a sports competition, cookoffs, contests, carnivals and historical exhibits that provide something for everyone in the community.

We also have so much to look forward to as our town continues to grow. Robstown enters the 21st century at the crossroads of international trade due to its proximity to railroads, interstate highways, seaports and airports. It is the hub in that area.

Robstown will serve as a hub by connecting major railway companies, the Texan-Mexican railway, Kansas City Southern and Union Pacific, with direct links to Corpus Christi, Brownsville, Houston, San Antonio and Laredo.

Robstown is also home to the new county fairgrounds and an entertainment venue.

My hometown is the future home of an inland port, which will be the first such port in the United States, and the future home of an Army storage facility.

And no trip to Robstown would be complete without a good filling yourself up with south Texas' best barbecue at Joe Cotten's. Cotten's is an iconic restaurant where many of you have joined me for lunch in south Texas style. It is where Presidential candidates, athletes, business people, cowboys, riders, astronauts, generals, admirals and other celebrities and thousands of others, they even fly on their helicopters to eat at Joe Cotten's.

Robstown is the best of our communities in south Texas, friendly, family-oriented and proud of their history.

It was in Robstown where my mother taught me my most important lesson: to always serve the community that gave you so many opportunities growing up. To whom much is given, much is expected.

Please join me in honoring Robstown on the city's 100th anniversary, and I join my friends Chairman CLAY and Mr. ISSA today for bringing this bill to the floor.

Mr. ISSA. Mr. Speaker, I yield back.

Mr. CLAY. Mr. Speaker, I urge all of my colleagues to join with the pride of Robstown, Texas (Mr. ORTIZ) and pass H. Res. 785.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution, H. Res. 785.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

TURRILL POST OFFICE BUILDING

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4009) to designate the facility of the United States Postal Service located at 567 West Nepessing Street in Lapeer, Michigan, as the "Turrill Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4009

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TURRILL POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 567 West Nepessing Street in Lapeer, Michigan, shall be known and designated as the "Turrill Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Turrill Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I'm pleased to join my colleague from California in the consideration of H.R. 4009, which names a postal facility in Lapeer, Michigan, after the Turrill family.

H.R. 4009, which was introduced by Representative CANDICE MILLER on October 30, 2007, was reported from the oversight committee on November 11, 2007, by voice vote. This measure, which has been cosponsored by 14 Members, has the support of the entire Michigan congressional delegation.

The Turrill family dates back to the earliest settlers in the Lapeer area. They are a strong representation of what Lapeer is founded upon and are remembered as honest, hardworking farmers and leaders within the community. Dr. Miner Turrill arrived in Lapeer in 1832 and was the first postmaster of the county. When Lapeer was incorporated as a city in 1869, James Turrill was the first mayor. The City of Lapeer is historically touched by the efforts made by the Turrill family and their dedication as public servants.

Mr. Speaker, I urge swift passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I, too, have reviewed the post office naming and find it to be one of the most thoughtful and merit-oriented namings that we have had in a long time.

And with that, I yield 10 minutes to the gentlelady from Michigan (Mrs. MILLER), the author of this bill.

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Mrs. MILLER of Michigan. I appreciate the gentleman's yielding.

Mr. Speaker, as a representative in this House for the great community of Lapeer, Michigan, I rise in very, very strong support of this resolution to honor one of the founding families of this great community. Lapeer, Michigan, is truly an all-American city. Its population is just under 10,000 people, and it serves as the county seat for the County of Lapeer. The community is located at the base of Michigan's Thumb, and its heritage is deeply based in the agricultural tradition of Michigan. In fact, it is home to mainly family farms. Families have tilled the fertile soil of this area since the community's founding, and today these farms continue to serve as an important part of our breadbasket in Michigan. The community has always been home to the pioneering spirit and the can-do attitude that exemplifies America. And no family represents the spirit of this great community more than the Turrill family.

In 1832, 5 years before Michigan joined the Union as a State, Dr. Miner Turrill settled in Lapeer with his elderly parents, and the Turrills became the third known family, actually, to settle in that area. Dr. Turrill and his family quickly became respected leaders in the community, and upon the opening of the Lapeer United States Post Office in 1833, Dr. Turrill became the area's first postmaster. For that alone it is fitting that the Lapeer Post Office be named in their honor. But the Turrills gave back so much more to this fine community.

During the Civil War, many members of the Turrill family served the cause of freedom on behalf of the Union. This included Captain J.H. Turrill, who made the ultimate sacrifice on behalf of the Union when he was killed in action at Antietam in 1862. In fact, the Lapeer Post of the Grand Army of the Republic was named in his honor and served as a gathering point for all of the veterans of that conflict from the area.

In 1869, Lapeer was incorporated as a city in Michigan, and the voters elected James Turrill to serve as the first mayor of this community. The Turrills continued throughout the years to provide leadership to this great community, and they have been honored in many ways. Today you can drive on Turrill Avenue in Lapeer. Or you might live in Turrill Estates. And your children might attend the Turrill Elementary School in the Lapeer community schools. The people of this community have always honored the dedication to community and the contributions made by the Turrill family.

Earlier this year, Mr. Speaker, I contacted the Lapeer County Historical Society, and I spoke to them about my desire to name the post office in Lapeer after a distinguished citizen from the community worthy of the honor. And I asked for their guidance and assistance on who was deserving of such an honor, and this was their response:

"The Lapeer County Historical Society recommends that the Lapeer Post Office be named the Turrill Post Office. The Turrill family dates back to the earliest settlement in the Lapeer area. They have always been remembered as honest, hardworking farmers and leaders of the Lapeer community . . . A committee was appointed and met on July 6 to review a 2-page list of names. Turrill was the unanimous choice."

Mr. Speaker, it is entirely appropriate that this House take this action today to honor one of the pioneering families in a great Michigan community, a family that worked hard to give back to the community, a family that took a leadership role in shaping the community, earned its respect, and has a highly valued place in the history of Lapeer, Michigan.

I want to thank the members of the Lapeer Historical Society for their assistance and their guidance in this effort. And I thank the leadership today for bringing this legislation to the floor, and I will thank the Members of this House for their expected support in honoring this great family. And I certainly thank the members of the Turrill family who did so much to make Lapeer the wonderful community that it has become.

Mr. ISSA. Mr. Speaker, I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, I would like to urge my colleagues to adopt H.R. 4009, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BLUMENAUER). The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 4009.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

NATIONAL CARDIOPULMONARY RESUSCITATION AND AUTOMATED EXTERNAL DEFIBRILLATOR AWARENESS WEEK

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 215) supporting the designation of a week as "National Cardiopulmonary Resuscitation and Automated External Defibrillator Awareness Week," as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 215

Whereas heart disease remains the leading cause of death in the United States;

Whereas heart disease affects men, women, and children of every age and race in the United States, regardless of where they live;

Whereas annually approximately 325,000 coronary heart disease deaths occur out of hospital or in an emergency room;

Whereas approximately 95 percent of sudden cardiac arrest victims die before arriving at the hospital;

Whereas sudden cardiac arrest results from an abnormal heart rhythm in most adults;

Whereas in 27.4 percent of cases of sudden cardiac arrest, the victim is located in a place other than a hospital and receives cardiopulmonary resuscitation by a bystander;

Whereas prompt delivery of cardiopulmonary resuscitation more than doubles the chance of survival from sudden cardiac arrest by helping to maintain vital blood flow to the heart and brain, increasing the amount of time that an electric shock from a defibrillator can be effective;

Whereas an automated external defibrillator, even when used by a bystander, is safe, easy to operate, and highly effective in restoring a normal heart rhythm, significantly increasing the chance of survival for many victims if used immediately after the onset of sudden cardiac arrest;

Whereas death or severe brain injury is likely to occur unless resuscitation measures are started no later than 10 minutes after the onset of sudden cardiac arrest;

Whereas the interval between the 911 call and the arrival of EMS personnel is typically longer than 5 minutes, and achieving high survival rates therefore depends on a public trained in cardiopulmonary resuscitation and automated external defibrillator use; and

Whereas the American Heart Association, the American Red Cross, and the National Safety Council are preparing related public awareness and training campaigns on cardiopulmonary resuscitation and automated external defibrillation to be held during the first week of June each year: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) supports the goals and ideals of a National Cardiopulmonary Resuscitation and Automated External Defibrillator Awareness Week to establish well-organized programs to increase public training in cardiopulmonary resuscitation and automated external defibrillator use and to increase public access to automated external defibrillators; and

(2) requests that the President issue a proclamation calling upon the people of the United States and interested organizations to observe such a week with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

First of all, I want to thank the gentleman from Missouri (Mr. CLAY) for standing in for me.

As a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues in the consideration of H. Con. Res. 215, as amended, which supports the designation of "National Cardiopulmonary Resuscitation and Automated External Defibrillator Awareness Week."

H. Con. Res. 215, which was introduced by Representative JOHN R. "RANDY" KUHL, Jr. on September 19, 2007, was reported from the Oversight Committee on November 8, 2007, by voice vote. This measure has been cosponsored by 84 Members.

Mr. Speaker, it is a sad statistic that 95 percent of sudden cardiac arrest victims die before reaching the hospital. Prompt CPR and use of an automated defibrillator, or AED, can more than double a victim's chance of surviving cardiac arrest. Seventy-five to 80 percent of all cardiac arrests occur within the home. Unfortunately, 60 percent of the public have never seen an automated external defibrillator, much less put it into use.

It is time we do all that we can to raise awareness of these much-needed emergency tools and urge training to combat heart disease at the community level.

I commend the sponsor for introducing this measure, thank all the organizations throughout the country for their support, and urge swift passage of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

The automated external defibrillator is a critical part of saving lives here in America. In the first 10 minutes of an onset of symptoms, you have an incredibly short period of time, that 10 minutes, to make the difference between life and death. A typical response time, an optimum response time, for a 911 call is 5 minutes. The availability of these devices, once thought to be only in the crash kit on an emergency vehicle or in a hospital, is now spreading. At our airports, including our Nation's Capital airports, these devices are not just available but they are hung throughout the facility, making it possible, and, in fact, it has occurred, for people who have a heart symptom and pass out to be brought back to life in those 10 minutes, those precious 10 minutes. But in order to expand the use of this lifesaving apparatus, we need to have additional training.

I join with the gentleman from Illinois in saying that the importance of this Automatic External Defibrillator Week is not that we can learn to say it without tying our tongue but, in fact, that we can deploy these devices and get people trained. In my own small condominium unit here in Washington, our neighbors have been trained; and it will undoubtedly in time save lives in our community.

I join with the majority in urging that this bill not only become law this year but that we make this an annual event so as to spread the lifesaving capability of this device.

Mr. GINGREY. Mr. Speaker, I rise today in strong support of H. Con. Res. 215, legislation that will designate a National Cardiopulmonary Resuscitation and Automated External Defibrillator Awareness Week. I am proud to be a cosponsor of this bill, and would like to thank my colleague, Mr. RANDY KUHL of New York, for advancing this legislation to help educate the American people about the critical difference cardiopulmonary resuscitation and automated external defibrillator training can make in our country.

This legislation has been dear to Mr. KUHL's heart after a young man in his area, Louis Acompora, died from a blunt impact to the chest while playing lacrosse. Had an automated external defibrillator been available at the time, his life might have been saved. I commend Mr. KUHL's success as a New York State Senator in working with Assemblyman Harvey Weisenberg from Long Island to advance the New York State law requiring public schools to have at least one such device on school grounds. His hard work has helped save over 35 lives in New York State in the five years since the law's enactment.

Mr. Speaker, heart disease kills more people in our Nation every year than any other medical condition. Sudden cardiac arrest is one of the most time sensitive cardiac conditions for which immediate attention is vital. If cardiopulmonary resuscitation and defibrillation are not applied within 5 minutes after sudden cardiac arrest, there is virtually no chance of survival. Approximately 325,000 Americans suffer sudden cardiac arrest each year and more than 95 percent die before ever reaching the hospital.

Mr. Speaker, these statistics are staggering. Sadly, if more Americans were trained in performing cardiopulmonary resuscitation and in using automated external defibrillators, many of these lives could have been saved. Communities with comprehensive automated external defibrillator programs have improved survival rates from only 5 percent to over 40 percent.

Mr. Speaker, this is why it is so critical that we pass H. Con. Res. 215. Having a week dedicated to Cardiopulmonary Resuscitation and Automated External Defibrillator awareness will increase the profile of this devastating disease, and most importantly, will help save lives. I encourage all my colleagues to support this important resolution.

Mr. KUHL of New York. Mr. Speaker, I rise today in support of H. Con. Res. 215, which would support the designation of a week as National Cardiopulmonary Resuscitation and Automated External Defibrillator Awareness Week.

I would first like to thank my colleague, Mr. BOREN from Oklahoma, for joining me in introducing I this resolution and for his efforts in promoting CPR. I am truly grateful for his leadership and support on this issue.

I introduced this legislation because I believe that we must do all we can to bolster our efforts to combat heart disease and sudden cardiac arrest, as heart disease remains the leading cause of death in the United States. Approximately 325,000 coronary heart disease deaths occur outside of the hospital or in an emergency room every year, and roughly 95 percent of sudden cardiac arrest victims die before even reaching a hospital. These statistics serve as a clear reminder that we must take action to save lives at the local and community levels, and this resolution helps to do just that.

CPR more than doubles a victim's chances of surviving sudden cardiac arrest by maintaining the vital flow of blood to the heart and the brain. Over 75 percent of out-of-hospital cardiac arrests occur within the home, so CPR can mean the difference between life and death.

Additionally, automated external defibrillators are easy for even bystanders to operate and are highly effective in restoring a normal heart rhythm if used within minutes after the onset of sudden cardiac arrest. Communities with comprehensive AED programs have achieved survival rates of over 40 percent.

I am proud to have sponsored the New York State law that required public schools to have at least one such device on school grounds. As a State Senator, I worked with State Assemblyman Harvey Weisenberg to advance this initiative after a young man from his area, on Long Island, by the name of Louis Acompora died from a blunt impact to the chest while playing lacrosse. Had an AED been available at the time, his life might have been saved. Thankfully, our efforts have helped to save over 35 lives in New York State in the five years since the law's enactment.

The American Heart Association, the American Red Cross, and the National Safety Council are preparing related public awareness and training campaigns to be held during the first week of June, and I am pleased to support this bill as a framework for their efforts.

This resolution will help us to save lives across the country and combat heart disease at the community level. I urge my colleagues to join myself and Mr. BOREN in supporting H. Con. Res. 215.

Mr. ISSA. Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 215, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

NATIONAL FIRE FIGHTER APPRECIATION DAY

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 695) expressing the support for designation of a "National Fire Fighter Appreciation Day" to honor and celebrate the firefighters of the United States, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 695

Whereas there are more than 1,100,000 fire fighters in the United States;

Whereas approximately 75 percent of all fire fighters in the United States are volunteers who receive little or no compensation for their heroic work;

Whereas there are more than 30,000 fire departments in the United States;

Whereas thousands of fire fighters have died in the line of duty since the date that Benjamin Franklin founded the first volunteer fire department in 1735;

Whereas 346 fire fighters and emergency personnel died while responding to the terrorist attacks that occurred on September 11, 2001;

Whereas fire fighters respond to more than 20,000,000 calls during a typical year;

Whereas fire fighters also provide emergency medical services, hazardous materials response, special rescue response, terrorism response, and life safety education;

Whereas, in 1922, President Harding first declared a Fire Prevention Week, and it is appropriate to continue this tradition by supporting the designation of a National Fire Fighter Appreciation Day: Now, therefore, be it

Resolved, That the House of Representatives supports the designation of a "National Fire Fighter Appreciation Day" to honor and celebrate the fire fighters of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

As a member of the House Oversight and Government Reform Committee, I am pleased to join my colleagues in support of this resolution to support the goals of National Fire Fighter Appreciation Day. H. Res. 695, as amended, was introduced on October 1, 2007, by Representative JOHN CAMPBELL. On November 8, 2007, the committee reported the bill amended by voice vote.

H. Res. 695 ensures that a day of recognition is granted to the courageous firefighters of the United States, who put their lives at risk in order to guarantee the safety of our citizens. Over the last few months as emergencies across this country have been declared and millions have been evacuated from their homes, our Nation's firefighters have rushed to serve and protect those whose lives and livelihoods were in jeopardy. It is important to commemorate their great efforts and service with a day of honor.

So I commend my colleague for sponsoring this measure and urge its swift passage.

Mr. Speaker, I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

I join with my colleagues in supporting National Fire Fighter Appreciation Day. This year, particularly as a Californian, it is appropriate that this was authored by a Californian and that I have the opportunity to personally thank the men and women who saved lives and property in California just a month and a half ago. But, of course, firefighters do that every day throughout the country, not just in wildfires that consume hundreds of thousands of acres.

Interestingly enough, firefighters also carry automatic external defibrillators and save lives every day. Firefighters are not just people who put out fires. They are people who train in the prevention of fire. They are people who train in emergency procedures that save lives. They are people who answer to so many calls in our community.

The fact is on 9/11 we understood that firefighters go in the direction where anyone, anyone, should be running from and they do so with no regard for their own safety. They do so because that is what a firefighter's job is. Firefighters do not shy away from riots. They do not shy away from the worst inferno, and they do not shy away from earthquakes in my home State and other disasters. In fact, the term "American hero" is best attributed to the men and women who every day train to go into fires to find and retrieve people and, in fact, not to leave the site until all life has been preserved and all property, to the best of their ability, has also been maintained.

Mr. Speaker, I join with my colleagues in recognizing the heroism not just in California 2 months ago but, in fact, throughout the country of our firefighters and urge support and passage of National Fire Fighter Appreciation Day.

Mr. Speaker, I reserve the balance of my time.

☐ 1415

Mr. ISSA. Mr. Speaker, it is with great pleasure that I yield 10 minutes to the gentlelady from Michigan, Mrs. CANDICE MILLER.

Mrs. MILLER of Michigan. I thank the gentleman for yielding.

Mr. Speaker, I certainly rise in very strong support of this resolution to honor and to celebrate America's firefighters.

Wherever and whatever the danger, every American knows that America's firefighters are just moments away from coming to their rescue, putting their lives on the line to save and protect others in their communities. And no one will ever forget the very vivid example of the bravery of our firefighters that was exhibited on September 11, 2001.

On that horrific day, as thousands were fleeing for their lives and running from buildings, we witnessed firefighters actually running towards the danger. As others were running away from the danger, which is a natural human instinct, the firefighters and first responders were running towards the danger and running into these buildings. And they did this knowing that many would most likely not come out. But these brave men and women are professionals who understood that it was their duty to protect their fellow citizens, and they did so. Their brave actions on that day no doubt saved countless lives, and through those actions they earned the gratitude of those who were saved and the respect of the entire world.

Throughout this country, firefighters perform similar acts of heroism every day. And although we can never properly repay them for their dedicated service to our communities, we should take action to honor them for their hard work, their bravery and their dedication. Firefighters should never doubt that they have the eternal gratitude and respect of the American people that they serve so faithfully.

The establishment of a National Firefighter Appreciation Day will help remind everyone of the tremendous work that our firefighters do each and every day, and we should take the time to recognize those efforts.

Mr. Speaker, they prevent tragedies from happening, they respond instantly when tragedies occur, and they help pick up the pieces in tragedy's aftermath. They are there to help in some of the worst times in people's lives, guiding them through with their brave helping hands.

I certainly appreciate the work of the sponsors of this bill in bringing it to the floor. And I urge all of my colleagues to support the adoption of this important resolution so that we, the assembled Representatives of the American citizens, can show America's firefighters the support of a grateful Nation.

Mr. ISSA. Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I urge passage of this legislation and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 695, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title was amended so as to read: "Resolution expressing the support of the House of Representatives for the designation of a National Fire Fighter Appreciation Day to honor and celebrate the fire fighters of the United States.".

A motion to reconsider was laid on the table.

SPECIAL POSTAGE STAMP FOR BREAST CANCER RESEARCH EXTENSION

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 597) to extend the special postage stamp for breast cancer research for 4 years, as amended.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 597

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AUTHORITY.

Section 414(h) of title 39, United States Code, is amended by striking "2007" and inserting "2011".

SEC. 2. REPORTING REQUIREMENTS.

The National Institutes of Health and the Department of Defense shall each submit to Congress and the Government Accountability Office an annual report concerning the use of any amounts that it received under section 414(c) of title 39, United States Code, including a description of any significant advances or accomplishments, during the year covered by the report, that were funded, in whole or in part, with such amounts.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from California (Mr. ISSA) will each control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, now it is my pleasure to yield such time as he might consume to the author of this legislation, Representative CLAY from Missouri.

Mr. CLAY. Mr. Speaker, I want to thank my colleague from Illinois (Mr. DAVIS) for yielding the time and for his leadership on the subcommittee with this piece of legislation.

S. 597, as amended, ensures greater accountability by requiring that the NIH and DOD issue annual reports to Congress detailing how proceeds from the breast cancer research stamp are allocated. In addition, the bill extends reauthorization of the breast cancer research stamp until 2011.

I am grateful to Senator FEINSTEIN for agreeing to this change. Now the Senate version of the breast cancer semipostal will be identical to the measure I sponsored, H.R. 1236, which was unanimously passed by the House on October 30, 2007.

Unlike many programs that are not reauthorized timely but continue to operate, the breast cancer research stamp must be reauthorized or the U.S. Postal Service will discontinue selling the stamp. In fact, the Postal Service was forced to take this stamp off sale for 26 days in 2004 because the Senate did not act in time.

Amid constituent concerns of stamp sales being halted, I contacted the Postmaster General of the U.S. Postal Service to ensure that sales would continue. I was assured that the stamp would not be removed from shelves; however, the Senate must pass this bill by December 31.

Mr. Speaker, let me again thank all of the breast cancer organizations, the Postal Service, and my colleagues in the House and Senate for their support.

I urge my colleagues to join me in supporting swift passage of S. 597, as amended.

Mr. ISSA. Mr. Speaker, I join happily with the gentleman from Missouri and my own home State Senator, Senator FEINSTEIN, in urging immediate passage of this renewal.

This extension is not only critical, but it comes at a time when those of us on this House floor are still remembering the recent loss of Congresswoman Jo Ann Davis. Yes, in fact, today could be considered to be Congresswoman Jo Ann Davis' Breast Cancer Awareness Day because it's not just the statistic of 180,000 people, mostly women, getting breast cancer or 40,000 dying, it's a friend and a colleague who fought valiantly through not only this Congress but the previous Congress, and almost, but did not, win against this dreaded disease.

Breast Cancer Awareness stamps are not about the $54 million raised, although that goes a long way towards adding to the research pool. It's about the countless millions of people who receive a stamp that sends a message that reminds them to get that available mammogram, to, in fact, do a self-test, to be aware of lumps, to be aware of the possibility of this terrible and invasive disease taking the life of their wife, their daughter, their mother. So, I join again in urging passage of this.

And I might take a personal liberty that you don't often see on the House floor. My opponent in my last race and, God willing, my opponent in this race, Jeeni Criscenzo, is presently fighting cancer. I saw her yesterday in California dealing with the effects of chemo. Her detection was relatively early; she has a good chance. But it's things like this that the House does that sometimes gets criticized as not substantial legislation that hopefully will save women like my opponent and friend, Jeeni Criscenzo, from the kind of terrible tragedy that befell Jo Ann Davis and so many other women last year.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I certainly join with my colleague from California in extolling the legacy of Representative Jo Ann Davis, who served with us on the Oversight and Government Reform Committee.

Mr. Speaker, S. 597, as amended, now mirrors the House version of the Breast Cancer Semipostal measure which was unanimously passed by this body on October 30, 2007.

The House version, H.R. 1236, which was sponsored by representative WILLIAM LACY CLAY, reauthorizes the sale of the breast cancer stamp for an additional 4 years from 2007 to 2011. The bill also follows up on the Government Accountability Office's recommendations that the relevant agencies report the use of monies received from the sale of the stamp, including a description of any significant advances on accomplishments that were funded by the sale.

As a member of the Oversight Committee Subcommittee on Federal Workforce, Postal Service, and the District of Columbia, Representative CLAY is to be commended for his diligence and patience for working with all parties and securing an acceptable compromise on the sale of the breast cancer stamp.

I note proudly that the United States Postal Service has sold over 785.6 million breast cancer research stamps from which $54.626 million has been transferred to the National Institutes of Health and the Department of Defense for breast cancer research and awareness.

Mr. Speaker, I thank the public for buying the breast cancer semipostal stamp and the numerous organizations for lending their strong support for its continuation. With your help, I am confident that we will find a cure.

I urge swift passage of this bill, and again commend the representative from Missouri, our colleague, Representative CLAY, for his introduction.

Ms. WOOLSEY. Mr. Speaker, I rise in support of S. 597, to reauthorize the Postage Stamp for Breast Cancer. Breast cancer is the second leading cause of cancer death among women and the leading cause of cancer death among women under the age of 40. Research is key to improving breast cancer prevention, detection and treatment. In the 9 years the stamp has been sold, it's raised more than $40 million to fund breast cancer research around the country. In those nine years, great strides have been made, but we can do more and that's why we should support the extension of the breast cancer stamp.

In addition to this important legislation, we need to do more to prevent breast cancer deaths in women under the age of 40. Approximately 11,000 women under the age of 40 will be diagnosed with breast cancer this year, of which nearly 1 ,300 will die. However, most research, education, and prevention efforts are focused upon women over the age of 45. That's why I introduced the Annie Fox Act, H.R. 715, named after a young woman in my district who was diagnosed with breast cancer and died at the age of35. This bill will authorize research into the causes of breast cancer in younger women and educate them about the risks of breast cancer.

It is important that we not only continue to fund research and education over the ages of 45, but that we also do so for our younger women so that they may live long, healthy lives. I applaud the passage of this important legislation and look forward to working with my colleagues to pass H.R. 715, the Annie Fox Act.

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong support of S. 597, which would reauthorize the highly successful special postage stamp that supports breast cancer research.

Breast cancer affects virtually every American family. Most of us have lost a family member—grandmothers, mothers, aunts, sisters, and daughters—to breast cancer. The American Cancer Society estimates 178,000 women in the United States will be diagnosed this year with breast cancer. They estimate 40,000 women will die from the disease. Breast cancer is the most common cancer among women, accounting for more than one in four cancers diagnosed in women.

We must do everything we can to understand the causes of breast cancer so we can effectively prevent and treat it. Since its inception, the breast cancer research stamp has raised $53 million for life-saving research. Proceeds from the sale of the stamps fund research at the National Institutes of Health and the Department of Defense. By reauthorizing the breast cancer research stamp, we would ensure that this funding source for breast cancer research continues.

Mr. Speaker, I urge my colleagues to support this bipartisan legislation.

Mr. DAVIS of Illinois. Mr. Speaker, I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the Senate bill, S. 597, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill, as amended, was passed.

The title was amended so as to read: "A Bill to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.".

A motion to reconsider was laid on the table.

RELATING TO SELECTIVE SERVICE REGISTRATION

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4108) to amend section 3328 of title 5, United States Code, relating to Selective Service registration, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4108

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SELECTIVE SERVICE REGISTRATION.

Subsection (b) of section 3328 of title 5, United States Code, is amended to read as follows:

"(b) The Director of the Office of Personnel Management, in consultation with the Director of the Selective Service System, shall prescribe regulations to carry out this section. Such regulations—

"(1) shall include procedures—

"(A) for the adjudication of determinations of whether a failure to register was knowing and willful; and

"(B) under which such a determination may not be made if the individual concerned shows by a preponderance of the evidence that the failure to register was neither knowing nor willful;

"(2) may provide that determinations of eligibility under the requirements of this section shall be adjudicated by the Executive agency making the appointment for which the eligibility is determined; and

"(3) shall provide for exceptions to determinations of ineligibility under this section to allow for—

"(A) the appointment of an individual who was discharged or released from active duty in the armed forces under honorable conditions; and

"(B) the appointment or continued employment of an individual who has reached 31 years of age.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from California (Mr. ISSA) each control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he might consume to the chairman of the Education and Labor Committee, Chairman MILLER from California.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding, and I want to thank him and the Chair of the committee and Mr. ISSA for all of their work on this legislation.

This legislation was drafted with the help and the cooperation of the Veterans Administration and the Office of Personnel Management and the Selective Service.

Current laws governing Federal employment do not draw a very clear distinction between those who do not register for selective service through an oversight and those who knowingly and willfully avoid registering. Under current law, we are lumping sort of the innocent along with the guilty, and this legislation is an effort by these agencies to correct what's wrong with this legislation and to make sure that we can protect those who do this in an unknowing fashion.

The bill sets out to correct this by exempting individuals from employment ineligibility who failed to register for selective service but were honorably discharged from active duty in the armed services. And second, it would allow current Federal employees who are at least age 31 to remain eligible for Federal employment despite their failure to register. And this would effectively change the lifetime ban from employment to a 5-year ban, which would coincide with the statute of limitations. So there would be the full ability to prosecute those individuals that we felt wrongfully failed to register for the draft.

This would have a big impact on the caseload, and it would also make sure that we do not deny many of our agencies the talents and the abilities of individuals who have been caught in this conundrum that has taken place.

And this has been, after many months of negotiation, and Mr. ISSA has been a vital part of these negotiations with Selective Service, with the Veterans Administration, and with the Office of Personnel Management, and I would encourage all of my colleagues to support this legislation. I think it restores to law the intent for which it was passed and keeps us from punishing those individuals who are not guilty of knowingly refusing to register for the draft.

□ 1430

Mr. ISSA. Mr. Speaker, often the most absurd example is what forces us to look, and look more carefully, at flaws in our legislation. This one is a good example. Chris Frecking is a citizen of the United States who has been employed at the Department of Veterans Affairs Medical Center in San Francisco for the last 16 years. Mr. Frecking was born in the Philippines to an American father in 1968 and was sworn in as a U.S. citizen in 1990. But there lies the rub.

He was sworn in as an American citizen. He came here from the Philippines after he turned 18 unaware that he should register with the Selective Service after there was in fact no draft or likelihood of anyone being called if they did. He failed to do so. He did try, though, when he discovered that this was a lifetime requirement in 1994. But, in fact, this was not allowed.

This is a gentleman who has been a good citizen, who in fact fell through the cracks. This legislation today after careful scrutiny in harmony with many organizations but most importantly at the leadership of the director of the Selective Service, in fact, makes it possible for us to continue to urge men to register for the Selective Service and treats them fairly if, through no fault of their own, they fail to do so.

I urge the swift passage of this bill. It is good legislation. It corrects a minor flaw. I join with my colleague from California in saying that sometimes the best legislation is small and bipartisan but makes a big difference in people's lives.

I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 1 additional minute to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. I want to thank my colleague from California for mentioning Mr. Frecking, because this was a case that really was just so absurd in how it was being played out because of the circumstances that he found himself caught in, but more importantly it also had the potential to deny the veterans service of the VA Hospital in San Francisco the very skilled talents of this individual. They went to bat. They recognized that they too had made a mistake, inadvertently they made a mistake. But they did not want to lose his skill and talents to our veterans coming through that hospital. And it was really at their insistence, their concern, that brought this case to the forefront and allowed us to be able to work it out with the Office of Personnel Service and Selective Service.

I know as we explained it, we talked about it back and forth, and Mr. ISSA, at first I don't think he thought this could possibly be going on, but we convinced him that it was, and this is exactly the kind of case that this legislation is designed to address so we don't harm these individuals in the manner which was possible for Mr. Frecking.

I thank the gentleman for yielding.

Mr. ISSA. I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

As a Member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues in the consideration of H.R. 4108, as amended, a bill to amend title 5, relating to Selective Service registration.

H.R. 4108 was introduced on November 7, 2007, by Representatives GEORGE MILLER and DARRELL ISSA. The legislation would provide for exemptions from determinations of ineligibility for Federal employment for individuals who have not registered with the Selective Service. Those who have received an honorable discharge from the armed services who have performed at least 10 years of Federal service would no longer be deemed ineligible.

Under current law, all males born after December 31, 1959, must register with the Selective Service by their 26th birthday in order to be eligible for employment in the Federal Government. An individual who has not registered with the Selective Service is not eligible for Federal employment unless he can prove by a preponderance of the evidence that the failure to register was neither knowing nor willful.

This means that the individual must prove to a high legal standard that he did not know he was required to register or thought he had registered. H.R. 4108 would exempt from this requirement individuals who were honorably discharged from the armed services or who have 10 years of service in the Federal Government.

H.R. 4108 was introduced on November 7, 2007, and referred to the Committee on Oversight and Government Reform. The committee marked up the measure on November 8, 2007, and ordered that the bill be reported by voice vote.

Mr. Speaker, I urge swift passage of this bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 4108, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

COMMEMORATING THE CENTENNIAL ANNIVERSARY OF THE SAILING OF THE NAVY'S "GREAT WHITE FLEET"

Mrs. BOYDA of Kansas. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 261) commemorating the centennial anniversary of the sailing of the Navy's "Great White Fleet," launched by President Theodore Roosevelt on December 16, 1907, from Hampton Roads, Virginia, and returning there on February 22, 1909.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 261

Whereas the launching of the Great White Fleet marked the emergence of the United States as a true global seapower, able to dispatch 16 new battleships on a worldwide deployment for 14 months;

Whereas these battleships were painted entirely white, with gilded scrollwork on their bows, and subsequently came to be known as the "Great White Fleet";

Whereas the 4 squadrons of 4 battleships each, manned by 14,000 sailors, sailed 43,000 miles and made 20 port calls on 6 continents;

Whereas the Fleet, in conducting visits to important nations such as Australia, served to reinforce a friendship and partnership that continues to this day;

Whereas the Fleet, in providing a tangible demonstration of the forward naval presence of the United States in the Pacific, also reinforced the message of how important maritime stability and security are to the United States;

Whereas the Fleet, in response to one of the worst natural disasters in European history, was able to immediately divert to Messina, Sicily, to offer humanitarian aid to the Italian people; and

Whereas the Fleet, in executing a range of missions and returning to the United States after 14 months at sea, displayed to the world a number of core American values, including compassion, showed its flexibility by responding to unforeseen events, and demonstrated the ability of the United States to project maritime power as a stabilizing force: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) commemorates the wisdom of President Theodore Roosevelt in developing and launching the Great White Fleet;

(2) supports a one-time designation of a day to celebrate the 100th centennial of the Great White Fleet and the special role the Fleet played in building enduring friendships with important allies and partner nations;

(3) commends efforts by the Department of the Navy to maintain and strengthen our cooperative partnerships with foreign nations and to safeguard our Nation's interests in the maritime domain;

(4) commends efforts by the Department of the Navy in leading the development of a Cooperative Strategy for 21st Century Seapower; and

(5) honors the sacrifices made and services rendered by the servicemembers of the Navy, Marine Corps, and the Coast Guard and the civilians who constitute our maritime services.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Kansas (Mrs. BOYDA) and the gentlewoman from Virginia (Mrs. DRAKE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Kansas.

GENERAL LEAVE

Mrs. BOYDA of Kansas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Kansas?

There was no objection.

Mrs. BOYDA of Kansas. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise today to support House Concurrent Resolution 261, commemorating the centennial anniversary of the sailing of the Navy's Great White Fleet launched by President Theodore Roosevelt on December 16, 1907 from Hampton Roads, Virginia, and returning there on February 22, 1909.

I would like to thank my colleague from Virginia, Mrs. THELMA DRAKE, my friend and colleague on the House Armed Services Committee, for bringing this measure before the House. It was the Atlantic Fleet, later to be known as the Great White Fleet for its pristine decor that launched the United States into the realm of the maritime overnight. Over 14,000 sailors made an extraordinary voyage around the world, from Virginia in the Atlantic Ocean, around South America's Cape Horn to San Francisco. From there, the crews sailed the Pacific Ocean, the Indian Ocean, through the Mediterranean Sea, and back to the United States, stopping in such great nations as Australia and Italy to forge and secure the diplomatic friendships that continue to this day.

In 14 months, the Great White Fleet demonstrated to the entire world that the United States is committed to both military maritime presence as well as international humanitarian aid. This coming Sunday, December 16, marks the 100th year since the beginning of that voyage. In the past 100 years, we have maintained these commitments and continued deployments of the naval ships, including the hospital ships *Mercy* and *Comfort,* to provide aid and assistance to those in time of need. This centennial is an appropriate time to celebrate and renew our continued commitment to responsible international stewardship.

Mr. Speaker, I urge my colleagues to support House Concurrent Resolution 261.

I reserve the balance of my time.

Mrs. DRAKE. Mr. Speaker, I yield myself such time as I might consume.

I rise in strong support of House Concurrent Resolution 261, a resolution I introduced to commemorate the centennial anniversary of the launching of the Great White Fleet. On December 16, 1907, 16 battleships, including, of course, the USS *Virginia,* launched from Norfolk for a 14-month-long cruise around the world. Envisioned by President Theodore Roosevelt, himself a former Assistant Secretary of the Navy, as an opportunity to showcase the military and humanitarian might of the United States, the fleet sailed over 42,000 miles around the globe, traveling around the tip of South America, across the Pacific and Indian Oceans, through the Suez and Mediterranean and back across the Atlantic to Norfolk.

Upon arriving in Egypt, the fleet's commanding officer, Rear Admiral Charles Sperry, dispatched two of his battleships to assist in providing humanitarian assistance to the victims of an earthquake that had ravaged Sicily. The cruise, which has earned its place in American naval history as one the single greatest achievements of the 20th century, foreshadowed events in 2004 when the U.S. Navy provided assistance and comfort to the victims of the tsunami in Indonesia and neighboring countries and again in 2005 when assistance was provided to the victims of Hurricane Katrina.

The event also foreshadowed the debate in Washington regarding the size of the U.S. fleet and the needed industrial capacity. Painted white and visible for miles, the fleet caused President Roosevelt to ask rhetorically, "Oughtn't we all feel proud?" I can surely sympathize. As the Representative of Virginia's Second Congressional District, I fully understand the proud sensation of driving across the Hampton Roads Bridge-Tunnel and seeing the raw naval power that is home ported in Norfolk.

That moment of pride transcends into a moment of pause when witnessed by our enemies and a moment of comfort when witnessed by our friends. President Roosevelt understood the concept of force projection before the term was fashionable.

Our great tradition of naval power was not founded by President Roosevelt, but he understood it and harnessed it foreshadowing the great challenges of the 21st century and today.

I would note, Mr. Speaker, that the idea of sending our fleet halfway around the world was not an idea widely accepted by Congress, and yet President Roosevelt through his leadership and determination and in his role as Commander in Chief set out to do what he thought was right, sending a message long before it can be done over a computer that the United States was now an "A List" celebrity on the world stage. And it worked. Upon its return, the headline of The Washington Post dated February 21, 1909, read: "Eyes of World Opened By Fleet."

Mr. Speaker, ask most students of history about the achievements of President Theodore Roosevelt, and I imagine that they will start with the Panama Canal. I introduced this resolution in part because I feel that President Roosevelt's historic vision of a strong blue-water Navy as the cornerstone of American foreign policy should never be forgotten.

Mr. Speaker, I reserve the balance of my time.

Mrs. BOYDA of Kansas. I would just like to close by saying that as the proud daughter of a naval veteran from World War II, I again thank my colleague from Virginia for bringing forth this resolution and I urge my colleagues to support House Concurrent Resolution 261.

I am prepared to close if my colleague is.

Mr. SCOTT of Virginia. Mr. Speaker, I rise today in support of House Concurrent Resolution 261, introduced by my friend and colleague from Virginia's Second Congressional District, Congresswoman THELMA DRAKE, to commemorate the centennial anniversary of the sailing of the Navy's "Great White Fleet" from Hampton Roads, Virginia.

On December 16, 1907, President Theodore Roosevelt dispatched sixteen new battleships at the 1907 Jamestown Exposition on a global deployment to show the world that the United States had emerged as a global naval power. These sixteen ships were painted white, with gilded scrollwork on their bows, and became known as the "Great White Fleet."

Made up of four squadrons of four battleships each and manned by 14,000 sailors, the ships sailed 43,000 miles and made 20 port calls on six continents in 14 months. The fleet helped shore up American diplomatic efforts and friendships around the world, proving the success of pragmatic diplomatic policy. The fleet was greeted enthusiastically in nearly every port, where people in the thousands turned out to see America's new fleet. The fleet also responded to one of the worst earthquakes in European history by diverting to Sicily to offer humanitarian aid to the people of Italy.

On February 22, 1909, President Roosevelt returned to Hampton Roads, Virginia to witness the triumphant return of the "Great White Fleet." President Roosevelt saw the fleet's successful global voyage as one of his administration's major accomplishments by enhancing the role of the United States in international affairs. Few can deny the historical importance of President Roosevelt's decision to deploy the "Great White Fleet" around the world.

Seven of the 16 great battleships that constituted the "Great White Fleet" were built in my hometown of Newport News, Virginia at Newport News Shipbuilding and Dry Dock Company, today known as Northrop Grumman Newport News. Although the "Great White Fleet" demonstrated that America was an emerging seapower, the success of the "Great White Fleet" made Newport News and the Hampton Roads area a powerhouse for shipbuilding. One hundred years later, Northrop Grumman Newport News is still leading the way in the shipbuilding industry by building some of the most powerful and advanced ships for the United States Navy. Northrop Grumman Newport News has already begun work on the U.S.S. *Gerald Ford*, the newest and most advanced generation of air craft carrier, to lead the U.S. Navy into the 21st century.

Mr. Speaker, the voyage of the "Great White Fleet" has proven to be a pivotal event in the history of this great Nation. While impacting the entire United States, the impression of the "Great White Fleet" can be most felt in Hampton Roads, Virginia. In addition to being home to one of the Nation's most important shipbuilding facilities at Newport News, the world's largest naval base is located just across the Hampton Roads in Norfolk, Virginia. The citizens of Hampton Roads should feel very proud about the role of our region in one of the most important nautical voyages in American history. I urge my colleagues to support this important concurrent resolution.

Mrs. DRAKE. I yield back the balance of my time.

Mrs. BOYDA of Kansas. I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Kansas (Mrs. BOYDA) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 261.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 7, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives, The Capitol, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 7, 2007, at 3:39 p.m.:

That the Senate passed without amendment H.R. 4252.

With best wishes, I am
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

□ 1445

FAIR TREATMENT FOR EXPERIENCED PILOTS ACT

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4343) to amend title 49, United States Code, to modify age standards for pilots engaged in commercial aviation operations.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4343

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Treatment for Experienced Pilots Act".

SEC. 2. AGE STANDARDS FOR PILOTS.

(a) IN GENERAL.—Chapter 447 of title 49, United States Code, is amended by adding at the end the following:

"§ 44729. Age standards for pilots

"(a) IN GENERAL.—Subject to the limitation in subsection (c), a pilot may serve in multicrew covered operations until attaining 65 years of age.

"(b) COVERED OPERATIONS DEFINED.—In this section, the term 'covered operations' means operations under part 121 of title 14, Code of Federal Regulations.

"(c) LIMITATION FOR INTERNATIONAL FLIGHTS.—

"(1) APPLICABILITY OF ICAO STANDARD.—A pilot who has attained 60 years of age may serve as pilot-in-command in covered operations between the United States and another country only if there is another pilot in the flight deck crew who has not yet attained 60 years of age.

"(2) SUNSET OF LIMITATION.—Paragraph (1) shall cease to be effective on such date as the Convention on International Civil Aviation provides that a pilot who has attained 60 years of age may serve as pilot-in-command in international commercial operations without regard to whether there is another pilot in the flight deck crew who has not attained age 60.

"(d) SUNSET OF AGE 60 RETIREMENT RULE.—On and after the date of enactment of this section, section 121.383(c) of title 14, Code of Federal Regulations, shall cease to be effective.

"(e) APPLICABILITY.—

"(1) NONRETROACTIVITY.—No person who has attained 60 years of age before the date of enactment of this section may serve as a pilot for an air carrier engaged in covered operations unless—

"(A) such person is in the employment of that air carrier in such operations on such date of enactment as a required flight deck crew member; or

"(B) such person is newly hired by an air carrier as a pilot on or after such date of enactment without credit for prior seniority or prior longevity for benefits or other terms related to length of service prior to the date of rehire under any labor agreement or employment policies of the air carrier.

"(2) PROTECTION FOR COMPLIANCE.—An action taken in conformance with this section, taken in conformance with a regulation issued to carry out this section, or taken prior to the date of enactment of this section in conformance with section 121.383(c) of title 14, Code of Federal Regulations (as in effect before such date of enactment), may not serve as a basis for liability or relief in a proceeding, brought under any employment law or regulation, before any court or agency of the United States or of any State or locality.

"(f) AMENDMENTS TO LABOR AGREEMENTS AND BENEFIT PLANS.—Any amendment to a labor agreement or benefit plan of an air carrier that is required to conform with the requirements of this section or a regulation issued to carry out this section, and is applicable to pilots represented for collective bargaining, shall be made by agreement of the air carrier and the designated bargaining representative of the pilots of the air carrier.

"(g) MEDICAL STANDARDS AND RECORDS.—

"(1) MEDICAL EXAMINATIONS AND STANDARDS.—Except as provided by paragraph (2), a person serving as a pilot for an air carrier engaged in covered operations shall not be subject to different medical standards, or different, greater, or more frequent medical examinations, on account of age unless the Secretary determines (based on data received or studies published after the date of enactment of this section) that different medical standards, or different, greater, or more frequent medical examinations, are needed to ensure an adequate level of safety in flight.

"(2) DURATION OF FIRST-CLASS MEDICAL CERTIFICATE.—No person who has attained 60 years of age may serve as a pilot of an air carrier engaged in covered operations unless the person has a first-class medical certificate. Such a certificate shall expire on the last day of the 6-month period following the date of examination shown on the certificate.

"(h) SAFETY.—

"(1) TRAINING.—Each air carrier engaged in covered operations shall continue to use pilot training and qualification programs approved by the Federal Aviation Administration, with specific emphasis on initial and recurrent training and qualification of pilots who have attained 60 years of age, to ensure continued acceptable levels of pilot skill and judgment.

"(2) LINE EVALUATIONS.—Not later than 6 months after the date of enactment of this section, and every 6 months thereafter, an air carrier engaged in covered operations shall evaluate the performance of each pilot of the air carrier who has attained 60 years of age through a line check of such pilot. Notwithstanding the preceding sentence, an air carrier shall not be required to conduct for a 6-month period a line check under this paragraph of a pilot serving as second-in-command if the pilot has undergone a regularly scheduled simulator evaluation during that period.

"(3) GAO REPORT.—Not later than 24 months after the date of enactment of this section, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report concerning the effect, if any, on aviation safety of the modification to pilot age standards made by subsection (a).".

(b) CLERICAL AMENDMENT.—The analysis for chapter 447 of title 49, United States Code, is amended by adding at the end the following:

"44729. Age standards for pilots.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the pending bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation will raise the retirement age for commercial airline pilots from age 60 to age 65. For more than three generations, pilots have been required to retire from commercial aviation when they reach age 60. There have been a number of changes in both the medical condition, the medical examination of pilots, recurring, more intensive medical reviews, that argue for a longer period of time for the age of retirement of commercial pilots. There have been changes in the economics of aviation that have rearranged the retirement plans for pilots in midstream, in some cases wiping out retirement plans altogether, in other cases totally restructuring them, which two factors argue for a change in the retirement age.

We responded to those changed circumstances in the FAA Reauthorization Act of 2007, which moved from our committee through the House on September 20th. It was our hope that the other body would move ahead with an FAA reauthorization bill. That hasn't happened.

As time went on and the other body continued to be locked in whatever difficulties they encounter, there were increasing appeals from pilots, from airlines, from the traveling public, frankly, to separate out this provision from our reauthorization bill. I was very reluctant to do that, in hopes that we would use this provision, among others, as leverage and as part of our integral package on FAA reauthorization. Clearly, the other body is not going to even move a bill through committee in the waning days of this session. It then became clear to me there was no reason further to delay action on this matter of justice for commercial airline pilots.

Furthermore, the FAA forecasts an increase in airline travel to more than 1 billion passengers in the next 7 to 8 years, and retirements among airline pilots are up 173 percent. We are seeing almost every day five or more of the most senior experienced pilots retiring. We ought to provide this relief. We ought to separate this provision out from our House-passed bill and provide a measure of justice and economic relief for pilots.

In the reauthorization bill, the provisions that we included for this age relief are drawn out and included in H.R. 4343. One, pilots who have reached age 60, to serve beyond that time frame, must have a first-class medical certificate renewed every 6 months. Second, they must continue to participate in FAA pilot training and qualification programs to ensure acceptable levels of skill and judgment. Three, they must submit to a line check every 6 months. That assures that pilots who are continuing to serve beyond age 60 will meet all the threshold requirements of skill, capability, alertness and responsiveness to their ever-increasingly difficult challenges.

In addition, our bill requires international flights leaving the U.S. to have at least one pilot under the age of 60. That applies international standards in the flight deck. This requirement would terminate if the international standard were changed.

The increased pilot age limit is not retroactive, however, and does not allow pilots who reached age 60 prior to enactment to serve as commercial pilots unless they are employed by an air carrier as a required flight deck crew member, or are newly hired on after the date of enactment without credit for prior service.

I believe that moving this legislation now, if we can also get it through the other body in quick order, will have a profound and personal effect on the lives of thousands of pilots who otherwise would be forced to retire. We have had consensus within the committee on this issue. The question is whether we should take it out at this time or leave it in the House-passed bill for consideration later in conference with the other body.

Clearly, as I said earlier, we are not going to get to that point, and Mr. COSTELLO has advocated strongly that we consider at an appropriate time moving the legislation separately, and he is the Chair of the Aviation Subcommittee. Mr. MICA has been a strong advocate for early action on this legislation, apart from our authorization bill. Mr. PETRI, the same, and other pilot members of our committee have similarly advocated.

So I think we move ahead with a broad consensus measure that should pass the House readily and hopefully the other body as well.

Mr. Speaker, I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would first like to welcome the chairman of our committee back. It is good to see you standing strong and firm after elective surgery and a couple of weeks hospitalization, and bringing a Christmas present with you to the pilots of our country, especially those who otherwise might be forced to retire if this is unnecessarily delayed.

As you pointed out, we hoped to move it in a timely fashion. A year ago, the international community lowered the standard to 60. Now we are in a transition period, and we hope this passes today and the Senate acts in a speedy fashion, because each day we delay, a few more people's careers are disrupted unnecessarily. So I thank you for scheduling this.

Mr. Speaker, I yield such time as he may consume to the ranking Republican on the Public Works and Transportation Committee, the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, I thank the gentleman for yielding.

First of all, I too want to welcome back Mr. OBERSTAR. Mr. OBERSTAR, he and I have had the great experience of working since 15 years ago when I came to Congress. He was chairman of Aviation. I became the ranking member on the Republican side when he became Chair of the committee.

We had a great year. We probably passed more legislation than any other committee. We passed an historic water resources bill. We actually did, I think, the 107th override of a Presidential veto. We agreed in a bipartisan fashion to invest in our Nation's infrastructure. I am sorry Mr. OBERSTAR wasn't here to see that glorious day.

It is very lonely not having either him fighting with you or not having him here to fight with. But we are pleased he is back, and hopefully had an experienced Republican physician doing all those titanium additions to his spine. But he looks great and we are pleased to have him here.

I am also pleased that through his leadership, and a joint bipartisan effort, and I wrote him on December 5, and I will include this letter as part of the RECORD, saying while I oppose taking other measures out of the pending FAA reauthorization, I want to keep the pressure on, we need to pass that bill, that there is a particular provision whose interest is paramount to that legislation, and that is doing away with an obsolete and unfair FAA mandatory retirement rule that every day is penalizing our pilots. In fact, more than 50 of our Nation's most experienced pilots of commercial airliners are forced to retire.

Now, this bill is entitled the Fair Treatment for Experienced Pilots Act. I would like to also give a personal example of why I think this is important. The title is important. I might even want to amend the title in honor of one of the guys I went to college with, a buddy of mine. His name is Bob Fobes.

Most people in Congress don't know Bob Fobes, but Bob and I were fraternity brothers, went to the University of Florida. Let me tell you, there is nobody more devoted as far as a pilot. I think the only thing that Bob is devoted to, other than his wife Laurie and his family, is flying, and Bob has not failed on any occasion to mention to me that he is going to be affected by this particular outdated rule that was passed nearly a half a century ago when males and females didn't live as long as they do in our society.

So we are addressing something that personally affects folks like Bob Fobes and thousands of other pilots who are dedicated to one of the great professions that has given the world and America in particular a magic carpet to get around to places that people would not have even imagined they could be 50 years ago.

As of November 2006, we also know that foreign airline pilots are allowed to fly up to age 65, so our counterparts across the Atlantic are doing this. The U.S. sets up a double standard, unfortunately, and I think it is a disadvantage to the flying public to, again, not have our most experienced individuals in the cockpit and being able to fly.

As Chairman OBERSTAR pointed out, there are additional protections here for the flying public that these individuals will be subject to, even more medical exams, making certain that they are fit and capable even in these additional years that we grant.

The Freedom to Fly Act, H.R. 1125, was introduced earlier into the Transportation and Infrastructure Committee by one of our outstanding leaders in aviation, also a pilot, ROBIN HAYES, the gentleman from North Carolina, and he has 313 bipartisan sponsors on his legislation. ROBIN HAYES cannot be here, so I also wanted to give credit to not only Chairman OBERSTAR, Mr. COSTELLO and Mr. PETRI, but also ROBIN HAYES, who has worked tirelessly to make certain that this legislation and this particular measure comes before the House.

This is the right thing to do at the right time. I would like to thank again all those who have been involved, and some of the staff members on both sides of the aisle who helped bring this measure forward. I encourage Members to vote "yes" on this very sensible and desperately needed legislation.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, December 5, 2007.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, Washington, DC.

DEAR CHAIRMAN OBERSTAR: It is very clear that legislation to reauthorize the Federal Aviation Administration will not be signed into law before the end of this year. Therefore, I strongly believe it is our obligation and this Committee's responsibility to see to it that our most experienced pilots are permitted to continue flying commercial aircraft.

You and I have both received bipartisan request letters from our colleagues urging passage of legislation to increase the current retirement age for thousands of commercial airline pilots across the country. Moreover, H.R. 1125, The Freedom to Fly Act, has 313 bipartisan cosponsors, including many Members who serve on our Committee.

I look forward to working with you to move a compromise bill before Congress adjourns this session.

Sincerely,

JOHN L. MICA,
Ranking Republican Member.

Mr. OBERSTAR. Mr. Speaker, I yield myself 30 seconds to express my appreciation to Mr. PETRI and Mr. MICA for their good wishes and the welcome back. It is a good feeling to have recovered from rather extensive surgery. I am fond of saying now I have more metal in my neck than in some of my bicycles, because they are carbon fiber and these are titanium rods and screws, and I am learning to live in a different way with this new architecture in my cervical spine. But it is a good feeling to recover use of hands and arms and be able to function fully and normally. I am grateful to both gentlemen for their good wishes and for all those colleagues who sent good wishes and cards and good eats.

Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the Aviation Subcommittee, the gentleman from Illinois (Mr. COSTELLO).

Mr. COSTELLO. Mr. Speaker, I too would like to join our colleagues on the other side the aisle in welcoming our chairman back. Let me say that on this legislation, I think Chairman OBERSTAR, as he always does, has summarized the legislation very well. We have a similar provision in H.R. 2881 that we passed out of the House on September 20, and, unfortunately, as Chairman OBERSTAR indicated, it is pending in the other body.

It makes sense to pass this legislation at this time. We are hopeful that by doing so today that the other body will act quickly and we, in fact, can get this over to the President and signed into law.

☐ 1500

Many changes have taken place since the FAA arbitrarily imposed the age 60 rule in 1960. The age expectancy of a person living in the United States then versus today goes from 60-something-years-old, in the early 1960s, to 77 years today. We have other provisions in the legislation, as Chairman OBERSTAR indicated, on international flights that make certain that there is at least one person in the flight crew 60 years old or under 65. Secondly, we have provisions to make certain that physicals and other health care issues are addressed by pilots that will qualify.

Let me say that I strongly support this legislation. As Chairman OBERSTAR indicated, both Mr. PETRI and Mr. MICA, myself, Mr. HAYES, and other members of the committee have broached this subject and attempted to bring it to the floor before today. I am very pleased that we are moving on this legislation. I urge a "yes" vote.

Mr. PETRI. Mr. Speaker, I urge all of my colleagues to support this needed legislation.

Since 1959, the Federal Aviation Administration, FAA, has required commercial airline pilots to retire at age 60.

This mandatory retirement rule was initially put in place for safety reasons, although some have argued that the FAA had little scientifically backed data in 1959 to support the safety mandate.

In any event, the "Age 60 Rule," as it is known, soon became accepted practice.

For many years the International Civil Aviation Organization, ICAO, also required commercial airline pilots to retire at age 60. However, in November 2006, a new ICAO standard went into effect, allowing a pilot to fly up to age 65, as long as the co-pilot is under age 60.

This change in ICAO standard resulted in an immediate double standard.

Regardless of FAA's policy, as of November 23, 2006, foreign pilots flying into the U.S. are allowed to fly up to age 65, provided the co-pilot is age 60 or younger. Yet, U.S. pilots must retire as soon as they reach 60 years of age.

Clearly, we now have a fairness issue that must be addressed.

This new double standard has caused a groundswell of U.S. pilots close to retirement to push for a similar change to FAA standards.

In response to the change in the ICAO standard, the FAA announced that it would initiate an "Age 60" review and rulemaking process. The FAA no longer assumes that once a pilot reaches age 60 they are automatically unsafe.

All the groups involved have done excellent work to save not only their careers and the careers of their colleagues, but to keep the skies as safe as possible.

The FAA has forecasted that by 2015 the U.S. will have 1 billion passengers flying annually. We also are facing a pilot shortage in the near future.

Clearly, we must do everything we can to ensure that our most experienced pilots are able to continue to fly as long as safety is not compromised.

This legislation provides for additional medical and training requirements for pilots ages 60 through 65 to address any possible safety concerns. It is a well-thought-out bill, which evens the playing field while ensuring aviation safety.

I would like to thank the chairman of the full committee, Mr. OBERSTAR, the ranking member of the Transportation and Infrastructure Committee, Mr. MICA, and the chairman of the Aviation Subcommittee, Mr. COSTELLO, for all their hard work on this long sought after legislation.

This is a good, bipartisan bill, and I encourage members to vote "yes" on H.R. 4343.

I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I do want to join Mr. MICA in sending compliments to Mr. HAYES, a member of our committee, who has been a strong advocate, even before we began our reauthorization legislation, for changing the age. But he along with other pilots on the committee, Mr. BOSWELL, Mr. SALAZAR, formed a united front and a bipartisan front well before we began our work on the FAA reauthorization bill. So we give them joint credit and appreciation for their support from this initiative.

It is our hope in passing this bill today that the other body will act quickly on it without much ado. That would be a great initiative, a great sign of progress at these penultimate hours of the first session of the 110th Congress.

Ms. HIRONO. Mr. Speaker, I rise in support of the Fair Treatment for Experienced Pilots Act of 2007.

This legislation will help address America's pilot shortage and improve airline safety, by enabling experienced pilots to continue flying instead of being forced into retirement.

Every week, 50 of our most experienced pilots are forced to retire as they reach the current mandatory retirement age of 60.

The Fair Treatment of Experienced Pilots Act would raise the retirement age to 65, in recognition that pilots who are 60 are still fully capable of flying. In fact, their experience often makes them better and safer pilots. This commonsense legislation includes requirements for pilots' health, training and evaluation.

Tourism is Hawai'i's major industry, and millions of visitors come to Hawai'i by air every year. We recognize the importance of the airline industry to our visitors as well as our residents who travel often for business, to visit family and friends and go on vacations.

Clearly, having experienced pilots on our nation's airlines is important to Hawai'i and America.

Many of our older pilots are also veterans who served our country in the military. So we are not only talking about the fair treatment of pilots, but also the fair treatment of veterans. Fairness requires us to allow experienced, highly capable pilots to continue flying—and not to be forced into retirement once they turn 60.

This legislation has bipartisan support because it is good policy. This legislation helps airlines and the flying public by improving safety and mitigating the pilot shortage.

As a member of the House Transportation and Infrastructure Committee and the Subcommittee on Aviation, I want to acknowledge the leadership of Chairman OBERSTAR, the sponsor this bill.

I urge my colleagues to join me in support of the Fair Treatment for Experienced Pilots Act of 2007.

Mr. OBERSTAR. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and pass the bill, H.R. 4343.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. OBERSTAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

JOHN F. KENNEDY CENTER REAUTHORIZATION ACT OF 2007

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3986) to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3986

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "John F. Kennedy Center Reauthorization Act of 2007".

SEC. 2. TECHNICAL AMENDMENT.

Section 2(a)(2)(J)(ii) of the John F. Kennedy Center Act (20 U.S.C. 76h(a)(2)(J)(ii)) is amended by striking "Public Works and Transportation" and inserting "Transportation and Infrastructure".

SEC. 3. PHOTOVOLTAIC SYSTEM.

The John F. Kennedy Center Act (20 U.S.C. 76h et seq.) is amended by inserting after section 6 the following:

"SEC. 7. PHOTOVOLTAIC SYSTEM.

"(a) IN GENERAL.—The Board is authorized to study, plan, design, engineer, and construct a photovoltaic system for the main roof of the John F. Kennedy Center for the Performing Arts.

"(b) REPORT.—Not later than 60 days before beginning construction of the photovoltaic system pursuant to subsection (a), the Board shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate on the feasibility and design of the project.".

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Section 13 of the John F. Kennedy Center Act (20 U.S.C. 76r) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

"(a) MAINTENANCE, REPAIR, AND SECURITY.—There are authorized to be appropriated to the Board to carry out section 4(a)(1)(H)—

"(1) $20,200,000 for fiscal year 2008;

"(2) $21,800,000 for fiscal year 2009; and

"(3) $22,500,000 for fiscal year 2010.

"(b) CAPITAL PROJECTS.—There are authorized to be appropriated to the Board to carry out subparagraphs (F) and (G) of section 4(a)(1)—

"(1) $23,150,000 for fiscal year 2008;

"(2) $16,000,000 for fiscal year 2009; and

"(3) $17,000,000 for fiscal year 2010."; and

(2) by redesignating subsection (d) as subsection (e), and by adding after subsection (c) the following:

"(d) PHOTOVOLTAIC SYSTEM.—There are authorized to be appropriated to the Board such sums as may be necessary to carry out section 7, with such sums to remain available until expended.".

SEC. 5. EXISTING AUTHORITIES.

Nothing in this Act shall be construed to limit or affect the authority or responsibility of the National Capital Planning Commission or the Commission of Fine Arts.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material therein.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

The John F. Kennedy Center for the Performing Arts is a national memorial to a fallen President, one of the most loved, respected, and admired Presidents of our history. The John F. Kennedy Center for the Performing Arts was initially proposed as a national cultural center during the tenure of President Dwight Eisenhower. It moved its way through the legislative process and took firm root and forward progress during the brief tenure of President John F. Kennedy and then sprang forward under President Lyndon Johnson. It has become an extraordinary cultural center for the Nation.

Our committee has had the good fortune to hold jurisdiction over the physical facility of the Kennedy Center and of its operations, and we have managed that responsibility very thoroughly and very effectively through the tenure of many previous Chairs of this committee. In particular, in the current context I thank the gentlewoman from the District of Columbia (Ms. NORTON), who is the Chair of the Subcommittee on Economic Development, Public Buildings, and Emergency Management, for her leadership on this bill as well as our ranking member of the full committee, Mr. MICA, and the subcommittee ranking member, Mr. GRAVES, and Mr. PETRI who is here today managing the bill on the Republican side, for crafting what has historically been in our committee bipartisan legislation dealing with the operations of the Kennedy Center.

Since opening its doors September 8, 1971, the Kennedy Center has continued each year to gain national and international renown for its performance arts, programming, and for the education programs at the Kennedy Center that reach out across the Nation so that high schools, colleges, and universities can participate by satellite and live performances or recorded performances at the Kennedy Center.

The center has crossed the threshold in the last couple of years by performing over 3,000 performances, hosting millions of theater-goers, visitors, tourists. But of all of those accomplishments, none matches the international outreach of the Kennedy Center under President Michael Kaiser. In the aftermath of the Iraq war, Michael Kaiser personally traveled to Iraq to meet with the musicians of the Iraqi symphony who were, in many cases, without instruments or had somehow sheltered them from the post-invasion trauma, and secured instruments for them and secured funding to travel the Iraqi symphony to the Kennedy Center to perform jointly with the National Symphony Orchestra, an extraordinary gesture of international brotherhood and sisterhood of the arts.

President Kaiser has traveled to Africa, to the Far East, Japan, China to mobilize interest in the arts, joint initiatives with the Kennedy Center, and has actually established programs of arts management in countries well beyond our shores to help particularly Third World countries where arts have fallen well below the threshold of national concerns where people are more concerned about starvation and disease than they are about the arts. President Michael Kaiser has raised the threshold, raised the vision of arts managers in other countries, and created a great future for the arts wherever he has traveled.

Over the past decade, a great deal of work at the Kennedy Center has focused on life safety and accessibility projects. Many of those are completed. The Kennedy Center's capital building plan, which was updated earlier this year, emphasizes facility infrastructure. Over the next several years, the Kennedy Center will focus on replacing mechanical and electrical systems that consist of original equipment that is well beyond its useful life or should be replaced by more efficient equipment, and we provide authority for that work to continue to prevent failure or breakdown of essential equipment.

The bill before us today authorizes appropriations for maintenance and capital projects of the Kennedy Center for fiscal years 2008 to 2010. For maintenance, repair, and security, the bill authorizes $64.5 million over 3 years. For capital projects, the bill authorizes $56.2 million through 2010. Those are numbers derived from the Kennedy Center's 2006–2007 Comprehensive Building Plan, which has worked its way through the administrative review process within the administration and the Office of Management and Budget.

The bill also authorizes the center to study, plan, design and build a photovoltaic system on the four-acre main roof of the Kennedy Center. That is 140,000 square feet of roof space. A preliminary estimate shows that a photovoltaic system would cost $6 million to build, but would save $10 million over the next 25 years. It is part of the plan of this committee to redirect the energy consumption of our portfolio of Federal civilian office space, for which this committee has responsibility of some 367 million square feet of Federal civilian office space that we can cut down on the electricity bill of $5.8 billion a year at those facilities. We could save the taxpayers a lot of money, and we could save the environment an awful lot of damage by converting to photovoltaic use. A good place to start is with the arts and with the Kennedy Center and with the Department of Energy building in the recently House-passed version of the energy conservation bill.

So this initiative that we require would in itself be a tribute to President Kennedy's longstanding well-known views of environmental protection.

I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of this measure, and I urge my colleagues to do the same.

H.R. 3986, the John F. Kennedy Center Reauthorization Act of 2007, is a bipartisan bill authorizing appropriations for the John F. Kennedy Center for the Performing Arts for 3 years. Additionally, the bill authorizes a photovoltaic system for the main roof of the Kennedy Center.

The Kennedy Center serves an important role in our Nation. Not only is it one of the busiest theaters in the world, hosting millions of patrons each year to its seven stages, but it is first and foremost a presidential memorial for President John F. Kennedy.

Since its founding, the Kennedy Center has become one of the world's premier entertainment venue, featuring award-winning performances.

The funds we are authorizing today will go towards the upkeep and maintenance of the facility. These repairs are in line with the comprehensive building plan maintained by the Kennedy Center and created at the direction of Congress in 1994.

By supporting the regular maintenance and upkeep of the Kennedy Center, we can ensure that the center will continue to be a world-class venue well into the future.

I would also like to thank Chairman OBERSTAR and Chairwoman NORTON, for working with us on this legislation. It was important for the Kennedy Center to report back to Congress before construction begins on the photovoltaic project to ensure adequate congressional oversight of the project.

I believe it is important the photovoltaic project be cost effective and appropriate for a presidential memorial. Thank you again for working with us.

I support this measure and urge my colleagues to do the same.

I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, it is my earnest hope that the other body will act promptly on this legislation. We would certainly like to get the bill enacted before the close of this session of Congress. We intend to pass this bill and send it over to the other body in the hopes that they will simply accept or make such technical or minimal changes as we can accept without the need for a conference with the other body, and send this bill on to the President to get the authorization in place in time for the upcoming budget cycle.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and pass the bill, H.R. 3986, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1515

OVER-THE-ROAD BUS TRANSPORTATION ACCESSIBILITY ACT OF 2007

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3985) to amend title 49, United States Code, to direct the Secretary of Transportation to register a person providing transportation by an over-the-road bus as a motor carrier of passengers only if the person is willing and able to comply with certain accessibility requirements in addition to other existing requirements, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3985

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Over-the-Road Bus Transportation Accessibility Act of 2007".

SEC. 2. REGISTRATION OF MOTOR CARRIERS OF PASSENGERS.

(a) IN GENERAL.—Section 13902(a)(1) of title 49, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (B)(iii);

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following:

"(C) the accessibility requirements established by the Secretary under subpart H of part 37 of title 49, Code of Federal Regulations, or such successor regulations to those accessibility requirements as the Secretary may issue, for transportation provided by an over-the-road bus; and".

(b) CONFORMING AMENDMENTS.—Sections 13902(a)(5) and 13905(d)(1)(A) of such title are each amended by inserting after "Board" the following: "(including the accessibility requirements established by the Secretary under subpart H of part 37 of title 49, Code of Federal Regulations, or such successor regulations to those accessibility requirements as the Secretary may issue, for transportation provided by an over-the-road bus)".

SEC. 3. OVER-THE-ROAD BUS DEFINED.

Section 13102 of title 49, United States Code, is amended by adding at the end the following:

"(27) OVER-THE-ROAD BUS.—The term 'over-the-road bus' means a bus characterized by an elevated passenger deck located over a baggage compartment.".

SEC. 4. DEADLINE FOR IMPLEMENTATION OF REGISTRATION REQUIREMENTS.

Not later than 30 days after the date of enactment of this Act, the Secretary shall take necessary actions to implement the changes required by the amendment made by section 2(a) relating to registration of motor carriers providing transportation by an over-the-road bus.

SEC. 5. COORDINATION WITH THE DEPARTMENT OF JUSTICE.

Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation and the Attorney General shall enter into a memorandum of understanding to delineate the specific roles and responsibilities of the Department of Transportation and the Department of Justice, respectively, in enforcing the compliance of motor carriers of passengers providing transportation by an over-the-road bus (as defined in section 13102 of title 49, United States Code) with the accessibility requirements established by the Secretary under subpart H of part 37 of title 49, Code of Federal Regulations, or such successor regulations to those accessibility requirements as the Secretary may issue. Such memorandum shall recognize the Department of Transportation's statutory responsibilities as clarified by this Act (including the amendments made by this Act).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 3985.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

This legislation will ensure that the motor coach accessibility regulations promulgated by Department of Transportation under the Americans with Disabilities Act are vigorously monitored and actively enforced. A leader in this initiative was our committee colleague, the gentleman from Oregon (Mr. DEFAZIO). His leadership on this initiative is of long standing, his commitment to the handicapped community is well known, and he has been a forceful and vigorous advocate, as has Mr. PETRI, who is the ranking member of the Aviation Subcommittee, and served previously as Chair of the Surface Subcommittee. He is well familiar with the issues presented to our fellow citizens saddled with disabilities.

Under the Americans with Disabilities Act, the DOT was required to adopt a final rule, which they did in 1998, requiring vehicle modifications for intercity buses, charter buses, tour buses, to accommodate individuals with disabilities.

But regulations have to be enforced to be effective, and the Federal Motor Carrier Safety Administration has interpreted the motor carrier statute in a way that limits the agency's ability to assess compliance with over-the-road bus accessibility regulations.

That's not acceptable. We have had quite some discussion about that issue. And, in fact, a new version of the American with Disabilities Act was introduced earlier this year by our majority leader, the gentleman from Maryland (Mr. HOYER) and cosponsored and co-initiated by the gentleman from Wisconsin (Mr. SENSENBRENNER) who has long been a strong advocate for legislation supporting the needs of the handicapped community.

Relying simply on Department of Justice enforcement authority, the FMCSA felt it couldn't take action on violations of its own regulations by over-the-road bus companies. In the U.S. Court of Appeals case, Peter Pan Bus Lines and Bonanza Acquisition, the court rejected the claim that the agency does not have discretion to interpret the law to allow consideration of compliance with ADA. The case was sent back to FMCSA for further review in February of this year.

But again the agency dragged its feet. After 8 months of failure to act, the FMCSA responded to the court in October, but only after Chairman DEFAZIO and I expressed our intent to legislate a solution if the agency did not provide its own plans to comply with ADA requirements.

In the decision, FMCSA defends its position that the agency does not have the authority to enforce the American with Disabilities Act and said, "If Congress intended to expand the fitness criteria to include compliance with additional DOT regulations such as 49 CFR part 37, it presumably would have said so."

Well, we are saying so today. If that's what they think they need, then we are going to make sure they have the authority to do it. There is no excuse for any further delay.

Specifically, the pending bill amends section 13902 of title 49 of U.S. Code to prohibit the Federal Motor Carrier Administration from granting registration authority to motor carrier providing over-the-road bus transportation where that carrier is not willing or able to comply with the accessibility requirements under subpart H of part 37 of title 49, CFR.

This bill will allow DOT to put compliance with ADA on a par with compliance with safety requirements, further clarifying in this legislation that the Secretary may suspend, amend or revoke a motor carrier's registration in the event of willful failure to comply with ADA. And bill further requires DOT and the Justice Department to enter into a memorandum of understanding to clearly define each department's roles and responsibilities in enforcing the provisions of ADA. This was not a new initiative. Some years ago when I chaired the Economic Development Subcommittee and the Investigations and Oversight Subcommittee, my colleague from Pennsylvania, Mr. Klinger, and I required similar memorandum of understanding among three departments who were failing to carry out their responsibility on transportation overlaps.

So what we are doing here in this legislation has precedence of over 20 years ago in a similar issue of transportation.

ADA was enacted 17 years ago. We need to keep our vigilance over its enforcement, make sure that the agency is doing its responsibility to oversight and that the carriers are complying with their responsibility to all members of the traveling public.

Mr. Speaker, I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3985 will level the playing field for all bus and motor carrier companies operating in interstate commerce in this area. The bill deserves support. I urge all of my colleagues to support it.

Mr. Speaker, I rise today to support this important bipartisan bill offered by my colleagues on the Transportation and Infrastructure Committee.

The Over-the-Road Bus Transportation Accessibility Act of 2007 is an important bill for all people who rely on transportation by bus and motorcoaches.

H.R. 3985 requires that all buses and motorcoaches comply fully with the Americans with Disabilities Act, or the "ADA." If not, the U.S. DOT will revoke the company's authority to operate on our interstates and highways.

H.R. 3985 will also require U.S. DOT and the Department of Justice to work together when an ADA violation is discovered. This will ensure that bus and motorcoach companies that violate the ADA will be held accountable for their actions.

It is important to note that this bill is not creating any additional ADA requirements. H.R. 3985 does not change what is currently mandated in the ADA. Bus and motorcoach companies will not have to change their business plans, unless they are not obeying the law.

This bill simply ensures that all carriers comply with the ADA, which is what they are supposed to do anyway. If a bus is not in compliance, it will not be on our roads.

H.R. 3985 will level the playing field for all bus and motorcoach companies operating in interstate commerce. Companies who have ignored the ADA will not have a competitive advantage over the good actors who have spent substantial amounts on lifts and other equipment to make their buses accessible.

I have no further requests for time, and I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and pass the bill, H.R. 3985.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. OBERSTAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HONORING THE ACCOMPLISHMENTS OF BARRINGTON ANTONIO IRVING

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 661) honoring the accomplishments of Barrington Antonio Irving, the youngest pilot and first person of African descent ever to fly solo around the world, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 661

Whereas Barrington Irving was born in 1983 in Kingston, Jamaica, and raised in inner-city Miami, Florida;

Whereas Irving discovered his passion for aviation at the age of 15 when Captain Gary Robinson, a Jamaican airline pilot who has since served as his mentor, took him to tour the cockpit of a Boeing 777;

Whereas Irving overcame financial hardship to pursue his dream to become a pilot by working miscellaneous jobs and working for private aircraft owners in exchange for flying lessons;

Whereas Irving was the recipient of a joint Air Force/Florida Memorial University Flight Awareness Scholarship to cover college tuition and flying lessons for his tireless volunteer efforts and commitment to community service;

Whereas in 2003, Irving contacted companies including aircraft manufacturer Columbia, which agreed to provide him with a plane to fly around the world if he could secure donations and components;

Whereas over several years, Irving visited aviation trade shows throughout the country and secured more than $300,000 of cash and donated components including the engine, tires, cockpit systems, and seats for a Columbia 400, one of the world's fastest single-engine piston airplanes;

Whereas in the process of pursuing his dream of an around the world flight, Irving founded a nonprofit organization in 2005 to address the significant shortage of youth pursuing careers in aviation and aerospace;

Whereas Irving's efforts have garnered widespread community support and sponsorship as an effective model to expose young people and underrepresented groups to opportunities in aviation;

Whereas on March 23, 2007, Irving embarked from Miami, Florida, on a 24,600-mile flight around the world in an airplane named "Inspiration" at 23-years of age while still a senior majoring in aerospace at Florida Memorial University;

Whereas on June 27, 2007, Irving concluded his flight in Miami, Florida, after stopping in 27 cities throughout the world; and

Whereas Irving continues to inspire youth and adults alike with his achievements and work to increase the accessibility of opportunities in aviation and aerospace: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the accomplishments of Barrington Irving, the youngest pilot and first person of African descent ever to fly solo around the world and founder of a nonprofit organization that inspires youth to pursue careers in aviation and aerospace;

(2) encourages young people and minorities to pursue educational opportunities in preparation for careers in aviation and related industries; and

(3) encourages museums throughout the Nation related to aviation to commemorate the historic achievements of Captain Barrington Irving.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H. Res. 661.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Barrington Antonio Irving was the youngest person and the first person of African descent to undertake a 24,600-mile solo flight around the world. His extraordinary accomplishment was brought to the attention of the committee by the passionate appeal for recognition in the form of this resolution by the gentleman from Florida (Mr. HASTINGS), to whom I now yield such time as he may consume.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today with great pleasure to commemorate the achievements of Captain Antonio Barrington Irving, the youngest pilot and first person of African descent to fly solo around the world.

I thank Chairmen OBERSTAR and COSTELLO and Ranking Member PETRI and the distinguished staff for their support and willingness to expedite the consideration of this resolution.

Since we introduced H. Res. 661, my good friend, the gentleman from Florida (Mr. MEEK) and I have been joined by a bipartisan coalition of 43 cosponsors who also share our desire to encourage youth to pursue careers in aviation. It is our hope that recognizing Barrington Irving's achievement will encourage many more youth to reach for the same skies in which he made history.

Barrington Irving was born in Kingston, Jamaica, in 1983, and soon after moved to Miami, Florida. When he was 15 years old, he met Captain Gary Robinson, a Jamaican airline pilot who became a lifelong mentor, inspiring him to fly one day himself.

Enduring the challenges of growing up in inner-city Miami, Irving never let his dreams of becoming a pilot be stifled. He worked miscellaneous jobs to save for lessons, and eventually earned a joint Air Force-Florida Memorial University flight awareness scholarship to study aviation and take professional flying lessons.

Barrington took tremendous steps to pursue his dream in aviation while still a student at Florida Memorial University.

Mr. OBERSTAR, I am sure that a colleague of yours and a mentor of mine when I first came to Congress would be very proud of this young man, William Lehman, who at one time was in the same position as yourself as Chair of Transportation, developed the program at Florida Memorial University which allowed for a significant number of youngsters to achieve status as captains in aviation, many of whom have gone on to become commercial airline pilots and military pilots, and I am sure that Alabama Bill, as some of us know him, would be proud today.

The reason I mention it is this program, when Carrie Meek came to Congress, KENDRICK's mother, she continued the efforts on this program, as did KENDRICK and others. I guess it comes under the heading "earmark," perhaps. And if that is the case, then I continuously urge my colleagues to review the status of things when responsible acts are taking place and they are being made to sound irresponsible because they are identified as earmarks. We need to be very cautious in this institution in that regard because we ignore a lot of time opportunities like in this particular case.

This young man contacted many companies and convinced the aircraft manufacturer Columbia to provide him with a plane to fly around the world if he could secure donations and the components.

☐ 1530

After successfully securing donations, Barrington embarked on a 24,600-mile flight around the world from Opa Locka, Florida on March 23, 2007. Only 23 years of age, he was still a senior, majoring in aerospace, that program that I talked about that Bill Lehman helped to develop at Florida Memorial University, and he was a senior at the time he began this flight.

He traveled the world as an ambassador of aviation, teaching young people in 27 cities around the world about opportunities in aviation and the importance of academics. He returned from his journey on June 27, 2007, concluding his flight at the same small airport from where he began in Miami-Dade County, Florida.

Mr. Speaker and Mr. Chairman, this young man embodied the perseverance and dedication necessary to truly pursue one's dreams.

Barrington Irving deserves praise not only for his achievement, but for the continued community contributions of Experience Aviation, Inc., a nonprofit organization he founded to address the shortage of youth pursuing careers in aviation.

I urge my colleagues to support this resolution. I thank you, Mr. Chairman, Mr. PETRI and the staff as we work on many initiatives to come that will reprioritize opportunities in aviation for our youth and promote achievement in all fields of human endeavor.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

This resolution honors the heroic achievements of Captain Barrington Antonio Irving, the youngest pilot and first person of African American descent to fly solo around the world.

Captain Barrington Irving was born in Jamaica, as was pointed out, in 1983 and raised in Miami, Florida. His lifelong dream was to become a pilot, and this exceptional young man overcame great obstacles to make his dream a reality.

On March 23, 2007, after nearly 4 years of acquiring sufficient funds for his journey, Irving embarked from Miami, Florida, on a 24,600-mile flight around the world in an airplane rightly named Inspiration. At the age of 23, Irving became the youngest person, as well as the first African American pilot, to fly around the world when he returned to Miami on June 27, 2007.

During his 3-month journey, Irving visited with young people in 27 cities around the world encouraging them to enter aviation and stressing the importance of academics.

Captain Barrington Irving is an inspiration and an example that, through perseverance and dedication, anyone can overcome even the greatest obstacles and can achieve their goals.

I am proud to support this legislation. I urge my colleagues to join me in honoring this exceptional young man and commemorating his historic achievement.

I yield back the balance of my time.

Mr. OBERSTAR. I yield myself such time as I may consume to express my great appreciation to the gentleman from Wisconsin and the gentleman from Florida (Mr. MICA). Mr. PETRI has been wonderful to work with on this issue and to acknowledge an extraordinary achievement that the gentleman from Florida (Mr. HASTINGS) has spelled out in such graphic detail, and well said.

Barrington Irving did something truly extraordinary in flying around the world. But more important than the flight was the inspiration he has served and has become for young people, young people younger than him, or his age, who are fascinated with aviation and with aerospace itself.

Mr. Irving established a nonprofit educational organization, created a travel blog for the purpose of empowering young people and encouraging minorities, in particular, to pursue careers in aviation. His around-the-world trip earned widespread community support and sponsorship, but more importantly as an inspiration for young people to aspire to something greater than themselves for the future.

The gentleman from Florida (Mr. HASTINGS) cited the initial investment in the college program that stimulated young Barrington's interest and facilitated his skill in aviation, and appropriately mentioned our former colleague, Bill Lehman, who served as Chair of the Transportation Appropriations Subcommittee, and that brought a very touching memory back to me as I worked with then-Chairman Lehman in my capacity as Chair of the Aviation Subcommittee to resolve a number of complex issues in aviation. He was always gracious and caring and helpful and astute. I appreciate the gentleman's reference.

And let us move quickly to enact this legislation to acknowledge Barrington Antonio Irving's contribution to aviation, an inspiration to young people.

Mr. COSTELLO. Mr. Speaker, H. Res. 661 is a resolution honoring the accomplishments of Barrington Antonio Irving, the youngest pilot and first person of African descent ever to fly solo around the world.

I want to thank our colleague, Mr. HASTINGS of Florida, for introducing this important legislation.

On June 27, 2007, Barrington Irving flew solo around the world to inspire youth, in particular inner-city youth and minority youth, throughout the Nation to consider pursuing careers in aviation and aerospace. In doing so, he became the first African American and youngest pilot to make such an extraordinary trip.

In order to make his dream a reality, he received donations from airplane manufacturers and others, which he used to assemble the plane that carried him around the world. He named his plane "Inspiration" in hopes that his flight would inspire others to reach for their dreams.

In addition to such an amazing accomplishment, Barrington continues to work tirelessly to provide additional resources for young people pursuing careers in the field of aviation.

Mr. Speaker, Mr. Irving is a remarkable man, which should serve as a motivation to us all that dreams can come true if you put your mind and heart into a project. That is why I support H. Res. 661 and urge my colleagues to do the same.

Mr. OBERSTAR. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and agree to the resolution, H. Res. 661, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

HONORING THOSE WHO HAVE VOLUNTEERED TO ASSIST IN THE CLEANUP OF THE NOVEMBER 7, 2007, OIL SPILL IN SAN FRANCISCO BAY

Mrs. TAUSCHER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 853) honoring those who have volunteered to assist in the cleanup of the November 7, 2007, oil spill in San Francisco Bay.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 853

Whereas the oil spill that occurred on November 7, 2007, in the San Francisco Bay resulted in the discharge of between 53,570 and 58,000 gallons of toxic bunker fuel, causing one of the Bay Area's worse environmental disasters;

Whereas 28 beaches were closed and over 1,300 birds so far have been severely impacted by the spill;

Whereas thousands of individuals throughout the San Francisco Bay Area immediately volunteered to assist with the cleanup;

Whereas Bay Area community non-profit organizations, such as San Francisco Connect, have also rallied to support the response and recovery work by supporting these volunteer efforts;

Whereas Bay Area environmental organizations, such as Baykeeper, Save the Bay, and the Bay Institute, have provided invaluable leadership in reporting, assessing, and helping to remediate the damage to the Bay's ecosystem;

Whereas the Pacific Coast Federation of Fishermen's Associations, members of the San Francisco Crab Boat Owners Association, commercial crabbers, and other Bay Area fishermen have all joined the cleanup efforts as well; and

Whereas the city of San Francisco, particularly through its Department of Emergency Management, has significantly contributed to the overall response, bringing considerable resources to bear: Now, therefore, be it

Resolved, That the House of Representatives honors those individuals and organizations who have volunteered to assist in the cleanup of the November 7, 2007, oil spill in one of our Nation's most beloved national treasures, the San Francisco Bay.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. TAUSCHER) and the gentleman from Ohio (Mr. LATOURETTE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

Mrs. TAUSCHER. Mr. Speaker, I rise in strong support of House Resolution 853, introduced by my good friend and distinguished Speaker of the House, NANCY PELOSI.

This resolution honors thousands of volunteers who helped clean up the Bay Area's beaches and wildlife after the harmful oil spill of November 7 of this year. The public's response to 58,000 gallons of fuel polluting the bay typified how the San Francisco Bay community comes together during a crisis. Our Bay Area constituents were eager to volunteer their time and help minimize the negative effects to the Bay Area's fragile ecosystem. For days and days after the spill, they cleaned birds and combed the shoreline for oil residue, and in some cases put their own health at risk in order to protect our bay.

In order to coordinate the volunteer efforts, numerous organizations mobilized their members in support of the cleanup, including Save the Bay, the Fishermen's Association and the Crab Boat Owners. I am so proud of our Bay Area constituents, how much energy they showed, how much passion they showed, and such dedication that they showed to the bay during this environmental disaster. These volunteers deserve recognition from the House of Representatives.

I strongly support House Resolution 853.

Mr. Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, House Resolution 853 honors the efforts of all of those that volunteered to assist the response to the recent oil spill in San Francisco Bay. Last month a cargo vessel collided with a span of the San Francisco Bay Bridge, resulting in a gash to the vessel's hull and the release of approximately 58,000 gallons of fuel oil into the bay.

Following reports of the oil spill, the Coast Guard, with its Federal, State and local government partners, initiated a response to the spill which has resulted in the deployment of 440 personnel and the recovery of more than 4,000 cubic yards of oily solids.

In addition to the critical work performed by the Coast Guard and other government officials, literally thousands of volunteers have assisted in cleanup operations at beaches throughout the San Francisco Bay Area. Volunteers have assisted professional cleanup crews in removing oil from beaches and have reported sightings of oil-affected areas and impaired wildlife to oil spill response personnel.

Additionally, volunteers were required to undergo at least 4 hours of hazardous waste and emergency response training before participating in the cleanup efforts.

I want to commend the Speaker of the House, Ms. PELOSI, and join with her today in thanking these volunteers and honoring their efforts to respond to this unfortunate event.

I also want to take time to thank all of the Federal, State, and local officials for their efforts to contain and minimize the environmental and economic impacts of the spill.

I urge all members to support this resolution.

Mr. Speaker, I reserve the balance of our time.

GENERAL LEAVE

Mrs. TAUSCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H. Res. 853.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. TAUSCHER. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I want to speak personally from my position as someone who lives in the Bay Area. I live on the east bay in Alamo, California, far from where the spill was. But I have to tell you that of the 8 or 9 million people that live in the Bay Area, not one single one was completely unaffected by what happened on this terrible day of November 7. Many of us are deeply concerned that this was an accident that shouldn't have happened, that this was something that may have been prevented. And I have to commend the Speaker and the delegation from the Bay Area for moving very quickly on a bipartisan basis to begin hearings to be sure that we actually know what exactly happened so that it can be prevented in the future. But today we're really here to celebrate the thousands of Bay Area members that came forward so quickly to volunteer to assist in the cleanup of the bay at a time when it was in great jeopardy, at a time when they put their own health at risk when, for many of them, it was as simple as just going down the road to the beach near their house and attempting to do whatever kind of cleanup they could have.

The environmental impact of the spill is still being felt, and certainly for the wildlife of the Bay Area, it is still a question of how many will survive in the long term. When you have this kind of bunker oil, which is pretty toxic stuff, come into the bay and flow on to these wild fowl and other animals, it puts them in great jeopardy.

We believe that in San Francisco the bay is a national treasure. We believe it is not only a source of environmental pride, but it is also a place where many thousands of San Franciscans and Bay Area people work. We have obviously a very big crab industry, a big fishing industry; and tourism, of course, is a big part of what we do in the Bay Area. So we are deeply concerned about what happened on November 7.

But I think that this is a good time to celebrate the activism and the volunteerism of people of the Bay Area and the San Francisco area.

Mr. Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I would advise my friend and colleague from California that I have no further speakers at this time and would reserve until she finds herself in a similar position.

Mrs. TAUSCHER. The Speaker became as concerned as we all were immediately upon hearing about this, and brought the California Bay Area delegation together to understand what we can do in our Federal capacity to move this issue. And it was the Speaker's intention today to speak about the volunteerism of the Bay Area people. Her speech will be in the RECORD.

At this time I ask all of my colleagues to support H. Res. 853.

Mr. Speaker, I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, again I yield myself such time as I might consume just simply to thank the honorable Speaker of the House for introducing this resolution and, again, to commend the selfless acts, thousands of selfless acts of the volunteers in the San Francisco Bay Area, also my good friend on the Transportation Committee, Mrs. TAUSCHER, for her stewardship of this bill. I urge passage.

Ms. PELOSI. Mr. Speaker, on behalf of my constituents in San Francisco and my colleagues in the Bay Area delegation, I want to thank Chairmen OBERSTAR and CUMMINGS, and Ranking Members MICA and LATOURETTE, for their cooperation in bringing this resolution to the floor.

The San Francisco Bay is one of Northern California's most precious resources. Its biodiversity and fundamental role in commerce and recreation make it essential to the vitality of the entire Bay Area.

The Bay is special to San Franciscans. We bring our kids and grandkids here to play and learn about the environment. We surf and sail. And we appreciate the precious ecosystem that exists on the beaches, in the estuaries, under the water, and in the nearby National Marine Sanctuary—the Gulf of the Farallones. So protection of this Bay—its safety and its health—has always been a high priority. Any harm to the Bay is a serious matter, and when disaster struck on November 7th our community was quick to respond.

Thousands of Bay Area residents immediately volunteered to clean beaches, rescue wildlife and undo the damage caused by this devastating spill. City officials worked with federal authorities on a volunteer management agreement to train and deploy local volunteers who were qualified to assist with difficult shoreline and wildlife recovery efforts. As a result, over 1,000 members of the Bay Area community were quickly trained and credentialed.

In addition, community non-profit organizations such as San Francisco Connect and the San Francisco Volunteer Center rallied support; environmental organizations like Baykeeper, Save the Bay and the Bay Institute offered their expertise; and the Pacific Coast Federation of Fishermen's Associations, members of the San Francisco Crab Boat Owners Association, commercial crabbers and other Bay Area fishermen offered their equipment and experience.

Today's resolution honors all of the individuals, organizations and officials who volunteered their time, their skills and their energy in response to this disaster. Their commitment to both the environment and their community saved wildlife from oil residue, protected the Bay's ecosystem and made our beaches safe again for Bay Area families.

As it says in the Bible, 'to minister to God's creation is an act of worship. To ignore those needs is to dishonor the God who made us.'

To all of those who ministered to the Bay, I thank you as a San Franciscan, as one who is honored to represent our great city in this House, and as Speaker of the House.

Mr. FARR. Mr. Speaker, I rise today in support of House Resolution 853 honoring those who have volunteered to assist in the cleanup of the November 7, 2007 oil spill in San Francisco Bay.

My district lies roughly 50 miles south of the area affected by the oil spill. Even though they were not directly affected by the spill, the institutions and people in my district offered their help and support to their northern neighbors. The Marine Wildlife Center at the Long Marine Lab in Santa Cruz treated birds injured by this spill, the NOAA Weather Service in Monterey played a pivotal role in providing wind and sea forecasts necessary to predict the spill's trajectory and assist in containment, and local organizations such as the Santa Cruz Surfrider Chapter organized volunteers to assist cleanup efforts in the San Francisco Bay.

I am proud of all of the people who unselfishly volunteered to assist the cleanup. Their unselfish response to this environmental disaster highlights just how important marine resources are to our communities. But, despite our best intentions "business as usual" is killing our oceans. We can no longer rely on the generosity of the citizens of this country to clean up the mess created by big business and poor governance.

When my constituents invest their valuable time to take care of the environment, I take notice. Actions speak louder than words, and with their actions in November, the people of the Central Coast are asking us to do more to ensure that we protect the environment while we conduct our business. If there is one thing that this oil spill shows, it is that if we don't make protecting the environment a higher priority, it will come back to haunt us . . . look at climate change.

Ms. WOOLSEY. Mr. Speaker, we were reminded about just how fragile our waterways are when a ship ran into the San Francisco-Oakland Bay Bridge and spilled 58,000 gallons of oil into the San Francisco Bay. The spill spread and soiled the pristine beaches of Marin County, in my district. It also threatened the Point Reyes seashore and restoration projects in Richardson Bay and San Pablo Bay.

Thousands of volunteers, including many of my constituents, spent countless hours cleaning up. Fishermen volunteered their boats and their time to help with clean up efforts. Without their help, the cleanup efforts would have taken much longer, more birds could have died, and more of the oil would have been unrecoverable.

Unfortunately, not enough training sessions were offered and many potential volunteers were turned away from helping with the clean up efforts because they lacked the necessary training. We need to learn from this and provide more training opportunities and better utilize potential volunteers.

As we move forward, we must also look into new technologies to prevent spills and protect water and beaches. In Marin County, booms across Bolinas Lagoon and Drakes Estero failed and left these areas vulnerable to oil spill contamination. We need to ensure that we have enough equipment to respond quickly and effectively, especially for areas somewhat distant from spill mobilization centers. We also need to ensure that we have enough people trained to handle this equipment and manage the response efforts at these sites.

Thank you, Speaker PELOSI and Representative TAUSCHER for your leadership on this resolution. Thank you to my constituents and to all the volunteers who assisted with clean up efforts.

Mr. LANTOS. Mr. Speaker, I rise today in support of H. Res. 853 and to honor those selfless individuals who volunteered to help cleanup the recent San Francisco Bay oil spill.

On November 7, a cargo vessel inexplicably collided with the San Francisco Bay Bridge, spilling more than 58,000 gallons of toxic bunker fuel and causing one of the worst environmental disasters the region has ever seen. The impact on wildlife and surrounding beaches has been extremely detrimental, with over 28 beaches closing and severely impacting wildlife all around the bay.

However, in a strong testament to the American spirit, through this disaster we saw resolve and self-sacrifice. I am extremely proud of the thousands of individuals from around the area who immediately volunteered to assist with the cleanup. Bay Area non-profit community organizations like San Francisco Connect have supported the response and recovery of volunteers, while Bay Area environmental organizations like Baykeeper, Save the Bay, and the Bay Institute have provided invaluable leadership in assessing the damage and remediating this beautiful ecosystem.

Specifically, I want to recognize two of my constituents, Lynn Adams and Deborah Nagle-Burks who, with the Pacifica Beach Coalition, solicited volunteers while working through red tape to make sure anyone who wanted to participate in the clean-up was able to. They remain involved, and have advocated for a proactive approach to training volunteers before a spill occurs so that the response of local citizens can be faster and the damage limited.

In addition, the Pacific Coast Federation of Fishermen's Associations, members of the San Francisco Crab Boat Owners Association, commercial crabbers, and other Bay Area fishermen have all joined the cleanup efforts, making an indelible contribution.

The collaborative effort of state and local agencies deserves our thanks as well. The City of San Francisco, particularly through its Department of Emergency Management, has significantly contributed to the overall response.

Mr. Speaker, we owe a deep debt of gratitude to all the volunteers who have given their time, the fishermen who have given their boats, and the first responders who have given their expertise to this clean up. Without the extraordinary efforts of these men and women it is certain the scope of damage to the fragile Bay ecosystem would be even greater than what we face today.

I will never cease to be proud and amazed by the dedication of my constituents and of the American people. This why I rise in very strong support of H. Res. 853. It is my hope that this resolution will be swiftly passed and the selfless individuals who volunteered to clean up the oil spill will be duly recognized.

Mr. CUMMINGS. Mr. Speaker, I rise today in strong support of H. Res. 853, authored by Speaker of the House NANCY PELOSI to honor those who volunteered to help clean up the thousands of gallons of oil spilled from the COSCO BUSAN after it collided with the San Francisco-Oakland Bay Bridge on November 7, 2007.

As Chairman of the Subcommittee on Coast Guard and Maritime Transportation, I chaired a special hearing of the Subcommittee in San Francisco to take a comprehensive look at the circumstances surrounding that terrible oil spill.

I know that San Francisco Bay is as near to the hearts of local residents as the Chesapeake Bay is to Maryland residents, and I know that it was a love for the Bay, its wildlife, and its sensitive environmental areas that motivated local residents to volunteer to join the effort to protect these resources from the 58,000 gallons of oil headed toward them.

Unfortunately, a number of the organizational difficulties that plagued the initial response to this spill appear to have also affected the deployment of volunteers in the area.

We await the results of a number of ongoing investigations of this oil spill—including studies being conducted by the Coast Guard itself, the National Transportation Safety Board and, at the request of the Speaker and myself, the Inspector General of the Department of Homeland Security.

As results become available, we are committed to making whatever changes are needed to ensure that the lessons learned from this tragedy inform preparations for the next oil spill—which we know will come.

Mr. Speaker, I urge adoption of H. Res. 853 and I again commend Speaker PELOSI, Congresswoman TAUSCHER, and the entire Bay Area Delegation for their leadership on this issue.

I also commend the many organizations and individuals throughout the San Francisco Bay region who volunteered to respond to this spill.

Mr. LaTOURETTE. Mr. Speaker, I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. TAUSCHER) that the House suspend the rules and agree to the resolution, H. Res. 853.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

☐ 1545

PROVIDING FOR CONCURRENCE BY HOUSE WITH AMENDMENTS IN SENATE AMENDMENT TO H.R. 797, DR. JAMES ALLEN VETERAN VISION EQUITY ACT OF 2007

Mr. FILNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 855) providing for the concurrence by the House in the Senate amendment to H.R. 797, with amendments.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 855

Resolved, That upon the adoption of this resolution the bill (H.R. 797) entitled "An Act to amend title 38, United States Code, to improve compensation benefits for veterans in certain cases of impairment of vision involving both eyes, to provide for the use of the National Directory of New Hires for income verification purposes, to extend the authority of the Secretary of Veterans Affairs to provide an educational assistance allowance for qualifying work study activities, and to authorize the provision of bronze representations of the letter 'V' for the graves of eligible individuals buried in private cemeteries in lieu of Government-provided headstones or markers.", with the Senate amendment thereto, shall be considered to have been taken from the Speaker's table to the end that the Senate amendment thereto be, and the same is hereby, agreed to with the following amendments:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Dr. James Allen Veteran Vision Equity Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—LOW-VISION BENEFITS MATTERS

Sec. 101. Modification of rate of visual impairment for payment of disability compensation.
Sec. 102. Improvement in compensation for veterans in certain cases of impairment of vision involving both eyes.

TITLE II—MATTERS RELATING TO BURIAL AND MEMORIAL AFFAIRS

Sec. 201. Provision of medallion or other device for privately-purchased grave markers.
Sec. 202. Improvement in provision of assistance to States relating to the interment of veterans in cemeteries other than national cemeteries.
Sec. 203. Modification of authorities on provision of Government headstones and markers for burials of veterans at private cemeteries.

TITLE III—OTHER MATTERS

Sec. 301. Use of national directory of new hires for income verification purposes for certain veterans benefits.
Sec. 302. Extension of authority of Secretary of Veterans Affairs to provide an educational assistance allowance to persons performing qualifying work-study activities.

TITLE I—LOW-VISION BENEFITS MATTERS

SEC. 101. MODIFICATION OF RATE OF VISUAL IMPAIRMENT FOR PAYMENT OF DISABILITY COMPENSATION.

Section 1114(o) of title 38, United States Code, is amended by striking "5/200" and inserting "20/200".

SEC. 102. IMPROVEMENT IN COMPENSATION FOR VETERANS IN CERTAIN CASES OF IMPAIRMENT OF VISION INVOLVING BOTH EYES.

Section 1160(a)(1) of title 38, United States Code, is amended—

(1) by striking "blindness" both places it appears and inserting "impairment of vision";

(2) by striking "misconduct;" and inserting "misconduct and—"; and

(3) by adding at the end the following new subparagraphs:

"(A) the impairment of vision in each eye is rated at a visual acuity of 20/200 or less; or

"(B) the peripheral field of vision for each eye is 20 degrees or less;".

TITLE II—MATTERS RELATING TO BURIAL AND MEMORIAL AFFAIRS

SEC. 201. PROVISION OF MEDALLION OR OTHER DEVICE FOR PRIVATELY-PURCHASED GRAVE MARKERS.

Section 2306(d) of title 38, United States Code, is amended by adding at the end the following new paragraph:

"(5) In lieu of furnishing a headstone or marker under this subsection, the Secretary may furnish, upon request, a medallion or other device of a design determined by the Secretary to signify the deceased's status as a veteran, to be attached to a headstone or marker furnished at private expense.".

SEC. 202. IMPROVEMENT IN PROVISION OF ASSISTANCE TO STATES RELATING TO THE INTERMENT OF VETERANS IN CEMETERIES OTHER THAN NATIONAL CEMETERIES.

(a) REPEAL OF TIME LIMITATION FOR STATE FILING FOR REIMBURSEMENT FOR INTERMENT COSTS.—

(1) IN GENERAL.—The second sentence of section 3.1604(d)(2) of title 38, Code of Federal Regulations, shall have no further force or effect as it pertains to unclaimed remains of a deceased veteran.

(2) RETROACTIVE APPLICATION.—Paragraph (1) shall take effect as of October 1, 2006 and apply with respect to interments and inurnments occurring on or after that date.

(b) GRANTS FOR OPERATION AND MAINTENANCE OF STATE VETERANS' CEMETERIES.—

(1) IN GENERAL.—Subsection (a) of section 2408 of title 38, United States Code, is amended to read as follows:

"(a)(1) Subject to subsection (b), the Secretary may make a grant to any State for the following purposes:

"(A) Establishing, expanding, or improving a veterans' cemetery owned by the State.

"(B) Operating and maintaining such a cemetery.

"(2) A grant under paragraph (1) may be made only upon submission of an application to the Secretary in such form and manner, and containing such information, as the Secretary may require.".

(2) LIMITATION ON AMOUNTS AWARDED.—Subsection (e) of such section is amended—

(A) by inserting "(1)" before "Amounts"; and

(B) by adding at the end the following new paragraph:

"(2) In any fiscal year, the aggregate amount of grants awarded under this section for the purposes specified in subsection (a)(1)(B) may not exceed $5,000,000.".

(3) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (b)—

(i) by striking "Grants under this section" and inserting "A grant under this section for a purpose described in subsection (a)(1)(A)"; and

(ii) by striking "a grant under this section" each place it appears and inserting "such a grant";

(B) in subsection (d), by striking "to assist such State in establishing, expanding, or improving a veterans' cemetery"; and

(C) in subsection (f)(1), by inserting ", or in operating and maintaining such cemeteries," after "veterans' cemeteries".

(4) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall prescribe regulations to carry out the amendments made by this subsection.

SEC. 203. MODIFICATION OF AUTHORITIES ON PROVISION OF GOVERNMENT HEADSTONES AND MARKERS FOR BURIALS OF VETERANS AT PRIVATE CEMETERIES.

(a) REPEAL OF EXPIRATION OF AUTHORITY.—Subsection (d) of section 2306 of title 38, United States Code, as amended by section 201, is further amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraphs (4) and (5), as added by that section, as paragraphs (3) and (4), respectively.

(b) RETROACTIVE EFFECTIVE DATE.—Notwithstanding subsection (d) of section 502 of the Veterans Education and Benefits Expansion Act of 2001 (Public Law 107-103; 115 Stat. 995; 38 U.S.C. 2306 note) or any other provision of law, the amendments made by that section and by subsections (a), (b), (c), (d), and (f) of section 402 of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109-461; 120 Stat. 3429) shall take effect as of November 1, 1990, and shall apply with respect to headstones and markers for the graves of individuals dying on or after that date.

TITLE III—OTHER MATTERS

SEC. 301. USE OF NATIONAL DIRECTORY OF NEW HIRES FOR INCOME VERIFICATION PURPOSES FOR CERTAIN VETERANS BENEFITS.

(a) AUTHORITY FOR INFORMATION COMPARISONS AND DISCLOSURES OF INFORMATION TO ASSIST IN ADMINISTRATION OF CERTAIN VETERANS BENEFITS.—Section 453(j) of the Social Security Act (42 U.S.C. 653(j)) is amended by adding at the end the following new paragraph:

"(11) INFORMATION COMPARISONS AND DISCLOSURES TO ASSIST IN ADMINISTRATION OF CERTAIN VETERANS BENEFITS.—

"(A) FURNISHING OF INFORMATION BY SECRETARY OF VETERANS AFFAIRS.—Subject to the provisions of this paragraph, the Secretary of Veterans Affairs shall furnish to the Secretary, on such periodic basis as determined by the Secretary of Veterans Affairs in consultation with the Secretary, information in the custody of the Secretary of Veterans Affairs for comparison with information in the National Directory of New Hires, in order to obtain information in such Directory with respect to individuals who are applying for or receiving—

"(i) needs-based pension benefits provided under chapter 15 of title 38, United States Code, or under any other law administered by the Secretary of Veterans Affairs;

"(ii) parents' dependency and indemnity compensation provided under section 1315 of title 38, United States Code;

"(iii) health care services furnished under subsections (a)(2)(G), (a)(3), or (b) of section 1710 of title 38, United States Code; or

"(iv) compensation paid under chapter 11 of title 38, United States Code, at the 100 percent rate based solely on unemployability and without regard to the fact that the disability or disabilities are not rated as 100 percent disabling under the rating schedule.

"(B) REQUIREMENT TO SEEK MINIMUM INFORMATION.—The Secretary of Veterans Affairs shall seek information pursuant to this paragraph only to the extent necessary to verify the employment and income of individuals described in subparagraph (A).

"(C) DUTIES OF THE SECRETARY.—

"(i) INFORMATION DISCLOSURE.—The Secretary, in cooperation with the Secretary of Veterans Affairs, shall compare information in the National Directory of New Hires with information provided by the Secretary of Veterans Affairs with respect to individuals described in subparagraph (A), and shall disclose information in such Directory regarding such individuals to the Secretary of Veterans Affairs, in accordance with this paragraph, for the purposes specified in this paragraph.

"(ii) CONDITION ON DISCLOSURE.—The Secretary shall make disclosures in accordance with clause (i) only to the extent that the Secretary determines that such disclosures do not interfere with the effective operation of the program under this part.

"(D) USE OF INFORMATION BY SECRETARY OF VETERANS AFFAIRS.—The Secretary of Veterans Affairs may use information resulting from a data match pursuant to this paragraph only—

"(i) for the purposes specified in subparagraph (B); and

"(ii) after removal of personal identifiers, to conduct analyses of the employment and income reporting of individuals described in subparagraph (A).

"(E) REIMBURSEMENT OF HHS COSTS.—The Secretary of Veterans Affairs shall reimburse the Secretary, in accordance with subsection (k)(3), for the costs incurred by the Secretary in furnishing the information requested under this paragraph.

"(F) CONSENT.—The Secretary of Veterans Affairs shall not seek, use, or disclose information under this paragraph relating to an individual without the prior written consent of such individual (or of a person legally authorized to consent on behalf of such individual).

"(G) EXPIRATION OF AUTHORITY.—The authority under this paragraph shall expire on September 30, 2011.".

(b) AMENDMENTS TO VETERANS AFFAIRS AUTHORITY.—

(1) IN GENERAL.—Chapter 53 of title 38, United States Code, is amended by inserting after section 5317 the following new section:

"§ 5317A. Use of income information from other agencies: independent verification required before termination or reduction of certain benefits and services

"(a) INDEPENDENT VERIFICATION REQUIRED.—The Secretary may terminate, deny, suspend, or reduce any benefit or service specified in section 5317(c), with respect to an individual under age 65 who is an applicant for or recipient of such a benefit or service, by reason of information obtained from the Secretary of Health and Human Services under section 453(j)(11) of the Social Security Act, only if the Secretary takes appropriate steps to verify independently information relating to the individual's employment and income from employment.

"(b) OPPORTUNITY TO CONTEST FINDINGS.—The Secretary shall inform each individual for whom the Secretary terminates, denies, suspends, or reduces any benefit or service under subsection (a) of the findings made by the Secretary under such subsection on the basis of verified information and shall provide to the individual an opportunity to contest such findings in the same manner as applies to other information and findings relating to eligibility for the benefit or service involved.

"(c) SOURCE OF FUNDS FOR REIMBURSEMENT TO SECRETARY OF HEALTH AND HUMAN SERVICES.—The Secretary shall pay the expense of reimbursing the Secretary of Health and Human Services in accordance with section 453(j)(11)(E) of the Social Security Act, for the cost incurred by the Secretary of Health and Human Services in furnishing information requested by the Secretary under section 453(j)(11) of such Act, from amounts available to the Department for the payment of compensation and pensions.

"(d) EXPIRATION OF AUTHORITY.—The authority under this section shall expire on September 30, 2011.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 5317 the following new item:

"5317A. Use of income information from other agencies: independent verification required before termination or reduction of certain benefits and services.".

SEC. 302. EXTENSION OF AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO PROVIDE AN EDUCATIONAL ASSISTANCE ALLOWANCE TO PERSONS PERFORMING QUALIFYING WORK-STUDY ACTIVITIES.

Section 3485(a)(4) of title 38, United States Code, is amended by striking "June 30, 2007" each place it appears and inserting "June 30, 2010".

Amend the title so as to read: "An Act to amend title 38, United States Code, to improve low-vision benefits matters, matters relating to burial and memorial affairs, and other matters under the laws administered by the Secretary of Veterans Affairs, and for other purposes.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Colorado (Mr. LAMBORN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, I rise in support of the Dr. James Allen Veteran Vision Equity Act of 2007.

I was glad to be able to work with my colleagues on the Committee on Veterans' Affairs, on both sides of the aisle and in both Houses, to get here. I want to thank Mr. RANGEL and his staff for their guidance on the provision that fell under the jurisdiction of the Ways and Means Committee.

I especially want to thank our colleague from Madison, Wisconsin, Congresswoman Tammy Baldwin, who led the effort for this, who got it to the floor today and who will explain it in whatever detail she thinks is important.

I note that this bill was previously introduced in the last Congress; however, it never became law. I am glad this Congress has the opportunity to do more for our blind and vision impaired veterans.

The Dr. James Allen Veteran Vision Equity Act of 2007, named after a noted physician and ocular pioneer who worked for over 35 years in the VA, would allow veterans who receive veterans' disability compensation for impairment of vision in one eye to be eligible to receive additional disability compensation for impairment of vision in the eye that is not service-connected, where the impairment in each eye is to a visual acuity of 20/200 or less or of a peripheral field of 20 degrees or less (the definition of "legal blindness" adopted by all 50 states and the Social Security Administration.)

H.R. 797 also directs the Secretary of Veterans Affairs and the Secretary of Health and Human Services to match and compare VA needs-based pension benefits data, parents' dependency and indemnity compensation data, health-care services data, and unemployability compensation data with the National Directory of New Hires maintained by DHHS, for the purpose of determining eligibility for such benefits and services.

It would also authorize $5 million for establishing, improving and expanding for the operation and maintenance of state-owned veterans' cemeteries. Additionally, the bill will repeal the time limitation for States to file for reimbursement costs for interring unclaimed veterans' remains, making it retroactive to October 1, 2006.

Finally, this measure extends the authorization of the veterans work study program until 2010.

This bill affects an estimated 5 percent of the 13,109 veterans who have service-connected blindness or loss of vision in one eye. As of September 17, 2007, 1,129 service members have sustained serious eye wounds in combat according to the Defense Armed Forces Institute of Surgical Pathology (any of which may later lead to blindness).

Also, it is reported that many of the over 4,400 traumatic brain-injured OIF/OEF servicemembers will likely suffer from serious vision-related complications and at least 57 percent of all eye injuries of this war are caused by IED explosions.

Walter Reed Army Medical Center alone has treated close to 540 Operation Enduring Freedom/Operation Iraqi Freedom service members for visual injuries and over 230 of our soldiers unfortunately have sustained legal blindness in one eye.

It is worth noting, that in 2002, Congress passed and the President signed Public Law 107–330, which included a provision to correct a similar deficiency in the Paired Organ law for hearing loss. In 2006, the Committee on Veterans' Affairs held a legislative hearing and received favorable testimony on H.R. 2963, a bill similar to H.R. 797. In that hearing, the VA supported H.R. 2963.

This is important and meaningful legislation for our men and women in uniform—who have fought and are fighting for our country.

I urge my colleagues to support passage of this resolution and urge swift consideration of the Dr. James Allen Veteran Vision Equity Act of 2007 by the Senate before the end of this session of Congress.

Mr. Speaker, I yield whatever time she may consume to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Speaker, I thank Chairman FILNER.

I rise in strong support of H. Res. 855, the Dr. James Allen Veteran Vision Equity Act that I introduced earlier this year. This bill fixes an inequity in the current paired organ statute that has resulted in a denial of appropriate disability compensation to blinded veterans.

Congress has rightly recognized that some human organs or limbs are designed to work in pairs: legs, hands, kidneys, lungs, ears and, of course, eyes. In the instance of eyes, blindness in one eye profoundly affects depth perception even if sight is fully retained in the other eye. The paired organ statute was written to assist those veterans who experience a service-connected loss of a paired organ or limb. The statute recognizes the interdependency of paired organs and endeavors to treat the combined disability created by a nonservice-connected loss, injury or degeneration of the remaining paired organ or limb as though it was the result of a service-connected disability. In general, the paired organ statute accomplishes this task, with the exception of its treatment of eyes and loss of sight.

I want to share with you the story of Dr. James Allen, after whom this legislation is named. Dr. Allen is a professor of ophthalmology at the University of Wisconsin School of Medicine in my district. He has worked at the Veterans Affairs Hospital for 33 years and treated numerous eye patients, including veterans who are blind.

One example is Mr. Donald May. Don is a World War II veteran who lost his right eye in a hand grenade explosion. A few years ago, Mr. May became legally blind in the nonservice-connected left eye. He applied to the Department of Veterans Affairs for help and was denied further benefits. He was told that the current law in regard to paired organs did not apply to him, even though he was legally blind in his service-connected right eye.

After Dr. Allen brought the plight of his patients to my attention, I began to research why these veterans were being denied the benefits I felt they deserved, benefits that I believe Congress intended to grant them. Through my work with the Blinded Veterans Association, we discovered that while the current paired organ statute covers blindness, in practice few, if any, veterans have ever been able to qualify for such compensation.

In theory, the statute provides that a veteran who is service-connected for blindness in one eye could qualify for additional disability compensation if they become blind in the remaining eye for nonservice-connected reasons. However, the statute does not define the term "blindness," nor is any provision made for impairment of vision in the nonservice-connected eye short of blindness.

Rather than using visual acuity of 20/200 or loss of field of vision to 20 degrees as the definition of legal blindness that has been adopted by all 50 States and the Social Security Administration, the Department of Veterans Affairs uses a much more restrictive definition, 5/200, as a rating for legal blindness, which in rough layman's term is the equivalent of having an eye with light perception only. As a result, few, if any, blinded veterans are able to qualify for additional compensation under the paired organ statute.

H. Res. 855, the Dr. James Allen Veterans Vision Equity Act, fixes this problem. It defines blindness as impairment of vision where the impairment is to a visual acuity of 20/200 or less or of a peripheral field loss of vision of 20 degrees or less. This change in the law would only affect a small percentage, estimated to be roughly 5 percent of the 13,000-plus veterans who are service-connected for loss of vision in one eye. Yet such a change would send a powerful message that our Nation's blinded veterans and the hardships that they have faced are not forgotten.

Indeed, our Nation's blinded veterans face significant challenges in the labor market. The National Institute on Disability and Rehabilitation Research found that for individuals with visual impairments, to the extent that they are unable to read letters, the employment rate is only 30.8 percent, compared to 82.1 percent for those without disability.

I want to mention that this resolution complies with the PAYGO rules. The costs associated with H. Res. 855 are fully offset. This bill directs the Secretary of Veterans Affairs and the Secretary of Health and Human Services to match and compare VA needs-based pension benefits data, parents' dependency and indemnity compensation data, health care services data and unemployability compensation data with the National Directory of New Hires maintained by DHHS, for the purpose of determining eligibility for such benefits and services. According to the GAO, such data matching will help reduce fraud and abuse within the VA system as it determines eligibility and benefits to those veterans thought to be unemployable but are indeed working.

I would like to just thank Chairman FILNER, Subcommittee Chairman JOHN HALL, as well as Congressmen JOHN BOOZMAN and VIC SNYDER for their unwavering support of this bill. I also want to thank the staff of the Veterans' Affairs Committee for their help in advancing this legislation.

H. Res. 855 is a modest but important step in restoring fair treatment to those veterans blinded due to their service to our country and to further our commitment to them. Their sacrifices and their service to this Nation should be matched by our desire to improve the quality of life for them and their families.

Earlier this year, the Blinded Veterans Association had found over 200 soldiers returning from Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom who are blinded in one eye due to their service-related injuries. They could be benefited in the future by this legislation.

I strongly encourage all my colleagues to support H. Res. 855.

Mr. LAMBORN. Mr. Speaker, I rise in strong support of H. Res. 855, which would amend H.R. 797, the Dr. James Allen Veterans Vision Equity Act, as amended by the other body. I would like to thank my colleagues, Chairman FILNER, Ranking Member BUYER, Mr. BOOZMAN of Arkansas and Ms. BALDWIN of Wisconsin, for their efforts on this bill. On March 21 of this year, this body passed H.R. 797 with a unanimous vote of 424–0, and I am pleased to support it.

The first title of this resolution would allow veterans who receive veterans disability compensation for impairment of vision in one eye to be eligible to receive additional disability compensation for impairment of vision in the eye that is not service connected. This eligibility includes situations where the impairment in each eye is to a visual acuity of 20/200 or less, or of a peripheral field loss of 20 degrees or less. This is the same definition of legal blindness adopted by all 50 States and the Social Security Administration.

Title II of H.R. 797 incorporates several sections of H.R. 2696, the Veterans Dignified Burial Assistance Act of 2007, which I introduced in June to improve VA burial benefits and State veterans cemeteries.

From time to time, Mr. Speaker, a State locates the remains of veterans who were not interred at the time of their death for various reasons. When States inter these veterans, they cannot be reimbursed by VA because of the time limit on reimbursement costs. This legislation would repeal this limitation and helps ensure that all veterans will receive a proper interment with the honor and respect that they have earned.

Title II would also authorize the Secretary of the VA to make additional grants to States for improving and expanding State veteran cemeteries. States would be required to submit an application to the Secretary for this funding, of which the aggregate amount authorized for all State grants is $5 million.

The final provision of title II would provide families with the option of placing a medallion on a deceased veteran's grave denoting veteran status, in lieu of a VA headstone for graves already marked by a private marker.

Mr. Speaker, many private cemeteries do not allow a second marker on a grave site because it complicates routine maintenance. Therefore, a medallion would identify a veteran's grave in a manner that would be universally acceptable and would meet the family's desire to honor the deceased veteran and will be one more reminder to everybody of the sacrifices made by veterans. This provision is very similar to an amendment that I offered at the full committee markup of H.R. 797, and I'm very pleased to support it again now.

While not the specific intent of the provision, veterans' families may benefit financially from this measure. Currently, VA offers second markers for veterans' graves that already have a privately procured marker. While there is no cost for the markers, mounting of these second markers is at the family's expense, usually several times the cost of the stone itself. Since the new medallion could be applied directly to the current marker with an industrial-grade adhesive, families will be able to apply the medallion on their own, allowing them to avoid significant mounting costs.

Mr. Speaker, title III of the resolution extends the use of the New Hires Act and would save the government money by allowing the Secretary of Veterans Affairs to consult with the Secretary of Health and Human Services regarding unemployment compensation data in order to determine eligibility for VA needs-based pension benefits.

The Congressional Budget Office informally estimates that this section of the resolution would save the taxpayers $30 million over 10 years. I would note that this savings funds the vision, burial and work study provisions in this bill.

Also included in title III is a provision that extends work study jobs at VA through June 2009. Current law allows work study recipients to perform a variety of duties throughout the VA, as well as veteran-related paperwork at their schools.

Congress extended the provision for 6 months in PL 109–461 to prevent canceling benefits in the middle of the school year. I'm pleased that we're able to extend this provision even further in this bill.

Mr. Speaker, I urge my colleagues to support H. Res. 855, which would amend H.R. 797, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. FILNER. I reserve the balance of my time, Mr. Speaker.

Mr. LAMBORN. Mr. Speaker, I yield such time as he may consume to my colleague, the gentleman from Arkansas (Mr. BOOZMAN).

Mr. BOOZMAN. Mr. Speaker, H.R. 797 is a very, very good bill, and I appreciate Ms. BALDWIN working so hard. I think we could actually use the adjective tirelessly on this one, in order to bring it forward.

It really has two provisions that I'm especially pleased to support. First, I'm pleased that this bill will help veterans with visual disabilities. To put this in perspective, VA compensates about 13,000 veterans for blindness in one eye.

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DOD statistics show that about 1,169 servicemembers have experienced eye injuries in Iraq, and VA states about 111 of those are now receiving compensation. And let us not forget that with the number of traumatic brain injury casualties, and those that have gone undiagnosed, many of them will experience visual impairment as a result of those injuries. Thanks to Ms. BALDWIN's work in bringing this forward, the change in this law will make sure that all of these individuals will be treated fairly.

I am also greatly pleased that we have been able to fund reinstatement of the GI Bill work-study provisions that expired last June. These additional work-study jobs will benefit both the veteran student and veterans at large by increasing the resources available to assist VA employees in accomplishing their mission.

Mr. Speaker, this is a very good bill and I urge my colleagues to support it. I also want to thank Mr. FILNER and his staff for, again, bringing this forward, along with Mr. BUYER, the ranking member; and the staff over here. Again, this is a very good bill, and I urge support of its passage with my colleagues.

Mr. LAMBORN. I want to thank the gentleman from Arkansas for his remarks.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FILNER. Mr. Speaker, at this time I will include in the RECORD an article published in the Ophthalmic News on protective eye gear, and I urge my colleagues to unanimously support this resolution.

[From Ophthalmology Times, May 1, 2007]

PROTECTIVE EYE GEAR ESSENTIAL FOR MODERN SOLDIER: OCULAR INJURIES HAVE CLIMBED TO NUMBER 4 SLOT BEHIND AMPUTATION, TRAUMATIC BRAIN INJURY, PTSD

(By Lynda Charters)

BALTIMORE.—Ocular injuries during war have steadily increased from as far back as the Civil War because of the vulnerability of the face and eyes on the battlefield and the increasing use of fragmentary weapons. Thomas P. Ward, MD, described how ocular injuries have changed and how to prevent them here at the Current Concepts in Ophthalmology meeting in Baltimore.

The meeting was sponsored by Johns Hopkins University School of Medicine, Baltimore, and Ophthalmology Times.

"What we learned about eye injuries was not just learned from the current war in Iraq but from several previous wars," said Dr. Ward, a private practitioner in West Hartford, CT, and former ophthalmology consultant to the U.S. Army's surgeon general. The percentage of ocular wounds received on the battlefield has increased steadily over the past century, from less than 1% during the Civil War to about 13% in the early phase of the war in Iraq, he added.

"That 13% is much higher than would be expected if we were considering only the random chance of a projectile hitting the eye," Dr. Ward said. "The eye has a very small profile, i.e., only 4% of the face and 0.27% of the body surface area."

He recounted that, through June 2006 at the Echelon III-level combat support hospital in Iraq and Afghanistan, 1,086 ocular injuries occurred. Of these, 207 were primary eye injuries. In the remaining 879 eye injuries, another organ was the primary injury (usually the brain or a limb). The eye injuries represented 13% of all patients who sustained injuries. Many more ocular injuries occurred in the local populace, he said.

The eyes are so vulnerable, he explained, because they are preferentially exposed during combat, whereas the rest of the body, except for the limbs, is protected with armor.

In addition, the types of munitions used have changed over the past century. During the Civil War, if a soldier was hit by a cannonball or minnie ball, he likely would die, and ocular injuries were not an issue. Modern weapons, however, generate numerous fragments when they explode. "Modern hand grenades, for example, fragment into about 2,000 individual projectiles, and the eye is exceptionally vulnerable to small fragments," Dr. Ward said.

Other lessons:

penetrating injuries are the most important type, accounting for up to 50% of all ocular injuries, and

there is no delayed primary closure in ophthalmology; the primary repair almost always is the definitive repair.

Finally, because of the nature of modern weaponry, ocular injuries often are bilateral. More than half of all eye injuries (57%) are caused by improvised explosive devices (IEDs). The remaining injuries were caused by rocket-propelled grenades, gunshot wounds, mortar and shrapnel, land mines, and other causes.

Surprisingly, according to Dr. Ward, the incidence of endophthalmitis was 0%, despite the fact that approximately 25% of ocular injuries are caused by intraocular foreign bodies. Another factor that did not seem to affect the incidence was that the foreign bodies were not removed for weeks in many cases. Dr. Ward wondered whether the lack of endophthalmitis may have been the result of the use of topical and systemic third- or fourth-generation fluoroquinolones.

The IEDs being used are increasingly more powerful, and Dr. Ward showed that the injuries sustained with more recent ones cause more damage.

Many more eye injuries do not result in evacuation to the combat support hospital, he said. "As of late 2005, approximately 3,000 ocular injuries were reported as having been treated and the soldiers returned to duty. There were a total of 14,559 eye-related patient encounters by optometrists in the theater of war. This [number] from the Army is considered low as the result of inconsistent reporting," Dr. Ward emphasized.

Armor to protect the eyes has been used over the centuries, and it has been shown to be effective in eliminating war-related problems. Sympathetic ophthalmia, Dr. Ward pointed out, developed in about 0.3 percent of ocular injuries during World War II. Only one documented case has been reported by U.S. forces since the beginning of Operation Iraqi Freedom.

A statistic that emphasizes the importance of prevention is that ocular injuries hold the number four slot for disability behind amputation, traumatic brain injury, and post-traumatic stress disorder.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ALTMIRE). The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and agree to the resolution, H. Res. 855.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Resolution 855.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

DO-NOT-CALL REGISTRY FEE EXTENSION ACT OF 2007

Mr. BUTTERFIELD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2601) to extend the authority of the Federal Trade Commission to collect fees to administer and enforce the provisions relating to the "Do-not-call" registry of the Telemarketing Sales Rule, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2601

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Do-Not-Call Registry Fee Extension Act of 2007".

SEC. 2. FEES FOR ACCESS TO REGISTRY.

Section 2, of the Do-Not-Call Implementation Act (15 U.S.C. 6101 note) is amended to read as follows:

"SEC. 2. TELEMARKETING SALES RULE; DO-NOT-CALL REGISTRY FEES.

"(a) IN GENERAL.—The Federal Trade Commission shall assess and collect an annual fee pursuant to this section in order to implement and enforce the 'do-not-call' registry as provided for in section 310.4(b)(1)(iii) of title 16, Code of Federal Regulations, or any other regulation issued by the Commission under section 3 of the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6102).

"(b) ANNUAL FEES.—

"(1) IN GENERAL.—The Commission shall charge each person who accesses the 'do-not-call' registry an annual fee that is equal to the lesser of—

"(A) $54 for each area code of data accessed from the registry; or

"(B) $14,850 for access to every area code of data contained in the registry.

"(2) EXCEPTION.—The Commission shall not charge a fee to any person—

"(A) for accessing the first 5 area codes of data; or

"(B) for accessing area codes of data in the registry if the person is permitted to access, but is not required to access, the 'do-not-call' registry under section 310 of title 16, Code of Federal Regulations, section 64.1200 of title 47, Code of Federal Regulations, or any other Federal regulation or law.

"(3) DURATION OF ACCESS.—

"(A) IN GENERAL.—The Commission shall allow each person who pays the annual fee described in paragraph (1), each person excepted under paragraph (2) from paying the annual fee, and each person excepted from paying an annual fee under section 310.4(b)(1)(iii)(B) of title 16, Code of Federal Regulations, to access the area codes of data in the 'do-not-call' registry for which the person has paid during that person's annual period.

"(B) ANNUAL PERIOD.—In this paragraph, the term 'annual period' means the 12-month period beginning on the first day of the month in which a person pays the fee described in paragraph (1).

"(c) ADDITIONAL FEES.—

"(1) IN GENERAL.—The Commission shall charge a person required to pay an annual fee under subsection (b) an additional fee for each additional area code of data the person wishes to access during that person's annual period.

"(2) RATES.—For each additional area code of data to be accessed during the person's annual period, the Commission shall charge—

"(A) $54 for access to such data if access to the area code of data is first requested during the first 6 months of the person's annual period; or

"(B) $27 for access to such data if access to the area code of data is first requested after the first 6 months of the person's annual period.

"(d) ADJUSTMENT OF FEES.—

"(1) IN GENERAL.—

"(A) FISCAL YEAR 2009.—The dollar amount described in subsection (b) or (c). is the amount to be charged for fiscal year 2009.

"(B) FISCAL YEARS AFTER 2009.—For each fiscal year beginning after fiscal year 2009, each dollar amount in subsection (b)(1) and (c)(2) shall be increased by an amount equal to—

"(i) the dollar amount in paragraph (b)(1) or (c)(2), whichever is applicable, multiplied by

"(ii) the percentage (if any) by which the CPI for the most recently ended 12-month period ending on June 30 exceeds the baseline CPI.

"(2) ROUNDING.—Any increase under subparagraph (B) shall be rounded to the nearest dollar.

"(3) CHANGES LESS THAN 1 PERCENT.—The Commission shall not adjust the fees under this

section if the change in the CPI is less than 1 percent.

"(4) PUBLICATION.—Not later than September 1 of each year the Commission shall publish in the Federal Register the adjustments to the applicable fees, if any, made under this subsection.

"(5) DEFINITIONS.—In this subsection:

"(A) CPI.—The term 'CPI' means the average of the monthly consumer price index (for all urban consumers published by the Department of Labor).

"(B) BASELINE CPI.—The term 'baseline CPI' means the CPI for the 12-month period ending June 30, 2008.

"(e) PROHIBITION AGAINST FEE SHARING.—No person may enter into or participate in an arrangement (as such term is used in section 310.8(c) of the Commission's regulations (16 C.F.R. 310.8(c))) to share any fee required by subsection (b) or (c), including any arrangement to divide the costs to access the registry among various clients of a telemarketer or service provider.

"(f) HANDLING OF FEES.—

"(1) IN GENERAL.—The commission shall deposit and credit as offsetting collections any fee collected under this section in the account 'Federal Trade Commission—Salaries and Expenses', and such sums shall remain available until expended.

"(2) LIMITATION.—No amount shall be collected as a fee under this section for any fiscal year except to the extent provided in advance by appropriations Acts.".

SEC. 3. REPORT.

Section 4 of the Do-Not-Call Implementation Act (15 U.S.C. 6101 note) is amended to read as follows:

"SEC. 4. REPORTING REQUIREMENTS.

"(a) BIENNIAL REPORTS.—Not later than December 31, 2009, and biennially thereafter, the Federal Trade Commission, in consultation with the Federal Communications Commission, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce that includes—

"(1) the number of consumers who have placed their telephone numbers on the registry;

"(2) the number of persons paying fees for access to the registry and the amount of such fees;

"(3) the impact on the 'do-not-call' registry of—

"(A) the 5-year reregistration requirement;

"(B) new telecommunications technology; and

"(C) number portability and abandoned telephone numbers; and

"(4) the impact of the established business relationship exception on businesses and consumers.

"(b) ADDITIONAL REPORT.—Not later than December 31, 2009, the Federal Trade Commission, in consultation with the Federal Communications Commission, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce that includes—

"(1) the effectiveness of do-not-call outreach and enforcement efforts with regard to senior citizens and immigrant communities;

"(2) the impact of the exceptions to the do-not-call registry on businesses and consumers, including an analysis of the effectiveness of the registry and consumer perceptions of the registry's effectiveness; and

"(3) the impact of abandoned calls made by predictive dialing devices on do-not-call enforcement.".

SEC. 4. RULEMAKING.

The Federal Trade Commission may issue rules, in accordance with section 553 of title 5, United States Code, as necessary and appropriate to carry out the amendments to the Do-Not-Call Implementation Act (15 U.S.C. 6101 note) made by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. BUTTERFIELD) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. BUTTERFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BUTTERFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation, which we refer to as H.R. 2601, was introduced by the distinguished ranking member of the Subcommittee on Commerce, Trade, and Consumer Protection, my good friend Mr. STEARNS from the State of Florida. This bill is to extend the authority of the Federal Trade Commission to collect the fees that administer and enforce the provisions relating to the national do-not-call registry.

In 2003, Mr. Speaker, Congress passed the Do-Not-Call Implementation Act, which authorized the FTC to establish fees sufficient to implement the national do-not-call registry as originally authorized by the Telemarketing and Consumer Fraud and Abuse Prevention Act of 1994. I don't think it's hyperbole, Mr. Speaker, to say that this may quite possibly be one of the most popular laws and government initiatives in our Nation's history. Consumers have registered more than 146 million telephone numbers since the registry became operational in 2003.

The FTC's authority to annually establish the appropriate level of fees to charge telemarketers for access to the registry expires, yes, it expires in 2007, and Mr. STEARNS's bill, as amended, in the Energy and Commerce Committee renders that authority permanent. If Members of Congress wish to avoid the wrath of millions of angry constituents who are being called by telemarketers during dinner time, it is in our best interest to facilitate the continuing operation of the do-not-call registry and vote for this bill.

As is the case with the vast majority of the legislation passed out of the subcommittee of which I am a member, this is a bipartisan bill. I'm proud to say that, Mr. Speaker. We worked on this measure together. This is a bipartisan bill that was crafted in consultation with the appropriate agency of expertise, in this case the Federal Trade Commission. The bill passed my subcommittee by a voice vote on October 23; and a week later, on October 30, it was unanimously approved by the full Energy and Commerce Committee. It is fully deserving of quick passage on the floor of the House today.

As usual, Mr. Speaker, the staff on both sides of the aisle worked together on this bill, and with Ranking Member STEARNS as well as Ranking Member BARTON of the full committee, they should all be commended for their ongoing cooperation with the chairman, the distinguished gentleman from Michigan (Mr. DINGELL), and the distinguished gentleman from Illinois (Mr. RUSH), who chairs the subcommittee.

So, Mr. Speaker, with that said, I am going to urge a "yes" vote.

Mr. Speaker, I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from North Carolina for his support on this important bill.

I rise in support of H.R. 2601, the Do-Not-Call Registry Fee Extension Act of 2007. As the sponsor of the legislation and as ranking member on the committee with jurisdiction over the Federal Trade Commission and over consumer protection, I can assure the Members of the body that this is a necessary piece of legislation. It will have an immediate and meaningful impact on our constituents. I can remember when we marked this up when I was chairman of the Subcommittee on Commerce, Trade, and Consumer Protection and we started this whole process rolling.

The national do-not-call registry was enacted by Congress to provide citizens the ability to place their home phone numbers on a list that prohibits unsolicited phone solicitations. My colleagues, unfortunately, the authority of the Federal Trade Commission to collect fees to maintain the registry has expired. This legislation simply restores the commission's authority to collect the necessary fees to maintain and update the registry and provides businesses with certainty on the fees that they pay to access the registry.

The bill also includes input from both the Federal Trade Commission and industry. We asked for their support. Substantively, the amended legislation provides permanency for the program through a consistent fee structure. This will help both business with predictability of fees and help the Federal Trade Commission excel by providing certainty of funding for this popular program, and this obviously makes budgeting far easier from year to year.

The legislation also provides for certain biannual reports by the Federal Trade Commission on the effectiveness of this registry that will provide Congress with the necessary information to provide adequate oversight, and that's important too, Mr. Speaker.

As the gentleman from North Carolina has mentioned, the popularity of this program has been very high and success of the do-not-call registry was confirmed by almost every member of our committee and their district. Many of our constituents still express their gratitude for enacting a simple law like this, the original law in providing a means to stop unwanted commercial solicitation over their home phone.

For those who avail themselves of this option, and remember now, if people out there want to use it, they have to call the toll-free number to get it, but the people who avail themselves of this have expressed satisfaction. They have experienced a noticeable decrease in phone calls interrupting their dinner and their family life.

So I am proud to be a sponsor of the reauthorization legislation. It's important that the act and the list continue in effect. This is one example where our actions received near unanimous bipartisan support here in Congress. Here we are with the omnibus budget bill and all the controversy, but here is a good example of bipartisan support. It brings in both the public, industry, and the Federal Trade Commission. So I am confident that the reauthorization of the Do-not-call Act is supported by millions of Americans who have placed their number on the list. So I urge all Members to support and vote for this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. BUTTERFIELD. I want to thank the gentleman for his comments.

Mr. Speaker, I have no further requests for time, and I am ready to close this out. But I am sure the American people will be very appreciative that we are willing to extend this to become a permanent program, the do-not-call registry.

Mr. DINGELL. Mr. Speaker, I rise in strong support of H.R. 2601, the "Do-Not-Call Registry Fee Extension Act of 2007", of which I am the lead Democratic sponsor. This bill enjoys wide bipartisan support. Its passage will help to ensure the continued operation of one of the most popular Federal consumer protection programs ever adopted by the Congress, the registry that allows consumers to list their phone numbers and thereby protect themselves from unwanted telemarketing phone calls.

Congress originally assigned the task of implementing and enforcing the Do-Not-Call Registry to the Federal Communications Commission, but they proved less than enthusiastic and nothing ensued. Congress then directed the Federal Trade Commission (FTC) to perform these tasks. To date, the Registry established by the FTC includes more than 145 million telephone numbers, and the FTC has initiated 27 cases alleging Do-Not-Call violations, resulting in orders totaling $8.8 million in civil penalties and $8.6 million in redress or disgorgement. This is a proud record indeed.

To maintain the success of this program, however, legislative action is needed. The authority of the FTC to collect fees to support maintenance of the Registry and the related enforcement program expired at the end on September 2007. H.R. 2601, whose lead sponsor is Rep. STEARNS, will provide the FTC with a permanent fee structure for this purpose, contingent on approval of the fees in annual appropriations acts. This will provide appropriate oversight over the funding mechanism. The bill also requires the FTC to prepare two reports on the use and effectiveness of the Registry, including allegations regarding abuse surrounding a number of exemptions. The Committee takes these consumer complaints seriously and intends to look into them, in connection with review of the FTC reports.

I urge my colleagues to vote for this important consumer protection bill.

Mr. BARTON of Texas. Mr. Speaker, I rise in support of H.R. 2601, Do Not Call Registry Fee Extension Act of 2007. I am a cosponsor of the legislation and I want to thank Mr. STEARNS for his great work on this bill, and for his leadership on this issue.

I have never seen a legislative proposal move so quickly and achieve such immediate popularity. In the 108th Congress, then-Chairman Tauzin introduced the bill and it became law in less than 2 months. After a court challenge, it was clear that we needed to shore up the FTC's authority, and a bill for that purpose was offered and became law in just 5 days.

I am glad that Mr. STEARNS, along with Mr. RUSH, Mr. PICKERING and Mr. DOYLE, have worked with the FTC to reauthorize and improve that program, and I offer my strong support. I am also grateful to the FTC for their great work in keeping dinnertime uninterrupted for me and 145 million others. This is one instance in which Congress has received near-unanimous, bipartisan approval from the public, and I urge all Members to support H.R. 2601.

Mr. BUTTERFIELD. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. BUTTERFIELD) that the House suspend the rules and pass the bill, H.R. 2601, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DO-NOT-CALL IMPROVEMENT ACT OF 2007

Mr. BUTTERFIELD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3541) to amend the "Do-not-call" Implementation Act to eliminate the automatic removal of telephone numbers registered on the Federal "do-not-call" registry, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3541

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Do-Not-Call Improvement Act of 2007".

SEC. 2. PROHIBITION OF EXPIRATION DATE FOR REGISTERED NUMBERS.

The Do-Not-Call Implementation Act (15 U.S.C. 6101 note) is amended by adding at the end the following:

"SEC. 5. PROHIBITION OF EXPIRATION DATE.

"(a) NO AUTOMATIC REMOVAL OF NUMBERS.—Telephone numbers registered on the national 'do-not-call' registry of the Telemarketing Sales Rule (16 C.F.R. 310.4(b)(1)(iii)) since the establishment of the registry and telephone numbers registered on such registry after the date of enactment of this Act, shall not be removed from such registry except as provided for in subsection (b) or upon the request of the individual to whom the telephone number is assigned.

"(b) REMOVAL OF INVALID, DISCONNECTED, AND REASSIGNED TELEPHONE NUMBERS.—The Federal Trade Commission shall periodically check telephone numbers registered on the national 'do-not-call' registry against national or other appropriate databases and shall remove from such registry those telephone numbers that have been disconnected and reassigned. Nothing in this section prohibits the Federal Trade Commission from removing invalid telephone numbers from the registry at any time.".

SEC. 3. REPORT ON ACCURACY.

Not later than 9 months after the enactment of this Act, the Federal Trade Commission shall report to Congress on efforts taken by the Commission, after the date of enactment of this Act, to improve the accuracy of the "do-not-call" registry.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. BUTTERFIELD) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. BUTTERFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BUTTERFIELD. Mr. Speaker, at this time I yield myself such time as I may consume.

The bill that we now consider on the floor is related to the previous bill that we just adopted. H.R. 3541, the Do-not-call Improvement Act of 2007, ensures that Americans who signed up to be on the do-not-call list remain on the do-not-call list. As the law currently stands, consumers are automatically purged from the registry after a 5-year period and they are forced to re-register their phone numbers with the FTC. Consequently, if we do nothing, of the 132 million telephone numbers that are currently listed on the do-not-call registry, almost 52 million of those numbers will expire and once again be fair game for telemarketers.

I guarantee you, Mr. Speaker, that the vast majority of these consumers are unaware that they must relist their phone numbers. As was the case with the previous bill, I don't think Members of Congress want to incur the wrath of millions of angry constituents and family members who thought they were safe from the nuisance of telemarketers, but are once again getting their pestering phone calls every evening. I might also add that September 28, the date in which 52 million numbers will expire, is right before election day. Need I say more?

The authors of the bill, my good friend Mr. DOYLE, who will speak in just a few moments, the gentleman from Pennsylvania, and my friend Mr. PICKERING from Mississippi, are both valued members of the Energy and Commerce Committee, and they are to be commended for their bipartisan cooperation. On October 30 the bill was amended at the full committee markup to require the FTC to periodically scrub the do-not-call registry to remove phone numbers that have been disconnected or reassigned and further requires the commission to report to Congress on the accuracy of the registry. As such, H.R. 3541 ensures that the do-not-call list is fair and accurate and that only those American consumers who do not wish to be called by telemarketers are on the registry.

This is a thoughtful, bipartisan piece of legislation, and I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

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Mr. STEARNS. Mr. Speaker, I rise in support of this bill, H.R. 3541, the Do-Not-Call Improvement Act, and I thank my colleagues from Pennsylvania and Mississippi for their initiative here of making a good bill even better. This legislation simply removes the requirement from the Federal Trade Commission to automatically remove consumers' phone numbers from the registry.

My colleagues, the original act would have required consumers to re-register their phone number every 5 years and was intended, in part, to keep the list accurate and up to date. This will result in tens of millions of Americans being dropped off the list each year contrary to their intention. Millions of Americans would have to re-up, so to speak, to stay on the list. Most of them, in their day-to-day life, would be unaware that their number is about to expire.

So, this bill does a great service. This bill corrects this and would make numbers on the registry permanent, but at the same time require the Federal Trade Commission to keep the list accurate by simply removing invalid and disconnected phone numbers. As further assurance of this, the Federal Trade Commission must study and report to Congress on the accuracy of these numbers. I think that's important. And we mentioned that earlier in the bill, that we're going to have the Federal Trade Commission come back with a report to us. And this is a good area for the Federal Trade Commission to come back and talk about the accuracy of these millions and millions of numbers. So, I applaud my two colleagues for doing that.

Mr. Speaker, I reserve the balance of my time.

Mr. BUTTERFIELD. Mr. Speaker, at this time, I would like to yield 4 minutes to my good friend from Pennsylvania, a gentleman who works so hard for his constituents, Mr. DOYLE.

Mr. DOYLE. I thank my friend from North Carolina.

Mr. Speaker, I rise today to urge my colleagues to approve H.R. 3541, the Do-Not-Call Improvement Act of 2007.

The national do-not-call registry was established in 2003 and is managed by the Federal Trade Commission and enforced by the FTC, the Federal Communications Commission, and State law enforcement officials. Most telemarketers are not allowed to call your number once it has been on the registry for 31 days. If they do, you can file a complaint against them with the FTC and they can be forced to pay a fine.

The Federal do-not-call registry is one of the most successful government programs ever created. Over 132 million telephone numbers have been added to the registry since its creation. Unfortunately, current regulations require that the registry remove individuals' numbers after 5 years. Consequently, starting in June of 2008, millions of people will begin receiving telemarketing calls again. Many of them don't realize that their listing has expired and that they need to add their number to the do-not-call list again if they want to block telemarketers' phone calls.

It makes no sense to force people to sign up every couple of years. Unfortunately, that's just what will happen if action isn't taken. And that's why I introduced this legislation along with my good friend from Mississippi, CHIP PICKERING, to make registration with the Federal do-not-call list permanent.

My legislation, the Do-Not-Call Improvement Act of 2007, would make the numbers on the Federal do-not-call registry permanent. Under this legislation, someone would only have to sign up for the do-not-call registry once. Without passage of this act, over 50 million phone numbers will be purged from the registry within the next year. The hassle for consumers will be tremendous, with no real payoff.

Now, when a consumer signs up for the do-not-call list, they expect a roach motel where their numbers go in and the telemarketers can't check them out. But for those few individuals who are worried that they might change their mind at some future date, I want to make clear that this bill will still allow individuals to take their names off if they choose to, and it gives the FTC explicit authority to scrub numbers that are invalid or don't belong on the list.

There is no need to risk Americans being removed from the do-not-call list unless they want to be removed, and the best way to deal with this nightmare is to end it before it starts. As I said when I introduced this legislation, I suspect there are very few people saying, "Gee, I really miss those telemarketing calls at dinnertime. I wish the Government would just take me off that do-not-call list." Well, if this bill is enacted, individuals won't have to worry about signing up for the do-not-call list every 5 years.

Mr. Speaker, I want to thank the AARP, the Consumers Union, the Center for Democracy and Technology, Consumerist.com, and the American Teleservices Association for endorsing this bill. It's a great day when consumer groups, senior groups, privacy groups, and yes, even telemarketers, can agree on making the do-not-call list better.

I urge my colleagues to join me in passing this legislation. By signing up with the national do-not-call registry, over 130 million Americans have told telemarketers, "Don't call us; we'll call you." Let's save them the hassle of having to have sign up time and time again.

In closing, I want to thank my friend CHIP PICKERING. I want to thank Energy and Commerce Committee Chairman DINGELL, Ranking Member BARTON, Commerce, Trade and Consumer Protection Subcommittee Chairman BOBBY RUSH and my good friend CLIFF STEARNS. And I also want to thank several staffers who have worked so hard on this bill: Gregg Rothschild, Consuela Washington, Shannon Weinberg, Brian McCullough, Will Carty. And finally, I want to thank Hugh Carroll of Mr. PICKERING's staff and Kenneth DeGraff of my staff for all of their hard work.

I encourage my colleagues to join me in passing this bill and making one of the most popular Federal services even better.

Mr. STEARNS. Mr. Speaker, I yield 3 minutes to the distinguished Member from Mississippi (Mr. PICKERING).

Mr. PICKERING. Mr. Speaker, I rise in support of H.R. 3541. I, too, want to join in commending my colleagues, Mr. BUTTERFIELD, Mr. STEARNS, and my good friend Congressman DOYLE from Pennsylvania. I thank the leadership of the committee, Chairman DINGELL and Congressman JOE BARTON. JOE has been a good friend, and he has provided the support on our side, and CLIFF STEARNS, the leadership on our side.

MIKE DOYLE has been a tireless champion on this, a bulldog, and a great advocate for keeping peace and goodwill through the Christmas season for the citizens of our country as we do something that is common sense and pretty straightforward and simple, and that is to extend the do-not-call.

We do not want the cold calls to fill the stockings. We simply want the good cheer that will come from the time around the dinner table and the Christmas tree and the holiday season that all of us who want to be protected in that sanctuary of home will be, and this bill will do that.

The other great benefit, if we're watching our budget around Christmastime as a country and in the Congress, this has no cost. And so for our friends on the Senate side who are known to be frugal, we can tell you this has no cost. It can be passed quickly. It should be passed quickly as a Christmas present for the citizens of the country.

This is good government. It is time. And we can do this together, House and Senate, on a bipartisan basis. It is one of the most widely popular programs that we've had in this country; over 150 million people have signed up. I'm proud to be part of this effort, and I'm proud that I've worked with friends on the other side of the aisle to achieve this.

This is good news, good legislation, and a good effort. And I do wish to commend the committee for their work. I thank Mr. DOYLE again for his good leadership.

As I previously stated, the Do Not Call legislation is extremely popular and has been effective in largely eliminating the unwanted intrusions associated with commercial telemarketing calls to the home. We should all be proud of the success of the legislation and I want to commend both the FCC and FTC for their efforts in this area. I am confident that this language will benefit both the American people and industry. FTC and industry concerns were well vetted and fully considered as the bill moved through normal process. We added the reporting requirement to ensure we are providing an accurate database to the telemarketing industry so they are not hindered by making registration permanent.

Since the Do Not Call registry falls within the jurisdiction and enforcement of both the FCC and FTC, I hope there is continued consistent application, direction, and enforcement by both agencies. We have all worked hard to develop and implement the Do Not Call legislation, and we must be cautious in protecting its integrity and enforceability, particularly as it applies to charities and nonprofits. Inconsistent direction or enforcement ultimately will weaken the enforceability of the restrictions and undermine the statutory intent of this successful Government program. Again, I thank the committee and look forward to passage of this legislation.

Mr. BUTTERFIELD. Mr. Speaker, this has been a good debate on this issue, and I want to thank both the gentlemen who have authored this bill for their passion and for their leadership and what they do for the Congress.

Mr. Speaker, I yield back the balance of my time.

Mr. STEARNS. Mr. Speaker, I have no further speakers. I just want to add to Mr. PICKERING's comment about the frugality of the Senate. I think certainly if Mr. PICKERING was in the Senate, we wouldn't have that frugality.

Mr. PICKERING. Would the gentleman yield?

Mr. STEARNS. I would be glad to yield.

Mr. PICKERING. I would be regretful if I did not mention the good work of the staff, as did Mr. DOYLE. And for me, on my staff, Hugh Carroll has been tireless and has worked hard, and I appreciate his good work on this effort.

Mr. DINGELL. Mr. Speaker, I rise in strong support of H.R. 3541 the "Do-Not-Call Improvement Act of 2007". This bill enjoys wide bipartisan support. Along with H.R. 2601, legislation considered by the House immediately before this bill, these measures will strengthen and ensure the continued operation of one of the most popular Federal consumer protection programs ever adopted by the Congress, the registry that allows consumers to list their phone numbers and thereby protect themselves from unwanted telemarketing phone calls.

Current rules provide that telephone numbers be removed from the list after 5 years, thus requiring consumers to re-register their numbers in order to fend off pesky telemarketing calls. Most consumers are unaware of this requirement. And I would observe that it places a particular burden on the elderly, the group most often victimized by telemarketing frauds.

The FTC testified before our Committee last month that they would not remove any expiring numbers from the Do-Not-Call Registry, that is, phone numbers will stay registered, pending action by Congress to address this issue.

To that end, H.R. 3541 will eliminate the automatic removal of telephone numbers registered on the Registry, subject to certain common sense exceptions, such as at the request of the individual to whom the number is assigned. To maintain the accuracy of the Registry, H.R. 3541 directs the FTC to "periodically" check telephone numbers on the Registry against national or other appropriate databases, and remove from such Registry telephone numbers that have been disconnected and reassigned. The Committee intends for the FTC or any subcontractor to check these numbers at least once a month and preferably more frequently as technology allows. Nothing in this bill prohibits the FTC from removing invalid telephone numbers from the Registry at any time. The Committee expects the FTC to work with industry and technology experts to ensure the accuracy of the Registry. The legislation directs the FTC to report to Congress, not later than 9 months after date of enactment, on efforts taken by the agency to improve the accuracy of the Registry. I commend Representatives DOYLE and PICKERING for their strong bipartisan leadership on this legislation.

I urge my colleagues to vote for this strong package of important consumer protections. Let us hope for swift action on H.R. 3541, as well as on the legislation establishing a permanent funding mechanism, leading to quick enactment so that Americans are not once again inundated with unwanted calls from telemarketers.

Mr. BARTON of Texas. Mr. Speaker, I rise in support of H.R. 3541, the Do Not Call Improvement Act. The legislation is simply very straightforward and I believe merits the support of all Members.

The bill removes the requirement for the Federal Trade Commission to remove consumers' phone numbers from the Registry. The original rules for the Registry required consumers to re-register their phone number every 5 years. This was intended to keep the list accurate over the years as numbers were disconnected and reassigned to new customers. The rules as they currently are would result in many millions of Americans being removed from the Do-Not-Call list each year, whether they like it or not. The bill before us changes these rules by requiring that numbers on the Registry remain there, so that people's dinners don't start getting interrupted by telemarketers all of a sudden. At the same time, we direct the FTC to keep the list accurate by periodically "scrubbing" the list of invalid and disconnected numbers. I think this strikes the right balance for consumers and the industry.

I urge support for the bill.

Mr. STEARNS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. BUTTERFIELD) that the House suspend the rules and pass the bill, H.R. 3541, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A Bill to amend the Do-not-call Implementation Act to eliminate the automatic removal of telephone numbers registered on the Federal 'do-not-call' registry".

A motion to reconsider was laid on the table.

TRADE ADJUSTMENT ASSISTANCE PROGRAM EXTENSION

Mr. LEVIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4341) to extend the trade adjustment assistance program under the Trade Act of 1974 for 3 months.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4341

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY EXTENSION OF TRADE ADJUSTMENT ASSISTANCE PROGRAM.

(a) ASSISTANCE FOR WORKERS.—Section 245(a) of the Trade Act of 1974 (19 U.S.C. 2317(a)) is amended by striking "December 31, 2007" and inserting "March 31, 2008".

(b) ASSISTANCE FOR FIRMS.—Section 256(b) of the Trade Act of 1974 (19 U.S.C. 2346(b)) is amended—

(1) by striking "and $4,000,000" and inserting "$4,000,000"; and

(2) by inserting after "October 1, 2007," the following: "and $4,000,000 for the 3-month period beginning on January 1, 2008,".

(c) ASSISTANCE FOR FARMERS.—Section 298(a) of the Trade Act of 1974 (19 U.S.C. 2401g(a)) is amended—

(1) by striking ", and there are authorized" and inserting ". There are authorized"; and

(2) by adding at the end the following: "There are authorized to be appropriated and there are appropriated to the Department of Agriculture to carry out this chapter $9,000,000 for the 3-month period beginning on January 1, 2008.".

(d) EXTENSION OF TERMINATION DATES.—Section 285 of the Trade Act of 1974 (19 U.S.C. 2271 note) is amended by striking "December 31, 2007" each place it appears and inserting "March 31, 2008".

(e) EFFECTIVE DATE.—The amendments made by subsections (a) through (d) shall be effective as of January 1, 2008.

SEC. 2. OFFSETS.

(a) TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.—The percentage under subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 in effect on the date of the enactment of this Act is increased by 0.25 percentage points.

(b) CUSTOMS USER FEES.—Section 13031(j)(3)(B)(i) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(B)(i)) is amended by striking "December 13, 2014" and inserting "December 20, 2014".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. LEVIN) and the gentleman from California (Mr. HERGER) will each control 20 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. LEVIN. TAA will run out very soon, and it's essential that that not happen. This is a vital program for workers in this country, for the firms for which they work, for farmers, and for their entire communities.

We've been trying to not only extend TAA, but we've been trying to reform it and to improve it. We have passed legislation in this House, legislation that, indeed, reformed and enhanced and expanded TAA, and it passed this House with some considerable bipartisan support. It addressed issues like this:

Expands TAA to service workers;

Improves funding, because a number of States have essentially run out of funds;

Streamlines the process for application for TAA because an unfriendly regimen of rules has too often made it difficult for people to access it;

Modernizes the unemployment system, which badly needs it;

Provides assistance to manufacturing communities hard hit by trade.

Unfortunately, though this bill passed comfortably in this House and was an important landmark supported by our Speaker, by the majority leader, by Chairman RANGEL, by others, many of us on the Ways and Means Committee and, as I said, with some considerable bipartisan support, but unfortunately, the bill has essentially not moved in the other body. And it has been blocked, I think, by a position in the other body that it should be linked to something else.

Also, the administration essentially has opposed this legislation. And it was really rather startling that that occurred. After all, earlier this fall the President said this about TAA: "I understand that if you're forced to change a job halfway through a career it can be painful for your family. I know that. And that is why I'm a big believer in trade adjustment assistance that helps Americans make the transition from one job to the next."

Unfortunately, it was only a few weeks after that that we received, on the eve of the markup of the bill in the Ways and Means Committee, a letter from the Secretary of Labor opposing the bill that was before the committee. And in the letter the Secretary said, "negative impacts with trade that are borne by the few," that this does not warrant the changes we make in the legislation. Unfortunate language, indeed, because there has been an impact of trade very substantially across the board, not only in the manufacturing industries, but in the service industries and beyond, and that that impact has been borne by many, many more than a few.

So, what has happened is that we passed this legislation with some bipartisan support, legislation that, as I say, expanded and reformed TAA and also addressed overdue issues of unemployment counts. We're just stuck because of the opposition of the administration, and also because of inaction in the Senate.

So, here's what this legislation does: It extends TAA for 3 months. Why 3 months? Three months because it's the intention the majority, after we return after the holidays, if we adjourn for the holidays, and I assume we will, to get moving quickly to take up this vital reform of TAA within the first few months, to make it a high priority in this House, and we hope in the entire Congress, and we hope in the White House.

☐ 1630

So I come today on behalf of many of us viewing the importance of this legislation and asking that this House vote for a 3-month extension until March 31, 2008.

I reserve the balance of my time.

Mr. HERGER. Mr. Speaker, I yield back myself so much time as I may require.

I rise in support of this extension of the Trade Adjustment Assistance, or TAA program, for 3 months beyond its expiration of December 31. The TAA program provides important training, health care, and other benefits to American workers adversely affected by trade. While this bill will continue the program for 3 months, I believe 6 months would be better and would allow the Senate sufficient time to pass the TAA reauthorization bill.

Also, the Senate and House must work together to develop what I hope will be truly bipartisan legislation that helps workers affected by trade and globalization get retrained and back to work sooner. Unfortunately, the House-passed Democrat bill was not the product of a bipartisan approach as I had hoped and did not include key Republican reform proposals.

In light of this, an overwhelming majority of the Republicans did not support it, and the bill drew a veto threat from the administration. In contrast, a TAA reauthorization bill that committee Republicans offered in an alternative on the floor was supported by 95 percent of all House Republicans and 11 Democrats. This strong support reflects the meaningful reforms in our 5-year TAA reauthorization, such as an increased health coverage tax credit.

As debate moves forward, I hope that at least some of the key TAA reforms in our bill will be considered and adopted. Several critical reforms in the House Republican TAA bill were not included with the House-passed language. They include providing more flexible training options to get people back to work sooner, such as training before layoffs, part-time training, and providing training scholarship for workers to use over 4 years, provisions to enhance the capacity of training providers, primarily community colleges to provide effective training programs, new accountability measures for TAA program funds, an extension and modernization of the Workforce Investment Act that will better integrate it with TAA to expand services to all workers and additional flexibility for States to operate UI programs that would help workers get back on the job faster.

I also want to reiterate my opposition to how the majority paid for the House-passed bill, and I hope we can revisit this issue as the process moves ahead.

Finally, Mr. Speaker, I believe we should discuss TAA expansion in the context of initiatives that would expand trade opportunities for U.S. workers, farmers, and producers. We must pass all of our pending trade agreements with Colombia, Panama, and South Korea and reauthorize trade promotion authority that allows the President a stronger hand to negotiate these beneficial agreements in the first place.

I yield back the balance of my time.

Mr. LEVIN. Mr. Speaker, this is not the time to have any lengthy debate about trade nor, I think, about TAA. But before I yield back my time, since this is going to be a 3-month extension, and that means there needs to be quick action and we intend to undertake it as soon as we come back, I do want to emphasize a few points. Number one, the bill that passed here addressed the issue of service workers. Essentially, what Mr. HERGER has referred to in his bill left the status quo and left out virtually all service workers, and that is simply inadequate and inappropriate.

It also did not touch the issue of funding. It did not streamline the processes so many people today in the manufacturing field for example when they lose their job because of trade simply can't work their way through all of the red tape. Also it doesn't address the issues within the unemployment compensation system and also doesn't refer to the needs of communities especially hard hit in manufacturing areas.

So we should pass this bill with notice that we here on the majority side intend to move quickly next year. I hope there can be a lot of bipartisan discussion. We need to do it quickly.

Let me say one last thing about the gentleman from California's statement about trade bills. We need to reform trade policy. We also need to pass trade adjustment assistance, and the attempt to link the two in terms of legislation simply will not work, and I don't think should or will happen.

TAA can stand on its own feet. TAA is necessary for those thrown out of work through no fault of their own because of the impact of trade. And to try to use TAA as an instrumentality to push particular trade bills simply shortchanges people in this country who lose their jobs, communities that lose their base, firms that are left out because of trade. Trade is not the only cause of dislocation in this country, but it is a substantial cause that needs to be addressed by reforming trade policy, number one, and we took major steps to begin to do that this year on the majority side, and also to pass TAA.

So I hope Mr. HERGER and the Republicans will join with us the first 3 months of next year, and let's get busy and pass TAA. I hope also that the administration will drop its resistance and also stop trying to use TAA as a bargaining tool. That is not fair to people who are hurting economically through no fault of their own.

GENERAL LEAVE

Mr. LEVIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4341.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. KUCINICH. Mr. Speaker, with the loss of approximately three million manufacturing jobs in the United States since 2001, many families know the effects of increased foreign imports and the outsourcing of their jobs all too well. HCTC was created to ensure that our constituents who lost these good manufacturing jobs would still be able to afford health insurance for themselves and their families. It is unjust for our constituents who have lost these jobs to additionally endure lost or inadequate health insurance because it is unaffordable.

Unfortunately the spouse of the wage earner will suffer the devastating loss of this needed financial assistance to obtain health care coverage when the qualifying wage earner becomes Medicare eligible. The current eligibility requirements for the HCTC program leave a Medicare ineligible spouse without continued assistance under the HCTC, which in far too many cases means being left entirely without health care insurance.

I am pleased that language was included in H.R. 3920, the Trade and Globalization Act of 2007, a bill to reauthorize the Trade Adjustment Assistance Act that corrects this loophole and ensures that spouses and widows will remain eligible for the HCTC. The House of Representatives passed H.R. 3920 on October 31, 2007; however, this bill has not yet become public law. Consequently, today the House will consider an extension of the Trade Adjustment Assistance Act through March 31, 2007.

As our constituents wait for H.R. 3920 to become law, there are still those who are losing their eligibility for the HCTC and in danger of losing health care coverage for their spouses. As more wage earners approach Medicare eligibility, they fear for the well-being of their spouses and incur mounting stress and anxiety. Passage of this legislation is urgently needed to put an end to these hardships. An extension of the current Trade Adjustment Assistance Act will not ensure that our deserving constituents remain eligible for the HCTC. I urge this body to make certain that the reauthorization of Trade Adjustment Assistance is passed into public law in the urgent manner necessary to protect hard-working Americans.

Mr. LEVIN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. LEVIN) that the House suspend the rules and pass the bill, H.R. 4341.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

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ADDRESSING VULNERABILITIES IN AVIATION SECURITY

Mrs. LOWEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1413) to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to address vulnerabilities in aviation security by carrying out a pilot program to screen airport workers with access to secure and sterile areas of airports, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1413

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ENHANCED PERIMETER SECURITY AND ACCESS CONTROL THROUGH COMPREHENSIVE SCREENING OF AIRPORT WORKERS.

(a) PILOT PROGRAM.—Not later than 120 days after the date of the enactment of this Act, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall carry out a pilot program at 7 service airports to screen all individuals with unescorted access to secure and sterile areas of the airport in accordance with section 44903(h) of title 49, United States Code.

(b) PARTICIPATING AIRPORTS.—At least 2 of the airports participating in the pilot program shall be large hub airports (as defined in section 40102 of title 49, United States Code). At least 1 of the airports participating in the pilot program shall be a category III airport. Each of the remaining airports participating in the pilot program shall represent a different airport security risk category (as defined by the Assistant Secretary).

(c) SCREENING STANDARDS.—

(1) IN GENERAL.—Except as provided under paragraphs (2) and (3), screening for individuals with unescorted access under the pilot program shall be conducted under the same standards as apply to passengers at airport security screening checkpoints and, at a minimum of 1 airport, shall be carried out by a private screening company that meets the standards in accordance with section 44920(d) of title 49, United States Code. That airport shall be an airport that uses such a private screening company to carry out passenger screenings as of the date of the enactment of this Act.

(2) DESIGNATED SCREENING LANE.—In addition to the requirements under paragraph (1), each airport participating in the pilot program shall designate at least one screening lane at each airport security screening checkpoint to be used to screen individuals with unescorted access on a priority basis under the pilot program. Such lane may also be used to screen passengers.

(3) ALTERNATIVE MEANS OF SCREENING.—At 1 of the 7 airports participating in the pilot program, the Assistant Secretary shall deploy, instead of the screening standards required under paragraphs (1) and (2), alternative means of screening all individuals with unescorted access to secure and sterile areas of the airport. Alternative means of screening may include—

(A) biometric technology for airport access control;

(B) behavior recognition programs;

(C) canines to screen individuals with unescorted access to secure and sterile areas of the airport;

(D) targeted physical inspections of such individuals;

(E) video cameras; and

(F) increased vetting, training, and awareness programs for such individuals.

(d) VULNERABILITY ASSESSMENTS.—As part of the pilot program under this section, the Assistant Secretary shall conduct a vulnerability assessment of each airport participating in the pilot program. Each such assessment shall include an assessment of vulnerabilities relating to access badge and uniform controls.

(e) TECHNOLOGY ASSESSMENTS.—Airport operators at each airport at which the pilot program under this section is implemented shall conduct an assessment of the screening technology being used at that airport and submit the results of the assessment to the Assistant Secretary. The Assistant Secretary shall compile the results of all the assessments and provide them to each airport participating in the pilot program.

(f) OPERATIONAL ASSESSMENTS.—As part of the pilot program under this section, the Assistant Secretary shall conduct an operational assessment at each airport participating in the pilot program. Each such assessment shall include an evaluation of—

(1) the effect on security of any increase in terminal congestion created as a result of screening individuals with unescorted access under the pilot program;

(2) the average wait times at screening checkpoints for passengers and individuals with unescorted access;

(3) any additional personnel required to screen individuals with unescorted access;

(4) the effect of screening individuals with unescorted access on other security-related activities at the airport;

(5) any lost productivity of individuals with unescorted access associated with airport participation in the pilot program; and

(6) the rate at which "prohibited items" are detected and confiscated from individuals with unescorted access.

(g) DURATION.—The pilot program shall be carried out for a period of not less than 180 days.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(i) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the last day of the pilot program, the Assistant Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the pilot program.

(2) CONTENTS OF REPORT.—The report shall include the following:

(A) An assessment of the effect of screening all airport workers with access to secure and sterile airport areas on screening and logistical resources.

(B) An assessment of the security improvements that are achieved from screening such workers.

(C) An assessment of the costs of screening such workers.

(D) The results of the vulnerability assessments conducted under subsection (d).

(E) An estimate of the infrastructure and personnel requirements necessary to implement a screening program for individuals with unescorted access at all commercial service airports in the United States in order to process each such individual and each passenger through each screening checkpoint in fewer than 10 minutes.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. LOWEY) and the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Mrs. LOWEY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this bill and include therein any extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. LOWEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1413 creates a pilot program screening airport workers at seven airports. Screening passengers but giving workers open access is like installing a home security system but leaving the back door open. We know criminal activity has resulted from this loophole and we cannot take a chance that terrorists will exploit it. H.R. 1413 is a bipartisan approach to ensure security at our airports, and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 1413, legislation sponsored by my good friend and fellow New Yorker, Nita Lowey, and me that seeks to close an important loophole in the airport security program.

Since 9/11, Congress and the airline industry have taken strong affirmative actions to tighten security at our Nation's airports. However, one of the few areas of security that has grown unchanged since the horrific events of 9/11 is airport workers screening. While airline passengers are searched from head to foot before we board a plane or reach the gate, most airports do not screen 100 percent of their employees when entering into secure areas.

Earlier this year at the Orlando International Airport just outside my congressional district, airport employees were able to smuggle loaded weapons onto a plane bound for Puerto Rico. This significant breach in security could have been avoided with 100 percent screening of airport workers. Thankfully, no one was hurt, and the employees' intent was not to incite terror. However, had those guns been used to hijack a plane to commit a larger terrorist act, I am confident that we would have 100 percent screening at all our airports and that would already be in place as we speak.

Let's not wait for such an attack to occur before we take action. H.R. 1413 will create a pilot program for TSA to test the plausibility of screening of all airport workers at seven airports. While some have objected to the 100 percent worker screening in principle, they have no broad federally operated test case upon which to base this opinion. The value of this pilot project is that it allows TSA to evaluate thoroughly the strengths and weaknesses of 100 percent airport worker screening on a small scale. While no one wants more bureaucracy for bureaucracy's sake, we do need to protect the traveling public.

I strongly urge my colleagues to support this bill.

I reserve the balance of my time.

Mrs. LOWEY. Mr. Speaker, I continue to reserve the balance of my time.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I yield to the gentleman from Florida from the airport that, I might add, does have 100 percent screening.

Mr. MICA. Mr. Speaker and my colleagues, I had the honor and privilege of chairing the House Aviation Subcommittee for some 6 years. I inherited that responsibility some months after September 11 and concluded my service as the Chair of that important subcommittee January of this year. I now am the ranking member on the Transportation and Infrastructure Committee.

Just by way of my background, I have been involved in both the creation of TSA and the evolution of TSA over these years, and, trying to make certain, as I know Ms. GINNY BROWN-WAITE is doing, Representative NITA LOWEY is trying to do, and I think they are very well intended and actually I hope to work with them, I just found out about this proposal coming up today last night, and I do pledge to work with them to try to make their intent the most effective intent, protecting the American public. And I know that is what Ms. GINNY BROWN-WAITE does. That is her intent. And I think that is Mrs. LOWEY's intent here.

But what we have got to do is make certain that we aren't doing something that really won't achieve the results. And I think the normal screening of workers, as it has been done as we screen passengers, would not be that effective. So I have no objection to a demonstration project, but I think what we need is one that is sophisticated to try to deal with finding out what the bad intent of supposedly good aviation system workers may be.

□ 1645

Most of what we have at the airport today, I hate to tell you, the technology does not deal with the current threat. The current threat is not someone taking a gun or a weapon, as we traditionally know it, through airport screening checkpoints. In fact, USA Today has shown even how flawed this system is, in revealing some of the results of taking through not only those type items but also other items that may pose a risk today.

The problem we have is people with bad intent who obtain employment in this industry can do great harm. What we need to do is focus the screening on going after that bad intent, because once they get past the worker screening or passenger screening point, a worker has access to chemicals, substances, tools, a treasure trove of items that can be used to take down an aircraft, and that is what we want to prevent.

So I am not going to try to kill this measure. That is not my intent. In fact, I didn't come out here to call for a roll call vote on this. But what I would like to do is work with them to see that their intent, which is to make certain that workers who may pose danger to the system, we find a way to screen them that would be most effective in protecting our passengers.

The worst thing we can do, and I will tell you this, I helped create the Department of Homeland Security, I helped author the TSA bill. But TSA and the Department of Homeland Security is 177,000 employees. I compare it to sort of like pigeons you may see in a plaza, and when Congress claps its hands, they will all fly off in whatever direction we send them, but it may not always be the best-intended.

I give you one final example. We ban lighters from being carried onboard aircraft. We ban lighters, but we didn't ban cell phones or cameras with a battery. Here's my cell phone. This is much more dangerous as an ignition electronic device than any lighter that you can carry onboard.

So sometimes we do things here with good intentions, like the lighter ban, but they may not have the results we would like to achieve. So I came here to tell both of the sponsors I appreciate what they are trying to do, but I think we can take and craft their demonstration project into a demonstration project that truly screens workers in a way that will be beneficial to catch the potentially bad players and that we can make this system safer.

So I compliment you on your well-intended efforts. I pledge to work with you, and we will take it from there.

Mrs. LOWEY. Mr. Speaker, I thank the gentleman for his wisdom and for his willingness to work with us. I have no more speakers, and I urge the Members to support this critical legislation.

I reserve the balance of my time.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I am delighted Mr. MICA does want to work with us. Certainly, the type of screening he is talking about, where we are able to determine or hopefully determine the intent of the workers coming in, is a very good one. But I think we also need to be very vigilant to make sure that they are not bringing in suitcase bombs in what may look like a worker's toolbox.

This situation was actually brought to my attention by TSA workers who, at one of the airports that I was at, said to me, You know, we have to screen you, but would you believe people are coming in the back door without any kind of screening at all, other than a swipe card? These are people who may work at the airport; they work at the concession stands. And certainly the TSA workers are screened, Members of Congress are screened, candidates for President are screened when they go through the airport, but imagine this, that individuals are coming in the back door with just a swipe card.

We need to make sure that money is well spent, I agree with Mr. MICA, and I think that what we need is a variety of ways to deter any acts of terrorism, and that clearly is what this pilot program is all about. I look forward to working with Mr. MICA and being able to utilize his many years of experience on this.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today in strong support of H.R. 1413.

H.R. 1413 was introduced by Representatives LOWEY and BROWN-WAITE to establish a pilot program to test the viability of physically screening airport workers at seven (7) airports. I am pleased to report that this bipartisan bill, as amended in Committee, not only requires TSA to test physical screening but also alternative forms of screening, including: biometrics, behavior recognition, and canine teams.

Consideration of H.R. 1413 is timely in light of the October 2007 arrest of 10 airline employees for operating a drug smuggling ring at John F. Kennedy International Airport in New York. The ring leader allegedly directed JFK airport employees from inside the airport on how to move heroin and cocaine into so-called "safe areas" of the airport.

Mr. Speaker, most people that work in our nation's airports are hardworking, trustworthy people who pose no threat to the traveling public. However, in a post-9/11 world, we have to address the risk of an "inside job"—where an attack is planned and executed by an airport worker who exploits security gaps. H.R. 1413 does just that.

H.R. 1413 does so in a manner that strives to assure that that people that keep the planes flying are able to do their job. Specifically, H.R. 1413 creates a 180-day pilot program where all the people that access the terminal and the airplanes, not just the American Flying Public, are screened.

To those who think this can't be done, I'm here to tell you "it can be done." They do it at London's Heathrow airport. They do it at DeGaulle Airport in Paris. I understand that there are those who don't want us to look at this approach. But in a post-9/11 world, failing to do so is just plain wrong.

Under the leadership of Subcommittee Chairwoman JACKSON-LEE, H.R. 1413 was agreed to "as amended," on April 24th by voice vote. The full committee considered, voted and reported favorably on August 1. I strongly urge passage of this bill that takes a reasonable approach to exploring how to better secure our airports, airplanes and travelers.

Mrs. LOWEY and Ms. BROWN-WAITE are to be commended for their leadership on this critical legislation. I look forward to continuing to work with the bills sponsors and other interested parties to ensure that TSA structures the pilot in a manner that provides Congress with the best guidance on how to address this gap in security. I strongly urge passage on this important homeland security measure.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise in strong support of H.R. 1413, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to address vulnerabilities in aviation security by carrying out a pilot program to screen airport workers with access to secure and sterile areas of airports, introduced by my distinguished colleague from New York, Representative LOWEY. As a member of the Committee on Homeland Security and Chair of the Subcommittee on Transportation and Infrastructure Protect, I believe that this important piece of legislation, of which I am a proud cosponsor, is absolutely imperative for insuring the protection of our nation.

Today, aviation security is high on the list of priorities of air travelers, the Federal Government, and the international air community. Since September 11th we have made many improvements in the security of our nation's transportation infrastructure. However our job is far from over, whether it's more improvements to be made or gaps to close. In matters of security, we must not become complacent—as our enemies adapt, so must we. And we did, we now have a federal screening workforce, we screen 100 percent of the checked baggage, we are in the process of moving to 100 percent screening of air cargo and we are constantly trying to find new technology to help all of these functions. In addition we armed pilots and barricaded the cabin door, still there is much more that needs to be done and this legislation is an important step in the direction of making our nation more secure.

This important legislation includes a number of provisions that will make American airports safer by directing the Assistant Secretary of Homeland Security to implement a number of new programs. In this day and age when Presidential candidates and Members of Congress must go through airport security and screening, it is unfathomable that airport employees with access to sterile areas of the airport are still excused from such screening. This legislation calls for the implementation of a pilot program at five commercial service airports that will screen all airport workers with access to sterile areas of the airport. This program calls for screening of airport employees to be conducted under the same standards as apply to passengers at security screening checkpoints and to be carried out by private screeners at a designated screening lane for their exclusive use at a minimum of two airports. This will ensure that airport employees are held to the same standards as all other people wishing to enter an airport. In order to further ensure security, this bill requires that each airport participating in said program is subject to a vulnerability assessment by the Department of Homeland Security.

An endemic problem in the national security system is the lack of specificity of legislation that is meant to secure our nation's airports. This bill escapes that by specifying that at least two of the participating airports be large hub airports, with the remaining airports representing different airport security risk categories, therefore ensuring a holistic assessment of our airports current security risks. This legislation further specifies that each participating airport operator conduct an assessment of the screening technology used at the airport and to submit the results to the Assistant Secretary. Following this comprehensive program, the United States will be able to better assess the real security of its nation's airports.

Mr. Speaker, I am proud to cosponsor H.R. 1413 and I call on my colleagues to support this important piece of legislation because I strongly believe that it will strengthen our nation's efforts to confront the existing vulnerabilities our current airport security system and consequently make our nation more secure.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I yield back the balance of my time.

Mrs. LOWEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. LOWEY) that the House suspend the rules and pass the bill, H.R. 1413, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to address vulnerabilities in aviation security by carrying out a pilot program to screen airport workers with access to secure and sterile areas of airports, and for other purposes.".

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY CHAIRMAN OF PERMANENT SELECT COMMITTEE ON INTELLIGENCE REGARDING AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS AND CLASSIFIED ANNEX

(Mr. REYES asked and was given permission to address the House for 1 minute.)

Mr. REYES. Mr. Speaker, I wish to announce to all Members of the House that the conference report to accompany H.R. 2082, the Intelligence Authorization Act of Fiscal Year 2008, has been filed in accordance with House rules and that the classified schedule of authorizations and the classified annex of the conference report is available for review by Members at the offices of the Permanent Select Committee on Intelligence in room H-405 of the Capitol. The committee office is open during regular business hours, and this evening during our votes, for the convenience of any Member who wishes to review this material prior to the consideration of the conference report by the House. Members wishing to review this material should contact the committee to arrange a time and a date for that review.

In addition to signing the oath for access to classified information specified in clause 13 of rule XXIII of the House of Representatives Rules, committee rules also require that Members agree in writing to a nondisclosure agreement that indicates that the Member has been granted access to the classified schedule of authorizations and classified annex, and that they are familiar with the rules of the House and the committee with respect to the classified nature of that information and the limitations on disclosure of such information.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 4 o'clock and 54 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ALTMIRE) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

House Resolution 842, by the yeas and nays;

House Resolution 847, by the yeas and nays;

H.R. 4343, by the yeas and nays.

The vote on H.R. 3985 will be taken later in the week.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

EXPRESSING SYMPATHY TO THE VICTIMS OF CYCLONE SIDR IN SOUTHERN BANGLADESH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 842, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MEEKS) that the House suspend the rules and agree to the resolution, H. Res. 842, as amended.

The vote was taken by electronic device, and there were—yeas 388, nays 0, not voting 43, as follows:

[Roll No. 1142]

YEAS—388

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns

Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—43

Alexander
Boswell
Brown, Corrine
Buyer
Carson
Cleaver
Conyers
Cubin
Davis (IL)
Doolittle
Everett
Feeney
Ferguson
Gilchrest
Graves
Hinojosa
Hooley
Hunter
Jindal
Johnson (IL)
Kind
King (IA)
Lantos
Lofgren, Zoe
Lucas
Marchant
Matheson
Miller (FL)
Miller, Gary
Moore (WI)
Murtha
Paul
Pryce (OH)
Reyes
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sessions
Smith (NJ)
Tancredo
Wexler
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1852

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING THE IMPORTANCE OF CHRISTMAS AND THE CHRISTIAN FAITH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 847, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MEEKS) that the House suspend the rules and agree to the resolution, H. Res. 847, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 372, nays 9, answered "present" 10, not voting 40, as follows:

[Roll No. 1143]

YEAS—372

Abercrombie
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clay
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Honda
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schiff
Schmidt
Scott (GA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NAYS—9

Ackerman
Clarke
DeGette
Hastings (FL)
Lee
McDermott
Scott (VA)
Stark
Woolsey

ANSWERED "PRESENT"—10

Conyers
Frank (MA)
Holt
Payne
Pence
Schakowsky
Schwartz
Wasserman Schultz
Welch (VT)
Yarmuth

NOT VOTING—40

Alexander
Boswell
Brown, Corrine
Buyer
Carson
Cleaver
Cubin
Davis (IL)
DeLauro
Dicks
Everett
Ferguson
Graves
Hooley
Hunter
Jindal
Johnson (IL)
Kind
King (IA)
Lantos
Lofgren, Zoe
Lucas
Marchant
Matheson
McHugh
McKeon
Miller (FL)
Miller, Gary
Moore (WI)
Murtha
Paul
Pryce (OH)
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sessions
Tancredo
Wexler
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1902

Mr. CONYERS changed his vote from "yea" to "present."

Mr. KUCINICH changed his vote from "present" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. McHUGH. Mr. Speaker, on rollcall No. 1143, I was unavoidably detained. Had I been present, I would have voted "yea."

FAIR TREATMENT FOR EXPERIENCED PILOTS ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 4343, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and pass the bill, H.R. 4343.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 390, nays 0, not voting 41, as follows:

[Roll No. 1144]

YEAS—390

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Clarke
Clay
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—41

Alexander
Boswell
Brown, Corrine
Buyer
Carson
Chandler
Cleaver
Cubin
Davis (IL)
Everett
Ferguson
Graves
Hooley
Hunter
Jindal
Johnson (IL)
Keller
Kind
King (IA)
Lantos
Lewis (GA)
Lucas
Marchant
Matheson
Miller (FL)
Miller, Gary
Moore (WI)
Murtha
Olver
Paul
Pryce (OH)
Renzi
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sessions
Tancredo
Van Hollen
Wexler
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised less than 2 minutes remain in the vote.

☐ 1908

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CLEAVER. Mr. Speaker, I was unavoidably detained for Rollcall votes 1142 through 1144 and ask for unanimous consent to enter into the RECORD the following statement on the series of votes held on Tuesday, December 11, 2007, beginning with Rollcall 1142.

Unfortunately, I was detained in my district; Missouri's Fifth, due to a massive ice storm, which is crippling our community. My heart goes out to those individuals who have lost power, and I salute the city and utility workers, who are working tirelessly to restore lost utilities in this freezing weather.

Mr. Speaker, had I been present, I would have cast the following votes on H. Res. 842, Expressing sympathy to and pledging the support of the House of Representatives and the people of the United States for the victims of Cyclone Sidr in southern Bangladesh; H. Res. 847, Recognizing the importance of Christmas; and H.R. 4343, the Fair Treatment for Experienced Pilots Act of 2007:

Mr. Speaker, had I been present for H. Res. 842, roll No. 1142, I would have voted "yea."

Mr. Speaker, had I been present for H. Res. 847, roll No. 1143, I would have voted "nay."

Mr. Speaker, had I been present for the H.R. 4343, roll No. 1144, I would have voted "yea."

PERSONAL EXPLANATION

Mr. BOSWELL. Mr. Speaker, I regret that inclement weather prevented me from being here to vote today. Had I been present, I would have voted "yea" on H. Res. 842; H. Res. 847, H.R. 4343, and I ask that my statement be placed in the appropriate place in the RECORD to reflect this.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4193

Mr. CUELLAR. Mr. Speaker, I ask unanimous consent to remove my name from H.R. 4193.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

HONORING ALBERT CAREY CASWELL OF THE CAPITOL GUIDE SERVICE

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, I rise today to honor one of the unsung heroes of the United States Capitol. Here in the Capitol Building, we have a group of fine individuals who serve the public by giving tours of the Capitol and educating the public about the history of this great institution.

But during the few years I have had the honor to serve in Congress, I have noticed one member of the Capitol Guide Service who has consistently gone above and beyond the call of duty. Albert Carey Caswell has served as a Capitol guide for more than 20 years, and his tenure has been marked with an ethic of civic outreach. He routinely gives tours to disabled veterans from Walter Reed Medical Center and to children with life-threatening diseases through Make-a-Wish Foundation. Mr. Caswell does all of this on a volunteer basis on his own time. He insists that the tours he give to these children and brave veterans be coordinated and given on his watch.

Mr. Caswell is an accomplished poet and an extremely knowledgeable tour guide, but more importantly he is a great American. He embodies the spirit of a true patriot, someone who grasps the importance of a cause greater than himself and pursues it with energy and commitment. He is the model of a civically minded citizen who is selflessly committed to the greater good.

SPECIAL ORDERS

The SPEAKER pro tempore (Ms. CLARKE). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

□ 1915

ADMINISTRATION GETS TWO THUMBS DOWN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, the holiday movie season usually begins each year around Christmas Day, but this year the holiday movie season has begun early. It began this week, in fact, when the administration premiered its new movie entitled, "Iraq: The Sequel."

As you will recall, the first Iraq movie began with the administration warning us about weapons of mass destruction and mushroom clouds. Then we invaded Iraq where we discovered that the weapons of mass destruction didn't exist. But the administration kept coming up with new reasons to keep the occupation going.

The American people gave this first Iraq two thumbs down, but that hasn't discouraged our leaders in the White House. They have been busy writing the same exact script for "Iraq: The Sequel," which is all about Iran.

In this movie, the administration warns us about Iranian weapons of mass destruction, in this case a nuclear weapons program. Then it gives us new visions of mushroom clouds by warning us about World War III. Then we discover, as we did last week, that the nuclear weapons program does not exist. In fact, it was suspended back in 2003. But the administration continues to come up with new reasons to keep the crisis going.

Yesterday we were told that Iran was dangerous, Iran is dangerous, Iran will be dangerous. So the administration's drumbeat for war in general, and against Iran in particular, goes on. Before we go back to the dark days, Madam Speaker, the dark days of shock and awe, I have a few questions to ask.

First, why did it take 4 long years to discover the truth about the Iranian nuclear weapons program? Was this another example of intelligence being manipulated for political purposes?

Why did the administration warn us in October that Iranian nuclear weapons could start World War III when the Director of National Intelligence went to the White House in August to say that Iran's nuclear weapons system "may be suspended"?

There is nothing, nothing more reckless and irresponsible than to terrify the world about World War III when there is no basis for it.

Why did the administration continue to use threatening language yesterday? Yesterday, when the truth was already known. Instead of looking for opportunities for peace, this administration continues to look for ways to keep tensions as high as possible.

My last question, Madam Speaker, is why does the administration seem so intent on wrecking America's credibility? By doing so, this administration has made the world a much more dangerous place and has undercut our own national security. We are like the boy who cries wolf. No one will believe what we say now, and that means we cannot lead the world effectively against terrorism and towards peace.

The movies of "Iraq" and "Iraq: The Sequel" have both bombed. We need a new plot, a plot that begins with responsible redeployment of our troops out of Iraq, which would be the essential, responsible first step.

When we do that, we can begin to bring together all the parties in the region that have a stake in keeping a lid on violence and reducing tensions. We must change course because that is the only way to regain the moral leadership. And we must reshape events, and we must reshape them in ways that are favorable to the United States and to peace around the world.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1201

Mr. PICKERING. Madam Speaker, I would like to ask unanimous consent to withdraw my name as a cosponsor of H.R. 1201.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

EYE ON THE SUPREME COURT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Madam Speaker, last week hundreds of citizens stood in the first snow of winter in Washington, D.C. for 2 hours, hoping to get a coveted seat in the United States Supreme Court building to see the oral arguments on the case of the detainees in Guantanamo prisoner of war camp and what rights, if any, they have under our Constitution; however, the Supreme Court gallery has a mere 50 seats for spectators.

One of those would-be viewers was a lawyer on my staff, Gina Santucci. I wanted her there to find out more about the case and take notes. But she, like most of the people in line, never got in to see the arguments. There was no room in the room. Those that were allowed into the proceedings were only permitted to stay 5 minutes before they had to leave and make room for other people in the room.

Public interest in what takes place in the Supreme Court is a good thing. It is important that Americans are concerned about what occurs in the Supreme Court, and citizens want to observe the most powerful court in action anywhere in the world. But most Americans will never have this opportunity to see the questions asked by the Justices of the Supreme Court or to hear the arguments over the meaning of our Constitution or hear constitutional cases that will go down in history.

Earlier this year, I introduced H.R. 1299 to allow television cameras to televise Supreme Court proceedings. Since then, both the House and the Senate Judiciary Committees have heard arguments as to why cameras should be allowed inside the Supreme Court.

Last week, the Senate Judiciary Committee marked up Senator SPECTER's bill to allow cameras in the Supreme Court. Some Senators were concerned that the Department of Justice opposed this bill. Justice Department opposed this bill because they say they want to protect the "collegial environment" of the Court. I don't mean to intrude on what a "collegial environment" is, but what is it?

I thought the business before the Supreme Court is a matter the American people have an interest in, not just the college of lawyers that appear before the court.

We have cameras in these House Chambers, and I never thought about whether the camera here on the House floor affects the collegiality between the fellow representatives that we work with. Most of us hardly notice the camera at all. And today's cameras are so small and unobtrusive, they are not noticed. They don't affect our daily routine here in the House, but they allow Americans across the vastness of the fruited plain to tune in to see what their government is up to every day.

Now, I doubt if the Supreme Court TV channel will win the fall sweeps, but it will allow Americans who live in the 50 States to observe the oral arguments that take place. Some say they are against cameras in the courtroom because attorneys play to the camera and try to impress the viewing audience.

Madam Speaker, attorneys don't play to the camera, they play to the jury. I know because I played to the jury for 8 years as a prosecutor in Texas. However, there isn't even a jury to impress in the Supreme Court. In fact, there really isn't a time to grandstand in the Supreme Court. Oral arguments in the Supreme Court involve the best appellate attorneys in the country, facing a spew of questions from nine Justices who are asking a barrage of legal questions to these lawyers making them justify their legal positions on their case.

I only explain how the oral arguments work in the Supreme Court because most Americans are unaware of the proceedings and the procedures since they don't have the opportunity to view Supreme Court oral arguments personally. Unless there are cameras, Americans will never have the chance to see what takes place in a courtroom, the most powerful courtroom in the whole world, the Supreme Court courtroom.

I know cameras can be placed in a courtroom without disruption or distraction because I did it. For 22 years, I served as a felony court judge in Houston, Texas. I heard over 25,000 criminal cases and a thousand jury trials. Some of those were filmed by the TV media. I even televised a capital murder trial. My rules were simple and always obeyed by the media: No filming of rape victims, children, the jury, or certain other witnesses. The camera filmed what the jury saw and heard. And, Madam Speaker, I had no problem with the media at all. We need to let the public see a real trial in progress, and cameras have made that possible.

Americans have the right to watch Supreme Court proceedings in person. We have the best judicial system ever created in the history of the world. Why not prove it by filming these proceedings? Americans should not be deprived of the right to observe just because they cannot physically sit in the Supreme Court courtroom. It is time to remove the veil of secrecy from the hallowed halls of the Supreme Court and allow cameras to film these important proceedings.

Justice would be better served if we open the doors to the Supreme Court to cameras because justice is the one thing we should always find.

And that's just the way it is.

JOSH MILLER HEARTS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. SUTTON) is recognized for 5 minutes.

Ms. SUTTON. Madam Speaker, there are no words to describe the pain we feel when a young life is lost.

To know Josh Miller was to know a kindhearted and generous young man with limitless potential. Josh was a Barberton High School sophomore with a 4.0 grade point average, a linebacker who dreamed of playing football for Ohio State one day.

But one day, without warning, these dreams were cut short. Josh had never shown any signs of heart trouble, but during the final game of the 2000 football season, he collapsed after leaving the field. By the time his heart was shocked with an automated external defibrillator, it was too late to save him.

Josh suffered a sudden cardiac arrest, which, according to the American Heart Association, claims the lives of about 330,000 Americans every year. The vast majority of these individuals, like Josh, will not have displayed any signs of heart trouble beforehand; yet there is an easy-to-use, relatively inexpensive piece of medical equipment that can more than double the odds of survival for someone experiencing such a sudden cardiac arrest.

An automated external defibrillator, or AED, is the single-most effective treatment for starting the heart after sudden cardiac arrest. And because chances of survival decrease up to 10 percent for every minute that passes, every second is critical.

It is incredibly important that we take steps to educate the public about the life-and-death difference that using these devices would make. I would like to thank and to commend my colleague, Mr. KUHL, for his efforts in promoting increased access to AEDs through the resolution passed this afternoon. Later this week, I will be introducing a piece of legislation that takes another step to increase the ability of AEDs in our communities.

The Josh Miller HEARTS Act will establish a grant program that will help schools across the country purchase these lifesaving devices. Schools are central gathering places in our communities, and placing AEDs in our schools will not only save the lives of students enrolled there, potentially, but they will be available for teachers and staff, parents and volunteers, and the many other members of the community who pass through the halls every single day.

This legislation will be modeled on a similar program recently completed in the State of Ohio. Dr. Terry Gordon, a cardiologist at Akron General Hospital, has dedicated his life to this campaign. And his tireless efforts in Ohio led to the adoption of a statewide initiative to put an AED into every school across the State. Already, this program has saved the lives of 12 children and adults as a direct result.

I hope we in Congress can build on Dr. Gordon's good work and carry out this program at the national level. Losing a young life full of promise, like Josh's, can bring about a sense of helplessness. But today, we have an opportunity to act. I urge my colleagues to join me in supporting this effort to bring AEDs into every single school across this country.

☐ 1930

HONORING THE U.S. MARINE CORPS' DECISION TO ALLOW FAMILY OF FALLEN MARINE TO ADOPT SON'S K-9 PARTNER, LEX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Madam Speaker, too often during wartime, tragedy takes center stage and heart-warming stories never get told. Tonight I would like to share a truly touching story with my colleagues in the House and with the American people.

Corporal Dustin Jerome Lee was a United States Marine Corps working-dog handler who was killed in action on March 21, 2007, in Fallujah, Iraq. Corporal Lee and his canine partner, Lex, a 7-year-old German shepherd from Camp Lejeune were a highly trained explosives detection team. Lex, who was due for retirement after his combat tour in Iraq, suffered shrapnel wounds from the same enemy-fired rocket-propelled grenade that took Corporal Lee's life.

Following Corporal Lee's death, the Lee family began seeking to adopt their son's canine companion who was with their son during the last moments on Earth. However, after filing the necessary paperwork, contacts at Marine Corps Logistic Base Albany indicated that Lex had been medically evaluated and, although injured, was fit for duty and not yet eligible for adoption.

I first learned of the Lee family's situation by reading the short story, "My Partner Dustin," written by John Burnam, author of "Dog Tags of Courage."

Madam Speaker, at this time I will submit the text of the story for the CONGRESSIONAL RECORD.

MY PARTNER DUSTIN

(By John C. Burnam)

I'm a U.S. Marine and the primary element of a two-member team trained to hunt and locate explosives. My partner and I trained as a team for many months honing our expertise to save American lives in the War on Terrorism in Iraq.

The date is March 21, 2007 and I was on the job in Fallujah, Iraq when an enemy fired Rocket Propelled Grenade (RPG) exploded in our midst. I was blasted to the ground. I'm Stunned. My head is ringing and my body feels numb. My eyes can't quite focus on anything.

My partner is lying next to me severely wounded and bleeding. I move to him and touch him but he's not responding. I feel sharp pains in my side and back. I'm bleeding but deal with it and concentrate on comforting my partner and protecting him from further harm.

Everything happened so fast that it caused disorientation and confusion. My senses pick up the lingering smell of burnt powder and smoke from the explosion. I hear lots of American voices and heavy boot-steps hurrying all around us. They reach our location and immediately attend to my partner.

And then they carry him away. I'm separated from my partner for the first time. I'm not clear of thought and then I too am carried way but to a different hospital.

I'm in a building lying on a table with lights above and people talking. Still dazed and confused I hear a strange voice say my name, "Lex!" I gesture a slight reflex of acknowledgement. "Lex! You are going to be okay buddy! Just lay still. We are going to take care of your hurts, so stay calm okay, Lex?" My eyes dart around the room searching for my partner, but he's not there and no one can interpret my thoughts.

I'm released from the hospital and well enough to travel so they transfer me from Iraq to a U.S. Marine Corp base in Albany, Georgia. I really miss my partner, Dusty. I know something has happened to him because he would never have left me alone for so long.

Yes, my name is Lex. I'm a seven year old German shepherd Military Working Dog. My master and loyal partner is Corporal Dustin Jerome Lee, U.S. Marine Corps canine handler from Mississippi. I'm well disciplined to my master's commands and expertly trained to sniff out bombs and explosives. Where's my master, Dusty? Where's Dusty, my partner? No one can understand me but Dusty. Where's Dusty?

Iraq was to be my last combat tour before retirement. Dusty talked to me all the time about going home and adopting me. I sure do miss my Dusty. He is the best friend I've ever had. I love that crazy Marine from Mississippi!

No one can measure the love and unconditional loyalty I have for Dusty. I'd sacrifice my own life for him and he knows it. I just wish I could have stopped that RPG or pushed Dusty away from that powerful blast. It all happened in a blink of an eye and I didn't see it coming until it was too late. Now I sit alone in my kennel-run waiting for the day Dusty shows up.

The U.S. Marines are treating me very well. I get enough food and water and exercise each day. And the Veterinarian comes by to examine my wounds on a regular basis. I just can't sleep well at night. I wake up to every little noise and I think about Dusty. Where can that Marine be?

The nights are long. The days turn into weeks. Still no Dusty! My wounds are healing and the hair is growing back. The pain still resides in my back but I can walk okay. I have a piece of shrapnel near my spine that the Veterinarians avoided removing for fear of further health complications. I've been fortunate to be declared physically unable to perform in a combat zone.

One of the dog handlers gave me a real good bath and grooming. I felt so refreshed because I was on my way to meet Dusty's family. Maybe Dusty will be there waiting for me. When I arrived I sensed something was not quite right. Dusty wasn't there and everyone was sad, but very happy to greet me. I then realized that I was attending Dusty's funeral. Everyone showed up to pay their respects.

Dusty is a real American hero and he was buried with full military honors. I was so proud to have been his last best friend and partner. At one particular moment of total silence during the ceremony, I sniffed a slight scent in the air that was very familiar. It smelled like Dusty. I figured he sent me a signal that he knew I was there! I moaned a sigh of grief that he would only hear and understand.

I was greeted by the Lee family with joy in their hearts. The picture is of Dustin's mom, Rachel, and me in church. It felt so warm and comfortable to be with my partner's loving family. I wanted to stay but I was escorted away after the funeral and back to Albany, Georgia. What is going to happen to me now?

Wait a minute! I was due for retirement, right? Why did the military take me to see Dusty's family and not leave me there? I belong with them in Mississippi not here in Georgia. There is something very wrong with this picture!

The Lee family adopting me would not be too much to ask considering they will never again see their son, grandson, brother, nephew and friend. Adopting me will keep a big part of Dusty's life alive for them and for me too! I will enable Dusty's family to experience what he already knew about me. I loved and protected him everywhere we went and even on the battlefield in Iraq. It's time the U.S. Marine Corps allowed Dustin's family to adopt me. I'm not a young pup anymore, you know! I'm of retirement age and I want to spend the rest of my life with the Lee family. It's where I now belong!

After learning this story, I spoke with Corporal Lee's father, Jerome Lee, by phone on several occasions. Mr. Lee continued to express the joy and comfort that caring for Lex would bring to him and his family, and he requested my assistance in securing the adoption of Lex.

After speaking with Mr. Lee, I began contacting the United States Marine Corps to communicate and endorse their request. Recently, the Marine Corps confirmed to me that the request would be granted and the Lee family would be able to retrieve Lex from Marine Corps Logistic Base Albany within the next 2 weeks.

Allowing the Lee family to adopt Lex will not only help lessen the family's ongoing grief, but also serve as a fitting thank you to parents who gave the ultimate gift of their son for this country.

I am so grateful to the United States Marine Corps and Commandant James Conway for the tremendous gift they have chosen to bestow upon Jerome and Rachel Lee.

I am also very grateful to Brigadier General Michael Regner and Major General Robert Dickerson for their role in enabling the adoption to proceed.

Although Lex will never replace their son, caring for Lex will bring such joy and comfort to the Lee family, as well as to the dog himself. Welcoming Lex into the Lee family will keep a big part of Corporal Lee's life alive for their family.

Lex loved and protected Corporal Lee on the battlefield, and now Corporal Lee's family will have the opportunity to love and protect Lex in the peaceful surroundings of their home in Mississippi.

The United States Marine Corps has demonstrated its tremendous compassion and understanding by making this adoption a reality for the parents of one of our Nation's fallen heroes.

I close, Madam Speaker, by asking God to please bless the United States Marine Corps and all of our men and women in uniform, and may God continue to bless America.

Mr. TAYLOR. Madam Speaker, will the gentleman yield?

Mr. JONES of North Carolina. I yield to the gentleman from Mississippi.

Mr. TAYLOR. The Lee family is from Quitman, Mississippi. The dad is a State Trooper. The mom is a public school teacher. I want to thank you for doing this. I regret that the request was not made of my office. But it just once again proves what a decent Joe you are, WALTER. Thank you for doing that

Mr. JONES of North Carolina. I appreciate the gentleman. And I will tell the gentleman, before he sits down, when I read this story it brought tears to my eyes. And I asked Mr. Burnam, who had been in Vietnam himself as a dog handler, What should I do, what could I do. He said, Do what your heart tells you to do. And my dear friend from Mississippi, I didn't even know where this man was in Mississippi. I just picked up the phone because Camp Lejeune was in my district. But thank you for what you said. And may God continue to bless America.

WHAT HAS NOT BEEN ACCOMPLISHED IN THIS CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Madam Speaker, I am here tonight to talk about what has not been accomplished in this Congress, and what it looks like we may be facing in an omnibus bill.

Last week we were told that we would be here on Friday of this coming week, after we had been told about a month ago that we would be able to be in our districts on Friday. I know that I made many plans to be in the district, speak to school groups that had been asking me to speak, meet with chamber of commerce people to talk about concerns that they had, and to do lots of things in the district.

We have been denied many opportunities this year to be in our district to hear from the folks in the district the things that are on their minds and what's really important in the country, because the majority has insisted that we stay in session 5 days a week. But if you look at the bills that have been passed in those days that we've been here, you'd see that they were not things that primarily the Congress needs to be concerning itself with.

We do need to be concerning ourselves with the appropriations bills, funding the war on terror, taking care of tax relief for middle-income Americans, many, many things that we should be doing. But, instead, we are literally wasting our time on insignificant issues and not dealing with those things we should be dealing with.

It was announced last week that we would be dealing with an omnibus appropriations bill. Why an omnibus appropriations bill? Because the majority has been unable to pass 10 of the vital appropriations bills that our government relies for its funding on.

We have passed the Defense bill and the President has signed it. We've passed the Labor-HHS bill. The President vetoed it and the veto was upheld. So we are coming to the end of a continuing resolution that was passed that expires on Friday, and we're facing the prospect of lumping 11 appropriations bills together and passing them in one fell swoop. Well, we know that is just a recipe for disaster.

Last week we were given the Energy bill, 15 hours before we voted on it, a 1,000-plus page bill, and it had all kinds of problems with it. Buying Lexus hybrids for the Beverly Hills police, many, many things in there that the American people would not approve of. And I fear that in the omnibus bill we're going to see a lot of those kinds of things.

Now, we don't know yet what's going to be in the omnibus bill, but in addition to a tremendous number of earmarks, we are probably going to see sanctions against Cuba weakened. We are probably going to see the Mexico City policy overturned. The House and Senate versions of the State Department appropriations bill permits grants and subsidies for organizations that perform or actively promote abortion as a method of family planning, overturning the Bush administration's Mexico City policy. We don't need to be doing that. The American people do not want us to take their hard-earned money to fund abortions.

It is probably going to provide federally funded benefits for domestic partners. Before being stripped from the House-passed Financial Services general government appropriations bill, a provision would have allowed unmarried cohabiting couples in the District of Columbia to qualify for Federal benefits on the same basis as legally married couples. That provision could be brought back to life in the majority's omnibus legislation.

Ending an IRS private debt collection program, the majority spending bill could limit funding to implement the Internal Revenue Service's use of private collection firms to collect unpaid taxes. The private debt collection initiative is expected to collect $1.3 billion in taxes owed to the government that would otherwise go uncollected.

Undermining regulatory reform, a provision in the House-passed Financial Services general government appropriations bill, again, H.R. 2829, would kill efforts to increase the quality, accountability, and transparency of the Federal Government's regulatory review process. It would result in a fox guarding the hen house approach to approving Federal rules and regulations.

We don't need an omnibus bill. We need to vote on these bills one at a time, Madam Speaker.

BLOOD LEVELS OF MERCURY ARE RELATED TO DIAGNOSIS OF AUTISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Madam Speaker, it's late at night here in the Capitol, and most of my colleagues are in their offices or have gone home. But I want to talk about an issue that's very, very important that we've been talking about now for the last 8 years.

I was chairman of the Government Reform Committee for 6 years, and during that time, my grandson became autistic; and we checked to find out what was the cause, trying to find out, because my daughter and her husband were just extremely upset about it, as we were as grandparents. And we found that he had received nine shots in one day, seven of which had a product called themarasol, a preservative, in it. And the themarasol was 50 percent ethylmercury. And so I decided to have hearings to try to find out if the ethylmercury in those vaccines had anything to do with the autistic problem my grandson had. And we found, by having many, many hearings over a 4-year period, we found that scientists from all over the world and leading doctors and educators here that work with autistic children, that the mercury in the vaccines did contribute to the autistic epidemic that we had.

We used to have one in 10,000 children that were diagnosed as being autistic. One in 10,000. Today the Centers for Disease Control will tell you it's one out of 150. It's an absolute epidemic in this country. And we have been fighting and fighting and fighting to make sure that those families who have been damaged and those children who have been damaged by autism get some kind of compensation. And that's why, and I think in 1986 we passed what was called the Vaccine Injury Compensation Fund, and it took some of the money from the pharmaceutical companies when they sold their vaccine products to put into this fund to take care of people who are damaged by vaccines. And one of the reasons we did that was because of the issue of autism, although at that time I didn't know much about it.

In any event, the Vaccine Injury Compensation Fund has about $3 billion in it, and the people who's children have been adversely affected by mercury and have autism have not been able to get anything out of that. They have to go through a process and see a special master, and he has to judge whether or not the information that he has and the information they have lead them to believe that the mercury in the vaccines caused autism. And so far the special masters have not been able to ascertain, according to them, that the mercury in the vaccines does cause autism.

Well, last week, 2 years ago, let's see, 4 years ago there was a report, 2004, that said that there was definitely no connection between the mercury and the vaccinations and the children getting autism. Well, this past November, just last month, two doctors, Dr. Catherine DeSoto and Dr. Robert T. Hitlan, both very renowned doctors across this country, they have Ph.D.s in medicine, they wrote an article in the Journal of Child Neurology. And you can't discount this. What they're saying is fact. I want to read to you the summary of what they said. They said: "The question of what is leading to the apparent increase in autism is of great importance. Like the link between aspirin and heart attack, even a small effect can have a major health implication. If there is any link between autism and mercury, it is absolutely crucial that the first reports of the question are not falsely stated and that no link occurs."

Now, get this: "We have reanalyzed the data set forth originally reported in 2004 and have found that the original P value was in error and that a significant relation does exist between the blood levels of mercury and diagnosis of an autism spectrum disorder. Moreover, the hair sample analysis results offer some support for the idea that persons with autism may be less efficient and more variable at eliminating mercury from the blood."

The fact of the matter is the mercury in the vaccines has autism. It's not the only cause of autism. But now we have scientific evidence by two leading doctors in the Journal of Child Neurology that says without doubt, the mercury in the vaccines does cause autism, is a major contributing factor.

Well, I've written, contacted Congressman KUCINICH, who's chairman of the subcommittee that deals with this in the Capitol, and I've also contacted the special masters that decide these cases and have urged them to re-evaluate all of these cases where people who have autistic children have found that the mercury in the vaccines may have been a major cause.

Now we know that it is a cause of autism, and those people who have suffered, and those kids who have suffered need to be compensated out of the Vaccine Injury Compensation Fund.

So I'd like to say to my colleagues, I hope you will join me in making sure that the information I just read gets out to everybody. These kids are going to live to be 50, 60, 70 years old, and unless there's some help for them, they're going to be a real burden on the taxpayers and on society. We have an obligation to make sure they're taken care of.

I hope all of my colleagues will read this statement tonight and help us to change the attitude of our health agencies and the special masters dealing with this problem.

In November 2007, the well-respected scientific journal, the Journal of Child Neurology, published an article authored by Drs. M. Catherine DeSoto and Robert T. Hiltlan (PhDs), detailing their findings on the relationship between mercury and autism spectrum disorders. The article was entitled "Blood Levels of Mercury are Related to Diagnosis of Autism: A Reanalysis of an Important Data Set."

To summarize the article, Drs. DeSoto and Hiltlan reanalyzed a data set the subject of a 2004 study that found no relationship between mercury and autism. By reexamining the data set, Drs. DeSoto and Hiltlan determined that the conclusions of the 2004 study were wrong, and that a relation does exist between the blood levels of mercury and diagnosis of an autism spectrum disorder.

As Drs. DeSoto and Hiltlan noted in their article, there has been a marked increase in the diagnosis of autism in this country over the last 20 years. In fact we have gone from an autism rate of 1 in 10,000 to 1 in 150. So, answering the question of what is (and is not) a possible contributing cause of autism is crucial, not only to the millions of American families currently affected by autism but to future generations.

We simply cannot dismiss or downplay scientific research, which has the potential to unlock the mysteries surrounding what is causing our Nation's autism crisis. We owe it to the thousands of families living with autism to follow the science wherever it may lead.

That's why in late November, I wrote to the Chairman of the House Subcommittee on Domestic Policy, Representative DENNIS KUCINICH; and the Special Masters assigned to the Congressionally-created Office of Vaccine Program within the U.S. Court of Federal Claims, alerting them to the findings in Drs. DeSoto and Hiltlan's latest research.

Specifically, I asked the Special Masters to take Drs. DeSoto and Hiltlan's latest findings into consideration as they carry out their mandate of managing and adjudicating childhood vaccine claims. I asked Chairman KUCINICH to hold a hearing on the environmental risks of mercury in childhood vaccines before the 110th Congress ends.

Given the high stakes involved, scientific reports discussing a connection between blood mercury levels and autism deserve serious consideration and review by the medical and scientific community.

During my tenure as Chairman of the House Committee on Government and Reform, I spent 6 years researching and hearing testimony from the autism advocacy and scientific communities about the autism epidemic sweeping our country. Over and over again, questions of causation, namely the use of thimerosal—the mercury-based vaccine preservative—in childhood vaccines were raised.

Here's what I learned:

A number of credible national and international scientists testified before the Committee that mercury in vaccines is a contributing factor in developing neurological disorders, including, but not limited to, modest declines in intelligent quotient, autism, and Alzheimer's disease. And the body of evidence to support that conclusion gets larger everyday.

Experience tells us that, as with any other epidemic, while there may be underlying genetic susceptibilities, there usually is also some type of environmental trigger as well—be it exposure to a virus, fungus, heavy metal, or pollutant. There has never, to the best of my knowledge, been a purely genetic epidemic.

Genetics alone cannot explain how we went from 1 in 10,000 children with autism spectrum disorders 20 years ago to 1 in 150 today. The increase happened far too quickly for a genetic shift.

As mercury is a known bio-accumulative neurotoxin, it is biologically plausible that it is a contributing factor to our Nation's autism epidemic.

Autism has no cure, and while it is a life-changing condition, it is not a life-threatening disease. This means that the autistic children of today will be the autistic adults and autistic seniors, 20, 30, 50, even 70 years from now. Our Nation is ill prepared to deal with the complex educational, financial, housing, and health care challenges posed by a generation of autistic individuals.

My only grandson is autistic, so this is an issue that is very close to my heart; and for the last several years I have fought hard to raise awareness of this disease, and increase research into the causes of autism, as well as new treatments for those suffering with autism.

As a Nation, I believe, we have a collective responsibility to do everything we can to not only stop the further spread of this disease but to help the millions of children, adults and families afflicted with it.

JOURNAL OF CHILD NEUROLOGY

BLOOD LEVELS OF MERCURY ARE RELATED TO DIAGNOSIS OF AUTISM: A REANALYSIS OF AN IMPORTANT DATA SET

(By M. Catherine DeSoto, PhD, and Robert T. Hitlan, PhD)

The question of what is leading to the apparent increase in autism is of great importance. Like the link between aspirin and heart attack, even a small effect can have major health implications. If there is any link between autism and mercury, it is absolutely crucial that the first reports of the question are not falsely stating that no link occurs. We have reanalyzed the data set originally reported by Ip et al. in 2004 and have found that the original p value was in error and that a significant relation dose exist between the blood levels of mercury and diagnosis of an autism spectrum disorder. Moreover, the hair sample analysis results offer some support for the idea that persons with autism may be less efficient and more variable at eliminating mercury from the blood.

Keywords: autism; mercury; environmental health; neurotoxin; neurodevelopment; blood.

There is a marked increase in the diagnosis of autism. The question of what is (and is not) related to this increase is crucial to millions of persons affected by the disorder. This article reanalyzes an original data set regarding the relation between blood levels of mercury and diagnosis of an autism spectrum disorder (ASD) by Ip et al. based on our finding of discrepancies in the original article.[1]

A review of what is known about the neurotoxic effects of mercury is beyond the scope of this paper,[2] but the observable symptoms of acute mercury poisoning have been reported to match up with many of the problems observed in autism.[4] Furthermore, mercury poisoning has sometimes been presumptively diagnosed as autism of unknown etiology until the mercury poisoning has been uncovered.[4] Because there has been a several-fold increase in environmental mercury exposure, the hypothesis that the rise in autism could be related to an environmental increase in mercury levels is a reasonable one to pursue. Autism may result from a combination of genetic susceptibility (perhaps in the form of reduced ability to remove mercury or other neurotoxins from the system) and environmental exposure at key times in development.[5,7] This would mean a generalized increase in mercury levels would be expected to co-occur with a generalized increase in autism. but some people exposed to relatively high mercury would not be affected if, for example, their bodies were very efficient eliminators of such toxins. Only if an exposed infant or fetus also had a genetic susceptibility that makes one less able to remove mercury (or other heavy metals) would normal levels of mercury exposure lead to problems. Alternatively, it could be that genes that help detoxify get switched on and start to express themselves a little later than normal in those genetically predisposed to autism; or perhaps. autism results from some combination of these theories.

Nevertheless, if mercury does play any causal role in facilitating a diagnosis of autism, there would likely be at least some relation between high mercury measured in the blood and symptoms of autism even if ability to metabolize mediates the relationship between exposure and neural toxicity. This is because even if exposure is identical, those who remove mercury less effectively should still have higher levels in the blood. Interestingly, results of hair samples could be expected to be somewhat mixed. The level of mercury in hair may be better understood as an indication of how much mercury has been removed by the body as opposed to the level in the body.[6] If people are approximately equal in their ability to remove circulating mercury from the bloodstream, then these 2 indicators should match up closely, but if a person's ability to excrete is low, their hair samples might not be elevated even when their blood levels are high.

Fido and Al-Saad found that mercury levels in hair samples were higher in children diagnosed with autism.[8] These children were aged 4 to 7. In contrast, Kern et al. reported that mercury hair levels were not significantly different, but were lower at a marginally significant level.[9] Kern et al. used younger children, ages 1 to 6. Holmes et al. performed the most direct test of the hypothesis that autistic children may be deficient in terms of ability to remove mercury from circulation.[6] This study estimated mercury exposure of the mothers via a mercury exposure survey questionnaire. They then analyzed the first haircuts of the autistic children and a group of controls (the first haircuts would reflect mercury excretion in utero and very early life). In the autistic group, severity of autism was inversely related to hair mercury levels. This means that the more severe autistic cases actually had less excretion of mercury. Furthermore, among the normal children, hair levels of mercury were correlated to the mother's mercury exposure (as would of course be expected). But among the autistic children, there was no linear relation between the mother's mercury exposure and excretion of mercury in the hair. As the authors state, this pattern of results is easily understood if one considers "detoxification capacity of a subset of infants,"[6] such that the bodies of those diagnosed with autism appeared to be less able to excrete and/or metabolize the mercury they were exposed to.

As the rise in autism is relatively recent, it is not surprising that research into the etiology has not kept pace. Indeed, there are few published articles that consider blood levels of children with mercury that utilize a control group; a psycInfo search using the words "autism," "mercury," and "blood" yields only one hit.[1] Given the high stakes involved, it is crucial that early reports of the connection between blood mercury levels and autism not be misstated. Even a small effect size would be of great theoretical and practical consequence.

In 2004, Ip et al. reported that no relationship existed between mercury blood levels and diagnosis of autistic spectrum disorder among a group of children with an average age of approximately 7 years. While attempting to estimate the effect size based on the Ip et al. statistics, we realized that the numbers reported by Ip et at could not be correct. The means and standard deviations reported in the 2004 article yielded an easily significant t value (autism mean = 19.53 nmol/L, SD = 5.6, n = 82; control mean = 17.68 nmol/L, SD = 2.48, n = 55 gives a t = 2.283, two-tailed P = .024 or one-tailed P = .012). Ip et al. wrote that the P value was "(P) = .15,"[1(p432)] and that their data indicate "there is no causal relationship between mercury and as an environmental neurotoxin and autism."[1] After the error was brought to the attention of the authors, a new analysis was conducted by the original authors and they found the original t test to be in error and the P value to be a mistake (refer to Erratum, p. 1324). Based on their corrected analysis, the authors report the revised P value for their t test to actually be P = .056. We disagree on several grounds that these data indicate no significant effect exists, and report on a completely new reanalysis of the original data set.

METHODS

Outliers were removed prior to statistical analysis. An outlier is defined as a score that is "substantially greater or less than the values obtained from any other individual."[10] Outliers have an unduly large influence on the outcome of a statistical test. What actually qualifies as an outlier differs depending on the research question and the statistician analyzing the results; however, values greater than 3 standard deviations either above or below the mean generally qualify as extreme cases.[11] Within the Ip et al. data, there were 2 such values that were not removed prior to our reanalysis. These 2 values were more than 3 standard deviations above the mean, and both of these values were far from any other score. (Other scores were within 3 points of the next individual; these 2 scores were each 15 or more points away from any other score in the distribution.) To avoid the appearance that these 2 outliers were removed to influence the statistical outcome as opposed to objective criteria for cleaning a data set, it should be noted that the biggest outlier of the 2 was an unusually high blood mercury level of 98, which was in the autistic group. To be clear—if anything, removal of the outliers resulted in a more conservative test as it actually decreased the mean difference between the 2 groups.

RESULTS

Logistic regression was performed using blood mercury level as the predictor and the autistic/control group as the criterion. Results of this reanalysis indicate that blood mercury level can be used to predict autism diagnosis. Data included: r = .20, r^2 = .04, F(1, 133) = 5.76, P = .017. This finding indicates that there is a statistically significant relationship between mercury levels in the blood and diagnosis of an autism spectrum disorder.

There was no difference in the mean hair levels where t(135) = .24 and one-tailed P = .40; this is essentially the same result reported in the original article. However, given that hair levels would normally be expected to be highly correlated to blood levels, it might be surprising that blood levels could predict an autism spectrum diagnosis, but that hair mercury levels could not. Indeed, hair and mercury levels for the full sample were correlated (r = .86, P < .001) indicating that about 75% of the variance in hair levels was accounted for by the mercury level in the blood. To us, the question turned to what the other 25% of the variance might be due, and whether the assumptions of the t test were violated. Although not the central focus of this report, these results could certainly help to inform future researchers of the nature of the relation between autism and mercury, and we include this information for completeness.

Exploratory Analysis. If one hypothesizes that persons with autism are less able to excrete mercury, especially when their blood levels get in the higher range, one might expect that the correlation between blood and hair levels would break down at the higher blood levels among the autism spectrum group (a type of heteroscedasticity).[5] Another way of looking at it, the relationship between blood level and hair excretion may be different for persons with autism than those without autism. Levine's test of equality of variance indicated the variance in hair mercury was not evenly distributed between the autism and control groups (F = 5.98, P = .017). We calculated the correlation for persons whose circulating levels of mercury were in the top quartile separately for the autism and control groups. The correlation between blood and hair levels of mercury was r = .91 for the control group (accounting for 84% of the variance). For the autistic group, the correlation was r = .73, meaning only about 55% of the variance in the hair mercury levels was attributable to the blood mercury level differences.

To check the hypothesis that hair excretion was overall lower than would otherwise be predicted based on a certain blood level in the autistic group, a best fit regression line was calculated (y = 10.3, x = −2.48) indicting that for each unit increase in hair level, blood level increased by 10.3 units. Attest on the residuals showed that autistic participants were significantly more likely to have lower hair mercury levels than would be predicted as a function of their blood levels, t(133) = −2.92, P < .005; see Figure 1). It should also be noted that the presence of unequal variances or nonrandom residuals (in this case, autistic persons are both more likely to have greater variability at high levels of circulating mercury and a lower hair value for a given blood level) are both violations of important assumptions of the t test; a t test of hair mercury is therefore probably not a valid means to predict autism diagnosis as a function of mercury exposure. We performed an analysis of covariance (ANCOVA) with autism diagnosis as the independent variable and hair mercury level as the dependent predictor using blood levels as a covariate. Results indicate that hair level may be related to diagnosis of autism, not as a predictor in terms of absolute value, but such that for equivalent circulating levels of mercury in the body, those with ASD excreted less than normal such that F(1,134) = 3.9 and P = .05. To sum, the relationship between blood levels of mercury and mercury excreted in the hair is reduced for those with autism compared with nonautistic persons; furthermore, the difference between autistic and nonautistic persons is most pronounced at high levels of mercury.

DISCUSSION

In statistics, obtaining a probability value of P < .05 indicates that the obtained test statistic (based on one's sample) is extremely unlikely (less then 5% chance) to have been obtained by chance alone. By convention, this value is usually set at .05 (as a balance of type 1 and type 2 errors); however, this value is, in fact, arbitrary and statistical probability tables for hypothesis testing always include a range of probability values—not only probability at the .05 level. Given that this is the first direct test of this hypothesis and considering the potential importance of finding a relation between mercury blood levels and autism, it is just as important to avoid a false negative as a false positive. As the original authors have now currently calculated, the obtained difference suggests that there is probably a real difference (specifically that the chance that a real effect exists is about 94%, or, conversely, that the chance null effect is true is less than 6%, which misses the conventional .05—or 5%—mark of statistical significance). Given the close value to conventional significance, most researchers would not call this a firm rejection of the hypothesis, but might say it was marginally significant. Most researchers facing a P value of .056 would not want to categorically state that results "indicate that there is no casual relation between mercury level . . . and autism."[1] It concerns us that the original authors would want to let this conclusion stand in light of the new P value (which differs markedly from the .15 previously reported in 2004).

Another issue to consider is the question of a one-tailed or a two-tailed hypothesis test. Usually, researchers use a two-tailed test, which tests if there is a "difference" between 2 groups. However, when the literature leads a researcher to propose a specific direction of the difference, a one-tailed test is called for, "Often a researcher begins an experiment with a specific prediction about the treatment effect. For example, a special training program is expected to increase student performance, or alcohol consumption is expected to slow reaction times . . . The result is a directional test, or what is commonly called a one-tailed test."[10]

Whether to use a one-tailed test or a two-tailed test can be decided based on considering what would happen if the results ended up in the opposite direction of what one suspects. In this case, it would mean that the blood mercury levels were lower in the autistic group. Would this support the original hypothesis? (No!) However, if this were to happen, that is, if the autistic group were significantly lower in their blood mercury levels than the normal group, the researchers would find themselves in the incongruous position of having to accept their hypothesis that autism is related to elevated levels of mercury in the blood! The key point here is that their hypothesis was directional, and a one-tailed test should have been used. In this case, the just missed significance of their new analysis using a two-tailed t-test ($P = .056$) would have reached a conventional level of statistical significance (with $P < .03$).

Although the statistics can be tedious, the bottom line is that only by an apparent error in the original data analysis was the original lack of effect found. The authors' revised calculation (t test) still has problems (two-tailed test for a directional hypothesis, not removing clear outliers). And finally, the willingness to characterize a t test with a .056 level of statistical significance as no effect is questionable, especially in this particular case.

Of utmost importance (which outweighs the discomfort of writing about an error made by colleagues whom we know are generally competent researchers) is that potential researchers who are trying to understand what is and is not behind the rise in autism are not misled by even the slightest misinformation. It is imperative that researchers, medical professionals, and the public at large have the full set of information. To put it in perspective, the connection between taking aspirin and prevention of heart attack has an effect size equal to .038 which represents an effect size approximately equal to what we find between circulating levels and ASD diagnosis in this age group.[12] Just as important is the fact that for those physicians in the aspirin group who did have a heart attack, the heart attack was less likely to be fatal. The effect size for this latter effect was .08 and did not represent a significant difference from the placebo group by traditional dichotomous significance testing.[13] Yet, this does not mean no effect exists or that the effect is not of practical importance. We would encourage all researchers to not only report whether a test of mercury and autism reaches significance with the sample size used, but to report the exact statistic and also effect sizes to help future researchers resolve all the factors involved in the etiology of autism.

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PUBLICATION OF THE RULES OF THE COMMITTEE ON ENERGY AND COMMERCE, 110TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. DINGELL) is recognized for 5 minutes.

Mr. DINGELL. Madam Speaker, in accordance with clause 2(a) of rule XI of the Rules of the House of Representatives, I respectfully submit the rules of the Committee on Energy and Commerce for printing in the CONGRESSIONAL RECORD. The Committee on Energy and Commerce adopted these rules by a voice vote, a quorum being present, at our organizational meeting on January 10, 2007.

RULES FOR THE COMMITTEE ON ENERGY AND COMMERCE

U.S. HOUSE OF REPRESENTATIVES 110TH CONGRESS

(Adopted January 10, 2007)

RULE 1.—GENERAL PROVISIONS

(a) Rules of the Committee.—The Rules of the House are the rules of the Committee on Energy and Commerce (hereinafter the "Committee") and its subcommittees so far as is applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, is nondebatable and privileged in the Committee and its subcommittees.

(b) Rules of the Subcommittees.—Each subcommittee of the Committee is part of the Committee and is subject to the authority and direction of the Committee and to its rules so far as applicable. Written rules adopted by the Committee, not inconsistent with the Rules of the House, shall be binding on each subcommittee of the Committee.

RULE 2.—TIME AND PLACE OF MEETINGS

(a) Regular Meeting Days.—The Committee shall meet on the fourth Tuesday of each month at 10 a.m., for the consideration of bills, resolutions, and other business, if the House is in session on that day. If the House is not in session on that day and the Committee has not met during such month, the Committee shall meet at the earliest practicable opportunity when the House is again in session. The chairman of the Committee may, at his discretion, cancel, delay, or defer any meeting required under this section, after consultation with the ranking minority member.

(b) Additional Meetings.—The chairman may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purposes pursuant to that call of the chairman.

(c) Vice Chairmen; Presiding Member.—The chairman shall designate a member of the majority party to serve as vice chairman of the Committee, and shall designate a majority member of each subcommittee to serve as vice chairman of each subcommittee. The vice chairman of the Committee or subcommittee, as the case may be, shall preside at any meeting or hearing during the temporary absence of the chairman. If the chairman and vice chairman of the Committee or subcommittee are not present at any meeting or hearing, the ranking member of the majority party who is present shall preside at the meeting or hearing.

(d) Open Meetings and Hearings.—Except as provided by the Rules of the House, each meeting of the Committee or any of its subcommittees for the transaction of business, including the markup of legislation, and each hearing, shall be open to the public including to radio, television and still photography coverage, consistent with the provisions of rule XI of the Rules of the House.

RULE 3.—AGENDA

The agenda for each Committee or subcommittee meeting (other than a hearing), setting out the date, time, place, and all items of business to be considered, shall be provided to each member of the Committee at least 36 hours in advance of such meeting.

RULE 4.—PROCEDURE

(a)(1) Hearings.—The date, time, place, and subject matter of any hearing of the Committee or any of its subcommittees shall be announced at least one week in advance of the commencement of such hearing, unless the Committee or subcommittee determines in accordance with clause 2(g)(3) of rule XI of the Rules of the House that there is good cause to begin the hearing sooner.

(2)(A) Meetings.—The date, time, place, and subject matter of any meeting (other than a hearing) scheduled on a Tuesday, Wednesday, or Thursday when the House will be in session, shall be announced at least 36 hours (exclusive of Saturdays, Sundays, and legal holidays except when the House is in session on such days) in advance of the commencement of such meeting.

(3) Motions.—Pursuant to clause 1(a)(2) of rule XI of the Rules of the House, privileged motions to recess from day to day, or recess subject to the call of the Chair (within 24 hours), and to dispense with the first reading (in full) of a bill or resolution if printed copies are available shall be decided without debate.

(B) Other Meetings.—The date, time, place, and subject matter of a meeting (other than a hearing or a meeting to which subparagraph (A) applies) shall be announced at least 72 hours in advance of the commencement of such meeting.

(b)(1) Requirements for Testimony.—Each witness who is to appear before the Committee or a subcommittee shall file with the clerk of the Committee, at least two working days in advance of his or her appearance, sufficient copies, as determined by the chairman of the Committee or a subcommittee, of a written statement of his or her proposed testimony to provide to members and staff of the Committee or subcommittee, the news media, and the general public. Each witness shall, to the greatest extent practicable, also provide a copy of such written testimony in an electronic format prescribed by the chairman. Each witness shall limit his or her oral presentation to a brief summary of the argument. The chairman of the Committee or of a subcommittee, or the presiding member, may waive the requirements of this paragraph or any part thereof.

(2) Additional Requirements for Testimony.—To the greatest extent practicable, the written testimony of each witness appearing in a non-governmental capacity shall include a curriculum vitae and a disclosure of the amount and source (by agency and program) of any federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years by the witness or by an entity represented by the witness.

(c)(1) Questioning Witnesses.—The right to interrogate the witnesses before the Committee or any of its subcommittees shall alternate between majority and minority members. Each member shall be limited to 5 minutes in the interrogation of witnesses until such time as each member who so desires has had an opportunity to question witnesses. No member shall be recognized for a second period of 5 minutes to interrogate a witness until each member of the Committee present has been recognized once for that purpose. While the Committee or subcommittee is operating under the 5-minute rule for the interrogation of witnesses, the chairman shall recognize in order of appearance members who were not present when the meeting was called to order after all members who were present when the meeting was called to order have been recognized in the order of seniority on the Committee or subcommittee, as the case may be.

(2) Questions for the Record.—Each member may submit to the Chairman of the Committee or the subcommittee additional questions for the record, to be answered by the witnesses who have appeared. Each member shall provide a copy of the questions in an electronic format to the clerk of the Committee no later than ten business days following a hearing. The Chairman shall transmit all questions received from members of the Committee or the subcommittee to the appropriate witness, and include the transmittal letter and the responses from the witnesses in the hearing record.

(d) Explanation of Subcommittee Action.—No bill, recommendation, or other matter reported by a subcommittee shall be considered by the full Committee unless the text of the matter reported, together with an explanation, has been available to members of the Committee for at least 36 hours. Such explanation shall include a summary of the major provisions of the legislation, an explanation of the relationship of the matter to present law, and a summary of the need for the legislation. All subcommittee actions shall be reported promptly by the clerk of the Committee to all members of the Committee.

(e) Opening Statements.—(1) All written opening statements at hearings conducted by the committee or any of its subcommittees shall be made part of the permanent hearing record.

(2) Statements shall be limited to 5 minutes each for the chairman and ranking minority member (or their respective designee) of the Committee or subcommittee, as applicable, and 3 minutes each for all other members. With the consent of the Committee, prior to the recognition of the first witness for testimony, any Member, when recognized for an opening statement, may completely defer his or her opening statement and instead use those three minutes during the initial round of questioning.

(3) At any hearing of the full Committee, the chairman may limit opening statements for Members (including, at the discretion of the Chairman, the chairman and ranking minority member) to one minute. At any hearing conducted by any subcommittee, the chairman of that subcommittee, with the consent of its ranking minority member, may reduce the time for statements by members or defer statements until the conclusion of testimony.

RULE 5.—WAIVER OF AGENDA, NOTICE, AND LAYOVER REQUIREMENTS

Requirements of rules 3, 4(a)(2), and 4(d) may be waived by a majority of those present and voting (a majority being present) of the Committee or subcommittee, as the case may be.

RULE 6.—QUORUM

Testimony may be taken and evidence received at any hearing at which there are present not fewer than two members of the Committee or subcommittee in question. A majority of the members of the Committee shall constitute a quorum for the purposes of reporting any measure or matter, of authorizing a subpoena, or of closing a meeting or hearing pursuant to clause 2(g) of Rule XI of the Rules of the House (except as provided in clause 2(g)(2)(A) and (B)). For the purposes of taking any action other than those specified in the preceding sentence, one-third of the members of the Committee or subcommittee shall constitute a quorum.

RULE 7.—OFFICIAL COMMITTEE RECORDS

(a)(1) Journal.—The proceedings of the Committee shall be recorded in a journal which shall, among other things, show those present at each meeting, and include a record of the vote on any question on which a record vote is demanded and a description of the amendment, motion, order, or other proposition voted. A copy of the journal shall be furnished to the ranking minority member.

(2) Record Votes.—A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member. No demand for a record vote shall be made or obtained except for the purpose of procuring a record vote or in the apparent absence of a quorum. The result of each record vote in any meeting of the Committee shall be made available in the Committee office for inspection by the public, as provided in Rule XI, clause 2(e) of the Rules of the House.

(b) Archived Records.—The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House. The chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the Rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any member of the Committee. The chairman shall consult with the ranking minority member on any communication from the Archivist of the United States or the Clerk of the House concerning the disposition of noncurrent records pursuant to clause 3(b) of the Rule.

RULE 8.—SUBCOMMITTEES

There shall be such standing subcommittees with such jurisdiction and size as determined by the majority party caucus of the Committee. The jurisdiction, number, and size of the subcommittees shall be determined by the majority party caucus prior to the start of the process for establishing subcommittee chairmanships and assignments.

RULE 9.—POWERS AND DUTIES OF SUBCOMMITTEES

Each subcommittee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the Committee on all matters referred to it. Subcommittee chairmen shall set hearing and meeting dates only with the approval of the chairman of the Committee with a view toward assuring the availability of meeting rooms and avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings whenever possible.

RULE 10.—REFERENCE OF LEGISLATION AND OTHER MATTERS

All legislation and other matters referred to the Committee shall be referred to the subcommittee of appropriate jurisdiction within two weeks of the date of receipt by the Committee unless action is taken by the full committee within those two weeks, or by majority vote of the members of the Committee, consideration is to be by the full Committee. In the case of legislation or other matter within the jurisdiction of more than one subcommittee, the chairman of the Committee may, in his discretion, refer the matter simultaneously to two or more subcommittees for concurrent consideration, or may designate a subcommittee of primary jurisdiction and also refer the matter to one or more additional subcommittees for consideration in sequence (subject to appropriate time limitations), either on its initial referral or after the matter has been reported by the subcommittee of primary jurisdiction. Such authority shall include the authority to refer such legislation or matter to an ad hoc subcommittee appointed by the chairman, with the approval of the Committee, from the members of the subcommittee having legislative or oversight jurisdiction.

RULE 11.—RATIO OF SUBCOMMITTEES

The majority caucus of the Committee shall determine an appropriate ratio of majority to minority party members for each subcommittee and the chairman shall negotiate that ratio with the minority party, provided that the ratio of party members on each subcommittee shall be no less favorable to the majority than that of the full Committee, nor shall such ratio provide for a majority of less than two majority members.

RULE 12.—SUBCOMMITTEE MEMBERSHIP

(a) Selection of Subcommittee Members.—Prior to any organizational meeting held by the Committee, the majority and minority caucuses shall select their respective members of the standing subcommittees.

(b) Ex Officio Members.—The chairman and ranking minority member of the Committee shall be ex officio members with voting privileges of each subcommittee of which they are not assigned as members and may be counted for purposes of establishing a quorum in such subcommittees.

RULE 13.—MANAGING LEGISLATION ON THE HOUSE FLOOR

The chairman, in his discretion, shall designate which member shall manage legislation reported by the Committee to the House.

RULE 14.—COMMITTEE PROFESSIONAL AND CLERICAL STAFF APPOINTMENTS

(a) Delegation of Staff.—Whenever the chairman of the Committee determines that any professional staff member appointed pursuant to the provisions of clause 9 of Rule X of the House of Representatives, who is assigned to such chairman and not to the ranking minority member, by reason of such professional staff member's expertise or qualifications will be of assistance to one or more subcommittees in carrying out their assigned responsibilities, he may delegate such member to such subcommittees for such purpose. A delegation of a member of the professional staff pursuant to this subsection shall be made after consultation with subcommittee chairmen and with the approval of the subcommittee chairman or chairmen involved.

(b) Minority Professional Staff.—Professional staff members appointed pursuant to clause 9 of Rule X of the House of Representatives, who are assigned to the ranking minority member of the Committee and not to the chairman of the Committee, shall be assigned to such Committee business as the minority party members of the Committee consider advisable.

(c) Additional Staff Appointments.—In addition to the professional staff appointed pursuant to clause 9 of Rule X of the House of Representatives, the chairman of the Committee shall be entitled to make such appointments to the professional and clerical staff of the Committee as may be provided within the budget approved for such purposes by the Committee. Such appointee shall be assigned to such business of the full Committee as the chairman of the Committee considers advisable.

(d) Sufficient Staff.—The chairman shall ensure that sufficient staff is made available to each subcommittee to carry out its responsibilities under the rules of the Committee.

(e) Fair Treatment of Minority Members in Appointment of Committee Staff.—The chairman shall ensure that the minority members of the Committee are treated fairly in appointment of Committee staff.

(f) Contracts for Temporary or Intermittent Services.—Any contract for the temporary services or intermittent service of individual consultants or organizations to make studies or advise the Committee or its subcommittees with respect to any matter within their jurisdiction shall be deemed to have been approved by a majority of the members of the Committee if approved by the chairman and ranking minority member of the Committee. Such approval shall not be deemed to have been given if at least one-third of the members of the Committee request in writing that the Committee formally act on such a contract, if the request is made within 10 days after the latest date on which such chairman or chairmen, and such ranking minority member or members, approve such contract.

RULE 15.—SUPERVISION, DUTIES OF STAFF

(a) Supervision of Majority Staff.—The professional and clerical staff of the Committee not assigned to the minority shall be under the supervision and direction of the chairman who, in consultation with the chairmen of the subcommittees, shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he determines appropriate.

(b) Supervision of Minority Staff.—The professional and clerical staff assigned to the minority shall be under the supervision and direction of the minority members of the Committee, who may delegate such authority as they determine appropriate.

RULE 16.—COMMITTEE BUDGET

(a) Preparation of Committee Budget.—The chairman of the Committee, after consultation with the ranking minority member of the Committee and the chairmen of the subcommittees, shall for the 110th Congress prepare a preliminary budget for the Committee, with such budget including necessary amounts for professional and clerical staff, travel, investigations, equipment and miscellaneous expenses of the Committee and the subcommittees, and which shall be adequate to fully discharge the Committee's responsibilities for legislation and oversight. Such budget shall be presented by the chairman to the majority party caucus of the Committee and thereafter to the full Committee for its approval.

(b) Approval of the Committee Budget.—The chairman shall take whatever action is necessary to have the budget as finally approved by the Committee duly authorized by the House. No proposed Committee budget may be submitted to the Committee on House Administration unless it has been presented to and approved by the majority party caucus and thereafter by the full Committee. The chairman of the Committee may authorize all necessary expenses in accordance with these rules and within the limits of the Committee's budget as approved by the House.

(c) Monthly Expenditures Report.—Committee members shall be furnished a copy of each monthly report, prepared by the chairman for the Committee on House Administration, which shows expenditures made during the reporting period and cumulative for the year by the Committee and subcommittees, anticipated expenditures for the projected Committee program, and detailed information on travel.

RULE 17.—BROADCASTING OF COMMITTEE HEARINGS

Any meeting or hearing that is open to the public may be covered in whole or in part by radio or television or still photography, subject to the requirements of clause 4 of Rule XI of the Rules of the House. The coverage of any hearing or other proceeding of the Committee or any subcommittee thereof by television, radio, or still photography shall be under the direct supervision of the chairman of the Committee, the subcommittee chairman, or other member of the Committee presiding at such hearing or other proceeding and may be terminated by such member in accordance with the Rules of the House.

RULE 18.—COMPTROLLER GENERAL AUDITS

The chairman of the Committee is authorized to request verification examinations by the Comptroller General of the United States pursuant to Title V, Part A of the Energy Policy and Conservation Act (Public Law 94-163), after consultation with the members of the Committee.

RULE 19.—SUBPOENAS

The Committee, or any subcommittee, may authorize and issue a subpoena under clause 2(m)(2)(A) of Rule XI of the House, if authorized by a majority of the members of the Committee or subcommittee (as the case may be) voting, a quorum being present. Authorized subpoenas may be issued over the signature of the chairman of the Committee or any member designated by the Committee, and may be served by any person designated by such chairman or member. The chairman of the Committee may authorize and issue subpoenas under such clause during any period for which the House has adjourned for a period in excess of 3 days when, in the opinion of the chairman, authorization and issuance of the subpoena is necessary to obtain the material set forth in the subpoena. The chairman shall report to the members of the Committee on the authorization and issuance of a subpoena during the recess period as soon as practicable but in no event later than one week after service of such subpoena.

RULE 20.—TRAVEL OF MEMBERS AND STAFF

(a) Approval of Travel.—Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, travel to be reimbursed from funds set aside for the Committee for any member or any staff member shall be paid only upon the prior authorization of the chairman. Travel may be authorized by the chairman for any member and any staff member in connection with the attendance of hearings conducted by the Committee or any subcommittee thereof and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the Committee. Before such authorization is given there shall be submitted to the chairman in writing the following: (1) the purpose of the travel; (2) the dates during which the travel is to be made and the date or dates of the event for which the travel is being made; (3) the location of the event for which the travel is to be made; and (4) the names of members and staff seeking authorization.

(b) Approval of Travel by Minority Members and Staff.—In the case of travel by minority party members and minority party professional staff for the purpose set out in (a), the prior approval, not only of the chairman but also of the ranking minority member, shall be required. Such prior authorization shall be given by the chairman only upon the representation by the ranking minority member in writing setting forth those items enumerated in (1), (2), (3), and (4) of paragraph (a).

BLUE DOG COALITION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Arkansas (Mr. ROSS) is recognized for 60 minutes as the designee of the majority leader.

Mr. ROSS. Madam Speaker, this evening, as most Tuesday evenings, I'm joined by members of the fiscally conservative Democratic Blue Dog Coalition as we come to the floor of the United States House of Representatives to talk about the debt and the deficit and what that means for the future of this country and how so many of today's priorities continue to go unmet because of this.

Today's national debt is $9,169,206,830,867 and some change. For every man, woman and child in America, their share of the national debt, $30,205.

As you walk the halls of Congress, Madam Speaker, as you walk the halls of the Cannon, Longworth and Rayburn House Office Buildings, you will easily know when you're walking by the door of a fellow Blue Dog member because you will see this poster that reminds us of the national debt, as well as your share.

This evening we want to talk about PAYGO. It's an acronym for pay-as-you-go, and basically there was a lot made to do about the first 100 legislative hours in this new Democratic majority. Well, the 47 of us in the fiscally conservative Democratic Blue Dog Coalition were proud of what we were able to accomplish in this first legislative hour under this new Democratic majority, and that was reinstating the PAYGO rules, which means pay-as-you-go. If you have got a new program you want to fund, you've got to show us how you're going to pay for it. If you want to cut a tax, you've got to show us how you're going to pay for it.

The business of borrowing money from China to fund programs and tax cuts in this country are over, and we want to thank the new Democratic leadership for their commitment, their commitment not to bring a bill to this floor that's not paid for.

At this time to talk more about this issue and a lot of talk about AMT, the alternative minimum tax is going to touch a lot more people this year. We want to protect those people. We want to make sure they're not taxed, but we also want to make sure that that bill that comes to this floor is paid for. It doesn't make sense to protect people from taxes if we're simply borrowing the money from China and then asking our children and grandchildren to foot the bill.

That's why I was very disappointed last week when the Senate voted 88–5 to fix the AMT. They took the easy way out. It wasn't paid for. The Senate's plan borrows $50 billion just for this year, $50 billion from China to pay for a fix to the alternative minimum tax. We have a plan in the House not only to fix it but to pay for it, and we voted for that a couple of weeks ago on the House floor and we're going to vote on it again this week.

And to talk more about this and what it all means for this country and for future generations is one of the founders of the Blue Dog Coalition, my friend, JOHN TANNER from Tennessee.

Mr. TANNER. Madam Speaker, thank you very much, and I will be brief because we have a lot of Blue Dogs here tonight that are going to speak to this issue, and they will elaborate on what I have to say.

The PAYGO rule, as we have here now as Mr. Ross pointed out, is basically what all of us do in our private lives. We live within our means. We pay our bills, and we hope we have some left to invest in the future. This government has done none of that. And some people around here have argued about the AMT situation that you alluded to, that we don't have to pay for that because it wasn't intended to affect these people; therefore, it doesn't exist. If I said that in Tennessee, they would say that fellow's been in Washington too long. Only in Washington would somebody even dare make a statement as ludicrous as that is.

We've also heard people here in this town say deficits don't matter. Well, if deficits don't matter, why don't we abolish the tax code and just borrow what we need? Of course deficits matter; they matter to all of us.

Some people around here think the laws of arithmetic stop at the steps of the Capitol and the front door of the White House. Well, they don't, and this is why.

As we are plunging this country into debt that's been done on a massive scale in the last 6 years, that no political leadership in the history of this country has gone there, we are transferring more and more of our assets to foreign-held powers. We transferred over $700 billion in the form of interest payments overseas just in the last 72 months.

They talk about, well, we don't have to pay for this because we didn't intend it. Somebody's going to pay for it. There's no free lunch. People have been looking for a free lunch since the dawn of civilization. It does not exist, and I would contend that if we are going to keep our moral authority to govern as stewards of this country, then the time and place where we are now, elected to public office, if we do not reverse this and start paying our bills, we will undermine, I believe, that and we'll also undermine this country.

I think this is a defining moment for us, and we're going to fight. Davy Crockett was from my district. We're going to make this an Alamo-type situation around this issue because this is a critical tool of this Congress and the American people in order to act financially and responsibly.

I can't thank the Blue Dogs enough for their devotion to this idea of we're going to leave this place better than when we found it, and that's what this is all about.

Mr. ROSS. Madam Speaker, I want to thank the gentleman from Tennessee, a founder of the Blue Dog Coalition, JOHN TANNER, for joining us this evening for this Special Order.

Madam Speaker, there's 47 of us in the fiscally conservative Democratic Blue Dog Coalition. The Blue Dog Coalition is just another name for fiscally conservative Democrats, and one of our newest members who has joined us for the 110th session of Congress, and we're just delighted to have her, is our friend KIRSTEN GILLIBRAND from New York's 20th district.

Mrs. GILLIBRAND. Madam Speaker, I thank Congressman ROSS.

For the sake of our children's future, I'm strongly urging the Senate to ensure that the AMT patch that we're going to be considering this week complies with the PAYGO rules. The House has already passed a responsible AMT bill, which will prevent 23 million taxpayers from being hit by the AMT, while also finding appropriate offsets so that the national debt will not be increased.

I have introduced a resolution, H.J. Res. 45, which is a balanced budget amendment to the United States Constitution. If my constituents in upstate New York have to balance their checkbook every month, so should the Federal Government.

The AMT affected 4.2 million Americans last year. If Congress does not act, it will affect 23 million Americans this year, most of them middle-class families.

In my district, 66,000 families will be affected if this bill is not passed. Almost half of the 23 million taxpayers that will be affected are married with children. The average AMT taxpayer will owe over $6,000 in additional taxes. Small business owners are going to be one of the hardest hit by the AMT.

The reason why we have to pay for this and ensure we follow pay-as-you-go standards is because America's debt is over $9 trillion. Our Federal debt increases by $1.4 billion a day, at an astonishing rate of $1 million a minute. Our national debt is equal to over $30,000 for every man, woman and child and infant in this country.

The Federal Government spent over $400 billion last year on interest payments on the national debt. After Social Security, Medicare and defense spending, interest payments on the debt are the third largest expenditure by the Federal Government. The amount of money that we spend on interest payments will decrease the amount of money America will have in the future for spending on our national priorities such as health care, education, energy independence, our troops.

Lowering the debt is essential not only for our economic security, but it is essential for our national security. Foreign governments and investors now hold $2.2 trillion, which is 44 percent of all publicly held U.S. debt. That's up nearly 10 percent from last year. China owns the second-most amount of our debt, and oil exporting countries such as Saudi Arabia account for the fourth-most held U.S. debt.

Paying for AMT is possible. The House has already passed in a bipartisan way a PAYGO-compliant bill. For future generations, we must be responsible and not add to the national debt.

Just to give folks at home an understanding of what this money means, let me just give you a couple of translations. This year we paid $239 billion in interest on the national debt. That same amount of money, if we use it for other purposes, would literally pay for every U.S. family's refrigerator to be stocked for 7 months. It would pay for filling every U.S. family's gas tank for 10 months at today's gas prices. It would pay for providing 4 years of in-state public tuition for 10 million students, and it would pay 1 year's salary for 8 million new teachers.

The Federal Government has sent over $709 billion abroad in the form of interest payments since President

Bush took office, $155 billion in 2007 alone. The same amount would fund any of the following: 12,000 new elementary schools, 7,000 new veterans clinics, and all road and bridge construction and improvements for the next 10 years.

I beseech the Senate to follow a fiscal, responsible and prudent course of action and pay for the AMT.

Mr. ROSS. Madam Speaker, I thank the gentlewoman from New York. For those just joining us, to set the stage, Madam Speaker, the Senate, we sent the Senate an AMT fix, alternative minimum tax fix, to ensure people didn't get hit with this unfair tax, and we paid for it. They sent it back to us without being paid for. Instead, they want to borrow $50 billion from China, and that's what got 47 members of the fiscally conservative Democratic Blue Dog Coalition worked up, and for a good reason.

I'm pleased to be joined by a fellow Blue Dog member from California's 20th Congressional District, my friend JIM COSTA.

Mr. COSTA. Madam Speaker, I rise this evening to discuss the importance of this pay-as-you-go system that my colleague from Arkansas, Congressman ROSS, and my other colleagues have spoken on thus far.

What you're going to hear this evening across the breadth and width of Representatives from throughout the country is a common and reoccurring theme, and that is, as Blue Dogs, we believe that putting our fiscal House in order is among the highest of priorities that we are sent here back to Washington to do. And so, therefore, it is a very important discussion that we are having with you this evening, as many Americans sit at their home having dinner and wondering just really what's going on in Washington.

What's going on is really trying to draw a line in the sand. Are we about trying to establish and stay with fiscal responsibility or not?

Now, PAYGO is a tool, as was mentioned, to try to ensure that any additional expenditures of our Federal budget be paid for. That's not the only tool, but it is one of the few tools that we now have in place. Certainly as Blue Dog members, we are looking and trying to figure out how we can do other efforts to focus on budget cutting and reestablishing our priorities. But right now pay-as-you-go is the most important tool that we have available to us.

Now, let me give you a little history of how all this took place. In 1990, when the Budget Enforcement Act was passed, there was an attempt to reign in deficits that had occurred for over 30 years, Federal deficits that had been experienced since 1970. This Act, passed by a Democratic Congress in 1990 and signed by a Republican President, President George Bush the First, sought to control the budgetary impact of legislation through the enforcement of the provisions that we now refer to as pay-as-you-go.

Now, that was law and that was enforced for 10 years, about. Then in 2001, with a new Republican majority in Congress, our current President, President George Bush the Second, abandoned the PAYGO provisions.

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And that, I think, among other factors took our projected budget surplus, then at $5.6 trillion over a 10-year period, and created the current budget deficit that we have today, which is over $2 trillion over that same time period. Yes, I think it's disappointing for all Americans that a sensible tax policy, an investment in smart growth in our country that was achieved between 1990 and 2001 on a bipartisan basis, has been squandered in the last 6 years to the large unsustainable deficit that we have today.

Now, where are we? Well, at the beginning of this year, the new Democratic majority returned to Congress a path of fiscal responsibility. As Congressman ROSS and others mentioned, PAYGO was one of the first provisions we enacted. Under these rules we have in every piece of legislation that we have acted on this year enforced the PAYGO principle. This promise we made to the American people we intend to keep true to our word. We have already made great strides in bringing our fiscal house in order; but if we want to continue that, we must include this with all legislation, which includes the alternative minimum tax. It needs to comply with PAYGO.

Currently, our national debt is over $9 trillion, with much of it being held by foreign governments. In 2007, China alone had increased the holdings of U.S. Treasury securities by nearly 500 percent in the last 6 years, from $74 billion in July, 2001, to $408 billion in July of this year. Overall, and it has been said before, this administration has borrowed more money from foreign sources throughout the world than the previous 42 Presidents combined. Let me repeat that: overall, this administration has borrowed more money from foreign sources than all the previous 42 Presidents combined.

As a proud member of the Blue Dog Caucus, I strongly believe that fiscal responsibility and balanced budgets are essential to make our economy and our country strong and prosperous. Government should not be allowed to spend more than it takes in. Common sense tells us that. Any strategy of our Nation's budget must include a strategy for reducing these record deficits so that we don't pass them on to our children. Without adequate controls, prolonged deficit spending will weaken our ability to fund worthwhile domestic spending programs and jeopardize our national security. That's at the heart of this discussion.

I further believe that it's fiscally and morally irresponsible, therefore, to place the burden of today's deficit on our children and grandchildren. And that's why PAYGO is so important, that we draw the line and make this fight this week.

The alternative minimum tax is important. We passed that relief on that over a week ago. But it's not worth borrowing from China to pay for the alternative minimum tax. We can do this in a commonsense way, and that's what the Blue Dogs are asking you to support our efforts in.

Mr. ROSS. I thank the gentleman from California for joining us.

And, Madam Speaker, this is a Special Order hosted by the fiscally conservative Democratic Blue Dog Coalition. And at this time, as we discuss this PAYGO and AMT issue deeper and further and put it in context, I'd like to call on a former co-Chair of the Blue Dog Coalition, BARON HILL from Indiana.

Mr. HILL. I thank the gentleman for yielding to me.

Madam Speaker, we have a lot of Blue Dogs here this evening to talk about this issue because Blue Dogs feel very passionate about PAYGO rules and our national debt. The national debt exceeds over $9 trillion. One of the largest expenditures in our Nation's budget, second or third only to military spending, is the interest that we pay on that national debt.

Now, we are at a critical time because now we are at a stage of the legislative process where the rubber meets the road. As has already been mentioned here, there is a large issue looming next year for millions of Americans, and that issue is the alternative minimum tax. The alternative minimum tax was passed many years ago with the idea that only the wealthy who didn't pay any income taxes ought not to have that advantage, and so the alternative minimum tax was put in place. Little did we know when it was passed many years ago that we would advance up to 2007, which is the present time, and we would find that next year when people have to pay their income taxes, they will learn that many middle-class Americans will have to pay this tax as well.

So not only the wealthy will have to pay the alternative minimum tax but also many millions of middle-class people will have to pay the AMT. We need to fix that. And the Blue Dogs are committed to making sure that we provide tax relief for those millions of middle-class Americans who are going to be hit with this tax next year.

But this is where the rubber meets the road, because by giving millions of middle-class Americans tax relief, it's going to cost more than $50 billion. We have got to figure out a way to pay for that because in this House, we have pay-as-you-go rules, which simply means that if we are going to cut taxes or we are going to increase spending, we have got to figure out a way to pay for it. The many Blue Dogs here this evening are here passionately to make sure that we hold our ground because a storm is brewing here, Madam Speaker.

By passing this new alternative minimum tax, there are those in this Chamber and those in the other Chamber who do not want to pay for it. And the Blue Dogs stand before you today in front of America to make sure that we have the political courage to pay for this tax relief for millions of Americans in this country. Because if we don't do this, that $9 trillion that we are already in debt increases to $10 trillion and $11 trillion and then $12 trillion, and it goes on and on and on and on.

There are those in this body and the other who don't believe that this is an important enough issue and therefore we should ignore the PAYGO rules. That's the storm that is brewing in the next couple of days. And the Blue Dogs stand before the American people to say that we are still going to fight the battle of making sure that we restore fiscal discipline to this body. And that's the reason why so many passionate Blue Dogs are here this evening, because that storm is brewing. The time is ticking away. The threat of exceeding our expenditures over what we take in from income is at a threshold. And that's the reason why so many Blue Dog Democrats are here to talk about it this evening. And I hope the American people are listening.

To put it in perspective and why these rules are so important to be in place, it's important to note that since President Bush took office, the gross national debt has increased by $3.427 trillion. And since President Bush took office, we have borrowed $1.2 trillion from foreign sources. We've got to stop this madness.

Now, there are those in this body and outside this body, certain newspapers that consider themselves conservative newspapers like the Wall Street Journal, who believe that this issue is not important, that the Blue Dogs are wrong on this. We are not wrong on this. We have got to stop this madness, and we have to implement those PAYGO rules. It worked in the 1990s up until 2002 when we actually reversed our Nation's budget deficits and had surpluses. And it was because we stuck to the very rules that we are talking about tonight. And if we don't stick by these rules, then the days of deficit spending are going to return.

When the Democrats took over control of Congress in last year's elections, we promised to implement these PAYGO rules and stop the madness of these huge deficits that we had in place. And now we're on the verge of breaking the very rules that we put in place, and that is the reason why the Blue Dogs stand before you this evening.

I am proud to be a Blue Dog. I'm proud that the Blue Dogs have pushed this issue to restore fiscal sanity to our Nation's budget. And I think it's the reason why we have so many that are about to speak about it.

I give the gentleman from Arkansas my appreciation for allowing me to speak on this very important issue.

Mr. ROSS. I thank the gentleman from Indiana (Mr. HILL) for his insight on this issue.

Madam Speaker, let me make it clear that the Blue Dog Coalition wants to ensure that no additional taxpayers are liable for the AMT tax this year. Let me also make it clear that, unlike the Senate, we want a bill that's paid for. We don't want to simply borrow the money from China to fund a tax cut or to provide tax relief in this country. And that's what makes us different in this new Democratic majority from what we had in the previous Congresses under the Republican control. They have given us the largest debt ever, the largest deficit ever; and the time has come to put an end to that. And someone that understands that better than anyone is the Blue Dog co-Chair for policy, my friend DENNIS MOORE from Kansas.

Mr. MOORE of Kansas. Thank you, Congressman ROSS, for the time this evening to speak to the American people about what's happening in our country with our deficit, with our debt, and what we need to do to correct this problem for future generations in our country.

You've heard several speakers talk tonight about the debt that our Nation has accumulated, $9.1 trillion. That's gone up almost $3.4 trillion in the past 6 years since President Bush took office.

As policy co-Chair, I had an opportunity to go with about eight other Democrats to the White House to meet with the President a few months ago. We each had 2 minutes to speak. And when it was my turn, I said, Mr. President, I'm a year older than you are. I had 7½ grandchildren at the time, eight now, and I said, Mr. President, we have mortgaged their future. I said, We've got to start living like most American families living within a budget. This should not be about Democrats and Republicans. We have got to be responsible. It's our moral duty to our kids and grandkids.

And he looked at me and he said, You've got a point.

Well, I know I have a point, but we need to work on this together. That's what we are all saying here tonight is we have mortgaged the future of our children and grandchildren, and that's absolutely the wrong thing to do.

In the first days of this new Congress this year, Congress, at least the House, passed a pay-as-you-go rule and reinstated a rule that expired in 2002. And for several years without that rule, our deficit and our debt rose dramatically. That's why all of us, the 47 Blue Dog Democrats here, think it is so important that we reinstate that rule, and it has been reinstated now, but that we follow this rule and make sure that we don't spend more money as a Nation than we take in; that we live within our means like most American families do.

You've been told by other speakers here tonight that China, Japan, and other foreign nations own more than $1 trillion of United States debt. That is a disgrace. It's something that we have got to change. We can't afford to let other nations make important decisions about our future. It's our future. It belongs to future generations in this country. And we have got to make sure that we are in control and not other nations in this world.

And I will just stop by saying this: PAYGO sounds funny. All it is, is pay-as-you-go. If you have a new spending proposal, a new program proposal, or a tax cut, section 1 is here is my proposal and section 2 is here's how it's paid for so it's revenue neutral, doesn't add to our deficit or our debt.

Again, Madam Speaker, we need to start living like most American families do within a budget. It's the right thing to do for our country, and it's certainly the right thing to do for future generations in our country.

Thank you, Congressman ROSS.

Mr. ROSS. I want to thank the gentleman from Kansas for joining us.

Madam Speaker, in the next 35 minutes, we've got a number of Blue Dogs, fiscally conservative Democrats, that have taken to the floor of the House tonight to join me in talking about the importance of PAYGO, pay-as-you-go, the kind of principle that was in place in this Chamber when President Clinton gave us the first balanced budget of any Democrat or Republican in about 40 years.

At this time I would like to call on a former co-Chair of the Blue Dogs from the State of Tennessee, someone that has helped lead this effort and who brings a lot of insight to this issue, the former co-Chair for policy of the Blue Dogs, and that's my friend JIM COOPER from Tennessee.

Mr. COOPER. I thank my friend from Arkansas for yielding, and I will be very brief.

This PAYGO principle is fundamental to good government. All it means is that you pay as you go, you pay your bills. That's what this Congress should do, just as every American family knows that they should pay their bills. It's a fundamental principle. We cannot afford to let this principle lapse. It was in place from 1990 to 2002. That was the period of the greatest economic expansion in American history, under the Clinton administration.

Unfortunately, the Republican majority in this House allowed PAYGO to lapse. But none other than Alan Greenspan, the former head of the Federal Reserve, has said that this is the single most important reform that this Congress could undertake to address fiscal discipline.

So I support my colleagues in supporting PAYGO. We have got to make this principle stand. I thank the gentleman from Arkansas.

Mr. ROSS. I want to thank the gentleman from Tennessee, former co-Chair of the Blue Dogs, for joining us and in being a part of standing firm on the floor of the House of Representatives in support of PAYGO.

Some people may say, what's this business all about? Well, the House passed a bill to provide tax relief for millions of people, and it was paid for. We sent it to the Senate and they didn't like it; so they sent it back unpaid for. Their idea was to borrow $50 billion from someplace like China to pay for it.

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Well, we're going to send it back again, probably tomorrow, Madam Speaker, with another pay-for. And some people are maybe saying, "Huh? So how are you going to pay for it?" Well, it's not glamorous, but it makes sense to me. We're going to pay for it by closing loopholes allowing hedge fund managers to defer compensation in offshore accounts. There's no reason why the Senate shouldn't be able to join us in supporting that. It pays for it instead of borrowing the money from China and provides the tax relief that we need for middle-class working families all across this country.

I would like to call on a former co-chair for communications of the Blue Dogs, my friend from California, a member of the Rules Committee, very involved in this whole issue, and that's DENNIS CARDOZA.

Mr. CARDOZA. I would like to thank the chairman for recognizing me and yielding to me. I also want to thank Mr. Ross for being such a leader on this issue and for being a leader on so many of the Blue Dog causes that he brings to the floor every week. And there is no question, Mr. Ross, that there is no issue that's more important to the Blue Dogs than this issue of PAYGO.

Madam Speaker, passing PAYGO rules at the beginning of the 110th Congress fulfilled an absolute pledge to the American people that this new Congress was going to spend taxpayers' dollars and money responsibly and without continuing to run up the deficit. It was a very important initial step when we passed the House rules this year. Waiving this rule now would break that pledge to pay for the alternative minimum tax and would be a rollback in what we've committed to do for the American people. And I believe that breaking the PAYGO rules would return us to the disastrous fiscal policies of the past Congresses under the Republican administration of this House and would be a terrible mistake.

After allowing the PAYGO rules to expire, the Republicans enacted legislation increasing the national debt by nearly $1.4 trillion over 6 years. Twenty-one percent of all individual income taxes of the year 2008 will go towards paying the interest on the national debt. They won't help cure a sick child, they won't help educate one of our bright young people in this country, your tax dollars, 21 percent of which will go strictly to pay interest on the $9 trillion that have been run up in the national debt.

This "debt tax," as we call it, is a direct consequence of the reckless fiscal policies that have happened, for the most part, over the last 6 years. The President and the Republican majority have put us on a fiscally unsustainable path, and the Blue Dogs are unwilling to pass this undue burden onto future generations of Americans.

The Blue Dogs demanded a new rule, as we talked about earlier, that put PAYGO back into place. And when we took over the Congress, the Democrats restored the PAYGO rules to ensure that the government spends within its means, just like American families have to do.

In complying with the PAYGO rules, this House has overwhelmingly relied on spending cuts to offset increases in higher priority programs. Over 80 percent of the increases in spending for priority programs passed by this House have been offset by cuts in lower priority or wasteful spending programs.

The Blue Dogs are committed to addressing this country's long-term fiscal challenges, and that is why we have insisted that PAYGO rules be applied to all mandatory spending increases.

This Democratic Congress has made great strides to get our fiscal house back in order. If we want to continue down this path towards fiscal sanity, we must ensure that every piece of legislation we consider, including the AMT bill that we're going to be considering this week, comply with the PAYGO rules.

Mr. Chairman, again, I very much appreciate your leadership, and I thank you for recognizing me and yielding me time.

Mr. ROSS. I thank the gentleman from California, who has contributed greatly as the former cochair of the Blue Dogs and now a member of the Rules Committee.

The reason all of this is so important is because of this: Today, the U.S. national debt, $9,169,206,830,867, you divide that by every man, woman and child in America, and your share, Madam Speaker, is $30,205.

Since President Bush took office, the gross national debt has increased by nearly $3.5 trillion, $3.427 trillion. That's $41.54 billion per month. That's $9.57 billion per week. That's $1.37 billion per day. That's $56.93 million per hour. That's $948,907 per minute. And that's $15,815 per second. Any way you divide it out, Madam Speaker, for a country boy from south Arkansas, that's a whole lot of money. And this group, the Blue Dogs, fiscally conservative Democrats, are trying to restore common sense, accountability, and fiscal discipline to our national government. And right in the middle of it all is my friend from Louisiana, a fellow Blue Dog member, CHARLIE MELANCON.

Mr. MELANCON. I want to thank you, Congressman Ross, for reserving this time. And I would like to thank the leadership, Madam Speaker, for taking the initiative to reinstate the PAYGO rules.

As has been stated previously by my counterparts, my colleagues and the Blue Dogs, this is one element of government that we need to adhere to. It's shameful that the government hasn't been doing this all along. As stated earlier, we have a debt that far exceeds all 42 previous administrations collectively. That does not bode well for this country.

We were a strong Nation prior to World War II. We have been a strong Nation for centuries. But as you look at the devaluation of the dollar, the fact that China controls a large portion of our debt, that they, at one point in time last January, considered selling off some of their treasury notes, but were fearful that they may devalue the American dollar, thus lowering their value of their investments, that tells you something. And now that the dollar is sliding, China is reconsidering that.

And where does that put us? That puts us really in a trick bag. We are facing a comparative value of dollars, or currencies. Canada has passed us up. The Euro is far and away. The British pound is far exceeding the value that the average American can even afford to think about going to Europe to visit.

You know, I grew up in south Louisiana in a conservative household, in a conservative community for that matter, but one of the things that we were taught by our parents in our household was if you don't have it, you can't spend it. And even if you get a credit card, you've still got to pay for it someday. And that's basically what the Blue Dogs are about, trying to bring some fiscal responsibility to our government. Regardless of what party you're in, this is about our future.

Now, up until recently I was not a grandfather, but now I am. Before, when I ran for the Congress in my late fifties, I wasn't running for the Congress as a career, I wasn't running for the Congress to make a career later, I was coming to the Congress that the people so decided to try and help right this government and do what's right by the people of this country. The frustration is that you can't have it both ways. And the both ways is you can't help the people back home that need the help, whether it's building schools, whether it's building, in our case, levees, building highways and roads and bridges, educating the kids, doing cancer research. These things cost money. And without the involvement of our government, we wouldn't be the most advanced country that we are today. But we're moving down a slippery slope. We have spent ourselves into a debt that is estimated to be in excess of $9 trillion, $30,000 plus for every man, woman and child. So, that means my two kids and their spouses and my grandson have a debt that will take them quite a bit of time if they were to decide, well, I want to pay my share, take them quite a bit of their lifetime to put that money aside. And that money that they would put aside would be better served to educate my grandson, for them to build a house when the time comes, for them to be able to afford to do things, to live a quality of life that all Americans would love to and expect to have.

Madam Speaker, I stand here today with my colleagues, the Blue Dogs, and worry about the people of this country. That's what we were sent here to do, worry about their welfare, worry about their well-being, and to take action that illustrates that we do care about them and this country. And by not adhering to the PAYGO rule, by not finding the pay-fors in these pieces of legislation, we endanger the future of all citizens of this country.

Mr. ROSS. I thank the gentleman from Louisiana. And as our friend JOHN TANNER from Tennessee has said so eloquently, this administration, this President has borrowed more money from foreigners than the previous 42 Presidents combined.

Since President Bush took office, our Nation has borrowed $1.23 trillion from foreign sources. That's a big number. Let's break it down. That's $15.45 billion per month. That's $3.54 billion per week. That's $505.6 million per day. That's $21.07 million per hour. That's $351,113 per minute. And that's $5,852 per second.

So, Madam Speaker, that's why we're here. We want to restore common sense and fiscal discipline to our national government. We want to put an end to this reckless spending and this debt and this deficit, and to help us do that is my friend from Ohio, new member of the Blue Dogs, serving his first term in the 110th session of Congress, ZACK SPACE from Ohio's 18th congressional district.

Mr. SPACE. I thank my friend from Arkansas.

Madam Speaker, I am honored to be a part of this group that places such a high priority on fiscal responsibility, the Blue Dogs.

I really believe that we live in a crossroads of history and that there are several seminal issues of our day that in and of themselves would be considered the seminal issue of virtually any other era, whether you're talking about the war in Iraq, the war on terror, the challenges posed by globalization, the challenges facing our environment, all very important issues, and indeed, seminal. But yet another seminal issue, one which is much more insidious and not so readily identifiable, but nonetheless serious, is that posed by our national debt. $9.17 trillion, a number that by any account is virtually incomprehensible; $236 billion a year being paid in interest on that debt. I have not done the math, but I suspect that if you broke that down for every one of the 435 congressional districts in our country, you would find that each Member of Congress, each congressional district could use several hundred million dollars a year from that figure to build roads, repair bridges, cure diseases, educate children and do the kinds of things that make us a strong Nation.

This debt is sapping us of vital resources, and it is, in the words of my colleague earlier today, the gentleman from Tennessee, one of our leaders, JOHN TANNER, making us a weaker Nation.

PAYGO, a simple concept, one that, again, my colleague from Tennessee referenced as something we expect of our government in the same way that we expect it from our families, live within our means. The alternative minimum tax is poised to draw in 23 million Americans who were never intended to be the victims of that tax. We need to fix it. We must fix it. This House has voted to fix it in a fiscally responsible way, in a way that is paid for.

Now, the Blue Dogs stand for the proposition that we stand behind that and that we don't irresponsibly fix the tax, we do it in a responsible fashion. Back home in Ohio's 18th District, in towns like Chillicothe and Zanesville and New Philadelphia, Ohio, we can't understand what $9.1 trillion is. I certainly don't get it. It's incomprehensible. But we do understand the need, the pressing need of this Nation to once again engage in fiscal responsibility, acting in a way that we expect our citizens to act.

And with that, I am very proud to be a member of this organization and will continue to stand behind that basic and fundamental principle of fiscal responsibility.

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Mr. ROSS. I thank the gentleman from Ohio for his insight.

Madam Speaker, at this time, I would like to yield to the gentleman from Indiana, BRAD ELLSWORTH, from Indiana's Eighth Congressional District. A new member of the Blue Dogs in the 110th session of Congress, BRAD ELLSWORTH.

Mr. ELLSWORTH. I appreciate the gentleman from Arkansas recognizing me, Madam Speaker.

It is an honor to follow my good friend from Ohio in his eloquent words about what we are here to talk about tonight. When I ran for Congress, the good people of the Eighth District of Indiana sent me and gave a message. I heard that message loud and clear, that they wanted me to come, if they would hire me to come and do my part to get the House's fiscal orders back in shape.

When I came to Congress a year ago in January, I started looking for people that thought the same way I did, that pay-as-you-go was just a natural thing. And I found a group called the Blue Dogs. Now, I have got to admit I didn't know what a Blue Dog was. And I would venture to guess that most of the people in Indiana didn't know what a Blue Dog was. But I know now. And it is a group that I am proud to associate myself with.

I have got to tell you, Madam Speaker, that the folks back in the Eighth District in Indiana in Terre Haute, Greencastle, and Evansville probably feel like they are being choked blue now. That is how the Blue Dogs got their name. They were being choked blue. And the people of our country are being choked blue by our constant running up the debt and deficit in this country.

One thing I learned as a little kid growing up in school was you say what you are going to do, and then you do what you say you are going to do. And that includes everybody in this House, the 435 Members. People like to complain about their taxes. They like to complain about this debt, and they have a right to. But what they do know is they expect government services, and they expect us to spend their money wisely. And so they know that when they want to drive on our Federal highways, and they know that when they call, they want our homeland protected by border security. So when they hear about government contracts gone bad, military spending, that waste, fraud and abuse accounts up to $88 billion in a few investigations, they get a little weary of that, and so do I.

We can't run this House like this. We wouldn't run our personal homes like this, we wouldn't run a personal business like this, and we can't run the people's House like this. We have done some good in this House. We passed the PAYGO legislation, one of the first things we did in the first week of this 110th Congress. We have cut earmarks in half. We have closed tax loopholes. But it is not enough.

Congressman ROSS, the poster you show when you speak has gone up since

I came into this office and displayed my poster. It was $29,000 per person for every man, woman and child in this country when we started, and now it is 30, even though we have done some good. So we can't relax now until we start chipping away piece by piece, chunk by chunk and bring that back down so that we are not strapping every man, woman and child in this country with now a $30,000 debt.

It is imperative that we continue to observe the PAYGO rules of this House. And when and only when we do that will we see this number start going in the reverse and get our affairs back in order.

Mr. ROSS. I thank the gentleman from Indiana. Madam Speaker, if you have any questions, comments or concerns you can e-mail us, Madam Speaker, at bluedog@mail.house.gov.

The gentleman from Ohio (Mr. SPACE) was saying that he didn't have his calculator with him, but he knew it was a lot of interest that had been paid. This year we have paid $239 billion in interest on the national debt. That is close to $1 billion a day, without a calculator. But with a calculator, and to put it in perspective, the same amount we would pay for any of the following, stocking every family in America's refrigerator for 7 months, filling every U.S. gas tank, and that is not easy to do this these days, for 10 months, filling every American's gas tank for 10 months at today's gas prices, providing 4 years of in-state public tuition for 10.2 million students. I have a daughter in college now. I can appreciate that one. Paying 1 year of salary for 8 million new teachers. We could do any one of those things, Madam Speaker, with the amount of interest we have paid on the national debt this year.

The whole point here, Madam Speaker, is we will continue, this demonstrates it right here, the reds, the amounts we are spending on interest, the light blue, or the turquoise as we would say back home, is the amount we are spending on education. The dark green is how much we are spending on veterans. And the purple is how much we are spending on homeland security.

America's priorities, Madam Speaker, are out of whack. And they are going to remain out of whack until we get our fiscal house in order. And no one understands this better than the leader of the Blue Dogs, the administrative co-Chair for the Blue Dogs who spends a lot of time on these issues, and I can't thank him enough for being here and waiting patiently all night and letting all our fellow Blue Dog members go, we have had a dozen tonight, that is a lot, to come to the floor of the House tonight to talk about these issues. We have about 10 minutes left. The gentleman from Florida, ALLEN BOYD, can have as much of it as he wants.

Mr. BOYD of Florida. I thank my friend, Madam Speaker, for yielding, and it is a great privilege to join my Blue Dog colleagues here on the House floor to talk about these issues that are of such great import to the American people and to the children of America today, because they are the ones who will be, in the end, mostly affected by these policies that we are having great debates about today.

Now, my fellow Blue Dog colleagues have spoken very eloquently and succinctly about PAYGO, what it is, how it got started, how it works, and the importance of it. Just in brief summary, I will remind our viewers that PAYGO was a principle that was first put in place in 1990 by then-President George H.W. Bush, commonly referred to around these parts of the country as Bush 41.

With a Democratic Congress and Republican administration, they began to realize the misguided policy of deficits, large annual deficits, so they did something about it. After the election in 1992, when President Clinton became President, and then in 1994, the Republican revolution where you had a Democratic President and Republican-led Congress, in 1997, those principles of PAYGO were continued in the Balanced Budget Act of 1997.

In 1999, we saw for the first time in 30 years a balanced budget. And we could see surpluses, Madam Speaker, as far as the eye could see. It looked great for America at that point in time. We had money to deal with national security. We had money to fix the problems that we know exist in Medicare and Social Security, the long-term problems, which are so important. Those two programs are so important to the future of this country.

What happened? In 2001, we got a new President, President George W. Bush, commonly known in these circles as Bush 43. And this administration, along with the Congress back then, decided that PAYGO wasn't a good idea because they couldn't do the policies of their tax cuts they wanted, as much as they wanted to do and live within those rules of PAYGO, so they abandoned the PAYGO rule, the PAYGO principle.

As a result, from 2000 to today, 2007, you have had a swing of several trillion dollars in terms of the surpluses versus the deficit. So we are in a bad situation. We are in a bad situation; and during the campaigns last year, people running for the House and the Senate across this country campaigned on this issue, that we had to restore fiscal responsibility to our government. You heard from four members of the Blue Dog, freshmen members, who are brand-new here tonight. This is their first term as Members of Congress. They campaigned on this issue. They understand it. They understand the importance of it. Their constituents back home do.

Madam Speaker, our Speaker, NANCY PELOSI, our majority leader, STENY HOYER, our Ways and Means chairman, CHARLIE RANGEL, and our budget chairman, JOHN SPRATT, and other Democratic leaders, in addition to the Blue Dogs, vowed to put an end to the reckless fiscal policy that has existed in our government for the last 6 years. And under the leadership of Speaker PELOSI and Majority Leader HOYER, and with the help of the Blue Dogs, we put in place this PAYGO principle on the very first day when this new Congress took power in early January of this year.

That is what the American people wanted us to do. They wanted us to stop acting foolishly when it comes to fiscal management. We are like a board of directors, Madam Speaker, of a major corporation. It is our job to manage the resources, the fiscal financial resources, of this country in a prudent way for our stockholders, who are our people back home.

And we said we have to stop spending more than we take in. There are lots of tools that you can use, as has been said here earlier, but the one that we have in place right now, the one that we have been able to get in place, given the current political environment, is this PAYGO rule, and we need to abide by it. We don't need to abandon it.

Congress without those tools in place has not exhibited the willpower, if you will, to make tough choices when it comes to spending or tax cuts. So that is why it is important that we have tools like PAYGO. If you don't have the ability, the will or the backbone to make choices about how we responsibly spend the taxpayers' money, then what are we doing here? This Congress, under the leadership, under the Democratic leadership of NANCY PELOSI and STENY HOYER has shown that it has the ability and the will and the backbone to be good stewards of the taxpayers' tax dollars that they send here for us to spend. Every single bill, Madam Speaker, that is passed by the House this year has complied with PAYGO rules. Whether it was the farm bill, SCHIP reauthorization, or AMT relief, every bill has complied with the PAYGO rules. And do you know what, Madam Speaker? Seventy-five percent of the pay-fors have been spending cuts and not revenue raisers.

Sadly, very sadly, the Senate last week failed in their duties as leaders of this country and as responsible stewards of our taxpayer dollars when they passed an AMT bill that was not paid for. The Senate was held hostage by the Republican caucus in the Senate and they blocked a House AMT bill that was paid for from even being heard on the Senate floor.

The Blue Dogs, Madam Speaker, and the House leadership are standing behind PAYGO for one simple reason: it is the right thing to do. It may not be the easy thing to do or the politically easy thing to do, but, Madam Speaker, I didn't take this job because I thought it was going to be easy. I took this job to do right by the people of the Second Congressional District of Florida and the American people.

The House of Representatives will again pass an AMT bill this week that is paid for. It is possible to do it. The Senate will have another opportunity to do what is right and responsible. And I strongly urge the Senate to have the gumption and the will and the good sense to keep the promise they made to the American people to be good stewards of the taxpayers' dollars and pass an AMT bill that does not violate the PAYGO rules and that is paid for.

□ 2045

Again, I want to thank my fellow cochair, MIKE ROSS from Arkansas, for his steady leadership on this issue and so many others, but also steady leadership in forming these Tuesday night Special Orders, in which we have had a chance to come talk to the American people about issues of much importance.

Mr. ROSS. I thank the gentleman from Florida, the administrative cochair of the Blue Dogs, Mr. ALLEN BOYD from Florida's Second Congressional District, for being a part of this Special Order this evening, as he is so many Tuesday evenings.

What we are talking about here, Madam Speaker, is the Republican Congress, the Republican administration, after having a balanced budget under President Clinton for the first time in 40 years, gave us the largest debt ever in our Nation's history, largest deficit ever in our Nation's history, and there has been a lot of talk about all this.

Mr. TANNER was talking earlier about how this administration has borrowed more money from foreigners than the previous 42 Presidents combined. That has to be paid back with interest. And to put it in perspective, the Federal Government has sent $709 billion abroad in the form of interest payments since President Bush took office, and $155 billion in 2007 alone. The same amount would fund any of the following: The amount of money this administration has sent to foreigners to pay interest on the debt that we have borrowed from them to fund tax cuts in this country for folks earning over $400,000 a year. With the interest paid on this debt, this foreign debt, the amount of your tax money, Madam Speaker, that we have sent overseas, with that amount of money, we could have built 12,000 new elementary schools, 7,000 new veterans clinics, and I might remind you, Madam Speaker, we have a new generation of veterans coming home from Afghanistan and Iraq. And get this: We could have funded all road and bridge construction and improvements for 10 years.

It's about priorities, and it's time this Nation got its priorities in order. It's time we got our fiscal house in order. Make no mistake about it, Madam Speaker, for the second time this week we are going to send to the Senate an AMT fix that ensures that no, not one, additional taxpayer is liable for the AMT tax. Not one. Madam Speaker, we are paying for it, and as conservative Democrats we are reaching across the aisle and we are begging, we are begging Republicans to join us in doing the right thing and fixing this the right way.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 2082, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2008

Mr. CARDOZA (during the Special Order of Mr. ROSS), from the Committee on Rules, submitted a privileged report (Rept. No. 110–487) on the resolution (H. Res. 859) providing for consideration of the conference report to accompany the bill (H.R. 2082) to authorize appropriations for fiscal year 2008 for the intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 1585, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

Mr. CARDOZA (during the Special Order of Mr. ROSS), from the Committee on Rules, submitted a privileged report (Rept. No. 110–488) on the resolution (H. Res. 860) providing for consideration of the conference report to accompany the bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4351, AMT RELIEF ACT OF 2007

Mr. CARDOZA (during the Special Order of Mr. ROSS), from the Committee on Rules, submitted a privileged report (Rept. No. 110–489) on the resolution (H. Res. 861) providing for consideration of the bill (H.R. 4351) to amend the Internal Revenue Code of 1986 to provide individuals temporary relief from the alternative minimum tax, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4299, TERRORISM RISK INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007

Mr. CARDOZA (during the Special Order of Mr. ROSS), from the Committee on Rules, submitted a privileged report (Rept. No. 110–490) on the resolution (H. Res. 862) providing for consideration of the bill (H.R. 4299) to extend the Terrorism Insurance Program of the Department of the Treasury, and for other purposes, which was referred to the House Calendar and ordered to be printed.

RELIGIOUS FREEDOM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Madam Speaker, I thank Congressman GARRETT for this privilege of this time.

Madam Speaker, I believe the cornerstone of all human freedom is that of religious freedom. Indeed, a small separatist church congregation in England possessed a desire so strong to practice their faith freely that it compelled them to cross the ocean in a little wooden ship called the Mayflower.

While theirs was a quest to be able to practice the faith of Christianity, a central tenet of their Christian faith was the belief that all human beings were given the right by God to embrace whatever religious conviction they truly held in their hearts, and that human beings should protect that right for each other.

Madam Speaker, today we considered and passed H. Res. 847, "recognizing the importance of Christmas and the Christian faith." Of course, Madam Speaker, there will be those who will criticize any effort to recognize a particular faith or holiday. However, Madam Speaker, aside from the debatable aspects of this resolution, or any other, those who are even slightly acquainted with history know that the Bible, the founding document of the Christian faith, was the essential rationale and substance that inspired our Declaration of Independence and was, further, the bedrock foundational document of the Western world.

The objective of this resolution is to honor those Judeo-Christian principles that have shaped American history and policy since the founding of our Nation and that have informed and influenced our ideas of justice and equality 7 years into the 21st century. Indeed, Madam Speaker, it was the Christian principles hailed in this resolution that led our country to be the very first beacon of religious freedom in the history of the world and, further, to finally reject the practice of human slavery that had plagued civilization across the world for nearly 7,000 years.

Madam Speaker, I believe that it would be wrong for this body to ever pass any law that would compel or forbid any person in this Nation or any other nation to accept or reject any article of faith, so long as they did not deprive their fellow Americans or human beings of those same constitutional rights. However, in recognizing the influence of Christianity upon Western civilization, we are also commending the unshakable commitment of Christian principles, the very ones that compelled our Founding Fathers to resolutely declare that all men are created equal by God himself, and that because they are created equal, they are also created free, Madam Speaker, and that includes being free to embrace the religion of their own conviction.

Religious freedom is a central component of the Christian faith this resolution references. Indeed, the message of the one born on Christmas Day was from a savior who came to offer every member of the human family ultimate and eternal freedom, even at the cost of his own life.

Madam Speaker, as we enjoy our religious freedom in this season of peace, may we not forget that at this very moment American men and women in uniform are fighting a battle across the world so that all Americans might continue to freely exercise their faith, and that that right might ultimately some day be extended to all of mankind. President Roosevelt probably said it best, Madam Speaker. He said in his Christmas Eve Nation message to the Nation, December 24, 1941, "Our strongest weapon in this war is that conviction of the dignity and brotherhood of man, which Christmas Day signifies more than any other day or any other symbol. Against enemies who preach the principles of hate and practice them, we set our faith in human love and in God's care for us and all men everywhere."

So, Madam Speaker, with those feelings in mind and with love in my heart for people of every faith, let me here on this floor exercise my own religious freedom and wish you and everyone else under the sound of my voice a happy, holy, and merry Christmas.

FISCAL RESPONSIBILITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from New Jersey (Mr. GARRETT) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARRETT of New Jersey. As I come to the floor tonight, the first week of December, standing here in the Nation's Capitol of the greatest Nation on Earth, today, and has ever been, I think about our constituents back home in the great State of New Jersey and across the country as well as they look to our Nation's Capitol and expect us to do the responsible things on their behalf and on the behalf of freedom and liberty around the world as well. And a portion of that responsibility, of course, is handling their hard-earned tax dollars as they send them to us here in Washington to administer this government and spending, some of which was just addressed by the other side of the aisle.

For the next hour, I would like to engage in a discussion of these issues and shed some light on them, perhaps pointing out some of the fallacies in some of the arguments that we just heard from the other side of the aisle on these points.

As we begin there, I think there is no place better to begin as to try to address some of those points that have been raised. So at this time I would be honored to have a fellow colleague join us at the floor right now. I yield the floor to Ms. FOXX.

Ms. FOXX. Thank you so much, Congressman GARRETT. I appreciate your putting together this Special Order tonight and focusing on spending and on where we are here, as you said, in the second week of December in the greatest country in the world.

I was listening for a few minutes to our colleagues who preceded us, who called themselves the Blue Dog Democrats, and I was really fascinated to hear them talk about how fiscally responsible they have been, and I know that you're going to talk a little bit later about the total tax increases that they have proposed, the total spending that they have proposed. And I am fascinated that our colleagues can stand here and talk about being fiscally responsible, I think, and assume that nobody is adding up what it is they are doing. And they show their charts about the debt and how much each person is responsible for that debt, and I am intrigued that if you look at the record, you would see that most of the Blue Dogs vote every time for these fiscally irresponsible bills that are being brought up. So I want to say to the American people, if they believe that these folks have been fiscally responsible, then I have got some swampland in Mexico that I'd like to sell them.

I felt like, in listening to them, that I was like Alice in Wonderland, where the language means the opposite of what it is, or 1984, particularly 1984, where white is black and black is white. That is what it feels like when you're listening to them talk about being fiscally responsible. It's unbelievable.

One thing I do agree with them, it is about priorities, and it's obvious that their priorities and our priorities and the priorities of the American people are two different things. For one thing, our colleague used the example that we could be building 12,000 new elementary schools. Well, the Federal Government has absolutely no business building elementary schools. There is absolutely nothing in the Constitution which gives us any right to be involved in education, and particularly in building buildings at the local level.

I am astonished at some of the things that they say, again, and assume that nobody is going to question them.

Mr. GARRETT of New Jersey. Will the gentlelady yield?

I think the gentlelady makes an interesting but important point at the same time, in that if we see our role here in Congress as to satisfy every desire, wish, whim, and I am not saying education is a whim, but desires, wish, needs, as well of our constituency back at home, in your State and mine, then of course that wish list or the desire list or that need list would go on ad infinitum. Then we can become here, as one may say, as the 51st State, the 51st State legislature, trying to solve every single issue, whether it's building new schools, filling in potholes back at home on the street in front of someone's house, or any other minutia that is back in the States. Obviously, some of these things are quite vital to you and I and our constituents, but the question is where do those dollars and cents come from, where do the responsibilities lie? If we are going to assume at all, then I can tell you that this budget is going to balloon even further than where the Democrats already want the budget to balloon.

But it is, just as you said before, an issue of, and I will probably say it 22 more times before the night is over, an issue of setting priorities, and part of setting priorities is setting what are our responsibilities. So you hit the nail on the head when you begin to look at that, how do you set priorities, what is our responsibility. If we can just hone in on what our responsibility is and if we can get doing those things well first, then everything else comes in time.

I yield back.

Ms. FOXX. Well, I hope you will repeat that 22 more times tonight, and we need to be repeating that every single day. It's one of the issues I talk about over and over again, what are our priorities, what is the role of the Federal Government. As you say, we could be seen as a 51st State and be trying to deal with every single issue, but the Constitution is really clear about what our role is, I think.

As you point out, here we are in the middle of December, and what has this Congress accomplished? So much was promised by the majority last year when they were running for office and condemning Republicans for being profligate spenders and being irresponsible about the way we spent money. I will tell you that we can't hold a candle to what it is they want to do.

□ 2100

I think it was bad enough that Republicans before I got here ballooned the budget beyond where it should have been. And I have to say that I understand why the American people got upset with us last year, why we lost our majority. They felt that we were profligate spenders, as I said. But the Democrats promised something different. We are standing on our principles now, and they are stunned by that. We are earning our way back into the majority by living up to the image and the reputation that Republicans have had over the years of being careful with the way money is spent.

And, of course, today I heard other Democrats talking about the fact that this was going to be a cut in the budget. Well, only in Washington is a smaller increase than what they want considered a cut or level funding considered a cut. The increase in what the President asked for, and again I know you are going to go into much greater detail about this, a 3.1 percent increase in spending overall was requested by the President; and yet, the majority party is saying that the fault is with the White House and it refuses to negotiate, that the President won't negotiate with them. They say we are engaged in political posturing. If that isn't the pot calling the kettle black, I certainly have never seen that. They are totally surprised by the fact that the President and we are standing on our principles.

They think they can get by with simply increasing spending. They asked for $22 billion plus a lot of money in emergency spending; so then they come back and say, well, we will just split the difference. It will only be $11 billion and you should compromise with us. And the fact that we don't want to increase spending that much more over the 3.1 percent requested by the President stuns them. So the way they get around it is, here we are again the middle of December, and they have not passed the appropriations bills that we should have passed. And I want to talk some about what they promised they would do and what they have done. And we have compiled a list of promises.

On November 8 of last year, Speaker-elect PELOSI said: Democrats are prepared to govern and ready to lead.

Here we are, only one appropriations bill that has passed, and that is the Defense bill. Thank goodness that has happened.

Another Democratic promise: open, honest, and ethical Congress. Speaker-elect PELOSI: we will make this the most honest, ethical, and open Congress in history.

And what do we get? We get bills brought on the floor at the last minute, thousand-page bills. We get no time to read them, and we are asked to vote on them.

We are also told by the Blue Dogs and by others that they believe in something called PAYGO. Now, PAYGO, they would have you believe, is a way for us to get back fiscal responsibility. Well, I want to say that if you look up PAYGO in the dictionary, it means new taxes. That is what PAYGO means to them, new taxes. It doesn't mean cutting spending. And it only applies to a very small part of our budget, but they want to try to fool the American people into thinking that it means something different than what it means.

They criticize the Senate for having passed an AMT bill last week, which is a clean bill. It simply delays the increase in taxes that would go to about 23 million Americans, something they have never paid. And to the House, the fiscally responsible way to do this is to add new taxes to other Americans to, quote, pay for, that is, offset, taxes that have never been paid by another group of Americans.

That is some of the most twisted logic that I have ever heard in my entire life. I know that these people never could have taken logic in high school or in college.

They also promised no more borrowing from Social Security. But what that means is that the money that is currently being spent from the Social Security fund will not be spent from the Social Security fund. But that is not what they are doing. They are spending that and a whole lot more. And ROB ANDREWS last year, or this year, promised that we would not borrow any more money from the Social Security fund. Every one of their promises has been broken, and they are taking us down a very fiscally irresponsible budget.

The energy bill that was passed last week is a no-energy bill. It included nothing to increase domestic energy production. As Christmas approaches, 5,000 troops are going to return from Iraq; but they are holding hostage the bipartisan legislation to fund key benefits for them and their families. It has been 6 months since the House overwhelmingly passed the veterans and troops funding bill and 3 months since the Senate did the same, but they have put that bipartisan bill into this omnibus bill that we are going to be dealing with, which will have billions in wasteful, unrelated pork.

We are seeing a tremendous problem here with only one of the 12 appropriations bills passed, a year wasted while they have brought before us unnecessary bills to vote on and while they have voted 41 times on measures to withdraw from Iraq, and they have let the important work of this Congress go by the by.

I hope again that the American people are paying close attention and reading between the lines on the things that they are saying, and I am going to yield back to my colleague from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. I thank the gentlelady from North Carolina, and I do believe that the American public is paying attention; and they are doing better than that, they are reading between the lines. And they know when they are being talked to straight and honestly, just as you have been for the last few moments now setting forth what the record is with regard to what the Republicans' intentions have been and will be in the future with regard to getting the fiscal house in order of this country, and what the actual record has been for the last 11-plus, almost 12, months now, as we stand here under Democrat control.

Some of the numbers, I must say, that we talk about when we discuss this issue are quite large. It is really hard to get your hands around them, to get a handle on them. When you are talking about total spending in 2008 in the fiscal budget of $2.9 trillion, who can imagine that size number? When you are talking even a smaller number about an increase of $118 billion over 2007, $118 billion? We just can't relate to it.

What we have to all bring it right down to is the fact that this is the American public tax dollars at heart, and it does mean dollars and cents to people at home listening to us tonight, working all week long, paying their bills. It does mean something to the American family's budget, how the tax increases that have been proposed by the other side of the aisle are going to impact upon them and their lack of responsibility when it comes to the issue that curbing spending will have an impact upon them as well.

I am very pleased that I have been joined here tonight by another strong stalwart leader on this entire issue of fiscal responsibility. I have the pleasure of serving with him on several committees, but most importantly right now on the Budget Committee where he has been an outspoken critic of wanton expenses and spending, both now under Democratic control but also, too, when the Republicans controlled. So I would like to yield such time as he needs to the gentleman from Texas.

Mr. HENSARLING. I thank the gentleman from New Jersey for leading this Special Order this evening. I thank him for his leadership on behalf of the people of New Jersey and behalf of the people of New York. The gentleman from New Jersey (Mr. GARRETT) never loses an opportunity to fight for the family budget.

And we know that families are struggling during this Christmas season; we know that their energy bills have increased. We know the price at the pump is high. Home heating oil for those, particularly in the Northeast, not in my part in the country in Texas, they face challenges there. They face challenges in trying to deal with their health care costs.

And what is the answer of this new Democrat majority? Well, it is the same answer as all Democrat majorities: tax more and spend more.

I am unacquainted with any society in the history of the world that somehow has taxed its way into prosperity. And, ultimately, more spending leads to more taxation; and this is a Congress that continues to spend more and more and more. Already, the Federal Government is spending on average over $23,000 per family of four, Mr. Speaker. And this is the highest level, the highest level since World War II on an inflation-adjusted basis. And yet this Democrat majority wants to spend even more of the people's money.

Earlier in the year, in their budget they had the single largest tax increase in American history that, when fully implemented over a 5-year period, is going to add $3,000 per year for an average family of four.

Now, I wonder, Mr. Speaker, what will that extra $3,000 in taxes taken away from American families to be given to the Federal Government, what is that going to do to the hopes and dreams of the average American family? How is that going to help them fill up their F–150 pickup trucks? How is that going to help them pay their home heating oil bills? How is that going to help them send a child to college? Well, the answer is that it is not.

Often, when we are having spending debates in the Nation's Capitol, Mr. Speaker, we are not really debating how much we spend, but we are debating who is going to do the spending. Is it going to be American families? Are they going to be allowed to keep what they have earned, what they have worked hard for? Are they going to be able to keep the bread on their table? Or are they going to have to give even a larger share to Washington? Notwithstanding the fact, notwithstanding the fact that they are already paying on average $23,000 per family of four.

Now, when you come to the floor of the House, you often hear our Democrat colleagues decry how we are not investing in this budget function or we are not investing in this budget function enough. Well, people are entitled to their own opinions; they are just not entitled to their own facts. And if you look over the last 10 years, for example, the international affairs budget has increased 130 percent; the energy budget, 293 percent. Now, transportation, 71 percent; health, 79.4 percent. And the list goes on and on. And in that same 10-year period, the family budget has grown by about 34, 35 percent. And so you have government on average growing over twice the rate of the family budget, and inflation over that same period has been just a little over 2 percent. So if you wanted to keep the same government that you had, you would have grown it at 2 percent a year; and, instead, it is being grown at closer to 6 to 7 percent.

Ultimately, American families will not be able to pay this bill. More and more taxes are being imposed on them. And so every time one of our Democrat colleagues comes to the floor to suggest another great new government program to be added to the other 10,000 programs, Federal programs that are already on the books, it puts pressure on the family budget. And, again, it is not fair to their dreams, their hopes, their aspirations for their families, on top of this $3,000 a year increase to the average family of four that will be phased in over 5 years in their budget. They have gone through and offered to increase taxes at least half a dozen times on American families and the American economy.

□ 2115

Mr. HENSARLING. We passed H.R. 6, $7.7 billion over 10 years; H.R. 976, $1.3 billion over 10 years; H.R. 1562, $241 million over the next 10 years; H.R. 2419, $12.1 billion, and the list goes on and on and on.

Again, as Americans are striving to pay for their health care costs, their transportation costs, their education costs, why should they be giving more money to Washington, D.C.? And at this time when they are trying to make ends meet on top of the tax increase in their budget, on top of at least seven or eight tax increases propose this year, you have the chairman of the Ways and Means Committee, the gentleman from New York (Mr. RANGEL), propose what has now become known in the press as the mother of all tax increases.

He will put a huge, almost 30 percent tax on millions of small businesses all across this Nation. Ninety percent of all Americans will pay more taxes under this bill. It will bring in an estimated $3 trillion taken away from American families and American small businesses. This threatens millions of jobs.

If we truly care about the American family and the economic perils and struggles that they face, then we want to make sure, number one, they keep the job that they already have instead of sending jobs overseas through excess taxation, regulation and litigation. And again, all of this spending ultimately has to be paid for, and it has to be paid for by a larger tax burden on the American family and a job-killing tax burden on American small business.

So here we are when most American families are trying to put together a budget so they can participate and make sure that all of the children and grandchildren are taken care of at Christmas, and here we have a Democrat majority in Congress who are trying to pass an even larger budget, the largest budget in the history of the Federal Government, taking more money away from their Christmases, taking away the goodies in their stockings to feed this ever-increasing, tax-and-spend beast that they have created.

Again, I am unfamiliar with any society in history that somehow has taxed its way into prosperity, and that's what all this spending is resulting in now. So I am happy to join the gentleman from New Jersey to come to the floor now and make sure that the American people are seeing what is happening.

There is a process, and process ultimately leads to policy. We had a process in place that was supposed to pass separate spending bills so Members of Congress could actually read the bills. Wouldn't that be a novel idea, that you actually have an opportunity to read the bill before you vote on it. And Democrats would absolutely come to the House floor and criticize and excoriate Republicans if they didn't pass these bills on time, and now they have passed one out of a dozen. So they are going to roll them all into this thing called an omnibus, and the only bus quality about it is it is a fiscal bus; it is going to flatten the American taxpayer.

So, soon we will be presented with a thousand-page bill that we have hours to read that will be filled with pork-laden special interest projects which this Democrat majority claimed they were going to clean up. But instead, they have made it worse with all of their special earmarks, be it the tribute to the chairman of the Ways and Means Committee who takes $2 million of American family money to create a museum to himself; be it the gentleman from Pennsylvania who set up what the Wall Street Journal has referred to as Murtha, Inc., where now companies go out and hire lobbyists, and if they locate in his district, all of a sudden earmarks appear. There is no transparency there. There is no accountability there. But all of this is going to get wrapped up into one great big omnibus bill.

So when many of us would like to be with our families, and many of us have our families back home in our districts, not in Washington, D.C., instead we are here doing what we have to do, and that is protect the American families out there from this tax-and-spend machine that threatens their education and housing dreams, threatens their health care dreams, to ensure that the Federal budget does not grow beyond the ability of the family budget to pay for it.

Already the unfunded obligations of the Federal Government are in excess of $144,000 per individual, and yet the Democrats keep on spending along.

There will be a day of reckoning. And so I am sure that the Democrats will come to this House floor and say we are only debating $22 billion in this omnibus spending bill.

Number one, I hope I am never in Washington so long that I have concluded that $22 billion is not a lot of money. $22 billion is more than we are spending on veterans health care in this Nation. It is a lot of money. And due to this artifice called baseline budgeting, that is going to grow in 5 years to be a $200 billion figure, imposing again thousands of dollars of taxes on the average American family when they are struggling to make ends meet.

And so this debate is really about two different roads. One road leads us to the largest tax increase in American history to be followed by an even larger tax increase in American history, one that threatens our children and grandchildren with a lower standard of living. And that is not my words. Those are the words of the comptroller general, the chief fiduciary officer of the Federal Government. He said right now the government we have, and I paraphrase, the government we have, if left on automatic pilot, no new spending programs, no new benefit increases, threatens the next generation with either, one, a doubling of their tax burden or, two, a Federal Government that consists of little more than Medicare, Medicaid and Social Security. And yet the Democrats won't reform these programs. They keep on taxing and they keep on spending.

I don't plan to be a party to that. There is another path. It is a path to fiscal responsibility. It is a path to make sure that the Federal budget does not grow beyond the ability of the family budget to pay for it. That is why Republicans will come to this House floor to make sure that this omnibus doesn't run over the American taxpayer and to make sure that the American people can have greater freedom and opportunity than we have had before. But to do that, we have to put America on the path of fiscal responsibility and to live within a budget.

Don't let the Federal budget grow beyond the family's budget to pay for it. You cannot grow government at 6 and 7 and 8 percent a year and have the family budget grow at 3 percent a year. You can't sit here and tax American families at 3 and 4 and $5,000 more per year and then somehow claim that you have the Nation's priorities right. The priority of this Nation ought to be protecting the pocketbooks and security and freedoms of the American family.

So again, I thank the gentleman from New Jersey. He is one of the stellar leaders in this body in fiscal responsibility. He is a man who is always committed to principle, a real workhorse in this institution, and I am honored to be on the House floor tonight.

Mr. GARRETT of New Jersey. I again thank the gentleman from Texas for your work and for coming to the floor and for the points you make here.

You point out several significant points. One is the dichotomy between what has been said by the other side of the aisle, both before the election and now during the course of the year, and literally just moments ago before I came to the floor this hour as the Blue Dogs were on the floor speaking.

Let me take a moment to remind those here with us what was said by the other side when it comes to fiscal responsibility and their ability to get going rolling forward, because the gentleman from Texas made reference to the point we are likely to see an omnibus bill that none of us had an opportunity to consider, just as has been the case with other bills that have come to the floor.

Back on November 8, 2006, a little over a year ago, Democrat Speaker PELOSI said Democrats are prepared to govern and ready to lead.

Would that be true, whether she was prepared to govern and lead a year ago, here we are a year later, and we are still waiting for their appropriation bills to make the way through the process. Here we are in the second week in December, which means we are already, October, November, December, all those months, a quarter into the next fiscal year, and we are still waiting for those appropriation bills to make it through the House, Senate, and onto the President's desk. Were they really ready to lead a year ago if they can't get it done at this point in time? I guess not.

A year ago their Democrat caucus chairman, Mr. CLYBURN, said Democrats offer a new direction which includes fiscal responsibility. If you just put the period after "they offer a new direction," maybe that would be more telling. Their direction is deeper in debt for the country, and therefore for the American family's budget as well, because their solution is always increase taxes.

You might find that odd to think their solution is always to increase taxes if you simply listen to their rhetoric, because back in March of this year their majority leader said there are no tax increases in this budget, referring to the budget which came through the Budget Committee and eventually came to the floor of the House.

If there are no tax increases, why do we know that the tax increases are going up significantly, upwards to $400 billion on the American public because of the bills that the Democrat majority has put through?

I would point out to the gentleman from Texas that just prior to coming to the floor, the other side was speaking. It was the Blue Dog Democrats, and their solution, and you don't have to, as the gentlelady from North Carolina says, read between the lines. Their solution to this issue of fiscal responsibility is only one-sided, and that is revenue, revenue enhancement, which is a nice way of saying tax increases.

How do we know that? The RECORD proves the case. The chart to my left shows the Republican minority attempted during various appropriation bills that were coming down to say that maybe the solution when your fiscal house is not in order is not always to raise taxes; maybe part of the solution is to rein in spending, something that every family has to do from time to time. When an American family has a problem with their budget and they are not able to make ends meet at the end of the month or week, what do they do? They usually have to rein in spending and set priorities. We suggested that. I know that the gentleman from Texas was part of this process as well to suggest perhaps what we should do is not make any draconian cuts, not say we are going to eliminate this program or that program, although some programs are certainly worthy of being eliminated. We had a much more modest proposal, and that was simply to say can we go for a 1-percent reduction in spending.

What was the Democrats' response to that? Well, on bill after bill after bill after bill, one, two, three, four, five, six, seven of the House appropriation bills proposed by the House Democrat majority, on each case we suggested can we afford a 1-percent across-the-board reduction to try to bring our House in fiscal responsibility.

Mr. HENSARLING. Would the gentleman yield on that one point?

Mr. GARRETT of New Jersey. I would definitely yield.

Mr. HENSARLING. Correct me if I'm wrong, but isn't that really a 1-percent reduction in the requested increase? And so, for example, the Democrats may have suggested that some account grow by 6.7 percent, and this amendment said no, let's let it grow at 5.7 percent instead. So what we are calling a reduction, was that not really a reduction in the requested increase? Because at the end of the day, the Federal budget was still going to grow.

Mr. GARRETT of New Jersey. I appreciate that point. The gentleman is absolutely correct. It is not a reduction in overall spending so we can say today we are spending a dollar and tomorrow we would be spending 99 cents. In fact, today we are spending a dollar and we may be going up to $1.05, let's bring it down to $1.04-something as far as the actual spending. So the actual spending would still be going up, but we were suggesting going up on a slightly lower curve.

□ 2130

Democrats voting in favor of that modicum of fiscal responsibility. Well, we could get into single digits several times, with 10, 7, 11, 13, 11, 11, 11; only

11 votes out of that entire side of the aisle. I'm not sure where any of the Blue Dogs were on that one when they had the opportunity to rein in spending.

You know, I think if I recall correctly, and you can correct me if I'm wrong, the reason they said that they could not be supportive of being more fiscally responsible and support any measure was that we were not being compassionate enough. But the element of compassion in Washington, DC. apparently is measured by simply how much more money you throw at the problem. Whether or not that program is efficient, whether that program has been rated as being adequate and getting the job done, the measure of compassion in Washington is always whether or not you are throwing even more money than the party next to you is doing.

I guess it comes down to a very simply thing like this: at the end of the day they want to be able to go home to their kids or grandkids and say, well, we were more compassionate than those Republicans because we spent more money than they did on a particular problem.

Mr. HENSARLING. Would the gentleman yield on that point?

Mr. GARRETT of New Jersey. I shall yield, yeah.

Mr. HENSARLING. It is interesting. Rarely do you come to the House floor that somebody says, don't you have compassion? Don't you want to take money away from this American family and hand it over to this program over here?

And, again, I want our society to spend more money on education. I want them to spend more money on health care. I want them to spend more money on housing. I'm just not indifferent as to who does the spending. I want American families to do the spending. They want the Federal Government bureaucrats to do the spending after taking a huge hair cut for all the waste and fraud and abuse and duplication that takes place in the Nation's Capitol.

What I hear from my constituents, and I have the great honor of representing the Fifth Congressional District of Texas, which is Dallas and east Texas, and I hear from people like the Kirkendahls in Garland who wrote me: "Congressman, at this point, between taxes and utilities we are at the breaking point of being able to keep a home. If we have an increase of over $2,000 per year in taxes, it may well be the straw that broke the camel's back."

Well, where is the Democratic compassion for the Kirkendahl family as they try to keep their home?

I heard from the Taylor family in Forney, Texas also in my district: "Dear Congressman, I'm on the verge of foreclosure after 15 years in my house. I won't be able to make it if taxes continue to rise."

Well, where is this Democrat compassion for the Taylor family in Forney? I'm having trouble seeing it.

And so they forget about the people who actually do the work and pay the taxes, because it's their dreams once again. And so compassion, I believe that compassion ultimately shouldn't be measured by the size of a government check. It ought to be measured by the size of a paycheck. And all this Democrat spending is fueling more taxes, which will kill the jobs, kill jobs in this American economy. We start replacing paychecks with welfare checks; there's no compassion in that.

And I'll yield back to the gentleman from New Jersey.

Mr. GARRETT of New Jersey. Just a quick two points, one on the compassion issue is perhaps it is appropriate when you're dealing with money to say that if I'm taking money out of my own pocket and deciding that I will spend this on a particular program, I can honestly say if I wish to be so boastful that I am being compassionate for that individual.

But we know that the Federal Government is in debt right now. We are involved in deficit spending, which means that we are not only spending more money than we are currently taking in from the current taxpayers in this country, but also we are going into debt borrowing as well. So where are we borrowing from?

Well, we are borrowing from the next generation. So in that hypothetical conversation that a Member from the other side of the aisle must have when they go back to their children and say, well, I was compassionate today because I decided to vote "no" on all these fiscally responsible measures that the Republicans propose as far as reining in the spending on this side. Well, the compassion that the father or mother Member would have to say to his child, I am being compassionate because I am simply basically giving you an additional debt on my children, and my children and your children will be obligated for all of these expenses.

Now, to the other point that you were raising as far as the letters and the phone calls that you get from your members or from your constituents who are concerned about what we are doing here and that they are on the brink of foreclosure, or brink of fiscal solvency in their own right, well, that's perfectly understandable, especially in light of all that has transpired over the last 11 months with regard to new taxes that have been proposed by this Democrat majority. And I'll just refer to the chart here for a moment. And if you care to speak on any of these, you're welcome to.

These are new majority proposals, new taxes at every turn. I digress. What was Senator HILLARY CLINTON's statement with regard as running as a Presidential candidate, which I believe she said something to the effect of, I have more ideas than this country can afford to spend dollars on, or something to that effect. Well, apparently the other side of the aisle, the Democrat side of the aisle, has the same idea, that they have more proposals, more bright ideas to spend on than we have money in the bank nor does the American family have in their bank as well. But they're going to still go and try and spend them, and they're going to do it by raising taxes.

So what do we have here? One, two, three, four, five, about seven different new tax proposals. Fiscal year 2008 budget $392.5 billion tax increase. Of course the gentleman from Texas recalls that we saw that at the very beginning of this year in about March or April of this year when we saw at that time that was the largest tax increase in U.S. history. The largest tax increase. And where is that going to be on? It's going to be on the backs of American families.

Secondly, $15 billion in new energy taxes. Well, we just passed 2 weeks ago, or last week I guess it was, we passed the energy bill, and that's even in addition to that as far as the tax increases that will be on energy production in this country. $5.8 billion in new tobacco taxes, $7.5 billion, again these are all in billions. If you can't get your hands around it, those large numbers, but that's what we're talking about. $7.5 billion in new taxes in the farm bill. A nickel-per-gallon tax increase on gas for infrastructure. So if we're not already paying enough at the pump and, remember, that also was one of the promises that the gentlelady from North Carolina was referring to before, a whole list, before you came in a whole list of promises made by the new majority that they were going to do.

One of them was an energy policy to reduce the price of gasoline. I can tell you in my neck of the woods prices are higher now substantially than when the majority came in. Now they want to add a nickel tax on top of that. A 50 cent-per-gallon tax, increase on gas for global warming. So now you're up to 55 cents on gas.

New taxes on homeownership by ending mortgage deductions and a new tax on every American with a private health plan. And actually this list is an abbreviated list that can go even further than this as far as taxes on the American public.

And with that I'll yield to the gentleman.

Mr. HENSARLING. Well, I thank the gentleman for yielding once again. And it is sometimes difficult for people to understand billions and trillions of dollars. But they certainly understand hundreds and thousands of dollars coming out of their paycheck. And so to put this in some kind of context, this largest single tax increase in history that was part of the Democrat budget resolution earlier this year, that equates to roughly $3,000 per year per family of four tax increase, $3,000. So I hope people all across America who are listening to this debate will listen very closely and write their Members of Congress, call their Members of Congress, e-mail their Members of Congress.

Do you really want that $3,000-per-year tax increase on your family? Can you afford that, to send more money to Washington, D.C. when they're already spending an average of $23,000 per family of four, the highest level since World War II?

Mr. GARRETT of New Jersey. And if the gentleman will yield.

Mr. HENSARLING. I'd be happy to yield to the gentleman.

Mr. GARRETT of New Jersey. The gentleman and I also, besides being on the Budget Committee, I also have the honor of serving with him on the Financial Services Committee. And one of the issues that we're dealing with right now of course is with the subprime situation, subprime situation as far as the tightening of the credit market of course and the decline of home prices that is probably going to continue for some period of time, peaking with regard to the resets sometime in February or March of next year. But most experts would agree that the price of homes in this country on average will be going down 3, 4, 5 percent; and this will continue during the course of 2008. And it's one of the reasons, as well, why we see consumer confidence beginning to erode, after a substantial period, a lengthy period of where consumer confidence was up.

So when you think about the economic situation of the American family right now, energy costs going through the roof. I heard a figure the other day, I think they said on average American homeowners are going to spend around $2,000 more this year just to heat their homes. There's 2,000 bucks more out of their wallets. That's in addition to more money out of their pockets for gasoline, going to and from work. And that's in addition to the fact that the values of the house in certain pockets of this country will be going down. Their financial situation for the American public is being constricted.

And what is the solution that we are hearing from the other side of the aisle while the family budget is being tightened like that?

Well, it's Uncle Sam reaching out and saying, can we have, Washington, have 2, $3,000 more so we can spend it down here on who knows what. And some of those who-knows-whats, you remember earlier on in this year, with all the pork spending that was coming from the other side of the aisle, you recall this discussion of some of the pork that was thrown into legislation, $50 million for wild blueberry subsidies, farm bill, $17 million for the National Sports program, $20 million for the National Writing Project, $6 million for unused plane tickets, $36,000 for Kentucky to protect bingo halls and on and on infinitum.

Anyone who listens to the gentleman from Texas or the gentleman from Arizona talk about earmarks will know about the wasteful spending that goes on here. But that's what's going to continue to go on so long as Washington is controlled by the other side of the aisle that says we can continue to spend without limitation because we are not setting those priorities. But we will be willing, the Democrats will be willing to reach out and take more money out of the family's pocket. So that really is the issue here at home.

And I always remember this expression from the gentleman from Texas: the focus has got to be on the family budget and not on the Washington budget. The other side of the aisle obviously has misplaced that axiom and has put the focus entirely on the Washington budget, as opposed to the Federal, the individual budget.

Again, if you were here earlier when the other side of the aisle was saying that their solutions to the fiscal dilemma that we're in right now and the problems need to be addressed in a fiscally responsible manner, never once during that entire hour discussion, and never once during any of our hearings that I can recall in the Budget Committee, have we heard from them the basic suggestion that the answer lies in the spending side of the equation as opposed to revenue.

In Washington, we really do have a spending problem, not a revenue problem. The revenue continues to come in at unprecedented rates, and that despite the fact that we had tax cuts going back as far as 2003, despite the fact that we lowered the tax rates for Americans so that they can keep more money in their pockets. The amount of revenue coming into Washington continues to go up, most times over the last several years, actually in the double-digit range year over year.

So it's not a revenue problem that we have experienced. It is a spending problem. I'm just waiting for the day that the other side of the aisle begins to realize that and will begin to work with us on some of these issues that you and I and others in the RSC as well have decided is the appropriate approach, reining in this budget as the family does.

Mr. HENSARLING. I thank the gentleman for yielding once again. And although I haven't kept a running tally, to the best of my knowledge, I'm unacquainted with any Federal program that has met its demise in this Congress. Instead, when you think about the 10,000 Federal programs that are already on the books, this Democrat majority is adding to them, with the exception of one agency in the Department of Labor that's supposed to provide accountability to labor union bosses to make sure that they don't misuse labor union funds. That was the only single agency that I'm aware of that has received a budget decrease of roughly 10,000 Federal programs, one to ensure the integrity of labor union funds to be protected from misuse and fraudulent use and criminal use by labor union bosses.

And so, again, the tax and spend machine goes on. And American families have to decide for themselves as they watch this debate during the holiday season what's going to be best for their families. Do they want to have a tax increase in the neighborhood of $3,000 per family of four? Is that going to help them? Will sending that money to Washington help them with their fuel bills? Will sending that money to Washington better help them send their children to college? Will sending that money to Washington help them meet their mortgage payments; particularly if they have an adjustable rate mortgage and it resets?

☐ 2145

We're talking about the here and now, but we also have to look at the future. As the gentleman was talking about, we hear the word "compassion" thrown on this floor frequently. People will quote scripture and talk about what have you done for the least of these. I always thought the least of these were those who do not vote and those who have yet to be born. They're the ones who tend to get ignored in this process.

So why now with all of this spending that the Democrat majority is doing, where is it leading us? Well, let me quote from the Chairman of the Federal Reserve, Ben Bernanke: Without early and meaningful action to address the growth of the Federal budget, particularly entitlement spending, the U.S. economy could be seriously weakened with future generations bearing much of the cost. Again, where is the compassion there?

Let me quote from the Brookings Institution, not exactly a bastion of conservative thought: The Nation's fiscal situation is out of control and could do serious damage to the economy in coming decades, sapping our national strength, making it more difficult to respond to unforeseen contingencies and passing on an unfair burden to future generations. Again, the least of these.

The General Accountability Office: The rising costs of government are a fiscal cancer that threatens catastrophic consequences for our country and could bankrupt America.

And these aren't my words. These aren't the words of the Republican minority. I mean, this is the Chairman of the Federal Reserve, the head of the General Accountability Office, the liberal Brookings Institution.

Mr. GARRETT of New Jersey. And to get an idea, again, as to how that all plays out or actually where that all comes from, I gave you before a list, just a partial list of the tax increases that would be coming down the pike under the new Democrat majority.

Let's look at it as you would look at your own income tax return in a way. Part of the tax increases that you will see will go from the top to the bottom. So you can say compassion to either the richest or the poorest. The ordinary income tax at the top rates will be going up, 35 percent to 39.6 percent. Capital gains tax, which are not only for the rich, it's for our senior citizens as well who are relying on their retirement accounts, the annuities that they have put away during the course of their life, their pensions and the like which are invested, and now they're taking those funds out as far as capital gains. That's what they're living on on a fixed income. What do we see there with capital gains, 15 percent to 20 percent. That's a 5 percent increase, or actually a 30 percent increase over the 15 percent.

Dividends, likewise, increase 15 percent up to 39.6 percent, more than a double increase there.

Estate taxes. Well, estate tax, of course, is something we've debated on this floor for a long time, for the small farmer, for the small business person. Their taxes are going to go from 0 percent to 55 percent, basically making a lot of small farmers and little families when they sit down at the end of the year saying we may actually have to sell our business to hold on, and this is why.

Finally, for the lower income tax bracket, child tax credit from $1,000 to $500. Now, to people who actually really need that money, that extra $500 can be crucial. That could be a month's rent payment. That could be a food bill. That could be a car payment. They're reducing it from $1,000 down to $500.

And finally, the lowest income earners, the bottom income individuals and families in this country, they, too, will be bearing the brunt of the tax increases and the prolific spending that we see down here by seeing the lowest tax bracket go from 10 percent to 15 percent. Percentage-wise, of course, that's a 50 percent tax increase when you think about it, from 10 percent up to 15 percent, as far as a percentage increase.

So from the richest to the poorest will all be suffering, and the dollars and cents, as you make out, the gentleman from Texas, very well, comes out to how they pay their bills at the end of the month.

I yield back.

Mr. HENSARLING. I thank the gentleman from New Jersey in talking about how terrible these tax increases are going to be on the American family, but it will be not only in direct terms to having a lesser paycheck, it also threatens the very existence of their paycheck.

I toured a small business in my district about a year ago called Jacksonville Industries. They're kind of an aluminum dye cast manufacturer, and before we had passed tax relief, they were on the verge of having to lay off two people.

And when I look at what's happening in capital gains and dividends, which really help fuels job creation, you can't have capitalism without capital.

Because of the tax relief the Republican Congress has passed, they were able to go out and buy some new machinery. I don't recall what it's called, and I don't exactly know what it does, but it was big and it was noisy, and most importantly, it made them more competitive. And because they were more competitive, and I want to say they had about 20 workers, instead of laying off two workers, they hired two new workers, all because of tax relief. Tax relief allowed them to invest in the American free enterprise system.

And so instead of having four people who could have been on unemployment and four people who could have been on welfare and four people who could have been on food stamps, instead, you had four people who had jobs, who had a future, who put a roof over their head, who put groceries on the table because of a paycheck, and yet the Democrat tax increases threaten that very paycheck.

Now, they offer compassion. Oh, we have this welfare check over here. We're going to increase the government budget over here. But you cannot increase the Federal budget without decreasing the family budget, and that's what this debate is going to be about this week.

Which path do you want to be on? Do you want to be on the path of increasing the Federal budget, threatening future generations with bankruptcy, with this fiscal cancer that's going to grow throughout our Nation, or do you want to be on the path where the Federal budget doesn't grow beyond the family budget ability to pay for it, a budget that doesn't include tax increases at a time when American families are struggling to pay their health care bills, their heating bills, their housing bills?

That's what it really is. It's a debate about two different paths. Now, they may look small to Democrats. They claim $22 billion isn't a lot of money. Maybe $22 billion today, and that is a lot of money, but that's quickly going to grow to $200 billion, and within a generation that's going to cause a doubling of taxes on the next generation. And children and grandchildren of America, if we don't stop this and stop it this week, will have a lower standard of living, less freedom and less opportunity, and that's why it so's critical that we win this debate this week.

Mr. GARRETT of New Jersey. I thank the gentleman again.

You can see this sort of going on in a microcosm from the State that I'm from, the great State of New Jersey, where a poll was done a month or so ago I understand that said if you had the opportunity, would you leave the State, and 50 percent of the respondents said, yes, they would. If you look at the actual demographic numbers over the last year, between 72- or 76,000 New Jerseyans have left the State of New Jersey. One of the reasons why they indicate they've left the State is because taxes are so high. They cannot afford to live in that State. So the individuals leave, the families leave, businesses leave the State, which will cause obviously a death spiral, if you will, to the overall economy of the State of New Jersey if it's going to continue.

Mr. HENSARLING. Would you be happy to tell the citizens of New Jersey who are fleeing the high taxes that they can come to the Lone Star State where we have low taxes and great economic growth? We'd be happy to have them.

Mr. GARRETT of New Jersey. I'm sure the gentleman would like to have them. I would like them to stay in the State of New Jersey and just see that our fiscal house is set in order in the State of New Jersey, where the Democrats just raised the sales tax by a penny and corporate taxes as well, and property taxes continue to go through the roof.

But that's a microcosm of the United States of America as well. People are doing what Ronald Reagan once said, and that is they're voting with their feet and leaving the State. Businesses will be doing the exact same thing as we begin to see taxes go up across the board in the United States if those hard decisions are not being made of prioritization.

I believe we're getting near the end of our time here. I will extend a hand to the other side of the aisle, as we continue this debate during the course of the week, to the Blue Dogs or any other Members who came down to the floor during this night or other nights as well who are looking for fiscal responsibility. If we can come to an agreement that the answer is not raising taxes but, rather, reining in spending, I believe it was the RSC a year ago that came up with a list of, correct me if I'm wrong, approximately a half a billion dollars in savings in overall spending by the Federal Government. We'd be glad to share that information with the Democrat majority if they would just take even just less than 5 percent of that to rein in their spending to keep it under the control of where the American public would like to have it.

A NEW VISION FOR OUR ENERGY FUTURE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Washington (Mr. INSLEE) is recognized for 60 minutes.

Mr. INSLEE. Mr. Speaker, I come to the floor this evening to talk about a great vision for America's clean energy future, and it's very timely that America adopts a new vision for our energy future because we know Americans have some challenges when it comes to energy right now.

We're going to, tonight, talk about a vision for a way to revolutionize how we use and how we generate our energy that will solve some of the problems that Americans are experiencing tonight, and I think there shouldn't be any debate about what those challenges are.

We are paying well over $3 a gallon for gasoline, with no relief in sight. We've seen it go from, I don't know, $30 or $40 a barrel during the start of the Bush administration to now approaching $100, $95, $100 a barrel. Again, fossil fuel costs continue to go up.

We're engaged in a security threat from the Middle East where we are sending about a half a million dollars a minute to the Middle East to the place, to the terrorists who come to attack us, and sending money to the Middle East and have them turn around and attack us as the 22 generals who testified in front of our global warming committee told us is not a very prudent security policy.

We're engaged in a war in the Middle East, the place that there is security concerns because that's where a significant part of the oil is in the world.

So we know we have economic challenges because of rising gas prices. It's hitting us right in the pocketbook every time we go to the pump. We know we have security concerns because of our addiction to the Middle East, and now we know that global warming is an additional threat that we simply have to respond to.

Now that Americans have seen 1 million square miles of the Arctic melt, the size of six Californias simply disappeared, melted in the Arctic this year, together with the melting of the tundra, the changing weather patterns. We've certainly seen it with our rainstorms we had in my State. I represent the State of Washington. We had 10 inches of rain in 24 hours, an unprecedented event. This type of heavy precipitation events are consistent with global warming. We know we have a global warming threat that we've got to deal with.

So we know that we have some challenges when it comes to energy, and we know none of those challenges are going to get better unless we do something about it. This energy problem is not going to get solved by the tooth fairy or simply sort of pleasant wishes for the market to solve the problem. We know we have to act. We know we have to have a plan. We know we have to have a vision. And we know it has to rely on something that we're rich in in America.

And there's one thing I've got some good news tonight we'll talk about at length. We are rich in intellectual talent in America. We are the best innovators, best tinkerers, the best inventors humans have ever seen. And there was a fellow back in May 25, 1961, who really understood that. He came to this Chamber on May 25, 1961, John F. Kennedy, and John F. Kennedy came and stood right behind me in here and said that America was going to accept the challenge of putting a man on the Moon in 10 years and bringing him back safely. Now, that was a President who understood the innate capability of the American people to invent their way to solve any challenge we set our mind to.

And President Kennedy really, that was a gutsy thing to say again. He was ahead of the curve. He was ahead of the technology. That technology to get to the Moon was hardly even on the back of an envelope at that time. You know, at that moment, our missiles were blowing up on the launch pad. The Russians were way ahead of us in the space race. We'd only put Spam in a can up for 15 minutes. We hadn't even invented Tang yet.

We didn't know how we were going to get to the Moon, but John F. Kennedy knew that we could invent our way to solve this technological challenge and we did it. And we're here tonight to say that Americans have the same level of can-do spirit, the same level of optimism, the same level of technological prowess that we had in the 1960s, and that we can do for clean energy what John F. Kennedy did for space, which is to create a whole new clean energy revolution for the economy of America and grow our economy at the same time.

So I've introduced with some of my colleagues a bill called the New Apollo Energy Act. The New Apollo Energy Act basically uses the word "Apollo" because it's the inspiration for what we know we can do, which is to invent our way to a new clean energy future just like Kennedy in the original Apollo project did for the Moon project.

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Well, I have some really good news. The House of Representatives last Thursday, with 235 votes, with some bipartisan support, essentially committed ourselves and accomplished five steps towards this clean energy future, and we are shortly going to take a fifth large leap for mankind in clean energy. So stealing a little bit of the language from the original Apollo 11 project, we now have had five small steps for energy independence and clean energy, and we are now starting to work on one giant leap for America's clean energy revolution.

And I wanted to talk tonight about those five steps that we have taken in the House, and the bill is now over the Senate, and one of the reasons we are here tonight is to encourage the Senate to follow the House's lead to the extent we can and move forward on these clean energy steps. And before I yield to my friend, RON KLEIN, who has been a great leader in the freshmen class on these issues, I want to start with just the first step that we took last Thursday.

Last Thursday the House of Representatives, in a history-making step forward, passed the first improvement in our fuel economy standards in 30 years. For 30 years Americans' efficiency standards have been frozen, locked in stone and haven't made 1-mile-per-gallon improvement since 1983. In fact, and this blows my mind, the cars we drive get less mileage today than they did in 1983. We have mapped the human genome. We have invented the Internet. But the cars we drive get less mileage.

Well, we're doing something about that. After 30 years of Congress being captured by forces against and in opposition of progress, we have increased by 40 percent the mileage standards by the year 2022 from 25 miles a gallon to 35 miles a gallon. That is a square deal for Americans. It is common sense, and we have done it in a way that protects our domestic manufacturers so that they are not exposed to a flood of new imports from across the seas, and we do that by having what is called the two-fleet rule that has been preserved.

Now, the reason this makes sense and the reason it's going to work is a combination of a couple of factors. First, it is a fact that we have got the best geniuses in the world right here in America when it comes to designing cars, and I know because they are designing some cars that are going to blow this record out of the way. By 2022 we are going to have cars that are way beyond 35 miles a gallon. I want to talk about one of those cars.

One of them is the General Motors Volt. And I have here today a picture of the General Motors Volt, a car that General Motors hopes to have in production 5 years from now. This car exists. I saw it at the Anaheim Electric Car Association Convention last weekend in Anaheim, California. And this car is a miracle because it is what's called a plug-in hybrid car. This car uses new lithium-ion batteries designed by A123 Battery Company in Massachusetts. And this car you plug in. You go home at night and plug it into your garage outlet. You unplug it in the morning. You drive 40 miles with no gasoline at all, free of gasoline from the Mid East or anywhere else, for that matter; 40 miles, zero pollution for 1 to 2 cents a mile. Gasoline costs 9 to 12 cents a mile to run your car for 40 miles. After 40 miles if you want to drive 40 miles, and 40 percent of Americans' average trips are over 40 miles a day, then you use hybrid technology to use a combination of gasoline and someday cellulosic ethanol and electricity like the hybrids now run to run your normal 250-, 300-mile range.

Now, that is a tremendous deal for Americans who get low-priced fuel for 40 miles, zero CO_2. Similar cars that are on the road today get 100 miles a gallon of gasoline today using this combination of electricity. And when we use cellulosic ethanol, we'll get 500 miles a gallon of gasoline using a combination of electricity, a hybrid. Now, this technology is going to blow that CAFE standard away. And after talking to the scientists at this electric car convention, I am very convinced that this is going to happen, and GM has certainly put big money behind this. So I'm very excited about the first step, which is to improve automobile efficiency, to talk about that tonight.

With that I would like to yield to my friend RON KLEIN from Florida, who has been a leader in the freshmen class. Thank goodness this freshmen class has shown up. That's one of the reasons we are making these strides tonight.

Mr. KLEIN of Florida. I would like to thank my good friend from Washington, who has been working on these issues and talking and moving toward getting the Congress to act on behalf of the American people on energy issues for 10 years-plus.

And as you and I have talked about this this year, I have learned a lot from you. I know that I personally have had 20 years of my own personal beliefs that Americans can accomplish anything. You've talked to me about the Manhattan Project. We all know about Sputnik. And these were callings of a generation ago to say when America wants to do something, we want to focus our scientists, our education, our entrepreneurs, all the elements that come together so that Americans can accomplish anything, we did it. And this is the moment in time in the national security side in making sure that we never have to make another foreign policy decision based on where the next drop of oil is coming from; the new economy side, and that's the job creation that you are talking about and many people are talking about, the entrepreneurs at home in our communities that are developing the GM Volt and the other car companies and all the entrepreneurs that are developing the alternative means of furnishing energy that are different from fossil fuels; and certainly the environmental side.

And being from Florida and your being from the other corner of our country, we have a great sensitivity to our environment. And I represent a coast of 75 miles at sea level; so we are particularly sensitive that we do everything we can to make sure that our environment is protected, that we don't do things to affect the global temperature, which may, in fact, change the level of the ocean and, of course, do a lot of other damage.

These are very exciting times. And, again, as a member of the freshman class and with Democrats and Republicans in our class, we have all come to that same conclusion that you have come to along with many others and the leadership of this Congress to say this is not a choice of drilling more off the coast of Florida or in Alaska. Those are false choices. When you hear the discussion that we have to drill or we can't become energy independent, that's ridiculous. What we really need to be doing is focusing, as this bill does, on alternative renewable energy sources.

And one of the things that I am very excited about also is the correcting of something that Congress did a year or so ago, and I know you were against this at the time, but it was passed by the leaders at that time in the Congress and the President signed it. The President correctly said a couple of years ago in his State of the Union we are addicted to oil.

So what did Congress do over your objections and others? They basically gave some $15 billion or some number like that to the oil companies to subsidize them for more oil drilling. Now, we all believe in a capitalist system. We believe in for-profit and companies prospering. And the oil companies right now are making more money than any company in the history of the United States. So I find it particularly offensive as a taxpayer like everybody in the country to have to add frosting on the cake and give Federal tax subsidies to those oil companies over and above that. That's not right.

And what this bill does, and I know you are going to talk about this, is it redirects that type of incentive, those tax incentives, to change consumer behavior. to incentivize our entrepreneurs and our scientists to come up with the kinds of products that will move us toward energy independence, because it is all about this next generation. And when I speak to kids in school, I know we charge them up and say this is your calling. This is something that we as adults and our children have to really work together to make sure that we do this together.

So I'm very happy to be here in support of what you are doing tonight. And I look forward, when you are done with that, talking about a specific kind of energy alternative that is very exciting that I have been watching in my community. But I appreciate your bringing this up tonight.

Mr. INSLEE. Yes. And I want to dovetail the second step. We've got five steps we're going to talk about tonight. The second step is on the taxes to really level the playing field for new technologies.

I don't think our constituents are very happy about paying $3-plus for gasoline. They are less happy on top of that to then throw in some serious change, about $21 billion, with a "b," of the money they send to Uncle Sam on April 15 that is now shelled out to the largest oil companies that are making more profits than any corporation in the history of this solar system. And there is nothing wrong with profits, but there is something wrong with taxing Americans to add to those profits to, frankly, a very mature industry. This is not like this is a new industry that we are helping to get going. They've been around since 1880 or 1890 from the fields of Pennsylvania. This is a very mature, very profitable industry.

So what we have done in this bill is reel back in the misbegotten largesse that has been shelled out to the oil and gas industry to the tune of $21 billion. And what we are using that for is to help Americans adopt new clean energy technology. And it's going to be taken away from about five major oil companies, and it is going to be given to 300 million Americans that can use tax breaks when they buy a fuel-efficient car like this plug-in hybrid car or when they weatherize their house and put in more insulation or when they want to buy energy-efficient heating or cooling.

This is like taking from the few, if you will, who never deserved it and giving to the many who need this help now to adopt their old infrastructure, houses, cars, businesses, to the new clean energy. And it is going to do something for our business community too, and I want to talk about that. And this is Florida-specific. Mr. KLEIN represents Florida. I want to talk about a technology that is a kind of technology that we should be assisting.

This is a picture of technology called solar thermal technology. This is designed by the Ausra Company, A-u-s-r-a. The Ausra Company has developed a way to concentrate the Sun's radiant energy on a pipe. You can't see this very well, but this is a pipe of water that is essentially heated up by the reflected Sun rays. And they have discovered a way to make these mirrors very inexpensively and then heat this water and develop steam and drive a steam turbine and generate electricity. This company just signed a contract for 300 megawatts for a utility in Florida, enough for somewhere between 250,000 and 300,000 homes that they are going to produce electricity for with zero carbon dioxide, zero greenhouse gas emissions in Florida, 177 megawatts in California. And they believe that, within about a decade, once you make enough mirrors so you bring down the cost per unit of mirror, they will be able to compete with coal-based electricity.

Now, what makes sense, and what we have done, with a few Republicans' help, and it's not many but a few, we have reeled back in that $21 billion from the oil and gas companies and we have redirected some of that assistance to a company like the Ausra Company so they can develop this new technology. Now, that is a proactive action, and I am very happy to report that second small step.

Now, the gentleman wanted to talk about a specific technology. I would like to yield to him to talk about that.

Mr. KLEIN of Florida. I would like to thank the gentleman for the recognition about solar. Being from Florida, we call ourselves the Sunshine State. It seems like one of the most appropriate places to be one of the founding areas of solar, and yet many other States, including the State of Washington, which has a fairly active solar program, have been developing this further. But I am very excited about this project that you have mentioned in Florida or anywhere in the United States. Of course, we all know about wind power. We have large utilities in the country. We have one in our area, Florida Power and Light, FPL, that is one of the largest wind generators in the country, in Texas and other places, California. There is no one solution here.

The good news is there is a competitive economy out there. There are competitive scientists that are coming up with different ideas. I am going to mention another very interesting one.

Part of what this bill does, as you correctly mentioned, is it provides grants and seed money and challenge grants to new industries and entrepreneurs that are developing new ideas. The Gulf Stream, we have all heard about the Gulf Stream, it is a current that runs along the eastern United States from the southern part all the way up to the eastern coast of the United States and Nova Scotia. It's a fast-moving current. Billions of gallons per minute pass off the coast of Florida, for example. We have a Centers of Excellence at Florida Atlantic University that has been developing, and there is a program out in Oregon that is doing something similar, where with turbines in the Gulf Stream itself, they can generate enough electricity, they believe, over time, to power one-third of the power needs of the whole State of Florida.

Now, we have 18 million people that live in the State of Florida. Think about that opportunity. And there are other places along the eastern seaboard of the United States that if this technology can be captured and the electricity can be generated, again, as you point out, no greenhouse gas emissions. This is totally 100 percent clean, renewable. They are working through all the environmental issues right now. They believe there will not be any as they continue to develop this.

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It is still at midstage testing, but the opportunity is there.

And again, what's exciting now is we're capturing this excitement. The American people understand this is a necessity that we have to do these kinds of things. This is one particular program I'm interested in because I've already seen the potential that it may accomplish.

But along with solar, along with some of the other things that we're going to talk about, there are great opportunities for the United States to become energy independent in a relatively short period of time, no different than Brazil, no different than other countries around the world that have found their own natural resources that can be used, Iceland and other places, that can be used to generate the power needs for growth, for success, for a clean environment. And again, it's just very exciting.

I'm glad to be here to support this bill and encourage not only the Senate, but the President, too, when this bill gets to him, because I'm confident that Congress is going to pass a bill that's going to include most of these items that we're talking about today. When it does pass, we are going to really get the American people behind this. So, Mr. President, I hope that as we get this to you, that you join us in really taking this mission that we have to the American people and our next generation.

Mr. INSLEE. Well, I hope that that occurs.

And I'm really excited about power off our coastline as well. We have a little coastline off the Pacific coast which actually has the potential to generate power from waves. Mr. KLEIN talked about power from currents, where you can have turbines that turn, like a windmill or rotary moving mechanisms, but we also have huge power from waves that simply go up and down that are generated by the wind. And off our coast right now, we have some buoys going into the water, and as they bob up and down, they compress water, and that generates compression that turns the turbine that generates electricity. And this is a technology that is in its infancy, but there is enormous power in our wave power. In a 10x10 mile stretch off the Pacific coast, there is enough electricity for all the electrical needs of California, for instance. So, here's another technology.

I want to compare this technology to wind power. I've got a picture here of the largest wind farm in the western hemisphere, it's in southeastern Washington, in my State. These are, I think, almost three-quarters to one megawatt. That's enough for 1,000 homes, each one of these turbines. They are somewhere between 250 and 300 feet high. And what that power represents now is absolutely clean power, which today is the least expensive power that we can buy in the Pacific Northwest. If you want to get the cheapest power you can buy right now, this is the cheapest power essentially that you can buy, cheaper compared to even coal fire, or as cheap as a coal fire plant. That's why there is huge demand for these turbines. Actually, the pricing has gone up because there is so much demand for them, people want to buy them.

The reason I mention wind in conjunction with wave power and tidal power is a lot of people think that wave power and tidal power is sort of where the wind industry was about 20 to 25 years ago, in its infancy. When this started, people laughed at it. They thought it was like a big tinker toy with a bunch of folks living in a teepee that were dreaming up. And for a long time it was ahead of its time. Now it is commercially viable, it is supporting thousands of jobs. The Speaker's State of Pennsylvania has a company called Gamesa that is manufacturing these turbines. In Iowa, the Clipper Turbine Company is manufacturing. We want to make these and put them out to the world.

That's why the third step, we've talked about the first two, the auto efficiency standards, the tax fairness provisions, and now the third step we've taken is what we call the renewable electricity standard, which requires 15 percent of our electricity to come from a combination of renewable energy, clean energy sources, wind, solar, wave, enhanced geothermal, and efficiency. And we believe if we simply create those demands for these technologies, if you demand it, they will come. And these technologies will take off once we have these demands.

So, this is an important part of the package. Some of our colleagues across the Chamber and in the Senate are balking at this. If we don't get this through now, we will next time. We will make some adjustments to it and get it through, because once people find out about these technologies, they're ready to rock and roll.

I yield to Mr. KLEIN.

Mr. KLEIN of Florida. If I can just add something to the gentleman's thoughts about that.

Part of what we're doing here is creating market. That is the exciting part. Obviously entrepreneurs are going to invest and make the capital investments if they know that they can sell the product. As you said with the windmills, the turbines, a market has been created. It has now justified itself to the point where the price is actually going up because the demand is there, which is great. That's great news. And some of these technologies that are being developed are at different stages. But the whole notion of creating an obligation to have 15 percent of the electricity we generate, instead of from fossil fuels, coming from these renewable energy sources will, again, move in a way which are your public utilities will come together and find ways to enhance and encourage companies to come forward and provide these products.

We are behind the curve in Europe. Europe is way ahead of us on this. Most European countries already generate a much larger percentage of their energy from renewable energy sources. And they have recognized and they've taken it upon themselves to do this, by law, voluntarily, or otherwise.

The whole notion of the environmental impacts of global warming and things like that, these are not limited to anybody's border. They're not limited to the United States' borders. They're not limited to any State. They're not limited to China. It's a worldwide issue. But Europe, in fact, has shown some good leadership here. And I think that the United States, and I know that Americans, as I said before, are very innovative people who respect their environment, that we can all work together. And this notion in this bill of making the 15 percent obligation is good because it not only makes the statement, but it creates the market which will in turn create the jobs and the new economy that will sustain and build these types of products, which is very exciting.

Mr. INSLEE. And what we have found, the genius of this, like you said, once the demand is created for these renewable energy prices, there is a very, very tried and tested rule that kicks in, which is, they become cheaper over time. And people say, well, gee, some of these things cost more than coal right now or oil and gas. Well, that's true right now, but look at what the experience has been over the last two decades. These are graphs from the National Renewable Energy Laboratory of the renewable energy cost trends over the last 25, 27 years, and there is remarkable consistency.

Wind energy started out in 1980 about 30 cents, 32 cents a kilowatt hour. It came down dramatically, until now it's down to in the range of 6 to 8 cents in this graph, that actually might be a little optimistic, in the year 2000. Look at this enormous reduction over the last 20 years because of improvements in technology, and the fact that once you have scales of economy, you manufacture more of these, they cost less.

Same thing with solar thermal technology, that type of technology I showed earlier with the mirrors, heating up the water, started out at 60 cents a kilowatt hour in 1990, gone down to about 8 cents a kilowatt hour now in the year 2000. Again, these are, frankly, a little optimistic. These charts are a little less than the numbers I've heard quoted, but you get the general trend that it's incredibly down.

Photovoltaic solar energy, that's the kind most of us are familiar with, which you have a silicone panel, and it just takes the sun's energy and spins off an electron and creates an electrical current, started at 100 cents a kilowatt hour, now it's down to 22, 24 cents a kilowatt hour.

And what we find in these charts, in almost all these technologies there is almost this kind of law, I don't know if it's got a name yet, when you increase by a factor of 10 the number of units of these renewable sources, the price comes down 20 cents. Now, what does that tell us? We know two things for sure; the cost of fossil fuels is going up, and it isn't coming down. China is coming on like gang busters. They're demanding. They want to start buying the oil for their cars, too. And as their economy grows, that demand is going up. And we know we're not producing, we're not keeping up with the pace of demand for the increase in our oil production, so fossil fuel is going up over time.

We know these renewable sources are coming down over time, including geothermal, which is coming down dramatically again, from 1 dollar in 1980 down to about 26, 28 cents now. So, we know these are coming down. These lines are going to cross. And if we're going to hitch our economic star to some technology, let's hitch our star to the technologies that are getting cheaper, not the ones that are getting more expensive over time. And that's what this bill has done.

I yield to Mr. KLEIN.

Mr. KLEIN of Florida. And to further your point, the supply is indefinite. It's infinite. It's perpetual. It's forever. Oil is not. And it's not a question of whether there is going to be enough oil on the ground for the next generation; it's the question of the people that are supplying the oil are not reliable sources, they're not necessarily friends of the United States. We're at their whim. We've seen the statistic, when President Bush was sworn into office in 2000, oil was at $28 a barrel. It is now $90 to $100 a barrel, depending on what day is going on here. OPEC, we have no control over that. This is a cartel of people that are not acting in our best interests at best, and at worst, in some cases, some of these organizations, these countries are financing people who are out to harm the United States. So, we are totally off in the wrong direction in terms of oil, and that has obviously been a mainstay.

Now, oil will continue to be part of our source, and that's fine. But in terms of our future, as you correctly said, where do we want to put our efforts, our resources, our energy? It should be in these renewable resources because they are coming to the point where there is going to be a crossover, and the sooner we have total control over our energy destiny, the better off we're going to be from a national security point, from an economic growth point, and everything else.

Mr. INSLEE. I would now like to turn to the fourth small step that we've taken, and the fourth step that we've taken is to embrace what we call the first fuel of clean energy. And the first fuel of clean energy is not wasting it. What we have found, and I've done a lot of research in this field, almost always the cheapest energy and the most effective energy you can get is the energy you don't waste. The efficient use of energy is the first place we've got to look.

Our bill in many ways demanded more efficiency for Americans. It demands that our lighting industry produce lighting that is 40 to 60 percent more energy efficient. It demands that our air conditioning units become much more efficient, that our buildings become much more efficient. There is a provision in there that we want to create model building codes, that when we build our buildings they won't waste as much energy as they do.

Many people believe that probably 30 to 40 percent of the road we have to travel we will get there simply by not wasting energy. And I want to go to exhibits A and B on that, show you a picture of a couple of folks in Redmond, Washington, Mike and Meg Town. They're standing in their doorway here. Mike is a science teacher at Redmond High School. It's a rainy environment out northeast of Seattle. And a few years ago when he was teaching his kids about clean energy, one of his kids said, Hey, Mr. Town, if you think this is so hot, why don't you build a house like this? And he said, I think I'll do just that.

So he basically set out to build a zero electrical net usage home by using efficiency, conservation, and a little bit of photovoltaic, and he did it. And here is a picture of his home. It didn't cost much of anything more than a normal home of this site. I think you'll agree it's a nice-looking place. It's in a rainy environment, but he managed to make it zero net electrical usage by doing some commonsense things. He used a little additional insulation. He used energy-efficient windows. He designed a home that uses a little bit of what's called passive solar heating, so the solar rays, when we get them in Seattle, which is twice a year, I think, on August 12th and 13th, heats the inside of the home. And he did some photovoltaic array. He put on himself these darker panels up here on the roof that he actually put on.

And now Mike says one of the great joys is, first off, he uses about half as much energy as a normal home. And when he does use it, he's producing it largely with his PV system. And when he's generating more than he uses, his meter runs backwards. And he says there is nothing more fun than going out and watching your meter run backwards as you're feeding electricity back into the grid.

So, Meg and Mike Town are sort of walking examples of what our bill is going to do, which is to help Americans weatherize their homes, make sure their businesses are using energy-efficient appliances, and when we do that, we're going to use this first fuel. That's kind of a commonsense thing to do.

So, I want to move to the fifth step now. And the fifth step that we took is we adopted what's called a renewable fuel standard. In a renewable fuel standard, we guaranteed that we will have 32 billion gallons of biofuels that will be homegrown in the United States in the next 20 years. And the reason we said that is we think it makes more sense to get our energy from middle western farmers rather than Middle Eastern sheiks. And it doesn't make a lot of sense to take our subsidized agricultural products, export them, take the money from the international buyers, and then just ship it to Saudi Arabia. It's just kind of a shell game with money. Let's cut out the middle man and grow our own.

For those who doubt we can do that, I want to refer them to a little company in Grays Harbor, Washington, and I like to tell a little story about this company.

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This is a picture of the Imperium Biofuels biodiesel plant in Grays Harbor, Washington. It is on the coast of Washington State. Imperium Biofuels is the largest biodiesel plant in the world, and it is in Washington State. It produces 100 million gallons of biodiesel, principally using canola oil, some additional oils that they are using, soybean and a couple of others. This company started from a guy in Seattle, Washington, who was a pilot, who got tired of flying airplanes, he got bored of flying airplanes and decided he would start an energy company. He started brewing up biodiesel in his garage. And the part of this story I like is he went to the Rainier Brewing Company and he got two old brewing vats from the Rainier Brewing Company, and he started brewing up biodiesel. What a great can-do story. He went out and raised some capital and now built the largest biodiesel plant in the world, and plans on building 10 or 20 more of these.

Now, with the capacity of biodiesel and with advanced forms of ethanol, and I am talking about advanced forms of ethanol, we have the capacity to provide 25 to 30 percent of all our transportation fuels from homegrown United States crops without jeopardizing our food chain, without jeopardizing the production of our domestic food supplies. And the reason for this is, and if you talk to John Plaza he will tell you about this, we have the capability of using whole new types of biofuels. We know we use corn ethanol now. But we only use the seed of the corn. We only use the kernel. We are now going to have cellulosic ethanol which uses the whole plant, all of the carbohydrates, from the stalk, the stem, what they call the corn stover, from wheat chaff that is now left on the ground. There is a company called Iogen in Idaho that is planning to bale it up and make that into cellulosic ethanol. When we do this, we will be able to produce a significant part of our transportation fuel.

So this is our fifth step. It is common sense. It is home grown. And for those who have heard a lot of controversy about corn ethanol, I have been talking to the scientists on this. You will be blown away by what is coming. There are crops now in development, one called miscanthus by a company called Mendel Biotechnology in Hayward, California. It is a crop they have developed that is four to five times more productive than corn per acre of ethanol. Now when farmers can start selling four to five times more ethanol per acre than they are today, we will decrease the pressure on our land. This crop uses less fertilizer and less water than corn today. So we look at corn ethanol as sort of the DC-3 of biofuels. It is a start. We are going to move forward to the Boeing 787, which is cellulosic ethanol.

Mr. KLEIN of Florida. I am going to add another form of ethanol out there that I think people around the world are familiar with in Brazil, which is a very large country, it is a fully industrialized country. They decided a generation ago to move towards energy independence for the same reasons we are having these discussions here today in this country. And they have oil. They have lots of other things, but they use sugar-based ethanol, a different type of ethanol based on a sugar product, and it is cellulosic based.

I have heard and some of the research that has been done, well, it is not as efficient, and there are food-chain issues and everything else. As far as I am concerned, and I know that many Members of Congress and most Americans believe, where there's a will there is a way. If there are any technological limitations to anything we have talked about tonight, they can be overcome. I think this entire conversation needs to be about how can we move forward in all these areas. If there is a limitation, let's figure out how to overcome that.

Again, sugar-based ethanol in Brazil, their ethanol that is a big part of their production. The cost is slightly different from here, but, again, let's figure it out. It could be a question of production; it could be a question of greater efficiency of production of sugar cane, where in Florida we have a very large production of sugar cane, and obviously most of it is used for production of food. In other parts of the country, sugar beet and other things are used to produce sugar.

But the point of all this, and I think the part that is so interesting, is that various types of alternative or renewable energy sources are already in production as you have in Washington in different stages. And we are allowing every one of these to compete. That is the greatest thing about our economy. It is a system where the great ideas, the great science will move forward and whatever is most efficient over time, it could be any combination of ways that we are going to achieve energy independence in this next generation, we will do it. So when I hear people, the naysayers, the people who say, oh, we can't do this, there is this problem, there is that problem, we can do it. We are going to do it. We will do it. It is going to require everybody to partner together, consumers to drive this, industry to drive it, education and scientists to drive it, government partnering with the private sector to drive it. It is going to happen.

Again, I am so proud to be part of a Congress that recognizes this and is moving this notion forward, and I'm proud the American people are finally coming together and saying, hey, this is something that is all about who we are, how we define ourselves, we being the great leaders in the world; and science and other things are going to use our scientists and our technology to achieve these great goals. It is exciting to see a plant like that with all the silos and all the great things going on there. They are already the largest in the world. That is pretty exciting.

Mr. INSLEE. What is neat about this is a lot of these things are happening in areas that have previously been quite depressed. This is an area that has really been hurt when the timber industry has had some tough times. And now we have got this, and there are two other very green industries that have developed in Grays Harbor, Washington.

You look around the Midwest where the ethanol plants have gone up, these communities have really revitalized. A lot of them have been using co-ops. This is not all money from Wall Street. These are co-ops where people have banded together and built their own industry. It is a very unifying experience when these communities do this.

We see this happening in the inner city where we are developing green collar jobs, where we are improving the efficiency of older buildings. When you have a green collar job to rebuild a building to make it energy efficient, that job doesn't get shipped to China. It is right here. It is a local green collar job. That is why we are excited about that.

We talked about the five steps we took last Thursday: number one, auto efficiency, which we are calling for; number two, commonsense tax fairness to move some of these things away from oil and gas to these new businesses and consumers to help them; number three, the renewable energy standards so we can have clean energy electricity; number four, the efficiency standards that Mike and Meg Town used to such effect to allow your home to be efficient; and, number five, the renewable fuels standard where we are calling for advanced fuels.

And by the way, our renewable fuels standard requires these advanced biofuels. It requires about two-thirds of this to be from these advanced forms, not just corn ethanol, but advanced forms of ethanol in the future. So those are five significant steps.

Just to note how significant they are, there has been an independent group that evaluates energy policy that has evaluated a very similar plan to this and concluded that when this plan is implemented, it will save more carbon dioxide from going into the atmosphere, the principal global warming gas, than all of our cars and trucks are putting into the atmosphere today. This is a big, big deal. We know we have to reduce our carbon dioxide by probably 80 percent by the year 2050 to prevent carbon dioxide from going over twice preindustrial levels. This is about maybe 35 or more percent of the way we need to go. So it is a very significant first five steps on that path.

For those who are interested in this subject, I want to congratulate Vice President Al Gore for winning the Nobel Peace Prize. I read his acceptance speech, which anyone who is interested in the subject I would recommend it to them. It is available on some Web site somewhere. It is a brilliant statement of the planetary emergency we now have, and I would encourage people to take a look at it because it will give you a sense of urgency that we have.

Mr. KLEIN of Florida. I am going to give you a plug because not only did Al Gore obviously earn the Nobel Prize for what he did, but Mr. INSLEE you have also taken upon yourself not only to work in this Congress, but you also have independently written about this subject and you have brought forward a publication called "Apollo's Fire." I don't know if you talked about it in the very beginning. I am going to give you a little plug because I have had a chance to take a look at it. It is an inspirational book that talks about what we have talked about tonight and where the country is going.

I will read one quote which I thought was very self-descriptive, and this is a quote out of your book. It says: "A new Apollo Project for energy is really a mission to rebuild our economy. Smart energy policy is, in fact, good economic policy. The two are inextricably intertwined. Done right, solving our crisis of climate change and oil dependence can create tremendous opportunity for America and the world, not only by avoiding the severe economic harm of climate disruption, but also by driving new investment into local and metropolitan economies, increasing social justice and reducing economic disparity by creating new career ladders and skilled domestic jobs across the economic spectrum."

And I think in that quote you have captured a lot of what America is interested in: the environmental issues, the impact on our whole society and the job opportunities that go on. It doesn't touch the national security issues because I think people clearly already know it is a bad deal for us to depend on other countries. But the internal things that operate inside the United States, our economy, our daily lives, our jobs, the fact you are spending $60 for a tank of gas on something that is creating problems in the economy, in the environment, and instead we can go in a totally different direction. The book you have entitled "Apollo's Fire" I think lays it out very nicely. And I just wanted to mention that because I commend you and I recommend the Members of this body to take a look at that because I think it lays it out very clearly in a very simple fashion so that Americans can take that charge and move forward with it.

Mr. INSLEE. Well, this is why this is something that can unify us, because it is an economic growth plan, it is something that can unify us, red State, blue State, urban, rural, all of us can get behind economic development. And we have seen instances of that tonight when we have talked about that. I think the bill that we have promoted ought to be able to promote that economic development in rural and urban areas, red and blue States. I really think it is a unifying message.

We mentioned these five steps, but there is a giant leap for mankind that will be on our plate when we return in January, that is, we have to find a way to limit the amount of carbon dioxide that is going into the atmosphere. And the ultimate way to do that is what we call a cap-and-trade system, which we hope to embrace and pass in this House next year.

A cap-and-trade system does two things. First, it caps the amount of total carbon that goes into the atmosphere, the total amount of pollution, the total amounts of carbon dioxide and methane that contribute to global climate change. And we have done this in a variety of pollutants, particularly sulfur dioxide, which we have a cap on. Previous Congresses have put a cap on sulfur dioxide. But we have a giant loophole in that there is no cap today for carbon dioxide and some of these other global warming gases.

So next year, we will be working on a plan to cap the total amount of these global warming gases that go into the atmosphere and give the Americans the confidence and the security to know that their grandkids aren't going to be exposed to runaway climate change associated with global warming. And then we are going to insist that polluting industries that put that pollution in the air have to pay for that. They can't do it for free any more.

Essentially, they have been using the atmosphere like a private garbage dump, like they back their truck full of junk and dump it into your county park. We don't let them do that, dump their junk in our county park, and we are not going to let them dump their CO_2 in the atmosphere any more with zero cost.

So there will be a charge associated with that and that will be tradable amongst industries to make it efficient. So when we adopt this cap-and-trade system, we will truly have the ultimate incentive for the geniuses of America to create these technologies, and we will be looking for people's input on this. We hope to have a bipartisan bill to do this, because there is no Republican or Democrat, or shouldn't be in this debate. We want to have something that all our kids can have a future on and we hope to do that. So, Mr. KLEIN, I wonder if you have any final comments.

Mr. KLEIN of Florida. I thank the gentleman for bringing this issue forward and allowing us to discuss this in the Congress. I certainly am going to recommend to our colleagues here in the Congress, the House and the Senate, while we go home and have a chance to have some working days at home during the holidays, to speak to our business entrepreneurs in our local communities, speak to our universities, speak to the scientists, speak to consumers.

I think, number one, that people are excited about these ideas; but as you are suggesting, this is just the first step. Whatever law we pass ultimately you can pass all the laws you want and it is up to Americans to say, this is our priority. This is something we are going to embrace. And this is something we are going to follow through. The private sector ultimately is going to drive this. We encourage our businesses. We encourage our academics to work together and come up with new ideas, express those ideas to the extent that government can partner, if there are things we can do to eliminate regulation or change policy to make things easier to move it in a direction where businesses and homeowners can do things to create more environmentally friendly pieces of property improvements, things like that and industry. It is good for all of us.

So I look forward to working with you and the rest of the Members of

Congress and moving our country forward on this very important topic.

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Mr. INSLEE. Well, we have a ways to go, but we have made five maybe not-so-small steps for a few people here in Congress and in America. We have one giant leap for mankind to come. But we have got a great start, and this is going to help Americans, both their environment, their security and their economy, and that is three bold steps.

Thanks for your participation, Mr. KLEIN.

THE GROWING AND DISTURBING TREND OF FOOD AND CONSUMER PRODUCT SAFETY RECALLS

The SPEAKER pro tempore (Mr. ALTMIRE). Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes.

Mr. BURGESS. Mr. Speaker, I wanted to come to the floor tonight and discuss a growing problem that we seem to be seeing, a disturbing trend in food and consumer product safety recalls.

Mr. Speaker, the danger is very real. It has been widely documented, discussed in the media, in committee hearings, and around the water cooler at work. We have just come through a summer of recall after recall after recall after recall.

What is the upshot of this, Mr. Speaker? The upshot is that parents are afraid. Parents are afraid that their children are playing with lead-tainted toys. Parents are afraid that magnets in toys or charms may cause internal damage if a child accidentally swallows them. Families are afraid that the food they feed their pets may actually have little bits of plastic in it and poison their beloved pet. People are afraid that their toothpaste may contain antifreeze and poison them. People are afraid that the fish they serve to their families may have dangerous levels of antibiotics contained within them.

Mr. Speaker, I could go on and on about specific concerns, but generally people are afraid. They are afraid about the source of these products and dangers, and rightfully so.

Mr. Speaker, people are afraid about defective products being imported into our country, and it seems like almost all of those imports come from a single source, a single country, the People's Republic of China.

Consumers' health and well-being are being endangered on two fronts; in the food we eat and the goods we use. I want to use some time tonight to talk about both fronts and what we in Congress are doing, what we have done, and what we should be doing to protect American families from harmful products.

Let's first consider the issue of consumer product safety recalls. It seems like the Nation has also turned its attention to this issue. Every time you turn on the TV, every time you open up a newspaper, you learn about yet another consumer product safety recall. While people are concerned generally about the issue of recalls, many people, many people, myself included, are concerned with the source of the recall. Again, Mr. Speaker, I stress, it appears that the majority of recalled products originate in and from the People's Republic of China.

Now, I have signed up for e-mail notification for recalled products through the United States Consumer Product Safety Commission, and I seem to get almost daily e-mails announcing the latest recalls. And, yes, most of the recalled products were manufactured in China.

As a parent, as a physician, one recall that was announced last month was extremely disturbing. I am referring to the infamous recall that literally had a child's product, the Spin Master Aqua Dots, laced with the chemicals that are contained in the drug Rohypnol, the infamous date rape drug.

Mr. Speaker, it is an innocent enough looking product, an innocent enough looking toy, a little bit interesting. I bet if my daughters were still little, they would have loved this. However, while it may look innocent, this product is actually a wolf in sheep's clothing.

In the recall notification, and I encourage everyone to sign up for the recall notification at CPSC.Gov, the Consumer Product Safety Commission listed the injuries that these beads caused, these beads that were available just a few weeks ago on the shelf of any store that any of us could go to in our communities back home.

"The Consumer Product Safety Commission has received two reports over the last several days of children swallowing Aqua Dots. A 20-month-old child swallowed several dozen beads. He became dizzy and vomited several times before slipping into a comatose state for a period of time."

Well, that is a pretty serious situation. A 20-months-old child? It doesn't say how long the comatose state lasted, but I submit to you any length of time that a 20-month-old child spends in a comatose state is alarming, frightening, disturbing and upsetting to the parents. And to think it was caused by a toy that they bought to amuse their child, well, it is almost unthinkable, unthinkable as a parent, that that could happen.

A second child also ingested some dots, vomited and slipped into a comatose state and was hospitalized for 5 days.

Mr. Speaker, according to a report on ABC News, quoting here, "Scientists say a chemical coating on the beads, when ingested, metabolizes into the so-called date rape drug gamma hydroxy butyrate. When eaten, the compound, made from common and easily available ingredients, can induce unconsciousness, seizures, drowsiness, coma and death."

While it is not yet clear how the chemical wound up in the child's product, it is clear, it is very clear, where this product was manufactured. It was manufactured in the People's Republic of China.

Now, Mr. Speaker, we are here working away trying to finish up our business, because Christmas is right around the corner, and with the Christmas season upon us, I cannot help but think there has to be a huge market in this country for something that not only doesn't say "made in the People's Republic of China," but says "made in America," "made in America" on the toy, on the goods that we buy. Wouldn't that be something?

I encourage retailers to stock as many "made in America" products as they can. Since the majority of products that are being recalled this year were made in China, this year, this year my family and I have made the personal decision to try not to buy anything with the "made in China" label. Given all of the circumstances, it seems like the right thing to do for my family. And I am certain that other American families have come to a very similar conclusion. You can't turn on the television at night without hearing Lou Dobbs talk about this, and I bet his family is one of those families as well.

Mr. Speaker, let's look at just a few of the products that have been recalled, shall we? The concern about these imported products is real and it has been substantiated with real data. The United States Consumer Product Safety Commission, which is tasked with the job of trying to safeguard our society from unreasonable risk of injury and death associated with consumer products, informed me in that in fiscal year 2007 there were a record-breaking 472 consumer product safety recalls. Of the 472 recalls, more than 60 percent, over half, were manufactured in the People's Republic of China.

Mr. Speaker, more than 60 percent of all recalled products this past year were made in China.

Furthermore, of the 472 total consumer product recalls, 61 of those recalls affected our most innocent and vulnerable members of society, our children. Sixty-one consumer product recalls were toys. And how many of those products were manufactured in the People's Republic of China, you might ask? Well, Mr. Speaker, I am glad you did. That figure is even more staggering. In the United States, the Consumer Product Safety Commission estimated that over 90 percent of the toy recalls originated in the country of China. It is clearly now becoming a common business practice for Chinese toys.

So here is the question: Does the label "made in China" translate into "this product may be hazardous to your health or to your child's health?" Here they are, just a few of the products. This poster was actually made a little bit earlier, it was close to Halloween and you see some Halloween type motifs here, but products that any child would delight in owning. But these are products that have been found to be unsafe and recalls have been issued by the Consumer Product Safety Commission.

Well, let's look at a little bit more recent picture. How about today? Is that recent enough? December 11, 2007. From today's Wall Street Journal, "China stands for quality" was the title of the piece, and it had this cute little teddy bear cartoon associated with the article.

In the article, China's Vice Premier says some interesting things, and I would like to share some of those interesting things with you tonight, Mr. Speaker, and perhaps I will even offer an opinion or two about those claims.

First she says, "The Chinese government takes product quality and food safety seriously." I say prove it.

She also states, quoting again, "China has come a long way in strengthening product quality and food safety control supervision." I would tell you, I would submit that that country has not gone nearly far enough in this regard.

Here is the kicker, Mr. Speaker. She ends the piece by saying, and I am going to paraphrase here for brevity, China will live up to its responsibilities, but we would appreciate understanding, support and help from our trade partners. That is the end of the paraphrase.

Well, Mr. Speaker, with all due respect, with all due respect, we are past the point of understanding. Mr. Speaker, there are lives on the line. These are the lives of our friends, our neighbors, our children, our neighbors' children. It is time, it is time, Mr. Speaker, that we act, that we act in this Congress.

Mr. Speaker, I previously was a physician in my former life before coming to Congress 5 years ago, just a simple country doctor. But you have got to keep asking yourself over and over again, what can we do to protect ourselves and our families? For the safety of our families, we have to get to the bottom of what is the cause behind all of these recalls.

Mr. Speaker, I am a member of the House Energy and Commerce Committee. I sit on four subcommittees that have conducted intense investigations on the issues of food and product safety matters. One subcommittee on which I serve, the Commerce, Trade, and Consumer Protection Subcommittee, which has jurisdiction over consumer product safety issues, has systematically investigated this issue this past fall.

We passed individual bills recently that have dealt with specific issues of consumer product safety concerns, including a bill that I amended in order to increase the safety of ornamental pools in our parks and public spaces in our cities.

The House Energy and Commerce Committee will be marking up bipartisan legislation later this week that will strengthen the consumer product safety system in this country. Mr. Speaker, the bill is H.R. 4040, for those keeping score at home, the Consumer Product Safety Modernization Act, and almost 80 other Members of this body have cosponsored the legislation, and I am an original cosponsor of the legislation as well.

It is an important piece of legislation, and it has, as promised, promised by our chairman of the subcommittee, it has come through the regular process. All Members have a chance to comment and, if they wish, to submit amendments, to try to make amendments to try to perfect this important bill. This, quite honestly, is the way we should formulate legislation. Not just in the Committee on Energy and Commerce, but in the whole House as well. I want to thank the leadership of the House Energy and Commerce Committee for being committed to the legislative process, because I think it has worked and served to make this a better bill as it has come through the process.

The version in the House is truly a bipartisan effort. I commend the chairman of the full committee, Chairman DINGELL, and Ranking Member BARTON, for their participation and leadership in getting the process to this point.

I would also like to commend the United States Consumer Product Safety Commission Acting Commissioner Chairwoman Nancy Nord for her honest assistance in trying to get a good bill through the committee. We asked for technical assistance and we asked for constructive criticism, and it was provided to us.

Mr. Speaker, in H.R. 4040, the Consumer Product Safety Modernization Act, the House was able to craft a comprehensive, commonsense bill that boosts the funding for the Consumer Product Safety Commission. It boasts their personnel. It bans lead in children's products. It requires third party testing. It increases the penalties for those that break the law.

H.R. 4040, again which has almost 80 bipartisan cosponsors, also has the support from consumer groups, industry, and in fact from the Consumer Product Safety Commission. The full committee, the Committee on Energy and Commerce, has realized finally that in order to protect our children, we have to work together.

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We were able to put politics aside and do it in a very pragmatic, cooperative way. The House, the Consumer Product Safety Commission, the consumer groups, and the industry all worked together to get this done. A lot has been reported about a bill in the Senate, but in reality it is because our House committee worked in such a cooperative manner with all of the stakeholders that we are now just perched on the very threshold, literally the eve, of passing H.R. 4040 through our committee. The Senate hasn't been able to do this, so the legislation may languish a bit longer, but I hope they take the lead from this inspired and bipartisan piece of legislation.

Now, both sides of the aisle, both sides of the dais in the committee had to compromise on several things, but I don't believe we ever compromised the safety of our children. I am an original cosponsor of the bill; I don't think it is a perfect bill. I have proposed amendments in the subcommittee process, and I am going to propose amendments when we mark the bill up later this week. For instance, I firmly believe that we have to improve the United States Consumer Product Safety Commission's ability to notify consumers and retailers about dangerous products more quickly and in a much broader scope.

During a hearing earlier this year with the chief executive officer of a large toy company in this country, I started wondering about some of the nonprofits in my district, people that do good work. They collect items for resale; they sell a large amount of resale items and collect money for other good works that they do. But I wondered, how do they find out about recalls? If the product is recalled, do they know it? Will they be able to remove it from their shelves so it doesn't then pass into the hands of some other unsuspecting consumer or child? And if they don't know about them, what can we do? What can we do in the United States Congress to make sure that they are indeed aware?

Well, after discussing this issue, I must tell you, I have got an outstanding nonprofit corporation in my district back in Denton County, back in north Texas, Christian Community Action. After talking about it with them, I became very concerned that there may be a large group of people and associations that are not receiving the information about product recalls in a timely manner. As we all know, products are recalled because they have been found to have some element of danger to the consumer, and they need to be immediately discarded or handled in some other way.

Nonprofits like the Salvation Army, Goodwill, and my own community

Christian Community Action, and even smaller nonprofits that serve an even more specialized segment of the community, they provide many valuable resources. Often, these nonprofits run second-hand retail shops to additionally help some of the neediest members of society, certainly members of society that you really don't want a recalled product ending up in their hands. However, as I said before, I have been informed by some of the nonprofits in my district that, through no fault of their own, they are unaware of the recalls. And, therefore, the fear is that they may inadvertently sell a recalled product to a family or to an individual or to a child.

This gap had to be closed, and I was able to offer an amendment that subsequently was accepted and the amendment will help us close the gap. This happened in the subcommittee markup on the Commerce, Trade, and Consumer Protection Subcommittee. That amendment makes it unequivocally clear that the United States Consumer Product Safety Commission must reach out and educate second-hand retailers, like Christian Community Action back home in my district, and must provide additional educational materials about the recalls. This new provision will help make our second-hand retail shops safer, and that makes our communities safer. It makes our children safer.

Now, I am pleased that the amendment was accepted, and I have also been working on other ideas. I want to talk about them just a little bit more in a moment. But I have also introduced legislation dealing with food imports, which basically will give the Food and Drug Administration a big red button to push to be able to stop a dangerous food or drug from entering the country. We see the little teddy bear coming down a conveyor belt there. Well, if we know that the teddy bear has got rohypnol in his running shoes or polonium in his paws or formaldehyde in his fur, we want to be able to stop this product from coming into the country. And this is something that I have become very concerned about.

I want to give similar authority to the Food and Drug Administration to give them a big red button to push to stop dangerous foods from entering the country. At a hearing that we had at the beginning of November, I asked Chairwoman Nord if she had the authority, that same authority for the Consumer Safety Commission that I was trying to give to the FDA, and she said no.

Therefore, over the past several weeks I have been working on trying to incorporate these same ideas into H.R. 4040, which, again, deals with consumer product safety. So this Thursday, when we do our markup in full committee on H.R. 4040, I will be offering two additional amendments at the full committee markup.

Right now, the current law lists five ways that an imported product can be refused admission into the United States. Now, I was somewhat chagrined to learn that the list did not include products that had been recalled. That seems just common sense. Do we ever need that stop button. We need to stop dangerous products from other countries from entering into our shores and certainly from entering into our stream of commerce. It seems to be common sense that products that have been found to be dangerous should be stopped at the border and denied entrance into this country; but, unfortunately, that is not always the case.

And think about that for a minute, Mr. Speaker. You have got a product that has been recalled because it has lead in some part of the product, but we don't stop it from coming into this country. What happens to all that stuff? It accumulates in a warehouse somewhere, presumably. Presumably it is not diverted into the stream of commerce at some point along the line. But even just aggregating a lead contaminated product in a warehouse somewhere means at some point someone has got to do something with it. They can't just keep paying rent on a warehouse for a product that is not moving and not going anywhere and not making them any money. This product is going to have to be destroyed.

Well, you can't bury it in a landfill because then you contaminate the groundwater. You can't burn it because then it goes in the air; we all breathe it. We know that is not a good thing for a lead-contaminated product. We need to stop that stuff from even coming into our country.

So I will be offering an amendment that would immediately add recalled products to the list of reasons as to why a product should be refused admission. I know it sounds simplistic and that is something that should already be done, but apparently that is not the case.

Unfortunately, while the leadership of the committee agrees that the stop button approach has much merit, to avoid possible violations of trade laws, and for the life of me I don't know why we would be concerned about that; it seems like someone is violating the trade laws on the other end. But the committee thinks, in order to avoid violations of trade laws, that we need to hold an additional hearing on this very subject on this idea before enactment.

I am going to offer the amendment when we mark up the bill on Thursday. Because of this concern, it likely will not be accepted. And I would like to get the understanding from the committee that we have got to go forward with this idea and enact legislation that will give the Federal Government a true measure, a true way to stop dangerous products from other countries, from coming into our country and hurting our families and our children.

Now, while this amendment may not be successful this run, I have been able to gather support from the committee on another and equally important amendment. As I mentioned before, right now, current law in the United States of America, there are five ways that a product can be refused admission into the United States. As I began my study of this section of the law, my first question was: If the Federal Government already has a law in place to stop harmful imported products from entering the United States of America, then why, why, why are we seeing recall after recall after recall, a record-breaking number of recalled products being manufactured and imported into this country?

The second question was: What types of inefficiencies are there in the laws that need to be remedied?

Well, after looking at a list of the five ways we could refuse admission of an imported product, two of the five ways immediately caught my attention. The law reads that a product can be refused admission if the product "is or has been determined to be an imminently hazardous consumer product in a proceeding."

Now, what does that mean? Well, the law defines an imminently hazardous consumer product as a consumer product which presents imminent and unreasonable risk of death, serious illness, or severe personal injury.

I think it fits the bill. So the Federal Government already has a way to stop products from entering into America if they pose a risk of death, serious illness, or serious injury.

When I originally learned of this, I thought that this section of the law could and should keep Americans safe. But when I asked the United States Consumer Product Safety Commission how many times the law had actually been used, the answer was five times. Five times. Mr. Speaker, do you want to hazard a guess when the last time this law was used? Let me give you a hint: Ronald Reagan was President of the United States. The year 1998 was the last time the law was used.

Realizing that this section posed an incredibly high bar in order for it to be used, especially since a proceeding had to be held prior to enforcement, I turned to the next way that a product could be denied admission. The law also reads that "a product can be refused admission," and again quoting here, "if it has a product defect which constitutes a substantial product hazard."

Again, what do they mean by that? The law defines a substantial product hazard as a product defect which, because of the pattern of the defect, the number of defective products distributed in commerce, and the severity of the risk or otherwise creates a substantial risk of injury to the public.

It seems to be a little bit lower bar, to me, so I thought surely, surely this section could be used to keep Americans safe. Well, I was wrong again. The United States Consumer Product Safety Commission did not have the exact number of times that this section had been used to deny admission of imported products, but the information I got back was that it was "rarely used." Rarely used. Rarely used. Rarely used to protect Americans from dangerous products.

Well, Mr. Speaker, as a Member of Congress, if we see inefficiencies in the law, we have a duty to make changes, to make changes in the law to make it work, make it more efficient.

I don't pretend to have all of the answers to make this law more perfect, but I know that we must do something to increase the effectiveness of these provisions. Americans are relying on us. Americans are relying on their Members of Congress, on the United States Congress to do just that. Therefore, I will be offering an amendment to our bill when we mark it up on Thursday to H.R. 4040 that will require the United States Consumer Product Safety Commission to study the effectiveness of these five ways to refuse admission of an imported product, especially the first two ways that I just went over: the Commission must report back to Congress on a specific strategy, including any new legislation needed to implement such a plan which will be used to increase the effectiveness of their ability to stop unsafe products from entering into the United States.

I have been informed that I have the support of the leadership of the committee on a bipartisan basis to allow this, what I consider a very vital amendment, very basic but vital amendment to go forward. We desperately need a way to stop defective products at our borders. The American public should know that these products will not come into this country. I want the American people to know that I for one am not going to stop working on this until we have the problem solved.

Let's move on from our friend the teddy bear. And just as a matter of public service, while we continue to work on legislation regarding consumer product safety, Mr. Speaker, I realize that I can't speak directly to people who might be watching on C–SPAN, whether they be Members of Congress or just ordinary Americans; but if I could speak to them in their living rooms, what I would want to say is I would encourage them to sign up for product recall alerts. It is easy, it is free, and it can save a life. If you have access, again, Mr. Speaker, if I were able to speak directly to people watching this on C–SPAN or Members watching in their office, I would say that if you have access to the Internet or if you have access to e-mail, all you need to do to receive these alerts is go to the Consumer Product Safety Commission's home page, which is www.cpsc.gov, and sign up for free recall and safety news. Again, the Web address, www.cpsc.gov, and you can sign up for the product alerts. I have done that. You get about an alert a day. It is a little disconcerting at first, but it is important information. And the Consumer Product Safety Commission also has a neighborhood safety network which is for organizations, for civic-minded individuals to help disseminate information about recalls, provide posters to members of society who may not be aware that the recall has happened and that the recall may affect products that they have in their home.

Mr. Speaker, we all know education can save lives. Unfortunately, though, certain groups of Americans, some of them elderly, some of them living in urban settings, some living in very rural settings, and I have got both in my district, some low-income families, minority groups, often don't hear about the safety messages from the government, and so we need additional ways of outreach.

☐ 2315

Please, I would ask, Mr. Speaker, we ask our fellow Members of Congress to help make communities safer by getting the word out about product recalls.

I am a member of the Neighborhood Safety Network and we disseminate information about recalls via my Web site, www.house.gov/burgess.

Mr. Speaker, we have talked a lot about consumer product safety recalls. Let's talk about food safety. You think it is the same thing, but it is an entirely different process. We have had so much discussion about this that I feel people probably are asking is Congress doing anything, has Congress paid any attention to the safety of the food we eat?

The answer is, yes, we have paid a lot of attention. We haven't got a lot of press about it, but I am again a member of the Energy and Commerce Committee, and we are pursuing an active investigation and then subsequent legislation to confront the problem. As a member of the Oversight Investigation Subcommittee, we have taken an active role in investigating the safety of our Nation's food supply.

In August, our subcommittee sent a bipartisan group of investigators to China to see firsthand some of the causes of the problem. In the committee's staff report, the investigators came to the following conclusion from their trip and investigation thus far. Quoting directly from the staff report:

Number one, it would appear that the Chinese food safety supply chain does not meet international safety standards. It is, in fact, responsible for very serious domestic Chinese food poisoning outbreaks. It is happening in their own backyard.

Number two, findings of the bipartisan field investigators, the Chinese government appears to be determined to avoid embarrassing food safety outbreaks in export markets due to the damaging and potentially lasting effect this would have upon their "Made in China" branding.

Well, that is pretty powerful. In fact, Mr. Speaker, if I can digress for a moment, you almost wish if American importers and manufacturers had that same concern about what damage they may do to their individual brands by continuing to import, albeit inexpensive products, but products that aren't safe.

Americans want to feel safe. If it cost an extra $1 for a Barbie doll, I bet they are willing to fork that out.

Finding number three, the lack of meaningful regulation of farming and food processing in China and the advanced development of the document counterfeiting industry and the willingness of some entrepreneurs in both China and the United States to smuggle foodstuffs that do not meet quality standards necessitates a much more vigorous program of inspection and laboratory testing in China and the United States ports of entry than the Food and Drug Administration has been willing or able to provide to date.

Mr. Speaker, these are important conclusions and we simply cannot sit by and watch the problem worsen. We have to transform the Food and Drug Administration into an agency that can fully cope with the importation problems of the 21st century.

The Energy and Commerce Committee is doing our part. In addition to the staff trip to China, we have had five hearings to discuss the topic "Can the Food and Drug Administration Commission Assure the Safety of the Nation's Food Supply?"

What have we learned so far? At a hearing on July 17, 2007, on this very topic, former FDA Associate Commissioner William Hubbard testified that in 1999 the FDA drafted a legislative proposal which would have given the Food and Drug Administration authority to require foreign countries to take more responsibility for the foods that they send to the United States. The agency's proposal would have allowed the Food and Drug Administration to embargo a given food from a given country if there were repeated instances of that food being found contaminated when it arrived in the United States.

Countries that send safe food would have no reason to be concerned because they would be unaffected. But countries that demonstrated a pattern of disregard of United States safety standards would have to increase their oversight of food exported from their country. They would have to do it. Unfortunately, Congress did not accept this recommendation in 1999, and the situation with imported foods has gone from bad to worse to truly awful.

Now, Congress had a chance to examine the problem and consider recommendations on how to solve the problem, and that was back in 1999. The world was a different place, and it was perhaps difficult to anticipate the acceleration of foreign products that are coming into our country that occurred over the last decade or decade and a few years more.

Was the safety of food products from foreign countries not a priority for Congress back in 1999? And the answer to that question is not as much as it should have been. Why we have allowed this problem to persist when they know how much harm these unsafe products have potential to cause, I can't answer. We may never know the answer to that question. But as I stand here tonight, I will absolutely, absolutely assure you this is a priority of mine and I intend to do something about it.

Now, October 11 of this year, the Energy and Commerce Subcommittee on Oversight and Investigations had the third of a five-part series of hearings on the Food and Drug Administration's ability to ensure the safety and security of our Nation's food supply. According to testimony given by Mr. David Nelson, the senior investigator for the Energy and Commerce Committee, currently the Food and Drug Administration does not go over and see if the food products that are produced in China are done under the same standards as here in the United States of America. These are the products that are produced in China and sent over here for our consumption. These are the products that Americans will be consuming, and they are not being produced under American standards.

When we had that hearing, Ranking Member WHITFIELD on the subcommittee asked Mr. NELSON if you were speaking to a group and a member of the audience asked how safe it is to consume products produced in China, he answered, You would be taking your chances on any imported food.

Mr. Speaker, that is a chance we simply can't afford to take. America has to have the authority to prohibit these foods from coming into our country if they are not safe. We have to have the ability to determine if they are produced according to our standards. We have to be able to stop foods that we would, according to Mr. NELSON, be taking our chances on.

Now, Chairman DINGELL asked Mr. NELSON whether or not the Food and Drug Administration can protect the United States' citizens from unsafe imports with the resources the Food and Drug Administration currently has. Mr. NELSON's answer was, That would be an emphatic no. Just not just no, but an emphatic, underlined, bolded no.

When I got a chance to ask a question, I asked Mr. NELSON what did they do about food to eat while in China. He sort of laughed and sort of didn't laugh and said, Well, we ate what everyone else ate. And I asked how he was feeling, and he said, Just fine. But actually, some of the members of our committee staff did become ill when they were traveling in China.

Now, I was very interested in the protocol that they follow in China after discovering a contaminated supply of food, and the hearing we were having that day really concentrated on poultry and poultry products.

During my questioning of Mr. James Rice, the vice president and country manager of Tyson Foods in China, I asked what I thought was a fairly simple question. I said, When you find a problem, do you communicate that to, say, the United States authorities so they can be on the lookout for similar products in other facilities?

This was a little bit disturbing, Mr. Speaker. He said, No, we don't.

He explained to me, because Tyson was using local Chinese suppliers and the products are mostly for the Chinese market, they didn't feel that was necessary. So, in essence, there is no dialogue whatsoever. Mr. Rice told me if persistent problems from one supplier were identified, no one would alert others as to the presence of this problematic supplier. There is no system in place, no early warning system, no system of surveillance, not even any honor among thieves, it appears, to let people know about a bad supplier in their midst.

Mr. Speaker, that is a serious, serious problem. And it is so important, so important that I introduced legislation that relates to this 1999 proposal, H.R. 3967, the so-called Imported Food Safety Improvement Act of 2007, because I firmly believe the Food and Drug Administration needs the ability and the explicit authority to immediately stop dangerous foods and products from coming into this country.

And it is a pretty simple concept. Goods are coming into this country. If goods are coming into this country on a long conveyer belt and you find a bad apple on the belt, the Food and Drug Administration needs to be able to push a big red button that says "stop" and immediately stop that contaminated product from continuing on downstream into our stream of commerce.

My legislation would give the Food and Drug Administration that big red button to push. The idea is simple. If enacted, the Food and Drug Administration would have the authority to embargo a specific food from a specific country if there were repeated instances that that type of food or product had been contaminated. It seems so simple. We have got to be able to stop countries from sending harmful food products into the United States.

My bill, H.R. 3967, will allow us to finally take control of the food being sent to America. And this is important as well, Mr. Speaker. It sends a strong message to countries that in the past have played fast and loose with our regulations, that in the past have not seen a problem with continuing to send contaminated products into our country.

Well, we are going to tell them it is a new day and it is a different set of rules. You solve the problem on your end or we will end the problem over here. After summer of recall upon recall upon recall, it is time to take matters into our own hands, and I will no longer tolerate hearing a different news story every day of the week about a new and dangerous product coming into the United States of America from the People's Republic of China. China is sending these products to America and then they are being recalled. We can do a little better than that.

The Health Subcommittee of Energy and Commerce, of which I am also a member, had a legislative hearing on September 26 regarding Chairman DINGELL's bill, H.R. 3610, the Food and Drug Import Safety Act of 2007. Having reviewed this legislation, I think the chairman's intentions are good, and obviously I look forward to working with the chairman on this issue. I cannot support every single provision in the bill, but I do support the spirit of the proposed law.

I believe we need to look toward how other Federal agencies have dealt with this issue and whether it would be appropriate to give the Food and Drug Administration similar authority or authorities.

According to the Government Accountability Office, 15 Federal agencies collectively administer 30 laws related to food safety. Do you think we are suffering a little bit from too much division of labor?

The Food and Drug Administration, which is part of the United States Department of Health and Human Services, and the Food Safety and Inspection Service, which is part of the United States Department of Agriculture, together comprise the majority of both the total funding and the total staffing for the government's food, safety and regulatory system.

However, food safety laws and regulations vary greatly from one agency to the other and not all foods are treated equally. For instance, the United States Department of Agriculture has jurisdiction over meat, poultry and eggs, and has established equivalency determination standards for those specified foods.

On October 11 at the third Oversight and Investigation hearing on the FDA's ability to assure the safety and security of our Nation's food supply, the Under Secretary for Food Safety at the United States Department of Agriculture, Dr. Richard Raymond, gave the following testimony and provided a definition for equivalency: "Equivalency is the foundation of our system of imports. It recognizes that an exporting country can provide an appropriate level of food safety even if those measures are different from those applied here at home.

☐ 2330

"The Food Safety and Inspection Service has always required an assessment of foreign inspection systems before those nations can export into the United States of America. This prior review was mandated by our laws, which originally required that a foreign system be equal to our system before that foreign product can be admitted."

He further went on to state: "An exporting country has the burden of proving that its system is equivalent to our own if that country wishes to export to the United States."

Well, Mr. Speaker, I understand in applying a system of equivalency to the Food and Drug Administration, which, in fairness, has an 80 percent jurisdiction over all food imported, as compared to 20 percent for the United States Department of Agriculture, I recognize that that system of equivalency for the Food and Drug Administration is going to be difficult. It's going to be onerous. Currently, only 33 countries are eligible to ship meat or poultry into the United States because of those very high standards established by that equivalency protocol. If the exact standard that the United States Department of Agriculture employs was used by the Food and Drug Administration, it would drastically change. Some people would even say it would cripple the food import system if there were not enough resources to support it.

Again, remember, the United States Department of Agriculture which has a system of equivalency, oversees 20 percent of the imports. The Food and Drug Administration, which does not have a system in place for inspecting sites in other countries, has jurisdiction over 80 percent of the food imports. You can begin to see some of the discrepancy there and the magnitude of the problem that faces us.

Mr. Speaker, the former Speaker of our House, Speaker Newt Gingrich, is famous for quoting in his second principle of transformation: "Real change requires real change." This is just such a situation. This system needs to be drastically changed.

Consider this, Mr. Speaker: in 2005, nearly 15 percent of the overall United States food consumption was imported. Between 1996 and 2006, the amount of United States imports of agriculture and sea food products from all countries increased 42 percent. Furthermore, in the last decade the volume of Food and Drug Administration-regulated imports has tripled.

Chinese imports to the United States of America have increased more rapidly than the global average. And between the years 1996 to 2006, the volume of imports of Chinese agriculture and sea food products increased by 346 percent. China is now the third largest exporter of agricultural and sea food products to the United States of America, only surpassed by our neighbors to the north and south.

So perhaps our food import safety system should change. It needs to change drastically. The Food and Drug Administration was created at a time where we were still domestically growing and producing the majority of our own foods. And we've got some real issues here at home to deal with regarding our food regulatory system. But at least we have a regulatory system with which to deal with the problem. This is not the case for all countries from which we receive food.

It seems that it would be common sense that we would only import food from a country if they can prove that their system is just as good as ours. And yet only the United States Department of Agriculture can require this, which, once again, controls only 20 percent of the imported food. The Food and Drug Administration, which cannot control that issue of equivalency, is responsible for 80 percent of the food imports. It seems to be very arbitrary that the system that the United States Department of Agriculture can employ is so much tougher than the system employed by the Food and Drug Administration. Yet, at the end of the day, where does all that food end up? It's on your table, and it looks the same whether it's regulated by the United States Department of Agriculture or regulated by the Food and Drug Administration. Americans don't discriminate from which agency had the regulatory control over the food that was imported from other countries. And it's kind of curious that in Congress we make that distinction. Congress is responsible for these dual standards and Congress must have a candid discussion on whether or not we need to make these systems more comparable, if we need to establish the same system of safety for the Food and Drug Administration that we already have in place for the United States Department of Agriculture.

It is my goal to encourage this frank discussion at the committee level and here on the floor of the House, Members on both sides of the aisle. And we've both got to continue to have input on this important issue. As we all know, the system works best and we have the most effective legislative product if bills are allowed to go through the regular process. And I implore leadership to allow this important piece of legislation to go through that regular legislative process.

We've seen two instances this year on our Committee on Energy and Commerce with H.R. 4040, the bill that we're going to mark up on Thursday, being the second one. The first was when we reauthorized the prescription drug user fee and the medical device user fee for the Food and Drug Administration. That bill came through regular process. And I didn't like everything in the bill at the end of the process, but you know what? It was a good bill. And it passed the House and it passed the Senate and the President signed it into law at the end of September.

And for the first time we've got a robust, data-gathering capability within the Food and Drug Administration which the country has needed and has lacked for 40 years. We did this. This Congress did this, accomplished this by working together in a bipartisan fashion through regular order. We've got the same opportunity here on the Consumer Products Safety bill that's before the full committee on Thursday.

And the other side of the equation is, look what we've done with reauthorizing the State Children's Health Insurance Plan. Here's a bill that every one of us, when we stood in this Congress and we raised our right hand and we swore the oath and were sworn into Congress, every single one of us, man and woman, knew that the State Children's Health Insurance Program had an expiration date of September 30 of 2007. And what did we do? We languished; we didn't have hearings. We didn't have a markup in subcommittee. We crammed some great big obnoxious bill through the full committee, came to the House floor without even being discharged by our committee. The bill was so bad that the Senate wouldn't even touch it. Now that's a bad bill.

And then we got this process from the Senate; and instead of taking the Senate bill back to our committee and working on it and trying to improve it, we treated it as if it was a conference report, but everyone in Congress knew it wasn't a conference report. But it was brought to the floor like a conference report so you couldn't amend it, you couldn't change it, you couldn't try to make it better and it was rammed down our throats; and it was passed and the President vetoed it; and we sustained the veto, and then we're going to go through the same gyration again here this week.

And that's not necessary. We have a way of doing things right. We have a way of producing for the American people, if we'll just do it and put the politics aside for a little while.

Well, let's not allow the issue of protecting our families from harmful and dangerous goods coming from other countries also become the debate of Republican versus Democrat. That is something that I am certain holds residence in the minds of all of us working together to find the most efficient and the most effective method of solving this crisis now, making it a priority for everyone and getting the problem solved now and then moving on to other things.

Now, I would be remiss if I didn't also mention that last month the President's working group on import safety presented their proposal to both the President and to Congress. While I wish that the working group had been able to present their proposal somewhat earlier than they did, I do believe that they have presented many sound policies and that we should incorporate this while formulating our legislation. I, myself, am still reviewing the group's findings.

It is pretty voluminous, but I was pleased to read that they would also like to see a legislative proposal that would give the Food and Drug Administration additional authority for preventive controls for high-risk foods. If you'd like to read their proposal, it is available on the Internet at www.importsafety.gov. Import safety is all one word, all lower case.

Now, I know many people watching this are asking themselves, you know, is there a down side to all of this that we should consider. The answer is, yes. We've always got to be cautious about jumping over the line and encroaching the, increasing the ever expanding grasp of the Federal Government.

There's no doubt that the Federal Government has an important duty to the safety and welfare of all Americans, but the last thing you want is for the Federal Government to control absolutely every aspect of every little item that you buy.

There is a balancing test and I, for one, am going to continue to be cognizant of that fact. But there is also a very clear and present public safety danger that has to be dealt with. We must be vigilant in our plight in restoring safety and trust back to the foods we eat and the products that we use. I believe that H.R. 3967, the Food Import Safety Improvement Act, will further this goal, as will amendments that I'm going to make in H.R. 4040 later this week.

Compromising the safety of foods that we put on our tables is not an option. Compromising the consumer products that we buy for our families is not an option. Compromising the security of Americans will not be an option. Compromising cannot be an option that we turn to because we lack the power. H.R. 3967 and my amendments to H.R. 4040 will restore some of that power to Americans.

Mr. Speaker, again I started off this talk with the notion that when people are out shopping this Christmas season and they pick up something and they look at the underside of it and it says "made in China," maybe that translates into "use at your own risk." I do encourage consumers to beware, be aware of where the products are made, be careful about the products that you bring into your home.

Mr. Speaker, we can no longer sit back and allow these harmful products to reach our homes. All Americans, myself included, have a choice to take a stance individually and to not buy products if we don't think they're safe. And if you see "made in China," remember, that's a warning label. But we can go a little further than that. Stricter rules are necessary. Funding, increased funding, increased personnel are necessary. And now it's up to Congress. It's up to Congress to create and enact those rules.

Mr. Speaker, you've been very indulgent, and I'm going to yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ALTMIRE). Members are reminded to address their remarks to the Chair.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MATHESON (at the request of Mr. HOYER) for today and December 12 on account of attending a family funeral service.

Mr. LUCAS (at the request of Mr. BOEHNER) for today on account of inclement weather.

Mr. GARY G. MILLER of California (at the request of Mr. BOEHNER) for today on account of personal reasons due to family matters.

Mr. RYAN of Wisconsin (at the request of Mr. BOEHNER) for today on account of travel delays.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. SUTTON, for 5 minutes, today.

Mr. LARSON of Connecticut, for 5 minutes, today.

Ms. PELOSI, for 5 minutes, today.

Mr. DINGELL, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, December 17 and 18.

Mr. BURTON of Indiana, for 5 minutes, today and December 12, 13, 14, 17, and 18.

Mr. JONES of North Carolina, for 5 minutes, December 17 and 18.

Mr. HASTINGS of Washington, for 5 minutes, December 12.

Mr. FRANKS of Arizona, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 710. An act to amend the National Organ Transplant Act to provide that criminal penalties do not apply to human organ paired donation, and for other purposes.

H.R. 3315. An act to provide that the great hall of the Capitol Visitor Center shall be known as Emancipation Hall.

H.R. 3688. An act to implement the United States-Peru Trade Promotion Agreement.

H.R. 4118. An act to exclude from gross income payments from the Hokie Spirit Memorial Fund to the victims of the tragic event at the Virginia Polytechnic Institute & State University.

ADJOURNMENT

Mr. BURGESS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 42 minutes p.m.), the House adjourned until tomorrow, Wednesday, December 12, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4414. A letter from the Acting Director, Program Development and Regulatory Analysis Rural Development Utilities Programs, Department of Agriculture, transmitting the Department's final rule — Servicing of Water Programs Loans and Grants (RIN: 0572-AB59) received October 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4415. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Dried Prunes Produced in California; Increased Assessment Rate [Docket No. AMS-FV-07-0103; FV07-993-1 FR] received November 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4416. A letter from the Chairman and CEO, Farm Credit Administration, Farm Credit Administration, transmitting the Administration's final rule — Disclosure to Shareholders; Annual Report to Shareholders (RIN: 3052-AC37) received December 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4417. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting the Selected Acquisition Reports (SARs) for the quarter ending September 30, 2007, pursuant to 10 U.S.C. 2432; to the Committee on Armed Services.

4418. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting the Department's report on the cost effectiveness of the Defense Commissary Agency and specified nonappropriated fund instrumentalities purchasing commercial insurance, as directed by Section 663 of the John Warner National Defense Authorization Act for Fiscal Year 2007; to the Committee on Armed Services.

4419. A letter from the Secretary, Department of Energy, transmitting a report concerning plutonium storage at the Savannah River Site, located near Aiken, South Carolina, pursuant to Public Law 107-314, section 3183; to the Committee on Armed Services.

4420. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7997] received November 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4421. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received October 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4422. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7738] received October 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4423. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7745] received November 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4424. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Federal Credit Union Bylaws — received November 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4425. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — REVISIONS TO RULES 144 AND 145 [Release No. 33-8869; File No. S7-11-07] (RIN: 3235-AH13) received December 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4426. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — EXEMPTION OF COMPENSATORY EMPLOYEE STOCK OPTIONS FROM REGISTRATION UNDER SECTION 12(g) OF THE SECURITIES EXCHANGE ACT OF 1934 [Release No. 34-56887; International Series Release No. 1305; File No. S7-14-07] (RIN: 3235-AJ91) received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4427. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's "Major" final rule — Energy Conservation Program for Consumer Products: Energy Conservation Standards for Residential Furnaces and Boilers [Docket Number: EE-RM/STD-01-350] (RIN: 1904-AA78) received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4428. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's report on the project to monitor the location of radioactive sources of concern, the National Source Tracking System (NSTS); to the Committee on Energy and Commerce.

4429. A letter from the Secretary, Department of Commerce, transmitting a six-month report prepared by the Department of Commerce's Bureau of Industry and Security on the national emergency declared by Executive Order 13222 of August 17, 2001, and continued on August 14, 2002, August 7, 2003, and August 6, 2004 and August 15, 2007 to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

4430. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 13-07 informing of an intent to sign the Research, Development, Test, and Evlauation of Overhead Non-Imaging Infrared Data Exploitation Tools and Techniques Memorandum of Understanding Among Australia, Canada, the United Kingdom and the United States, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

4431. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-28 concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Saudi Arabia for defense articles and services; to the Committee on Foreign Affairs.

4432. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-29 concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Saudi Arabia for defense articles and services; to the Committee on Foreign Affairs.

4433. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-23, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Kuwait for defense articles and services; to the Committee on Foreign Affairs.

4434. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-25 concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to United Arab Emirates for defense articles and services; to the Committee on Foreign Affairs.

4435. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-17, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to United Arab Emirates for defense articles and services; to the Committee on Foreign Affairs.

4436. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the export of defense articles and services to the Government of Canada (Transmittal No. DDTC 102-07); to the Committee on Foreign Affairs.

4437. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the export of defense articles and services to the Kingdom of Saudi Arabia (Transmittal No. DDTC 091-07); to the Committee on Foreign Affairs.

4438. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the 2007 annual report on the Benjamin A. Gilman International Scholarship Program, pursuant to Public Law 106-309, section 304; to the Committee on Foreign Affairs.

4439. A communication from the President of the United States, transmitting an alternative plan for locality pay increase payable to civilian Federal employees covered by the General Schedule (GS) and certain other pay systems in January 2008, pursuant to 5 U.S.C. 5305(a)(3); (H. Doc. No. 110-78); to the Committee on Oversight and Government Reform and ordered to be printed.

4440. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-182, "Appointment of the Chief Medical Examiner Temporary Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4441. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-184, "Real Property Tax Benefits Revision Temporary Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4442. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-185, "Closing Temporary Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4443. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-186, "Washington Convention Center Authority Advisory Committee Continuity Temporary Amendment Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4444. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-190, "Neighborhood Investment Clarification Temporary Amendment Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4445. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-189, "Fire Hydrant Inspection, Repair, Maintenance, and Fire Preparedness Temporary Amendment Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4446. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-188, "East of the River Hospital Revitalization Tax Exemption Temporary Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4447. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-187, "Access to Youth Employment Programs Temporary Amendment Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4448. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-181, "Uniform Prudent Management of Institutional Funds Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4449. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-180, "District of Columbia Consumer Protection Fund Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4450. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-179, "Doubled Fines in Construction or Work Zones Amendment Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4451. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Board's Performance and Accountability Report for FY 2007, as required by the Government Performance and Results Act and the Accountability of Tax Dollars Act of 2002; to the Committee on Oversight and Government Reform.

4452. A letter from the Chief Human Capital Officer, Department of Energy, transmitting the Department's first of three annual reports on the category rating system, pursuant to 5 U.S.C. 3319(d); to the Committee on Oversight and Government Reform.

4453. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4454. A letter from the Audit Liason Group, Department of Justice, transmitting the Semiannual Management Report to Congress for April 1, 2007 through November 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

4455. A letter from the Chairman, Farm Credit System Insurance Corporation, transmitting the Corporation's consolidated report addressing the Federal Managers' Financial Integrity Act and the Inspector General Act Amendments of 1978, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

4456. A letter from the Administrator, General Services Administration, transmitting a semiannual report on Office of Inspector General auditing activity, together with a report providing management's perspective on the implementation status of audit recommendations for the period April 1, 2007 through September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

4457. A letter from the Special Counsel, Office of Special Counsel, transmitting the Office's FY 2007 Performance and Accountability Report; to the Committee on Oversight and Government Reform.

4458. A letter from the President and CEO, Overseas Private Investment Corporation, transmitting the Corporation's annual report in compliance with the Inspector General Act Amendments of 1988; to the Committee on Oversight and Government Reform.

4459. A letter from the Interim Director, Pension Benefits Guaranty Corporation, transmitting the Corporation's Annual Management Report for Fiscal Year 2007, as required under OMB Circular No. A-11, Section 230-3, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

4460. A letter from the Chairman, Postal Regulatory Commission, transmitting the Commission's Semiannual Report for the period of Late June 2007 through September 30, 2007, pursuant to the Inspector General Act of 1978, as amended; to the Committee on Oversight and Government Reform.

4461. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's "Major" final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Five Endangered and Two Threatened Mussels in Four Northeast Gulf of Mexico Drainages (RIN: 1018-AU87) received November 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4462. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish, Crab, Salmon, and Scallop Fisheries of the Bering Sea and Aleutian Islands Management Area and Gulf of Alaska, Essential Fish Habitat Rule Correction [Docket No. 0612242862-7534-03; I.D. 013006I] (RIN: 0648-AU93) received November 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4463. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Monkfish Fishery; Framework Adjustment 4 [Docket No. 0612243159-7456-03; I.D. 020507A] (RIN: 0648-AU34) received October 9, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4464. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Extension of Effective Date of Gulf Red Snapper Management Measures [Docket No. 0612243157-7522-05; I.D. 112006B] (RIN: 0648-AT87) received October 9, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4465. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Procedures for Designating Classes of Employees as Members of the Special Exposure Cohort Under the Energy Employees Occupational Illness Compensation Program Act of 2000; Amendments (RIN: 0920-AA13) received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4466. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the St. Clair River and Lake St. Clair, Michigan, Comprehensive Management Plan; to the Committee on Transportation and Infrastructure.

4467. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's report on the technical evaluation of the three different approaches specified in Pub. L. 110-28, Sec. 4303; to the Committee on Transportation and Infrastructure.

4468. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Hawaii Superferry Arrival/Departure, Nawiliwili Harbor, Kauai, Hawaii [Docket No. USCG-2007-29153] (RIN: 1625-AA87) received December 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4469. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Sacramento River, Rio Vista, CA [Docket No. CGD11-07-014] received December 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4470. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Upper Mississippi River, Clinton, IA [CGD08-07-026] (RIN: 1625-AA09) received December 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4471. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation, Gulf Intracoastal Waterway, Belle Chasse, Louisiana. [CGD08-07-024] received December 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4472. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Atlantic Intracoastal Waterway (AIWW), at Scotts Hill, NC [CGD05-07-095] received December 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4473. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Lake Champlain, North Hero and Grand Isle, VT [CGD01-07-135] received December 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4474. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operating Regulations; Gulf Intracoastal Waterway, Morgan City to Port Allen Alternate Route, Lower Grand River, Bayou Sorrel, Louisiana [CGD08-07-035] received December 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4475. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Kennebec River, Bath and Woolwich, ME [CGD01-07-152] received December 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4476. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Rigolets Pass, Mile 6.2, between Orleans and St. Tammany Parishes, LA. [CGD08-07-031] (RIN: 1625-AA09) received December 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4477. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Taunton River, Fall River and Somerset, MA [CGD01-07-148] received December 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4478. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Tchefuncta River, Madisonville, LA. [CGD08-07-037] received December 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4479. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Bonfouca Bayou, Slidell, LA. [CGD08-07-034] received December 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4480. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Gulf Intracoastal Waterway (GIWW), mile 49.8 near Houma, Lafourche Parish, Louisiana. [CGD08-07-039] received December 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4481. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Gowanus Canal, Brooklyn, NY [CGD01-07-130] (RIN: 1625-AA09) received December 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4482. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Milhomme Bayou, Stephensville, LA. [Docket No. CGD08-07-022] received December 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4483. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Sabine River (Old Channel) behind Orange Harbor Island, Orange, TX [CGD08-07-040] (RIN: 1625-AA09) received December 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4484. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operating Regulations; Sabine Lake, near Sabine Pass, Port Arthur, Texas [CGD08-07-043] received December 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4485. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Atlantic Intracoastal Waterway, Mile 1134, Key Largo, FL [Docket No. CGD07-07-252] (RIN: 1625-AA09) received December 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4486. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Cheesequake Creek, Morgan, NJ [CGD01-07-158] received December 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4487. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Ouachita River, Louisiana [CGD08-07-020] (RIN: 1625-AA09) received December 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4488. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Liberty Bayou, Slidell, LA. [CGD08-07-032] received December 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4489. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Raccoon Creek, at Bridgeport, NJ [CGD05-07-109] received December 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4490. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, New Smyrna Beach, Volusia County, FL [Docket No. CGD07-07-251] received December 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4491. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Tar River, Washington, NC [CGD05-07-107] received December 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4492. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Kotzebue, AK [Docket No. FAA-2007-28146; Airspace Docket No. 07-AAL-07] received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4493. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Fire Penetration Resistance of Thermal/Acoustic Insulation Installed on Transport Category Airplanes [Docket No. FAA-2006-24277; Amendment No. 121-330] (RIN: 2120-AI75) received October 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4494. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-10, -20, -30, -40, and -50 Series Airplanes; Model DC-9-81 (MD-81), -82 (MD-82), -83, (MD-83), and -87 (MD-87) Airplanes; and Model MD-88 Airplanes [Docket No. 2003-NM-198-AD; Amendment 39-15176; AD 2007-17-18] (RIN: 2120-AA64) received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4495. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-90-30 Airplanes [Docket No. 2003-NM-194-AD; Amendment 39-15177; AD 2007-17-19] (RIN: 2120-AA64) received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4496. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 Series Airplanes [Docket No. FAA-2007-28379; Directorate Identifier 2007-NM-077-AD; Amendment 39-15182; AD 2007-18-02] (RIN: 2120-AA64) received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4497. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135BJ Airplanes [Docket No. FAA-2007-28158; Directorate Identifier 2007-NM-018-AD; Amendment 39-15168; AD 2007-17-10] (RIN: 2120-AA64) received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4498. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model 717-200 Airplanes [Docket No. FAA-2007-28282; Directorate Identifier 2007-NM-068-AD; Amendment 39-15169; AD 2007-17-11] (RIN: 2120-AA64) received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4499. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777 Airplanes [Docket No. FAA-2006-24270; Directorate Identifier 2005-NM-200-AD; Amendment 39-15170; AD 2007-17-12] (RIN: 2120-AA64) received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4500. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, -200B, -200C, and -200F Series Airplanes [Docket No. FAA-2007-28257; Directorate Identifier 2007-NM-034-AD; Amendment 39-15171; AD 2007-17-13] (RIN: 2120-AA64) received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4501. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pacific Aerospace Limited Model 750XL Airplanes [Docket No. FAA-2007-28436 Directorate Identifier 2007-CE-055-AD; Amendment 39-15178; AD 2007-17-20] (RIN: 2120-AA64) received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4502. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A321 Airplanes

[Docket No. FAA-2007-28358; Directorate Identifier 2007-NM-019-AD; Amendment 39-15172; AD 2007-17-14] (RIN: 2120-AA64) received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4503. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 Series Airplanes [Docket No. FAA-2007-28300; Directorate Identifier 2006-NM-292-AD; Amendment 39-15173; AD 2007-17-15] (RIN: 2120-AA64) received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4504. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Lady Lake, FL [Docket No. FAA-2007-28549; Airspace Docket No. 07-ASO-15] received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4505. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Live Oak, FL [Docket No. FAA-2007-28102; Airspace Docket No. 07-ASO-8] received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4506. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Winfield, FL [Docket No. FAA-2007-28554; Airspace Docket No. 07-ASO-13] received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4507. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Gainesville, FL [Docket No. FAA-2007-28548; Airspace Docket No. 07-ASO-14] received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4508. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Forest Hill, MD [Docket No. FAA-2006-24320; Airspace Docket No. 06-AEA-13] received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4509. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Removal of Class D and E Airspace; Utica, NY Amendment of Class D and E Airspace; Rome, NY Establishment of Class E Airspace; Rome, NY [Docket No. FAA-2007-28559; Airspace Docket No. 07-AEA-03] received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4510. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — High-Intensity Radiated Fields (HIRF) Protection for Aircraft Electrical and Electronic Systems [Docket No. FAA-2006-23657; Amendment Nos. 23-57, 25-122, 27-42, and 29-49] (RIN: 2120-AI06) received October 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4511. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Fort Yukon, AK [Docket No. FAA-2007-28145; Airspace Docket No. 07-AAL-06] received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4512. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Removal of Class E Airspace; Columbus, GA [Docket No. FAA-2007-28669; Airspace Docket No. 07-ASO-18] received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4513. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Everett, WA [Docket No. FAA-2007-27374; Airspace Docket No. 07-ANM-2] received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4514. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Centreville, AL; Correction [Docket No. FAA-2007-28022; Airspace Docket No. 07-ASO-7] received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4515. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Hoquiam, WA [Docket No. FAA-2006-25788; Airspace Docket No. 06-ANM-9] received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4516. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airspace Designations; Incorporation By Reference [Docket No. 29334; Amendment No. 71-39] received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4517. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Hailey, ID [Docket No. FAA-2007-27911; Airspace Docket No. 07-ANM-8] received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4518. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Reasonable Charges for Medical Care or Services (RIN: 2900-AM35) received December 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4519. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier 1 — Domestic Production Deduction (DPD) [LMSB-Control Number: LMSB-04-0707-049] received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4520. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Industry Overview Series Trucking Industry [LMSB Control Number: LMSB-04-1107-075] received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4521. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's report on potential furloughs within the Department of the Army, the Marine Corps, and the Combatant Commands, pursuant to 10 U.S.C. 1597(e); (H. Doc. No. 110—79); jointly to the Committees on Armed Services and Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 1413. A bill to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to address vulnerabilities in aviation security by carrying out a pilot program to screen airport workers with access to secure and sterile areas of airports; with amendments (Rept. 110–482). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 123. A bill to authorize appropriations for the San Gabriel Basin Restoration Fund; with an amendment (Rept. 110–483). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3739. A bill to amend the Arizona Water Settlements Act to modify the requirements for the statement of findings (Rept. 110–484). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2601. A bill to extend the authority of the Federal Trade Commission to collect fees to administer and enforce the provisions relating to the "Do-not-call" registry of the Telemarketing Sales Rule; with an amendment (Rept. 110–485). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3541. A bill to amend the "Do-not-call" Implementation Act to eliminate the automatic removal of telephone numbers registered on the Federal "do-not-call" registry; with an amendment (Rept. 110–486). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 859. Resolution providing for consideration of the conference report to accompany the bill (H.R. 2082) to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. 110–487). Referred to the House Calendar.

Ms. CASTOR: Committee on Rules. House Resolution 860. Resolution providing for consideration of the conference report to accompany the bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes (Rept. 110–488). Referred to the House Calendar.

Mr. CARDOZA: Committee on Rules. House Resolution 861. Resolution providing for consideration of the bill (H.R. 4351) to amend the Internal Revenue Code to provide individuals temporary relief from the alternative minimum tax, and for other purposes (Rept. 110–489). Referred to the House Calendar.

Mr. ARCURI: Committee on Rules. House Resolution 862. Resolution providing for consideration of the bill (H.R. 4299) to extend the Terrorism Insurance Program of the Department of the Treasury, and for other purposes (Rept. 110–490). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. OBERSTAR (for himself, Mr. Mica, Mr. Costello, Mr. Petri, Ms. Corrine Brown of Florida, Mr. Hayes, Mr. Hinojosa, and Mr. Cummings):

H.R. 4343. A bill to amend title 49, United States Code, to modify age standards for pilots engaged in commercial aviation operations; to the Committee on Transportation and Infrastructure. considered and passed.

By Mr. WALBERG (for himself, Mr. McKeon, Mr. Ehlers, Mr. Kline of Minnesota, Mr. Boustany, Mr. Lucas, and Mr. Price of Georgia):

H.R. 4344. A bill to amend section 435(o) of the Higher Education Act of 1965 regarding the definition of economic hardship; to the Committee on Education and Labor.

By Mr. TIM MURPHY of Pennsylvania:

H.R. 4345. A bill to extend the suspension of duty on Bayowet FT-248; to the Committee on Ways and Means.

By Mr. TIM MURPHY of Pennsylvania:

H.R. 4346. A bill to extend the suspension of duty on Thionyl chloride; to the Committee on Ways and Means.

By Mr. TIM MURPHY of Pennsylvania:

H.R. 4347. A bill to extend the suspension of duty on Baypure DS; to the Committee on Ways and Means.

By Mr. TIM MURPHY of Pennsylvania:

H.R. 4348. A bill to extend the suspension of duty on Bayowet C4; to the Committee on Ways and Means.

By Mr. TIM MURPHY of Pennsylvania:

H.R. 4349. A bill to extend the temporary suspension of duty on Disflamoll TOF; to the Committee on Ways and Means.

By Mr. TIM MURPHY of Pennsylvania:

H.R. 4350. A bill to extend the temporary suspension of duty on Disflamoll DPK; to the Committee on Ways and Means.

By Mr. RANGEL:

H.R. 4351. A bill to amend the Internal Revenue Code of 1986 to provide individuals temporary relief from the alternative minimum tax, and for other purposes; to the Committee on Ways and Means.

By Mr. TOWNS:

H.R. 4352. A bill to provide $30,000,000 in funding to the Department of Education to provide assistance to public school districts for the prevention of drug resistant infections; to the Committee on Education and Labor, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CUBIN (for herself and Mr. Rehberg):

H.R. 4353. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to make certain technical corrections; to the Committee on Natural Resources.

By Mr. DENT:

H.R. 4354. A bill to suspend temporarily the duty on Ancamine 2432 Curing Agent; to the Committee on Ways and Means.

By Mr. BOOZMAN (for himself, Mr. Ross, and Mr. Kuhl of New York):

H.R. 4355. A bill to impose a moratorium on certain Medicaid payment restrictions; to the Committee on Energy and Commerce.

By Mr. WILSON of South Carolina:

H.R. 4356. A bill to suspend temporarily the duty on 4,4-Diaminostilbene-2,2-Disulphonic; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina:

H.R. 4357. A bill to extend the temporary suspension of duty on 1,4-Benzenedicarboxylic acid, polymer with N,N'-bis(2-aminoethyl)-1,2-ethanediamine, cyclized, methosulfate; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina:

H.R. 4358. A bill to extend the temporary suspension of duty on Formaldehyde, reaction products with 1,4-benzenediol and m-phenylenediamine, sulfurized; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina:

H.R. 4359. A bill to extend the temporary suspension of duty on Reduced Vat Blue 43; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina:

H.R. 4360. A bill to extend the temporary suspension of duty on Sulfur Black 1; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina:

H.R. 4361. A bill to extend the temporary suspension of duty on Cyanuric chloride; to the Committee on Ways and Means.

By Mr. BAIRD:

H.R. 4362. A bill to clarify the temporary suspension of duty on 9, 10-Anthracenedione; to the Committee on Ways and Means.

By Mr. BAIRD:

H.R. 4363. A bill to extend the temporary suspension of duty on 9, 10-Anthracenedione, 2 pentyl-; to the Committee on Ways and Means.

By Mr. BAIRD:

H.R. 4364. A bill to extend the temporary suspension of duty on certain magnesium peroxide; to the Committee on Ways and Means.

By Mr. BAKER:

H.R. 4365. A bill to extend the suspension of duty on DEMBB; to the Committee on Ways and Means.

By Mr. BAKER:

H.R. 4366. A bill to extend the suspension of duty on Mesotrione; to the Committee on Ways and Means.

By Mr. BARRETT of South Carolina (for himself, Mr. Inglis of South Carolina, Mr. Brown of South Carolina, Mr. Wilson of South Carolina, and Mr. Spratt):

H.R. 4367. A bill to name the Department of Veterans Affairs outpatient clinic in Aiken, South Carolina, as the "Matthew V. Dillon Department of Veterans Affairs Outpatient Clinic"; to the Committee on Veterans' Affairs.

By Mr. BARTON of Texas (for himself and Mr. Boucher):

H.R. 4368. A bill to amend the Internal Revenue Code of 1986 to provide special disposition rules for unused benefits in flexible spending arrangements of individuals called to active duty; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 4369. A bill to extend the temporary suspension of duty on diphenyl sulfide; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 4370. A bill to extend the temporary suspension of duty on 4,4-Dimethoxy-2-butanone; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 4371. A bill to extend the temporary suspension of duty on 3-Amino-5-mercapto-1,2,4-triazole; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 4372. A bill to extend and modify the temporary suspension of duty on ADTP; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 4373. A bill to extend and modify the temporary suspension of duty on Cyhalofop; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 4374. A bill to extend the temporary suspension of duty on 2-Phenylphenol sodium salt; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 4375. A bill to extend and modify the temporary suspension of duty on 2-Cyanopyridine; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 4376. A bill to extend the suspension of duty on Styrene, ar-ethyl-, polymer with divinylbenzene and styrene beads with low ash; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 4377. A bill to extend the temporary suspension of duty on Benfluralin; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 4378. A bill to extend the temporary suspension of duty on DMDS; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 4379. A bill to extend the temporary suspension of duty on 1,3-Dimethyl-2-imidazolidinone; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 4380. A bill to extend the temporary suspension of duty on DCBTF; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 4381. A bill to extend the temporary suspension of duty on mixtures of fungicide; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 4382. A bill to extend the temporary suspension of duty on MCPA ester; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 4383. A bill to extend the temporary suspension of duty on MCPA acid; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 4384. A bill to extend the temporary suspension of duty on Halofenozide; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 4385. A bill to extend the temporary suspension of duty on isoxaben; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 4386. A bill to extend the temporary suspension of duty on Fenbuconazole; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 4387. A bill to extend the temporary suspension of duty on Ethalfluralin; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 4388. A bill to extend the temporary suspension of duty on Tebufenozide; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 4389. A bill to extend the temporary suspension of duty on Quintec; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 4390. A bill to extend the temporary suspension of duty on Quinoline; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 4391. A bill to extend the temporary suspension of duty on Propiconazole; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 4392. A bill to extend and modify the temporary suspension of duty on Myclobutanil; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 4393. A bill to extend and modify the temporary suspension of duty on

Methoxyfenozide; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 4394. A bill to extend the temporary suspension of duty on mixed isomers of 1,3-dichloropropene; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 4395. A bill to extend and modify the temporary suspension of duty on Trifluralin; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 4396. A bill to extend the temporary suspension of duty on 1,2-Benzisothiazol-3(2H)-one (9Cl); to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 4397. A bill to extend the temporary suspension of duty on -Bromo- -nitrostyrene; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 4398. A bill to amend the Harmonized Tariff Schedule of the United States to clarify and extend the temporary duty reduction on cellulose nitrate; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 4399. A bill to extend the temporary suspension of duty on mixtures of insecticide; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 4400. A bill to extend the temporary suspension of duty on diiodomethyl-p-tolylsulfone; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 4401. A bill to extend the temporary suspension of duty on 2-Propenoic acid, polymer; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 4402. A bill to extend the temporary suspension of duty on methyl hydroxyethyl cellulose; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 4403. A bill to extend the temporary duty suspension on methyl hydroxyethyl cellulose products; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 4404. A bill to extend the temporary suspension of duty on 1,2-Benzenedicarboxaldehyde; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 4405. A bill to extend the temporary suspension of duty on 2-Phenylphenol; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 4406. A bill to extend the temporary suspension of duty on 3, 4-Dichlorobenzonitrile; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 4407. A bill to extend the temporary suspension of duty on DEPCT; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 4408. A bill to extend the temporary suspension of duty on 2,6-Dichloroaniline; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 4409. A bill to suspend temporarily the duty on Dimethyl Malonate; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 4410. A bill to suspend temporarily the duty on Tebuthiuron; to the Committee on Ways and Means.

By Mr. CAMP of Michigan:

H.R. 4411. A bill to suspend temporarily the duty on shield asy-steering gear; to the Committee on Ways and Means.

By Mr. CAMP of Michigan:

H.R. 4412. A bill to suspend temporarily the duty on hydraulic control units; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4413. A bill to suspend temporarily the duty on certain synthetic staple fibers that are not carded, combed, or otherwise processed for spinning; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4414. A bill to suspend temporarily the duty on certain synthetic staple fibers that are not carded, combed, or otherwise processed for spinning; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4415. A bill to suspend temporarily the duty on certain synthetic staple fibers that are not carded, combed, or otherwise processed for spinning; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4416. A bill to suspend temporarily the duty on certain synthetic staple fibers that are not carded, combed, or otherwise processed for spinning; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4417. A bill to suspend temporarily the duty on certain synthetic staple fibers that are not carded, combed, or otherwise processed for spinning; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4418. A bill to suspend temporarily the duty on certain synthetic staple fibers that are not carded, combed, or otherwise processed for spinning; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4419. A bill to suspend temporarily the duty on certain synthetic staple fibers that are not carded, combed, or otherwise processed for spinning; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4420. A bill to suspend temporarily the duty on 2,4-Diamino-3-[4-(2-sulfoxyethylsulfonyl)-phenylazo]-5-[4-(2 sulfoxyethyl sulfonyl)-2-sulfophenylazo]-benzenesulfonic acid potassium sodium salt; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4421. A bill to extend the suspension of duty on 1-(3H)-Isobenzofuranone, 3,3-bis(2-methyl-1-octyl-1H-indol-3-yl)-; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4422. A bill to extend the suspension of duty on 2-methyl-4,6-bis[(octylthio)methyl]phenol; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4423. A bill to extend the suspension of duty on 2-Methyl-1-[4-(methylthio)phenyl]-2-(4-morpholinyl)-1- propanone; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4424. A bill to extend the suspension of duty on 2,2 -(2,5-Thiophenediyl)bis(5-(1,1-dimethylethyl) benzoxazole); to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4425. A bill to suspend temporarily the duty on certain synthetic staple fibers that are not carded, combed, or otherwise processed for spinning; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4426. A bill to suspend temporarily the duty on certain synthetic staple fibers that are not carded, combed, or otherwise processed for spinning; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4427. A bill to suspend temporarily the duty on certain synthetic staple fibers that are not carded, combed, or otherwise processed for spinning; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4428. A bill to suspend temporarily the duty on certain synthetic staple fibers that are not carded, combed, or otherwise processed for spinning; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4429. A bill to extend the suspension of duty on Reactive Black 5; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4430. A bill to extend the suspension of duty on a certain chemical; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4431. A bill to extend the suspension of duty on a certain chemical; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4432. A bill to extend the suspension of duty on a certain chemical; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4433. A bill to suspend temporarily the duty on acrylic or modacrylic synthetic filament tow; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4434. A bill to suspend temporarily the duty on acrylic or modacrylic synthetic filament tow; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4435. A bill to suspend temporarily the duty on acrylic or modacrylic synthetic filament tow; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4436. A bill to suspend temporarily the duty on certain synthetic staple fibers that are not carded, combed, or otherwise processed for spinning; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4437. A bill to suspend temporarily the duty on certain synthetic staple fibers that are not carded, combed, or otherwise processed for spinning; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4438. A bill to suspend temporarily the duty on certain synthetic staple fibers that are not carded, combed, or otherwise processed for spinning; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4439. A bill to suspend temporarily the duty on acrylic or modacrylic synthetic filament tow; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4440. A bill to suspend temporarily the duty on synthetic staple fibers not carded, combed, or otherwise processed for spinning; to the Committee on Ways and Means.

By Mr. HOLDEN:

H.R. 4441. A bill to suspend temporarily the duty on MDA50; to the Committee on Ways and Means.

By Mr. HOLDEN:

H.R. 4442. A bill to suspend temporarily the duty on Nourybond 276 Modifier; to the Committee on Ways and Means.

By Mr. HOLDEN:

H.R. 4443. A bill to suspend temporarily the duty on 11-Aminoundecanoic Acid; to the Committee on Ways and Means.

By Mr. LEWIS of Kentucky:

H.R. 4444. A bill to suspend temporarily the duty on Polycaprolactone Acrylate; to the Committee on Ways and Means.

By Mr. LEWIS of Kentucky:

H.R. 4445. A bill to suspend temporarily the duty on Polycaprolactone Diol #1; to the Committee on Ways and Means.

By Mr. LEWIS of Kentucky:

H.R. 4446. A bill to suspend temporarily the duty on Polycaprolactone Triol; to the Committee on Ways and Means.

By Mr. LEWIS of Kentucky:

H.R. 4447. A bill to suspend temporarily the duty on Polycaprolactone Diol #2; to the Committee on Ways and Means.

By Mr. OLVER:

H.R. 4448. A bill to suspend temporarily the duty on capacitor grade homopolymer polypropylene resin in primary form; to the Committee on Ways and Means.

By Mr. PAYNE (for himself and Mr. SOUDER):

H.R. 4449. A bill to aid and support pediatric involvement in reading and education; to the Committee on Education and Labor.

By Ms. SOLIS (for herself and Mrs. BONO):

H.R. 4450. A bill to improve and enhance research and programs on cancer survivorship, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STEARNS:

H.R. 4451. A bill to amend the Public Health Service Act to establish a competitive grant program for research on preventing, treating, and finding the cure for Methicillin Resistant Staphylococcus Aureus; to the Committee on Energy and Commerce.

By Mr. THORNBERRY:

H.R. 4452. A bill to amend title XVIII of the Social Security Act to restore State authority to waive the 35-mile rule for designating critical access hospitals under the Medicare Program; to the Committee on Ways and Means.

By Mr. TOWNS (for himself, Mr. WHITFIELD, Ms. BERKLEY, Ms. JACKSON-LEE of Texas, Mr. PORTER, Ms. ROS-LEHTINEN, Mr. WYNN, and Mr. GORDON):

H.R. 4453. A bill to establish a grant to increase enforcement of laws to prohibit underage drinking through social sources, to improve reporting of Federal underage drinking data, to establish grants to increase parental involvement in school-based efforts to reduce underage drinking, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YARMUTH:

H.R. 4454. A bill to designate the facility of the United States Postal Service located at 3050 Hunsinger Lane in Louisville, Kentucky, as the "Iraq and Afghanistan Fallen Military Heroes of Louisville Memorial Post Office Building", in honor of the servicemen and women from Louisville, Kentucky, who died in service during Operation Enduring Freedom and Operation Iraqi Freedom; to the Committee on Oversight and Government Reform.

By Mr. YOUNG of Alaska (for himself and Mr. SAXTON):

H.R. 4455. A bill to authorize the Secretary of the Interior to provide international wildlife management and conservation programs through the Wildlife Without Borders Program in the United States Fish and Wildlife Service, and for other purposes; to the Committee on Natural Resources.

By Mr. BOREN (for himself, Mr. COLE of Oklahoma, Mr. SHULER, Mr. BACA, Mr. KENNEDY, Mr. GRIJALVA, Mr. ROTHMAN, Ms. MCCOLLUM of Minnesota, Mr. WAMP, Ms. HERSETH SANDLIN, Mr. GONZALEZ, Mr. HARE, Mrs. MYRICK, Mr. RANGEL, Mr. CARDOZA, Mr. ENGLISH of Pennsylvania, Mr. HONDA, Mrs. CAPPS, and Ms. SOLIS):

H.J. Res. 68. A joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States; to the Committee on Natural Resources.

By Ms. BALDWIN:

H. Res. 855. A resolution providing for the concurrence by the House in the Senate amendment to H.R. 797, with amendments; considered and agreed to.

By Mr. TERRY (for himself, Mr. YOUNG of Alaska, Mr. SHIMKUS, Ms. HOOLEY, Mr. SHAYS, Mr. BOSWELL, Mr. TOM DAVIS of Virginia, Mr. BILBRAY, Mr. KING of Iowa, Mr. POE, Mr. COOPER, Mr. WELCH of Vermont, Mr. HILL, Mr. SMITH of Nebraska, Mr. FORTENBERRY, Ms. FOXX, Mr. HENSARLING, Mr. BLUMENAUER, Mrs. JONES of Ohio, Mr. WESTMORELAND, Mr. MICA, Mr. JORDAN, Mr. GILCHREST, Mr. LAMBORN, Mr. MOORE of Kansas, Mr. BRALEY of Iowa, Mr. SESSIONS, Ms. PRYCE of Ohio, Mr. MORAN of Kansas, Mrs. EMERSON, Mr. GRAVES, Mr. TIAHRT, Mr. SALI, Mrs. CUBIN, Mr. MCCOTTER, Mr. BLUNT, Mr. PICKERING, Mr. BOEHNER, Mr. KELLER, Mr. MARCHANT, Mr. TANCREDO, Mr. MCHENRY, Mr. TURNER, Mr. WILSON of South Carolina, Mr. SAXTON, Mr. FERGUSON, Mr. DOYLE, Mr. SULLIVAN, Mr. PORTER, Mr. MCCARTHY of California, Mr. WHITFIELD, Mr. LATHAM, Mr. WALDEN of Oregon, Mr. BURTON of Indiana, Mr. BOUCHER, Mrs. MYRICK, Mr. DREIER, Mr. CAMPBELL of California, Mr. COHEN, Mr. FORBES, Mr. WELLER, Mr. UPTON, Mr. NEUGEBAUER, Mr. KLINE of Minnesota, Mr. PETRI, Mr. CAMP of Michigan, Mr. KNOLLENBERG, Mr. BROWN of South Carolina, Ms. ROS-LEHTINEN, Mr. MCKEON, Mr. CALVERT, Mr. BARTLETT of Maryland, and Mr. PITTS):

H. Res. 856. A resolution expresses heartfelt sympathy for the victims and families of the shootings in Omaha, Nebraska, on Wednesday, December 5, 2007; to the Committee on Oversight and Government Reform.

By Ms. SHEA-PORTER:

H. Res. 857. A resolution calling on the Kingdom of Saudi Arabia to take immediate actions to drop all charges against the Saudi rape victim known as the "Qatif Girl"; to the Committee on Foreign Affairs.

By Mr. ANDREWS (for himself, Mrs. MCCARTHY of New York, Mr. BISHOP of Georgia, and Ms. SUTTON):

H. Res. 858. A resolution supporting the goals and ideals of the National Congenital Heart Defect Awareness Week; to the Committee on Energy and Commerce.

By Mr. BURGESS:

H. Res. 863. A resolution expressing the sense of the House of Representatives that the Medicare physician payment system must be immediately reformed in a long-term manner in order to stabilize Medicare payment to doctors, return equity to the program, and ensure that Medicare patients have access to a doctor of their choice; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CASTOR (for herself, Ms. DELAURO, and Mrs. LOWEY):

H. Res. 864. A resolution condemning Saudi Arabia for sentencing a gang-rape victim to 200 lashes and 6 months in prison and calling for King Abdullah to overturn the verdict; to the Committee on Foreign Affairs.

By Ms. CLARKE (for herself, Mr. ENGEL, Mr. BURTON of Indiana, Ms. JACKSON-LEE of Texas, Mr. RANGEL, Ms. WATERS, Mr. FORTUÑO, Mr. MEEKS of New York, Mr. PAYNE, Mr. FALEOMAVAEGA, Mr. HARE, Ms. MCCOLLUM of Minnesota, Mr. HASTINGS of Florida, Mr. DOGGETT, Mr. MCNULTY, Mr. SIRES, Mr. DAVIS of Illinois, Mr. AL GREEN of Texas, Mr. RUSH, Mr. FATTAH, Mrs. CHRISTENSEN, Mr. ARCURI, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LEE, Mr. TOWNS, Mrs. MALONEY of New York, Mr. ACKERMAN, Ms. WATSON, Ms. LINDA T. SÁNCHEZ of California, Mr. SCOTT of Georgia, Mr. JOHNSON of Georgia, Mr. CROWLEY, and Mr. KLEIN of Florida):

H. Res. 865. A resolution expressing the sense of the House of Representatives that the March 2007 report of the United Nations Office on Drugs and Crime and the International Bank for Reconstruction and Development makes an important contribution to the understanding of the high levels of crime and violence in the Caribbean, and that the United States should work with Caribbean countries to address crime and violence in the region; to the Committee on Foreign Affairs.

By Mr. COBLE:

H. Res. 866. A resolution honoring the brave men and women of the United States Coast Guard whose tireless work, dedication, and commitment to protecting the United States have led to the Coast Guard seizing over 350,000 pounds of cocaine at sea during 2007, far surpassing all of our previous records; to the Committee on Transportation and Infrastructure.

By Mr. GENE GREEN of Texas (for himself, Ms. JACKSON-LEE of Texas, Mr. CULBERSON, Mr. AL GREEN of Texas, Mr. LAMPSON, Mr. POE, and Mr. MCCAUL of Texas):

H. Res. 867. A resolution commending the Houston Dynamo soccer team for winning the 2007 Major League Soccer Cup; to the Committee on Oversight and Government Reform.

By Ms. WOOLSEY:

H. Res. 868. A resolution recognizing the 100th anniversary of the declaration of Muir Woods National Monument by President Theodore Roosevelt; to the Committee on Natural Resources.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

221. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 109 urging the United States Secretary of State to increase efforts to urge the People's Republic of China to halt its violation of the human rights of its citizens, specifically the

persecution of and forced harvesting of organs from practitioners of Falun Gong; to the Committee on Foreign Affairs.

222. Also, a memorial of the General Assembly of the State of Ohio, relative to Senate Concurrent Resolution No. 5 urging the Congress of the United States to recognize the significance of the eastern states, including Ohio, in the preparation for, and return of, the Lewis and Clark Expedition by enacting legislation extending the Lewis and Clark National Historic Trail east to its origin at Monticello; to the Committee on Natural Resources.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. TERRY introduced a bill (H.R. 4456) for the relief of Luis A. Gonzalez and Virginia Aguilla Gonzalez; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. SESTAK.

H.R. 39: Mr. CHANDLER.

H.R. 158: Mr. BAKER.

H.R. 160: Mr. BAKER and Mr. LANGEVIN.

H.R. 241: Mr. SOUDER and Mr. HENSARLING.

H.R. 261: Mr. JOHNSON of Georgia.

H.R. 471: Mr. SESTAK.

H.R. 549: Mr. WALDEN of Oregon.

H.R. 583: Mr. HASTINGS of Florida.

H.R. 621: Mr. FILNER.

H.R. 676: Mr. BISHOP of Georgia.

H.R. 677: Mr. SARBANES.

H.R. 770: Mr. FILNER.

H.R. 854: Mrs. NAPOLITANO and Mr. SIRES.

H.R. 940: Mr. MCCOTTER.

H.R. 971: Mr. DEFAZIO.

H.R. 997: Mr. BARTLETT of Maryland.

H.R. 1043: Mr. ARCURI.

H.R. 1055: Mr. WELCH of Vermont.

H.R. 1078: Mrs. TAUSCHER.

H.R. 1108: Mrs. JONES of Ohio, Mr. SCOTT of Virginia, Mr. MCNERNEY, and Ms. MOORE of Wisconsin.

H.R. 1131: Mr. HOLT and Mr. HINCHEY.

H.R. 1198: Mr. SESTAK.

H.R. 1279: Mrs. DAVIS of California and Mr. LANTOS.

H.R. 1283: Mr. DENT.

H.R. 1299: Mr. BAIRD.

H.R. 1394: Mr. SESTAK.

H.R. 1461: Mr. SESTAK.

H.R. 1497: Mr. ROTHMAN and Mr. SIRES.

H.R. 1527: Mr. NEUGEBAUER.

H.R. 1537: Mr. REYNOLDS.

H.R. 1576: Mr. LANGEVIN, Mr. KAGEN, Mr. SPACE, Mr. MARSHALL, and Mr. UPTON.

H.R. 1609: Mr. DUNCAN and Mr. CARTER.

H.R. 1665: Ms. JACKSON-LEE of Texas, Mrs. WILSON of New Mexico, Mr. PORTER, and Mr. FILNER.

H.R. 1671: Mr. PAYNE.

H.R. 1738: Mr. GONZALEZ, Ms. DEGETTE, and Mr. WEXLER.

H.R. 1742: Mrs. MYRICK.

H.R. 1776: Ms. DELAURO.

H.R. 1809: Mr. FATTAH.

H.R. 1831: Mr. WEXLER.

H.R. 1866: Mr. BOUCHER.

H.R. 1881: Mr. HALL of New York.

H.R. 1981: Mr. SULLIVAN.

H.R. 1983: Mr. UDALL of New Mexico.

H.R. 1992: Mrs. MCCARTHY of New York and Mrs. NAPOLITANO.

H.R. 2046: Mrs. TAUSCHER.

H.R. 2049: Ms. SCHWARTZ.

H.R. 2070: Mr. ROSS, Mr. ROTHMAN, Mr. COHEN, and Mr. JEFFERSON.

H.R. 2074: Ms. WASSERMAN SCHULTZ.

H.R. 2103: Mr. MCDERMOTT and Mr. MANZULLO.

H.R. 2158: Mr. KLINE of Minnesota and Mr. THORNBERRY.

H.R. 2164: Mr. PASTOR.

H.R. 2169: Mr. ANDREWS.

H.R. 2266: Mr. UDALL of New Mexico.

H.R. 2327: Mrs. TAUSCHER.

H.R. 2436: Ms. SUTTON.

H.R. 2464: Mr. MARKEY, Mrs. WILSON of New Mexico, Mr. GONZALEZ, Mr. BOUCHER, and Mrs. NAPOLITANO.

H.R. 2478: Mr. MORAN of Virginia.

H.R. 2548: Mr. ALLEN and Ms. LEE.

H.R. 2578: Mr. NUNES.

H.R. 2585: Mrs. MUSGRAVE.

H.R. 2606: Mr. FILNER, Mr. MEEKS of New York, and Mr. RAHALL.

H.R. 2702: Ms. MATSUI and Mr. MURPHY of Connecticut.

H.R. 2762: Mr. BERRY, Mr. SCOTT of Georgia, Mr. KING of New York, Ms. SCHWARTZ, Mr. CULBERSON, Mr. FORTENBERRY, Ms. LEE, and Mr. SIRES.

H.R. 2802: Mr. WILSON of South Carolina, Mr. KAGEN, and Ms. MOORE of Wisconsin.

H.R. 2807: Mrs. MUSGRAVE.

H.R. 2821: Mr. SALI.

H.R. 2866: Mr. MEEKS of New York.

H.R. 2885: Mr. CASTLE.

H.R. 2923: Mr. MURTHA.

H.R. 2954: Mr. LINDER.

H.R. 2990: Mr. SMITH of Nebraska.

H.R. 2994: Ms. DEGETTE and Mr. TIBERI.

H.R. 3010: Mr. SCOTT of Virginia, Mr. DELAHUNT, Mr. MURTHA, Mr. CONYERS, Mr. WALZ of Minnesota, and Mr. POE.

H.R. 3026: Mr. SESTAK and Mr. COHEN.

H.R. 3085: Mrs. NAPOLITANO.

H.R. 3109: Mr. CAMP of Michigan.

H.R. 3119: Mr. UDALL of New Mexico.

H.R. 3289: Mr. BLUMENAUER and Mr. STARK.

H.R. 3329: Mrs. NAPOLITANO, Ms. MOORE of Wisconsin, and Mr. GUTIERREZ.

H.R. 3339: Mr. MORAN of Virginia.

H.R. 3368: Mrs. TAUSCHER, Mr. HINOJOSA, Mr. WEXLER, Mr. COSTELLO, Ms. ROS-LEHTINEN, Mr. PRICE of North Carolina, and Mr. BRALEY of Iowa.

H.R. 3412: Mr. JORDAN.

H.R. 3419: Mr. MARSHALL, Mr. LANGEVIN, Mr. BLUMENAUER, and Mr. SESTAK.

H.R. 3425: Mrs. TAUSCHER.

H.R. 3448: Ms. DEGETTE.

H.R. 3457: Mr. WYNN.

H.R. 3533: Mr. PAYNE, Mrs. NAPOLITANO, Ms. BEAN, and Mr. BOUCHER.

H.R. 3543: Mr. COHEN.

H.R. 3610: Mr. DELAHUNT.

H.R. 3616: Mr. BAIRD.

H.R. 3634: Mrs. BOYDA of Kansas.

H.R. 3636: Ms. DEGETTE.

H.R. 3637: Mr. HODES.

H.R. 3654: Mr. CAMPBELL of California, Mr. PORTER, Mr. HUNTER, and Mr. WESTMORELAND.

H.R. 3660: Mr. MORAN of Virginia, Mr. BOREN, Mr. WYNN, Mr. ALLEN, and Mrs. DRAKE.

H.R. 3663: Mr. KUCINICH, Mr. LIPINSKI, Mrs. DAVIS of California, Mr. BAIRD, and Mr. BISHOP of New York.

H.R. 3679: Ms. SCHAKOWSKY.

H.R. 3733: Mr. COHEN and Mr. MORAN of Virginia.

H.R. 3737: Mr. WELCH of Vermont.

H.R. 3750: Mr. ROSS.

H.R. 3762: Mr. HONDA.

H.R. 3783: Mr. UDALL of Colorado.

H.R. 3793: Mr. KING of New York, Mrs. MYRICK, and Mr. PEARCE.

H.R. 3829: Mr. CLAY and Mr. FARR.

H.R. 3876: Mr. GEORGE MILLER of California.

H.R. 3892: Mr. FILNER.

H.R. 3908: Mr. WILSON of South Carolina.

H.R. 3934: Mr. PASCRELL, Mr. BROWN of South Carolina, and Mr. ORTIZ.

H.R. 3968: Mr. FILNER.

H.R. 3980: Mr. GUTIERREZ and Mr. ELLISON.

H.R. 3981: Mr. KENNEDY, Mr. SERRANO, Mrs. CHRISTENSEN, and Mr. LEVIN.

H.R. 3995: Ms. WOOLSEY and Mr. ETHERIDGE.

H.R. 4011: Mr. UDALL of New Mexico and Mr. SALAZAR.

H.R. 4040: Mr. HONDA, Mr. BOUCHER, Mr. FORTENBERRY, Ms. RICHARDSON, Mr. HARE, Ms. CLARKE, Mr. COURTNEY, and Mr. SARBANES.

H.R. 4055: Mrs. TAUSCHER and Mr. MORAN of Virginia.

H.R. 4083: Mrs. CAPPS and Ms. DEGETTE.

H.R. 4088: Mrs. CUBIN, Mrs. EMERSON, and Mr. WOLF.

H.R. 4091: Mr. BLUMENAUER, Mr. KAGEN, and Mr. COHEN.

H.R. 4105: Mr. LATHAM, Ms. ROYBAL-ALLARD, Mr. CARDOZA, Mr. OBERSTAR, Mr. MURTHA, and Mr. NADLER.

H.R. 4107: Mrs. NAPOLITANO.

H.R. 4129: Ms. DELAURO and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 4133: Mr. PAUL, Mr. FERGUSON, Mr. RENZI, Mr. GOHMERT, and Mr. WAMP.

H.R. 4152: Mr. SCOTT of Georgia, Mr. SHAYS, Mr. COHEN, and Ms. DEGETTE.

H.R. 4157: Mr. LINDER, Mr. WAMP, and Mr. TERRY.

H.R. 4173: Mrs. CHRISTENSEN.

H.R. 4185: Mrs. DAVIS of California, Mr. HONDA, Mr. LANTOS, Ms. LINDA T. SÁNCHEZ of California, and Mr. SHERMAN.

H.R. 4203; Mr. LEWIS of Georgia, Mr. SCOTT of Georgia, Mr. MARSHALL, Mr. LINDER, and Mr. DEAL of Georgia.

H.R. 4204: Mr. SERRANO, Mrs. NAPOLITANO, and Mr. COHEN.

H.R. 4220: Mr. EHLERS, Mr. BLUMENAUER, and Mr. SOUDER.

H.R. 4226: Mr. SHAYS.

H.R. 4230: Mr. UDALL of New Mexico, Mrs. CAPPS, Mr. DEFAZIO, Mr. TOWNS, Mr. GRIJALVA, Ms. WOOLSEY, and Ms. DEGETTE.

H.R. 4247: Mr. PRICE of North Carolina and Mr. THOMPSON of Mississippi.

H.R. 4248: Ms. ROS-LEHTINEN and Mr. RAHALL.

H.R. 4280: Mrs. TAUSCHER.

H.R. 4287: Mr. STARK and Mr. COHEN.

H.R. 4296: Mrs. TAUSCHER, Mr. HERGER, Mr. COHEN, Mr. CROWLEY, Mr. KIND, and Mr. ALLEN.

H.R. 4312: Mr. JINDAL.

H.J. Res. 54: Mrs. EMERSON, Mr. HERGER, Mr. WEXLER, and Mr. WOLF.

H. Con. Res. 2: Mr. FATTAH, Mr. JEFFERSON, and Mr. RANGEL.

H. Con. Res. 4: Mr. HALL of Texas.

H. Con. Res. 154: Ms. BERKLEY and Mr. LANTOS.

H. Con. Res. 198: Ms. MCCOLLUM of Minnesota and Mr. CLAY.

H. Con. Res. 223: Mr. ABERCROMBIE.

H. Con. Res. 239: Mr. HOEKSTRA and Mr. SENSENBRENNER.

H. Con. Res. 240: Mr. MCCARTHY of California, Mr. SALI, Mr. UDALL of Colorado, Mr. CONAWAY, Mr. KLINE of Minnesota, Mr. PATRICK MURPHY of Pennsylvania, Mr. PAYNE, Mr. SNYDER, Mr. JONES of North Carolina, Mr. KUHL of New York, Mrs. MCMORRIS RODGERS, and Mr. MCCOTTER.

H. Con. Res. 253: Ms. LORETTA SANCHEZ of California and Mrs. NAPOLITANO.

H. Con. Res. 257: Mr. BURTON of Indiana, Mr. FORTUÑO, and Mr. POE.

H. Con. Res. 261: Mr. HAYES, Ms. BORDALLO, and Mr. COURTNEY.

H. Con. Res. 264: Mr. HINOJOSA and Ms. BORDALLO.

H. Con. Res. 265: Mr. ROTHMAN, Mr. HONDA, and Mr. NADLER.

H. Con. Res. 267: Mr. HUNTER, Mr. ALEXANDER, Mr. CAPUANO, Mr. MCCAUL of Texas, Mr. BURTON of Indiana, Mr. GOHMERT, Mr. BOOZMAN, Mr. WICKER, Mr. LAMPSON, Mr. TANCREDO, Mr. MANZULLO, Mr. LYNCH, Mr. ROYCE, and Mr. TIERNEY.

H. Res. 49: Mrs. CHRISTENSEN and Mrs. BOYDA of Kansas.

H. Res. 111: Mrs. WILSON of New Mexico.

H. Res. 457: Mr. YOUNG of Alaska.

H. Res. 537: Mr. HASTINGS of Florida and Mr. CONAWAY.

H. Res. 578: Ms. LORETTA SANCHEZ of California, Mr. SHIMKUS, Mr. SCOTT of Georgia, Mrs. SCHMIDT, Mr. BOREN, Mr. CONAWAY, Mr. BUTTERFIELD, Mr. MILLER of Florida, Mrs. MUSGRAVE, Mr. CUELLAR, Mr. CALVERT, Mr. FORBES, and Mr. KUHL of New York.

H. Res. 620: Mr. RYAN of Ohio and Mr. HONDA.

H. Res. 671: Mr. SESTAK.

H. Res. 679: Mr. OLVER.

H. Res. 681: Mr. BOREN.

H. Res. 695: Mr. WU, Mr. MITCHELL, and Mr. GORDON.

H. Res. 700: Mr. WHITFIELD, Mr. BOUSTANY, Mr. SHUSTER, Mr. REICHERT, Mr. KELLER, Mr. BACHUS, Ms. GINNY BROWN-WAITE of Florida, Mr. WEXLER, Mr. BERRY, Mrs. MCMORRIS RODGERS, Mr. MCCAUL of Texas, Mr. WILSON of South Carolina, Mr. MATHESON, and Mr. YOUNG of Alaska.

H. Res. 730: Mrs. MYRICK.

H. Res. 748: Mr. BUYER, Mr. PRICE of Georgia, Mr. HELLER, Mr. COBLE, and Mr. ALEXANDER.

H. Res. 757: Ms. LINDA T. SÁNCHEZ of California.

H. Res. 795: Mr. STARK.

H. Res. 815: Mr. SHERMAN, Mr. LIPINSKI, and Mr. GOODLATTE.

H. Res. 816: Mr. CROWLEY.

H. Res. 821: Mr. MCGOVERN.

H. Res. 835: Mr. ENGLISH of Pennsylvania.

H. Res. 838: Ms. BORDALLO, Mr. BURGESS, Mr. WILSON of Ohio, Mr. MARSHALL, Mr. WOLF, Mr. KING of New York, Mr. KING of Iowa, and Mr. DONNELLY.

H. Res. 841: Mr. STARK.

H. Res. 847: Mr. FORBES and Mr. BURGESS.

H. Res. 853: Mr. HONDA.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. BARNEY FRANK

H.R. 4299, the Terrorism Risk Insurance Program Reauthorization Act of 2007, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

OFFERED BY MR. CHARLES RANGEL

H.R. 4351, the AMT Relief Act of 2007, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1201: Mr. PICKERING.

H.R. 4193: Mr. CUELLAR.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

197. The SPEAKER presented a petition of the Blacks in Government, relative to a resolution in support of a National Holiday Observance of Juneteenth; to the Committee on Oversight and Government Reform.

198. Also, a petition of the Califonia State Lands Commission, relative to a resolution supporting S. 1870 and H.R. 2421 affirming federal protection for waters of the United States, including wetlands, tributaries, headwaters and streams, through the Clean Water Act; to the Committee on Transportation and Infrastructure.

199. Also, a petition of the California Veterans Board, relative to a resolution in support of mandatory funding for healthcare services for veterans; to the Committee on Veterans' Affairs.

200. Also, a petition of the Board of Commissioners of Cook County, Illinois, relative to a resolution supporting the H-1B and L-1B Visa Fraud and Abuse Prevention Act of 2007; jointly to the Committees on Education and Labor and the Judiciary.

201. Also, a petition of the Iberville Parish Council, Louisiana, relative to Resolution No. 569-07 supporting H.R. 1229, the Non-Market Economy Trade Remedy Act of 2007; jointly to the Committees on Ways and Means and Rules.

EXTENSIONS OF REMARKS

TRIBUTE TO JOB MARTIN

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2007

Mr. THOMPSON of Mississippi. Madam Speaker, today I rise to salute Job Martin. Job, more widely know as Jobie, was recently recognized as Mississippi's Outstanding Older Worker. At the age of 88, Jobie won the honor for his substitute teaching in Jackson Public Schools. The award was given by Experience Works of Mississippi which is part of a national employment and training organization that selects working men and women above 65 from every State who have made continuous contributions to their community and workplace.

Madam Speaker, not only has Jobie been a hard worker, but he is also a pioneer. Jobie was a well-known disc jockey, eventually becoming known as "the Loud Mouth of the South." Jobie's radio fame paved the way for him to make Mississippi television history. Jobie Martin was Mississippi's first African-American commercial television show host. The Jobie Martin Show hosted many famous guest including Muhammad Ali, B.B. King, Bill Cosby, Joe Louis, and James Earl Jones.

Madam Speaker, Jobie's success was not just limited to mass communication; he was an entrepreneur as well. Jobie operated Jobie's Chicken Restaurant—"where the flavor's locked in and the grease is locked out." Located in the historic Lynch Street area, it became a landmark for decades. Later, Martin would open Valerie's, a restaurant named after one of his two children. Martin also became a member of the board of trustees for Hinds Community College.

Jobie Martin has worn many hats in his life—disc jockey, television show host, entrepreneur, and educator. Today, Madam Speaker, I take my hat off to him for his many contributions and continuous service to the State of Mississippi.

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HONORING AMANDA MARINOFF AND JANELLE SCHLOSSBERG

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2007

Mr. ISRAEL. Madam Speaker, I rise today to honor Amanda Marinoff and Janelle Schlossberger. These young women from Plainview-Old Bethpage John F. Kennedy High School in my district won the top team prize in the prestigious Siemens national math, science and technology competition. They will split a $100,000 scholarship. The contest attracts some of the Nation's most talented high school students. More than 1,600 projects were submitted this year.

Marinoff and Schlossberger are enrolled in Plainview-Old Bethpage John F. Kennedy High School's advanced research science program. With the guidance of their teacher Mary Lou O'Donnell, they conducted research designed to find new methods of treating tuberculosis. They created a molecule that helps block the reproduction of the bacteria of drug-resistant tuberculosis. Marinoff and Schlossberger came up with the idea after Marinoff's semester working at a cancer research lab at Stony Brook University.

I want to applaud the accomplishments of these young women. I offer my congratulations on their success and commend them on their dedication to the study of the medicine.

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PERSONAL EXPLANATION

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2007

Ms. DELAURO. Madam Speaker, due to medical reasons I missed a series of suspension votes, the vote on the Motion to Close Portions of the FY08 Defense Authorization Conference Report, H.R. 1585 and the vote to Instruct Conferees on H.R. 1585.

Had I been present, I would have voted "aye" on rollcall No. 1127, "aye" on rollcall No. 1128, "aye" on rollcall No. 1129, "aye" on rollcall No. 1130, "aye" on rollcall No. 1131, "aye" on rollcall No. 1132, and "aye" on rollcall No. 1133.

* * *

TRIBUTE TO JIM SAXTON

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2007

Mr. YOUNG of Alaska. Madam Speaker, it was with a deep sense of loss that I learned that my dear friend and committee colleague JIM SAXTON will retire at the end of the 110th Congress. JIM has served the Third Congressional District of New Jersey with the highest distinction for the past 23 years.

JIM and I have not always been on the same side on a number of environmental issues; however, there is no question that he always articulates his views with passion and conviction. When I became chairman of the House Natural Resources Committee on January 3, 1995, I was honored to appoint JIM SAXTON as the first chairman of the Subcommittee on Fisheries Conservation, Wildlife and Oceans. He served as chairman of that subcommittee during the 104th, 105th, and 106th Congresses.

He was a superb subcommittee chairman and sponsored a number of important conservation measures that became law during the Clinton administration. This included the Asian Elephant Conservation Act of 1997. This landmark law, which has been extended several time, created the Asian Elephant Conservation Fund to assist this highly endangered species whose population had been decimated to less than 40,000 elephants living in the wild. As a result of his law, in the past decade the U.S. Fish and Wildlife Service approved 183 grant proposals to assist Asian elephants. There is no question that these projects halted this species' slide toward extinction.

A second bill was the National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act of 1998. This measure, Public Law 105–242, statutorily created the framework for volunteer activities within the National Wildlife Refuge System. In the past 10 years, this Act allowed the number of volunteers to dramatically increase to nearly 40,000 Americans who contributed more than 1.5 million hours of service last year. The value of the volunteer work has been estimated in excess of $26 million and it represents 20 percent of all staff work done in the National Wildlife Refuge System. At a time when the Fish and Wildlife Service is suffering an operations funding crisis within the refuge system, it is difficult to imagine how this system would function without the valuable contributions of volunteers.

A third measure was the Rhino and Tiger Product Labeling Act of 1998. The fundamental goal of P.L. 105–312 was to eliminate the U.S. market for illegally obtained rhino and tiger products, and therefore, the incentives to kill these magnificent animals. Under this law, if a label on a product says that it contains rhinoceros and tiger parts, then we accept the manufacturer's claim and the U.S. Fish and Wildlife Service is responsible for stopping its sale, confiscating any products, and persecuting the illegal importers.

A fourth measure sponsored by Chairman JIM SAXTON was the Arctic Tundra Habitat Conservation Act of 1999. This legislation allowed the U.S. Fish and Wildlife Service to undertake various conservation and management steps to reduce the exploding population of mid-continent light geese. These geese were systematically destroying the fragile arctic tundra in the Hudson Bay Region which is essential to the survival of millions of migratory birds. By all accounts, the implementation of this measure has been responsible for saving thousands of acres of vital wetland habitat.

A fifth proposal which was signed into law was the Marine Mammal Rescue Assistance Act of 2000. This legislation, P.L. 106–555, established a small grant program to fund the rescue and rehabilitation of marine mammals, it encouraged scientific work associated with live and dead marine mammals and it provided a small amount of financial assistance to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

marine mammal rescue centers. Federal agencies frequently ask marine mammal rescue centers to provide around-the-clock monitoring and veterinarian care to injured animals without giving them any financial assistance. This measure established a humanitarian partnership between Federal and non-federal entities.

A sixth proposal was JIM SAXTON'S sponsorship of the Coral Reef Conservation and Partnership Act of 2000. Coral reefs are among the world's most productive ecosystems and they are often referred to as the "rainforests" of the oceans. These reefs are critical to the survival of thousands of fish species. Sadly, about 40 percent of all coral reefs are either degraded beyond recovery or in critical condition. This legislation was designed as a lifeline for our coral reef ecosystems by providing a limited amount of Federal funding to finance coral reef grants to assist in their protection and recovery.

Finally, I am proud that JIM SAXTON joined with me as an original co-sponsor of the National Wildlife Refuge System Improvement Act of 1997. On October 9, 2007, we celebrated the 10th anniversary of this act which is Public Law 105–57. This landmark law established for the first time an "organic" statute for our 96 million acre national wildlife refuge system. It defined the term "wildlife-dependent recreation" to include hunting, fishing, wildlife observation, and environmental education. It also established a "conservation mission" for the system and required the completion of a Comprehensive Conservation Plan for each refuge unit. The act gave wildlife dependent recreation priority consideration in refuge planning, management and funding. Finally, it required the Fish and Wildlife Service to evaluate the likelihood of ongoing historic uses on private lands prior to their inclusion within the system. JIM SAXTON authored this important provision.

This is far from an exhaustive list of JIM SAXTON's legislative accomplishments in the resources arena. It is representative only of the 6-year period that he served as chairman of the Subcommittee on Fisheries Conservation, Wildlife and Oceans. Nevertheless, it clearly demonstrates his dedication and commitment to wildlife conservation which he exemplified throughout his congressional career. His constituents living in Cherry Hill, Mount Holly, and Toms River, New Jersey, will miss JIM SAXTON and his lifelong advocacy of Theodore Roosevelt's vision and principles. I look forward to working with JIM through the 110th Congress. I wish him calm sailing seas in the days beyond Congress. "May the wind always be on your back and the sun shine upon your face!"

TRIBUTE TO THE WEST BOLIVAR EAGLES

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2007

Mr. THOMPSON of Mississippi. Madam Speaker, today I rise to congratulate the West Bolivar Eagles for completing a perfect season and Winning the Class 2A State championship. This is West Bolivar's fourth State title, but their first since 1906—before any of this year's seniors were born. West Bolivar was ranked No. 1 the entire season by the Clarion-Leggert 2A football poll.

Madam Speaker, West Bolivar High School has a rich football history. Along with four State championships, they have 17 division championships and 5 appearances in State championship games. Over the last 3 seasons the Eagles are 37–4 and have three consecutive Region 3–2A championships.

Madam Speaker, not only have the Eagles enjoyed success this year, but they have done so dominantly. On the season, the Eagles have outscored their opponents 582–184. In the playoffs, the Eagles have outscored their opponents 177–101. The Eagles have scored 40 or more points 9 times, helping them amass more points that any team in Mississippi 2A football.

Madam Speaker, West Bolivar's recent success has come with the leadership of Coach Henry Johnson. Coach Johnson is a former West Bolivar player who played wide receiver and defensive back on the Eagles' last State finalist team under legendary Rosedale coach Leland Young.

Madam Speaker, one of the traditions that Coach Johnson restored at his alma mater was running up and down a steep Mississippi River levee.

Madam Speaker, I would like to congratulate the student-athletes, student body, faculty, staff, administration, and the community of West Bolivar for winning the 2007 Mississippi Class 2A State Championship.

HONORING THE KETEWAMOKE CHAPTER OF THE NATIONAL SOCIETY OF THE DAUGHTERS OF THE AMERICAN REVOLUTION

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2007

Mr. ISRAEL. Madam Speaker, I rise today to honor the Ketewamoke Chapter of the National Society of the Daughters of the American Revolution. The National Society of the Daughters of the American Revolution was organized on August 9, 1890 in Washington, DC. Seventeen years later, on December 2, 1907, in the Town of Huntington, Long Island, the Ketewamoke Chapter, NSDAR was organized with 19 charter members. The name Ketewamoke is the Native American name for the region around Huntington known as "the place having the best beach or shore." The Chapter was incorporated in 1913. Today they have 88 members.

The threefold purpose of the Society as a whole is the same now as it was when the Society was organized in 1890 and chartered by an Act of Congress in 1895: "To perpetuate the memory and spirit of the men and women who achieved American independence; to promote, as an object of primary importance, institutions for the general diffusion of knowledge; to cherish, maintain and extend the institutions of American freedom, to foster true patriotism and love of country." The Ketewamoke Chapter continues to include these three objectives (historical, educational and patriotic) in its monthly programs.

One of the first accomplishments of the Ketewamoke Chapter was to restore the Village Green and mark the spot with a bronze tablet on a boulder, in 1915. inscribed, "Huntington Village Green." This "Town Spot" was the location of Huntington's earliest form of government where, beginning from its settlement in 1653, a small group of men continued to meet and vote over the years.

Also in 1915, the Ketewamoke Chapter outfitted the original Women's Ward in Huntington Hospital with 8 beds. A bronze plaque marking this event still hangs in the old Huntington Hospital building. During World War II, when the National Society bought $210,000,000 worth of war bonds, more than $100,000 of these bonds were purchased by members of the Ketewamoke Chapter. Since then, the Chapter has placed mill stones from local mills at the "Town Spot" and on the grounds of the Chapter House, thus preserving local history. It has cleaned up and marked the graves of many of the local American Revolutionary soldiers. They continue to honor these patriots by placing flags on their grave sites every Memorial Day and by the Annual Wreath Laying Ceremony at Huntington's Old Burial Ground.

Currently, the Chapter works to promote patriotism through community projects. They encourage local students to appreciate American history through our annual American History Essay Contest for grades 5 through 8. They encourage students to be good citizens by awarding annual Good Citizenship medals to students of 15 local schools. These students must fulfill the qualities of honor, service, leadership and patriotism. They support other local community services through our individual volunteer efforts in hospitals, literacy programs, and veteran and senior citizen projects. They give financial support to many National and State DAR projects such as the two DAR schools in the Appalachian region and the education of Native American youths through scholarships and the support of the Bacone College and the Chemawa Indian School. We present ROTC medals to qualifying cadets in local secondary schools.

They are uniquely fortunate to be one of only a few Chapters in New York State which owns an historic Chapter House with a fine collection of period artifacts. It is their privilege and responsibility to preserve and to maintain this Chapter House which dates back to 1837.

We take great pride in being members of the Ketewamoke Chapter, NSDAR, which is the oldest established DAR Chapter on Long Island. We take pride in honoring the memory of our patriot ancestors and in honoring all American patriots, past and present.

PERSONAL EXPLANATION

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2007

Ms. DELAURO. Madam Speaker, due to medical reasons I missed a series of suspension votes and the vote on the Motion to Instruct Conferees on H.R. 2082, Intelligence Authorization Act for Fiscal Year 2008.

Had I been present, I would have voted "aye" on rollcall No. 1123, "aye" on rollcall No. 1124, "no" on rollcall No. 1125, and "aye" on rollcall No. 1126.

INTRODUCTION OF THE WILDLIFE WITHOUT BORDERS AUTHORIZATION ACT OF 2007: DECEMBER 11, 2007

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2007

Mr. YOUNG of Alaska. Madam Speaker, I am pleased to introduce today the Wildlife Without Borders Authorization Act.

The Wildlife Without Borders Program was created administratively by the U.S. Fish and Wildlife Service in 1983. The mission of this program is to develop wildlife management and conservation efforts to maintain global species diversity.

While the Congress has already created Multinational Species Conservation Funds to assist highly imperiled African and Asian elephants, Rhinoceros and Tigers, Great Apes and Marine Turtles, this program has provided a funding lifeline to a number of additional endangered species that are not currently eligible for funding, are not considered a megafauna or a flagship species and frankly lack the public attention necessary to generate private financial assistance.

The first conservation grants issued under this program were awarded to the Wildlife Without Borders Program for Latin America and the Caribbean Initiative. Since that time, additional grants have been allocated for projects in Mexico, India, China and the Russian Federation. In fact, in the past two decades, the International Affairs Office within the U.S. Fish and Wildlife Service has approved 583 conservation projects at a cost of $13 million in taxpayer money. These funds have been matched by $43.7 million in private nonfederal money which is a remarkable 3 to 1 matching ratio.

Among the conservation projects that have been approved are funds for the Winged Ambassadors Program to stop the killing of Swainsons' hawks, a project to restore and conserve the forest habitat for monarch butterflies, jaguar conservation in the Yucatan region, the restoration of the California condor in Baja California, Mexico and the purchase of essential equipment for law enforcement personnel to protect imperiled Far Eastern leopards, Amur tigers and snow leopards.

A fundamental goal of this program has been to build conservation capacity and establish ecosystem management regimes by allocating a small amount of U.S. taxpayer money. It is no exaggeration to state that these are the only funds available to assist these highly endangered international species and without this investment these species may become extinct in the wild. In addition, this program has complemented the activities of the Multinational Species Conservation Funds.

By establishing a Congressional authorization for the Wildlife Without Borders Program we will send a positive message to the international community that the United States is committed to its international wildlife treaty obligations and we recognize the long-term importance of this program by enacting it into law.

I urge my colleagues to support this important conservation legislation and want to thank my distinguished colleague from New Jersey, Congressman JIM SAXTON for joining with me in this effort.

TRIBUTE TO DR. DENNIS FRATE

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2007

Mr. THOMPSON of Mississippi. Madam Speaker, I would like to recognize the life and legacy of Dr. Dennis Frate, a medical anthropologist known for his studies of rural health in the Mississippi Delta.

Dr. Frate was a former pharmacy professor at the University of Mississippi. He worked in the School of Pharmacy from 1980 until 2000. He retired June 30, 2007 as a professor of preventative medicine at the University of Mississippi Medical Center, which is in my Congressional District.

As we are all well aware, rural areas of this country are vastly underserved. Dr. Frate took this problem head-on through the Rural Health Research Program. Dr. Frate served as the coordinator of the Rural Health Research Program and principal investigator of a National Institutes of Health study to develop community-based programs to control high blood pressure in rural populations.

Many of our colleagues here in Congress have espoused the notion of expanding healthcare coverage. Dr. Frate lived it.

It is through community efforts as demonstrated by Dr. Frate that we may be able to achieve a reality of accessible and affordable healthcare for all.

During his 20-plus years of service, Dr. Frate touched the lives of many, proving that even the simplest ideas can make a big difference.

I take great pride in commending the work of Dr. Dennis Frate on a job well done for more than 20 years.

IN HONOR OF DAN DEGRASSI

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2007

Mr. FARR. Madam Speaker, I rise today to congratulate my cousin Dan deGrassi on his retirement. Dan has worked for Santa Cruz County in environmental preservation for most of his adult life.

A third generation Berkley graduate, Dan deGrassi completed his education to enter his adult years in a world in turmoil over war, race relations and social mores. With deep feelings about the changes he observed in the societal fabric around him, he became a conscientious objector to the Vietnam War and as such, Dan sought alternative service. It was then that he started his environmental work in 1971 at the Ecology Center in Berkley, California.

Realizing a connection to environmental preservation, Dan moved down to Santa Cruz in 1973 and began work at the local recycling center. The following year, Dan returned to school, this time to study in environmental studies, a passion that would follow him throughout his life. In 1974 Dan married Laurel and the two welcomed their daughter Jessica 2 years later.

Starting 2 weeks after his daughter's birth, Dan began his work at the Santa Cruz County Advanced Planning Department, where he worked to preserve prime agricultural areas. Two years later, he and Laurel welcomed their second child, a boy, Aaron to the family. Later on Dan moved on to curbside recycling and helped pioneer the Materials Recovery Facility, which specializes in organization of recyclable materials.

Madam Speaker, it is my honor to consider Dan both family and friend. His work in ensuring the preservation of the environment and his dedication to Santa Cruz County is inspiring and I would like to congratulate him on his retirement and thank him for his service.

TRIBUTE TO C.T. COZART

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2007

Mr. WAMP. Madam Speaker, I rise today to honor Mr. C.T. Cozart from my hometown of Chattanooga, TN, as he steps down as Chairman of the Board of Carson Newman College. Thank you for allowing me to take a moment to recognize his tremendous contributions and to thank him for his service to our state and nation. Mr. Cozart has been an outstanding leader in our civic and faith communities.

C.T. graduated from the University of Tennessee and began a 30-year career with Chevron. In 1996, he retired as the vice president of marketing for Chevron Lubricants and moved back to his home state of Tennessee. His career caused frequent moves, so he and his wife became active in over ten churches throughout the country. The church was his most important connection with each new town and its people. C.T. is a deacon, has taught Sunday school, and served as head of the pastor search committee at two churches, most recently at Red Bank Baptist Church.

In 2000, C.T. was asked to serve on the Board of Trustees of Carson Newman College, one of the nation's premiere Baptist colleges, located in Jefferson City, Tennessee. Upon becoming chairman in 2006, he led the board with integrity and dignity through some of the most challenging times in the school's history. Throughout his tenure, his leadership has united Carson Newman and provided a clear and distinct path for the future of this Christian institution. Without exception, his tenure demonstrates the Christ-like manner in which C.T. Cozart has led his life.

C.T. is a charter member of the SimCenter; National Center for Computational Engineering at the University of Tennessee at Chattanooga. As one of only two members of this board with a non-engineering background, he brings a unique business prospective to the education community.

C.T. has been married to his wife Molly, for 46 years and is the proud father of two married adult children, Kathy and Scott Cushing, and Scott and Elaine Cozart. He is blessed with two grandchildren Camden and Mackenzie. C.T. is a wonderful example of integrity and leadership, and I am proud to recognize him today.

PERSONAL EXPLANATION

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2007

Mr. ABERCROMBIE. Madam Speaker, I regret that I was unable to record my vote on rollcall No. 1141. Had I been present, I would have voted "yea."

TRIBUTE TO THE MARYLAND LEGAL SERVICES CORPORATION

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2007

Mr. SARBANES. Madam Speaker, I rise today to congratulate those honored by the Maryland Legal Services Corporation for their outstanding contributions to the provision of legal services and access to justice to the poor.

While every American has a constitutional right to counsel when facing criminal prosecution, when faced with a civil action—including eviction, debt collection and bankruptcy—financial means too often determine access to our courts. The Maryland Legal Services Corporation has fought against this barrier to equal justice, raising funds and distributing grants to nonprofit organizations that provide civil legal assistance to low-income Marylanders.

Established by the Maryland General Assembly in 1982, MLSC has been at the forefront of the civil legal services movement for 25 years, awarding grants totaling over $81 million to help provide services in more than 1.2 million legal matters for Maryland's families.

In 2007, MLSC honored the following five individuals and one organization for their extraordinary efforts to expand access to justice for the poor—

The Robert M. Bell Medal for Access to Justice was presented to Hon. J. Joseph Curran, Jr., former Attorney General for Maryland and now counsel to the Maryland Injured Workers Fund, for his extraordinary commitment to furthering access to justice for the poor throughout his distinguished career. MLSC created this award in 2004 and presented it to Chief Judge Bell, after which the award was named in his honor to be given only when warranted.

The Arthur W. Machen, Jr., Award was presented to Connie Kratovil Lavelle, who has been a legal services attorney, private practitioner and now deputy director of the Department of Family Administration of the Administrative Office of the Courts, for her extraordinary public service by providing legal representation to the poor and improving the delivery of legal services in Maryland.

The Benjamin L. Cardin Distinguished Service Award was presented to Lauren Young, director of litigation of the Maryland Disability Law Center, for her outstanding work as a public interest lawyer providing civil legal services to the poor and the developmentally disabled.

The William L. Marbury Outstanding Advocate Award was presented to Maureen Larenas, manager of the Tacoma Park Silver Spring, TESS, Community Service Center, for her outstanding advocacy in Maryland on behalf of low-income persons.

The Herbert S. Garten Public Citizen Award was given to The Daily Record, which has provided Maryland's business and legal news since 1888, for demonstrating an extraordinary commitment to increase access to justice for the poor in Maryland.

MLSC also presented an Award of Special Recognition to John H. Michener, former director of Maryland Volunteer Lawyers Service and director of the Department of Human Resources Legal Services and Judicare Programs.

Madam Speaker, I ask that you join me today in honoring the recipients of the 2007 Maryland Legal Services Corporation Awards for their exceptional dedication and exemplary commitment to public service, equal justice and the welfare of the most vulnerable Marylanders.

IN TRIBUTE TO DR. SALOMÓN HERNÁNDEZ FLORES

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2007

Ms. MOORE of Wisconsin. Madam Speaker, I rise today to recognize a compassionate educator, a civil rights activist, an ordained Baptist minister and veteran from the Fourth Congressional District, Dr. Salomón Hernández Flores. Dr. Flores passed away on Wednesday, December 5, 2007, in Milwaukee at age 79.

Dr. Flores was dedicated to his students, and his illustrious career as an educator began over 50 years ago, as a high school teacher of English and Spanish in Kansas and Missouri. Dr. Flores retired at age 72 as Professor Emeritus from the University of Wisconsin-Milwaukee after 24 years of service in the School of Education. He had also taught and trained teachers at universities including Avila College, Northeastern State University, Ohio State University, University of Maryland and Chicago State University. At the national level, he was an early practitioner, advocate and scholar on bilingual education and served over the years as a consultant on bilingual education and multi-cultural education to numerous agencies and educational institutions.

During the 60s and 70s, Dr. Flores was active in the civil rights and Chicano rights movements as an educational activist and proposal writer. He worked directly with the Teacher Training Corp. of Texas, and the Midwest Desegregation Center. In recognition for his contributions as a Chicano activist, he was granted an audience with President Echeverria of Mexico. As an ordained American Baptist minister, he served as pastor at two churches, one each in Kansas and Missouri, with bilingual ministries. He participated in two missionary tours, one to Cuba and the other to Mexico, while attending Ottawa University.

Dr. Flores was born on October 14, 1928, in Kansas City, Kansas to immigrant Mexican parents. He attended Rosedale High School in Kansas City, where he held championship titles in the mile run. He continued his track career in college. Dr. Flores received his B.A. in English at Ottawa University in 1953, his M.A. in Spanish at the University of Kansas in 1963, and his Ph.D. in foreign language instruction at the Ohio State University in 1969. He honorably served his country during the Korean conflict.

Dr. Flores leaves behind a wonderful legacy of not only three children, Maria, David and José and beloved sister and brother, Damaris F. Mendez (nee Flores) and Faron; but also, the many colleagues, students and friends with whom he shared his knowledge, kindness and generosity over the years. The "Salomón Flores Scholarship Fund" has been established in his name to assist students in the completion of their educations.

Madam Speaker, for these reasons, I am honored to pay tribute to Dr. Salomón Hernández Flores and his many positive contributions to the Fourth Congressional District.

TRIBUTE TO DR. CAMERON MARTINDALE

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2007

Mr. EVERETT. Madam Speaker, I rise today to pay tribute to the contributions of Dr. Cameron Martindale who is retiring from Troy University on December 13. Her record of accomplishments for the university, the students and our community at large is impressive.

On April 13, 2000, Dr. Martindale was named third president of Troy University Montgomery and in May 2001, she was also named vice chancellor for advancement for the Troy University System. Prior to these appointments, she served the university for more than 14 years in a number of positions including interim president, vice president for institutional advancement, and project officer for Troy's Rosa Parks Museum. In August 2003, Dr. Martindale was appointed senior vice chancellor for advancement and external relations for Troy University.

At Troy, Dr. Martindale stabilized the institution's finances and, during a period of proration of State funds, was able to carry over a balance of $2 million. She totally renovated classrooms to include state-of-the-art equipment and built a new bilevel parking deck for university students and visitors.

Her contributions extended, however, to more than balancing budgets and improving campus facilities. She authored the case statement for Alabama higher education for the 2000 legislative session, she led Troy's development of a new institutional strategic plan, and activated two compressed master's programs—master of science in management and master of science in public administration, and began a civil rights concentration and technical writing program.

Dr. Martindale also oversaw completion and dedication of the landmark Rosa Parks Library and Museum in downtown Montgomery, which has hosted more than 70,000 visitors since December 1, 2000, and was named Alabama Event of the Year in 2001 by the Alabama Bureau of Tourism and Travel.

An extremely active member of the Montgomery and Alabama educational, business and civic communities. Dr. Martindale has been a tremendous asset to the advancement of Troy University. I join her colleagues and many friends in wishing Dr. Martindale and her family all the best in the future.

TRIBUTE TO MR. ASHLEY A. FOARD

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2007

Mr. SIMPSON. Madam Speaker, I rise today to honor Mr. Ashley A. Foard, a dedicated and faithful public servant who devoted his life to Idaho and his country. Mr. Foard passed away last week at the age of 97.

Ashley A. Foard was committed to serving the people of the United States. After earning his law degree from the University of Chicago, Mr. Foard began his 37-year-long career with the Federal Government. During his years of exemplary civil service, he served as a law clerk for the Public Works Administration, the National Housing Agency, and the Housing and Home Finance Agency. Mr. Foard later served as Acting General Counsel for the Department of Housing and Urban Development, where his efforts helped shape the country's housing and urban development policies.

The extraordinary service that Mr. Foard showed was very apparent to his superiors and peers alike, earning him many awards, such as the Superior Accomplishment Award and the Distinguished Service Award from the Housing and Home Finance Agency. Included in his long list of accomplishments is the role he played in the planning and drafting of President Kennedy's Executive Order 11063, which ended racial discrimination in Federal housing programs and led directly to the elimination of legal segregation in housing throughout the United States. Mr. Foard also assisted the Agency for International Development in the planning and development of national housing programs for numerous foreign countries.

In 1969, Mr. Foard was once again recognized for his service with the Rockefeller Public Service Award from Princeton University's Woodrow Wilson School of Public and International Affairs. At his retirement, Mr. Foard was honored by Members of Congress and members of the President's cabinet. Mr. Foard's service did not end after retirement—he was an active member in the Kiwanis Club and the National Active and Retired Federal Employees, and he produced two books and a number of shorter pieces about his life.

Mr. Foard was described by those around him as "unassuming and modest to a fault" and "quietly devoting himself to the common good." He lived a life that mattered to his family, his community, and his country, and I am gratified to honor him today.

TRIBUTE TO MS. C. PAMELA HOLLIDAY

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2007

Ms. NORTON. Madam Speaker, I rise today to recognize a fellow native Washingtonian with whom, my staff and I have had the distinct pleasure of working since 1992: Ms. C. Pamela Holliday, Regional Director of the Washington Passport Agency.

Ms. Holliday, "Pam," began her career with the State Department on February 1, 1971 as a GS–3 Passport Processing Clerk. From 1971 until her selection as Regional Director of the Washington Passport Agency in 1992, Pam served as a passport examiner, automated records manager, Consular Officer in Overseas Citizens Services, Fraud Prevention Programs, and at the US Embassy in Belize. The State Department sent her in many different official capacities to Belgium, the Dominican Republic, Egypt, France, Haiti, Jamaica, Mexico, the Netherlands, the United Kingdom, and Switzerland.

However, Pam's hallmarks are not the titles and positions she has held, but the efficiency, collegiality, and dedication she brought to her work. As the delegations from Maryland, Virginia, and West Virginia know, our constituents expect us to sort out the thorniest of passport problems before their flights leave the next morning. When the going gets especially tough, the tough call Pam.

Madam Speaker, I ask this house to join with me and Pam's friends, associates, and co-workers, who on December 13th will recognize her thirty-five years of extraordinary service to the travelling public as she prepares to retire in January.

PERSONAL EXPLANATION

HON. BRIAN BAIRD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2007

Mr. BAIRD. Madam Speaker, on December 11, 2007, I was visiting with displaced residents and touring flood damaged areas in my district. As a result, I was unable to be present for votes. I take my voting responsibility very seriously. Had I been present, I would have voted the following: rollcall vote 1134—H. Res. 846 (Will the House Now Consider the Resolution): "yea"; rollcall vote 1135—H.R. 3505 (On Motion to Suspend the Rules and Pass): "yea"; rollcall vote 1136—H. Res. 846 (On Agreeing to the Previous Question): "yea"; rollcall vote 1137—H. Res. 846 (On Agreeing to the Resolution): "yea"; rollcall vote 1138—H.R. 4253 (On Motion to Suspend the Rules and Pass): "yea"; rollcall vote 1139—Quorum (Call of the House): "present"; rollcall vote 140—H.R. 6 (On Agreeing to the Senate Amendments with Amendments): "yea"; and rollcall vote 1141—H.R. 2085 (On Motion to Suspend the Rules and Pass): "yea."

TRIBUTE TO KEITH COLLINS, CHIEF ECONOMIST, U.S. DEPARTMENT OF AGRICULTURE

HON. JOHN E. PETERSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2007

Mr. PETERSON of Minnesota. Madam Speaker, I rise today to recognize the dedicated service of Dr. Keith Collins who has served with distinction as the Chief Economist for the U.S. Department of Agriculture for almost 14 years. At the end of this year Keith will retire, and he will be missed, not only by his colleagues at USDA, but by all of us who came to respect and rely on his non-partisan, thoughtful and detailed analysis of economic issues in agriculture.

Keith began his career as an economist with USDA in 1977, and his tenure there has spanned four presidencies of both political parties. He has served under nine Secretaries of Agriculture.

In 1994, Keith was named Chief Economist at USDA, and in that capacity he has been responsible for economic forecasts and projections and has advised the Secretary of Agriculture on the economic implications of alternative programs, regulations and legislative proposals. His advice has not been limited to the Secretary either—he has become a valued advisor to Members of Congress and others involved in agriculture policy.

On highly charged political issues, Keith is known for his honesty, competency, and influence. Even when facing tough questions from Members of Congress, nothing seems to rattle Keith's calm, rational demeanor.

Keith has also earned the respect of his peers in the field of agricultural economics. Keith is a Fellow of the American Agricultural Economics Association, which is the highest honor the agricultural economics profession can bestow.

One economist who worked with Keith over the years measured the potential success for newly appointed Secretaries of Agriculture using what he called the "Keith Collins intelligence test." If the new Secretaries reappointed Keith as Chief Economist, they passed.

Keith's colleagues at USDA have also recognized his outstanding contributions. He received the Presidential Rank Award for Meritorious Executive in 1990 and 1996 and the Presidential Rank Award for Distinguished Executive in 1992, the highest award a Federal executive can receive.

Madam Speaker, Keith's retirement is a real loss for American agriculture. Through his service at USDA, he has influenced agriculture policy in many positive and lasting ways. His work truly has touched the lives of many Americans, especially our Nation's farmers and ranchers.

On behalf of the House Agriculture Committee, I extend to Keith our deepest appreciation for his service to American agriculture and wish him great happiness in retirement.

RECOGNIZING JAYCE H. BERRY FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Jayce H. Berry, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 13, and in earning the most prestigious award of Eagle Scout.

Jayce has been very active with his troop, participating in many scout activities. Over the many years Jayce has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Jayce H. Berry for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2007

Mr. POE. Madam Speaker, due to other congressional business, I unfortunately missed recorded votes on the House floor on Tuesday, December 4, 2007. Had I been able to vote that day, I would have voted "nay" on rollcall vote No. 1123 and "yea" on rollcall votes Nos. 1124, 1125, and 1126.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2007

Ms. WOOLSEY. Madam Speaker, on December 6, I was unavoidably detained and was not able to record my vote for rollcall No. 1141. Had I been present I would have voted: rollcall No. 1141—"yea."

TRIBUTE TO JIM GRISSO

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2007

Mr. STUPAK. Madam Speaker, I rise to pay tribute to a news professional in my district who has served the people of northern Michigan with distinction. The Publisher of the Gaylord Herald Times, Jim Grisso, will retire at the end of this year after a 47-year career in the newspaper industry, 39 of them at the helm of the Gaylord Herald Times.

As the publisher of the Gaylord Herald Times (the Times), Mr. Grisso has made the newspaper a leader in the industry, garnering nearly 500 awards at the state and national levels since 1968. In 2007, the Herald Times was named the national Newspaper of the Year in its circulation class by the Suburban Newspapers of America, a testament to Mr. Grisso's vision and leadership of the paper.

Under Mr. Grisso's leadership, the Herald Times has been a steadfast advocate of the public's right to know, on occasion resulting in challenges, even lawsuits, against public bodies that violated the Open Meetings Law or failed to comply with the Freedom of Information Act. Mr. Grisso has always insisted that the newspaper represent the people of Otsego County and reflect the values of the residents of Gaylord: hard work, honesty, tenacity and telling it like it is.

Mr. Grisso's leadership in northern Michigan extends beyond the Times. Mr. Grisso has held several leadership positions with professional associations: Past President, Michigan Press Association; Past President, Michigan Newspapers Industry and Michigan State Chairman, National Newspaper Association.

Over the years, Mr. Grisso has also been a leader in the Gaylord community and used his position at the Times to promote community service within Gaylord. In 1980, Mr. Grisso established the Buergermeister Award, which the Herald Times annually presents to recognize an individual who epitomizes service and dedication to the community. The Buergermeister Award is considered the most prestigious award in Otsego County and, thanks to Mr. Grisso's leadership, it has been used to recognize and encourage community service throughout the county.

Mr. Grisso's commitment to community does not end there. He has donated enormous space in the Gaylord Herald Times in the form of community announcements and in-kind advertising for charitable and nonprofit organizations. While the Gaylord Herald Times has certainly put plenty on his plate, he has donated generously of his personal time through work on many boards and organizations. He co-founded and was the first vice-president of Otsego County Big Brothers organization. He served as President of the Gaylord Rotary Club and the Gaylord High School Athletic Boosters Club. He served on the Boards of the Otsego Memorial Hospital Foundation, the Gaylord/Otsego County Chamber of Commerce, Gaylord Little League, and Alpenfest. He continues to serve today as Otsego County Economic Alliance Executive Committee and is currently Vice President of the University of Michigan Alumni Club of Gaylord.

Over the years, Mr. Grisso has been recognized with numerous awards for his participation in community and civic groups. The Gaylord/Otsego County Chamber of Commerce honored Mr. Grisso with the "You Made It Happen Award" and the Otsego County United Way recognized his service with the "Thanks To You, It Worked For All of Us." He has been named Otsego County Fair Association Citizen of the Year. Mr. Grisso has received the Founder's Award of Appreciation, presented by Alpenfest Committee as a founder and leader in building Gaylord as the Alpine Village. The Otsego County Emergency Medical Service honored him and five other Gaylord Rotarians for raising $15,000 to purchase defibrillators as a result of a 150-mile walk from Gaylord to Manistique in Michigan's Upper Peninsula.

Madam Speaker, I have a special relationship with Mr. Grisso. His paper has covered my work since I began serving Michigan's 1st Congressional District in 1992. As might be expected, I have not agreed with every word his paper has written or his angle on every story. However, without a doubt he has endeavored to ensure that the Gaylord Herald Times covers the issues important to the people of northern Michigan and informs and serves them with excellent local journalism. As the Publisher of the Times, he has ensured the Times covers the challenges facing Gaylord and Otsego County. As a leader in his community, he has helped develop solutions to those same challenges.

Today, as he prepares to enter a well deserved retirement I offer him, his wife Sue, his four daughters, four step sons and eight grandchildren all the best for the future. I would ask, Madam Speaker, that you and the entire U.S. House of Representatives join me in thanking Jim Grisso for his service to the Gaylord community, commending him for his many years of exceptional work as a journalist and newspaperman and congratulating him on his many achievements.

PERSONAL EXPLANATION

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2007

Ms. WASSERMAN SCHULTZ. Madam Speaker, on December 4, 2007, I missed the following rollcall votes due to illness: rollcall vote No. 1123, H.R. 3998, passage of America's Historical and Natural Legacy Study Act;

rollcall vote No. 11124, passage of H.R. 3887, the William Wilberforce Trafficking Victims Protection Reauthorization Act; rollcall vote 1125, the Motion to Instruct Conferees on H.R. 2082, the Intelligence Authorization Act; and rollcall vote No. 1126, passage of the Charlie W. Norwood Living Organ Donation Act.

If present, I would have voted "aye" on rollcall Nos. 1123, 1124, and 1126, and I would have voted "nay" on rollcall No. 1125.

HONORING THE 2007 MICHIGAN HIGH SCHOOL ATHLETIC ASSOCIATION DIVISION II FOOTBALL CHAMPIONS, MARTIN LUTHER KING, JR. HIGH SCHOOL

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2007

Ms. KILPATRICK. Madam Speaker, it is a great pleasure and privilege that I offer the following resolution and an accolade of tribute to Head Coach James Reynolds, Jr., the assistant coaches, and the players of Martin Luther King, Jr. High School's boys football team on their stellar season. I am proud to salute this wonderful organization. This organization was honored during a special ceremony on Friday, November 30, 2007 at Cobo Hall where thousands of Detroiters paid tribute to the King Crusade.

Whereas, under the skilled guidance of Head Coach James Reynolds, Jr. and Defensive Coordinator Dale Harvel, Martin Luther King, Jr. High School's boys football team won the Michigan High School Athletic Association (MHSAA) Division II title, defeating Midland Dow High School by the score of 47 to 21 on Friday, November 23, 2007. Detroit King is the first Detroit Public School League (PSL) team to win a State title since the MHSAA started the playoff system in 1975.

Whereas, Coach Reynolds found his calling as the head coach of the King Crusaders football team—a post he has held for 34 years; made many personal sacrifices for the sake of training his teams; gave freely of his time and focused on developing athletes, mentoring young men, and instilling the principles of good sportsmanship; and retired in June of 2007 but returned to King High School to coach football. Under Coach Reynolds's leadership, his teams have posted an impressive record of 250 wins and 106 losses; nine city championships; four regional championships; and three appearances in the State finals. Coach Reynolds is the only Detroit Public School coach who has led football teams to the Michigan State finals.

Whereas, Defensive Coordinator Harvel, a valuable member of the staff, made personal sacrifices in order to help the players develop their athletic skill, good character and to abide by the principles of good sportsmanship. Mr. Harvel exhibited true team spirit by working in unison with the other coaches for the benefit of the athletes and the best results on the football field.

Whereas, with a balance of excellent scoring and tough defense, Detroit King displayed great poise in setting goals for themselves at the beginning of the season by going out and making their dreams become reality through hard work and commitment. Many of the talents and characteristics they exhibited in reaching this goal will help them in all aspects of their lives.

In special tribute, therefore, this resolution is dedicated to extend the highest commendation to the Martin Luther King, Jr. High School, the coaching staff, and the members of the boys football team for their victorious and first MHSAA Division II Football State Championship. On behalf of the United States House of Representatives, and the Congressional Black Caucus, we salute you. May the Congress of the United States, and the Nation, know of our collective pride in your accomplishments and achievements.

CONGRATULATING THE FARMINGTON COMPANY ON ITS 27TH ANNIVERSARY

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2007

Mr. LARSON of Connecticut. Madam Speaker, I rise today to congratulate the Farmington Company for 27 faithful years of service in the insurance industry. Based in Farmington, Connecticut, this local company has proven hard work is more than a virtue.

In 1980, two Connecticut men, Bob Burke and Brad Collins, recognized that the majority of America—the Nation's lower and middle wage earners were underserved by the insurance community. Understanding the opportunity of meeting the insurance needs of the average American, Bob and Brad moved forward to develop a company founded on the basic principle of "people helping people."

The product of hard work and vision, the Farmington Company has grown to national and industry-wide recognition. As a fledgling enterprise, the two-man operation of the Farmington Company targeted the New York and New England regions. Now, 27 years later, the Farmington Company is still led by Bob Burke, the company president and Brad Collins, the executive vice president. The company employs more than 150 staff members that provide services to thousands of individuals across the United States. The 27-year record of success for the Farmington Company can be attributed to the heart of the operation—the company's dedicated and talented employees. Most notably, it is the hard work and leadership of people like Sales Vice President Doug Mantz, Senior Vice President Carol Rosenblatt, the New England branch president Jay Hershman, regional directors like Ed Calitri and John Lenihan, director of corporate services Steve Frankel and finance vice president Chris Thaurau that define the success of the Farmington Company.

In the insurance capital of the world—the State of Connecticut—we are proud of companies like the Farmington Company that have long worked to create and expand meaningful insurance opportunities for those who normally couldn't or wouldn't get insurance. A business built on basics, the Farmington Company understands the needs of both employers and employees, and most importantly the needs of the community. As a company defined with success, I would like to also recognize how the Farmington Company gives back to the community. Whether supporting the important work of the Jimmy Fund or participating in the Making Strides Against Breast Cancer campaign, the Farmington Company lives up to their motto of "people helping people."

On their 27th anniversary, I urge my colleagues to join me in honoring the achievements and important contributions of the Farmington Company. I applaud their work in Connecticut and across the country.

A TRIBUTE TO RALPH HENRY "SMILEY" SEYLLER

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2007

Ms. SCHAKOWSKY. Madam Speaker, I rise today to pay tribute to a great community leader, Ralph Henry "Smiley" Seyller, of Hampshire, Illinois who passed away November 17, 2007 at the age of 82.

Ralph was a man of many hats who dedicated his life to community service. Whether as a coach or park district director, much of his life was spent mentoring and encouraging children and developing programs in Burlington, St. Charles and Hampshire, Illinois.

His many contributions and honors include:

Ralph Seyller established the Burlington Boys Club and served as counselor for 17 years. For his efforts, the Village named the baseball field in his honor and inducted him into their Hall of Fame.

After 25 years of employment at St. Charles High School, Ralph was honored for his service to the youth of St. Charles High School and his contributions to the Athletic Department. He was inducted into their Hall of Fame and given a Lifetime Achievement Award.

In retirement, Ralph organized the Hampshire Park District and served as Director for 20 years. During his tenure, he established programs for people of all ages. His major accomplishments included creation of the Little People Playtime Pre-School program, now in its 25th year and occupying its own facility. He created the Coon Creek Classic Run/Walk which eventually included 800 runners. And he organized trips to Cellular and Wrigley Fields to watch the Chicago White Sox and Cubs play baseball. In appreciation of those and many other contributions, the east park was named the Ralph H. Seyller Park.

Ralph served many years as Democratic Precinct Committeeman.

I was privileged to know Ralph Seyller, whose son David Edmonson is married to my niece Jodi. His life serves as a role model for those who want to make their own communities the best that they can be in serving the needs and desires of their residents. My heart goes out to those who will miss him most, his loving wife and partner, Catherine, and his children Sarajane, David, Donald and Susan.

PROMOTE AND PROTECT OUR STRONG ECONOMY

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2007

Mr. WILSON of South Carolina. Madam Speaker, America's third quarter GDP grew at an impressive 4.9 percent. That means we have had 6 straight years of economic growth coupled with a record 51 straight months of job growth creating 8.3 million additional jobs. In the district I represent, the Nation's fourth largest cabinet company, the Elkay Cabinet Division, has announced a new manufacturing plant in Barnwell which will create hundreds of jobs. This job success is the product of the pro-growth tax policies that President Bush signed into law 4 years ago.

There remains much more that we must do in order to promote strong economic growth. We need energy legislation that actually helps create new energy, health care reform that values individual choice over government mandate, and sensible tax reform. We must enact legislation—including a repeal of the Alternative Minimum Tax—that doesn't expand the burden of Washington spending on the backs of middle class Americans and small businesses.

In conclusion, God bless our troops, and we will never forget September 11th.

IN RECOGNITION OF KATE WHITACRE

HON. BRAD ELLSWORTH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2007

Mr. ELLSWORTH. Madam Speaker, I rise today to recognize the outstanding achievements of Cadet Kate Whitacre from Boonville, IN. Kate recently received the Carl A. Spaatz Award—the highest honor bestowed upon members of the Civil Air Patrol.

The award is based on a demonstrated excellence in leadership, character, fitness and aerospace education. And Kate's receipt of this prestigious award is a testament not only to her abilities in these areas but also to her commitment to our community.

As a member of the Civil Air Patrol, she is volunteering to risk her own life to make others safer, and she understands that there is no higher calling than service to others.

I congratulate Kate Whitacre on her tremendous accomplishment. She is a leader among many and an inspiration to us all.

TRIBUTE TO THE HONORABLE SHIRLEY WADDING

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2007

Mr. VISCLOSKY. Madam Speaker, it is with great honor and pleasure that I stand before you today to recognize the many accomplishments of the Honorable Shirley Wadding, Mayor of Lake Station, Indiana. I have known Shirley for many years, and she is one of the most involved citizens that I have ever known, especially when it comes to her service to the residents of Lake Station. Shirley has been a public official in Lake Station for the past twenty years, the last twelve of which she served as the city's mayor. Though Shirley has been the cornerstone of her community, she decided not to run for reelection and will be retiring from her elected office at year's end. For her efforts and many contributions to the City of Lake Station, Shirley was honored at a retirement celebration on Saturday, December 1, 2007, at the Lake Station Veterans of Foreign Wars Post #9323.

Originally from Indiana, Pennsylvania, Shirley came to Northwest Indiana in 1960. A resident of Lake Station since that time, Shirley's familiarity with the people of Lake Station and her fondness for the city emerged from her everyday interactions with them as the owner of a local sandwich shop. Undoubtedly, it was her connection to the people that steered her in the direction of public service and led to her election to the city council in 1987. Following eight years on the council, Shirley's leadership skills and dedication led to her election as mayor, serving from 1996 to 2007. During this time, Shirley received numerous accolades from the community, including: the Liberty Bell Award from the Indiana State Bar Association in 2002, the Department of the Army's Certificate of Appreciation in 2005, and the Marine Corps League Distinguished Service Award in 2007.

As the mayor of Lake Station, Shirley was instrumental in many improvements and upgrades within the city. Throughout her tenure, Lake Station has welcomed several new subdivisions and businesses, as well as many new public facilities, including a community center, a senior and nutrition center, a food pantry, a public library, and a compost facility. Thanks to Shirley's leadership and perseverance, the city was also able to acquire and restore what would become her most rewarding contribution, the Lake Station Boys and Girls Club. Throughout the years, Shirley's commitment to public safety and the well-being of the community was constant. During this time, the city saw improvements and additions made to the ambulance service, the police department, and the fire department. These included additional vehicles, equipment, officers, computer upgrades, and a new 911 emergency system. Public health services were also improved through the addition of a mosquito sprayer, new storm sewers, a renovated water tower, and new sidewalks and walking trails. Beautification of the city has also been one of Shirley's primary objectives, as is evidenced by Lake Station's Veterans' Community Park, a covered walking bridge, and numerous landscaping projects throughout the city.

Having decided to retire from public service, Shirley will now be able to spend much of her time with those closest to her, her family. A loving wife, mother, and grandmother, Shirley's commitment to the people of Lake Station is surpassed only by her dedication to her family. Shirley and her husband, Harry, have shared many wonderful years together. They have been blessed with three children: Jody, Toni, and James. Harry and Shirley are also the proud grandparents of 6 adoring grandchildren: Larissa, Kristin, Jordan, Jenna, Jake, and Jonas.

Madam Speaker, Shirley Wadding has given her time and efforts selflessly to the people of Lake Station for the past twenty years and beyond. At this time, I ask that you and all of my distinguished colleagues join me in commending her for her service and dedication. I also ask you to join me in wishing her the best of health and happiness in the years to come.

CARDINAL JOHN P. FOLEY DAY IN PHILADELPHIA

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2007

Mr. FATTAH. Madam Speaker, December 13, 2007, is a special day in Philadelphia. The City Council has declared 'Cardinal John P. Foley Day in the City of Philadelphia' to honor a great and humble priest of our city who has been elevated to Cardinal of the Roman Catholic Church.

Both in Philadelphia and on the world stage, Cardinal Foley has served ably as the communicator of both faith and social policy for the Catholic Church as it performs vital work in maintaining the health and welfare safety net for many of our citizens in need, regardless of religion, race or nationality.

Even as Cardinal Foley has served two Popes at the Vatican for the past 23 years, he always left his heart in Philadelphia. He has made frequent return visits to friends, family, fellow priests and all his admirers in the Archdiocese of Philadelphia, where he was born, raised and ordained.

December 13 highlights Cardinal Foley's first visit home since the Consistory in Rome on November 24, 2007, at which he and 22 other priests were elevated to Cardinal. He will be honored in Philadelphia City Council, where he will open the weekly session with a prayer. Then he will celebrate the Mass of Thanksgiving at the Cathedral Basilica of Saints Peter and Paul along Philadelphia's Benjamin Franklin Parkway.

Cardinal Foley's career as a Catholic communicator extends back to his youth, as a teenager in Sharon Hill. As a student at St. Joseph's Preparatory School, he wrote and produced plays on the lives of saints that were broadcast on a radio station that specialized in Catholic programming. Also at St. Joseph's Prep he developed an abiding lifetime friendship with Richard A. Doran, an outstanding Philadelphian on whose counsel and friendship I often relied in the dawn of my career. Tragically, Dick Doran died less than a year before this week's celebration, but the ceremonies this week will be graced by his widow Mary Doran.

As a student at St. Joseph's University the future Cardinal Foley was a TV regular on a Channel 3 college debate series, often jousting with Penn's ARLEN SPECTER, now Pennsylvania's senior senator. And in typical Foley storytelling fashion he recalls that the show shared studio space with "Bertie the Bunyip," a legendary local puppet show of the 1950s.

The late Cardinal John Krol spotted this young priest as a devout man of great talent and potential. Cardinal Krol arranged for him to attend Columbia University Graduate School of Journalism, installed him as Editor of the Catholic Standard and Times for the Archdiocese of Philadelphia from 1970 to 1984, then recommended him to Pope John Paul II for a new post as President of the Pontifical Council for Social Communications at the Vatican.

Then-Archbishop Foley undertook the task of explaining church teachings through the worldwide media. He designed and implemented the Vatican's modern communications policy. He also served as the voice of the Vatican on such occasions as the global telecast of Midnight Mass from St. Peter's—a role he intends to continue.

Now, in addition to solemn duties as advisor to Pope Benedict XVI, Cardinal Foley has taken on the responsibility at the Vatican for overseeing the Catholic holy places in the Middle East as Pro Grand Master of the Equestrian Order of the Holy Sepulchre of Jerusalem.

Through it all, this man of God has never lost his humility, his gentle wit and his broad smile as he has risen to this most elite level of the billion-member worldwide church to which he devotes his life. Cardinal Foley Day is a day of celebration for all of us.

PAYING TRIBUTE TO JELINDO ANGELO "J.A." TIBERTI

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2007

Mr. PORTER. Madam Speaker, I rise today to honor the life of Jelindo Angelo "J.A." Tiberti, who died on Wednesday May 3, 2006.

J.A. was a pillar of the Las Vegas construction industry, patriarch of Tiberti construction and a civic leader. J.A. came to Las Vegas from California in 1941 with the U.S. Army Corps of Engineers to build the runway at what is now Nellis Air Force Base. He formed Waale, Camplan and Tiberti Construction Co. in 1947 and developed Bonanza Village on Bonanza Road before venturing out on his own in 1950. Among his many prominent works in Las Vegas are the Las Vegas Club, Palace Station, Sunset Station, Club Bingo and the Gold Coast. He built schools, hospitals, and public buildings. Not only was he a great craftsman, he was also a benevolent member of society. J.A.'s charitable contributions include a million dollar donation to help create the UNLV College of Engineering in 1979, and he provided the funds to build Camp Potosi for the Boy Scouts Boulder Dam Area Council. He was also appointed to the Las Vegas City Planning Commission in 1953 and served six consecutive four-year terms. J.A. received a number of professional awards as well, such as the Southern Nevada Engineer of the Year award in 1972, and the state's Most Distinguished Nevadan in 1987.

Madam Speaker, I am proud to honor the life of Jelindo Angelo "J.A." Tiberti. His professional success and philanthropic nature should serve as an example to us all. He will surely be missed by the community.

TRIBUTE TO MR. LEE STRAWHUN

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2007

Mr. VISCLOSKY. Madam Speaker, it is with great admiration and pleasure that I stand before you today to recognize the many years of dedicated service of Mr. Lee Strawhun. Having known Lee for many years, I can truly say that he is one of the most committed, knowledgeable, and honorable citizens in Northwest Indiana. Nowhere has his knowledge and commitment been more evident than in his faithful service to the mental health profession, and more specifically, to the Southlake Center for Mental Health. Lee has served as President and Chief Executive Officer of Southlake Center since its founding in April of 1976. For many years, Lee has been a constant fixture at the Southlake Center for Mental Health, and for his efforts, he was honored at a farewell reception on Thursday, December 6, 2007, at the Avalon Manor in Merrillville, Indiana.

Lee Strawhun has spent his entire life, both professionally and personally, working at ways to improve not only mental health services, but society as a whole. From his service to his country as a member of the United States Army Reserves to his consulting work with various organizations to his service to the youth of his community as faculty member at Indiana University-Northwest and guest lecturer at Purdue University-Calumet, Valparaiso University-School of Law, and DePaul University-School of Law, Lee has always sought opportunities to improve the quality of life for all people.

Looking back, it is not surprising that Lee was chosen as the first staff member at the Southlake Center for Mental Health back in 1976. Following a very successful six years as the Deputy Director of the Northwest Indiana Comprehensive Health Planning Council, Lee was brought on during a time when mental health services were not readily accepted. Since serving Southlake Center's first clients in 1977, Lee Strawhun has led the way and has been the catalyst for the improvement of mental health services in Northwest Indiana and beyond. During Lee's tenure, the Southlake Center for Mental Health has seen astonishing growth. To name a few of these outstanding advances, Southlake Center has expanded to include: drug and alcohol treatment programs, GED and general medical services programs, supervised group living homes, a psychology doctoral internship program, an acute partial hospitalization program, a countywide divorce education program, residential treatment centers for adolescents and children, independent group living facilities, and a forensic diversion program.

Without a doubt, Lee Strawhun has been an innovative and respected leader throughout the years. To attest to this fact, Lee has been the recipient of numerous awards for his leadership and dedication. To name a few of his many accolades, Lee was honored with the "Distinguished Hoosier Award" in 1982 by Governor Robert Orr, the "Adam Benjamin Advocacy Award" in 1989 by the Indiana Mental Health Association's Lake County Chapter, the "Outstanding Achiever Award" in 1990 by the American Cancer Society, and the "Outstanding Board Member of the Year Award" in 2001 by the Indiana Association of Community Corrections Counties. Then, in 2004, Lee was awarded the prestigious "Sagamore of the Wabash" by Governor Frank O'Bannon.

Though it may be difficult to imagine where he has found the time, Lee has always been an active member of various professional organizations, including: the National Council of Community Mental Heath Centers, American Society for Public Administration, Reserve Officers Association, American Correctional Association, and the Mental Health Corporations of America. He has also been a member of various organizations within Northwest Indiana, including: the Mental Health Association, Indiana Council of Community Mental Health Centers, Calumet Region Montessori, Merrillville Rotary Club, Alumni Association of the Indiana University—School of Public and Environmental Affairs, Indiana University-Northwest—Center for Medical Education, Lake County Community Corrections Advisory Board, Workforce Investment Board, Merrillville Chamber of Commerce, Merrillville Sanitary District, and the Merrillville "Vision 21" Committee.

Madam Speaker, Lee Strawhun has devoted his life to improving mental health services and to serving the people of Northwest Indiana. At this time, I ask that you and all of my distinguished colleagues join me in commending him for his lifetime of service, perseverance, and dedication. I also ask that you join me in wishing him the best of health and happiness in the years to come.

SENATE—*Wednesday, December 12, 2007*

The Senate met at 9 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, You are true to Your promises, for You surround Your people with the shield of Your favor. We trust Your love and celebrate Your goodness. Forgive us when we ignore You, when we are so preoccupied with the transitory that we neglect the eternal.

Guide our lawmakers. Keep them from imputing absolute value to that which is of relative importance. May they never presume upon Your generous provisions or live as if they are independent of You. Instead, infuse them with Your love, wisdom, and power, and teach them to speak words that will bring healing and hope.

We pray in the Name of the Prince of Peace. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 12, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, the Senate will be in a period of morning business for 3 hours this morning. The reason for the inordinate amount of time is that—I will make a presentation in a little bit to get this started—we have more than 100 pieces of legislation that are held up, legislation that could move so very quickly, in a matter of minutes. But we cannot do that because there are Republican holds on these bills.

So we are going to go through our period of time this morning, asking consent to move to these bills. We hope some of them will pass. Some of them we should get done.

The leading cause of death in 20 States in the United States for children under age 14 is getting caught in the drains of swimming pools. It has been somewhat noted because John Edwards had one of the first legal cases in that regard.

Alaska, where you would not think there are a lot of swimming pools, or at least I would not, but there obviously are lots of swimming pools, that is the leading cause of death in Alaska for children.

We have a hold on that bill. It passed the House with three dissenting votes, 418 to 3. We cannot pass that. There are children dying while we are not able to proceed on something such as that. There are over 100 issues similar to that. It is not right. So if people wonder why we are spending so much time, that is the reason. Maybe we will get some of these people who are on the other side of the aisle who object to this to come, rather than these hidden holds, and speak.

It is not good for the body. If there are problems with a piece of legislation, that is one thing. But take that one case as an example. Following morning business, we will conduct two rollcall votes in relation to the two Gregg amendments. Other amendments will be debated following the Gregg votes and more rollcall votes will occur through the day and into the evening.

I would like to commend Senators HARKIN and CHAMBLISS for their work they have accomplished in getting an agreement with respect to the amendments. As to the list of amendments right now, all 20 Republican amendments have been offered; the Democrats have offered 8 or 9.

The work they have done in the last few days I think has been exemplary. While they were successful in getting agreements on these amendments, other amendments will still need to be debated and voted on or accepted by the two managers.

As the year comes to a close, and the first year of the 110th Congress winds down, there is no doubt, if we continue in the current direction, this will be known as the Congress of Republican obstruction.

Already, in 1 year, Republicans have arrived at the all-time obstruction record for a full 2-year session. What we are seeing this year from Republicans is not ordinary obstruction, it is obstruction on steroids. It is terribly damaging to the American people. I do not question the right of Republicans to block bills, in fact, block bill after bill; that is how the Senate has worked. And we all play by the same rules. But because you have the right does not make it right.

On a daily basis, Republican Senators talk about the lack of progress this year. For all we have done, why have we not done more, they say. The answer is obstruction, Republican obstruction. It is disingenuous for Republicans to complain about a lack of progress and then make a concerted effort to block change——

Obstruction of the prescription drug bill, to make medicines more affordable. We have been able to accomplish a lot, but it has been difficult when we have had to file about 60 cloture petitions.

We have been able to do some good things with the minimum wage, 9/11 Commission recommendations, the landmark ethics and lobbying reform, we have done some good work with mine resistant combat vehicles, we have given the National Guard equipment they need, we have stepped in and looked at the plight of American veterans based on the Walter Reed scandal.

We have revitalized the Gulf Coast after Katrina, disaster relief for small business and farmers, Western wildfire relief. We have looked into the scandal relating to the U.S. attorneys. We passed legislation to help correct that. We have passed the WRDA, Water Resources Development Act, and a competitiveness bill led by Senators BINGAMAN and ALEXANDER, we have been able to get that done.

We have done the most significant change to college education since the GI Bill of Rights. We have been able to do some good things regarding the Internet, keeping the Internet tax free, expanding Head Start. We have done some good things.

But we have been stopped from doing other important things. The prescription drug bill is a perfect example. As we speak, companies can go negotiate for lower priced drugs for their employees. The Veterans' Administration can

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

negotiate for lower prices for veterans but Medicare cannot. There is a prohibition that Medicare cannot negotiate for lower priced drugs. That should be changed. We tried to change it. It was blocked; obstruction of our efforts to change the course in Iraq; obstruction of our efforts to pass an AMT fix in a fiscally responsible way; obstruction of our FHA bill, a bill that President Bush has called upon us to pass that would help Americans save their homes from foreclosure.

These are a few of the well-known examples. My Democratic colleagues and I this morning are going to talk about some of the lesser known priorities Republicans have blocked. These bills might not make headlines, but they will make a difference in people's lives, such as the swimming pool drains I talked about.

All these bills we will seek to pass today will make our country stronger. Every single one of them has fallen victim to Republican obstruction. There are no serious complaints about the bills which we seek to pass this morning, at least I do not think so. Many of them have already more than 50 cosponsors, Democrats and Republicans—we acknowledge mostly Democrats but Democrats and Republicans.

Many have already been overwhelmingly passed by the House of Representatives and could be sent to the President's desk this afternoon. This morning's bills, though, are the tip of the iceberg. We can come to the floor tomorrow or the next day and days after that and seek action on bills similar to these that we are going to talk about.

So we hope in the coming hours, the Republican minority will call off their needless holds, call off their obstruction, call off their political posturing and start working with us to make life better for the American people.

As I indicated, a number of my colleagues will follow. What I am going to talk about now, I am going to talk about the ALS registry—ALS, Amyotrophic Lateral Sclerosis, the Lou Gehrig's disease, this great first baseman for the New York Yankees who was a man of iron who could not overcome this disease.

Similar to all people who get this disease, from the time it is discovered until you die is an average of 18 months. We have all had friends and relatives who have suffered and died from this disease. It is caused by a degeneration of the nerve cells that control voluntary muscle, which causes muscle weakness and atrophy. It is nearly always fatal. It may give victims, as I have indicated, a short time to live.

Once in a while you find someone who lives several years, and that is a blessing in their lives. Early this year, a woman named Kathie Barrett and her husband Martin traveled to Washington, DC, from Sparks, NV, to advocate on behalf of the ALS registry.

What is a registry? It is the first step to solve the problems of disease. Many years ago, they developed a cancer registry. I was involved in setting up one for a disease called interstitial cystitis. It is a disease that afflicts mostly women; 90 percent of the people who have the disease are women. It is a bladder disease that is tremendously debilitating. I had three women visit me in my Las Vegas office. They did not want to be there. They were there out of desperation. They all had this disease, which was thought for many years to be psychosomatic.

It is best described as shoving slivers of glass up and down one's bladder. What was the first thing we had to do? We developed a registry. As a result of that, 40 percent of the people who have this disease are no longer suffering. They are symptom free.

Medicine was developed. It does not take care of everyone, but because of the registry, they were able to determine how people are affected, where they are affected, in different parts of the country, and how different medicines work. That is what we are trying to do here, develop, on behalf of Lou Gehrig's disease, a registry.

Kathie was diagnosed with this disease in May of 2002. She is still alive, which is a miracle. Despite having a breathing capacity of about 60 percent of normal, with considerable muscle loss in her neck and back, she made the long trip from Sparks, 2,600 miles. She and her husband made that trip because they believe passage of this registry is essential to the search for a cure for this devastating illness.

Every year about 6,000 people learn they have this disease, for which there is no cure, and only one specific FDA-approved drug. That drug works on 20 percent of the patients, and even for them, it extends life for usually less than a year. So for a number of reasons, ALS has proven particularly difficult for scientists and doctors to make progress upon.

One of the reasons is there is not a centralized place for data collected on the disease. Right now, that is the case. There is only a patchwork of data about ALS available to researchers. So this legislation, the ALS Registry Act, will do something that is both simple and crucial. It would create an ALS registry at the Centers for Disease Control to help arm our Nation's researchers and clinicians with the tools and information they need to make progress in the fight against this dread disease.

The data made available by a registry will potentially allow scientists to identify causes of the disease and maybe even lead to the discovery of a new treatment, a cure for ALS or even a way to prevent the disease in the first place.

This may not lead to a cure overnight, but it will give those who suffer reason for hope, real scientific hope. If you are looking for bipartisanship, look no further. The House recently passed a similar measure, H.R. 2295, by a vote of 411 to 3. How often does anything pass the House by such a large margin?

Before the Thanksgiving recess, the HELP Committee in the Senate followed suit by reporting the ALS Registry Act unanimously. What is more, two-thirds of the Senate, Democrats and Republicans alike, are cosponsors. I am appreciative of the work of my Republican colleagues, Senators WARNER and ENZI, as well, of course, Senator KENNEDY, who is always out front on these issues.

Unfortunately, despite the nearly unanimous support of the House of Representatives, the unanimous committee vote, and the overwhelming support of 67 cosponsors, we have objections—all over here, of course. For Kathie and Martin Barrett of Sparks and many thousands just like them, hope remains unfulfilled. Why has this happened? This crucial bill has been subjected to Republican holds. While some Republicans stand in the way, people's lives hang in the balance. Let's not forget the average life expectancy for an individual with this disease, after it is diagnosed, is 18 months, a year and a half. This is not a moment when we should stall. We don't have a moment to spare. We should send this bill to the President today. I ask my Republicans, please end their holds, end this senseless obstruction. The eyes of the Barretts and tens of thousands of Americans suffering are upon us. Let's honor their courage and grace by fulfilling their hope for a cure.

Mr. President, I ask unanimous consent that the ALS bill that is now before the Senate be read three times, passed, and any statements related thereto be printed in the RECORD at the appropriate place.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. CORNYN. Reserving the right to object, would the Senator modify his request to include the passage of S. 2340, the troop funding bill?

Mr. REID. Mr. President, isn't this something? Would I modify my request for the Barretts from Sparks to get billions of dollars for the troops in Iraq? The answer is no. We have just appropriated $470 billion, and there will be appropriate measures before we leave here to direct, if the Senate wills, funding for the troops. I think the American people should see this. Would I modify my request to allow for more money for the war in Iraq at this time? The answer is no. This is an issue dealing with Lou Gehrig's disease, not a debate on the war in Iraq. It deals with people who are sick.

I had in my office last night two marines. One of them lost both his legs, a wonderful young man, 21 years old. With him was a man who had just gotten out of bed to come to my office. He was on his fourth tour of duty before he got blown up in Iraq. We care about those people in Iraq. We care about them a lot. That is why we appropriated $470 billion for the military. That is why we are well aware of the need to take a look at funding for more in Iraq. We have given the troops everything they have needed. We, the Democrats, have given them more than the President has requested, with money for MRAPs, for veterans coming home. I hope everyone sees this for what it is.

Will I agree to modify my request to allow for more money for Iraq at this time? The answer is no.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, I am sorry the majority leader has objected. The fact is, unless we act promptly, the Department of Defense will be forced to issue potential furlough notices to almost 100,000 civilian employees at the Department of Defense, since they are required to do so at least 60 days in advance—hardly something anyone would welcome during the holiday season. Our Army will be out of funds by mid-February, the Marine Corps by March. This demonstrates almost sort of an attention deficit disorder when it comes to finishing the work of the Congress. We have been on the farm bill. Now we are off the farm bill to do something else without finishing the work before us. I am disappointed, but the Senator does have a right to object. I respect that.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. CORNYN. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. Mr. President, the Secretary of Defense, Mr. Gates, told all of us the Wednesday before we broke for Thanksgiving that the troops would be fine—the Army until the first of March, the Marines until the middle of March. That is what he told us. I believe him. I have talked to him since then. He has confirmed that. I know there is spin from the White House that they are going to start laying people off. Let's be realistic.

We have a request before the Senate to allow a registry to be created so we can try to find a cure for a dread disease. We are going to be out of here hopefully in a few days, hopefully a week or 10 days. We are going to complete the funding for our country prior to that time. Part of that consideration—I have spoken to my colleagues on the other side of the aisle—is what do we do about the President's request, his $196 billion request for more money for Iraq. We have to take a look at that. We want to take a look at that.

I am concerned that we fund the Government. We don't want a Government shutdown. Maybe some people in the White House would like that. We don't want a Government shutdown. We are going to work very hard to accomplish that.

Today, there are going to be a number of requests for pieces of legislation that are important. I believe people with Lou Gehrig's disease deserve a few minutes of our time today. That is what I asked that we pass. It was objected to. I understand that, but that is really too bad. That is legislation creating a registry so people can try to find out what causes this disease, where the disease occurs in our country. It was objected to. That is too bad.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

POLITICAL EXERCISES

Mr. McCONNELL. Mr. President, what we are going to witness for the next 3 hours is the kind of thing that gives the public such a low impression of Congress. Looking at the new Gallup poll that just came out, the President has a 37-percent approval rating—certainly not anything to applaud if you are a Republican. But the Democratic Congress has a 22-percent approval rating, 15 percent below the President. Why is that? I think it is because the American public thought they sent us here to legislate. Obviously, in a body such as the Senate, in order to legislate you have to do things on a bipartisan basis. We are very different from the House of Representatives. We are actually beginning to make progress on the farm bill, although I must say we have only had one vote this entire week. It is Wednesday morning, and we have had one vote. The farm bill now is ready to move forward, and we are taking, at the insistence of the majority, 3 hours this morning to finger-point and make excuses and try to explain to the American people why we haven't been able to do enough on a bipartisan basis to achieve anything on their behalf.

It is now December 12, nearly a quarter of the way through the fiscal year. To date, we have had only one spending bill signed into law. The troops in the field haven't been funded. The Energy bill is still pending. Updates to the laws governing our terrorist surveillance program so that we can track terrorists and prevent attacks haven't been addressed.

As I indicated, we are spending 3 hours this morning engaged in what will essentially be a finger-pointing exercise instead of making further progress on the farm bill, which is poised to be completed if we will just stay on it. Christmas is less than 2 weeks away. You would think there would be a flurry of activity on the floor. You would think we would be doing everything possible so we could finish our work before New Year's Eve. But, as I indicated earlier, so far this week we have had one vote, and this is Wednesday.

Surely the majority has scheduled votes all day today; right? Wrong. We will not even consider the pending business, the farm bill, until at least this afternoon. And why do we have to wait until this afternoon? Is it so we can spend the morning addressing tax relief or the cost of gasoline or our troops and veterans? None of the above. We are gathered here this morning so the majority can spend hours of valuable floor time trying to score political points instead of trying to make law.

As I indicated earlier, they have set aside 3 hours to try to show that this session's very limited accomplishments haven't been their fault, that the endless investigations and midnight Iraq votes were not the cause. They have set aside this time as if magically in the next 3 hours they will somehow pass the litany of things they have not been able to accomplish over the past 3 months.

Let's not waste even more time relearning the lessons of the past. Partisanship and refusal to work with the minority may get you a headline, but it won't get bills signed into law. If you are serious about accomplishments, let's get back to work. Let's work together so that instead of pointing fingers, this Congress can actually point to some accomplishments. It is December 12. There is simply no time for political exercises on the Senate floor. We simply don't have the luxury of putting off our fundamental responsibilities any longer.

If the majority is serious about finishing our work and not merely about making a political point, they will not object to the following unanimous consent request which I will now make.

I ask unanimous consent that we return to the pending business of the farm bill in order to make further progress on this important measure.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DURBIN. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period of morning business for

3 hours, with the time equally divided and controlled between the two leaders or their designees and with Senators permitted to speak up to 10 minutes each, with the majority controlling the first half and Republicans controlling the final half.

The assistant majority leader.

OBSTRUCTION BY FILIBUSTER

Mr. DURBIN. Isn't this perfect? The minority leader on the Republican side comes to the floor, lamenting the fact that we aren't moving to the farm bill immediately. I think there is something in the water in the U.S. Capitol that leads to political amnesia. The Senator from Kentucky has obviously forgotten that we sat on the floor and languished for more than 2 weeks because the Republicans presented us with 200 amendments to the farm bill and wouldn't narrow them down to a reasonable number we could consider. We sat here for 2 straight weeks and did nothing. Now the Senator from Kentucky has great angst over the thought that we might even talk about anything else before we return to the farm bill at noon.

Trust me, we will return at noon. We should have finished it weeks ago. We could have finished it weeks ago if the Senator from Kentucky had gathered his Republican conference together and said: Please, once every 5 years we consider a farm bill. We don't consider amendments of everything under the sun—the Tax Code, medical malpractice. We focus on the farm bill, on nutrition and rural development and agricultural programs. If he had done that, if he had gathered his Republicans together and asked for a modicum of cooperation, we would have finished the farm bill weeks ago.

Now he comes to the Senate floor with a heavy heart that we might spend the next 2½ hours talking about something other than the farm bill. He has forgotten, obviously, what has transpired. But the Congressional Record tells the story. The record is there for America to see.

This Republican minority has taken us to a new place in the Senate. They have broken a record. I don't think another Congress will be able to match what they have been able to do, at least I hope not. There is something in the Senate called a filibuster. A filibuster is a time-honored tradition where an individual Senator can virtually stop debate on a measure by standing and speaking. Most people are familiar with it because of the popular movie of 50 or 60 years ago, "Mr. Smith Goes to Washington." Jimmy Stewart stood at his desk, this brandnew Senator, fighting against the odds and against the establishment until he crumbled in exhaustion. His filibuster ended as he was physically spent. That was an image emblazoned on the minds of many across America of a Senate where one person can stand and fight to the bitter end.

There is some truth to that movie. In a filibuster, any Senator can take the floor on an amendable measure and hold the floor as long as they are physically able to do so. The record may be held by Senator Thurmond of South Carolina. If I am not mistaken, he spent some 24 hours once in the midst of one of these filibusters.

I remember reading an account, incidentally. The first man I ever worked for in the Senate was a Senator from Illinois named Paul Douglas. They knew Strom Thurmond was going to initiate this filibuster. They also knew they might be able to end the filibuster early if he had to take a break for a trip to the restroom. They knew Senator Thurmond was partial to orange juice, and they brought a pitcher of orange juice on the Senate floor next to his desk, hoping he would drink it and it would end the filibuster. It did not work. He went on for 24 hours.

You can do it, and the only way to stop it is to file a motion to close off that debate called a cloture motion. So in the history of the Senate, the record is, in the course of 2 years, 61 filibusters—roughly 30 filibusters a year. That is the record. Rarely have we reached that number—until this year. The Republican minority has now broken the all-time record for filibusters in the Senate. I believe the number is 58—58—filibusters. So 58 times they have stopped the Senate, sometimes for the required 30 hours, but sometimes for weeks at a time. They have taken the role of the Senate—a deliberative body—and turned it into an obstacle course where they toss filibusters in front of every suggestion we make.

Well, I respect this place. I respect this institution. I am honored to serve here. But I think the Republican minority has abused the tradition of the Senate. Fifty-eight filibusters in 1 year—and we are not even finished. This is an indication of their fear—their fear of change, their fear of new legislation, their fear that perhaps we would put together a bipartisan answer to some of the challenges facing America, their fear we will write a record of accomplishment that they failed to write when they were in charge. That is what drives this—fear, fear of the future, fear of change. They are a party without an identity. It is the party of the past using the tactics of the past, and America can see it.

I listened to Senator Reid of Nevada, our majority leader. He came to the Senate floor to talk about one piece of legislation which he asked to bring up for a vote. It is not a radical idea. It is not a big government program. It is not an increase in taxes or anything like it. Simply put, it is a registry for those afflicted with ALS, Lou Gehrig's disease, in the hopes that gathering that information about the victims—where they live, how old they are, and their circumstances—will help us not only provide medication for them but learn about this disease.

Can you think of anything more bipartisan than that? The first victim I ever personally saw with Lou Gehrig's disease was a man who served in this Chamber. He was a man who was a Senator from the State of New York. I mentioned Paul Douglas earlier, who I thought was one of the best who ever served in our State. I once asked him, as a college student: Who were the greatest U.S. Senators?

He said: I think Wayne Morse is one of the greatest. And he said: Of course, Jacob Javits—a Republican Senator from New York, who was honored and respected by my mentor and hero, Paul Douglas, a Democrat from Illinois.

Well, when I came to the House of Representatives, Jacob Javits had retired and was a victim of ALS. I would see him in this heroic role, coming to Washington, lobbying Members of the House and the Senate for research funds on Lou Gehrig's disease. He was in a wheelchair. He had lost the use of his arms and legs but for just a minor amount of function he had in one hand, and he was on a respirator. He was moving around in a motorized wheelchair, on a respirator, begging for funds for research for Lou Gehrig's disease.

How could you ever forget that image? I cannot.

I think of my neighbor in Springfield, IL, Mary Winning. She lives a block away. Her husband Jim was my law partner for years. Mary came to me one day half in anger and half in tears over a diagnosis in her family of ALS and the fact that she did not think our Government was doing enough for research on Lou Gehrig's disease. I know how much it meant to her and her family.

I think of going through the Springfield airport last year and seeing a young man who had been a volunteer in one of my early campaigns. I said hello to him. He was not there the next week, and I asked what happened. He said, well, he had to quit. He has a history of Lou Gehrig's disease in his family, and he has been diagnosed. Senator Reid said he has, perhaps, 18 months to live.

So Senator Reid comes to the floor and asks the Republicans to take off the hold on the bill for Lou Gehrig's disease. He asked them to stop the obstruction, to give the bill a chance—not to just guarantee it is going to pass. He would have accepted a rollcall, I am sure. Just give us a chance to bring that up on the Senate floor. How much time would it take? Thirty minutes? Of course, there was an objection. The Senator from Texas, Mr. Cornyn, objected to bringing up the bill on the Lou Gehrig's disease registry in America—objected to bringing up the bill.

His reason? He will not let us bring up that bill until we are prepared——

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. DURBIN. Mr. President, I ask unanimous consent to extend my remarks under morning business for an additional 10 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

The Chair hears none, and it is so ordered.

Mr. DURBIN. He, of course, wants us to only allow a registry for Lou Gehrig's patients if we will allow a debate on providing $50 billion, $60 billion, $70 billion more for the war in Iraq—not paid for—and that it happen immediately, even though we have been told by the military they have enough funds to continue this war until at least the end of February, the first of March.

Well, that is the price we would have to pay under the Republican agenda to bring up a bill for the Lou Gehrig's registry. That is sad, and it shows you the extremes they will go to to stop even the most benign and bipartisan bill we can think of.

VETERANS TRAUMATIC BRAIN INJURY AND HEALTH PROGRAMS IMPROVEMENT ACT OF 2007 AND VETERANS' BENEFITS ENHANCEMENT ACT OF 2007

Mr. DURBIN. Last month, Mr. President, I came to the floor and asked unanimous consent for two bills from the Senate Veterans' Affairs Committee—I did not ask that the bills be passed, only that they be brought to the floor and considered. I talked to Senator REID of Nevada about this and wanted to give Senator REID the option to determine the amount of time in the debate, in consultation with the Republican minority.

At that time, just as this morning, a Republican Senator—in that case, Senator LARRY CRAIG of Idaho—objected. Why? Well, they objected because they did not want us to move to issues involving America's veterans. I think our veterans deserve to have legislation such as the bills I have asked to be considered.

The first of the two bills is the Veterans Traumatic Brain Injury and Health Programs Improvement Act of 2007. That bill would allow 1.3 million middle-income veterans to enroll for VA health care and increase the VA's beneficiary travel reimbursement rate—the first time that travel reimbursement rate would be increased in 30 years—to help veterans living in rural and remote areas.

There are programs, as well, for the treatment of veterans with traumatic brain injuries, the signature injury of the Iraq war.

Finally, the bill provides aid for homeless veterans, which is especially important at a time when one out of four homeless people you see on the streets in America are veterans.

I asked that this bill be brought up, that we agree on a time limit, consider it, and pass it.

Do you know how many speeches have been given on the floor of the Senate by Members on both sides of the aisle about our devotion to our soldiers, our men and women in uniform? Do you know how many speeches have been given on this floor on both sides of the aisle about how much we care and owe to our veterans? I am sure you could fill many CONGRESSIONAL RECORDS.

So if this job is about more than just speeches and is about doing something to actually help our veterans, how could the Republicans continue to object? Object to helping veterans make it to the VA clinics and hospitals? Object to finding ways to eliminate homelessness among veterans? Object to the idea of expanding medical care for veterans who are the victims of traumatic brain injury?

If you want to vote against it, so be it. But to not even let us bring the bill to the floor for consideration? They did.

The second bill is the Veterans' Benefits Enhancement Act. This comprehensive legislation would improve benefits for all veterans, especially for those with disabilities, and it would also correct a sad historical injustice for Filipino World War II vets.

Again, I asked for unanimous consent. The Republicans objected. However, if the Republican objections are based on substantive provisions in the bill, then they should be all the more willing to enter into the unanimous consent request I proposed last month and will propose again today.

If we can limit amendments to those that are actually relevant to veterans issues, it will give an opportunity for all Senators to come to the floor and actually speak to an issue that means so much to our soldiers, to our veterans, and all of their families.

Mr. President, I ask unanimous consent that the Senate may proceed to the consideration of Calendar No. 335, S. 1233, Veterans Traumatic Brain Injury and Health Programs Improvement Act of 2007, at any time determined by the majority leader, following consultation with the Republican leader; that when the bill is considered, the only amendments in order to the bill, other than the committee-reported amendment, be first-degree amendments that are relevant to the subject matter of the bill, and that they be subject to relevant second-degree amendments; that upon the disposition of all amendments, the committee-reported substitute amendment, as amended, if amended, be agreed to, the bill, as amended, be read the third time, passed, and the motion to reconsider be laid upon the table; that the title amendment be agreed to, and the motions to reconsider be laid upon the table en bloc; that any statements relating thereto be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Texas.

Mr. CORNYN. Mr. President, reserving the right to object, I personally have no objection to the request, but there is objection by Senator COBURN on our side. But I believe if the Senator would modify the request to include a similar time agreement immediately following the time agreement he has requested on this bill to debate and vote on S. 2340, the troop funding bill, that we might be able to reach some agreement. So I would ask him to modify his request to include that.

Mr. DURBIN. Mr. President, without yielding the floor, would the Senator from Texas yield for a question?

Mr. CORNYN. I would be happy to.

Mr. DURBIN. I would like to ask the Senator from Texas, did he attend the meeting in room 407, the closed meeting, where Secretary Gates, the Secretary of Defense, told us there was sufficient money in the current appropriations bill for the Department of Defense to continue the war in Iraq until at least the end of February or the middle of March so that it was unnecessary to pass the bill, which you have just asked me to consider, immediately?

Mr. CORNYN. Well, Mr. President, responding through the Chair, I would say I did attend that meeting, at which time we were told that civilian employees at the Department of Defense would, at about the middle of December, receive a notice that they would be laid off just prior to Christmas because of 60-day notice requirements, and that, in fact, the military was only able to sustain the effort in Iraq fighting al-Qaida—the same people who killed 3,000 Americans on September 11, 2001—by moving money from one account to another, causing a lot of disruption, increased expense, and a lot of other problems.

I do not know why our colleagues on the other side of the aisle, after having 63 votes on Iraq so far, attempting to propose surrender dates and to countermand the orders of our generals in the field, are resisting supporting our troops during a time of war. It is unthinkable to me.

So I am sorry they are continuing to block this necessary funding for our troops and putting 100,000 employees at the Department of Defense—civilian employees—in jeopardy during the holiday season. But I was there, and I did hear those comments, in addition to the comments I have just added.

Mr. DURBIN. Mr. President, I ask for regular order at this point.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. CORNYN. Mr. President, there is objection by Senator COBURN on our side. I asked for a modification, and I have not heard an objection to that.

The ACTING PRESIDENT pro tempore. Is the Senator from Texas raising an objection?

Mr. CORNYN. I have asked the Senator to modify—I have asked unanimous consent to modify his request to include a time agreement debate, and a vote on S. 2340, the troop funding bill, as a modification of his unanimous consent request.

Mr. DURBIN. I ask for regular order, Mr. President.

Mr. CORNYN. I have not heard an objection to that.

The ACTING PRESIDENT pro tempore. The pending request by the Senator from Illinois is before us. Is there objection to that request?

Mr. CORNYN. Mr. President, I see Senator COBURN on the floor. I believe there is an objection on this side. Perhaps it is appropriate to ask Senator COBURN to respond. But let me just say I believe we could reach an agreement, a time agreement on both bills if the Senator would consider modifying his request. Until we can have a chance to discuss that further, there is objection on this side of the aisle.

The ACTING PRESIDENT pro tempore. The Senator from Illinois has asked for regular order. Is there objection to his request?

Mr. CORNYN. There is an objection, as I explained.

The ACTING PRESIDENT pro tempore. Objection is heard from the Senator from Texas.

Mr. CORNYN. Mr. President, I would ask the Senator to——

The ACTING PRESIDENT pro tempore. The Senator from Illinois has the floor.

Mr. DURBIN. Mr. President, I will respond to the Senator from Texas, as he is deserving of a response.

Look what has just happened. Senator REID of Nevada has asked for a registry for those in the United States afflicted with Lou Gehrig's disease. He wants us to at least get the names and identities of people who are dying from this disease so that we can start to find treatments and cures. The objection came from the Republican side from Senator CORNYN of Texas to a registry for patients suffering from Lou Gehrig's disease because he insists that we have to also agree to go to a debate on funding for the war in Iraq—$50, $60, $70 billion.

The Senator from Texas conceded my point that we were told by the Secretary of Defense there is adequate money to continue this war until the end of February or first of March. So to say we have to move to this immediately is hardly a compelling argument when those are the positions taken by the Secretary of Defense.

Then I came in with a request—my own unanimous consent request—to go to a veterans bill to deal with traumatic brain injury, the signature injury of this war in Iraq, and again the Senator from Texas, saying he was speaking on behalf of the Senator from Oklahoma, Mr. COBURN, objected to taking up this veterans legislation to provide additional health care to deal with the homelessness problem among veterans and to increase the travel rate for veterans living in remote and rural areas who have to go to clinics and hospitals far from home.

I think it is pretty clear: Almost any excuse will do on the Republican side of the aisle to object to moving to legislation. I am going to give them one more chance.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. DURBIN. I ask unanimous consent for 5 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, one of the bills Republicans are stopping is the Emmett Till Unsolved Civil Rights Crime Act, which I cosponsored. This is one of the key civil rights bills of this Congress, creating new positions at the Department of Justice in the Civil Rights Division and in the FBI to strengthen the Government's ability to investigate and prosecute race-based murders that took place in our country before 1970 and which have gone unsolved. The bill would also create a grant program for State and local prosecutors for additional resources to pursue these heinous crimes.

The story of Emmett Till is a legend in America—and a sad legend. It was one of the most infamous acts of racial violence in our Nation's history. A 14-year-old African American from the city of Chicago, which I am honored to represent, was murdered in 1955 when he was visiting in Mississippi and allegedly flirted with a White woman in a grocery store. His body was found floating in the Tallahatchie River with a 70-pound gin mill fan tied to his neck with barbed wire. Emmett Till's body was returned to Chicago, and his mother, despite her grief, insisted that there be a public display of his mutilated corpse. It was a transforming moment in American racial history. Friends of mine who are African American said that was the moment when they decided they couldn't take it anymore.

Emmett Till's killers were never brought to justice. They were prosecuted and acquitted by an all-White jury. In a 1956 magazine article, two men confessed to the murder. They said they had committed the murder because they "decided it was time a few people got put on notice," in their words.

There were at least 114 race-related killings between 1952 and 1968, and in many cases, no prosecutions, no convictions. In recent years, there have been a handful of successful prosecutions, but time surely is not on our side. These cases are old, and so are the defendants and witnesses.

Congressman JOHN LEWIS, one of my personal heroes in Congress, is the sponsor of this bill that the House passed by a rollcall vote of 422 to 2. Here is what he said about the bill:

> The time has come. For the sake of history, for the sake of justice, for the sake of closure, the 110th Congress must pass this legislation.

The Emmett Till Unsolved Civil Rights Crime Act should not be controversial. The Senate Judiciary Committee passed an identical version by voice vote and no dissent. It has bipartisan support, 16 cosponsors, and authorizes $13.5 million a year but doesn't appropriate it. It will have to go through the regular appropriations process.

At this time, I ask unanimous consent that the Senate proceed to Calendar No. 237, H.R. 923, the Emmett Till Unsolved Civil Rights Crime Act, that the bill be read the third time and passed and the motion to reconsider be laid on the table without intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. COBURN. Mr. President, reserving the right to object. The Senator from Illinois had the opportunity to fund this program fully with an amendment he voted against that I offered on the Commerce-State-Justice bill. The fact is that the Bush administration has already started work on this; they have 30 active cases going now. The complaint was there wasn't enough money. I offered an amendment, which the Senator from Illinois—even the author in the Senate, Mr. DODD, wasn't even here to vote for—to fund at a level greater than what this bill authorizes. Instead, we chose earmarks and pork instead of funding this bill. On the basis of that—I also agree that we ought to be about this.

Mr. DURBIN. Mr. President, I will insist on regular order for only one point. I would ask unanimous consent that if the Senator from Oklahoma or the Senator from Texas wants to express his objection to a unanimous consent request, that the time he uses in expressing his objection be taken from the leader's time or from the time remaining for the Republicans in morning business.

Mr. COBURN. I have no problem with that.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. COBURN. So on that basis, do we want to solve the crimes? Yes. Did they have an opportunity to fund that? Yes. They chose not to. The sponsors of the bill chose not to put the money in.

What they want is to play bait and switch. There is no question that these should be adequately funded. The Bush administration started on its own, initiated this program on its own in the Justice Department. They had an opportunity to vote for the money to fund this. They refused to do it—not an authorization, actual dollars. So on the basis of that, I object.

Mr. DURBIN. Mr. President, I will close because I see other colleagues on the floor.

The ACTING PRESIDENT pro tempore. Was an objection made?

Mr. COBURN. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. DURBIN. Mr. President, I respect my colleague from Oklahoma. There is one simple fact of legislative rule and law that he does not express accurately. There is a world of difference between an authorization and an appropriation. An authorization gives you permission to ask for money to spend. The appropriations bill spends the money. This is an authorization bill. It would have to go through the regular appropriations process. What he refers to was an attempt at appropriating money to the Department of Justice without enacting the underlying law. It is totally different.

Again, for the third time this morning, the Republicans have obstructed and stood in the way of bringing up legislation, first Senator CORNYN of Texas on a registry for the victims of Lou Gehrig's disease, then Senator CORNYN on behalf of Senator COBURN for a veterans bill to deal with traumatic brain injury, and finally Senator COBURN of Oklahoma objecting to considering even moving to a bill that would deal with solving these civil rights crimes which so sadly reflect on a period of American history that should be closed in the right way.

Mr. President, I yield the floor.

Mr. CORNYN. Mr. President, will the Senator yield for a question?

Mr. SCHUMER. Addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I rise in support of my friend and colleague from Illinois, as well as our leader, Senator REID, about what is going on here. This is unbelievable. What we have, in fact, is the folks from the other side of the aisle are in disarray. Their basic tenet and philosophy which govern them, which they use to govern, which they have used to win elections starting with Ronald Reagan, is falling apart. There is dissension in the Republican Party. There are different wings all over the place. Most importantly, the Republican base which says, basically, shrink Government, get rid of Government, is very far away from where the American mainstream is—not just far away from where Democrats are but far away from the mainstream.

But my colleagues on the other side of the aisle have nowhere to go. They cannot put forward a positive program because their positive program is out of date with the needs of 21st century America. So they have come up with a strategy of obstruction: 57, 58, 59, and soon they will set the record in numbers of filibusters—not just obstructing on the most major of issues but on just about everything. Their view is: We can block things and show we count. Well, the rules of the Senate certainly allow them to block anything they want as long as they prevent us from getting 60 votes. That is true, but that is hardly a sign of strength. That is hardly a sign of resoluteness. It is a sign, in my judgment, of weakness, of an inability to do anything positive, and therefore a unity around just being negative.

In 1980, a lot of people felt Government was too big and out of control. In 2008, with our health care system needing help, with our education system needing help, with our energy policy in a shambles, with our foreign policy—I heard my colleague from Texas mention fighting al-Qaida. What percentage of the troops in Iraq are fighting al-Qaida? We all know that is a misstatement of what is going on there. The vast majority of those who are fighting are fighting in the war between the Sunnis and the Shiites. So our present needs in America are different. The world has been hit by a technological revolution. The world has been hit by globalization.

In 2000, we sat astride the globe. We had a budget surplus. We had a prosperous economy. We were respected in the world. Over the last 7 years, under the leadership of President Bush, that has been squandered. That is not just Democrats speaking; that is America speaking. Close to 70 percent of America thinks we are headed in the wrong direction. A majority of not only Democrats but Independents and a near majority of Republicans think we are headed in the wrong direction. But my colleagues across the aisle, clinging to their base, narrower and narrower, further and further away from the American mainstream and what the American people want, have come up with a policy of obstruction because they can't come up with anything else.

So we come to the floor and ask for reasonable debates on the major issues facing us, whether it be weaning us away from oil and fossil fuels, whether it be improving health care for children, whether it be a change in course in Iraq, which the vast majority of America demands, and they block it, and then they block it again, and then they block it again. My good colleagues from Illinois and from Nevada even brought up the most noncontroversial bill: a registry on ALS. My uncle, who was a well-known obstetrician, the head of Columbia Presbyterian Hospital's Department of Obstetrics, died of ALS. I care about this. I watched him waste away. They blocked that too.

This strategy, which creates a feeling of false strength among my colleagues on the other side of the aisle, is doomed to failure. This strategy, I predict, will help create the demise of even the large minority they have right now.

There will be a Democratic nominee; there will be a Presidential campaign in the summer and the fall. That Presidential Democratic nominee, whoever she or he may be, will be campaigning and saying we need change. We cannot get change unless we increase the number of people who want change in the Senate. Senator X and Senator Y and Senator Z on the other side of the aisle have stood in the way of change, and they will continue to. So put in a new Senator who will vote for change. My Republican colleagues are filibustering themselves out of their seats come 2008. This strategy—short term, narrow, and shortsighted—will not stand because the American people demand change.

I want to talk about one area I have been asked to talk about, the subprime loan crisis. I have said time and time again we need to do something about this crisis. I have been talking about it for a long time. The Bush administration and Senate Republicans have ideological handcuffs on: Government should not be involved, no matter what. If hundreds of thousands of innocent people are losing their homes, no Government. If our financial markets are shaking and quaking, no Government. If housing prices are going down for the first time across America so that even if you fully paid your mortgage, you are suffering from this subprime crisis, no Government, no matter what, no matter the consequences.

Guess what that sounds like. It sounds like the Republican platform of the 1890s or 1920s. I thought we had learned something since then. Government is not the only answer, and it probably should not even be the first answer, in most instances, but it is often the only answer. What we have seen is this administration comes up with the sort of plans and schemes that twist themselves into a pretzel to try to say they are helping with this crisis and avoiding any Government involvement. It hasn't worked. Confidence in our credit markets declines. The number of foreclosures goes up. Housing prices continue to go down. The shame of it all is there are simple solutions.

Mr. CORNYN. Will the Senator yield for a question?

Mr. SCHUMER. I will be happy to yield when I finish my remarks.

Now here is what we Democrats are asking for: commonsense solutions, designed to help people save their homes at an absolute minimum cost, designed to curtail the drop in housing prices, designed to restore the faith that Americans, investors, and world investors have in our credit market.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. SCHUMER. Mr. President, I ask unanimous consent for an additional 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SCHUMER. We are not asking for a bailout; far from it. We are asking for simple things. The simplest thing passed the House with a large number of Republican votes, and it is FHA modernization. President Bush is for FHA modernization. Secretary Paulson came and met with the Finance Committee last week, with Democrats and Republicans—Senator BAUCUS and Senator GRASSLEY were there—and urged us to pass FHA modernization. I haven't heard what the objection is, because FHA modernization passed the Banking, Housing and Urban Affairs Committee in the Senate by a vote of 20 to 1. We sought to pass the bill on the floor and Senate Republicans objected on November 15. On December 6, we tried again, and again the legislation was blocked. What has happened since November 15 and today, about a month later? Hundreds, probably a hundred thousand, certainly tens of thousands more homes have gone into foreclosure, housing prices have declined further, credit markets are shaky, and the plan that the administration came up with, which assiduously, ideologically, and narrowly avoided any Government involvement, has been widely discredited and has brought no confidence in the credit market. The President's program became even more critical yesterday—the need for the FHA modernization—when it was revealed that the administration's signature subprime program, FHA Secure, activated in November—guess how many borrowers it helped. Hundreds of thousands? Tens of thousands? Thousands? No. It helped 541, when we are expecting 2 million foreclosures in the next 2 years. Helping only a few hundred families and saying you are doing something is incomprehensible.

I hope we will move this FHA legislation. As I said, it is supported by the President and by Secretary Paulson. It is the mildest of measures. It can't be too bad if President Bush is for it. That is not my view, but I am trying to perhaps win over some of my colleagues on the other side of the aisle. This FHA modernization will help in a small way. We have to do other things. The bill Senator BROWN, Senator CASEY, and I have put in the appropriations bill, with Senator MURRAY's help, for $200 million to help families get out of foreclosure makes sense. Congressman FRANK and I have a bill to help Fannie and Freddie to help with the foreclosures, which is legislation that is needed as well. But at least this is a first step. Yes, it is Government, and if you are a hard right ideologue, I guess you say the ideological purity of keeping Government away from everything is more important than helping innocent victims keep their homes, more important than keeping housing prices stable, more important than keeping our credit markets in good shape.

I hope my colleagues will join me. I hope so for the good of the country, even though I believe, frankly, politically they are marching down a path to oblivion and in the longer run it will help us get a better Senate to get things done—things that the American people demand.

At this point, I make a plea to my colleagues that this rather noncontroversial—if you judge by the breadth of its support—legislation goes through on FHA modernization.

I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 481, S. 2338, the FHA Modernization Act of 2007; that the Dodd-Shelby amendment at the desk be considered and agreed to; the bill, as amended, be read the third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating thereto be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. COBURN. Mr. President, parliamentary inquiry: Under the rules of the Senate, when we ask for unanimous consent, as has just been asked, are we not saying we will not debate the bill, we will not offer the bill for amendments, and that we will take the bill as it is?

The ACTING PRESIDENT pro tempore. The issue is what is specified under the request.

Mr. COBURN. Which is not to debate the bill and not allow the bill to be amended. I will be happy to discuss my objections to the bill. They are small and deal with reverse mortgages, not conventional FHA, or the increased cap or the lower downpayment. I am working hard to try to resolve that so we do not hold up this bill.

Mr. SCHUMER. Will my colleague yield for a question?

Mr. COBURN. I am happy to.

Mr. SCHUMER. Would my colleague be willing to support a provision to have a time limit on debate on this bill, with amendments limited to the substance of the bill so we can get the bill done?

Mr. COBURN. Yes.

Mr. SCHUMER. Let me discuss that with my colleague and maybe we can move the bill. We are in the closing weeks of the session, so maybe we can agree to a reasonable time limit and reasonable amendments.

Mr. COBURN. I have no objection to that.

Mr. SCHUMER. I withdraw my unanimous consent request temporarily so I may discuss things with my colleague from Oklahoma.

The ACTING PRESIDENT pro tempore. Without objection, the request is withdrawn. The Senator's time has expired.

Mr. CORNYN. The Senator from New York said he would yield to me at the end of his statement.

The ACTING PRESIDENT pro tempore. The time of the Senator from New York has expired.

The Senator from Ohio is recognized.

Mr. BROWN. Mr. President, I thank Senator COBURN for his cooperation on an important issue with Senator SCHUMER, something this body needs to move on. I thank both Senator SCHUMER and Senator COBURN. I wanted to talk about the same issue this morning for 5 or 6 minutes.

Thousands and thousands of families in Ohio are struggling to keep a roof over their heads during the upcoming Christmas season. My State has been in the grip of a mortgage crisis at some level for years, which shows no signs of letting up. Ohio is faced with one of the highest foreclosure rates in the country. Our largest cities are being particularly hit hard. Ohio's six biggest cities are among the 30 hardest hit in the Nation. It looks as if things may get worse before they get better.

What we do in Washington, or what we fail to do here, will have a profound effect on families in Akron, Cincinnati, Toledo, Columbus, and Cleveland. It is not just my State's largest cities; it is Portsmouth, Lima, and my hometown of Mansfield, Zanesville, Ravenna, and Marion. Every day, over 200 families in Ohio lose their homes.

A month ago, the majority leader, Senator REID, sought to bring up a bill that would modernize the FHA home loan program. Our colleagues on the other side objected, claiming they had not had sufficient time to read the bill. Mind you, this wasn't a bill written in secret. It passed out of the Banking Committee 20 to 1 in September after a long process that fully involved the ranking member, Senator SHELBY, a Republican of Alabama, and all of my colleagues on the Banking Committee.

By making improvements in the FHA program, more families would be able to refinance out of their unaffordable subprime loans and into fair, more equitable, and affordable FHA loans. As the Wall Street Journal found in an analysis published last week, many subprime borrowers had pretty good credit when they took out their loans. Many should have been in conventional loans, but in too many cases they were steered into higher priced loans, loans more profitable for the mortgage broker, but more costly, and ultimately disastrously so, for far too many borrowers, new homeowners. Many of them should be able to take out FHA loans that won't have those exploding adjustable rates.

We all went home for Thanksgiving, and when we came back, Senator REID tried again, and again our Republican colleagues objected.

President Bush announced last week a plan that may help a small slice of the population. He called on Congress to adopt FHA reform. Good for him. But what he needs to do is call on his fellow Republicans to stop obstructing every single attempt we have tried to help homeowners in Ohio and across the country. There may be progress today in the conversation between Senators SCHUMER and COBURN. That is our hope.

Most of the people who work in the mortgage industry have their clients' best interests at heart. They rely on repeat business and word-of-mouth advertising. But as the industry has evolved, it seems as though more and more market participants are acting in ways that are at odds with their clients' interests, all for short-term and sometimes huge profits.

Some mortgage brokers have chosen to prey on the most vulnerable—the poor, the elderly, and the family one paycheck away from disaster. Their conduct is unforgivable.

Borrowers who may not have been particularly sophisticated when they took out a loan are very likely going to be unfamiliar with how to navigate their way out of a bad situation. They are going to need a lot of help, and the network of nonprofit organizations across the country is going to be of vital importance in providing that help. Congress approved $200 million. Senator SCHUMER and Senator CASEY and I worked to put that money into the legislation to provide this help. But the President has threatened to veto that legislation.

We also need to do what we can to prevent the situation from getting worse. Mortgage brokers and originators have to exercise care in how they do business. At a bare minimum, they should be sure a borrower can repay a loan, and they need to do so based on real verification rather than a wink and a nod.

Nobody is doing anybody a favor by convincing them to take out a loan that will become unaffordable in 2 or 3 years, or that doesn't include the payment of taxes and insurance.

No longer should the dreams of Ohioans and new homeowners across the country fall victim to the fine print. No longer should Congress turn a blind eye to the despicable practices that victimize our neighbors and our communities because foreclosure in one house affects the homes all over that neighborhood.

We have tried to provide tax relief to people who have had some of their mortgages forgiven by their lender when they sell their house for less than their outstanding loan. Right now, any amount of debt forgiven is considered income, slapping additional tax burden on a family who has gone through the trauma of losing their home.

But that provision is imperiled by end-of-year obstructionism as well. Not one Republican supported Senator REID's effort to force an end to the Republican filibuster of the tax bill that included this provision.

Everything we have tried to do to help homeowners—from counseling funds, to FHA reform, to tax relief—has been blocked by Republicans. If President Bush is serious about helping homeowners, he will bring this to an end. The people of Ohio have waited too long for relief. They need our help. They need it now.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

ALZHEIMER'S BREAKTHROUGH ACT OF 2007

Ms. MIKULSKI. Mr. President, wouldn't you like to find a cure or wouldn't you like to be part of an effort to find a cure for Alzheimer's? Wouldn't you like to be part of a Congress that helps save lives, helps people and families struggling with Alzheimer's so perhaps there could be medicines for cognitive stretch- out for those who are facing some form of dementia? Wouldn't you like to give help to those practicing self-help, providing relief to hard-working caregivers?

I know you do, and I also know a bipartisan group of my colleagues want to do that. That is why I introduced the Alzheimer's Breakthrough Act of 2007. I started this work a couple years ago, working with my colleague, Senator BOND, who then was chair of the Subcommittee on Aging. Now I am working with Senator BURR. We passed out of the Health, Education, Labor, and Pensions Committee in July critical legislation, the Alzheimer's Breakthrough Act. It is pending on the calendar. We need unanimous consent to bring it up. I come to the floor today to ask my colleagues to give consent to move this bill forward.

This bill has two components: one is an authorizing component and the other a tax credit component. In the spirit of comity, I would be willing to actually divide the two because I know tax policy needs to be very sensitive in terms of the consequences.

Let me tell my colleagues what this breakthrough legislation does. It doubles the funding for Alzheimer's research at NIH. It goes from $640 million to $1.3 billion, giving researchers the resources to make breakthroughs. It funds a national summit on Alzheimer's so the best scientists in the country can come together and identify the most promising breakthroughs. We are not talking about long-time, longitudinal studies. We are talking about studies that are at a point of significant breakthrough, that need help, and need a boost.

Also in our bill is the family caregivers support tax credit. It would create a $3,000 tax credit for caregivers with the extraordinary expenses of caring for someone who has a chronic condition, such as Alzheimer's.

Why is this needed? Alzheimer's disease is the tsunami on the horizon we cannot ignore. Today there are 5 million Americans living with Alzheimer's disease. It is expected to triple in the next couple decades.

We know a lot about Alzheimer's disease. It has been 100 years since it was first diagnosed, and though we know a lot, we do not have a cure, and maybe we will not have a cure, but we certainly can have the breakthroughs for what we call cognitive stretch-out. For those people who are gripped by this terrible disease or another form of dementia and those who are in social work and medicine, they have watched people say the long goodbye. We watched a gallant President and an incredible First Lady by the name of Reagan, in which the President had his long goodbye and the First Lady, Nancy Reagan stuck with him every minute, every hour of every day until his final resting. We salute them. We know that when the President does not have the resources to deal with this disease, we have so much work to do for the little people. Knowing that President, he would want help for the little people.

We need a sense of urgency about Alzheimer's. If we find a cure to delay the onset of the disease, we could save a tremendous amount in Medicaid and Medicare.

It is estimated that for every year we can have that cognitive stretch-out that enables people not to have to turn to institutional long-term care, we can save over $500 billion in both Medicaid and Medicare.

Should we even put a price tag on finding a cure, better and earlier diagnosis, faster creation of new drugs for people? Can we afford not to invest in this disease? I don't think so.

Alzheimer's is a terrible disease. I know it because we lived through it in our family. We watched prominent people be gripped by it. We know Alzheimer's is terrible for the person living with it, and we know it is an incredible drain on the caregiver, both emotionally and financially. Our country last year spent over $120 billion in dealing with this disease.

I wish to come back to the caregiver. Usually it is a daughter or a spouse who takes care of an aging parent or spouse. Often they need help with durable medical equipment and specialized daycare. It could add up to anywhere from $5,500 to $8,000 a year. Caring for a sick loved one means often you give up work, you reduce your work to part time or certainly take money out of your household.

We held a series of hearings on this bill, including Dr. Zerhouni of NIH and Dr. Gerberding of the CDC and some of our most eminent physicians working on this disease. It was amazing because it was so energizing. Often when we think about Alzheimer's, we think there is no hope and no opportunity to crack this disease, but there is.

What the scientists told us is there is now an array of medical possibilities for both the prevention of Alzheimer's and also intervention that would enable people to have this cognitive stretchout.

I am using the words "cognitive stretchout." Maybe it is a little too fancy. What it means in plain English is you have a memory, you can think, you know night from day. I know for families that are gripped by Alzheimer's, both the person with it and the person living with it experience a 36-hour day, because often with Alzheimer's, the person gripped by it cannot tell the time. If we can stretch out that decline where they still have their memory, still can function with the activities of daily living, still know whether it is 3 o'clock in the afternoon or 3 o'clock in the morning, still be able to recognize their grandchild and still be able to remember how to eat, my God, what do we give them? We give them a year of life, we give a breather for those who love them and are taking care of them, and we also give a break in terms of the Federal budget with the assistance we provide in long-term care.

This bill is pending on the calendar. We have asked unanimous consent to go to it. I ask my colleagues, let's have a vote. If they would like to separate out the tax credit aspects from the authorizing legislation, I would be more than willing to cooperate in the closing hours of this session to do that.

I know on the floor is my very good colleague, the Senator from Iowa, Mr. HARKIN, who chairs the Labor-HHS Subcommittee. He has been such a strong advocate of NIH, and we thank him for what he has done. But he needs help from those of us in the Senate to come up with these breakthroughs.

Mr. President, rather than a parliamentary request asking consent, I know our cloakroom is circulating the request. I look forward to a reply from our colleagues in moving this bill forward, but I ask our colleagues: Join with us and move this bill forward.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

CHRISTOPHER AND DANA REEVE PARALYSIS ACT AND TRAINING FOR REALTIME WRITERS ACT

Mr. HARKIN. Mr. President, I wish to speak on two bills that should have passed by unanimous consent because they are so widely supported, but there are objections to them by some Republicans.

The first is the Christopher and Dana Reeve Paralysis Act, and the other is Training for Realtime Writers Act. First, I am disappointed objections have been raised against the Christopher and Dana Reeve Paralysis Act on the other side. I do not speak for myself, but I speak on behalf of tens of thousands of Americans who suffer from paralysis and their families.

The Christopher and Dana Reeve Paralysis Act is a bipartisan bill. It is a fiscally responsible bill. It addresses a critical need to accelerate better treatments and one day a cure for paralysis. Currently, paralysis research is carried out across multiple disciplines with no effective means of coordination and collaboration. Time, effort, and valuable dollars are used inefficiently because of this problem. Families affected by paralysis are often unaware of critical research results, information about clinical trials, and best practices. The bill will improve the long-term health prospects of people with paralysis and other disabilities by improving access to services, providing information and support to caregivers and their families, developing assistive technology, providing employment assistance, and encouraging wellness among those with paralysis.

I am, frankly, surprised there continues to be an objection to moving this bill forward. I negotiated this bill with my Republican colleagues on the Health, Education, Labor, and Pensions Committee before it was marked up in July. We received specific requests relating to the NIH. We accepted those requests. We moved forward. We removed the NIH reporting provisions in response to concerns that they were duplicative of reporting requirements NIH already had. We responded to all the feedback from the Department of Health and Human Services and the NIH by incorporating both substantive and technical changes. At that point we were assured there were no objections. As a result of these good-faith negotiations, the bill passed out of the HELP Committee with no amendments. Given all of the efforts we made to meet concerns raised by Senators on the other side of the aisle, and given that Senators had an opportunity to file amendments at that time but chose not to, I had every expectation that the bill would quickly pass the full Senate. Instead, it continues to be held due to Republican objections.

One of my Republican colleagues has said he will object to all disease-specific bills because he does not believe that Congress should be able to pass legislation specifically targeting the fights against cancer, ALS, Alzheimer's, and so on. I strenuously disagree with the Senator on this point. I believe Congress can and should be involved in setting national priorities in these fields. But putting that aside, the fact is, the Christopher and Dana Reeve Paralysis Act is not a disease-specific bill. Paralysis and mobility impairment are not disease-specific issues; they are symptoms or side effects that result from numerous diseases and situations, including traumatic brain injury, stroke, ALS, injuries from athletic activities, injuries, of course, from combat in the U.S. Armed Forces, and many others. So paralysis is not disease specific.

Now, again, there seems to be another objection to this bill. One of our Republican colleagues has said he will not allow any bills to pass by unanimous consent that include spending without an offset. Well, let me be clear: There is no funding in the Christopher and Dana Reeve Paralysis Act legislation. It is only an authorization that allows the Centers for Disease Control and Prevention to improve the quality of life and long-term health status of people with paralysis and other physical disabilities.

Our colleague from Oklahoma, Senator INHOFE, made this case very clear in his discussion of the Water Resources Development bill. He explained the significant difference between authorizing and appropriating. Authorization bills are not spending bills; they determine which projects and programs are eligible to compete for future funding and provide for congressional review and oversight. Authorization bills provide the criterion for spending bills, but they do not contain direct spending. So any spending for the paralysis program authorized by this legislation will be subject to the annual appropriations process.

The Christopher and Dana Reeve Paralysis Act passed the House in October. It is long overdue for passage in the Senate. When I introduced this bill, Dr. Elias Zerhouni, Director of NIH, spoke in support of the bill, and let me read something he said that day.

> So, really, as the Director of an institution that is committed to making the discoveries that will make a difference in people's lives, I feel proud and feel pleased. But at the same time I'm humbled. I'm humbled because in many ways the Christopher and Dana Reeve Paralysis Act is the harbinger of what I see as the combination of the public, the leadership in Congress, and the administration and government in our country that is absolutely unique, and humbled because at the same time, I know it contains a lot of expectations from us. And I'm at the same time confident that we can deliver on these expectations of NIH, with our sister agencies throughout the government. But the key thing I would like to provide is an expression of commitment. At the end of the day, if you do not have leaders and champions that look

at a problem in its entirety, today in the 21st century, you cannot make progress.

So that is what Dr. Elias Zerhouni said on the day we introduced the bill. I agree wholeheartedly with Dr. Zerhouni. Progress is vital in science and biomedical research. It is also vital in the legislative process. As Senators, we have a duty to ensure due diligence in considering legislation. But for one Senator, or two Senators or three, to stall this bill, I believe without legitimate cause—if the objections are that it is disease specific, I have pointed out it is not. Secondly, if it is being held up because there is not an offset, I point out it is only an authorization bill, not a spending bill. If it were an appropriations bill, it would then be legitimately subject to a hold or objection to unanimous consent because it did not have an offset, if that were the case. Anyway, I think for a handful of Senators to block action on this bill seems to undermine the trust that people put in us as legislators to move forward on things, to respond to certain national needs.

Let us be clear: By putting this bill on hold, Senators are also putting people with paralysis and their families on hold. It is a shame, I say to these Senators. I am not asking you to vote for the bill. If you don't like it, you don't have to vote for it. I am only asking you to allow the entire Senate to work its will. Don't slam the door on our fellow citizens who are living with paralysis. There are some 2 million Americans right now living with paralysis of the arms or legs, or both. Many others are living with multiple sclerosis. Hundreds of young soldiers are returning from Iraq and Afghanistan with spinal cord injuries and paralysis, facing a lifetime of disability. They should not be placed on hold. They shouldn't have to wait. They shouldn't have to have further delay. They should have this bill passed.

I urge my colleagues on the other side of the aisle to reconsider their decision to block this bill. As I said, I worked with Republicans before it went to the HELP Committee. We worked with the Department of Health and Human Services downtown, with NIH, and we met all their objections. We redrafted it and there weren't any objections when it went through the HELP Committee. No amendments were offered. That is the kind of legislation you would think would be subject to a unanimous consent procedure here on the Senate floor. It is a fiscally responsible bipartisan bill, as I said, that does not spend any money. It only authorizes.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator has just under 4 minutes remaining.

Mr. HARKIN. Four minutes.

I also wanted to talk about the Training for Realtime Writers Act. On behalf of more than 30 million Americans who are deaf or hard of hearing, I express my deep disappointment that again one or two Senators on the other side of the aisle are blocking passage of this important legislation, the Realtime Writers Act of 2007. Again, it is a bipartisan bill. It is fiscally responsible. It addresses an urgent national need to train more real-time captioners at a time when the demand for these professionals has far outstripped the supply, and when, in fact, the law of the land says that all programs have to be real-time captioned.

For those who don't know what real-time captioning is, these are the people, if you are in your offices and you are watching the Senate floor and you put your button on mute, you see the little closed caption go across the bottom of the screen. That is someone sitting down here in the bowels of the Capitol watching what we say and, on a machine, typing this in so that if you are deaf or hard of hearing you can read what is happening. This is true on programs you watch on normal television as well.

Again, we all use that, I know, at different times. You don't have to be deaf or hard of hearing to use closed captioning. But what has happened, and how this came about is very simple. In 1996, in the Telecom Act, it required that all English language television broadcasts be captioned by the year 2006. All television broadcasts must be real-time captioned by 2006. That was last year. So it is now 2007, and many stations across the country are not in compliance with the law. As a result, a lot of deaf and hard of hearing Americans are not able to access the full range of television programming we take for granted. And why aren't they compliant? Well, it is a legal requirement, but the fact is there are not enough captioners. We knew that back when the bill was passed in 1996. That is why we gave it 10 years for implementation. And little by little we have been trying to get more real-time captioners, but we don't have them.

This bill is an effort to bolster that program and to put focus on it. Again, it is an authorization bill. It is an authorization bill. It authorizes the creation of a competitive grant program to train captioners at the funding level of $20 million a year for 5 years. So, again, it is an authorization bill, not an appropriations bill.

There has been a shortage of real-time captioners. And you might say, well, if there is a shortage, why aren't there more people? Well, a lot of people don't know about it. They don't know about the demand. We need the training and expertise. This is a difficult job. I mean, our stenographers here, who take down our words, have a difficult job, but at least they have time to go back and print it out after they put it into the machines. A real-time captioner has to listen and watch what we are saying and put it on immediately. So it takes a lot of expertise and training to do this.

This act authorizes, again, the funding. It creates no new entitlements. It sunsets after 5 years, because once we get the number up and we get schools across the country teaching this, I have no doubt that we will have enough in the pipeline. And let me point out that this bill passed the Senate by unanimous consent three times before, only to languish in the House of Representatives.

The PRESIDING OFFICER. The majority's time has expired.

Mr. HARKIN. Mr. President, I ask unanimous consent for 2 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. I would ask that 2 more minutes be added to our time; otherwise, I have no objection.

The PRESIDING OFFICER. Without objection, 2 minutes will be added to the Republicans' time as well.

Mr. HARKIN. Again, the House indicated they would take it up. It languished here. It passed the Senate, as I said, by unanimous consent three times already. Again, it is time to keep the promise that Congress made to 30 million Americans in 1996. I would hope we would not block the Realtime Writers Act, and let it go through, and with unanimous consent, as it has done three times in the Senate before. I would ask those who have a hold on the bill, are they saying that 100 Senators before, who let this legislation go through, didn't know what they were doing? We all have staffs, and we all pay attention to what legislation goes through here. I think it is indicative of the support we had on both sides of the aisle that the Realtime Writers Act, as I said, passed by unanimous consent three times in the past.

I wanted to talk about these bills because again I think they are both widely supported. We have worked out agreements with people in the past, and I don't think there is any real, legitimate reason to keep a hold on these bills and not let them pass.

Mr. President, I ask unanimous consent that the Senate take up and pass Calendar No. 326, S. 1183, the Christopher and Dana Reeve Paralysis Act, and Calendar No. 291, S. 675, the Training for Realtime Writers Act.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Mr. President, I object to both, and I will give my reasons why during our time.

The PRESIDING OFFICER. Objection is heard.

Mr. HARKIN. Mr. President, as part of my closing remarks, in case an objection was raised to the Training for Realtime Writers Act, I want to say this is something that can be done already by the administration, but I would point out that they have not done it in 10 years, either Democratic or Republican Presidents. Quite frankly, they are not focusing on it. They have said they can do it as part of their high-growth job training initiative, but they haven't done it. That is the point of the legislation. They have not done this.

And for those interested in earmarks around here, 90 percent of the money in the high-growth job training——

The PRESIDING OFFICER. The majority's time has expired.

Mr. HARKIN. Well, I want to close with 30 seconds, by saying that 90 percent——

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Ninety percent of the money is noncompetitive. Over $235 million over 6 years has gone out in noncompetitive grants, and not one penny for real-time writers.

Mr. President, I yield the floor.

Mr. CORNYN. Mr. President, may I ask how much time remains on this side of the aisle in morning business?

The PRESIDING OFFICER. There is 90 minutes 16 seconds.

Mr. CORNYN. I would ask, Mr. President, that the Senator from Oklahoma, Senator COBURN, be recognized for up to 10 minutes, followed by myself, followed by the Senator from Georgia, Senator ISAKSON, and then the Senator from Idaho, Senator CRAIG, for the first 40 minutes of our time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma.

DISCONTINUING BUSINESS AS USUAL

Mr. COBURN. Mr. President, this morning we have heard about a lot of good causes and a lot of good bills. But what we have been asked to do is to pass bills without any debate, without the opportunity to amend, and we just heard a Senator say we could agree to a UC and not have to vote on it. Agreeing to a UC is the same as voting yes. The fact is, we have had plenty of time to bring up all these bills, put them on the floor, debate them and have great debates so the American people become informed, and offer amendments.

I will say for many of these bills, I am the Senator objecting. Senator HARKIN knows I am objecting to the two bills he just raised.

The point is, our debt is rising $1 million a minute. When you authorize $100 million for the Realtime Writers Act, what you are saying is, I intend to get the money out of the appropriations process to develop training for something that the market should already be inducing through increased wages. If in fact there is a shortage, why is the market not taking care of it? Is it because the pay is too low? Maybe the pay ought to be higher. Maybe people ought to go into it. Instead we are going to inject $100 million of American taxpayers' money into something that will be solved through the market. If it is not, then the pay is entirely too low and the market will eventually adjust to it. But to say we are going to authorize something with no intent to ever spend, that is not the intent of an authorization. The intent of an authorization is to spend more money.

At $1.3 billion a day, we are going into debt, and it is not our debt. We are transferring it to our children and our grandchildren. To come down here and want to authorize and spend and pass without debate and pass without amendment multitudes of bills with no debate is to say, in other words, take it or leave it. And if you want to amend it or you want to have a chance to vote on it, tough luck; we are going to do it without you. It is called "UC."

The fact is, we find ourselves $9 trillion in debt now. The fact is, our children are facing $79 trillion worth of unfunded mandates. It is time that we change the business in the Senate. To come down and claim you want to just authorize but not spend is a hoax because you would not be authorizing unless you do spend.

The other thing the American people ought to know is, out of the over $1 trillion in discretionary budget that we spend right now, $280 billion of it is not authorized. The appropriators totally ignore the authorizers. When it comes to appropriations, they appropriate whatever they want. So it doesn't have to be authorized to get it done. They will appropriate it if they want to do it. They don't pay any attention to authorization.

When we have $8 trillion worth of authorized programs now, to say we cannot eliminate some program that is not being funded to be able to make room for one that should be funded, and to say we should not have to do that, that doesn't pass the commonsense test with the American public.

I understand that is irritating and bristling to the way we have done things in the past. I apologize if at times I am irritable and irritating, but I think the future generations are worth it. I do not think we can continue doing business as usual. So we have seen an ALS bill come down. The CDC doesn't want the ALS bill, the registry, and the reason is they can already do it. If we are going to do an ALS bill, we ought to do it for all neurologic diseases in terms of a registry, not just one. What we have decided is a celebrity or an interest group can come and we will place a priority there. Regardless of what the science says, regardless of what the basic science and the pure science says in terms of guiding us where to go on diseases, we will just respond. We will create a new program, and we will tell NIH where they have to go, or CDC where they have to go when science doesn't guide them there.

If we are going to do that, if we really think as a body we ought to be going the disease-specific direction, then why don't we do it all? Why don't we say we will do the peer-reviewed science on all the programs at NIH? Since we are going to pick the ones that have a cause behind them, why don't we do them all. Why don't we let the lobbyists tell us which ones should be first? Of course, we wouldn't do that because we know the scientists at CDC and the scientists at NIH make decisions, not on popularity, not on politics, but on the raw science that will give us the best benefit for the most people.

We look good when we do those things. We do satisfy a yearning for those who are handicapped or paralyzed or have breast cancer or have colon cancer. But if we are going to do a registry for ALS, why aren't we doing one for diabetes? We aren't we doing one for multiple myeloma? Why? Why aren't we doing those things? If we are going to pick one, if we are going to do a neurological disease, let's do it for all of them. It shows the shallowness of what we are trying to do. Our hearts are big, but we are not looking at the big picture.

The FHA we discussed. The component in the FHA that I object to is, we have a study in the FHA bill that the GAO is mandated to do on reverse mortgages. But at the same time, regardless of what the study shows, we lift the cap. All I have asked for from the authors of the bill is to keep the cap where it is until we get the GAO study back so we know what we are doing, rather than responding to a clamoring which we have no basis, in fact, to know is the accurate thing to do; otherwise, we wouldn't be asking for the study in the first place. It is a simple request.

Instead, we come to the Senate floor and try to make us, those who object, seem unreasonable when we say common sense would say if we have a study in the bill to tell us where to go, but we are already ignoring what the results of that study may or may not be, to question that we should not have a debate about that, that we should not have an ability to amend that, we should just blindly say yes, that is not what the Senate tradition is. This is a body that is supposed to be about debate.

In the past 31 days the Senate has been in session 15 days. We have had 10 votes in 15 days, and we have had 8 days without any votes at all. All these bills could have been on the floor and had accurate debate. I would have lost most of my amendments, based on the historical record of my amendments, but the American people would have benefited from the debate about those bills. Instead, we are made to look as if we don't care if we want to try to improve a bill because we will not agree to blindly accept a bill to go through. We are made to say we don't care about people who are losing their mortgages because we think there are some commonsense changes to a bill? That isn't quite right.

You hear the reference that people vote or the committee voted or that there wasn't an amendment. The fact is, on voice votes if you do not vote, you are not recorded because there is not a recorded vote. But that doesn't mean you agree to bring the bill to the floor. We all know that.

The fact is, and you have heard me say it many times in this body, if you are born today you inherit $400,000 worth of unfunded liabilities. There is a lot of things we do wrong on our side of the aisle, I will admit that, and have done wrong on our side of the aisle, both in the tenor of how we approach things and in how we characterize things. But the best way to right what we are doing wrong is start doing it right. The fact is, it is no legacy that we should leave to the next two generations that they are born into the world with a stone around their neck. The culture and methodology the Senate—I asked the President of the Senate a moment ago: What does unanimous consent mean when we bring up these bills? It is the rules of the Senate, I was told. The rules of the Senate are, you get no opportunity to amend.

I ask unanimous consent for an additional 3 minutes for me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. You get no opportunity to debate, you get no opportunity to amend, you have no opportunity to vote. So, if you truly object to a bill or a component of a bill you are told: Stuff it. What you think about it doesn't matter, let alone the very real loss of the American people not hearing a full debate about these issues.

We have plenty of time to debate them. We have quorum calls much too much. We should have two or three bills on the floor at the same time. I am willing to debate and lose, but I am not willing to give consent I disagree with and imply to the people I represent, in my oath to the Constitution, that it doesn't matter. It does matter. It matters immensely.

The future is at risk. We are on an unsustainable course, and we are seeing some of that played out in the mortgage market today. We are seeing some of that played out with the value of the dollar today. We are seeing some of that played out in the confidence of the American people, not only in the future and what they see, but in how they view us. We do, in fact, have an obligation to secure the future, and we do, in fact, have an obligation to make tough choices, priorities. Those priorities ought to be framed in the light of what the everyday American family has to do to frame their priorities.

Instead, what we have the habit of is not making any priorities at all because we take it all. We don't choose. We choose to do it all, knowing that the consequences of that choice bear on two generations from us. We will long be gone, but the legacy we leave will deny the very essence of this country. The essence of this country is one generation sacrificing for the future, for the next. The legacy we are leaving is exactly the opposite.

So I beg some patience on the part of my colleagues on the other side of the aisle that, in fact, if we disagree on a bill going by UC, it doesn't necessarily mean we disagree with the intent. It does mean that we think it can be improved or we think it can be held more accountable or, as the case of the SBA bills I am holding now, one of them is atrocious in terms of the money it is losing for the American people. Yet we are supposed to agree with those bills without amending or voting or debating.

I will be back to talk later in our time, and at the present time I yield.

Mr. CORNYN. If the Senator will yield for a quick question?

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. I wanted to ask the distinguished Senator, earlier before he was able to come to the floor, there was a unanimous consent request offered with regard to the ALS registry, and I, on his behalf, lodged an objection, although I have no personal objection. I just want to ask the distinguished Senator from Oklahoma if it is his understanding it was on his behalf?

Mr. COBURN. Absolutely. There is no question. I thank you for covering for me in that regard.

Mr. CORNYN. Mr. President, I understand why we find ourselves in this terrible posture today and why some people are calling this Congress the broken Congress, the dysfunctional Congress. If you look at the chart that was alluded to a moment ago about the last 31 days of the Senate, we have had 15 days of the last 31 days actually in session. We have had 10 rollcall votes. We have had 10 rollcall votes in the last 31 days. As a matter of fact, we should be having rollcall votes now on the farm bill, which is the bill I thought was before the Senate. But, instead, our colleagues from the other side of the aisle decided to put on this show for the American people to try to portray themselves as passing legislation, although they knew it could not be done in the manner in which they proposed—while we should be passing the farm bill.

Let me talk for a moment about the opportunities that they have squandered by their mismanagement of the calendar over this last year. I asked the Senator from Illinois, Mr. DURBIN, if he would agree to a unanimous consent request, and also the majority leader, to help fund our troops who are in harm's way during a time of war. They objected to that.

As a matter of fact, Republicans attempted to call up the Veterans appropriations bill before the Veterans Day holiday, and the Democrats objected to bringing up that bill. Just to be clear, this is the appropriations bill that funds veterans affairs and military construction and is important not only to keeping our commitments to our veterans but to maintaining a decent quality of life for the families who are left behind while their loved one is in harm's way in Iraq or Afghanistan and other dangerous places across the world.

Our colleagues on the other side of the aisle blocked that appropriations bill like they blocked the emergency funding for the troops that is needed in order to avoid the 100,000 notices to civilian employees of the Department of Defense that they are going to be laid off. They are going to get those notices before Christmas that they are going to be laid off by mid-February unless Congress does the job it should have done a long time ago. That is not even to mention—which I will mention—the funding necessary for the Department of Defense to operate in Iraq and Afghanistan to root out al-Qaida and other foreign fighters, Islamic extremists who are trying to kill American soldiers and who, if given an opportunity to reorganize themselves in Iraq, would use that as another launching pad to carry out murderous attacks against Americans and our allies.

Just to be clear, the Senator from Illinois, Mr. DURBIN, asked me about a meeting where the Secretary of Defense and Secretary of State were present. I explained, as I have just explained here today, what the situation would be like if we failed to act, and as a result of their objection, we are not acting on a timely basis.

I ask unanimous consent to have printed in the RECORD a letter from the Deputy Secretary of Defense to the Republican leader that is dated December 7, 2007, signed by Gordon England to the Honorable MITCH MCCONNELL.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPUTY SECRETARY OF DEFENSE,
Washington, DC, December 7, 2007.

Hon. MITCH MCCONNELL,
Republican Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER, 10 U.S.C. 1597(e) provides that the Department of Defense ". . . may not implement any involuntary reduction or furlough of civilian positions . . . until the expiration of the 45-day period beginning on the date on which the Secretary submits to Congress a report setting forth the reasons why such reduction or furloughs are required . . .". In accordance with this statutory requirement, I am providing a report on potential furloughs within the Department of the Army, the Marine Corps, and the Combatant Commands.

> As you are aware, the FY 08 DoD Appropriations Act did not provide funds to the Department for the Global War on Terror (GWOT). In my November 8, 2007 letter to the Senate and House Appropriations Committee leadership, I emphasized that without this critical funding, the Department would have no choice but to deplete key appropriations accounts in order to sustain essential military operations around the world.
>
> Without GWOT funding, only operations and maintenance (O&M) funds in the base budget are available to cover war-related costs. O&M funds also cover salary costs for a large number of Army and Marine Corps civilian employees.
>
> The Army and Marine Corps currently estimate that the fiscal demand on O&M funds to cover both normal operating and GWOT costs will result in depletion of the Army's O&M funds by about mid-February and the Marine Corps O&M funds by about mid-March 2008. As a result, Army civilian employees, who are paid from Army O&M accounts and Marine Corps civilian employees, paid from Marine Corp O&M accounts, will at those times be subject to furlough. Affected employees are located throughout the United States and overseas.
>
> The furlough will negatively affect our ability to execute base operations and training activities. More importantly, it will affect the critical support our civilian employees provide to our warfighters—support which is key to our current operations in both Afghanistan and Iraq.
>
> Accordingly, the Department will issue potential furlough information to about 100,000 affected civilian employees next week. Specific furlough notices will be issued in mid-January. The Department will also be notifying appropriate labor organizations.
>
> While these actions will be detrimental to the nation, there are no other viable alternatives without additional Congressional funding. Your support in providing these needed funds would be greatly appreciated.

Mr. CORNYN. Mr. President, as the letter makes clear, while the Department of Defense has the ability to fund the troops in the field until mid-February—around March for the Marine Corps—this comes at great expense to those in the Department of Defense, both in and out of uniform. The only reason the Department of Defense can basically rob Peter to pay Paul in terms of paying its bills is because other activities will not be funded, to include training, repair of equipment, and salaries. This letter makes clear that under the current law, furlough notices must soon be issued, potentially right around the time Christmas hits.

This is not any way to run the business of our Nation. Unfortunately, because of the way our colleagues have led the Senate, we have squandered a tremendous opportunity to solve the problems the American people sent us here to solve.

We have had 66 votes on cloture motions—in other words, efforts to force legislation down the throat of the minority without an opportunity for debate or amendment. That is a guaranteed recipe for failure. As everyone in this body knows, under the rules of the Senate, neither the majority nor the minority can have their own way without bipartisan cooperation. That is the way to get things done. But, rather than get things done for the American people, what we have seen is a "my way or the highway" approach on the part of the leadership on the other side of the aisle. That is the reason we have had 63 votes, 63 votes so far this session, on the war in Iraq, with various attempts on the other side of the aisle either to attach strings to that money or to impose arbitrary deadlines on our commanders in the field or what I would submit is basically to insist on surrender dates.

These are the same folks who called the surge a failure before it even started. They have said they supported the troops but yet, when it comes time to show their support by making sure they have the funding for the equipment and the training, to pay salaries, and to maintain a decent quality of life for their loved ones who are left behind, instead of acting on that stated support for the troops, have failed to act.

I know the other side of the aisle has given us a copy of various unanimous consent requests to give us fair notice of their intention to ask for unanimous consent, and we have done the same.

On behalf of this side of the aisle, I would ask unanimous consent that the Senate proceed to the immediate consideration of S. 2363, which is funding for military construction and veterans affairs.

I further ask unanimous consent that the bill be read a third time and passed and the motion to reconsider be laid upon the table and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Mr. President, on behalf of the majority leader, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CORNYN. Mr. President, I am disappointed to hear the objection. This is the same Veterans appropriations bill and Military Construction bill that was passed this summer by the Senate and this summer as well by the House. Why is it that it has been delayed all this time? This is funding for the very veterans who have sacrificed so much and given so much in the service to this country who are being told: No, we are going to hold that money back because essentially you are part of our political plans to put together a huge Omnibus appropriations at the end of the year and try to force the President and the minority to accept bloated Washington spending, when, in fact, there is no objection to passage of that Veterans bill or Military Construction bill, and it should be passed today by unanimous consent without further delay.

Mr. President, I have one other unanimous consent request I would like to offer. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3997, a bill to provide tax relief for our troops. I further ask that the amendment at the desk, which is the text of S. 2340 and provides for full funding of our troops, emergency funding for our troops, be agreed to and that the bill, as amended, be read a third time and passed.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Mr. President, on behalf of the majority leader, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CORNYN. Mr. President, I regret the obstruction on the part of the majority. This provision, the Heroes Earnings Assistance and Tax Relief Act, would ensure that our military members are treated fairly under our own tax laws. It would make clear that combat pay can be treated as income for purposes of qualifying for the earned-income tax credit. It would also make improvements to the rules for mortgage bonds for veterans, clarify rules regarding survivor and disability payments, and continue to provide pay and benefits to National Guard and Reserve members called to Active Duty. I have already mentioned the component of it that would provide full funding on an emergency basis to our troops who are currently fighting and, unfortunately, some being wounded and dying in service to their country and protection of our freedoms, which has now been objected to once again.

I will finish my remarks for this period where I started and say that we have squandered our opportunities to govern. The only way you can govern in the Congress is by building a governing coalition, Democrats working with Republicans to try to solve the Nation's problems. When one side or the other tries to jam their agenda down the throat of the other side, it does not work, and exhibit A is the dismal record of this broken Congress during this last year.

I see why our colleagues on the other side of the aisle are getting nervous, why their desperation to pass legislation is beginning to show, because they realize they had the opportunity to lead, they realize they had the opportunity to govern, but they have squandered that opportunity. So now, in the last week and a half before the Christmas recess, they are out here trying to act as if the minority has obstructed them, when, in fact, if they had only met us halfway and worked with us to solve some of the big issues that confront our country in a bipartisan and constructive way, we would have met them halfway and we would have solved many of those problems.

Mr. GREGG. Would the Senator yield for a question?

Mr. CORNYN. I will.

Mr. GREGG. I was wondering, is it not true that in this Congress, none of the appropriations bills, which is the business of actually operating the Government—appropriations bills being the bills which fund things like education, things like health care, things like taking care of roads—none of the appropriations bills have passed the Congress in time to meet the fiscal year?

Mr. CORNYN. The distinguished Senator from New Hampshire is exactly correct. My recollection is only 1 out of the 12 appropriations bills has actually been signed by the President, and that was after the fiscal year ended, meaning that essentially Congress is doing what no business, what no family could get away with; that is, basically to pay the bills on a timely basis. So it is another example of this broken Congress and squandered opportunity to work together to do our basic duty.

Unfortunately, I think what we have seen now is an unfortunate game being played out where, rather than pass those bills on an individual basis, there is going to be an attempt to roll them into a giant Omnibus appropriations bill, which someone observed the other day is Latin for "hold on to your wallet." The President has insisted that he is going to hold the line, as he well should, on wasteful Washington spending which would require tax increases on the American people at a time when the economy is entering into a flat period. It is exactly the wrong time—if there is ever a right time—to raise taxes.

Mr. GREGG. Would the Senator yield for an additional question through the chair.

Mr. CORNYN. I would.

Mr. GREGG. The Senator has pointed out that we passed none of the obligations for operating the Government prior to the beginning of the fiscal year. As the Senator pointed out, we have only passed 1 of those bills out of the 12. We are now almost 3 months into the fiscal year. That happens to be the worst record in the history of the Congress, I believe.

That dysfunction of this Congress was not necessary, was it? Did we not vote I think almost 60 times on issues involving Iraq, on repetitive issues involving Iraq, to the point where the Democratic leaders have essentially said: We are going to ignore the operation of the day-to-day business of the Government in order to call up 60 votes, many of which were simply political votes, and use up the entire calendar of the Congress in order to make political points, when they knew they were not going to be able to do a great deal in this area other than what they should do, which is fund the troops in the field?

Mr. CORNYN. Mr. President, the Senator from New Hampshire is absolutely correct.

I would further say in response to his question, you know there is a marked contrast to the tone that was set at the very beginning of this Congress with the new majority in charge. The Senator from Illinois, Mr. DURBIN, who was on the floor earlier, said:

> I think the people across America said to us in this last election, we want you to compromise, we want you to find solutions, we do not want you to play to a draw with nothing to show for it.

Well, that is in the CONGRESSIONAL RECORD on January 4, 2007. I agreed with that statement then. But, as I say, it stands in marked contrast to what we have seem demonstrated this last year.

The Senator from New York, Mr. SCHUMER, who was on the floor earlier, on that same date said:

> All too often we in Washington get lost in the world of Washington, the focus on getting something done, something done for the American people gets lost.

Well, I wish they had heeded their own advice because what we have to show for this last year is very little, indeed. Failing to take care of our most basic responsibilities, as the Senator from New Hampshire has pointed out, to fund the Government on a timely basis—the fact is, we find ourselves in a terrible position now, with just a few days remaining until the Christmas break to get that work done.

Mr. GREGG. If the Senator would yield further for a question?

Mr. CORNYN. I would.

Mr. GREGG. My first two questions were sort of to lay the predicate for this question, which is that the other side of the aisle has spent a lot of time saying the minority is obstructing, the Republicans are obstructing. Yet was it not by conscious choice that they decided to create a legislative calendar which was totally dominated by their desire to make political points over the issue of how the war in Iraq was proceeding rather than to take up the appropriations bills, which are the proper order of the Congress, one of the first responsibilities of the Congress? The Republican side of the aisle has not resisted going to appropriations bills; it has been the other side of the aisle which has refused to bring them up.

So this allegation of obstruction is really a bit of a straw dog, is it not? Are they not in the position of basically having created the problem and then trying to claim the problem is created by us when, in fact, the problem was created by the fact that they refused to take up the business of the Government, and now, in the 11th hour 49th minute, they have decided to turn to the business of the Government and they have chaos on their hands as a result of their own management?

Mr. CORNYN. Mr. President, I agree again with the statement made and respond in the affirmative to the question propounded by the Senator from New Hampshire. This Congress has spent 11 months holding Iraq political votes that have had no chance of becoming law.

We have had 63 votes thus far this session. In the meantime, while the majority has been fiddling, the business of the American people has not been done. I think about the issues besides those of national security that cry out for solutions, things such as border security and immigration reform. Couldn't we have used some of this time more constructively to solve one of the biggest domestic issues confronting the country today? How about energy policy? We have an energy bill that raises taxes on domestic producers and encourages our dependence on foreign oil, when we could have worked together to pass an energy policy that would have prepared us for the future. We have not done that. Health care, which is a tremendous concern of my constituents in Texas and elsewhere, we could have acted to deal with the health care access cost and quality crisis in this country, but we have not.

I know there are other colleagues who wish to speak.

I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I wish to follow up on the exchange between the Senator from New Hampshire and the Senator from Texas in a different context. I am sure the theatrics of this morning are entertaining for a few. But for me, they are illustrative of how a broken Congress has real ramifications for the people of the State of Georgia. I hold this seat in the Senate because a majority of Georgians sent me here to vote on their behalf and act on their behalf. But the way in which this session has been managed, the way in which certain pieces of legislation have been managed, the way in which we even are debating this morning in 3 hours of morning business when we should be on the farm bill is causing pain and suffering to the people I represent. I wish to put meat on those bones.

First, I wish to talk about the veterans bill mentioned by the distinguished Senator from Texas, a bill nobody here really objected to but some objected to and kept it from coming to the floor. It still has not come. It has been objected to this morning. What is the ramification of that on Georgians? The VA hospital in Atlanta, GA, on Claremont Road is a great VA hospital that has been there for years. It has been in terrible need of repair. Three years ago, the Congress authorized and appropriated the money to remodel all the floors of the VA hospital in Atlanta, where today hundreds of veterans of Operation Iraqi Freedom, all the way back to the Korean war, are being attended to. In the last 3 years, three of those floors were redone, but they didn't get the other three done, and they are waiting to be done.

The money, $20.552 million, is in the bank, but the authorization that was passed 3 years ago has expired. As the Chair knows, we don't appropriate without an authorization. We are not supposed to. And if we don't have an authorization, the money is frozen. The ramifications of holding the veterans bill to real Americans, real Georgians, real heroes who served this country in uniform is that those floors set to be remodeled in a hospital for veterans sit there unremodeled. The new equipment, new technology, everything that is in there for veterans is held. The money is in the bank, already appropriated. All we to have do is the authorization. It is in a bill nobody objects to when you talk to them. But continuously it is objected to on the floor of the Senate.

I wish to talk about the ramifications of messaging. There is a new technique we are using now. Instead of sending back a conference report to which a point of order can be raised—I know that is technical jargon—you send a message. You either have to vote up or down. You don't have a chance to amend or to make a point of order. Let's take the Energy bill going back and forth akin to a ping-pong ball. Most recently it came to us as a message, unamendable and no point of order, and we can't debate the dirty little secret that the renewable portfolio standard in the Energy bill benefits certain parts of the United States and is punitive to others. I happen to represent one of those States to which it is punitive. How punitive is it? It is so punitive that by 2020 it will have cost the ratepayers in the State of Georgia to the Southern Company and to the EMCs in our State $8.2 billion. So the tactic being used does not allow me to make that point on the floor or make a point of order or bring it to debate but asks all of us to agree to a proposition that would impose that much damage on the people I represent. That is the ramification of a broken Congress on real people, real Georgians.

I understand the omnibus bill is coming to us as a message as well. There is an amendment in the omnibus bill which is punitive to the State of Georgia. It has been put in outside the process of the committee system and outside the process of debate. I am not going to have a chance to even raise a point of order on that particular amendment. In fact, as the Senator from New Hampshire observed, we didn't pass but one appropriations bill by the time the new fiscal year took place. We have been going back and forth because, instead, we spent most of the year debating 62 separate votes on whether to withdraw our troops from Iraq. In fact, I find it sad that in the 6 months that debate has been going on, the surge has worked by everybody's definition. Progress in Iraq has been of a tremendous advantage. The men and women who have sacrificed and accomplished it and are fighting there today are looking at us playing games with the money to fund the military. It is not only wrong, it is sad. It is time we had an appropriations process that worked in the Senate, not one that is broken.

It is time we looked at ideas such as Senator DOMENICI's biennial budget, where you appropriate in odd-numbered years and you do oversight in even-numbered years. Wouldn't it be fun to see an even-numbered year election for Congress or President where the debate wasn't on what I was going to appropriate to make you happy but instead the savings I was going to find to make our country run better? Senator DOMENICI, who is leaving us at the end of next year, has a great proposition. It ought to go. We ought to be appropriating money by the time the fiscal year starts.

The real effect on real Georgians with the process now is that in December of 2007, in the first quarter of the fiscal year 2008, we have Government appropriations policy based on an appropriations bill passed in 2006. The body of knowledge doubles every 7 years. We are still 2 years behind on our appropriations process. Why? Because of the dilatory tactics, because of thematic debates, and all because one side wants to leverage against another, to the detriment of real people.

Lastly, I wish to talk about the real damage of a broken Congress on the appointment process. In today's Executive Calendar, there is a list of any number of appointees to any number of positions in the Government—judicial appointees, Department of Homeland Security appointees, Tennessee Valley Authority appointees, hazardous and chemical waste oversight board appointees. All those appointees have come out of committee; some of them from the committee I am on, Environment and Public Works. They have testified before the committee. They have been subjected to questions. They have been thoroughly vetted, and they have been voted out of committee; in the case of EPW, voted out unanimously.

Last Thursday, there was a move to pass this list, still on the calendar, by unanimous consent. Remember, all these appointees have gone through the committee process. They have been vetted. They have been voted on. They have testified. They have subjected themselves to all the questions we could possibly ask. Yet there was an objection last week. So what is the pain and suffering to the American people? In those four States where judges were asked to be approved, they continue to have a backlog of criminal cases, a backlog of critical cases.

To me and the Members of this body who represent areas that are served by the Tennessee Valley Authority, Congress finally fixed the TVA 2 years ago, got it under new management, into a good system, ran it like a business, appointed a significant board, and now it is time to reappoint three of those members or reappoint two and add one new one from Georgia, I might add. What happens? Somebody says: I object. We are objecting to the American people's business, are objecting to the progress of what this Government was set up to do.

The broken Congress of 2008 has real consequences, not for me but for the people of my State. I will stay until Christmas or New Year's and repeat what I have said until somebody throws the light switch and understands the games we are playing don't affect us; they affect the people who sent us. In the case of the four examples I have given, they affect them negatively.

To that point, I would like to make two unanimous consent requests. The first one is going to be with regard to the TVA board. I wish to repeat one thing I said. They all were approved unanimously. Two of them are reappointments. They are all fine people. TVA has reduced its debt under new management. Congress worked hard to pass this 2 years ago. It is time to have these people seated and working.

I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 404, 405, and 406; these are three nominations to be members of the board of directors of the Tennessee Valley Authority. I ask consent that these pending nominations be confirmed en bloc, the motions to reconsider be laid upon the table, and that the President be immediately notified of the Senate's action. I finally ask consent that the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Mr. President, on behalf of majority leader, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations to the judiciary: No. 373, John Tinder to the U.S. Circuit Court for the 7th Circuit; No. 392, Amul Thapar, to be U.S. district judge for the Eastern District of Kentucky; No. 395, Joseph Laplante, to be U.S. district judge for the District of New Hampshire; and No. 396, Thomas Schroeder, to be U.S. district judge for the Middle District of North Carolina.

I ask consent that these pending nominations be confirmed en bloc, the motions to reconsider be laid upon the table, and the President be immediately notified of the Senate's action. I further ask that the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. On behalf of the majority leader, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ISAKSON. I understand the Senator from Washington is acting on behalf of her leader. I respect that. But the point I have tried to make in my speech I want to end with. These are seven individuals, four of whom in the judiciary in four States could be processing criminal cases, taking appeals, making the justice system of the United States work. We all know the backlog in the courts. The Presiding Officer is a distinguished attorney. I have heard him talk about that very question. Then the three that were objected to on the Tennessee Valley Authority were approved unanimously. All we are saying to one of the biggest providers of electrical energy in the United States of America that was reformed by this Senate less than 18 months ago is: You are not important enough for us to approve what has already been passed by unanimous consent in committee.

I submit that a broken Congress has real consequences. This Congress is broken, and the consequences are negative on the people of my State of Georgia and the people of the United States.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Idaho.

Mr. CRAIG. Mr. President, I thank the Senator from Georgia and the Senator from Texas for their leadership. With that leadership comes a very clear voice about the problems this current Congress is facing. They are problems that are historic in character. I was once in the majority. It was the minority who said: We can do better and, therefore, we should run the Congress. In the last election, the American people listened and they changed the Congress. While I was chairing the Veterans' Affairs Committee at that time, we lost the Congress—we, the Republicans—by a reality of dropping to 32 percent in the minds of Americans as to an effective and responsible Congress. The minority played on that. They became the majority. They took over the leadership. They made a great deal of promises. Here we are in the eleventh and a half hour headed toward the twelfth hour of this session of Congress. They have not accomplished it. They have dropped below 11 percent in favorable rating among the American people.

The American people do want to see us get along. At the same time, they want their Government to function in a timely and responsible way. That is exactly what this Congress has failed to do.

I come to the floor to speak about two issues specifically. The assistant majority leader came to the floor earlier today and asked unanimous consent that S. 1233 and S. 1315 be allowed to come to the floor under unanimous consent or to come to the floor with debate and final passage. The reason he had to do that was before the Thanksgiving recess, I came to the floor and objected to the movement of those bills. The Senator from Oklahoma also now objects to the movement of those bills. I think it is very important that not only does the record bear why we objected but the American people clearly understand why we are objecting, because these are veterans bills.

These are bills that deal with critical needs of America's veterans. I was once chairman and ranking member of the Veterans' Affairs Committee, and I am not going to suggest that I need to add credentials to my record as supporting America's veterans. My responsibility is to make sure the services to our veterans get delivered in a responsible and timely way, that the truly needy service-connected and poor veteran gets served, and that the needs of those coming in out of Afghanistan and Iraq, who then become veterans out of our active service, are met in an immediate way. That is the responsibility of this Congress. It is not to keep adding and adding and adding new programs that may or may not be necessary and adding and adding and adding billions of dollars that anyone in service to veterans can say is at best questionable. It is for those reasons that I objected to those bills.

Now, let me break down why because there are some very real issues here.

S. 1233 is an important piece of legislation that a majority of those of us who supported the legislation to begin with agreed to. It is called the Veterans Traumatic Brain Injury and Health Programs Improvement Act of 2007. Any bill with that title would capture your imagination. One of the great concerns we have today is the traumatic brain injuries our men and women in service are coming out of Iraq with, especially because of the types of bombs that are being used over there. Oftentimes, this kind of injury does not show up in a veteran until he or she becomes a veteran.

If you look down through the priorities of that bill, you look at increased veterans' travel benefits—yes, rural veterans coming to veterans centers to be served; a major medical facilities project; adding to the expanded services of veterans health care; professional scholarship programs; extended time for preferred care; help for low-income veterans; traumatic brain injury program enhancement; assisted-living pilot program enhancement—all of those very valuable and very meaningful, strongly supported by the Veterans' Affairs Committee and strongly supported by this Senate.

But what happened at the last minute was that a Senator on the other side added a new program. They said: We are going to allow Priority 8 veterans to become eligible for the full service of health care under the veterans health care system. What is a Priority 8 veteran? A Priority 8 veteran is one who has no service-connected disability or injury or health care concern. Did they serve? Yes, they served. Did they sustain any injury or physical needs as a result of their service? No. Are they at the poverty level or below? No. They are above it. And in most instances—in fact, in a high percentage of them—through their own employment, they have health care.

So for a good number of years, because of costs, we who watch the veterans issues and Presidents and Secretaries of the VA have said we will not serve them. They will not be eligible for the full benefits. This President, President Bush, said: I will make them eligible, but they need to pay a small fee, a couple hundred bucks a year, to have access to the greatest health care program in the world. The minority at that time, the Democrats, said: No. They get it free of charge or they don't get it.

Well, all of a sudden into this very valuable bill they parachuted Priority 8 veterans. What does that do? Well, if you go talk to the Secretary of the Veterans' Administration, they are going to tell you that it might cause a substantial problem. Why? Because all of a sudden in this health care system there could be 1.3 million more Americans eligible for health care—not planned for, not anticipated, not budgeted for, but parachuted in. I have to believe all in the name of trying to show a concern for veterans and to demonstrate that maybe we are a little more sensitive than the other side.

What does that mean? Well, it also means the potential of between $1.2 billion more expended in 2008 and up to $8.8 billion more by 2012. Did they fund it? No. Have they stuck it in the bill? Yes. Are they trying to create a priority? Yes. Are they trying to create a new expenditure? Yes. And I said: No. Let's serve our poor and our needy and our disabled first and our traumatically brain injured and our post-traumatic stress syndrome veterans. Let's serve them now. Let's put money into the bill to do that.

So the Senator from Texas talked about the VA-MILCON bill that is right at the desk right now, sent out by the ranking minority member of the VA-MILCON Subcommittee, on which I serve, of Appropriations, Senator HUTCHISON. We are trying to get a vote on it. That bill—that bill alone—has nearly $8 billion worth of new spending in it for veterans. That is a near 17.5- to 18-percent increase over last year. I believe it can be said, other than defense, to be the largest increase in a budget of all of Government for this year. But the money I am talking about, the new money for Priority 8, is not even in that one. All of this new money for veterans needs that is in the bill that we are being told cannot be passed, that we keep trying to get a vote on, does not even include the $1.5 billion to $8 billion necessary to fund this new program for veterans who are not needy, who are not service connected, and who have not been eligible for a good number of years.

That is why we are saying no. You take Priority 8 out of this, and the Veterans Traumatic Brain Injury and Health Programs Improvement Act, S. 1233, could pass, and it would pass on a voice vote because the Senate—Democrats and Republicans—have always supported our veterans. But we will not nor will I allow us to get caught in the game of first you argue on the other side that we have a war nobody likes and a President who is not managing it well, and then on the other side you are saying we are not taking care of our veterans. I reject that, and I reject it totally for these reasons.

While I was chair and ranking member of the Veterans' Affairs Committee, and throughout the Bush administration, we have increased the funding for veterans on an annualized basis anywhere from 10 to 12 percent. When I talk about the appropriations bill that is at the desk for veterans being a historically large increase, well, the one the year before was a historically large increase. We have never ducked our responsibility to veterans. But we must prioritize, and we must focus on the truly needy, and we must focus on those who are coming out of Iraq and Afghanistan and traumatic brain injury and all of those who continue to suffer today. That is the first bill, and it will continue to be objected to until they take out those kinds of add-ons.

Let's talk about the second bill. The second bill is S. 1315. Now, that is an interesting bill because if you look at it on its face value, you say: Yes, that makes some sense. We are going to give a veterans' benefit enhancement to a certain class of veteran. Let me tell you who that veteran is.

The bill includes roughly $900 million in new entitlement spending on an array of veterans' benefits, but what is interesting is, it is moving money away from poor, elderly, disabled and wartime U.S. veterans. It is taking effectively $2,000 annually from our veterans and moving it over to a veteran who does not even live in the United States and is not a citizen of the United States—a Filipino veteran.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. CRAIG. Mr. President, I ask unanimous consent for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Why I object to this—and I call this bill the "Robin Hood in reverse" bill—is quite simple. If any of you have watched the Ken Burns PBS series "The War," there is one whole segment of that about the war in the Philippines and the Filipinos who came forward to fight with Americans and even serve in American uniforms in defense of their land and ours during World War II. They did not become American citizens. They were Filipinos, and they have always received benefits. But this bill now reaches in and takes money away from our veterans, our poor veterans, because of a court case and is giving it to them.

Here is my problem. First of all, they do not live in this country, and they are not U.S. citizens. They are currently receiving benefits. But for the average U.S. veteran, their benefits, right now under law, cannot exceed $10,929 a year. That is roughly 24 percent of the average U.S. household income. But this benefit which is in this bill gives to a veteran—a non-U.S. citizen, living in the Philippines—100 percent of the average household income in the Philippines. They are taking that money away from our veterans to do it. That is the "Robin Hood in reverse" effect. At least Robin Hood, when he took money, left it in Nottingham. He spread it out amongst his own. Here we are taking money from our own and sending it all the way to the Philippines.

Now, let me say, and let me be very clear, Americans have treated Filipino veterans fairly. After the war, the United States provided $620 million—or $6.7 billion in today's dollars—to repair the Philippines. The United States provided $22.5 million—$196 million in today's dollars—for equipment and construction. We have a hospital in the Philippines, and Filipino veterans legally residing in the United States—in the United States—are fully eligible for all VA veterans' benefits based on their level of service. Survivors of Filipino veterans who died as a result of their service are eligible for educational assistance and all kinds of programs.

That is why I object. First of all, because we are taking money away from ours, but also because we have been more than generous since that war ended to our comrades, the Filipinos, who fought side by side with American men and women, who were in the Philippines at the time, after we were able to reclaim the Philippine Islands. So we have done wonderfully by them, and we have been very supportive of providing them with programs.

Remember, the average U.S. veterans' benefit—24 percent of U.S. average household income—is limited. Yet we are taking that money away from them now, giving it to Filipino veterans who are non-U.S. citizens, and increasing their benefit to over 100 percent of the average household income in the Philippines. U.S. dollars spent in the Philippines at that amount lifts—there is no question about it—lifts that Filipino dramatically. The question is, Is it fair? Is it equitable? My answer is, It is not. I offered to say, yes, we can bump them a little bit, but let's take the rest of this money and put it into educational benefits for our veterans coming out of Iraq and Afghanistan. The answer in the committee was no.

So that is why these bills are in trouble on the floor. They have loaded them up. They are too heavy. The tires are blowing out from under the trucks of these bills simply because too much is too much. In the instance of this, Disabled American Veterans—that great organization which is a loud spokesperson for our veterans—is saying: Whoa, wait a moment here. Enough is enough, and this is too much. They themselves oppose this legislation as it is currently written.

So here we have a funding bill on the floor with a 17.5- to 18-percent increase over last year's funding for veterans, and we are not allowed to vote on it. We have funding at the highest level ever for America's veterans, as we should and as we must, but these bills take us well beyond it in an unfunded environment or in one instance reaching in the pocket of our poor and disabled veteran and taking that money out and putting it into the pocket of a veteran living in the Philippines, who never became an American citizen, and who never came to this country, who has chosen to stay in his homeland. We now give them benefits, but this is a benefit well beyond what is even currently being offered to our own. Those are the fundamental reasons why we have objected.

I was pleased when the Senator from Texas said to the Senator from Illinois, the assistant majority leader: No. Yes, we will object, and we are not embarrassed about doing it, because there have to be priorities to our funding, especially at a time when the VA budget that is at the desk is the largest increase of a veterans' budget, to my knowledge, ever. We are proud of that, but there is a point when enough is, in fact, enough.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, how much time remains in morning business on our side?

The PRESIDING OFFICER. Twenty-three minutes.

Mr. CORNYN. Mr. President, in a moment I am going to yield and ask unanimous consent that the Senator from Alabama be recognized for up to 10 minutes, followed by the Senator from Wyoming, Dr. BARRASSO, for up to 10 minutes.

Mr. CRAIG. Would the Senator yield for a unanimous consent request for material to be inserted in the RECORD?

Mr. CORNYN. I would.

Mr. CRAIG. Mr. President, I ask unanimous consent that minority

views on S. 1233 and minority views on S. 1315 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MINORITY VIEWS

S. 1233

The underlying legislation provides many important provisions that will improve the health care services and benefits available to America's veterans. I am particularly pleased that Title I takes many important steps towards improving the care provided to those veterans suffering with a traumatic brain injury.

However, in a few areas, I believe the legislation not only fails to improve the current benefits and health care system available for veterans, it in fact dilutes certain benefits available for service-connected veterans and may undermine the access and quality of care provided to the current users of VA's health care system.

Let me explain my concerns.

Repeal of the Regulation Concerning the Enrollment of Priority 8 Veterans

The underlying legislation repeals a regulation issued by former Secretary of Veterans Affairs, Anthony J. Principi concerning enrollment priorities. That regulation prohibited enrollment into VA's health care system by any veteran in Priority 8 status who had not enrolled prior to January 17, 2003. At the time Secretary Principi announced the new regulation, a VA news release stated:

VA has been unable to provide all enrolled veterans with timely access to health care services because of the tremendous growth in the number of veterans seeking VA health care. . . .

In order to ensure VA has capacity to care for veterans for whom our Nation has the greatest obligation—[those with] military-related disabilities, lower-income veterans or those needing specialized care like veterans who are blind or have spinal cord injuries—Principi has suspended additional enrollments for veterans with the lowest statutory priority. This category includes veterans who are not being compensated for a military-related disability and who have higher incomes.

Since that decision was rendered, many Veterans Service Organizations and individual veterans have advocated re-opening the health care system to all veterans. However, none has advocated abolishing the priority system developed under the Eligibility Reform Act of 1996, which was the basis for Principi's decision in 2003. Continuing that trend, the underlying bill does not repeal the eligibility prioritization structure created under the 1996 law.

Given that the statutory priorities for health care enrollment still exist, it would be reasonable to presume that the majority had made a determination that VA was now providing all currently enrolled veterans with timely access to quality health care. And therefore the conditions which drove Secretary Principi's earlier decision (an inability to provide enrolled veterans with timely access to health care services) no longer existed. The record, however, does not suggest that such a conclusion has been reached by the majority.

Instead, the record shows many Senators expressing concerns about service members returning from Iraq and Afghanistan facing—what are often described as—lengthy waiting times for care. In the face of such assessments, I do not understand how the majority could suggest that opening up the health care system to hundreds-of-thousands—if not millions—of new patients is wise policy.

Moreover, it appears that the provision in this bill would open VA to new enrollees on the day the legislation is signed into law. There is no plan required to ensure that the enrollment process would be orderly and executed in a way that would minimize its effect on current patients. Nor is there any requirement that the necessary funding be available prior to its implementation. Instead, VA would simply open the doors and wait to see who arrives. I believe that is irresponsible and unfair to the current enrollees.

That is not just my view. Rather, my opinion echoes that of the Disabled American Veterans who, while commenting on the issue of re-opening VA to priority 8's, stated that "without a major infusion of new funding, enactment of this bill [S. 1147] would worsen VA's financial situation, not improve it, and would likely have a negative impact on the system as a whole."

To address my concerns, I offered an amendment during the Committee's consideration of the legislation. My amendment would have required Secretarial certification of three facts prior to enrollment being deemed "open."

First, the Secretary would have had to certify that quality of care and access thereto for enrolled veterans in Priority groups 1–6 would not be adversely affected by the newer patients. Because current law treats those veterans as a higher priority, I believe that VA must demonstrate conclusively that it is already offering high quality, timely care to our service-connected and lower income veterans. As I've already stated, recent observations and statements by some Senators suggest otherwise.

Second, the Secretary would have had to certify that troops returning from Iraq and Afghanistan were provided timely, high quality health care already and that such timeliness and quality would not suffer because of newer enrollees. In my view, VA's health care system was created primary for the purpose of caring for "he who shall have borne the battle." Congress should ensure that this unique group of veterans is not unduly burdened by any new influx of higher income veterans with no military-related disabilities.

Finally, my amendment would have required that the Secretary certify to Congress that VA had the capability to see a large influx of new patients. My amendment asked for an assessment as to whether VA had the physical infrastructure, human resources, and medical equipment to treat any new influx of veterans.

I recognize that many Senators believe that money is the only obstacle to providing all veterans with health care through VA. However, any money provided for new patients would be used to buy new staff, new equipment, and new space. Therefore, I felt it was important to know whether each of those three goods or services was possible to obtain.

The issue of whether VA has the capability to hire new staff alone should give any Senator pause in supporting the expansion in this legislation. It is widely known that the nation is struggling to provide a stable supply of primary care physicians and nurses to provide basic health care services in non-VA facilities. This issue was made clear in a July 2007 report from the Health Research Institute of PricewaterhouseCoopers which showed that the United States will be short nearly one million nurses and 24,000 physicians by 2020. In that environment, simply finding new staff to hire will be a challenge for any health care system, including VA.

Further, assuming the requisite staff can be found, I remain skeptical that VA has the necessary clinical space in which to provide more primary and specialty care services. I am also equally skeptical that many VA facilities could open the additional operating rooms, post-surgical recovery units, and intensive care units that would be required with a large increase in patients.

My amendment failed in Committee. Still, while the answers to the questions may not be required by law prior to opening the health care system to all veterans, I continue to believe it would be a mistake to proceed without the knowledge set forth in my amendment. As such, I oppose Section 301 of the bill.

S. 1315

In view of these findings, I introduced S. 1290 to overhaul the statutory scheme regarding SAAs to help eliminate redundant administrative procedures, increase VA's flexibility in determining the nature and extent of services that should be performed by SAAs, and improve accountability for any activities they undertake. I am pleased that S. 1315 includes provisions that would require VA to coordinate with other entities in order to reduce overlapping activities and to report to Congress on its efforts to establish appropriate performance measures and tracking systems for SAA activities. However, I remain concerned that S. 1315 would leave in place the inflexible statutory provisions that mandate what activities SAAs must perform, how those functions must be carried out, and how VA must pay for them. As VA stated in response to-GAO's findings, "amending the agency's administrative and regulatory authority to streamline the approval process may be difficult due to the specific approval requirements of the law." Thus, I believe that, in order to effectively update and streamline this process, VA should be provided with the authority to contract with SAAs for services that it deems valuable and to determine how those services should be performed, evaluated, and compensated.

Finally, I wish to draw attention to the funding provision in section 302 of the Committee bill, which would provide $19 million in mandatory funding to pay for SAA services for each fiscal year hereafter. To the contrary, my bill (S. 1290) included a funding provision—similar to legislation that the Senate passed in 2006—that would provide a $19 million spending authorization for SAAs. This funding mechanism would, for now, continue to allow some funding to be drawn from mandatory spending accounts and would begin to transition SAA funding to a discretionary funding model. By relying on discretionary—rather than mandatory—funding, VA and the SAAs would have to justify budgeting and funding decisions based on need and performance outcomes, as with any private-sector business or good-government business model.

Section 401

Section 401 of S. 1315 would expand benefits to certain Filipino veterans residing both in the United States and abroad. I support improving benefits for Filipino veterans who fought under U.S. command during World War II. However, I believe the approach taken in this bill with respect to special pension benefits for non-U.S. citizen and non-U.S. resident Filipino veterans and surviving spouses is overly generous and does not reflect wide discrepancies in U.S. and Philippine standards of living.

Pension benefits for veterans residing in the United States are paid at a maximum annual rate of $10,929 for a veteran without dependents, $14,313 for a veteran with one dependent, and $7,329 for a surviving spouse. When viewing these amounts in relation to U.S. average-household income of $46,000, we find that the maximum VA pension represents anywhere from 16 to 31 percent of U.S. household income. In contrast, when measured against the Philippine average household income of $2,800, the special pension for Filipino veterans in S. 1315 represents anywhere from 86 to 161 percent of Philippine household income.

I think it is a mistake, and grossly unfair to U.S.-based pension recipients, to pay a benefit to veterans in the Philippines that far exceeds the relative value of the same benefit provided in the United States. Providing benefits for Filipino veterans in the name of equity should not be done in a manner that, in my opinion, creates a dramatic inequity for our U.S. veterans.

Furthermore, the offset that S. 1315 uses to ensure that the bill is in compliance with Congressional budget rules would have the effect of reducing pension amounts to elderly, poor, and disabled veterans predominantly residing in the U.S. The extra pension amounts were established as a result of a 2006 decision of the Court of Appeals for Veterans Claims in Hartness v. Nicholson. In my opinion, these extra payments for certain categories of veterans were never contemplated by Congress and, therefore, are not justified. However, if presented with the choice of whether to provide extra pension assistance to low-income veterans in the U.S. or to provide extra pension assistance in the amounts contemplated in section 401 of S. 1315, I would recommend to my colleagues that they choose the former.

Sections 205, 701, 702, and 802

I also wish to comment on four additional provisions that were adopted as amendments at the Committee's June 27, 2007, markup. In doing so I want to make it clear that my comments have nothing at all to do with the substance of the proposed policy changes contained in these provisions. Rather, my comments will focus on the manner in which the policy changes in each provision are proposed to be financed; whether the proposed financing method is in consort with the spirit of sound budgeting principles; and whether the financing method may potentially result in an unwieldy and inequitable outcome for veterans.

Each of the four provisions proposes to authorize the expenditure of discretionary appropriations as an "overlay" for the purpose of supplementing entitlement programs for veterans. Thus, beneficiaries of certain housing and auto grant programs, and burial-related programs, would be "entitled" to the amounts specified in the provisions, but only to the extent that annual appropriations bills provided the necessary discretionary funding that was in addition to the funding provided in regular mandatory entitlement spending.

The problem with creating "hybrid entitlement" programs—one part funded on a mandatory basis, the other funded through an annual discretionary appropriation—is both the ensuing problems that would exist in administering the programs and the implications such a model would have on how Congress controls spending of taxpayer dollars. We have budget rules referred to as Pay-As-You-Go or "PAYGO" that require the Congress to pay for new entitlement spending through a decrease in other entitlement spending, an increase in revenue, or a combination of both. Such a construct was created in order to keep-budget deficits from growing. Yet the four provisions in question adopt none of these approaches.

Mr. CORNYN. To be clear, we have had objections from the majority, from our Democratic friends, to legislation that is vitally important to our veterans and to our active-duty military: the Veterans' Administration and military construction funding bill that was passed by both Houses of the Congress last summer and which has been held up and held hostage to the political games here in Washington, as well as the emergency troop funding that is needed to fund ongoing operations in Afghanistan and Iraq, which we have discussed as well. This is a personal issue, as 1.7 million veterans live in my State in Texas. We have 15 major military bases where military families live and work. One out of every 10 active-duty military members who wears the uniform of the United States calls Texas home, and we have guards and reservists who are also serving valiantly in Iraq and elsewhere.

The bill which has been blocked by the majority would provide $20 billion in military construction funds important for our troops and quality of life for our military families, and it is important to my State of Texas because of our support for the troops and military families. It contains almost $90 billion for our veterans, which includes their health care, upgrading facilities, money to hire additional claims processors so veterans don't have to wait so long to get the benefits to which they are entitled. As I said, there are about 1.7 million veterans in Texas and they need these funds, and they shouldn't be held hostage to the political games here in Washington with regard to an omnibus appropriations bill.

Mr. President, I yield the floor and reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, we should be frank as to where we are today. The situation is not good. Yes, we do have too much partisanship in this body, and we need to move beyond it. But I wish to ask a couple of questions. I think we might as well talk about it directly and honestly: Has this Congress performed well this year? I say we have not. We passed only one appropriations bill, and it is almost Christmas. They all should have been passed before the end of the fiscal year, September 30. Only one has been passed. No wonder the polling data shows Congress has the lowest respect of the public in our history. I know that in this last election, my colleagues on the other side of the aisle campaigned strenuously: Elect us and we will do better. Elect us and we will balance the budget and we will be fiscally responsible; the Republicans aren't fiscally responsible. We will do things in a better way, and we will run the Senate in a better way. For the majority, I have to say it is incontrovertible that that has not occurred. In fact, we are about to vote—perhaps, because who knows what may happen in the last hours—but the momentum is in place and the goal is to bring forward an omnibus bill that has all but one appropriations bill in it, no telling what other legislation in it. It is going to be hundreds, perhaps 1,000-plus pages. It is going to be dropped here. It is going to make this Agriculture bill look like a dime novel. They are going to say: Vote for it. It is going to be over budget and it is going to try to put constraints on our military commanders in Iraq, telling them how to deploy our troops. It is not going to be accepted by the President. It is not going to be accepted by the American people.

So we are in a big deal. We are heading to a real collision course, and my colleagues on the other side are trying to blame people on this side for it. I don't think that is legitimate; I really don't.

Senator CORNYN has shown at great length how little has been done this last month. We have only had 10 votes. Is that right, Senator CORNYN? In the last 31 days, 10 votes. Why is that? Is this hard to do? It is not hard to have votes. You can have 10 votes a day. We have had days where we have had 40 votes or more a day. We are not having votes because the majority party, led by the majority leader, Senator REID, doesn't want to vote. Senator REID is a good friend and a person I like and respect, but he has a group of people there and they don't want to vote, because votes define you. You can talk all kinds of platitudes, but when a vote comes up, are you going to vote for money for our soldiers or not? Are you going to vote to tell General Petraeus how to deploy his troops or not? Are you going to vote to fund Defense? Are you going to vote to crack down on illegal immigration or not? So they don't want to vote. That puts them on record.

They are trying to move all of this pork, all this funding, all of those appropriations bills in one colossal package, and they want to have the absolute minimum number of votes to avoid being on record on important issues—issues that Americans care about; issues that are important to America.

But I will tell my colleagues the big deal. The big deal in this—and we might as well be honest about it—what are we going to do about our troops who are right there on the eve of Christmas serving us in harm's way?

Let me read an e-mail given to me by a father-in-law of a soldier in Iraq. It was sent in October. You know, we have had a tremendous reduction in violence in the last several months. Things have gone better than I would have thought possible in June. I believe General Petraeus's strategy is working in a way that I didn't think would be so positive. There is a long way to go, though, and this e-mail indicates that it is still tough.

He talks about his staff sergeant, a man of the highest character, who was killed by a sniper:

> The loss affected us all significantly. He was a ranger and a jump master that constantly led his men from the front. The men performed heroically and magnificently. After he was hit, myself and our medic were attending to him within seconds. We were receiving fire from multiple locations and the boys were hitting them back hard. We did get the sniper and he is no longer a threat to any of our forces. Still, more are out there, unfortunately. Four days later we had another one of our leaders hit by an IED.

He goes on to say this:

> I have been reading in the newspapers and trying to figure out why some political powers are openly encouraging the enemy to embolden themselves and display the disdain to attack us daily. If all these presidential candidates would admit to the public what they already know, this would be easier. They voted for us to be here. They authorized the President to use force.

And so forth.

I want to say our men and women are there. They are serving us. We have seen tremendous progress, and we don't need to tell General Petraeus, who is doing a fabulous job, how to deploy his troops. The President cannot and will not accept that. We need to fund them. General Petraeus promised that in March he would be back before this Congress and hopefully, he implied, to announce further reductions in our troops. Let's do this. Let's don't have this gimmick in which all the appropriations bills are put into one, the supplemental for our troops is put into it, and try to put the President in a position where he is forced to veto legislation that ought not to be. We ought to take care of our soldiers first, get that done, and we can fight over these other matters at some time.

I know other people are here who wish to speak. I will offer this unanimous consent request for S. 2400.

Mr. President, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of S. 2400, the Wounded Warrior Bonus Equity Act, and that the Senate proceed to its immediate consideration. I ask unanimous consent that the bill be read the third time and passed and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Ms. STABENOW. Mr. President, reserving the right to object, I would simply indicate that the wounded warriors legislation has already passed the Senate once. I am wondering, since it is included in the Department of Defense reauthorization legislation that will be coming to us—the conference report will be coming to us shortly—I am wondering if my friend will amend his unanimous consent request to indicate that when we receive the conference report on the Department of Defense reauthorization, that it will be agreed to by unanimous consent.

Mr. SESSIONS. Mr. President, I probably misspoke a little bit. This is not the wounded warrior legislation you are talking about; it is the Wounded Warrior Bonus Equity Act that has been filed. It is S. 2400. It deals with a situation in which persons who have been promised bonuses to enlist and reenlist and then have been discharged due to injuries sustained in the line of duty, the Dole-Shalala Commission raised the question of whether those promises were being honored because these bonuses are dispensed over a number of years. They have been injured, some have been in combat, and they have not received their full bonus. This would move that bill forward. It is different than the bill which the Senator referred to. It has bipartisan support. Senator CASEY, the Presiding Officer, Senators CLINTON, DORGAN, LAUTENBERG, MARTINEZ, MURKOWSKI, SANDERS, WYDEN, WEBB, LIEBERMAN, ENSIGN, COLLINS, and MCCAIN are in support of it. For some reason, there is a hold on it. I renew my unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Ms. STABENOW. Mr. President, again reserving the right to object, I would indicate we certainly will work together with the Senator from Alabama. We have placed our troops and veterans as our highest priority. But given the time at the moment, I would, on behalf of the majority leader, object.

The PRESIDING OFFICER. Objection is heard.

Mr. SESSIONS. Mr. President, I will yield the floor in 1 second, but first I need to say we are not in a good position today. This Congress has not performed well. We have passed only one appropriations bill. We have had only 10 votes in the last 31 days. That is not a good performance. I have been prepared to move forward on this legislation and I hope others will. I am disappointed that we have continual objections to that end.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, may I ask how much time remains on this side?

The PRESIDING OFFICER. Fourteen minutes.

Mr. CORNYN. Mr. President, I ask unanimous consent that the time remaining be evenly split between the Senator from Wyoming and the Senator from Oklahoma and the Senator from Arizona.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Wyoming is recognized.

Mr. BARRASSO. Mr. President, I will ask for unanimous consent today to call up legislation that I introduced last month and seek debate and a vote on that bill today.

Before I make that request, I wish to make a brief comment about what I have seen during this morning's debate.

Prior to joining the Senate, I served as a member of the Wyoming State senate. I served as the transportation committee chairman. I served on the health committee and the minerals committee.

Legislation in the Wyoming legislature needs to be on a single subject. We are prohibited from considering legislation that includes more than one subject. As a result of the procedural requirements there, amendments to bills are narrowly targeted and need to be on the single issue of that bill. The system works well there and we get our work done.

The Senate, of course, works very differently. Comprehensive legislation often contains multiple topics. They are packaged together and brought to the floor for a single vote. Under the rules of the Senate, Members are allowed, and it is their right, to offer amendments to these large bills, such as the ones on the desk today that contain, clearly, more than one topic.

The process is challenging, but this body has agreed to do it that way. Regrettably, the majority party has tried repeatedly to alter that process and deny Members the right to offer amendments. Whether it is filling the tree, objecting to the consideration of amendments, refusing to bring bills to the floor or filing cloture motions, the majority party has abused its rights and is attempting to muzzle debate.

Fortunately, the Senate doesn't give unfettered power to any one party or any one individual. The Senate has learned over history that attempting to deny the minority their rights is not democratic and will not be supported by Members.

I was sent to be a voice for the people of Wyoming, and I take that responsibility very seriously. I encourage the majority leadership of the Senate to develop a process that allows Members to call up bills, have them debated, amended, and voted on by this body. The Senate would benefit from this and this is exactly what the public expects us to be doing.

I now turn to legislation that discourages States from issuing driver's licenses to illegal immigrants. I introduced the bill November 13, 2007. It is S. 2334. This bill requires States to prove lawful presence before granting a driver's license. It requires States to check the Social Security numbers against the registry before offering a driver's license. States that do not comply with this would lose 10 percent of their Federal transportation funds, and those funds would then not go back to the Federal Government but would be redistributed to the other States that are in compliance with the law.

This is an issue that is vital to our national security. It is also an issue the Senate hasn't yet taken up. I believe issuing driver's licenses to illegal immigrants is an unacceptable and avoidable threat to our national security. We have a duty and the time is now to start this discussion.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2334, a bill to withhold 10 percent of the Federal funding apportioned for highway construction and maintenance from States that issue driver's licenses to individuals without verifying the legal status of such individuals.

I ask unanimous consent that the bill be read the third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Ms. STABENOW. Mr. President, reserving the right to object, this is a very important issue we need to have a thorough debate on. At this moment, on behalf of the majority leader, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BARRASSO. Mr. President, I am disappointed with the objection.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, we are 2 days away from the expiration of the continuing resolution—our second one. We had difficulty as a party when we were in the majority with getting the bills done on time. It is difficult to move things through this body. That is not necessarily always the majority's fault, but it requires that we work together. One way to take the pressure—the crash pressure in coming up against a point where everybody ends up losing is to have an automatic CR so we don't have that problem. There has been a bill offered that says if we cannot get our work done, there is an automatic CR, that the Government continues to run at the rate it was, or at the lower of the Senate- or House-passed bills. It takes us away from the idea of playing chicken and protects the American people and those employed by the Federal Government. I think it is common sense. It is something we ought to do. It takes the pressure off both sides so we are not running down to the end and looking at bills that nobody knows what is in them, thereby doing a grave injustice to the rest of the American people. I think it is an idea whose time has come.

On the basis of that, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2070, the Government shutdown prevention bill. I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Ms. STABENOW. Mr. President, on behalf of the majority leader, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. COBURN. Mr. President, that tells us something. That tells us we are going to get a bill that none of us knows what is in it because we are going to run it up against a deadline—the deadline was September 30, we know that. We need a way to relieve the pressure. This bill relieves it; otherwise, we are going to do a great and harmful injustice to the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, it is obvious by now we are not going to be able to conclude some of our business through the process of getting concurrence from the other side. There are two emergency matters that do cry out for treatment quickly and, therefore, I will propound two emergency unanimous consent requests.

The first has to do with border funding. Twice this year, the Senate overwhelmingly—in fact, in 1 day—unanimously approved $3 billion for increased border fencing, 23,000 additional Border Patrol agents, 300 miles of vehicle barriers, 700 linear miles of fencing, 105 ground-based radar and camera towers, 4 unmanned aerial vehicles, and increased the detention capacity to 45,000. Twice that was passed, but it is still not law. We are coming up to the end of the year. It has to be done.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2348, the Emergency Border Funding Act, and I ask unanimous consent that the bill be read the third time and passed; that the motion to reconsider be laid upon the table; that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Ms. STABENOW. Mr. President, reserving the right to object, as my friend indicated, this has been included in the Department of Defense reauthorization and Homeland Security budget. I wonder if my friend would be willing to amend his unanimous consent request to indicate that—because it is included in the conference report we will be receiving shortly—we have unanimous consent to pass the conference report for the Department of Defense authorization when the Senate receives it.

Mr. KYL. Mr. President, if that is a unanimous consent request, since we obviously have no idea what that conference report is, whether it includes anything else, obviously we cannot do that. If that is a unanimous consent request, obviously, we cannot agree and I will object.

The question is, Is there objection to the unanimous consent I propounded?

Ms. STABENOW. Reserving the right to object, because we will shortly be passing this legislation, at this time, I will object to this request.

The PRESIDING OFFICER. Objection is heard.

Mr. KYL. Mr. President, it is certainly nice to have an assurance that we will soon be passing it, with only a few days remaining in the session. Obviously, we need to pass it. The reason for my request was in the event it is not done later. I think we are tempting fate.

The other request I will make relates to another emergency matter. Last August, in a bipartisan fashion, we filled a very dangerous hole in our terrorist surveillance capabilities by passing the Protect America Act, which updated our Foreign Intelligence Surveillance Act by giving our law enforcement professionals the tools they need to keep up with modern technology to monitor terrorists overseas. That act expires in February. We are not here that many days between now and then. Obviously, the terrorist threat continues; it is not going to expire. We need to permanently extend this critical law enforcement tool to make sure our American telecommunications companies, which bravely answered the call to help their country when asked to do now, do not have to respond to frivolous lawsuits as a result of their patriotism.

I hope my colleagues will join me in seeing to it that the Protect America Act can be passed and made permanent.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of a bill to make permanent the Protect America Act, the text of which is at the desk, and that the bill be read the third time and passed and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Ms. STABENOW. Reserving the right to object, as our friend indicated, we are working together on that issue in a bipartisan way. It will be resolved before February. At this time, on behalf of the majority leader, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KYL. Mr. President, again, I appreciate the assurance that this will be done by February 1, when it has to be done, or all of the authority to collect this intelligence expires. It has to be done. I think we are in session maybe 1 or 2 weeks, potentially, when we come back before that date. If we don't do it, our country is in grave jeopardy. I would have thought perhaps a better way to resolve that is to do it now so we don't have to wait again until the very last minute to accomplish something that is so important for the security of our country.

I yield the remaining time to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, how much time remains?

The PRESIDING OFFICER. Two minutes.

Mr. CORNYN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2318, a bill that provides permanent relief from the alternative minimum tax, which extends the 2001 tax cuts and the 2003 capital gains dividends tax relief, and that the bill be read the third time and passed.

I further ask that the bill be held at the desk until the House companion arrives, and that all after the enacting clause be stricken and the text of the Senate-passed bill be inserted, and the House bill, as amended, be read the third time and passed.

The PRESIDING OFFICER. Is there objection?

Ms. STABENOW. Reserving the right to object, as my colleague knows, we all agree we need to stop the tax increases on middle America. We are committed to that. At this time, on behalf of the majority leader, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CORNYN. Mr. President, I am disappointed, and I think the American people are going to be disappointed if we don't deal with the alternative minimum tax, which, of course, was targeted at the "rich" when it was passed but which now affects 6 million taxpayers and which, if we don't act, will affect 23 million middle-class taxpayers next year.

My distinguished colleague didn't mention the capital gains and dividends tax relief, which has been so important as a stimulus to the economy, which has resulted in 50 months of uninterrupted job growth since we passed that legislation. I hope we will continue to work on that.

Unfortunately, given the compression of time due to the squandering of opportunities earlier this year to act on this important legislation, I am afraid we are not going to get it done before we break for Christmas. The IRS is going to have to send out notices to many new taxpayers of their increased tax bill under this AMT, unless we act promptly.

I yield the floor and yield back the remainder of my time.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FARM, NUTRITION, AND BIOENERGY ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume conversation on H.R. 2419, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

Pending:

Harkin amendment No. 3500, in the nature of a substitute.

Harkin (for Dorgan-Grassley) modified amendment No. 3695 (to amendment No. 3500), to strengthen payment limitations and direct the savings to increase funding for certain programs.

Brown amendment No. 3819 (to amendment No. 3500), to increase funding for critical farm bill programs and improve crop insurance.

Klobuchar amendment No. 3810 (to amendment No. 3500), to improve the adjusted gross income limitation and use the savings to provide additional funding for certain programs and reduce the Federal deficit.

Chambliss (for Cornyn) amendment No. 3687 (to amendment No. 3500), to prevent duplicative payments for agricultural disaster assistance already covered by the Agricultural Disaster Relief Trust Fund.

Chambliss (for Coburn) amendment No. 3807 (to amendment No. 3500), to ensure the priority of the farm bill remains farmers by eliminating wasteful Department of Agriculture spending on casinos, golf courses, junkets, cheese centers, and aging barns.

Chambliss (for Coburn) amendment No.3530 (to amendment No. 3500), to limit the distribution to deceased individuals, and estates of those individuals, of certain agricultural payments.

Chambliss (for Coburn) amendment No. 3632 (to amendment No. 3500), to modify a provision relating to the Environmental Quality Incentive Program.

Salazar amendment No. 3616 (to amendment No. 3500), to amend the Internal Revenue Code of 1986 to provide incentives for the production of all cellulosic biofuels.

Thune (for McConnell) amendment No. 3821 (to amendment No. 3500), to promote the nutritional health of school children, with an offset.

Craig amendment No. 3640 (to amendment No. 3500), to prohibit the involuntary acquisition of farmland and grazing land by Federal, State, and local governments for parks, open space, or similar purposes.

Thune (for Roberts-Brownback) amendment No. 3549 (to amendment No. 3500), to modify a provision relating to regulations.

Domenici amendment No. 3614 (to amendment No. 3500), to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources.

Thune (for Gregg) amendment No. 3674 (to amendment No. 3500), to amend the Internal Revenue Code of 1986 to exclude discharges of indebtedness on principal residences from gross income.

Thune (for Gregg) amendment No. 3673 (to amendment No. 3500), to improve women's access to health care services in rural areas and provide improved medical care by reducing the excessive burden the liability system places on the delivery of obstetrical and gynecological services.

Thune (for Gregg) amendment No. 3671 (to amendment No. 3500), to strike the section requiring the establishment of a Farm and Ranch Stress Assistance Network.

Thune (for Gregg) amendment No. 3672 (to amendment No. 3500), to strike a provision relating to market loss assistance for asparagus producers.

Thune (for Gregg) amendment No. 3822 (to amendment No. 3500), to provide nearly $1,000,000,000 in critical home heating assistance to low-income families and senior citizens for the 2007–2008 winter season and reduce the Federal deficit by eliminating wasteful farm subsidies.

Thune (for Grassley/Kohl) amendment No. 3823 (to amendment No. 3500), to provide for the review of agricultural mergers and acquisitions by the Department of Justice.

Thune (for Sessions) amendment No. 3596 (to amendment No. 3500), to amend the Internal Revenue Code of 1986 to establish a pilot program under which agricultural producers may establish and contribute to tax-exempt farm savings accounts in lieu of obtaining federally subsidized crop insurance or noninsured crop assistance, to provide for contributions to such accounts by the Secretary of Agriculture, to specify the situations in which amounts may be paid to producers from such accounts, and to limit the total amount of such distributions to a producer during a taxable year.

Thune (for Stevens) amendment No. 3569 (to amendment No. 3500), to make commercial fishermen eligible for certain operating loans.

Thune (for Alexander) amendment No. 3551 (to amendment No. 3500), to increase funding for the Initiative for Future Agriculture and Food Systems, with an offset.

Thune (for Alexander) amendment No. 3553 (to amendment No. 3500), to limit the tax credit for small wind energy property expenditures to property placed in service in connection with a farm or rural small business.

Thune (for Bond) amendment No. 3771 (to amendment No. 3500), to amend title 7, United States Code, to include provisions relating to rulemaking.

Salazar (for Durbin) amendment No. 3539 (to amendment No. 3500), to provide a termination date for the conduct of certain inspections and the issuance of certain regulations.

Tester amendment No. 3666 (to amendment No. 3500), to modify the provision relating to unlawful practices under the Packers and Stockyards Act.

Schumer amendment No. 3720 (to amendment No. 3500), to improve crop insurance and use resulting savings to increase funding for certain conservation programs.

Gregg amendment No. 3825 (to amendment No. 3673), to change the enactment date.

Sanders amendment No. 3826 (to amendment No. 3822), to provide for payments under subsections (a) through (e) of section 2604 of the Low-Income Home Energy Assistance Act of 1981, and restore supplemental agricultural disaster assistance from the Agriculture Disaster Relief Trust Fund.

Wyden amendment No. 3736 (to amendment No. 3500), to modify a provision relating to bioenergy crop transition assistance.

Harkin-Kennedy Amendment 3830 (to amendment No. 3500), relative to public safety officers.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3671

Mr. GRASSLEY. Mr. President, I wish to speak in support of a provision in the bill that the amendment before us is going to strike, the Farm and Ranch Stress Assistance Network, which is included in the underlying bill of the Agriculture Committee.

This network is a critical service to help American families, particularly rural families. I oppose the amendment offered by the senior Senator from New Hampshire that would strike this measure.

Without a doubt, farmers and ranchers face unique challenges in providing food and fuel for this country. Farming is one of the most stressful and dangerous occupations in the United States. There are environmental, cultural, and economic factors that put farmers and ranchers at a higher risk for mental health problems.

Stress in agriculture contributes to rates of depression and suicide that are double the national average. This is true even in good times for farmers. As a farmer myself, this troubles me.

It also concerns me when rural residents, especially those involved in agriculture, are disproportionately represented among the uninsured of the United States. One-third of the agricultural population lacks health insurance coverage for behavioral health conditions. With the rising cost of health care and many farmers and ranchers in business on their own, the cost of health care can be too much to handle.

We have a long way to go to make sure there is parity in our health care system. Those suffering from mental health problems do not always enjoy the same benefits of treatment because health coverage discriminates against illness of the mind.

On top of the risk and cost to farmers and ranchers, access to behavioral health care is more limited in rural areas. There are fewer professional providers, and there is a stigma on this type of care, especially among rural Americans. This is why the Farm and Ranch Stress Assistance Network is needed. It is included in the farm bill because we need to provide better mental health care for people in rural areas.

I will be the first to admit that things are looking good for agriculture right now because prices, particularly of grain, are good. We are developing and strengthening our safety net for producers. The renewable energy progress that we have made has helped rural economies. But just because that is a reality today does not mean that it will continue forever.

Our farmers and ranchers will face challenges that are out of their control. They will face instances of terrible weather and disaster. They will see droughts and low prices. Good times do not last forever, and that is when our farmers and ranchers will need the support that this provision of the bill gives.

One of the most challenging factors that we farmers face is not being able to predict outcome. We are forced to take risk. We face severe consequences when we are wrong.

I remember the agriculture depression of the 1980s and what a toll it took on farmers in my State. I wondered if things would be different if the Farm and Ranch Stress Assistance Network had existed prior to the beginning of that depression.

This network may support a crisis telephone hotline that farmers can access. Our rural residents and family farmers should have access to confidential and highly trained professionals during these tough times. The network could provide counseling services while working with extension offices to reach farmers.

Finally, the Senator sponsoring the amendment should be aware that this network is simply authorized in the underlying bill. We are not adding mandatory money for the program. We are simply providing authority to develop this network with dollars that may be appropriated later on.

So this amendment will not save money. Rather, what the amendment will do is do away with much needed support for those who work hard every day to put food on our plates, fiber for our clothing, and fuel for our economy.

So let's not eliminate this essential program without taking into account the bad years that could lie ahead. I strongly urge my colleagues to oppose the amendment.

I yield back the remainder of my time.

Mr. GREGG. Will the Senator yield for a question?

Mr. GRASSLEY. I have yielded back the remainder of my time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask unanimous consent for 3 minutes to respond to the Senator from Iowa who referred to me in his comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I find it extremely unique that the Senator from Iowa would take the position that he needs a program to be authorized but that we should not vote against it on the basis of it spending money because he doesn't ever expect to fund it. That, on the face of it, does not pass the laugh test. If you are authorizing a program, creating a program, you expect at some point to fund the program and spend money on the program. That is a totally disingenuous argument, in my humble opinion, to make that representation.

I suggest if the Senator from Iowa believes the stress program is an important program, that is fine. We will have a vote. I happen to think the stress program is a reflection of a farm bill that has gone wild in the area of spending money—American taxpayers' money. The American taxpayers are the ones who are going to be under stress.

There are a lot of industries in this country that have stress. The American farmer today is doing pretty well, as was acknowledged by the Senator from Iowa. In fact, they had a 44-percent increase in farm income just this last year. That is pretty good.

Stress may be there. I do not deny that farming is an intense and difficult process. I used to work on a farm. There can be a lot of stress in farming. But I don't think we need to set up a special program with the Federal Government to create a network and a concept for stress, and then we will authorize it, and then we will fund it. This authorization is open ended, which means any amount of money can be put in this bill in later years to fund it.

There are a lot of industries which have stress. We do not create a stress program for the capital markets industry which today is suffering from a meltdown. Are we going to have a stress program for Bear Stearns? We don't create a stress program for all the companies in this country that have basically been under stress by foreign competition. Do we have a stress program for those? Do we have a stress program for the person who runs the local restaurant? Do we have a stress program for the person who runs a local gas station? All of these are entrepreneurial undertakings, and entrepreneurship involves stress, but we don't need to create a stress network to address it.

This is a creation of an earmark, pure and simple, in a bill filled with earmarks. And it seems to me, adding a new program—remember, there are 51 new discretionary programs put into this bill—51, and this is just 1 of them.

I recognize the Senator from Iowa is totally committed to the farmers, and there is probably nobody in this Congress who has done more for the farm community than the Senator from Iowa—both Senators from Iowa, but certainly the Republican Senator from Iowa has done an immense amount.

This is a bridge too far; this is a farm tractor too far. The simple fact is, we do not need a stress program for farmers, and we do not need an authorization which is open ended and which will be funded. There is no question, you do not put an authorization in unless it gets funded.

I have serious reservations about this from, first, the concept of creating the program and, second, the concept of funding the program. I have expressed my reservation. I offered an amendment. We will vote on it. I presume we will lose because we always lose these votes. But as a practical matter, the American people should know this program, in my humble opinion, is not of value and is inappropriate in this context.

Mrs. MURRAY. Mr. President, I have come to the floor to talk about two amendments to the farm bill proposed by the Senator from New Hampshire.

These amendments would have devastating impacts on farmers in my home State of Washington, and I urge my colleagues to oppose both of them.

The first would strike the badly needed agriculture disaster assistance trust fund and direct the money to other sources.

Under my colleague's amendment, most of that money would go to reduce the deficit, and some would help low-income residents with their heating bills.

The second would strike the Market Loss Assistance Program for asparagus growers.

Our farmers are the backbone of our Nation. But farming is a difficult business.

One bad storm can wipe out a whole crop or a whole herd—and take your livelihood with it.

That is the position that some of the farmers in my home State are in now. And that is why it is so important that we have a safety net ready to help them.

Last week, I spoke on the Senate floor about the storms that had devastated western Washington.

Winds and dangerous floods and mudslides washed out roads and homes and cut off power to thousands.

Thousands of people are still coping with the damage, and our agriculture producers in southwest Washington were hit especially hard.

We won't know the full impact of this storm for some time.

But we are already starting to hear reports about lost livestock, poultry, farm buildings, and equipment.

Some reports say that producers lost thousands of animals—and that number may still grow.

The agriculture disaster trust fund in this farm bill ensures that we have a permanent pool of money to help farmers after natural disasters, such as the storms in Washington State.

I appreciate the work of the Finance and Agriculture Committees to add this important program. And I want to thank Senators HARKIN and CHAMBLISS for their leadership on this bill.

I wish this program were already in place.

If it were, farmers in Lewis and Grays Harbor—two of the counties hit hardest by the flooding—would be able to apply for Federal aid to rebuild their herds.

For example, the Livestock Compensation Program in the trust fund would pay 75 percent of the value of the dead animal.

Without a permanent disaster assistance program, we are left to provide this kind of help on an ad hoc basis. A trust fund would ensure that money is always there when it is needed.

Our farmers shouldn't have to depend on political whim when disaster strikes.

And that is why the amendment to strike this fund would be such a bad idea.

Now I strongly support the LIHEAP program. I think it is critical, especially as we head into the winter months. But I think we can find a better solution that doesn't eliminate this trust fund.

And so I urge my colleagues to vote against this amendment by Senator GREGG.

Secondly, I would like to take a few minutes to talk about the amendment to strike the market loss help for asparagus growers, another program that is vital in my home State.

Historically, asparagus has been a major crop for Washington State farmers. In fact, it was the first crop harvested in Washington.

But our asparagus farmers are hurting now because of competition from growers in Peru.

The Andean Trade Preference Act has allowed Peruvian asparagus to flood the market.

And unlike most free-trade agreements, the act went into effect without a transition period to allow U.S. producers to prepare or adapt.

Over the Thanksgiving recess, I visited with a number of farmers in Yakima, WA, who told me about the devastating impact this trade agreement has had.

The numbers speak for themselves.

In 1990, the value of the crop was approximately $200 million. Its value now is down to $75 million.

Before the act, more than 55 million pounds of asparagus were canned in Washington State—roughly two-thirds of the industry. But by 2007, all three asparagus canners in Washington had relocated to Peru.

I have fought to help our U.S. growers. I have tried to get them trade adjustment assistance and other help.

And over the past several years, I have secured funding for research on a mechanical harvester to make this labor-intensive crop less expensive to produce.

And most recently, I worked with my colleagues from Michigan and Washington to include the market loss program for asparagus growers in this farm bill.

I appreciate the leadership of Senators HARKIN and CHAMBLISS on this issue as well.

This program would provide up to $15 million nationwide to help U.S. farmers who still grow asparagus despite foreign competition.

I hope this program will help growers in my State continue to invest in asparagus.

We modeled this after a similar program for apples and onions, which I helped add to the 2002 farm bill.

I remember hearing from apple growers about the effects of Chinese imports on our markets.

That program provided over $94 million for our Nation's apple growers, and it has proven to be a big help to our apple industry.

I would note to my colleague from New Hampshire that his State received over $1 million from the apple program.

Striking the market loss program from the farm bill would be a step in the wrong direction for our asparagus industry.

And it would have serious impacts on farmers in my home State.

So I urge my colleagues to vote no on this amendment as well.

"No" votes on both of these amendments will support the struggling asparagus industry.

And they will help our farmers and ranchers when disaster strikes.

These programs are too important to our farmers to be cut.

Mrs. BOXER. Mr. President, I rise in opposition to Gregg amendment No. 3672.

This amendment irresponsibly strips $15 million in funding for an asparagus market loss program to help asparagus producers who have lost a significant amount of their market share because of the Andean Trade Preference Act.

Thanks to the great work of Senator STABENOW, along with Senators HARKIN and CHAMBLISS, the Senate Ag Committee approved this important funding to help assist asparagus producers in California, Michigan, and Washington who have lost significant market share as a result of the Andean Trade Preference Act.

The U.S. asparagus industry was and continues to be hurt by the Andean Trade Preference Act's, ATPA, extended duty-free status to imports of fresh Peruvian asparagus. The ATPA eliminated U.S. tariffs on Peruvian asparagus imports beginning in 1990.

Unlike most free-trade agreements, the ATPA provided no transition period to allow domestic asparagus producers to prepare or adapt to a market that would be flooded with an unlimited quantity of zero tariff asparagus from Peru.

Following the enactment of ATPA, imports of processed asparagus products surged 2400 percent from 500,000 pounds in 1990 to over 12 million pounds in 2006.

As a result, domestic asparagus acreage has dropped 54 percent from 90,000 acres in 1991 to under 49,000 acres today.

Michigan has lost 20 percent of its asparagus acreage.

Washington State's asparagus acreage decreased from 31,000 acres in 1991 to 9,300 acres in 2006, and producers in the State have seen the value of their crop drop from $200 million in 1990 to $75 million today.

And farmers in my State of California have lost nearly half of their asparagus acreage since 1990, dropping from 36,000 acres before the ATPA, to 22,500 acres today.

Many of my colleagues may be asking what the market loss program will provide to asparagus producers. This asparagus program is modeled after a 2002 program for onion and apple producers that provided $94 million in assistance when the apple and onion markets were flooded with cheap Chinese imports.

Market loss funds will be used to offset costs to domestic asparagus producers to plant new acreage and invest in more efficient planting and harvesting equipment.

I find it particularly interesting that Senator GREGG has put forward an antimarket loss program amendment that would help farmers in my State. As a result of the 2002 farm bill, apple producers in his State of New Hampshire received more than $1 million in assistance.

Where was Senator GREGG and his amendment to strike when the Senate approved a market loss program for apple and onion producers as part of the 2002 farm bill?

I urge the Senate to reject this amendment.

The amount in funding for the market loss program is a small percentage of the losses incurred as a result of the ATPA and will go a long way toward maintaining domestic asparagus production and helping our producers who have lost thousands of acres.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on amendment No. 3671, offered by the Senator from New Hampshire, Mr. GREGG.

Mr. GREGG. Mr. President, that is the stress program; correct?

The PRESIDING OFFICER. That is correct.

Mr. GREGG. I think we just had our 2 minutes of debate. I suggest both sides yield back time and go to a vote.

The PRESIDING OFFICER. All time is yielded back.

Mr. GREGG. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 3671. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. MENENDEZ). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 58, as follows:

[Rollcall Vote No. 418 Leg.]

YEAS—37

Alexander
Allard
Barrasso
Bayh
Bennett
Bond
Bunning
Burr
Coburn
Collins
Corker
Cornyn
DeMint
Dole
Ensign
Enzi
Graham
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McConnell
Murkowski
Sessions
Shelby
Smith
Snowe
Sununu
Vitter
Voinovich
Warner

NAYS—58

Akaka
Baucus
Bingaman
Boxer
Brown
Brownback
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Cochran
Coleman
Conrad
Craig
Crapo
Domenici
Dorgan
Durbin
Feingold
Feinstein
Grassley
Harkin
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Specter
Stabenow
Stevens
Tester
Thune
Webb
Whitehouse
Wyden

NOT VOTING—5

Biden
Clinton
Dodd
McCain
Obama

The amendment (No. 3671) was rejected.

AMENDMENT NO. 3672

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to the vote on amendment No. 3672, offered by the Senator from New Hampshire. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I thank Senator HARKIN and Senator CHAMBLISS and all those involved in putting together the bipartisan farm bill. I ask for a "no" vote on the Gregg amendment. This would eliminate $15 million, a small amount in the farm bill but incredibly important to asparagus growers across the country. This would eliminate the Asparagus Market Loss Program that would compensate American asparagus growers across the country for losses to their industry as a result of the Andean Trade Preferences Act that was passed back in 1990. Since that time, we have seen no transition period and imports of tariff-free processed asparagus have surged 2,400 percent. We have seen major losses for asparagus growers, and I add this was based on a program passed in the last farm bill for apples and onions, where cheap Chinese imports were harming domestic growers and, in fact, the State of the author of the amendment received over $1 million in that program for apples. We are simply asking that asparagus growers receive the same kind of assistance.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, this is a new program. It is a new mandatory program. It is $15 million. It is not a lot of money but I think it would be nice if the Senate would make a statement once in a while it is going to be fiscally responsible.

This asparagus program is not needed. It is the result of a 1990s trade agreement, the claim is made, but that is 20 years ago almost that agreement was reached. What has happened is the American consumer has benefited from that agreement and now, because the American consumer has benefited from the agreement, we basically want to raise taxes on the American consumer to make them pay because they didn't pay at the shop when they bought the asparagus.

It makes no sense at all. This is a brand-new $15 million program in this bill for asparagus. The bill is replete with these types of programs. I think we ought to make a statement, at least for once, that we are going to be fiscally responsible. I hope people will vote for the amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 39, nays 56, as follows:

[Rollcall Vote No. 419 Leg.]

YEAS—39

Alexander
Allard
Barrasso
Bayh
Bennett
Bond
Brownback
Bunning
Burr
Coburn
Collins
Corker
Cornyn
DeMint
Dole

Domenici
Ensign
Enzi
Graham
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McConnell
Murkowski
Sessions
Shelby
Snowe
Specter
Sununu
Vitter
Voinovich
Warner

NAYS—56

Akaka
Baucus
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Cochran
Coleman
Conrad
Craig
Crapo
Dorgan
Durbin
Feingold
Feinstein
Grassley
Harkin
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Smith
Stabenow
Stevens
Tester
Thune
Webb
Whitehouse
Wyden

NOT VOTING—5

Biden
Clinton
Dodd
McCain
Obama

The amendment (No. 3672) was rejected.

Mr. HARKIN. Mr. President, I move to reconsider the vote and move to lay that motion on the table

The motion to lay on the table was agreed to.

Mr. HARKIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The business before the Senate is Harkin amendment No. 3830.

Mr. HARKIN. Mr. President, in consultation with the ranking member, Senator CHAMBLISS, I am going to repeat for the benefit of Senators a unanimous consent that was entered into last night and try to clarify it a little bit. There was one small change, and that was to add Senator SANDERS into this debate.

Mr. President, I ask unanimous consent that following disposition of the Gregg amendment, which we just did, that Senator HARKIN be recognized to call up an amendment, and once reported by number, the amendment be set aside; that Senators ALEXANDER, BINGAMAN, SALAZAR, and SANDERS be recognized, 10 minutes for Senator BINGAMAN, 10 minutes for Senator SALAZAR, 10 minutes for Senator SANDERS, and 30 minutes for Senator ALEXANDER; that the Senate then debate the following amendments for the time limits specified under a previous order and in the order that is listed.

First, it would be the Alexander amendments 3551 and 3553, 60 minutes equally divided; the Gregg amendment No. 3673, 2 hours equally divided; Dorgan-Grassley amendment No. 3695, 2 hours equally divided; Sessions amendment No. 3596, 40 minutes equally divided; Klobuchar amendment No. 3810, 60 minutes equally divided; Coburn amendments 3807, 3530, and 3632, 90 minutes equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3639 TO AMENDMENT NO. 3500

(Purpose: To improve nutrition standards for foods and beverages sold in schools)

Mr. HARKIN. Mr. President, I call up my amendment No. 3639.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself and Ms. MURKOWSKI, proposes an amendment numbered 3639 to amendment No. 3500.

Mr. HARKIN. Mr. President, under the previous unanimous consent agreement, I ask that the amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of Tuesday, November 13, 2007, under "Text of Amendments.")

Mr. HARKIN. Now we can go to the Alexander amendment.

The PRESIDING OFFICER. The Senator from Tennessee.

AMENDMENT NOS. 3551 AND 3553

Mr. ALEXANDER. I have up to 30 minutes to describe these two amendments, and then other Senators have time, I assume, to oppose the amendments. What I will do is—

Mr. SALAZAR. Will the Senator from Tennessee yield for a question?

Mr. ALEXANDER. Yes.

Mr. SALAZAR. Mr. President, I had understood that the order we were following would be to consider Alexander amendment 3553 with 10 minutes of debate time. If I can get 10 minutes before turning to the other amendments. That is how I had come here to the floor to deal with the issue of 3553.

Parliamentary inquiry: What is the order of continuing on 3553?

The PRESIDING OFFICER. The understanding of the Chair on the order is that there is an hour equally divided, of which 10 minutes is provided for the Senator from Colorado, but no speaking order has been assigned.

Mr. SALAZAR. Mr. President, if I could ask my friend from Tennessee to note the absence of a quorum for a minute so we might talk about how we might move forward.

Mr. ALEXANDER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I thank my colleagues from Colorado and Vermont.

I say to the Senator from Iowa, what I will do is I will use a few minutes, maybe 5 or 10, summarizing the two amendments I have offered which I talked some about yesterday. Then I will yield the floor and sit down and allow the Senator from Colorado and the Senator from Vermont to use their 10 minutes each. Then Senator HARKIN may want to use his 10 minutes. Then I will come back at the end. I probably will not use all of my time.

Mr. President, I offer two amendments. They are at the desk. The first one has to do with land grant university research funding, to try to get back on track a terrific program the Congress passed in 1998 to properly fund value-added research for our land grant universities across this country. That is No. 1.

No. 2 is to amend the amendment of the Senator from Colorado, which is a part of the bill, so that we would limit 100 kilowatt wind towers to farm areas and not residential areas. Those are the two amendments.

I wish to begin by summarizing the land grant university research amendment. What amendment 3551 does is it adds $74 million over the last 3 years of the farm bill for agricultural research at land grant colleges.

In my opinion, having been president of a land grant university, the University of Tennessee, I believe our land grant colleges and universities are our secret weapon in value-added products; in other words, taking soybeans and turning them into milk and creating higher incomes for farmers and more jobs in the United States.

Let me take an example, one which I used yesterday. Those who live in the Southwest, which I do not, are apparently very familiar with the guayule plant. I might call it a weed. That might not be a friendly designation, but it looks like a weed to me. The University of Arizona discovered—one of our land grant universities, as a part of the program I am seeking to get back on track—that it could use this plant to develop nonallergic latex to go into rubber gloves. Why is that important? Because according to OSHA, allergic reactions from latex rubber affect 10 percent of the Nation's health care workforce. So we have not only helped health care through the land grant universities, we have helped create incomes in the Southwest where this is grown. We have helped grow jobs in the United States as well.

There are examples of that all through our country. That is why the Congress, in 1998, created a program which is called the Future Agriculture and Food Systems Program. That very simply did, through the Department of

Agriculture, which we do through many other parts of government, grants of research offered to land grant universities in a competitive way, not just doled out, not just pork, in a competitive way to try to help them create value-added products.

The program has worked for a couple of years since 1998. It didn't work so well in other years. I summarized that yesterday. The bottom line is, both appropriators and authorizers during this time got away from the idea of competitive, peer-reviewed grants and began to earmark and designate their favorite universities for some of the money. Then on another occasion in 2005, the Congress, looking for a way to bring the budget under control, saw this as a pot of money that could be used and took the money from agricultural research and used it to do a better job of balancing the budget.

There was a 2-year period, in 2001 and 2002, when under this program there were 183 grants to 71 of the 76 land grant universities, one in every State. Out of that came this research and a variety of other products.

The purpose of this amendment is to get this program back on track. It was first authorized in 1998, had a couple of problems, but here is what my amendment would do. My amendment would add $74 million in the last 3 years of the farm bill. The House, in its version of the farm bill, has added $600 million in those 3 years. So the conferees could look at those two amounts of money and come to a reasonable adjustment and get the program back on track, competitively awarded grants for land grant colleges and universities, our secret weapon in raising farm incomes.

How do we pay for it? The $47 million in funding over the last 3 years of the farm bill is fully offset by striking section 302 from the tax title. I described that yesterday. I will be glad to describe it again, if I need to. But it is fully funded.

Let me go to my second amendment, No. 3553. It affects the so-called small wind tax credit. The small wind tax credit in the bill allows up to $4,000 for someone to put a 100-kilowatt wind turbine in either a farm or rural area or residential area. Since this is a farm bill and not a residential bill, what my amendment would do is limit the ability of this subsidy to go to wind turbines to farms and rural businesses as defined in the Internal Revenue Code. If I could put it in plain English: It will be very difficult for Members of the Senate to go home and explain to their neighbors, whether they are in Tennessee or Colorado or Mississippi, why they passed a law saying we are going to take some of your tax money and give it to your neighbor so he or she can put up a 12-story tower in his or her front yard next to you. I don't think that is an appropriate use of our tax money. I don't believe it is a wise way to create electricity. It doesn't show the kind of common sense we need to show in creating clean energy.

The example I used yesterday, and which I could go into more detail later, is the $5 million tax credit in this bill for these kinds of towers would create only about 12 megawatts of electricity. That is a pretty puny amount of electricity. Common sense suggests it would be much wiser to use the $5 million to buy $2 energy-efficient light bulbs and give them to people in residential areas. That would save 8 times as much energy as these turbines would produce.

There are other reasons the turbines are not necessary. One is that the wind industry is heavily subsidized already. For example, wind energy will receive $11.5 billion over the next 10 years from the production tax credit. By fiscal year 2009, the Federal tax subsidy for wind energy will be the largest subsidy for energy which is an astonishing figure when you take into account that wind provides less than 1 percent of the electricity we use. According to the Energy Information Administration, in the year 2020, it will provide not much more than that. Here we have billions and billions already going to subsidize wind power. That amount is half as much as all of the subsidies for oil and gas, and it is totally disproportionate to the value of the energy we get.

I stand as a Senator who is very concerned about clean air and climate change. Since I arrived in 2003, I have had in place—first with Senator CARPER, then with Senator LIEBERMAN—a climate change/clean air bill that would put caps on utilities which produce one-third of the carbon in the United States. That bill also included stricter standards than now exist in law on mercury, on sulfur, and on nitrogen. I was the sponsor in the last Congress of the solar tax credit which I believe is important. In the hearing the other day we had on climate change, I proposed and the committee adopted, a low-carbon fuel standard. I voted for, and hope to be able to vote for again in final passage of the Energy bill, the fuel efficiency standards which were in the Senate-passed Energy bill.

The Oak Ridge National Laboratory has testified that is the single most important thing we can do to reduce our dependence on foreign oil. But I believe we should use common sense. I don't believe using tax dollars to give your neighbor up to $4,000 so he or she can create up to a 12-story tower in a residential neighborhood makes much common sense. My appeal is as much to common sense as anything else.

My hope is the Senate would agree that it will be fine if we want to subsidize the building of even such large wind turbines in rural areas, but it is not all right to subsidize the building of those wind turbines in residential areas. My amendment would also make clear that nothing we did in this bill override local zoning ordinances that people use to decide what sort of towers they want to permit.

That concludes my remarks. I will listen to my colleagues from Vermont and Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I rise to speak against the Alexander amendment No. 3553. I do so with some regret because he and I have worked on so many matters together in a bipartisan spirit. But on this particular amendment, he is simply wrong for two reasons. First and foremost, the amendment would strike a blow against what we are trying to do to create a new clean energy future by crippling our attempts to move forward with a new agenda on wind power.

Second, it would bring the Congress into an intruding position on matters that ought to be about land use at the local and State level, in the traditions of this country. So for those two reasons, I am going to ask my colleagues to join in opposition to the amendment.

The small wind power microturbine tax credit we are proposing as part of the farm bill brought forward in a bipartisan way from the Finance Committee is a provision that enjoys tremendous bipartisan support. On the Republican side, Senators SMITH, CRAIG, MURKOWSKI, and COLEMAN have all been champions of the small wind energy tax credit; on the Democratic side, Senator SANDERS, DORGAN, FEINSTEIN, KERRY, WYDEN, STABENOW, and JOHNSON have all been supporters and cosponsors of the underlying legislation, S. 673. That group of Senators shows the kind of bipartisan support we have for small wind power in America.

I ask unanimous consent to print in the RECORD a letter sent to Senator BAUCUS and Ranking Member GRASSLEY from a number of organizations, including the Tennessee Environmental Council, in support of this tax provision.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NOVEMBER 8, 2007.

Hon. MAX BAUCUS,
Chairman, Senate Committee on Finance, Dirksen Senate Office Building, Washington, DC.

Hon. CHARLES GRASSLEY,
Ranking Member, Senate Committee on Finance, Senate Office Building, Washington, DC.

DEAR CHAIRMAN BAUCUS AND RANKING MEMBER GRASSLEY: As leading farm and rural economic development organizations, we strongly support a federal investment tax incentive for small wind systems. Small wind systems offer farmers and rural Americans the ability to generate their own clean, fuel-free, and reliable power for on-site use and provide independence from unpredictable fossil fuel prices. We congratulate and support the Senate Finance Committee on recently including an incentive for small wind systems in the tax title of the 2007 Farm Bill.

There is currently no federal support for small wind systems. However, solar photovoltaics, which compete in the same market as small wind, receive a 30% investment tax credit under current law. The Finance Committee Chairman's Mark would provide for a 30% investment tax credit capped at $4,000 per system to help provide on-site power for homes, farms, and small businesses. Small wind systems are growing in popularity as the cost of energy and concerns about global warming continue to rise, but the high up-front cost of a system is often prohibitive to consumers. An investment tax credit would greatly help those who depend on small wind systems for personal energy independence.

The provision included in the Senate Finance Committee Chairman's Mark would cost only $5 million over 10 years, but could spur 40% annual growth in the industry. Moreover, small wind is an American-dominated industry—98% of the small wind turbines sold in America last year were built by American companies. That means that the jobs and economic growth created by an investment tax credit will be overwhelmingly American.

We look forward to supporting your efforts to help farmers and rural Americans achieve personal energy independence. Thank you for your continued support.

Sincerely,
National Farmers Union.
American Corn Growers Association.
Nebraska Farmers Union.
Tennessee Environmental Council.
Southern Alliance for Clean Energy.
American Agriculture Movement.
Rocky Mountain Farmers Union.
Environmental Law & Policy Center.

Mr. SALAZAR. The Alexander amendment, the way it would strike out the small wind tax credit provision of this legislation, would cripple the wind power potential for our country in a way that is not healthy as we embrace this agenda. We are dealing with technology that has been around for a long time. Certainly, as we are moving forward with the hope and vision that 25 percent of our energy from this country comes from renewable energy resources, we know there are many components of that portfolio. One of them is wind. Tremendous wind power is being developed around our country, and I will speak about that. But we know we can do much more with small wind microturbines. Here is what they would look like on a farm.

This is a picture of a farm that shows an old-style windmill, windmills such as we have seen out on the plains and the prairies for generations. It used to be for many years the only way we could generate power to pump water for cattle out on the range. These windmills were converted over to become electrical generators. Now with the new technology being developed at the National Renewable Energy Laboratory through their wind technology center, we have developed new wind microturbines that can produce a good amount of energy with very small turbines in place. This picture shows some of those wind turbines in operation.

The amendment of the Senator from Tennessee would essentially say we are going to limit where we can allow these small wind microturbines to go up. For example, if you happen to have a rural residence such as this residence, which is typical of many places throughout the West, this residence which could power its domestic electrical needs off of a wind turbine in the way this house does would not be allowed to do so. The $4,000 tax credit would not be allowed to provide the electrical generation needs we want to accomplish for that house.

Another example is this rural residence which is out on a hillside. The rural residents of this house, out on a hillside, would not be able to take advantage of the tax credit we are providing in this legislation.

It goes beyond just rural residences out there in the country. In addition to that, when we think about industrial or business places of use, this shown in this picture is an example of a Wal-Mart, which is located outside of Denver, CO, in Aurora, CO, where Wal-Mart has embraced using renewable energy to power much of its facility. One of the sources for that wind power for this Wal-Mart in Aurora, CO, is a wind turbine, a small wind microturbine.

Our legislation would provide the tax credit to allow this kind of a wind microturbine to be incentivized to go into that place. So what my friend attempts to do here, in my view, would unnecessarily narrow what we are trying to do, which is to expand the places where we can use wind power in the form of small wind-power turbines throughout the United States. So I hope on that basis alone my friends in the Senate will vote in opposition to his amendment.

Second, what we are trying to do here is incentivize the creation of small wind-power turbines for the people and for the businesses of this country. The amendment which my friend has proposed in part is based on his concern that he does not want to see a lot of wind turbines in urban or suburban areas. He does not want us to go back to places such as Knoxville or Oak Ridge, TN, and go to those communities and say we somehow are enabling those wind-power turbines, those small microturbines, to go up in those communities. That has never been a province of the Senate. The province of the Senate has been to set out national policy. It is up to those local communities and cities and counties and States to determine what their local land use policy is going to be. Nothing we do in the Senate ultimately is going to disrupt or interrupt whatever they may be doing at the local level in terms of their local land use ordinances.

We have seen, most recently with respect to what has happened with the South phone tower dispersion, is that throughout the country it is still very much controlled by what happens at the local land use level. I urge my friends to vote in opposition to Alexander amendment No. 3553.

I would finally say, on the whole concept of wind, on which we have a genuine policy disagreement, there is indeed tremendous opportunity for us to do much more with wind. In my State alone, 2 years ago, before we passed the 2005 Energy Policy Act, there was almost zero electricity being generated from wind power. Today, my State is on the verge of producing 1,000 megawatts of power from our wind-power facilities that have been constructed throughout the State. Now, 1,000 megawatts of power may not seem like a lot to a lot of people, but I think it is a lot. It is a lot for the State of Colorado. Mr. President, 1,000 megawatts of power is the equivalent of the amount of electrical power that will be generated from three coal-fired powerplants—that is three coal-fired powerplants. We are able to do that with our large wind-power generators in my State.

We ought to be able to deploy the technology we have for small microturbines to allow people who want these small microturbines to generate the renewable electricity for their places of business.

I ask my colleagues to vote "no" on Alexander amendment No. 3553.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Vermont.

Mr. SANDERS. Mr. President, let me begin by concurring with much of what Senator SALAZAR has said. I have a lot of respect for Senator ALEXANDER. I have worked with him on some issues, and I look forward to working with him on other issues. But, unfortunately, on this one he is dead wrong, and the amendments on wind energy he has brought forth should be soundly defeated in a tripartisan vote.

Let me begin by quoting from an AP article that appeared on the front page of Vermont's largest newspaper, the Burlington Free Press, this morning and in papers throughout the country. Here is what the article says: "Ominous Arctic melt worries experts."

> An already relentless melting of the Arctic greatly accelerated this summer, a warning sign that some scientists worry could mean global warming has passed an ominous tipping point. One even speculated that summer sea ice would be gone in five years.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OMINOUS ARCTIC MELT WORRIES EXPERTS

(By Seth Borenstein)

An already relentless melting of the Arctic greatly accelerated this summer, a warning sign that some scientists worry could mean global warming has passed an ominous tipping point. One even speculated that summer sea ice would be gone in five years.

Greenland's ice sheet melted nearly 19 billion tons more than the previous high mark, and the volume of Arctic sea ice at summer's end was half what it was just four years earlier, according to new NASA satellite data obtained by The Associated Press.

"The Arctic is screaming," said Mark Serreze, senior scientist at the government's snow and ice data center in Boulder, Colo.

Just last year, two top scientists surprised their colleagues by projecting that the Arctic sea ice was melting so rapidly that it could disappear entirely by the summer of 2040.

This week, after reviewing his own new data, NASA climate scientist Jay Zwally said: "At this rate, the Arctic Ocean cold be nearly ice-free at the end of summer by 2012, much faster than previous predictions."

So scientists in recent days have been asking themselves these questions: Was the record melt seen all over the Arctic in 2007 a blip amid relentless and steady warming? Or has everything sped up to a new climate cycle that goes beyond the worst case scenarios presented by computer models?

"The Arctic is often cited as the canary in the coal mine for climate warming," said Zwally, who as a teenager hauled coal. "Now as a sign of climate warming, the canary has died. It is time to start getting out of the coal mines."

It is the burning of coal, oil and other fossil fuels that produces carbon dioxide and other greenhouse gases, responsible for manmade global warming. For the past several days, government diplomats have been debating in Bali, Indonesia, the outlines of a new climate treaty calling for tougher limits on these gases.

What happens in the Arctic has implications for the rest of the world. Faster melting there means eventual sea level rise and more immediate changes in winter weather because of less sea ice.

In the United States, a weakened Arctic blast moving south to collide with moist air from the Gulf of Mexico can mean less rain and snow in some areas, including the drought-stricken Southeast, said Michael MacCracken, a former federal climate scientist who now heads the nonprofit Climate Institute. Some regions, like Colorado, would likely get extra rain or snow.

More than 18 scientists told the AP that they were surprised by the level of ice melt this year.

"I don't pay much attention to one year... but this year the change is so big, particularly in the Arctic sea ice, that you've got to stop and say, 'What is going on here?' You can't look away from what's happening here," said Waleed Abdalati, NASA's chief of cyrospheric sciences. "This is going to be a watershed year."

2007 shattered records for Arctic melt in the following ways:

552 billion tons of ice melted this summer from the Greenland ice sheet, according to preliminary satellite data to be released by NASA Wednesday. That's 15 percent more than the annual average summer melt, beating 2005's record.

A record amount of surface ice was lost over Greenland this year, 12 percent more than the previous worst year, 2005, according to data the University of Colorado released Monday. That's nearly quadruple the amount that melted just 15 years ago. It's an amount of water that could cover Washington, D.C., a half-mile deep, researchers calculated.

The surface area of summer sea ice floating in the Arctic Ocean this summer was nearly 23 percent below the previous record. The dwindling sea ice already has affected wildlife, with 6,000 walruses coming ashore in northwest Alaska in October for the first time in recorded history. Another first: the Northwest Passage was open to navigation.

Still to be released is NASA data showing the remaining Arctic sea ice to be unusually thin, another record. That makes it more likely to melt in future summers. Combining the shrinking area covered by sea ice with the new thinness of the remaining ice, scientists calculate that the overall volume of ice is half of 2004's total.

Alaska's frozen permafrost is warming, not quite thawing yet. But temperature measurements 66 feet deep in the frozen soil rose nearly four-tenths of a degree from 2006 to 2007, according to measurements from the University of Alaska. While that may not sound like much, "it's very significant," said University of Alaska professor Vladimir Romanovsky.

Surface temperatures in the Arctic Ocean this summer were the highest in 77 years of record-keeping, with some places 8 degrees Fahrenheit above normal, according to research to be released Wednesday by University of Washington's Michael Steele.

Greenland, in particular, is a significant bellwether. Most of its surface is covered by ice. If it completely melted—something key scientists think would likely take centuries, not decades—it could add more than 22 feet to the world's sea level.

However, for nearly the past 30 years, the data pattern of its ice sheet melt has zigzagged. A bad year, like 2005, would be followed by a couple of lesser years.

According to that pattern, 2007 shouldn't have been a major melt year, but it was, said Konrad Steffen, of the University of Colorado, which gathered the latest data.

"I'm quite concerned," he said. "Now I look at 2008. Will it be even warmer than the past year?"

Other new data, from a NASA satellite, measures ice volume. NASA geophysicist Scott Luthcke, reviewing it and other Greenland numbers, concluded: "We are quite likely entering a new regime."

Melting of sea ice and Greenland's ice sheets also alarms scientists because they become part of a troubling spiral.

White sea ice reflects about 80 percent of the sun's heat off Earth, NASA's Zwally said. When there is no sea ice, about 90 percent of the heat goes into the ocean which then warms everything else up. Warmer oceans then lead to more melting.

"That feedback is the key to why the models predict that the Arctic warming is going to be faster," Zwally said. "It's getting even worse than the models predicted."

NASA scientist James Hansen, the lone-wolf researcher often called the godfather of global warming, on Thursday was to tell scientists and others at the American Geophysical Union scientific in San Francisco that in some ways Earth has hit one of his so-called tipping points, based on Greenland melt data.

"We have passed that and some other tipping points in the way that I will define them," Hansen said in an e-mail. "We have not passed a point of no return. We can still roll things back in time—but it is going to require a quick turn in direction."

Last year, Cecilia Bitz at the University of Washington and Marika Holland at the National Center for Atmospheric Research in Colorado startled their colleagues when they predicted an Arctic free of sea ice in just a few decades. Both say they are surprised by the dramatic melt of 2007.

Bitz, unlike others at NASA, believes that "next year we'll be back to normal, but we'll be seeing big anomalies again, occurring more frequently in the future." And that normal, she said, is still a "relentless decline" in ice.

Mr. SANDERS. In other words, what the scientists are telling us is the problem of global warming may be even more severe than they had previously told us. It seems to me what we should be doing in the Senate is become more aggressive, more bold in combating greenhouse gas emissions and not support amendments that slow down the growth of such sustainable energies as wind. That is what, unfortunately, the Alexander amendment would do.

In contrast to the direction Senator ALEXANDER wants us to go, let me quote from a BBC article that appeared the other day. This is what that article says:

Wind "could power all UK homes." All UK homes could be powered by offshore wind farms by 2020 as part of the fight against climate change, under plans unveiled."

What they are doing in the UK, at the highest levels of Government, with support of the Tory Party—the conservative party—in the UK, is they are developing plans that would significantly increase the number of wind turbines. Some 7,000 wind turbines could be installed by the year 2020 to provide all the homes in the UK with electricity. They are going forward rapidly, boldly with wind, and we are talking about how we can cut back efforts toward sustainable energy.

I fully appreciate that my good friend from Tennessee has concerns about wind energy. He may not want a wind turbine at his home or on his property, and that is his right. We support that right. But I would respectfully request he not make that decision for the rest of America.

Wind energy is one of the fastest growing renewable technologies today and benefits families in my own State of Vermont and all across our country. I believe rural America and individual communities across this country deserve the opportunity to decide for themselves whether to pursue wind energy. Some may like it; some may not. That is a decision for them and not the Federal Government. I would hope some of our conservative friends who talk about all of the vices of a big Federal Government might want to heed that thought.

The truth is, today millions of rural Americans, in fact, want to pursue sustainable energy. They should be allowed to do so, and they should be able to utilize the support provisions in this farm bill that provide incentives for them to produce electricity that is renewable, that is cost effective, and does not emit carbon. That is what they want to do. That is what we need. We should support that effort.

Apparently, one of those people—and I applaud him for this—is the former Republican President of the United States of America, George H.W. Bush, who, in his summer home at Kennebunkport, ME, has recently installed a 33-foot tall windmill that can produce 400 kilowatts a month. I applaud former President Bush for pointing out to the country the importance of small wind turbines in providing electricity for homes. I hope all over this country people emulate what the former Republican President has done.

There is enormous potential for wind technology in the United States. We have a huge renewable resource base in our country, and yet only about 3 percent of the Nation's electricity supply came from nonhydroelectric renewable energy sources in the year 2006.

Other countries have already made significant strides toward using renewable energy. I point out that Denmark meets roughly 20 percent of its electricity needs with wind alone, while Spain is at 9 percent, and Germany and Portugal are at 7 percent. Despite having a much more robust wind resource than any of these countries, the United States meets less than 1 percent of its electrical needs with wind power today.

We can do better. We must do better. The Federal Government, through tax credits and other incentives, including small wind turbines, must help move our country in that direction.

Today, most wind turbines are currently located on mountain tops, mountain passes, and the Great Plains from North Dakota to Texas. That is not nearly good enough. Wind is the cheapest renewable energy, and it should be growing by leaps and bounds. We have to move forward in making that happen.

As a nation, we can—in fact, we must—do a better job of exploiting the freely available renewable resources that exist across our country. Small-scale rural wind turbines should be aggressively promoted as one of the solutions. We can no longer afford to ignore the rapidly maturing renewable technologies that can help address the critical challenges of energy independence, global warming, and high energy prices.

It should be heartening to know that new investments in renewable generating capacity in the United States has been accelerating in recent years. This is largely due to tax credits from States and the Federal Government. Wind power has been at the forefront of that growth. The year 2006 was the largest on record in the U.S. for wind power capacity additions, with over 2,400 megawatts of wind added to the grid. That is a good start, but we need to go a lot further than that.

I recently talked with a manufacturer of small residential-scale wind turbines to find out about the potential of this technology. What he told me was that with support from the U.S. Department of Energy's National Renewable Energy Laboratory we are developing wind turbines all over this country where there is a reasonable amount of wind. Clearly, wind is not available all over the country. But everybody who is serious about this issue understands that the solution to global warming and the solution to sustainable energy, electricity generation, is going to require a mix of technologies. In some areas wind is strong, in some areas the Sun is strong, and so forth.

But in areas such as the State of Vermont, I am told that an average home can produce 40, 50, 60 percent of its electricity from a small wind turbine, which is becoming less and less expensive. They are now on the market for some $12,000—$12,000—including installation. If we can provide the type of tax credits and other incentives for these wind turbines, we can have a payback period in a reasonable period of time which will lower the cost of electricity for millions of Americans, break our dependency on Middle East oil, and stop the emissions of carbon into the atmosphere, which is causing global warming.

I have a lot of respect for my friend from Tennessee, and I know his concern is aesthetics, how these things look—that is one of his concerns—but let me say a word about aesthetics. I also am concerned about how things look. I am concerned when extreme weather disturbances such as Hurricane Katrina hit Louisiana and caused massive damage. That is an aesthetic concern I have. If we do not get a handle on global warming, we are going to see more and more extreme weather disturbances which can impact hundreds of millions if not billions of people.

Drought is an aesthetic issue. Seeing lakes dry up, and the repercussions of that, of flooding, and the impact that global warming will have on the loss of clean drinking water, and the desperation people will experience as a result of that, is also an aesthetic issue.

So I can understand that people have differences of opinion about how things look. I do not like the look of global warming, and I think we should reject soundly Senator ALEXANDER's amendment.

Thank you, Mr. President.

Mr. ALEXANDER. Mr. President, how much time remains?

The PRESIDING OFFICER. Sixteen minutes.

Mr. ALEXANDER. I will take just a few of those, unless the Senator from Iowa wishes to speak now.

I appreciate the comments of the Senator from Colorado, and I know the Senator from Vermont as well has strong and deeply held views on this subject. So do I. I would only respond in these ways: I don't think it is necessary to destroy the environment in order to save the environment. I think there are more sensible ways to save the environment than to use tax dollars to encourage people to put up 12-story white towers of red lights in their own neighborhoods.

There is some talk about Congress interfering with land use. Well, what happens here is that when the Congress gives out tax money—my tax money, your tax money—and says you can use it for this purpose, people do it. So the Congress is distorting land use decisions, in effect. So it is the other side that is interfering with local land use decisions.

Maybe we have different conceptions of what the word "small" means. A 100-kilowatt tower is—can be 12 stories high. So we are not talking about your grandmother's windmill that snuggles up cozily next to the barn; we are talking about your neighbor in New Jersey or Tennessee or Vermont who comes in and says: Hey, I have a great idea. I am going to put up a 12-story tower in my front yard with your tax money. Now, if that person wants to do that and local ordinances permit that, then that is not the business of the Federal Government. We don't need to be encouraging it in residential areas. All I am saying is this is a farm bill, and what I am trying to say is we should limit these subsidies to rural areas.

The Senator from Colorado said this would be a crippling blow to the wind effort. I believe that suggestion, if I may respectfully say, is overblown. The biggest—through the renewable electricity production tax credit alone, the U.S. taxpayer will spend $11.5 billion on wind energy over 10 years, between 2007 and 2016. This doesn't begin to count other Federal, State, or local subsidies for wind. So without this subsidy, we are spending $11.5 billion for wind.

According to the Joint Committee on Taxation, by the year 2009 this wind subsidy and the production tax credit that is already in the law will be the single largest Federal tax expenditure for energy in the United States. Yet it only produces seven-tenths of 1 percent of the electricity we use. To put it in a little perspective—and I mentioned this yesterday—according to the same Joint Tax Committee, all the subsidies we give to oil and gas through taxes, according to the Joint Tax Committee, are $2.7 billion in the year 2009. The wind subsidies are $1.3 billion. Well, we use oil and gas. We use about 25 percent of all of the oil and gas in the world in this great big economy of ours. We don't use much of it to make electricity, but we have a $2.7 billion taxpayer investment in that, and that is debated here. But nobody seems to notice that we are spending $1.3 billion—nearly half as much—on these large wind turbines, and they are not producing much power—not much power at all.

Just so everyone understands, half of our electricity is produced by coal. Eighty percent of our carbon-free electricity is produced by nuclear power. I didn't hear my friends on the other side say a word about nuclear power.

Climate change is an inconvenient truth, Al Gore said. I am not one of those who believe that just because Al Gore said it means it is wrong. I believe climate change is a very serious problem for our country and our world. I am working hard to change that through low carbon fuel standards, through putting caps on utilities, and through sponsoring solar energy. But why would we make such an extraordinarily disproportionate investment in wind turbines when they produce so little energy and, according to the Energy Administration, are likely to produce so little?

So the only other points I would make are these: The Senator from Vermont mentioned the relentless melting of the Arctic. We agree. We need to deal with climate change. But I would suggest that conservation and nuclear power are the way to deal with climate change in this generation. That may be an inconvenient truth as well, but that is the way to do it.

As I mentioned earlier, just spending the $5 million that is allocated for these big residential wind turbines and farm wind turbines, just spending that on efficiency lightbulbs would save eight times as much energy. That would make more common sense to me.

The Senator from Vermont also pointed out that the UK—the United Kingdom—might power all of its houses with wind power. I read that article too; I believe it is the same article. But they are planning to do that with large wind turbines way out in the ocean where you won't be able to see them very easily. If they do have all of their power from wind power, I don't think I would want to live there because my computer and my lights and my air-conditioner and my heater would only work when the wind blows. Wind can't be stored in any effective way today, so it only works when the wind blows. It is not possible for it to be used as a base power of electricity. It is not a good peaking power.

So what we are doing with these extraordinary subsidies for wind is we are encouraging people to build large wind turbines in areas where the wind doesn't blow just so they can make some money on it because of all of these huge generous subsidies, and we are deluding ourselves into thinking we are dealing with climate change when, in fact, we are ignoring the real solutions to climate change, which are conservation, No. 1, and—in this generation, at least—nuclear power, No. 2.

So that is my reason for making this amendment. This is a farm bill. If we are going to subsidize wind turbines in the farm bill, let's do it on farms. Let's not take my tax money and your tax money and give it to your neighbor and say: You can put up a 12-story white tower next door, and we would like to encourage you to do that in your residential neighborhood. I don't think that makes common sense. Once it starts happening, neighborhood after neighborhood after neighborhood, I think a lot of taxpayers are going to be calling their U.S. Senator and saying: You did what? You did what? Why didn't you vote for conservation support? Why didn't you vote to have clean coal technology? Why didn't you vote to build more nuclear powerplants, which are the real way to do carbon-free energy? Why are you pretending to solve climate change by putting up 12-story towers or encouraging them to be put up in my neighbor's front yard?

So I hope my colleagues will recognize that the wiser vote today is for the Alexander amendment because that will make possible new subsidies, in addition to all of the other subsidies, for wind turbines in rural areas. They call them small, but they are up to 12 stories tall. It will make it clear that there is no interference with local land use rules about what kind of towers may go up and down.

Of course, the other amendment I proposed would help get the research programs back on track at our land grant universities which have been so valuable in helping raise farm incomes and creating jobs in this country.

I thank the President, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, let me speak briefly in opposition to one of the amendments the Senator from Tennessee has offered. It is amendment No. 3551.

I think one of the most important things we can do in order to encourage development of renewable resources is to encourage construction of power lines to bring the power from where it is produced to where it is needed. Many of the best areas for development of wind and solar power are in remote parts of our country. That is in the upper midwest Plains States or in the desert southwest in particular. Lack of transmission from these remote locations is seriously hampering the great potential for the generation of electricity from these resources.

Power lines to such places are expensive and often face local opposition from landowners and residents across whose lands the lines have to be built. The farm bill, section 12302, attempts to address the problem by creating a tax incentive to encourage farmers and ranchers and landowners to allow transmission lines to be built across their property. Landowners receive a payment whenever they agree to the siting of a transmission tower on their land, and these payments are currently taxable. Section 12302 would make those payments tax exempt if the power that is carried on the lines comes primarily from a renewable generator that is eligible for the renewable production tax credit. Senator ALEXANDER's amendment here would strike that section. The cost of that section, as I have been advised, is $91 million over 5 years—a little less than $20 million per year.

It is clear from reports of the Western Governors' Association and many others that we are going to need substantial construction of new transmission lines throughout the West in the next several years if we are going to increase use of renewable energy. Transmission lines have more benefit than just to the generator. They enhance the reliability of the transmission system. They help break bottlenecks that make generation more expensive than it needs to be. They also can enhance local economies by opening areas that have been closed to development. My own view is that this tax exemption would help to encourage farmers and ranchers to seriously consider the siting of transmission lines in locations where it makes sense.

Senator ALEXANDER argues that wind power receives enormous subsidies under current law and under the Energy bill that is being debated. It is difficult, of course, to look into the future, but if you look at the last 5 years, according to a GAO report issued this year, the Department of Energy received $11.5 billion in funding for electricity-related research and development, and $6.2 billion of that went to fund nuclear power research and development and $3.1 billion went to fund fossil fuel generation. Mr. President, $1.4 billion went to all renewables—not just wind but all renewables combined. GAO also estimates that during that same period, fossil fuels received about $13.7 billion in tax expenditures, and renewables, about $2.8 billion. When new nuclear power facilities are built—and there are some now on the verge of being built—they will receive very generous tax credits as well under current law. I have supported those tax credits.

I believe, as the Senator from Tennessee said, that nuclear power is an essential part of the solution to global warming and a central part of the solution to our future energy needs, but I believe alternative renewable power also fits in that category. For decades now, fossil fuel generation and nuclear power have received the lion's share of Federal support. If renewables are to take their rightful place in the market, we need to be providing support to them on an equal footing. I believe that an exemption extended to farmers and ranchers, who deserve adequate compensation when their land is used, is good public policy.

I know the Senator from Tennessee is proposing that the funds involved here would be shifted over to a land grant research program that Senator ALEXANDER wants to fund. That is a good program. I understand the managers of the bill are working on funding for this program to be included in—increased funding for this program to be included in the managers' amendment. I would argue that there are better places to look for paying for that program than from the incentives for farmers and ranchers to engage in such a worthwhile purpose. So I would urge a "no" vote on that amendment by the Senator from Tennessee.

Mr. President, I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. Who yields time to the Senator from Idaho?

Mr. ALEXANDER. Mr. President, I would like to conclude my remarks, if that would be all right.

Mr. CRAIG. May I ask how much time remains in opposition to the Alexander amendment?

The PRESIDING OFFICER. The Senator from New Mexico controls 4 minutes. The Senator from Colorado controls 1 minute.

Mr. CRAIG. I thank the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, just a few remarks.

I appreciate the comments of the Senator, who is chairman of the Energy Committee, and I appreciate his support for nuclear power, which is 80 percent of our carbon-free electricity in America even though it is only 20 percent of our electricity.

I will discuss briefly his point on my amendment that would seek to restore funding to the program for land grant universities. If the managers are able to find some extra money, that would be terrific, but it ought to be in addition to the $74 million I have proposed. The House proposes to spend $600 million over the last 3 years in the farm bill. I am proposing to spend $74 million.

Second, one of the problems with the section I am seeking to strike is that it appears to apply retroactively to transmission towers. I see no reason for that. A larger problem is that wind doesn't need more subsidies. The Senator talked about subsidies to other forms of energy for research and development. I have yet to hear anybody contradict the fact that the taxpayer, according to the Joint Committee on Taxation, will spend $11.5 billion on wind energy over the next 10 years, which today produces less than 1 percent of our electricity, and only when the winds blows.

Even if you have wind turbines all over America, you still need nuclear plants, conservation, coal plants, and a base load of electricity. There is a long list of Federal subsidies for wind energy and, in addition, clean, renewable energy bonds, the Department of Defense energy incentive program, et cetera, including State programs. What is happening is that we are encouraging people to build wind turbines, as they have on Buffalo Mountain in Tennessee, in places where the wind doesn't blow, just to make the money the Federal Government provides in subsidies.

Finally, I think the greatest, most specific argument against the idea of giving tax breaks to landowners, where you are going to build new transmission lines, is this: This would mean the Tennessee taxpayer would be taxed to pay for transmission lines in New Mexico or South Dakota, or the Georgia taxpayer would be taxed to pay for transmission lines in Pennsylvania or Virginia. Transmission lines should be paid for by the utility that builds them and the ratepayer who benefits from that, not by the general taxpayers. So if all of the other reasons go to the side, the major reason in support of this amendment is that it is inappropriate for us to require taxpayers in Maryland, Tennessee, and Texas to pay for utilities' transmission lines in New Mexico, South Dakota, and Illinois. They should pay for them themselves.

Mr. President, that concludes my remarks.

The ACTING PRESIDENT pro tempore. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I ask unanimous consent to speak for up to 5 minutes in opposition to the Alexander amendment.

Mr. HARKIN. Mr. President, reserving the right to object, how much time remains, or how much time does the Senator from Iowa have on this amendment?

The ACTING PRESIDENT pro tempore. Five minutes remains in opposition.

Mr. HARKIN. How much time does Senator BINGAMAN have?

The ACTING PRESIDENT pro tempore. That includes his time.

Mr. HARKIN. Mr. President, I yield that time to the Senator from Idaho.

The ACTING PRESIDENT pro tempore. The Senator from Idaho is recognized for 5 minutes.

Mr. CRAIG. Mr. President, it is rare that I disagree with my friend from Tennessee, especially on energy issues. We are very much in concert on how we not only deal with climate change, in many instances, but how we build a full energy portfolio for our country that makes us increasingly independent of foreign nations and oil-producing nations.

One of the ways to do it, in my opinion, is to promote all sources of energy. While there are wind turbines going up in Idaho and in locations that I don't necessarily care for, I have very much supported wind, I will continue to support wind, and I support small wind. I say that in respect to the provision within the bill and in opposition to what the Senator from Tennessee is trying to do. Not only is it important that we produce as much as we possibly can because, clearly, our Nation is rapidly growing in deficit as it relates to energy production in nearly all segments. I agree you don't produce electricity when the wind doesn't blow; but when it does, you do.

I will give you an example of a small company in Idaho that a few years ago, with little Federal assistance, built an obscure building out on the high deserts of Idaho, tapped underground water and brought in some electrolysis equipment, put up small wind turbines, exactly the kind the Senator from Tennessee is talking about. Those turbines produce 25 percent of their electrical needs. When you add that 25 percent wind turbine capability to their online use of electricity, they produce hydrogen in a profitable way that users of hydrogen in the Boise Valley are no longer trucking it in from Seattle, WA. They simply pull their truck out to the hydrogen facility and leave it there to be filled by this small hydrogen-producing company that uses electrolysis machines that are literally off the shelf, that are already being made and built into small business America. What made the difference for that company, what made it profitable, was to gain 25 percent of its energy base from wind, with the small turbine he is talking about.

If you don't want a wind turbine in your front yard in an urban area, planning and zoning will take care of that. That is a local decision to be made. If you don't want them in certain places in your State, then whether it is county planning and zoning or municipal planning and zoning, that, too, can take care of it.

America is rapidly adjusting to where the wind isn't and where the wind is. Wind isn't everywhere, but in certain segments of the Midwest, upper Midwest, and the West there are wind troughs, if you will, where the wind blows in a sustained way to make wind turbine generation profitable, adding to our overall energy base. I hope we will oppose the Alexander amendment.

Along with many others, I have changed my mind over the years in rapidly encouraging all kinds of clean energy production. Wind certainly is clean, hydro is clean, and photovoltaic is clean. We need all of the rest, but we need to get increasingly a cleaner energy portfolio. Wind assists us in doing that. It is not the cure-all. And I agree with the Senator from Tennessee that nuclear, without question, is the base-loading generation capability that is clean, that is in our current technology base that, thank goodness, America has awakened to and we are beginning to see that happening. We are seeing the licensing of new nuclear reactors and we will be able, within the decade, to see multiple reactors coming on line to produce large volumes of energy. But there is no doubt that conservation, supplementation by wind, and all other sources remain important pieces of that total package.

I oppose the Alexander amendment. I hope we can support small wind development along with large wind development. Is it pricey? Yes, it is; it is not inexpensive. I believe right now we are spending upward of a billion dollars a day offshore to foreign nations to buy their oil. The more money we can keep onshore for America, American enterprises, and the consumer, we ought to be doing. This is one way to do it.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Who yields time?

Mr. HARKIN. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. The sponsor has 2½ minutes.

Mr. ALEXANDER. We yield back our time.

The ACTING PRESIDENT pro tempore. All time is yielded back.

Mr. HARKIN. Mr. President, I thank the Senator from Tennessee and all the Senators speaking on that amendment, for or against it.

Under the unanimous subsequent request, we will turn to the Gregg amendment No. 3673. There will be 2 hours evenly divided. I say to the Senators, if you are opposed or for the Gregg amendment No. 3673, which would cap noneconomic damages in OB/GYN medical malpractice lawsuits, if Senators want to speak on that, we are on it now, with 2 hours evenly divided. Hopefully, we can reduce that time. I ask Senators to please come to the floor if they want to speak.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from New Hampshire is recognized.

AMENDMENT NO. 3673

Mr. GREGG. Mr. President, I appreciate the courtesy of the chairman of the Agriculture Committee. I will speak on our amendment dealing with how we get more doctors to be able to care for women in rural communities. We have a real crisis in rural America today. There is a significant shortage of doctors who deliver babies. This is purely a function of one fact, and that is that the trial lawyer bar has been so aggressive in pursuing doctors who deliver babies with lawsuits, they have essentially created a cost of liability insurance for doctors who deliver babies—OB/GYNs—that is so high that a doctor practicing in a rural community who is there to help women having children, deliver those babies safely, that type of doctor cannot make ends meet. That sounds unusual, but that is a fact.

In order for a doctor to generate enough income to simply pay the liability insurance, which is generated by the large number of lawsuits filed against doctors in this country by the trial bar, it is necessary for an OB/GYN—a doctor who delivers babies—to have a very large basically urban or suburban clientele. When you get into rural America and you don't have a lot of people per square mile, where you have people who work on farms and those farms take up a fair amount of acreage, then you don't have the population base necessary for these doctors to practice and generate enough income to pay the liability insurance.

What we are proposing in this amendment is a very narrow proposal. It doesn't say that doctors who are incompetent, or doctors who, unfortunately, make a mistake won't be sued. It doesn't say that at all. It simply says that in the area of rural America where we need to attract doctors so women have adequate health care, especially if they are having children, in those parts of the country—from the standpoint of population, a small part of the country—we are going to have a special consideration that allows doctors to be able to afford their liability insurance.

We are going to follow what has happened in the law that has been set up in Texas and California, two States which have confronted this issue of liability insurance for doctors and have come up with a plan that has alleviated the cost of the insurance so doctors are able to practice in those States. It essentially says that in the area of economic recovery, you can recover every expenditure, every loss you had, if you were injured as a result of malpractice on the part of a doctor delivering a baby in a rural area.

But in the area of pain and suffering, where so much of the huge awards occur, and where you have had these real decisions that have been in the numbers that are multiple millions, that won't happen any longer. We are going to limit recovery in the pain and suffering area to what has been the standard in Texas and California, which is $750,000 per incident. The practical effect of this is very simple. It will mean doctors who wish to practice in rural America, who wish to deliver babies for farm families and for other families who live in rural America will be able to pursue those practices and still make a living, something they cannot do in many parts of this country today, so women in these communities will not have to drive for miles and miles to get adequate health care, especially when they are having children.

I know in my State of New Hampshire, if you get north of the White Mountains, one of the prettiest parts of this world, we have a very difficult time attracting obstetricians. In fact, right now, I don't think there is anybody practicing obstetrics up there because of the fact the population base is so small it cannot support those practices at a level that allows doctors in that region to be able to pay their malpractice insurance. So women in that part of New Hampshire often have to drive all the way to Hanover, NH, to Dartmouth-Hitchcock, which is a superb hospital, or down to Laconia, which has a superb hospital. But they literally have to drive through the mountains 2 to 3 hours to get to those facilities. It can be extremely difficult in the middle of winter to drive those roads. In the summer, obviously, it is not fair to ask people to drive those long distances.

This is a very significant issue for rural America and for farm families in America. That is why I have offered it on the farm bill.

The other side of the aisle, for whatever reason—I know the reason, we all know the reason, the trial bar—has decided to resist this amendment aggressively. They have demanded we have 60 votes before we can adopt this amendment. They have basically said: We don't care that women in America who live in rural America are not able to get adequate health care. What we care about is the trial lawyer bar, and that is unfortunate. But that is a reflection of the politics of our time.

The single largest contributing group to the Democratic Party today is the Trial Lawyers Association. Those trial lawyers contribute to the Democratic Party for a reason: They want them to support their agenda. There is a simpatico there. Their agenda is supported essentially by the Democratic leadership in this Congress and in prior Congresses. The trial bar agenda includes not allowing any opening on the issue of limiting liability relative to doctors—any opening. Even something as reasonable as this which is so needed from the standpoint of health care policy, which is so needed from the standpoint of good care of children and mothers in a prenatal state, so needed in the basic fairness for American citizens is resisted, not because it is not a good idea but because they see it as an opening, a slight crack in that door of their ability to bring these massive lawsuits for other people who practice obstetrics across the country or for basically against the medical community generally. They do not want any crack in that door to occur, even if the crack in the door is meant to give American women who live in rural communities, whose families work on farms, the opportunity to be assured decent health care, especially when they are in the process of having and raising a child.

It truly is unfortunate we have reached that point in this Congress where very reasonable public policy, which is to make it possible for more doctors to practice in rural America, is resisted in a knee-jerk way which has no relationship to making our country stronger, our people more healthy, and especially giving people who work in farm America a better opportunity to live a quality life, especially if they are having children.

This is not an attempt in any way to limit the ability of women who are having children and find there is some negligent event occurring as a result of a doctor's care to get a recovery. This amendment does not have that impact. Recovery is in here. It tracks what happens if you live in Texas. It tracks pretty much what happens if you live in California. So it is not an attempt to do some draconian effort to basically shut down lawsuits against doctors who may practice and make mistakes in rural America. Just the opposite. It leaves those lawsuits on the table. It makes them possible. It gives adequate and fair recovery that is allowed for people in two of our most popular States.

What it does do and what it is almost guaranteed to do is to bring more doctors into rural America.

It is interesting to look at the Texas experience because prior to Texas passing its law, which basically tracks this language, they had a very serious, basically a crisis in the area of having OB/GYNs practice in Texas. Now they have a massive backlog of OB/GYNs who want to move to Texas to practice. They actually have the opposite situation. They now have a situation where doctors see Texas as a good place to practice. So health care, for women especially of childbearing age, is improving dramatically because there are a lot more doctors available.

Their biggest problem right now is making sure the doctors who want to come into their State have the quality and ability to do the job right. So they have a big backlog now. That is a complete shift from what happened during the period prior to their passing the law. That applies to everybody, but in the OB/GYN area, they lost 14 doctors, 14 obstetricians during the period 2003, but since they passed their law, they have gained almost 200 obstetricians in the State. That is a big difference. That means a lot of people are seeing doctors who were not able to see them before.

We ought to give that same opportunity to rural America, generally, and especially to farm families. That is why I have offered this amendment.

It is not a big amendment in the sense of dramatic health care changes for the world or for the United States, generally, but it is a big amendment if you are a woman whose family works on a farm and you want to have a child because—hopefully, if this amendment is adopted—you are going to be able to see a doctor without having to drive 4 or 5 hours maybe through a snowstorm, and that is important. It is important to that person, and it should be something we would do as a matter of decency and fairness and especially as a matter of good public policy relative to health care in this country.

I hope people will support this amendment. I understand the other side of the aisle wants to debate a little while longer. That is fine. I understand they want 60 votes. That seems highly inappropriate to me, but that was the agreement that was reached between the leadership.

As I said, I am not trying to stop this bill. It does seem to me there ought to be 60 Members of the Senate to stand up and say enough is enough; we have done enough kowtowing to trial lawyers on this issue. It is time to do something for the women who live and work in rural America and make sure they have adequate access to health care, especially to doctors who can care for them in those important and special years when they are having children.

Mr. President, I ask unanimous consent that the following Senators be added as original cosponsors to amendment No. 3673: Senator ALEXANDER, Senator ALLARD, Senator CORNYN, Senator CORKER, Senator DOLE, Senator HUTCHISON, and Senator VOINOVICH.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent to have printed in the RECORD letters of support representing the following groups: The American College of Obstetricians and Gynecologists, the American Academy of Dermatology Association, the American Association of Neurological Surgeons, the American Association of Orthopaedic Surgeons, the American College of Emergency Physicians, the American Gastroenterological Association, the American Society of Cataract and Refractive Surgery, the American Urological Association, the Congress of Neurological Surgeons, the National Association of Spine Specialists, and the College of American Pathologists.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF THE PRESIDENT, DEPARTMENT OF OB-GYN, TUFTS-NEW ENGLAND MEDICAL CENTER,
Boston, MA, December 10, 2007.

Hon. JUDD GREGG,
Senate Office Building,
Washington, DC.

DEAR SENATOR GREGG, The American College of Obstetricians and Gynecologists (ACOG), representing 51,000 physicians and partners in women's health care, strongly supports your Amendment 3673 to H.R. 2419, the Healthy Mothers and Healthy Babies Rural Access to Care Act. We commend your continued leadership and efforts to resolve the medical liability crisis facing this nation and to protect access to health care for our nation's women and children.

As you well know, the medical liability environment is driving good doctors out of practice or out of their home states. And when ob-gyns discontinue the practice of obstetrics, refuse high-risk patients, or reduce their surgical practice, women's health care suffers. This has been a problem in the rural areas of several states—including West Virginia, Ohio, Nevada, Missouri and Michigan—which had some of the highest base rate premiums for ob-gyns in the country last year.

Perhaps most troubling is the effect of the crisis on young physicians. A 2006 survey of doctors in their fourth year of ob-gyn residency, the last year before they enter patient care, confirmed that a state's liability climate has a powerful impact on where and how they will practice. A third of residents indicated they had been warned or advised to leave their current location because of liability concerns and nearly half were already considering limiting the type and scope of their practice. Residents named 7 states they would avoid altogether: Florida, Pennsylvania, New York, Nevada, Illinois, New Jersey and West Virginia.

ACOG is deeply committed to resolving the medical liability crisis and supports federal legislation to enact reforms such as the ones that have been so effective in Texas and California. ACOG supports, in particular, provisions in your amendment which would cap non-economic damages, limit the number of years a plaintiff has to file a health care liability action, allocate damages in proportion to a party's degree of fault, and place reasonable limits on punitive damages.

Your amendment is critically important to help solve the medical liability crisis. We urge the Senate to move quickly to enact legislation that will provide relief to physicians and ensure continued availability of quality health care for our patients.

Sincerely,

KENNETH L. NOLLER,
President.

DECEMBER 11, 2007.

Hon. JUDD GREGG,
U.S. Senate,
Washington, DC.

DEAR SENATOR GREGG, The organizations below are pleased to support Amendment 3673 to H.R. 2419, the Healthy Mothers and Healthy Babies Rural Access to Care Act. Thank you for continuing to highlight the crisis created for ob-gyns and all our specialties by unavailable and unaffordable medical liability insurance.

Clearly, America's medical liability crisis does not affect just one specialty or one type of patient, but we strongly believe that every attempt must be taken to pass legislation and raise public awareness of this crisis. We are fully committed to focusing the Nation's attention on the need to solve this crisis, and to work with you to identify a successful strategy that will help get comprehensive medical liability reform legislation signed into law.

If you have any questions, or need additional information, please contact Tara Straw.

Sincerely,

American Academy of Dermatology Association, American Association of Neurological Surgeons, American Association of Orthopaedic Surgeons, American College of Emergency Physicians, American College of Obstetricians and Gynecologists, American Gastroenterological Association, American Society of Cataract and Refractive Surgery, American Urological Association, Congress of Neurological Surgeons, National Association of Spine Specialists.

COLLEGE OF AMERICAN PATHOLOGISTS,
Northfield, IL, December 11, 2007.

Hon. JUDD GREGG,
Senate Office Building,
U.S. Senate, Washington, DC.

DEAR SENATOR GREGG: As the United States Senate considers S. 2302, the Food and Energy Security Act of 2007, the College of American Pathologists (CAP), representing 16,000 board-certified physician pathologists, supports your amendment based on legislation you introduced, the Healthy Mothers and Healthy Babies Rural Access to Care Act, S. 244. Your amendment addresses the medical liability crisis facing rural obstetricians and the women they serve. It also represents a good first step towards comprehensive liability reform for all physicians.

Pathologists work closely with their obstetrician colleagues in caring for women's health care needs, including providing Pap tests and laboratory tests conducted on newborns. We witness the effects of exorbitant insurance costs on obstetricians in our own communities when they are forced to scale back their practices. In fact, an estimated 1 out of 7 obstetricians nationwide have stopped delivering babies altogether.

The CAP believes the medical liability crisis requires a national solution designed to help patients, not lawyers. Your amendment's $750,000 cap on non-economic damages, which includes a $250,000 cap for rural obstetricians, is a thoughtful reform that will help ensure that women have access to affordable quality care while preserving their right to seek redress in the courts.

Again, the College of American Pathologists supports your amendment.

Sincerely,

JOHN SCOTT,
Vice President, Division of Advocacy.

Mr. GREGG. Mr. President, I yield the floor and yield to the Senator from Colorado on my time.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I thank Senator GREGG from New Hampshire for his amendment. This is a commonsense amendment, and I think it is entirely appropriate to have it on the agriculture bill because it is one that will make a difference in rural America.

I support the amendment which is called the Healthy Mothers and Healthy Babies Access to Care amendment, that contains measures for targeted liability reform directed at curtailing the number of frivolous lawsuits that are filed every year against obstetricians and gynecologists, especially those in rural areas, such as many parts of my State of Colorado.

This amendment would help those who are in the business of protecting our mothers and children. The OB/GYN community has seen more litigation in the past few years than any other health care profession. The Medical Liability Monitor estimates that medical malpractice rates for OB/GYNs have increased as much as 500 percent between 1999 and 2004 for certain areas of the country. In 2004 alone, there was an increase of about 130 percent in areas that did not have liability protection.

Every year, fewer and fewer OB/GYNs are entering the health care industry, and every year more and more of them leave their practices behind and leave their patients without access to health care or diminished access.

What does it say that OB/GYNs are afraid to practice their professions, as my constituents have expressed to me? We need to cut down on the frivolous lawsuits against OB/GYNs so they can get back to taking care of mothers and sisters and daughters and wives in rural areas.

The Gregg amendment would provide for unlimited economic damages and provide a stacked cap model that would keep noneconomic damages at or below $750,000. The $750,000 cap stacked model would provide that there would be up to $250,000 from a decision rendered against a health care provider, $250,000 from a decision rendered against a single health care institution, and $250,000 from a decision rendered against more than one health care institution for each or $500,000 for all.

Those of you who come out of more urban areas may say that does not seem like much. But if you are a practicing physician in a rural area or a hospital in a rural area, $500,000 is a lot of money. If you have a large metropolitan hospital, it is chump change, but in rural America, it does make a difference.

It also provides punitive damages to be the greater of twice the economic damages awarded, or $250,000.

This amendment also guarantees that lawsuits are filed no later than 3 years after the injury and extends the statute of limitations for minors injured before age 6.

This language also intends to maximize patient recovery of payment by focusing on attorney payment regulations. It also establishes standards for expert witness rules, promotes fairness in the recovery of health benefits, and it attempts to prevent double recovery.

This language also raises the burden of proof for the award of punitive damages and protects providers from being a party in liability suits for FDA-approved products.

Last, it keeps a focus on the patient by attempting to curtail frivolous lawsuits.

In my State of Colorado, tort reform laws were enacted beginning in 1986. At that time, I happened to have been in the State legislature and carried much of the legislation that brought about a tort reform agenda for the State of Colorado.

Colorado created caps for noneconomic damages. They are considered to be among the most reasonable in the country. Frankly, many OB/GYNs see the tort reform laws in Colorado as beneficial to their practice and cite this as a reason to move their practice to Colorado.

However, although they find practicing in Colorado to be preferable, problems for OB/GYNs still exist in our rural areas. That is why I am here to support the Gregg amendment, even though in Colorado we have done a lot to try to reduce the burden of frivolous lawsuits it has little impact because practitioners in the rural areas have to go into our neighboring States and practice in those neighboring States. As a result, they get impacted when they go over to those States, even though we have a favorable environment in the State of Colorado.

It is not always easy to get across a mountain in a snowstorm, such as we had in the last few weeks, so you go to patients in Utah, for example, or maybe New Mexico, if you are on some of the border communities.

Many physicians who serve in most rural areas of Colorado live in towns bordering other States. Because of the reduction in the OB/GYN workforce, it is now necessary for them to travel to patients to ensure mothers in rural areas receive treatment. It often involves crossing State lines so they may serve patients in rural areas of Wyoming, Nebraska, Kansas, Oklahoma, New Mexico, Arizona, and Utah. They are all neighbors of the State of Colorado. In many cases, the laws in these States do not protect the physician to the extent those in Colorado do and at the very least increase costs for physicians.

Rural patients in this country need access to care and treatment, plain and simple. If we continue to let trial lawyers create an environment where physicians cannot afford malpractice insurance, we run the risk of leaving our rural mothers without access to the doctors they need. So even though we have favorable tort reform provisions in Colorado which help reduce frivolous lawsuits, our neighbors do not, and it is having an impact especially in the rural communities of Colorado that border our neighboring States. The fact is, it makes it more difficult to attract doctors who want to practice obstetrics in those small communities.

In Texas, a good example where the legislation most recently went into effect, amazing things have happened since September of 2003. They have added nearly 4,000 doctors, insurance premiums have declined, and the number of lawsuits filed against doctors has been cut in half. I absolutely believe a focus needs to be made on liability lawsuits, especially in the area of OB/GYN practice. And we saw similar results when the legislature of the State of Colorado passed legislation reducing the liability burden that is brought by frivolous lawsuits. So I have seen it happen in my own State as well as the State of Texas.

I will continue to do my best to ensure that women and their children, especially those in rural areas, have access to quality health care and that frivolous lawsuits do not continue to line the pockets of the plaintiff's bar.

For these reasons, I lend my support to Senator GREGG as we move forward on the passage of his amendment.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, I ask unanimous consent to have 10 minutes from the opposition's time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator is recognized.

Mrs. BOXER. Mr. President, I was listening to this debate and was looking forward to these amendments on the farm bill, and all of a sudden I am hearing about pregnant women, and having babies, and suing doctors, and I am thinking: What bill are we on? Why on Earth do we have an attack on women in this farm bill? And it is an attack on women in rural areas when you say we are going to have tort reform and we are aiming it at the women in rural America because we don't like the fact that they may sue if there is malpractice.

Men often say, well, they are doing things to help women. Watch out when that happens. Men come to this floor and say: Oh, we are going to take care of the women. This doesn't take care of women. This puts them at risk. And they say: Oh, many more doctors will come to work in the rural areas if we limit liability.

But look at Texas. What my friend from Colorado mentioned about Texas is untrue. We have the statistics. There are no more doctors in rural Texas after they passed this bill. What has happened is that women have had their rights taken away from them.

Now, again, my friends on the Republican side couch this as an attack on the trial lawyers. Oh, the trial lawyers are evil, and all that. Watch out when people say lawyers are evil because when they are in trouble, the first thing they do is call the best lawyer in town. I have seen it myself, right here in the Senate. So watch out when you see a blanket attack on all lawyers. I have to tell you, when a Member on the other side gets in trouble, the first thing they do is call the best lawyer in town, but they want to take away the rights of women to sue in a tragic situation.

There are numerous examples that I can talk about, but one example came to my attention for these purposes, just to show people on both sides of the aisle some of the terrible things that do happen in these childbirths.

I am a grandmother, twice, and I have to tell you that in both cases—and even when I became a mom, twice—all very difficult; premature births, problems, long labors, concerns, breach babies. These are hard and difficult things. And OB/GYNs are my heroes. They are my heroes. Doctors are my heroes. But doctors make, sometimes, terrible errors, and they have to be held accountable or they will just go on and do it again and again.

Now, why would we, on a farm bill, attack the women of rural America and take away their rights? Let's talk about this particular case of Donna Harnett. She happened to be in Chicago. Her doctor decided her labor was not progressing quickly enough, so he prescribed a drug to help induce more contractions. Later, when her labor was not progressing, her doctor broke her water, found it was abnormal, and rather than consider a C-section, the doctor decided to continue to administer the drugs in hopes that the labor would progress.

Six hours later she had not delivered. Her son's fetal monitoring system began alarming, indicating the baby was in serious respiratory distress. The doctor finally decided, after all those hours, it was time to perform an emergency C-section, but it was another hour before Donna was taken into the operating room. During that time, the doctor failed to administer oxygen or an IV to help the baby breathe. After the baby was born, he remained in intensive care for 3 weeks, and she later learned he had suffered substantial brain damage and cerebral palsy as a direct result of the doctor's failure to respond to indications of serious oxygen deprivation and delivery in a timely manner.

In addition to all that, her doctor told her not to have any more children because she had a problem with her DNA, indicating the fact that the child was disabled was in her DNA. And, he said: Any of your future children would similarly have mental and physical disabilities.

Clearly, he was protecting himself in that situation and putting the blame on her. Since then, Donna has given birth to three healthy sons.

She sued the doctor responsible for Martin's delivery, and she received a settlement. That settlement is helping her cover the costs associated with Martin's care that are not covered by health insurance, such as the used wheelchair-accessible van she purchased for $50,000 and the $100,000 she spent renovating her home to make it accessible for her loving son. Martin is now 11. He will be at risk for health complications, including a terrifying incident in August when he almost bled to death because his trachea tube had rubbed a hole through an artery. But he survived, and he is able to laugh and to love and to attend school in his community.

Now, how would she be able to afford to take care of Martin if she wasn't able to have justice? Donna said:

> If there had been caps on the recovery system when my son was injured, it would have torn our family apart and Martin would be in an institution. Instead, he is able to live at home with us where we can take care of him and make sure he is happy.

Why on Earth do Senators in this body want to tell a woman like that: Too bad, no help, sorry. It is wrong. I have seen it in my own State. It is wrong. It tears families apart. Everyone here says: Oh, we are so family friendly. We have family values. Well, I would like to think we have family values that extend to a woman such as Donna, to a mother such as Donna, to a loving family such as her family, who, yes, wanted to buy a van so it was possible for her to take her son in and to give her son a decent life.

You know, I don't want to be a party to a Senate that would tell a woman such as Donna that she is just going to have to suffer for the mistakes of a physician. And let me be clear: I am a fan of physicians. I trust doctors. But, yes, they make mistakes. And when they make mistakes, they have to be held accountable, just as we all do if we are driving and we make a mistake. To put a cap on this and tell a woman such as Donna: Sorry, your son is your problem, when, in fact, the problem was created by medical malpractice, is an outrage—an outrage.

Anyone who votes for this amendment is saying to the women in rural America: You don't matter. So they can couch it as an attack on trial lawyers, they can do that all they want, but it is about the woman, the mom, who has been mistreated in this fashion.

If we want to deal with issues such as malpractice insurance, count me in. If we want to make sure some made-up case is thrown out of court, I am with you. And, by the way, there are already laws to cover that. But don't come here and say how wonderful you are being to the women of rural America by imposing a cap on what they could collect when they are damaged, when they are made sterile by a mistake, when a child gets brain damage because of a mistake, because of a mixup. That is not right.

And don't say: Oh, it is worth doing because you will get more doctors to come into rural America. It isn't happening. The Texas statistics are there, and I will share them with you. In 2003, when Texas passed its law, 152 Texas counties had no obstetrician. Today, 4 years after passage, the number hasn't budged, with 102 Texas counties having no obstetrician. The fact that some rural counties lack OB/GYNs is not a function of malpractice premiums. It is a function of population. The doctors practice where the patients are. So anyone who stands up here and says: Oh, this is great because so many more doctors will come into rural America, the facts don't show that.

I can tell you because now that I am of the age of a grandmother, where I see so many of these births with my friends' kids, I can tell you that these births are complicated. We want the best people taking care of our women, whether they are in rural America or urban America or wherever they are.

And if there is a tragic mistake, such as the one I related to you—a doctor just ignoring what is happening to the patient, refusing to do a cesarean, depriving the child of oxygen, and then turning around and telling the mother: Oh, it is your fault, it is in your DNA, it wasn't anything I did—and then going and telling a jury, well, even if you find in favor of this woman, you cap what she can get—You are consigning that family to a life of tragedy, because the mother in the case I talked about wouldn't be able to have the people in her home to help her with her son. And she had three other healthy babies. How dare that physician try to pin his malpractice on her, tell her she better not have any more kids. She had three more healthy kids.

So I stand here, Mr. President, as a Senator but also as a mom, having had two extremely difficult births, where the doctors I had, the same practice for both my kids, were wise, they were strong, they were smart, and they handled it right. Having seen my own family experience difficult births, I can tell you that you want the best handling it. You don't want to put a cap on damages so that people who are less than the best can go into this area and think: Well, I am protected. If I make 10 mistakes, I can afford it because there is a cap on it. So big deal. Disaster.

And to do this on the farm bill, it borders on the humorous, if it wasn't so serious. Maybe we want to have an amendment about birthing calves on the farm bill or something like that. But what are we doing here? Taking an amendment that doesn't belong here and saying rural women are going to be picked on. That is what they are doing. I am just in disbelief that this is even before us. I hope we have a very strong "no" vote and put this baby to bed, because this comes up again and again.

As I say, in my own State, I have met with parents who are just at their wits' end because of this travesty and they have a one-size-fits-all cap. I have met with parents whose child was born, there was malpractice, and the child is blind, the child is deaf, the child is sitting in a wheelchair. The mother and the father love that child. They are driven into poverty because the insurance will cover just so much.

We say we are for families? How can we say we are for families and mean it and then tell the women of rural America: Too bad, you cannot get what you deserve if a doctor makes a tragic—indeed, an unbelievably tragic—mistake. You have to care for a child for the rest of that child's life in the most loving way you can, but we are going to put a cap on what you are going to be able to spend on that child.

This is not the America I know. This is not a farm bill that should be turned into tort reform, some ideological quest by some of our colleagues. This is not an attack on lawyers; this is an attack on women.

I thank you for the opportunity to speak against this amendment, and I am looking forward to voting against it.

I yield the floor and suggest the absence of a quorum and ask unanimous consent that the time be equally divided until we go to the next speaker.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I rise to speak in favor of the amendment that is pending because I do believe that if we can have some malpractice reform, we can get more OB/GYN doctors, pediatricians, and doctors in general, in our rural areas.

As I travel in my State, I hear the complaints, and have for the last number of years, about lack of health care in our rural areas. It is one of our largest issues in this country today. I want to talk a little bit about our situation in Texas because the amendment before us is modeled somewhat on the law that did provide medical malpractice reform in Texas.

Before 2003, according to the Texas Department of Health, 158 counties had no obstetricians, 24 counties had no primary care physicians at all, and 138 counties had no pediatricians. Texas ranked 48 of the 50 States in physician manpower for our population. Why were we having such trouble? Because the cost of providing health care before 2003 was unsustainable, largely due to increased litigation activity which drove the medical malpractice insurance rate so high that doctors were being driven out of Texas. In fact, the insurance companies also left Texas because the claims were so high.

In 1991, Texas averaged 13 claims per 100 physicians. By 2000, Texas averaged 30 claims per 100 physicians. Of these claims, there was a disproportionate growth in noneconomic damages, damages such as pain and suffering. It was this growth, in contrast to awards of economic damages such as lost wages and medical care costs, that really spurred the increase in the medical malpractice premium. In 1991, noneconomic damages averaged 35 percent of total verdicts. By 1999, they averaged 65 percent. So the noneconomic damages—the pain and suffering damages—really doubled just in that 8-year period, not even taking into account the economic damages, which are certainly warranted damages when there is any kind of malpractice.

From 1999 to 2003, the average malpractice premium increase in Texas was almost 74 percent. The Texas Medical Liability Trust, which covered about one-third of the State's doctors in 2003, increased rates by 147.6 percent between 1999 and 2003. We are talking 4 years. In the Rio Grande Valley, physicians in general surgery and OB/GYN practices ranked sixth and seventh in the Nation for the highest premiums in 2002. The impact of litigation on Texas's health care system was undeniable and unsustainable.

Medical liability reform came about in 2003. There were bold changes in the tort system in an attempt to restore access to care. We have seen a dramatic change.

According to the Texas Medical Board, physician applications for State licensure have doubled from 2003 to 2007. The Texas Medical Board reports that since passing liability reform in Texas, Texas has experienced a gain of 195 OB/GYNs, 505 pediatricians, 169 orthopedic surgeons, 554 anesthesiologists, 36 neurosurgeons, 497 emergency medicine physicians, and 37 pediatric cardiologists. Prior to reform, Texas had five liability carriers. Since reform, Texas has added 3 new rate-regulated carriers and 13 new unregulated insurers. The five largest insurers announced rate cuts in 2005, with an average premium reduction of 11.7 percent. These reductions produced $48 million in annual premium savings.

Medical liability reform does work. We have attempted, on the floor of the Senate, for many years to have a national medical liability reform, even just focusing it on OB/GYN doctors and emergency room doctors because there are shortages all over the country of these kinds of services. There are shortages of physicians who are willing and able to perform these services because of the high medical malpractice insurance rates.

Everyone in our country, and certainly in the Senate, wants to make sure that if there is a medical error that causes an injury to a baby, to a mother, to anyone who is getting health care, certainly there should be penalties. There should be payment for economic damages. There should be payment for loss of wages and payment for pain and suffering. But if you have lawsuits where the pain and suffering start driving it rather than the economic damages and it starts to encroach on the ability of doctors, even if they have a clean record, to afford the rise in liability premiums, then I think we have to take a look.

It is particularly acute in our rural areas, where we have so many farmers, which is, I am sure, why Senator GREGG brought forward this amendment. I think it would be a great amendment to the farm bill to provide better access to health care for our farmers in this country. That is why, I am sure, Senator GREGG chose this bill, because we have not had the opportunity to address medical malpractice reform since we made the attempt last year in the Senate, which was utterly unsuccessful, to be honest.

Because the problem has gotten worse in many States and because the record in Texas after medical liability reform has caused so much better care, more access to care, and more satisfaction with care in Texas since the reform, I would like to see that model able to be reproduced around our country and especially in our rural areas, which is the subject of the bill before us today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I oppose the amendment offered by Senator GREGG, among others. It is certainly not within the jurisdiction of the Senate Agriculture Committee, on which I have the honor to serve, but is within the jurisdiction of the Senate Judiciary Committee, which I have the honor to chair. It is something that should be looked at there. It would be like putting a Defense amendment on the Agriculture bill.

But far worse than just the question of where the jurisdiction is and why this amendment makes no sense here, it would limit the legal rights of what rural women and children are eligible to receive when they are severely injured in our health care system. It does not provide protection for rural women and children. In fact, it leads to a lower standard of care by treating them differently than all other patients in the country. I am certainly not going to vote for something like this and go home to my State, which is a very rural State, and tell the women and children: I voted to make you a second-class citizen. The amendment will overturn our State laws regarding the statute of limitations. It would limit the legal rights of our most vulnerable citizens.

I am always surprised at the other side when I hear, depending on what the issues are: We have to protect the States. We have to protect our State laws. We can't have the Federal Government trample on the State laws. However, if it is something the major insurers want: Of course we will override State laws concerning the statute of limitations, we will limit the legal rights of our most vulnerable citizens.

Nothing remotely related to this novel legal treatment of severely injured rural women or children has even been debated or discussed in the Judiciary Committee. I suspect because nobody would take it seriously if you said we have to protect insurance companies, so we have to cut the legs out from under rural women and children.

The amendment does nothing to protect rural victims of medical malpractice. It does nothing to prevent the serious injuries of malpractice in the first place. Caps on damages, such as the one in the pending amendment, would arbitrarily limit the compensation that the most seriously injured patients are able to receive. This says nothing of what it does to State legislators, which is trample State legislators by telling them that an amendment debated for a matter of minutes on the floor, in our judgment, is so much better than the laws of your State.

The central truth of the troubles of malpractice insurance is that it is a problem in the insurance system and industry, not in the tort system. High malpractice insurance premiums are not the direct result of malpractice lawsuit verdicts. There have been enough studies to prove that conclusively. Rather, they are the result of investment decisions by the insurance companies that resulted in business models geared to ever-increasing profits, as well as the cyclical hardening of the liability insurance market.

Instead of blaming lawyers or, worse yet, blaming the victims of medical malpractice, we should look at the special treatment Federal law currently bestows on the insurance industry. They have a blanket exemption from Federal antitrust laws. Most people don't realize that. We assume the law applies to everybody in this country, but antitrust laws do not apply to these insurance companies.

Our antitrust laws for everybody else are the beacon of good competition practice, and when our antitrust laws are followed, consumers benefit. How? They get lower prices, they get more choices, and they invariably get better services. But when the insurance industry operates outside of the structure of antitrust laws, and they do not have to face any competition, then they are allowed to collude and they can set rates. When they do, our health care system, our physicians and our patients all suffer.

Earlier this year I introduced the bipartisan Insurance Industry Competition Act, S. 618, along with Senators SPECTER and LOTT and REID and LANDRIEU. It would assure that malpractice insurers and others could not artificially raise premiums and reduce benefits through collusion. This is a responsible solution to ensure competitive pricing—putting the burden on rural victims of medical malpractice is not.

If you were to try to put the burden on the rural victims, the women and children of rural America, for somebody else's medical malpractice, that is not the way to solve the problems.

Arbitrarily capping damages available to rural women and children does nothing to solve the flawed medical malpractice insurance market. It is a boon to companies that operate outside the antitrust system and can collude to set rates anywhere they want.

I would suggest we do a thoughtful, collaborative consideration in the Judiciary Committee where this discussion belongs, get a sensible solution that is fair to patients and can support those in our medical profession who want to practice quality health care.

This partisan amendment does not do this. It is not designed for a creative solution to a serious problem. Anyone who wants to vote for it, I hope they are prepared to go home and tell their State legislature: We walked all over you in hobnailed boots, you are irrelevant, we are the Senate. One hundred people here know far better than the legislatures in all your States.

That is not the way to do it. That is not the way to bring things about. So if you want real consideration of this, let's do it along with raising the issues of why should the insurance companies be able to collude, why should they be outside the antitrust laws, why should they be able to meet behind closed doors and do whatever they want to set our rates? That is what I ask.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I rise in support of Senator GREGG's amendment. This is a frustrating issue because there are many factors that contribute to the lack of physicians who serve rural areas of America. We cannot escape the fact that rural areas of America are hard hit by this, especially by a critical lack of OB/GYN physicians.

We have an opportunity to try to address that problem. The cost of providing service in those areas is disproportionately high, in large measure, because of the cost of our liability system.

We can argue what the best way is to address the cost of the liability system. It might be easy to blame insurance companies, but there is no question we ought to look for commonsense approaches to deal with this problem; otherwise, we are not going to increase the coverage and the number of physicians who are practicing in rural America.

We have heard about the impact of State regulation from Senator HUTCHISON, who spoke about her experience and her State's experience. Many States have taken action to put commonsense controls in place on the overall cost of the liability system, by not limiting physical or economic damages for those who are harmed in malpractice cases, but by simply putting commonsense limits on noneconomic damages.

There are many States that have taken this approach, and it is important to note this amendment would not affect those States that have enacted their own set of laws. This amendment targets States that have made no attempts to address the problem. It targets rural areas of the country where it is most needed, to help those rural areas get better access, better service, to OB/GYN physicians.

While it may be frustrating, as Senator LEAHY noted, to see an insurance company that has made a bad investment decision—I am not happy about that, he is not happy about that, that it might have an impact on insurance costs—it is far worse to look at a rural part of America, a rural county, a rural city, a rural town, that has no access to the health care physician services it needs because of spiraling liability costs in the system.

I think this amendment is a good-faith effort to begin to address that problem.

AMENDMENT NO. 3822

Mr. President, I wish to take another moment to address a second amendment Senator GREGG has offered. It is amendment No. 3822.

Mr. President, in the last few days, the morning temperature in Manchester, NH, has been about 8 degrees; home heating oil costs are $3.27 per gallon. These are simply the cold, hard facts of winter in New England, 8 degrees and $3.27 per gallon.

As we continue debate this week on a comprehensive energy bill, I hope we keep those numbers in mind. I hope we take a hard look at programs such as LIHEAP, low-income fuel assistance, that can make a difference for families in New Hampshire and across the country.

The Federal Government has limited power to have an immediate impact on energy prices, whether it is a gallon of oil or a gallon of heating oil or natural gas that might heat hospitals. Congress is in a poor position to have an affect on the laws of supply and demand, but we can help those who are most in need during a tough, cold winter; that program, as I indicated, is LIHEAP.

Simply put, LIHEAP funding works. It is administered by the States and local agencies that know and understand the people who need the assistance, and they deliver it in a very effective way. Congress passed the precursor bill to LIHEAP back in 1980, and in 2006, we allocated over $3 billion for LIHEAP.

Last year, under the continuing resolution, LIHEAP funding was roughly $1 billion less, and, unfortunately, the Department of Health and Human Services has only been able to release 75 percent of each State's allocation.

I know the Presiding Officer, Senator SANDERS from Vermont, has worked on this issue. We signed letters together in the past, letters addressed to President Clinton, letters addressed to President Bush, letters addressed to conferees and appropriators.

Now we have in front of us an amendment offered by Senator GREGG, and one offered by Senator SANDERS as well, that would try to address the problem by adding to this farm bill nearly $1 billion in additional funds for LIHEAP.

If we look at some of the unnecessary funding in this farm bill, it becomes clear to Americans that we absolutely have the resources and the capacity to make those allocations under the current budget framework.

I am pleased to join Senator GREGG as a cosponsor to his amendment that would appropriately fund this program. This has been a bipartisan issue, both in the House and in the Senate. I have worked with colleagues on both sides of the aisle to make this kind of funding a reality, and I think it is a tribute to LIHEAP that the program has been able to maintain bipartisan support through the years.

We are pursuing a number of different ways to add these critical LIHEAP funds to this farm bill, as well as any appropriations legislation we consider in the coming week, and, quite frankly, the people at home do not care how we go about it. They understand it has been awfully cold in New England the past week, and heating oil still costs well over $3 per gallon.

We need to get the job done. I am pleased to support the amendment and I hope it is adopted by my colleagues.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I rise today to talk about the rural access to care amendment sponsored by Senator GREGG. It is amazing in a State such as New Hampshire, that could not be more different than the State I reside in, Tennessee, that we have a very similar problem.

I commend his efforts on this agriculture bill, one that affects so much of rural America, to, in a very surgical and thoughtful way, deal with the issue of access to care.

As you might imagine, I spent an inordinate amount of time, in the 2 years prior to being here, in all 95 counties in my State. What was most stunning was to see the statistics and talk to young women as it related to their access to obstetrical care.

The fact is we have 91 of 95 counties in our State that are considered to be rural counties. The number of OBs in those rural counties from 1997 to the year 2003 dropped from 179 OBs to 103 during that period of time.

In our State, more than 30 of our 95 counties have very inadequate access to obstetrical care. In 15 of those counties, we have no obstetrical access. I know the Senator from Vermont, the senior Senator, talked a little bit about the insurance companies and the role they have played. I respect greatly his views and certainly his knowledge on this subject.

But what I found was this: We have young mothers-to-be in our State who lack the ability to access OB care because of the fact that malpractice insurance costs so much in that particular field of care, and, therefore, they have been driven out, if you will, of the rural counties in the State of Tennessee.

The fact is this amendment only focuses on rural counties. It only focuses on OB care. It does not in any way affect those States that have chosen to go ahead and address this issue themselves. I wish to applaud him in being so thoughtful and so surgical in his approach to this very pressing issue that, if you will, pits these young mothers-to-be against those who are against any kind of malpractice caps.

The fact is this only addresses noneconomic damages. It does not in any way affect economic damages. It does not keep families from getting the most complete care necessary if something bad were to happen. I fully support this. I wish to thank Senator GREGG for offering this amendment. I urge my colleagues to support it also.

I yield the floor and I suggest the absence of a quorum.

Mr. HARKIN. If the Senator would suspend, I wish to ask how much time is remaining on this amendment.

The PRESIDING OFFICER. The majority has 36 minutes 48 seconds, the minority has 20 minutes 40 seconds.

Mr. HARKIN. I assume in a quorum call the time is taken from both?

The PRESIDING OFFICER. Only by consent.

Mr. HARKIN. If the quorum call is put in now, might I ask the Chair to whom does the time run against?

The PRESIDING OFFICER. It is charged to the Senator who makes the suggestion there is an absence of a quorum.

Mr. HARKIN. Mr. President, I think it is only fair to ask unanimous consent any time under this quorum call be equally allocated to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. We have a little over half an hour of time left on this side, about 20 minutes on the other side on this amendment. For those Senators, this is the medical malpractice amendment by Senator GREGG from New Hampshire. By consent, we had 2 hours of debate. The clock is running. If any Senators wish to speak on this amendment, they better hurry over here.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I rise in opposition to Gregg amendment No. 3673. He has entitled this amendment the Healthy Mothers and Healthy Babies Rural Access to Care Act. The reason it is called "rural access to care" is so he can fit it into the farm bill because it doesn't have much, if anything, to do with the farm bill. It is a bill related to medical malpractice. It is an issue which Senator GREGG dutifully brings before the Senate as often as possible. I respect him for his point of view. I disagree with his point of view. But I think it must be clear to those who are following the debate what is involved in this bill and this amendment.

This is a farm bill that comes up once every 5 years. Senators HARKIN and CHAMBLISS have worked hard to put together a bill dealing with farmers and ranchers, nutrition programs, so many other items. Some on the Republican side of the aisle have insisted that is not enough. They want to bring in a lot of unrelated issues and debate them on the farm bill. They were given permission to do so, and Senator GREGG has done just that.

This amendment is important to understand. What Senator GREGG is saying is, there is one class of people in America who will be limited if they are victims of medical malpractice. This class of people in America who will be limited in recovering for the damages sustained by them and their family, this class of people that will be limited are the women of America. Women of America will be the only ones limited in recovering in court if they or their children are injured in childbirth. What is the justice in that? No limitations on men for prostate surgery but limitations on women delivering babies? I don't understand his logic, and I don't think anyone, particularly if they happen to be a woman, can understand why he decided to single out women in America and restrict their recovery in court if they are innocent victims of medical malpractice. That is what he does.

The Senator argues that we have to address the high cost of medical liability insurance and the risk of being sued. That is the reason he wants to limit the right of women in America to go into a courtroom and argue they were either hurt or their children were hurt or killed in the course of childbirth.

He claims his amendment will help ensure that rural women don't have to drive long distances to see a "baby doctor." But it is interesting, this amendment is patterned after a Texas law that did not bring more baby doctors to rural areas. I am sure the Senator from Texas, who will speak after me, will address this.

In 2003, Texas passed its law. At the time it passed, there were 152 counties in that State without an obstetrician, no doctor to deliver a baby. Today, 4 years after the passage of this Texas law limiting the right of recovery for women who were injured as a result of malpractice, the number has not changed. In Texas, 152 counties still have no obstetrician.

The fact that some counties don't have an obstetrician may not be as much about medical malpractice premiums as it is about population. According to the American Medical Association, the number of OB/GYNs nationwide has risen from around 39,000 in the year 2000 to over 41,000 in 2004. So there are more obstetricians practicing. But that hasn't changed the circumstances in rural Texas because the doctors who are practicing medicine involving the delivery of babies are practicing in cities and suburbs. The Gregg amendment doesn't even address that reality.

Supporters of proposals such as the Gregg amendment like to argue that escalating malpractice premiums justify their effort to limit the right of patients who have been injured to seek compensation. We have had this argument before over several years. There is no doubt about it—and I don't argue—medical malpractice premiums went up dramatically. But as so many States have addressed this issue, we have seen a change.

During the third quarter of 2003, malpractice premiums were 28 percent higher than the year before. But by 2004, malpractice premiums increased only 6 percent. In 2005, they did not increase at all. In 2006, they actually dropped 1 percent. In 2007, they dropped 3 percent. Malpractice premiums are going down. Yet Senator GREGG or another of my colleagues on the other side of the aisle dutifully offers this amendment or some variation of it every year without acknowledging the real changes taking place.

Despite all the talk about frivolous lawsuits being filed against medical professionals, medical malpractice payments by insurance companies have remained steady when adjusted for medical inflation. And the number of paid medical malpractice claims per physician in America has actually declined. According to the Kaiser Family Foundation, the number of paid malpractice claims for every 1,000 physicians decreased from 25.2 in 1991 to 18.8 in 2003.

Malpractice premiums are going down. The number of claims being filed per physician is declining. The number of paid malpractice claims is going down significantly.

But even if malpractice premiums were still going up—which is not the case—the Gregg amendment does not require insurance companies to lower them. The Gregg amendment says: We will deny to women the opportunity to recover in court for injuries to them or their babies, and we are hoping the insurance companies will show mercy and reduce premiums as a result. There is no linkage between the Gregg amendment and actually bringing down malpractice premiums.

This amendment limits the damages that can be recovered by victims. Keep in mind, these are victims who have legitimate claims in court. They are the ones Senator GREGG would deny recovery for the actual damages they have incurred.

Now, I will concede he allows some damages to be incurred—medical bills and the like. But he will even, I think, acknowledge there is a limitation on noneconomic damages of, I think—I read quickly through this—I think in this year's version it is $250,000.

Now, if we want to turn this farm bill into a discussion on health care, the issue we should be focusing on is one I think we all agree has to be taken seriously. It is patient safety, medical errors. Dr. Carolyn Clancy, director of the Agency for Healthcare Research and Quality, has called medical errors by doctors and hospitals "a national problem of epidemic proportions."

Senator GREGG's amendment does not address this. He does not address one of the causes of injuries to innocent patients who go to a doctor for what are supposed to be routine medical procedures and have a very bad result. He does not address the medical errors that trigger medical malpractice lawsuits.

A far-reaching study of the extent and cost of medical errors in our hospitals was published in the Journal of the American Medical Association in 2003. The authors of the study analyzed 7.45 million records from about 20 percent of U.S. hospitals.

They found that injuries in U.S. hospitals in the year 2000—just 1 year—led to approximately 32,600 deaths, 2.4 million extra days of patient hospitalization, and additional costs of 9.3 billion. That did not include adverse drug reactions or malfunctioning medical devices.

The authors concluded that medical injuries in hospitals "pose a significant threat to patients and incur substantial costs to society."

What does the Gregg amendment do about patient safety and medical errors? Nothing.

Here is what it does. It applies an arbitrary one-size-fits-all cap on noneconomic damages in malpractice cases won by the patients. What are noneconomic damages? Pain and suffering, disfigurement, physical impairment, and scarring. How do you put a price on that?

If a person is going to be incontinent for the rest of their life, if they are scarred in the face or another part of their body, if they are in pain and unable to function, is that worth something? In the mind of Senator GREGG, it is only worth $250,000—no matter what. That is it. If your pain is going to be with you for a year, 5 years, 10 years, or 20 years—the same amount, $250,000.

It would reduce the statute of limitations within which an injured patient can bring a lawsuit. It is more restrictive than the majority of the States in the Union, cutting off claims for injuries or diseases. If you do not file the claim on time, Senator GREGG says: Sorry. Bad luck. Sorry that this poor woman is not going to have a chance to recover, but that is the price she is going to have to pay for his reform.

It would allow a reduction of damage awards because of other health or accident insurance the patient might have. Imagine for a minute that you have been wise enough, thoughtful enough, to buy health insurance to cover yourself and your family. Your wife goes in to deliver a baby. The doctor makes a serious error. The wife is injured. The baby is injured, and the baby dies.

Now there are medical bills. Well, it turns out you had health insurance. According to Senator GREGG, we should give to the offending doctor or hospital credit for your wisdom in buying health insurance. In other words, they do not pay for the medical bills if you paid for them yourself through your own health insurance. Does that make sense? Is that fair that the hospital or doctor guilty of malpractice would profit because the victim had health insurance?

His amendment makes it harder for patients to pursue punitive damages, and it would limit how much can be awarded—even when a wrongdoer is found to have acted with malicious intent.

His amendment would allow insurers to string out damage payments over a long period of time, meaning the insurers could keep the interest on that money for themselves.

It would preempt State laws on lots of issues, including whether patients' insurance coverage affects payments, how soon victims are compensated, and, of course, statutes of limitations.

The amendment only applies to lawsuits involving OB/GYNs in rural areas. Women living in rural areas are the ones on whom Senator GREGG has focused. They are the only group of Americans he wants to deny an opportunity in court for full compensation for their damages. I am sure the women of America will be grateful. I do not think, if they read this bill closely, they will believe it is fair or just. I do not.

Why would we want to treat rural mothers differently than those living in the suburbs or cities? This amendment is the wrong solution to the wrong problem on the wrong bill. Congress should not decide what injured patients should receive. We have a system called a justice system. We have judges, and we take an average group of people in America—your neighbors and friends—11 or 12, and they sit in the jury box to listen to the deliberations and decide what is fair.

I think that system has worked pretty well. And over the years, we have said we will allow the States to write the laws about how these lawsuits will be conducted. Over the years, there have been problems with malpractice premiums, problems with patient safety, and the States have responded to it, including my State of Illinois, by changing State law. I believe the majority of States have already changed their malpractice statutes.

That is the proper and appropriate way to approach this issue. Senator GREGG wants to federalize this. He wants to make it a Federal matter. He wants Congress to preempt the decisions of the States, and he wants his law to preempt the decisions of a jury. He believes his wisdom on what a person should be entitled to recover in a lawsuit should be trumping the wisdom of a judge and a jury.

I guess I have more trust in those judges and juries. They do not always come in and award for the plaintiff. Before I came to Congress, I used to handle these lawsuits. I spent a number of years defending doctors and hospitals, and a number of years suing them for medical malpractice.

They talk about frivolous lawsuits. I want to tell you, we fought long and hard before we took a case in my office involving medical malpractice. They are complicated and expensive and went on for a long time. I was not going to take a case that I did not think I could win. It was not fair to the doctor. It was not fair to the plaintiff. It sure was not fair to my family and my law practice. So we did not file anything we knew to be frivolous, just to make noise. We made a point of not doing that.

In this situation, for Senator GREGG to decide that a class of Americans—women in rural areas—are going to be denied their recovery in court, they are going to be treated differently—well, certainly this is a worthy topic for the Judiciary Committee and others to debate at some time about patient errors and medical safety, about malpractice and premiums. But to do it on a farm bill?

We just had a debate earlier about how much money we are going to give to people who grow asparagus. Yes, that was one of the amendments. Now we switch from that issue to a question about whether a mother who is giving birth to a child—where the doctor does not show up on time or does the wrong thing and the child is injured or dies—whether that mother can go to a court and receive compensation.

I think this is an amendment that should be defeated. I urge my colleagues to join me in voting against this amendment—to join me in supporting the basic concept that the States have been the source of statutory regulation of medical malpractice claims, to join me in saying it is not fair to pick out one class of people in America—in this case women living in rural areas—and to say they cannot have their day in court, to join me in saying we should be working together to reduce medical errors and make it safer to go to a hospital, make it safer to go to a doctor.

I respect the medical profession. I cannot tell you how many times in my life I have relied on a doctor or a hospital for care for a member of my family and was thanking God every moment that they were as good as they are, doing as much work as they do, having studied as hard as they did. But, please, this is a piece of legislation proposed by Senator GREGG which has not been thought through. It is not fair. It is not fair to the women who would be discriminated against by this legislation. It certainly is not fair to their families if a tragic consequence of medical malpractice means that a baby or a mother is going to be disfigured, face pain and suffering for a lifetime, to say that no matter how long it goes, no matter what happens, we cannot allow them more than $250,000.

That, to me, is unreasonable. It is unfair. And it has no place on this bill. I urge my colleagues to defeat the Gregg amendment.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I express my appreciation to the senior Senator from New Hampshire for bringing this important amendment to the Senate floor.

We just heard from the distinguished assistant majority leader, who is one of the best lawyers we have in the Senate. But I want to offer a different perspective; that is, it does not do pregnant women a lot of good to be able to sue for unlimited damages if they are injured in a medical liability case if they cannot find a doctor to take their case or to deliver their baby.

Really, what this amendment goes to is, how do we increase access to health care and how do we deal in an area where I know there have been complaints that it only addresses pregnant women and their ability to find doctors? The fact is, if we could get agreement on the other side of the aisle, I think this should be extended to cover all doctors and hospitals and all types of cases.

But, as the Senators know, there are issues of germaneness that mean there is only a limited ability to deal with a part of the universe of the problem, and that is why Senator GREGG has offered this legislation—which is called Healthy Mothers Access to Rural Care—on this particular bill.

This legislation, as Senator DURBIN noted, is modeled after recent reform efforts that have taken place in my State, my home State of Texas. I would like to talk a little bit about the dramatic improvements in access to care that this commonsense legislation has provided.

This is the subject of an interesting story in the New York Times, dated October 5, 2007. The title of the story—apropos of my comments a moment ago—is "More Doctors in Texas After Malpractice Caps."

I would say to the distinguished Senator from Illinois, this is not about denying people access to the courts and recovery. There is unlimited ability to sue for and recover economic losses as a result of a medical liability incident. But it does place reasonable caps on noneconomic losses, specifically pain and suffering.

The good news is, we do not have to guess as to whether this approach works. We know because it has worked in that laboratory of democracy known as the great State of Texas.

As I mentioned, this article highlights some of the successes of this legislation passed a few short years ago in Texas. For example, it says:

> In Texas, it can be a long wait for a doctor: up to six months.
>
> [But] that is not for an appointment. That is the time it can take the Texas Medical Board to process applications to practice.

In other words, there have been so many doctors moving to Texas who want to get a Texas medical license because of these reforms that the number of doctors has increased dramatically, and, thus, access to care has increased dramatically throughout the State.

The article goes on to say:

> Four years after Texas voters approved a constitutional amendment limiting awards in medical malpractice lawsuits, doctors are responding as supporters predicted, arriving from all parts of the country to swell the ranks of specialists at Texas hospitals and bring professional health care to some long-underserved rural areas.

This is particularly important, as the article says, in high-risk specialties such as obstetrics and gynecology and neurosurgery and other areas where it is hard to find doctors to come to practice because of skyrocketing medical malpractice rates.

Well, this reform, in Texas, 4 years ago, and what this amendment proposes are specifically designed to deal with those skyrocketing malpractice rates by providing some reasonable limits on recovery for noneconomic damages. It is fallacious to say it denies people access to the courthouse or recovery. It doesn't do that at all. This article goes on to say:

> The influx, raising the State's abysmally low ranking in physicians per capita, has flooded the medical board's offices in Austin with applications for licenses, close to 2,000 at last count.
>
> It was hard to believe at first; we thought it was a spike,

said Dr. Donald W. Patrick, executive director of the medical board and a neurosurgeon and lawyer. But Dr. Patrick said the trend—licenses up 18 percent since 2003—has held, with an even sharper jump of 30 percent in the last fiscal year, compared with the year before.

The article continues to talk about the experience of a pediatric neurosurgeon—a high-risk specialty:

> Dr. Timothy George, 47, a pediatric neurosurgeon, credits the measure in part with attracting him and his long sought-after specialty last year to Austin from North Carolina. "Texas," he said, "made it easier to practice and easier to take care of complex patients."

Why would we want to make sure there are more pediatric neurosurgeons or specialists with that kind of ability and training and skills, to make that available to more children who need that skill? That is what this amendment would provide.

The article goes on to say:

> The increases in doctors—double the rate of the population increase—has raised the state's ranking in physicians per capita to 42nd—

Up from 48th in 2001—

> according to the American Medical Association. It is most likely considerably higher now, according to the medical association, which takes two years to compile the standings.
>
> The Texas Medical Board reports licensing—

More than 10,000 new physicians since 2003, up from roughly 8,000—

> in the prior 4 years. It issued a record 960 medical licenses at its last meeting in August, raising the number of doctors in Texas to 44—

Almost 45,000—

> with a backlog of nearly 2,500 applications.

It is another example of people voting with their feet when we allow conditions to exist that allow doctors to practice their profession in a reasonable environment rather than appear as a victim of the litigation lottery: They are going to come, and more doctors—more high-risk specialties mean more patients are going to get access to the kind of health care they need.

We know the opponents of some of this have basically said: Well, people are going to be hurt if you limit noneconomic caps. The fact is the people who are going to be hurt are the patients who are not going to be able to get the doctors. Of course, we can't forget our friends, the trial lawyers, who usually take 40 to 50 percent of every award in a medical malpractice case. I submit that is part of the resistance we have here, because trial lawyers who specialize in these kinds of cases don't want to get hit in the pocketbook. They don't care as much about access to health care as they do their own pocketbook.

> In some medical specialties—

This article goes on to say—

> the gains have been especially striking.

For example, an increase of 186 obstetricians, 153 orthopedic surgeons, and 26 neurosurgeons.

This is the reason why physicians and health care providers have found it a better place to practice their profession and why access to care has increased as a result.

This article goes on to say there was an average 21.3 percent drop in medical malpractice insurance premiums, not counting rebates for renewal.

Justice requires that we embrace a national reform, particularly in light of the fact that the American taxpayer, the Federal taxpayer, pays roughly 50 percent of every health care dollar in America today. This is no longer an isolated issue that can be handled or should be handled State by State. We ought to look at the reality, and that is that we need a Federal and national solution too. We are doing fine in Texas because we passed this reform 4 years ago. But shouldn't we make sure that more Americans—particularly more pregnant women—have greater access to health care as a result of this commonsense reform?

As a matter of principle, those who have been wrongly injured deserve their day in court. No one is suggesting we ought to close or bar the courthouse door. If a doctor is at fault, he or she should be held fully accountable. But we should also at the same time take care not to destroy our health care system in order to protect unlimited damages and the lawyers who bring those lawsuits.

The Texas approach has proven successful. This bill would simply give the same boost to all Americans, particularly those most in need—particularly rural patients and more particularly pregnant women who need access to an obstetrician and gynecologist to take care of their baby. It would be a shame if our colleagues on the other side of the aisle continue to block, as they have done time and time again, commonsense reform legislation that is guaranteed and proven to give greater access to health care and doctors and to make sure all Americans have access to the best health care possible.

I urge all of our colleagues to stand up for better access to rural health care, particularly in obstetrics and gynecology, by passing this important amendment.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I wanted to speak for a few minutes on the Gregg amendment simply because I have unique personal experience with it. I am now somewhere close or over having delivered 4,000 children. The last one was an 8 pound, 9 ounce healthy baby, no problems that we know of. I also just signed a check to pay for my malpractice insurance, which next year will come to about $3,000 per baby I deliver—$3,000 per baby, per case. Now, that is excessive because I don't deliver that many babies anymore. But on average, it is $300 to $400 to $500 for every baby that is delivered in this country in terms of malpractice insurance.

Why is it important to fix this problem, not just for OB/GYNs but for all doctors? Well, there are a couple of reasons. The cost of defensive medicine today on the basis of the litigious aspect of medical malpractice causes us to spend $600 per person per year on tests nobody needs, except the doctor needs to be able to say he went the extra mile in case they get sued. That comes to about $150 billion a year of tests that were ordered. That doesn't include the cost of the malpractice insurance, which the year before last in Oklahoma rose 98 percent—a 1-year rise. There are significant problems with the tort system in Oklahoma that show the excessive costs. But more importantly, what about the women and children? The heck with the money. What about the women and children? What happens?

Well, we know we are not filling the spots for the OB/GYN residencies in this country anymore because you can't afford to pay the loans and get a job and earn enough and then pay for your malpractice to be able to pay off your loan and make a living. So people are opting not to go into obstetrics and gynecology. Why do they do that and what is the result of that? The result is we have fewer trained specialists to actually offer care. Who suffers the most—women in the large cities or women in the smaller rural cities? The reason this is offered on this bill is because it has tremendous direct application to the women who live in rural America. Access is denied. We are now talking an hour, 2-hour, 3-hour drives for OB care in Oklahoma because we don't have the available people who will do this service.

There are two other points I want to make as we consider this, thinking only about the women and children. One is that because of the tort system we have, if you are a woman who has a C-section—not because you can't physically deliver a baby, but because you had a sign that your baby may be in trouble—the next time you come to have a baby, there is an almost 80-percent chance that you could deliver that baby naturally, without having to undergo surgery. But because of the litigious environment, we now have hospitals all across the country that forbid vaginal delivery after cesarean section—not because it is that unsafe but because the risks associated with the procedure in terms of the legal consequences make it financially not a risk that hospitals want to take, let alone whether the doctor is capable of doing it and managing that patient at all.

So what does that mean? It means we expose women to a major surgical procedure, not because they need it but because the trial bar has forced them to do it. We are now making decisions not based on medical indications; we are making decisions based on legal implications. That is the wrong way to practice medicine.

Finally, the third point I will make is as we see this shortage of available obstetrical care in the rural areas, we say: We are going to give you care, but then we give you somebody who is great in terms of caring for you, and has some knowledge, and has some capability, but isn't a fully trained physician. We give you a nurse-midwife. But if you get in trouble, you are still going to have to have somebody come in. Well, what do we know about that? What we know is that time makes a significant amount of difference when we have a baby in trouble. So what we are going to do is we are going to continue to increase the costs of complicated deliveries, with children who get injured, when the whole goal of the tort bar in the first place was trying to prevent that, because we don't intercept and we don't interrupt a process that could have made a major difference in that child's life.

In my hospital, you can't deliver a baby unless you have the ability to do an operative procedure to handle every complication of obstetrics. But that is not true around the country anymore because we have decided we are going to do it in a less cost-efficient way.

Mr. President, I ask unanimous consent for 3 additional minutes.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. On both sides.

Mr. COBURN. I am happy with that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. So our point is this: This isn't a perfect bill to be talking about this issue, but it truly has impact to our agricultural communities. They are the ones who live in the rural areas. What we have done is we have moved away from the ball where we now practice legal medicine, rather than medicine. We are offering a care that is not as good as what it could have been. We are putting women through procedures that they don't have to go through with a tremendous increase in cost, all because we can't say there ought to be some type of limitation so we can rebuild the medical structure.

If we really believe in women and children, we will grant the same equality in the rural areas that we grant around the rest of this country by making sure they have competent, well-qualified, certified obstetricians and gynecologists to take care of them at this great time of their life.

I yield the floor.

The PRESIDING OFFICER (Mrs. McCASKILL). The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, how much time do we have?

The PRESIDING OFFICER. The majority has 17 minutes.

Mr. KENNEDY. I yield myself 10 minutes.

Madam President, I came over to speak on an extremely important issue dealing with the public safety of employer-employee cooperation.

First, I listened with interest to our colleagues talk about the issues of malpractice and the costs to the health care system. The fact is we have had in the Judiciary Committee extensive hearings on this issue, and the root cause of the increases are not so much the problems with the doctors and the patients, it is the insurance industry in and of itself that has made poor investments. As a result of poor investments, they have raised the tariff on the various doctors and communities. This has been well documented. I wish to have material printed at the appropriate place in the RECORD about these issues. It is a serious issue—malpractice insurance—but it is important that we find out the real reasons for that. It does appear to me we are not getting the full story, certainly here on the floor of the Senate this afternoon.

Today's vote on the Gregg malpractice amendment is a test of the Senate's character. In the past, this body has had the courage to reject the simplistic and ineffective responses proposed by those who contend that the only way to help doctors is to further hurt seriously injured patients. Unfortunately, as we saw in previous debates on this issue, congressional Republicans are again advocating a policy which will benefit neither doctors nor patients, only insurance companies. Caps on compensatory damages and other extreme "tort reforms" are not only unfair to the victims of malpractice, they do not result in a reduction of malpractice insurance premiums.

We must not sacrifice the fundamental legal rights of seriously injured patients on the altar of insurance company profits. We must not surrender our most vulnerable citizens—women and newborn babies—to the avarice of these companies. The idea of denying pregnant women living in rural areas the same legal rights as pregnant women living in urban areas is truly absurd. It is a transparent gimmick designed to make this amendment appear relevant to a totally unrelated farm bill.

This bill contains most of the same unreasonable provisions which have been decisively rejected by a bipartisan majority of the Senate many times before. The only difference is that previous proposals took basic rights away from all patients, while this bill takes those rights away only from women and newborn babies who happen to live in rural communities. That change does not make the legislation more acceptable. On the contrary, it adds a new element of unfairness.

This legislation would deprive seriously injured patients of the right to recover fair compensation for their injuries by placing arbitrary caps on compensation for non-economic loss in all obstetrical and gynecological cases involving women in rural areas. These caps will hurt patients who have suffered the most severe, life-altering injuries.

They are the children who suffered serious brain injuries at birth and will never be able to lead normal lives. They are the women who lost organs, reproductive capacity, and in some cases even years of life. These are life-altering conditions. It would be terribly wrong to take their rights away. The Republicans talk about deterring frivolous cases, but caps by their nature apply only to the most serious cases which have been proven in court. These badly injured patients are the last ones we should be depriving of fair compensation.

A person with a severe injury is not made whole merely by receiving reimbursement for medical bills and lost wages. Noneconomic damages compensate victims for the very real, though not easily quantifiable, loss in quality of life that results from a serious, permanent injury. It is absurd to suggest that $250,000 is fair compensation for a child who is severely brain injured at birth and, as a result, can never participate in the normal activities of day to day living; or for a woman who lost her reproductive capacity because of an OB/GYN's malpractice.

Caps are totally arbitrary. They do not adjust the amount of the compensation ceiling with either the seriousness of the injury, or with the length of years that the victim must endure the resulting disability. Someone with a less serious injury can be fully compensated without reaching the cap. However, a patient with severe, permanent injuries is prevented by the cap from receiving full compensation for their more serious injuries. The person with a life-altering injury may only be permitted to receive a relatively small portion of the compensation to which he or she is entitled.

The proponents argue that they are somehow doing these women and their babies a favor by depriving them of the right to fair compensation when they are seriously injured. It is an Alice in Wonderland argument which they are making. Under their proposal, a woman in a rural county whose gynecologist negligently failed to diagnose her cervical cancer until it had spread and become incurable would be denied the same legal rights as a man living in the same county whose doctor negligently failed to diagnose his prostate cancer until it was too late. Is that fair? By what convoluted logic would that woman be better off? Both the woman and the man were condemned to suffer a painful and premature death as a result of their doctors' malpractice, but her compensation would be severely limited while his would not. She would be denied the right to introduce the same evidence of medical negligence which he could. She would be denied the same freedom to select the lawyer of her choice which he had. She would be denied the right to have her case tried under the same judicial rules which he could. That hardly sounds like equal protection of the law to me. Yet that is what the advocates of this legislation are proposing.

Consider another real world example of how this bill would work. A woman visits her OB/GYN to be treated for infertility. She is given a medication which causes her to experience severe complications. A man goes to his doctor with an infertility problem. His doctor also prescribes medication, and he too experiences serious complications. Both suffer permanent injuries as a result, and each sues the pharmaceutical company which manufactured the two drugs. The woman's noneconomic compensation will be arbitrarily limited to $250,000 no matter how devastating her injuries and she will be unable to recover punitive damages even if the court determines that the drug company acted "recklessly." In contrast, there will be no legal limitations on the compensation which the man is able to recover, and he can receive punitive damages if the drug company in his case is found to have acted "recklessly". How do the sponsors justify treating two patients with similar injuries so differently based solely on their gender?

Of course, this bill does not only take rights away from women. It takes them away from newborn babies who sustain devastating prenatal or delivery injuries as well. These children face a lifetime with severe mental and physical impairments all because of an obstetrician's malpractice or a defective drug or medical device. This legislation would limit the compensation they can receive for lost quality of life to $250,000—$250,000 for an entire lifetime. What could be more unjust?

This is not a better bill because it applies only to patients injured by obstetrical and gynecological malpractice. That just makes it even more arbitrary.

The entire premise of this bill is both false and offensive. Our Republican colleagues claim that women and their babies in rural areas must sacrifice their fundamental legal rights in order to preserve access to OB/GYN care. The very idea is outrageous. It is based on the false premise that the availability of OB/GYN physicians depends on the enactment of draconian tort reforms. If that were accurate, states that have already enacted damage caps would have a higher number of OB/GYNS providing care. However, there is in fact no correlation. States without caps actually have 28.2 OB/GYNs per 100,000 women, while states with caps have 27.9 OB/GYNs per 100,000 women. No difference.

And that is only one of many fallacies in this bill. If the issue is truly access to obstetric and gynecological care, why has this bill been written to shield from accountability HMOs that deny needed medical care to a woman suffering serious complications with her pregnancy, a pharmaceutical company that fails to warn of dangerous side effects caused by its new fertility drug, and a manufacturer that markets a contraceptive device which can seriously injure the user. Who are the authors of this legislation really trying to protect.

In reality, this legislation is designed to shield the entire health care industry from basic accountability for the care it provides to women and their infant children. It is a stalking horse for broader legislation which would shield them from accountability in all health care decisions involving all patients. While those across the aisle like to talk about doctors, the real beneficiaries will be insurance companies and large health care corporations. This legislation would enrich them at the expense of the most seriously injured patients; women and children whose entire lives have been devastated by medical neglect and corporate abuse.

In the last few years, the entire nation has been focused on the need for greater corporate accountability. This legislation does just the reverse. It would drastically limit the financial responsibility of the entire health care industry to compensate injured patients for the harm they have suffered. When will the Republican Party start worrying about injured patients and stop trying to shield big business from the consequences of its wrongdoing? Less accountability will never lead to better health care.

In addition to imposing caps, this legislation would place other major restrictions on seriously injured patients seeking to recover fair compensation. At every stage of the judicial process, it would change long-established judicial rules to disadvantage patients and shield defendants from the consequences of their actions.

(1) It would abolish joint and several liability for noneconomic damages. This means the most seriously injured people may never receive all of the compensation that the court has awarded to them. Under the amendment, health care providers whose misconduct contributed to the patient's injuries will be able to escape responsibility for paying full compensation to that patient. The patient's injuries would not have happened if not for the misconduct of both defendants, so each defendant should be responsible for making sure the victim is fully compensated.

(2) The bias in the legislation could not be clearer. It would preempt state laws that allow fair treatment for injured patients, but would allow state

laws to be enacted which contained greater restrictions on patients' rights than the proposed Federal law. It is not about fairness or balance. It is about protecting defendants who provide negligent care.

(3) This bill places extreme restrictions on the right of injured patients to present expert testimony to help prove their cases. It establishes arbitrary requirements that would make it virtually impossible to qualify many of the most obviously accomplished medical experts as witnesses. Without the ability to present highly relevant expert testimony, the patient's right to her day in court will in many cases be a hollow one.

(4) The amendment preempts state statutes of limitation, cutting back the time allowed by many states for a patient to file suit against the health care provider who injured him. Under the legislation, the statute of limitations can expire before the injured patient even knows that it was malpractice which caused his or her injury.

(5) It mandates that providers and insurance companies be permitted to pay a judgment in installments rather than all at once. Delaying payment amounts to a significant reduction in the award. If the patient does not receive the money for years, he in reality is getting less money than the court concluded that he deserved for his injuries.

(6) It places severe limitations on when an injured patient can receive punitive damages, and how much punitive damages the victim can recover. This is far more restrictive than current law. It prohibits punitive damages for "reckless" and "wanton" misconduct, which the overwhelming majority of States allow.

(7) It imposes unprecedented limits on the amount of the contingent fee which a client and his or her attorney can agree to. This will make it more difficult for injured patients to retain the attorney of their choice in cases that involve complex legal issues. It can have the effect of denying them their day in court. Again the provision is one-sided, because it places no limit on how much the health care provider can spend defending the case.

If we were to arbitrarily restrict the rights of seriously injured patients as the sponsors of this legislation propose, what benefits would result? Certainly less accountability for health care providers will never improve the quality of health care. It will not even result in less costly care. The cost of medical malpractice premiums constitutes less than 1 percent of the Nation's health care expenditures each year. For example, in 2003, health care costs totaled $1.5 trillion, while the total cost of all medical malpractice insurance premiums was $8.2 billion. Malpractice premiums are not the cause of the high rate of medical inflation.

A study by the Institute of Medicine at the National Academy of Sciences determined that as many as 98,000 patients die in hospitals each year as a result of medical errors. That is more than die from auto accidents, breast cancer, or AIDS each year. These disturbing statistics make clear that we need more accountability in the health care system, not less. In this era of managed care and cost controls, it is ludicrous to suggest that the major problem facing American health care is "defensive medicine." The problem is not "too much health care," it is "too little" quality health care.

Republicans in Congress and other supporters of caps have argued that restricting an injured patient's right to recover fair compensation will reduce malpractice premiums. But, there is scant evidence to support their claim. In fact, there is substantial evidence to refute it.

Caps are not only unfair to patients, they are also an ineffective way to control medical malpractice premiums. Enacting malpractice caps has not lowered insurance rates in the states that have them. There are other much more direct and effective ways to address the cost of medical malpractice insurance that do not hurt patients.

The claims regarding the recent malpractice reform in Texas has also been misleading. Prior to Proposition 12, 152 counties reported having no actively practicing OB/GYN doctors and 2 years after implementation, 152 counties still remain without doctors. In fact, it has not made care available to women residing in rural counties. Even more disturbing, the quality of care has diminished in urban areas and according to the Texas Medical Association, the physician organization of the state, the practice of "defensive medicine" has not diminished and is likely on the rise.

If a Federal cap on noneconomic compensatory damages for rural obstetrics and gynecological patients were to pass, it would sacrifice fair compensation for injured patients in a vain attempt to reduce medical malpractice premiums. Doctors will not get the relief they are seeking. Only the insurance companies, which created market instability, will benefit.

Doctors and patients are both victims of the insurance industry. Spikes in premiums have much more to do with the rate of return on insurance company investments than with what is actually taking place in operating rooms or in courtrooms. Excess profits from the boom years should be used to keep premiums stable when investment earnings drop. However, the insurance industry will never do that voluntarily. Only by recognizing the real problem can we begin to structure an effective solution that will bring an end to unreasonably high medical malpractice premiums.

I want to quote from the analysis of Weiss Ratings, Inc., a nationally recognized financial analyst conducted an in-depth examination of the impact of capping damages in medical malpractice cases. Their conclusions sharply contradict the assumptions on which this legislation is based. Weiss found that capping damages does reduce the amount of money that malpractice insurance companies pay out to injured patients. However, those savings are not passed on to doctors in lower premiums. Weiss is not speaking from the perspective of a trial lawyer or a patient advocate, but as a hard-nosed financial analyst that has studied the facts of malpractice insurance rating. Here is their recommendation based on those facts:

> First, legislators must immediately put on hold all proposals involving noneconomic damage caps until convincing evidence can be produced to demonstrate a true benefit to doctors in the form of reduced med mal costs. Right now, consumers are being asked to sacrifice not only large damage claims, but also critical leverage to help regulate the medical profession—all with the stated goal that it will end the med mal crisis for doctors. However, the data indicate that, similar state legislation has merely produced the worst of both worlds: The sacrifice by consumers plus a continuing—and even worsening—crisis for doctors. Neither party derived any benefit whatsoever from the caps.

Unlike the harsh and ineffective proposals in Senator GREGG's amendment, these are real solutions which will help physicians without further harming seriously injured patients. Doctors, especially those in high risk specialties, whose malpractice premiums have increased dramatically over the past few years do deserve premium relief. That relief will only come as the result of tougher regulation of the insurance industry. When insurance companies lose money on their investments, they should not be able to recover those losses from the doctors they insure. Unfortunately, that is what is happening now.

This amendment is not a serious attempt to address a significant problem being faced by physicians in some states. It is the product of party caucus rather than the bipartisan deliberation of a Senate committee. It was designed to score political points, not to achieve the bipartisan consensus which is needed to enact major legislation. For that reason, it does not deserve to be taken seriously by the Senate. It should be soundly rejected.

Public safety workers are on the front lines of our efforts to keep communities in America safe. They are on call 24 hours a day, 7 days a week doing back-breaking, difficult work. They never blink, they never falter. They do their duty and they do it well.

When the devastating fires raged in southern California, they battled the blazes. When the I–35 bridge collapsed in Minneapolis, they were the first on the scene. When the massive tragedy hit New York City on 9/11, their heroic work inspired the Nation and restored our spirit.

Just last week in Everett, MA, a tanker truck hauling 10,000 tons of fuel suddenly exploded on the highway. Forty cars caught fire.

It took more than 3 hours to put out the flames. But because the police, firefighters, and emergency medical technicians responded so quickly, no one was killed in the accident. Words cannot begin to express our gratitude.

These heroic men and women have earned our thanks and respect, and they have also earned the right to be treated with dignity. That is why it is a privilege to join with Senators HARKIN and GREGG on this bipartisan public safety cooperation amendment to the farm bill, to guarantee that all firefighters, police officers, emergency medical personnel, and other first responders have a voice at the table in the life-and-death discussions and decisions about their work. It will ensure that they are treated fairly. It will help them keep our communities safe. It is no wonder that this amendment has received such strong, bipartisan support. It passed the House of Representatives with 314 votes.

The amendment guarantees that every first responder will have the same basic right that most other workers in the public sector already enjoy—the right to collective bargaining. Many first responders already have this fundamental right.

Every New York City firefighter, emergency medical technician, and police officer who responded to the disaster at the World Trade Center on 9/11 was a union member under a collective bargaining agreement. So were the 7,000 firefighters who responded to the crisis in California. They were able to respond more efficiently and effectively to the crisis because they had a voice on the job. Many other first responders, however, are not so fortunate. Twenty-nine States and the District of Columbia guarantee all public safety workers the right to collective bargaining. But 21 States—this chart reflects it—still deny some or most or even all such workers this fundamental right. Their first responders don't have a voice in policies that affect their safety and livelihoods. That is both illogical and unfair.

We see all too often how dangerous these jobs can be. In 2005, 80,000 firefighters were injured in the line of duty; 76,000 law enforcement officers were assaulted or injured; and almost 300 of these public safety employees paid the ultimate price. First responders face chronic long-term health problems as well. The brave men and women who responded at Ground Zero now suffer from crippling health problems, such as asthma, chronic bronchitis, back pain, carpal tunnel syndrome, depression, and post-traumatic stress disorder.

These men and women are profiles in courage. They walk into the fires, wade into floods, and put their lives on the line to protect our homes and families. They know what they need to have to be safe on the job. They deserve the right to have a say in the decisions that affect their lives.

The amendment grants these basic rights in a reasonable way that respects existing State laws. States that already grant collective bargaining to public safety workers are not affected by the bill. States that don't offer this protection can establish their own collective bargaining systems or ask the Federal Labor Relations Authority for help. That amendment sets a standard. Each State has full authority to decide how it will provide these basic rights.

These rights for first responders are not just important for the workers, they are key to the safety of our communities and our Nation. In the post-9/11 era, first responders have an indispensable role in homeland security. It is vital to our national interest that the essential services they provide are carried out as effectively as possible.

As study after study shows, cooperation between public safety employers and employees improves the quality of services and reduces fatalities. That is why strong, cooperative partnerships between first responders and the communities they serve are essential to public safety. As Dennis Compton, the fire chief of the city of Phoenix, has said:

> When labor and management leaders work together to build mutual trust, mutual respect, and a strong commitment to service, it helps focus [a] fire department on what is truly important . . . providing excellent service to the customers.

Our families, communities, and farms, deserve the best public safety services we can possibly provide. It starts with the strong foundation that collective bargaining makes possible.

We cannot call these brave men and women heroes in a time of crisis but turn our backs on them today. We need to act now to make these basic rights available to all of America's first responders. It is a matter of fundamental fairness, an urgent matter of public safety.

The best way to give our heroes the respect they deserve is by supporting this amendment. I urge them to do so.

How much time do I have remaining?

The PRESIDING OFFICER. Nine minutes.

Mr. KENNEDY. Madam President, let me go through some charts.

This chart is on California wildfires, farmland, crops, and livestock. This is Riverside County. I think all Americans remember these extraordinary fires that dominated the national news and newspapers and were so devastating to scores of families out West not many weeks ago. Riverside County lost $15 million in crop and farm products. The fire scorched over 900 acres of farmland. There was between $10 million and $15 million in damages to the avocado farms in Ventura County.

These men and women who fight these fires understand how to be effective and how to preserve both life and the farms in those communities. That is what this is all about—that they have a voice in the development of the policies, about how they are going to proceed. Nobody who watched and listened to those extraordinarily brave firefighters doubted the extraordinary competency and commitment these individuals have. They serve, and serve our country very well.

This is an indicator that firefighter fatalities are on the rise. All of us have seen the growth of fires. This is a rather awesome chart. Firefighter fatalities are on the rise. The red line indicates this. So we are asking more and more of them each year. This chart says that every year firefighters put their lives on the line to ensure our safety. In 2005, 80,000 firefighters suffered injuries and 115 died in the line of duty. This year, approximately 100 firefighters will pay the ultimate price while on duty.

Again, the point we are underlining here is that firefighters must have a voice in the development of policies, whether it is in the agriculture area or other areas. We need to give the first responders a voice in the development of safety measures and how to use equipment and use it effectively. You will have a more efficient kind of effort in terms of controlling fires, and it increases the safety and productivity of the firefighters.

These law enforcement officers are at risk on the job. In 2005—this legislation would apply to first responders here—76,000 law enforcement officers were assaulted or injured on the job and 157 died in the line of duty. Injuries and assaults have increased by 21 percent in the last 10 years. These jobs are becoming more hazardous. We have a responsibility to do everything we can to work with these first responders to help them do the job they can do and should do.

This chart shows that 9/11 firefighters enjoyed collective bargaining rights. I don't think any American who witnessed that extraordinary tragedy of 9/11 and witnessed those extraordinary men and women, those firefighters who lost their lives in the line of duty on September 11—they were union members with collective bargaining rights. They were prepared to do their jobs, and they did it like no others. They inspired a nation with their courage. Many are faced, as I mentioned, with many of the lung diseases, carpal tunnel syndrome, and bad backs. They need to be able to have those particular health care needs met and attended to.

Finally, the Cooperation Act protects the rights of dedicated public safety workers. This is a chart that tells what this legislation does and what it doesn't do.

First, it establishes the right to form a union and bargain over working conditions. It gives workers a voice in the working conditions, which is so important in terms of both the efficiency and effectiveness of their work. They would have the right to sign legally enforceable contracts and resolve stalled disputes through mediation or arbitration. There is a specific prohibition in terms of striking, but they can solve this through mediation. That is how disputes will be solved. It doesn't take away the authority of the State and local jurisdictions. It doesn't require any specific method to certify unions. It doesn't interfere with State right-to-work laws. It doesn't infringe on the rights of volunteer firefighters.

This is legislation which has been carefully considered and reviewed. There are, at last count, more than 60 Members of our body, Republicans and Democrats, who have indicated support for the legislation. As we have seen and mentioned earlier, when we saw these devastating fires that went across the country and ravaged the farmland of this Nation and we saw the extraordinary work of so many first responders, it reminded us of our responsibility to make sure these extraordinary men and women who exhibited such extraordinary courage will be treated fairly and equitably. By doing so, they will be able to do their job and protect America's families and the farmland in our country more effectively.

Madam President, I withhold the remainder of our time.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. BARRASSO. Madam President, I ask unanimous consent for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARRASSO. Madam President, today I join my colleagues to address an issue that is crippling America's health care system; that is, out-of-control medical malpractice costs.

Wyoming, my home State, has been listed by the AMA as one of 19 medical liability crisis States. A few years ago, one of at the time only two companies selling liability insurance in the State decided to leave, leaving over 300 physicians scrambling for liability coverage. Wyoming is losing obstetricians and gynecologists, emergency room doctors, and even general practitioners, and we are losing them because they cannot afford to pay the high cost of their liability premiums.

You may ask what is special about Wyoming in the sense that they pay exorbitant malpractice premiums and why is it so different from all of the doctors in the neighboring States. It is because all of the States bordering Wyoming have enacted liability insurance reform. Wyoming is the only State that has not. It is the "hole in the doughnut," surrounded by the other States that have reform.

Providers in Wyoming fear being sued, and to compensate they spend millions and millions of dollars on what is called defensive medicine, ordering tests each year, and patients and taxpayers pick up the tab.

This liability crisis is especially unfair to rural women and children, and it is so much unfair to them because they are losing access to local doctors when they need them the most.

Rural and frontier States such as Wyoming are disproportionately impacted when a local physician who delivers babies decides to leave the State. We lost our only obstetrician/gynecologist in Wheatland, WY. He delivered babies in three counties. Wyoming is a very large State. There are only 23 counties. Many of the counties are larger than some of the States on the east coast, and he delivered babies in three counties. He left when his malpractice premiums went over $100,000 a year.

Pregnant women in Newcastle, WY, needed to travel over 80 miles to have babies delivered when practicing physicians in that community were not able to afford the cost of their liability insurance. In my own community in Casper, Dr. Hugh DePalo, who was born and raised in Casper, WY, and loved the community and wanted to live there and give back to all the people in the community, had his premiums increased 300 percent in 1 year.

Some Wyoming hospitals are paying malpractice insurance premiums that exceed the amount they receive for delivering a baby. Wyoming gynecologists/obstetricians and family physicians who deliver babies pay $20,000 to $30,000 more each year for their insurance than their counterparts in surrounding States, and that is because the State to the south, Colorado, has instituted a $250,000 cap on noneconomic damages.

This is not just a financial issue, it is a recruitment issue as we try to recruit physicians in the State. We set up the Wyoming Family Practice Program, where we train young physicians to deliver babies. They are very capably trained, and yet they leave the State. The No. 1 reason people decide where they want to practice is based on where they train, but still they leave because the malpractice premiums are so much lower in the surrounding States. Why? Because the surrounding States have passed liability reforms that are so needed and are part of this bill.

This body has a responsibility to act immediately to protect access for women who are having babies in rural communities. We should set reasonable limits on noneconomic damages, we should provide for quicker reviews of liability cases, we should assure that claims are filed within a reasonable time limit, and we should educate people that frivolous lawsuits only add to the overall cost of their health care.

That is why I support Senator GREGG and the position he has taken today. His amendment would adopt a new liability model for obstetricians and gynecologists based on the highly successful stacked-cap approach. One might say: How successful is it? A large, full-page story says:

> After Texas caps malpractice awards, doctors rush to practice there.

Of all the specialities of the physicians rushing to practice in Texas, the No. 1 speciality represented in new applicants was obstetrics and gynecology, those very people who are so needed in rural communities to deliver babies.

I thank Senator GREGG for his efforts. I encourage Members to vote for the amendment. We need to help ease the struggle rural women face, rural women who are seeking access to capable physicians, not just for themselves but also for their babies.

AMENDMENT NO. 3695

The PRESIDING OFFICER. There will now be 2 hours of debate equally divided on the Dorgan-Grassley amendment.

The Senator from Iowa.

Mr. HARKIN. Madam President, I ask unanimous consent to proceed for a couple minutes for informational purposes without taking away time from either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Madam President, we are about to begin 2 hours of debate on the Dorgan-Grassley amendment No. 3695. I have been in discussion with my ranking member, Senator CHAMBLISS, about getting a couple or three votes stacked. I hope sometime during this debate my colleagues will yield me a little bit of time to announce we might have a consent agreement for two or three amendments that would occur as soon as the debate has ended on the Dorgan-Grassley amendment or time is yielded back. That is what we are working on right now. Hopefully, in the next several minutes, we will have some information about when those votes might occur.

We are trying to work out this agreement. I am certain either Senator DORGAN or Senator GRASSLEY, one of the debaters, will yield us a minute at some point during the debate to line up two or three amendments.

I ask unanimous consent that at the end of the debate on the Dorgan-Grassley amendment, or time being yielded back, the Senate proceed to vote on or in relation to Alexander amendments Nos. 3551 and 3553.

Mr. CHAMBLISS. Madam President, I think the issue is as to what time those votes will take place. As I understand the unanimous consent request, it is following the debate on the Grassley-Dorgan amendment that we go to votes on the two Alexander amendments.

Mr. HARKIN. That is right.

Mr. CHAMBLISS. At whatever time that might be.

Mr. HARKIN. If we use all time, those two votes will occur, obviously, at about 6:20 p.m. If time is yielded back, it could be a little bit earlier than that.

The PRESIDING OFFICER. Is there objection?

Mr. CHAMBLISS. Reserving the right to object, so we can give our colleagues further information about where we are going, is it the chairman's intention to move ahead then with debate on additional amendments, hopefully maybe the Coburn amendments and the Sessions amendment that might be voted on tonight, along with the Gregg amendment?

Mr. HARKIN. I say to my friend, yes. In speaking with the majority leader, the majority leader said this is going to be a late night. We have a number of amendments on both sides that I think we can debate and we can vote on this evening. I say to my friend, yes, I hope we can vote on the Coburn amendments, the Sessions amendment, the Gregg amendment, and the Alexander amendments, and there may be a couple on our side we are trying to get cleared for short debates and votes yet this evening.

Mr. CHAMBLISS. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

Mr. DORGAN. Madam President, I rise with my colleague from Iowa, Senator GRASSLEY, and others who will be here to discuss the Dorgan-Grassley-Ben Nelson, et al, amendment we put together to this bill. Let me make a couple points. First of all, I don't think there is anybody in this Chamber who can claim they have a stronger record for farm programs than I do, having been in Congress a good long while. Family farms are very important to me. I believe it is an important element of this country's economy and culture to have the yard lights dotting the landscape of America, people living on the land trying to raise a family, raise a crop, and produce some livestock. That is very important. I have spent a lot of time supporting family farming in this country.

The legislation brought to us by the Agriculture Committee is a good bill. I applaud my colleagues, Senator HARKIN and Senator CHAMBLISS, and my colleague, Senator CONRAD, for his work, and so many others. This is a good piece of legislation. It improves slightly the safety net so when there is trouble and tough times, family farmers understand there is a safety net. It provides a disaster title for the first time in a long time, so when there is a natural weather disaster or natural disaster hitting family farmers, they can rely on this disaster title.

There are a lot of provisions that are good in this bill, including some improvement with respect to the issue of payment limits. They eliminated the three-entity rule. That is a step forward. I appreciate that. I like what has been done, and I want to improve it because there are a couple things that can be done that should improve it, in my judgment. These deal with the issue of payment limits.

Let me start with this proposition: Does anybody in this Chamber believe and want to stand up and say: Do you know what we ought to do with the farm program? Let's give farm program benefits to people who don't farm. Does anybody want to stand up and say, yes, that is our policy, that makes a lot of sense? Let's provide farm program checks to people who don't farm.

It is happening today. It will happen under this bill unless we make this correction. My colleague from Iowa and my colleague from Georgia missed all the applause I was giving them. They have done a great job. I have applauded this bill coming out of the committee. I said I want to improve it because this committee didn't finish the work on payment limitations.

Two things: No. 1, we ought to limit farm program payments to those who are farming. We ought not be sending farm program checks in the mail to people who never farmed and will never farm. Yet that is happening and will continue to happen. No. 2, there ought to be some reasonable limit on payments.

My colleagues, Senator GRASSLEY and Senator NELSON from Nebraska and others, have joined me in saying that limit ought to be $250,000 per farm. That is a reasonable limit, a very reasonable limit.

Let me describe how it works. We still have some holes we need to patch. The Houston Chronicle described it—cowboy starter kids they called it. We have a situation in which if land had certain base acres for a crop, you didn't have to raise that crop or produce that crop. You didn't have to plant the crop at all in order to get a check. Down in Texas, they have what are called cowboy starter kits. You can have 20 acres of land or maybe 10 acres of land that were used to produce rice 20 years ago and divide it up—have a house on an acre, run a horse on the other 8 or over 10, hay it once a year, and you get a farm program payment, despite the fact you have never farmed and never will farm and that land hasn't produced a rice crop for 20 years.

Is that reasonable? I don't think it is reasonable. It will give rise to the kind of stories we have heard repeatedly, stories that describe who is getting the benefits of the farm program payments we thought were supposed to be going to help family farmers through tough times. Then we have someone with a cowboy starter kit on 10 or 20 acres who gets a payment who has never farmed and never will farm on land that isn't producing a crop.

The proposal Senator GRASSLEY and I offer today says let's not do that. Let's say, if you get a payment, you have to be farming, No. 1. And No. 2, there ought to be a limit. I normally wouldn't use a name such as this, but I am doing it because this was in the San Francisco Chronicle. This was a story in the San Francisco Chronicle, and it shows payments. This is California. We could do this for a lot of areas. This shows payments to 20 individuals and farm businesses, among the top 20 finishers from 2003 to 2005. Constance Bowles from, San Francisco, $1.21 million; George Bowles, same family, $1.190 million. That is $2.3 million to these folks.

As I indicated, this is a San Francisco Chronicle story and is an example of what is happening to undermine this farm program. Let me read from the San Francisco Chronicle:

> A prominent San Francisco patron of the arts, Constance Bowles—heiress of an early California cattle baron, widow of a former director of UC Berkeley's Bancroft library—was the largest recipient of federal cotton subsidies in the state of California between 2003 and 2005, collecting more than $1.2 million, according to the latest available data.
>
> Bowles, 88, of San Francisco, collected the $1.2 million in mostly cotton payments through her family's 6,000-acre farm, the Bowles Farming Co., in Los Banos [California]. She could not be reached for comment.
>
> Another family member, George "Corky" Bowles, who died in 2005, collected $1.19 million over the same period. George Bowles once ran the farm but lived on . . . Telegraph Hill. A collector of rare books and 18th century English porcelain, he served as a director of the San Francisco Opera and trustee of the Fine Arts Museum.
>
> The farm is now run by Phillip Bowles, who also lives in San Francisco. He told KGO television that he's no fan of subsidies, but if the big cotton growers in Texas get them, so should he. Many of these businesses are getting 20 to 30, sometimes 40 percent of their gross revenues directly from the government, Phillip Bowles told KGO. I don't have a good explanation for that. Somebody else might, but it beats me.

Well, if we want this sort of thing to continue, then let's not pass this amendment. This is a very simple amendment Senator GRASSLEY and I offer, which says, A, you ought to be a farmer if you are going to get a farm program payment. That is, you ought to have some active involvement in the farm. Our definition doesn't require you to live out there, but it requires you to have some active involvement. That is No. 1.

That is so reasonable that I guess I would like somebody to stand up and say, you know what, we don't think the farm program is just for farmers. We give educational loans here in this country. We appropriate money for them. We won't let you get an education loan if you are not going to go to college. There are subsidized home loans. You don't get a home loan unless you are going to buy a home. We are going to give assistance in the form of farm program paychecks, or checks to people who don't farm? That doesn't make any sense at all.

Now, some will say, well, we have corrected all that. No, they haven't. They haven't. Let me explain why. They intended to, or they wanted to correct it. There was going to be an amendment passed that would correct it, but it was not offered and not voted on. But one of my colleagues said, we have a $200,000 limitation on payments and Senators GRASSLEY and DORGAN are saying $250,000. Well, that is a little too clever. The payment limitation means you still get the loan deficiency payment under the commodity loans—you still get unlimited payments for all of the production, for the largest farm in America, you get a price support in the form of an LDP under every single bushel of product you produce. It doesn't matter how big you are. You can farm in four States, if you want to, but you are going to get a support price under everything you produce.

Does that make any sense to anybody? You have a payment limitation without a limit? That is not a payment limitation. That is unlimited payments in the LDP for the biggest farms in America, for every single thing they produce.

Senator GRASSLEY and I offer a very simple proposition, and that proposition is a $250,000 payment limit and that you have to be involved in farming in order to get it.

Now I showed this San Francisco article. This is California, but I could show this for many States. But when one operation gets over $35 million in 5 years, I say that is farming the farm program. When 75 percent of all payments go to 10 percent of the farmers receiving commodity subsidies, you know what is happening. Much of that is going to the biggest farmers, the biggest corporate farms in the country, big agrifactories, and it is producing the revenue by which they buy out the land and bid against family properties for their property right next door. It is happening all over the country.

If one believes that is what we should do, then God bless you, you should not vote for this amendment of ours. But I believe this country has benefitted by the network of family producers out in the country. Some say, well, that is hopelessly old fashioned. You don't understand that in our part of the country we have people who have millions and millions of dollars of revenue and they are important to the economy as well. If you want to farm two or three counties, you ought to be able to do that. I just don't think the Federal Government has the responsibility to be your banker.

I believe, and when I came here I believed it and I still believe it, that a farm program ought to be a safety net that says to family farms, when you run into trouble, you have a safety net—a bridge over troubled times. We want to do that because farming is different. But providing a safety net for families is very different than providing a set of golden arches for the biggest corporate agrifactories in this country.

I don't need four reasons or three reasons or even two reasons, just give me one good reason we ought to collect taxes from hard-working Americans and say we are going to transfer that money to some corporate agrifactory that gets $30 million in 5 years. Give me one good reason to do that. I don't think it exists.

Let me end where I began. I am a strong supporter of family farming, a strong supporter of agriculture. I like what this committee has done. I appreciate very much the work of Senator HARKIN and Senator CHAMBLISS. I want to improve this bill.

Let me conclude with something a rancher and a farmer just west of Bismarck, ND wrote once. He is a guy who is a terrific writer and he asked the question—and I have asked it before on the floor of the Senate, and it describes why I support family farming and why this amendment is necessary—What is it worth? What is it worth for a kid to know how to weld a seam? What is it worth for a kid to know how to teach a calf to suck milk from a bucket? What is it worth for a kid to know how to grease a combine? What is it worth for a kid to know how to butcher a hog? What is it worth for a kid to know how to plow a field? What is it worth for a kid to know how build a lean-to? What is it worth for a kid to know how to pour cement?

You know something, farm kids know all of those things, and the only university in America where they teach it is on the family farm. Fortunately, in World War II, we sent millions of them from American farms all across the world. They could fix anything. What is it worth to have all that knowledge? You learn that on family farms across this country. That is why family farming is so important. I say, today let's stand up for a good safety net for family farmers. Let's not ruin the farm program. And we will, as sure as I am standing here, ruin the farm program and ruin the opportunity to enact a good farm program in the future, unless we do what we know is necessary.

We have a farm program that is designed to be a safety net and to help family farmers through tough times, but we cannot do that by pretending this circumstance doesn't exist, whereby in the current farm program we give farm program benefits to people who have never farmed and never will, and we provide farm program benefits to the tune of millions of dollars to the biggest corporate agrifactories in this country. That is not what I came to Congress to do.

I hope we can stand up today on behalf of family farmers and say you matter, and we are going to manifest that in the vote on this amendment.

Madam President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Iowa.

Mr. GRASSLEY. Madam President, what time do we have on Dorgan-Grassley?

The PRESIDING OFFICER. The proponents have 46 minutes, and the opponents have 60 minutes.

Mr. GRASSLEY. I yield myself 14 minutes, as Senator DORGAN did.

The PRESIDING OFFICER. Without objection, the Senator may proceed.

Mr. GRASSLEY. Madam President, I think everybody in this body would agree we need to provide an adequate safety net for our family farmers, and I think I ought to be totally transparent with the taxpayers who might be listening, as well as my colleagues. I want you to know that I farm in a crop share—in Iowa, we call it a 50-50 arrangement—with my son. If we get farm payments, I get 50 percent of those payments. So I have received farm payments and presently do. That is assuming prices are low enough so you do receive those payments. Right now, they aren't that low.

We are talking about an adequate safety net. In recent years, however, assistance to farmers has come under increased scrutiny by urban communities and the press. The largest corporate farms are getting the majority of the benefits of the farm payment program, with 73 percent of the payments going to 10 percent of the farmers. With a situation such as that, we could lose urban support for the safety net for farmers.

Government payments were originally designed to benefit our small- and medium-sized farmers, but instead, now, as you can see, the vast majority of them are going to the smallest percentage of the farmers—the biggest farmers. Unlimited farm payments have placed upward pressure on land prices and have contributed to overproduction and lower commodity prices. Increased land prices and cash rents are driving family farmers and young farmers from the business of farming. I have mentioned this before in other debates. Land in Iowa generally, but I will use as an example land near my farm in New Hartford, IA, has skyrocketed and is selling anywhere between $4,000 and $6,000 an acre. In my home county, the value of an acre is up 64 percent since 2000.

Anybody listening might say, well, why is that bad for farming? Well, family farmers don't buy land one day and sell it the next. You buy it for the long haul. Sometimes farms have been in what we call century farms, for well over 100 years. So this doesn't put income in farmers' pockets. It does give them value. And if they were to die, I suppose their heirs would get a lot of money.

Across the State of Iowa, the average land value per acre rose 72 percent in the last 6 years. All these figures I am citing have something to do with the inability of young people to get started farming. When the average age of farmers is 58 in my State, we ought to start thinking about what we can do to make sure that young people, the next generation of farmers, can get started.

My State isn't the only one where this is occurring, an increase in land values. In a report published by two agricultural economists at Kansas State University, land values have increased 64 percent since 2002. This trend is occurring in many other States as well. The average of typical cash rents per acre in Iowa rose 25 percent in the same period of time. Because if you can't buy land, and you want to farm, you rent land. How are family farmers and young farmers going to survive with prices like this? How can they even get started?

This brings to mind a conversation I had within the last week with a young farmer near my home. He knows who gets these big payments in the State of Iowa, and he said, so-and-so—and I am not going to give the names out—just bought 600 acres of land. Why don't you guys do something about subsidizing these big farmers to get bigger? Now, this same young farmer would say to me, any farmer can get bigger all they want to. That is their business. That is entrepreneurship. But should we be subsidizing the biggest farmers to get bigger? He says, if you want to do something to get young people started—this young farmer said to me—put a cap on what they are getting paid from the Federal Treasury. In other words, 10 percent of the biggest farmers getting 73 percent of the benefits out of the farm program is just plain bad policy.

I have been hearing directly from producers for years what former Secretary Johanns heard in his farm bill forums held across the 50 States. Young farmers can't carry on the tradition of farming because they are financially unable to do so because of high land values and cash rents. If that was the market, okay. But if it is being influenced by subsidies for big farmers to get bigger, they would say it is wrong. They would also say it is wrong when you have 1030 exchanges, when it is cash free, as having something to drive up the value of land as well.

Professor Terry Kastens, of Kansas State University, came out with a report on this subject. The report states that since the 1930s, government farm program payments have bolstered land values above what they otherwise would have been. Dr. Neil Harl, an Iowa State University emeritus professor, worked with Professor Kastens on this subject, and he determined that:

> The evidence is convincing that a significant portion of the subsidies are being bid into cash rents and capitalized into land values. If investors were to expect less Federal funding—or none at all—land values would likely decline, perhaps as much as 25 percent.

That would give young farmers better opportunities to buy or cash rent for less in order to get started farming. And that is necessary, because the average age of farmers in the Midwest is about 58 years.

The law creates a system that is clearly out of balance. If we look at the results posted here, it emphasizes what I have already said: Ten percent of the farmers get 73 percent of the benefits out of the farm program, and the top 1 percent gets 30 percent.

Senator DORGAN and I have offered this payment limits amendment which I believe will help revitalize the farm economy for young people across this country. This amendment will put a hard cap on farm payments at $250,000. For a lot of farmers in my State, they say: Grassley, that is ridiculously high. But we have to look at the whole country, so this is a compromise.

No less important, we tighten up the meaning of the term "actively engaged," a legal term in the farming business. What that means is that people have to be farming, because if we are providing a safety net to someone in farming, I think they should be required to actually be in the business of farming, sharing risks and putting their money into the operation.

I wish to make a very clear distinction here. Some Members of the Senate have advocated that the Dorgan-Grassley amendment is not as tough as what is in the Senate Agriculture Committee bill or some say it might be too tough. I want to say why this is not true, and I have a chart here to bring this to your attention. We have to compare apples to apples. That is what my chart does. Saying that the committee has a hard cap on payment limits of $200,000 is not accurate. They only have a hard cap on direct payments and counter cyclical payments. Let me remind my colleagues, we have direct payments, we have loan deficiency payments, and we have countercyclical payments. Out of those three, the bill before us that we are amending has a hard cap on direct payments and countercyclical payments, not on loan deficiency payments. The Dorgan-Grassley amendment actually caps direct payments and countercyclicals at $100,000.

In addition, the amendment will cap marketing loan gains at $150,000. While the committee—this is the loophole, this is the weakness of the argument that this bill tightens things up—it leaves loan deficiency payments unlimited. This actually weakens current law. So while the committee took some correct steps by closing the loopholes I have advocated against by including the "three entity rule" and by including direct attribution, it also takes a step in the wrong direction by making payments virtually unlimited. This whole debate is about good policy. Fixing one problem but leaving other doors open does not do any good.

I also wish to make a clarification for some of my colleagues. I have gotten quite a few questions about how the payment cap will actually work. We set nominal limits at $20,000, $30,000, and $75,000 respectively, then we allow folks to double. So a single farmer who would get $20,000 in direct payments can actually double to $40,000. We set it at $20,000, so if they want to attribute the payments to a husband and wife separately, they can. So a husband can have $20,000 attributed to him and $20,000 to the wife, for a total of $40,000, just like a single farmer. One more clarification: If a farmer is working with his two sons, each would be eligible for the $40,000 individually.

I wish to address some of the falsities my colleagues have raised since the payment limit debate. They have argued that this is not reform because it targets crops but not the Milk Income Loss Contract Program or conservation. To say that we do not have payment limits on these two programs is hogwash. The Milk Income Loss Contract Program has probably the strongest payment limits of any program. What came out of the Agriculture Committee includes caps on programs such as EQIP, the Conservation Reserve Program, and Conservation Security Program. Whether those caps are at appropriate levels is something that can legitimately be debated but should not detract from what we are doing on commodities through Dorgan-Grassley.

Now, our amendment produces some considerable savings. We think there is money needed in some programs that are not adequately funded to help small businesspeople, conservationists, and low-income people through commodity programs. We support beginning farmer and rancher programs and the rural microenterprise program. We also provide funds for organic cost share programs and the Farmers Market Promotion Program.

A large priority of mine has always been seeing justice is done for the Black farmer discrimination case against the U.S. Department of Agriculture. This will double the amount provided by the committee for late filers under the Pigford consent decree who have not gotten a chance to have their claims heard. It is time to make these farmers right who were discriminated against.

We support the Grassland Reserve Program, the Farmland Protection Program, and finally, while the Agriculture Committee makes significant contributions to the nutrition and food assistance programs, they were not able to go far enough in light of the tight budget constraints. So Dorgan-Grassley adds money in those areas.

The 2002 bill has cost less than expected. But this was not because of the payment limit reform in 2002. In actuality, we increased the nominal payment cap, and it continued the generic certificate loophole. Instead, what has happened is that we have had some good years in agriculture and prices have been high. That is why it cost us less to have a safety net over the last 5 or 6 years, not because reforms were put in, in 2002. I worked with Senator DORGAN on a similar measure in 2002, and it passed with bipartisan support, 66 to 31. Unfortunately, it was stripped out in conference. I voted against the farm bill because of that.

Let me remind this body that the Senate Agriculture Committee, out of conference, set up a commission called the Commission on the Application of Payment Limitations for Agriculture. That is this report right here. They did this during conference as a sop to DORGAN and me.

Is my 14 minutes up? I ask for 2 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. This Commission was set up as a sop to DORGAN and myself. We didn't get what we wanted, and consequently, you know, let's have a commission study it.

The Commission ended up, in this report, recommending the very measures which we have included in this bill. So they want a study? The study says what we said in 2002 that the conferees didn't think we ought to do. And we have had all the eggheads and farmers in this country study the problem we presented in 2002, and they gave us the results we have here.

The report said also that the 2007 farm bill is the time for these reforms. You might remember the last time we had a vote on payment limits was in a budget bill a couple of years ago. Many of our colleagues said they agreed with what we were trying to do, but they said the budget was not the right time; it needs to be done on the farm bill. To all of our colleagues who said: Wait for the farm bill, we are waiting. You have your opportunity. It is 2007. We have the farm bill here.

By voting in favor of this amendment, we can allow young people to get into farming and lessen the dependence on Federal subsidies. This will help restore public respectability for the Federal farm program and keep urban support for the farm program so we can continue to have a stable supply of food for our consumers.

I call upon my colleagues to support this commonsense amendment, and I reserve the remainder of time for our side.

I yield the floor.

Mr. CHAMBLISS. I yield 15 minutes to the Senator from Arkansas, Mrs. LINCOLN.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 15 minutes.

Mrs. LINCOLN. Madam President, I rise today in opposition to the Dorgan-Grassley amendment before us. But before I explain why, I do want to say I have tremendous respect for my colleagues from North Dakota and Iowa. They are hard-working men who are interested in working hard to get things done. I very much appreciate that. I hope they can see the success they have already had from the hard work they have put in since 2001 and what has come to fruition—the underlying bill that came out of the Senate Agriculture Committee.

We worked very hard on that bill in the Senate Agriculture Committee. We came out with a very balanced bill. It is a bill that, frankly, has more reform, more substantive reform than any farm bill we have ever done. I hope those two Senators—as I said, I have tremendous respect for them and the hard work they bring to this body—I hope they do recognize the success they have had since 2001 in moving forward in reform.

I also come to the floor here to oppose this amendment because, unfortunately, it is going to probably have some very dire unintended consequences from the remaining part of this amendment that is not included in the underlying bill.

I just have to answer a couple of the questions my colleagues have brought forward.

The Senator from Iowa, Mr. GRASSLEY, mentioned land values. I have approached almost every Member in this body to discuss the farm bill. It is critically important to a small rural agricultural State such as the one I represent, Arkansas. Agriculture is the basis of our economy. In my discussions with Senator GRASSLEY, he mentioned his concern about land values. I went back to do my research, and I found a study done by Iowa State University that gives us six reasons why those land values are out of whack, and not one of those top six reasons is farm payments. So I have a little concern in terms of blaming land values on farm payments. There are multiple things there that we can see that would cause concern.

I also would like to touch on a few of the realities for the hard-working men and women who produce our food in this country, to respond to some of the other criticisms I have heard and dispel a few of those misrepresentations of farming that are out there.

The most often used—and it was used by my colleague here today—the most used misrepresentation I encounter is the argument that a disproportionate share of farm payments go to the top 10 percent of farms in terms of size. I have heard it reported at 75 percent of the payment, 80 percent—sometimes they even use the number 90 percent. Honestly, it seems to change depending on the day or the source, and that is why I thought I would bring a few charts of my own to clarify the issue and set the record straight.

My first chart includes excerpts from a speech by the famed agricultural economist from Kansas State University, Barry Flinchbaug. Here is what he has to say about the distribution of farm payments according to farm size: These programs are designed for the medium-size farmers. They have done what they were supposed to do. We have 2.1 million farms. Small farms make up 84 percent of that, "small" being defined as gross sales of less than $100,000. They produce 21 percent of the food supply, but they receive 30½ percent of the payments. Medium-sized farmers, on the other hand, make up 12.2 percent of the farms, and they produce 28 percent of the domestically grown food supply, and they receive 42.7 percent of the payments. Big farms with sales of more than $500,000 make up more than 3.8 percent of the farmers. They produce half of the food supply, and they receive 27 percent of the payments.

I think if we just look at this we will realize those that are producing 78 percent of the commodities are only getting 58 percent of the payments.

My second chart brings this point home a little bit more and certainly in living Technicolor. As you can see, my source here is the Department of Agriculture's Economic Research Service. We are pleased to bring this. I know the pie chart Senator GRASSLEY used probably uses the definition of a farmer which even Senator LUGAR earlier—I think today or even yesterday, perhaps—agreed is completely out of whack. If we are going to include an FHA student who earns $1,000 or more selling a calf as a farmer, then we have a problem in terms of the definition of a farmer. Unfortunately, that puts us out of whack in some of the statistical dealings that we have to get a good, clear picture of what we are up against.

I am going to go into some details on this chart, but I will first point out that the chart shows farmers today receive a portion of farm bill benefits that closely matches their percentage of total production. As you can see here by the red line, which indicates the percentage of Government payment, and the green line, which represents the percentage of production, they are almost identical in many ways. In fact, you will see the only discrepancy that exists is that the farmer who produces 78 percent of the products, combining the nonfamily farmers and the large family farms, receives only 58 percent of the total farm program.

Now, remember, those are family farmers who are producing not just food source but a safe and abundant and affordable food supply and fiber, not to mention the fact that they are doing it in an environmentally responsible way, respectful to all of the different regulations that we impose. Other countries do not do that.

I will be the first to say I think that is a good deal. I think in this country, to be able to be reassured that we are going to get a safe food supply, that it is going to be done with respect to the environment, that it is going to be done with respect to water and water resources and clean water and clean air, all of those things, that is very reasonable. It is a good investment. It is a good return on that dollar.

When you see, in that blue line—and that represents the percentage of farmers in a certain category, the percentage of farmers that accounts for the 78 percent of that production in this country, who are, in fact, that mythical and demonized 10 percent of the farmers our critics like to refer to.

So if 10 percent are producing 78 percent of the food source that we take for granted so often, then why should we not want our program to follow the crops? As you can clearly see, 10 percent receive only 58 percent of the total farm program payment. I think all of these numbers and certainly the charts make this point very well.

The bottom line is, the payments follow production. That is what we want to see. We want to see an efficiency in that what we are striving to do—and that is to provide a domestically produced, safe, abundant and affordable supply of food and fiber—is done.

That is what the insurance of our farm program is there for. And this reflects the fact that is exactly what those dollars are doing. They are a good investment, and they are returning on that investment to the American people.

Now, the other issue that was brought up in terms of my colleagues about the marketing loan cap, I am still a little bit confused on what the Dorgan-Grassley proposal does in terms of doubling those payments. I am not sure if that means they are capped at $250,000 or if it is at $500,000 if your wife or spouse is considered actively engaged in farming. But I think many of us have asked those questions, and we are still a little bit confused.

But when we talk about the cap, I would simply remind my colleagues, the current law marketing loan is uncapped. The President's proposal is uncapped. And the reason is, because we understand that in some of our crops they cannot use the disaster assistance, which we have plussed up about $5 billion, the crop insurance program is not as detailed to their needs and concerns because, quite frankly, it is hard to find a reasonable crop insurance plan that will, at a reasonable cost, protect you against the kind of risks that you have.

So that marketing loan is key. It is key because it allows them to remain competitive. So when they hit those troubled shoals they can use that marketing loan to buy themselves time in the marketplace to be able to market their crops.

We have found in years past that when we tried to cap the marketing loan, what happens is particularly farmers in my area who do have difficult times with crop insurance and have a very difficult time being able to access disaster assistance end up forfeiting their crops. So it goes to Government forfeiture and then the Government gets left holding the bag. The taxpayer gets left holding the bag. That is not what we want to see happen. We want these farmers to use the market, and we want to provide them the kind of tools that allow them to use the market, and that is what the marketing loan does, particularly for growers of southern commodities.

So it is not capped in underlying or existing law. It is not capped in the President's proposal. I think that is because people realize that Government forfeiture of those crops is unreasonable.

I feel as if I have come down here and spoken so many times. I have addressed the issue, particularly, of the Dorgan-Grassley amendment and the overall farm bill numerous times recently because I believe so strongly that the reforms already incorporated in the underlying bill are more significant than any reform effort that we have ever undertaken in farm policy.

We have made huge strides. I think both of these gentlemen will recognize that. They certainly have to me in some circumstances. But as a consequence of enacting the provisions of the Dorgan-Grassley amendment, it is going to be devastating to some.

The amendments that are not already included in the underlying bill that are in this amendment would be devastating to the hard-working farm families, particularly in my State but in other Southern States where we grew those commodities that are grown in the controlled environment, which results most devastatingly in the outsourcing of a significant amount of America's agricultural production. Eighty-five percent of the rice that is consumed is grown in this country. Over half of that is grown in my State of Arkansas. If we outsource those jobs in rural America, if we outsource the production of that unbelievable staple commodity, it is not going to go somewhere else in this country. It is going to go to our two biggest competitors more than likely. It is going to go to Vietnam and Thailand.

When you look at the lack of restriction and the techniques that are used in their growing processes, you are going to realize it is not something we want to do, to outsource what we already have, and that is, a safe production of a staple food source, not just for us but also in terms of what we do globally.

Let me reiterate what outsourcing would mean. It means importing rice from those places like I mentioned, where there is no environmental regulation between sewer water or regular water on crops that are grown there. Is that what American families want? Is that what American mothers want in terms of looking at what they are going to do when they serve that rice cereal to that new infant who is just learning to eat solid foods?

Are they going to want to be reassured that what they are dealing with is a domestic product that has been regulated in how it was grown by American standards? Are they going to want to give that up and just look to the consequences of what might happen in terms of imported commodities?

I would argue that is a price far too high for us to pay. I think the American people are very serious about wanting a safe and affordable food supply. We should be very grateful for the wonderful bounty that our farmers and ranchers provide this Nation. We should support them with a modest safety net so they can continue to provide this Nation and the world with this incredible safe, abundant, affordable supply of food and fiber on the globe.

It is disappointing to me that some in the Chamber and those in the media and special interest groups would take this for granted. You know, if we look at what this costs us, the investment it makes, 15 percent of this bill is in the commodity's title. One-half of 1 percent of the entire budget goes to this insurance policy of assuring America's families they are going to get a safe food supply.

It is also disappointing that some in this Chamber would speak about the dangers of poisoned food entering the country and jobs leaving the country and not make the connection to this vital piece of legislation providing this great country of ours with both safe food and jobs in rural America.

Now, I know agricultural policy is not the most glamorous issue to some Members. I know I probably bored some of my colleagues to tears discussing the intricacies of this farm bill, and the ramifications of this amendment particularly. So if my colleagues take nothing else away from my remarks today——

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. LINCOLN. Madam President, I ask unanimous consent for an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. LINCOLN. If the Senators take nothing else away from my remarks today, please hear this: We have included the most significant reform in farm program history in the underlying bill. In the great balance and the productive piece that we produced out of the Senate Agriculture Committee that was passed by unanimous consent, not one dissenting vote, and I challenge anyone to say that is not the case, that this is not the most significant reform that we have ever provided in a farm bill. It is.

We also were very cautious not to get so close to the line that we end up outsourcing our food supply. I think that is very important to America's families across this great country. No American wants our country to rely on foreign sources of food like we do foreign sources of oil. We did not get there overnight, but we are there.

We depend on foreign oil right now. And, unfortunately, if this happens, we are going to see 10 to 15 years from now that we are becoming dependent on foreign countries for our food source. If we do not have the courage to inform the American people of that fact, then we should be ashamed of ourselves.

I urge each of you and your staffs to take a moment and look at this bill and the reforms that we have made. They are significant, and they should be enough for critics of farm policy, who, I suggest to you, will never be satisfied. Those who condemn us, those who condemn us for not taking the extra amount in terms of the reform that Senators Grassley and Dorgan want to take, will never be happy with any amount of reform. They will only be happy when we eliminate the safety net that we provide farmers, but in a slightly different way.

A vote against the Dorgan-Grassley amendment is still a vote for the most significant farm program reform in the history of our country.

I would like to take a moment and walk through the reforms included in the bill. I will wait for a later moment to do that. I certainly want to encourage my colleagues to vote against the Dorgan-Grassley amendment.

Mr. CHAMBLISS. Madam President, earlier the Senator from Iowa, Chairman HARKIN, announced a unanimous consent on two votes on amendments of Senator ALEXANDER following the debate on this particular amendment.

I ask unanimous consent, as we have agreed, that after the two Alexander votes, that Gregg amendment No. 3673 come up for a vote, and that prior thereto there be 15 minutes of debate equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. I would add to that, that the Gregg vote on amendment No. 3673 requires a 60-vote margin.

I yield 5 minutes to the Senator from Alabama, Mr. SESSIONS.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 5 minutes.

Mr. SESSIONS. Madam President, I want to thank Senator LINCOLN for her articulate and effective explanation of the difficulties in the Dorgan-Grassley amendment. I absolutely am confident that it will undermine the traditional agricultural safety net for farmers in the Southeast.

There are a lot of reasons for that. I cannot say for sure what it is like in other areas of the country. Apparently, the amendment would not have the same effect in every area, at least in the same percentage of farmers. But since the 2002 bill, input costs to produce agricultural products have increased, particularly in the Southeast and particularly for cotton, one of our most significant cash crops.

The cost of nitrogen, potassium, phosphate, and diesel fuel have risen dramatically. I do not mean a little bit; some of them have doubled during this time. However, support payments have remained level.

As a result, the safety net already has, in effect, been cut in half. The committee-passed bill essentially continues the 2002 structure of having a safety net that is half of what it was a few years ago.

Producer groups in the Southeast understand the Federal budget reality is not something they want to deny. And the lack of availability of new funding impacts our ability to provide increases in the safety net as we would normally expect to occur. But they are united in their concern and opposition to any effort to further reduce the safety net. The Grassley-Dorgan amendment would not impact producers in the Midwest, it appears. Crops such as corn and wheat are not expensive commodities to produce. As a result, payments do not have to be as high to support farmers in those areas when prices fall.

Crops grown in the Southeast, such as cotton and peanuts, are high-value commodities that cost a great deal to produce. For example, cotton currently costs approximately $450 to $500 to plant and harvest per acre. That is a lot of money. In Alabama, the average Statewide yield is approximately 700 pounds per acre from year to year. However, with current market conditions, producers are barely able to break even with the safety net currently in place. Any further attempt to limit payments will practically destroy agricultural production of high-value commodities in the Southeast.

I suggest our colleagues take note of what the farm bill did. Before, when you actually compute the support payment levels, they were $360,000. Now, with the changes in amendments and loophole closings that have occurred, it has dropped to $100,000. Multiple payments are no longer effective, and a decreased limit has the potential to be very harmful.

Let me share this thought with my colleagues. My family on my mother's and father's sides are farmers. They have been in rural Alabama for 150 years. I know something about farming, but there is more to farming than just the farmer. My father, who had a country store when I was in junior high school, purchased a farm equipment dealership. There are a lot of other people who support agriculture than just the farmers. To be effective, make a living, and farm in agriculture in Alabama and throughout the Nation, you have to be engaged in a large-scale operation with expensive equipment. You have to invest a tremendous amount of money in bringing in a crop. If crop prices fall, you can be devastated. As Senator LINCOLN said, who is going to fill the gap? It is not going to be somebody here. It is going to be somebody else around the world who is receiving far more subsidies than our people.

There is the farm equipment dealer. There is the fertilizer dealer. There are the seed people. There are the people who labor at harvesting and the people who process the cotton, the soybeans, the peanuts and convert them to marketable products. That whole infrastructure, the bankers who loan the money, the businessman in town, the hardware store that supplies their needs, is dependent on the farmer. In Alabama, as in most areas of the country, farmers are larger. They have far more at risk. If they go under, not only do they go under, but entire industries go under. We have cut this to effectively reduce the abuses in the system. I thank the committee for doing so, and I oppose the Dorgan-Grassley amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Georgia.

Mr. CHAMBLISS. Earlier, I asked unanimous consent to include the Gregg amendment to be voted on following the two Alexander amendments. In my request, I asked for 15 minutes of debate equally divided. I now ask unanimous consent that 15 minutes be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. I yield to the Senator from Louisiana, Ms. LANDRIEU, 5 minutes.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I am pleased to come to the floor today to join my colleagues, the Senator from Alabama and the Senator from Arkansas, in a strong appeal to our colleagues to vote against the Grassley-

Dorgan amendment. As Senator LINCOLN so eloquently stated, this underlying bill is the single largest reform to the farm program practically in the last two decades, if not forever. We have made significant underlying reforms to try to limit and streamline subsidies and to make it fair. But as the Senator from Alabama said, our rural areas, particularly in the South and Southeast, need this bill to continue to grow and prosper. There are parts of the country that are doing very well. But in rural America, there are still difficulties. We have over 200,000 farmers in Louisiana.

I respect the two Senators offering this amendment. They truly are two of the most respected in this Chamber. But I have to say, perhaps it would be easy for me to support an amendment such as this if the crop in my State was getting two or three times the price it once did.

The fact is, rice and cotton are not in the best shape. We are being pressed by imports. We have different rules and subsidies. With all due respect to other Senators, corn has done very well lately. A couple of years ago it was selling on the market for $2.10 a bushel. Today the commodities rate is $4.33. So people growing corn are doing very well. I have some of them in my State as well. But because of the ethanol subsidies, because of what we have done on the fuel business, corn is doing well. We are happy for that. But rice, soybeans, and cotton fighting for markets, fighting against unfair trade practices. This amendment will do them great harm.

Senator LINCOLN has done an excellent job representing Southern farming on the Agriculture Committee. She has, with our support, put forward some reforms to reduce the cost to taxpayers. But we can't do anymore. Asking us to do it is not right. For Georgia and for Alabama and for Louisiana and parts of Texas, this is as far as we can go. I am saying to our farm guys, we help you with subsidies for ethanol. We know farmers growing corn are making a boatload of money. We are happy for that. But we cannot accept this amendment. I urge our colleagues to reject it. Let's move forward together on reform for the taxpayers and for our rural areas.

On another note, our sugar farmers have not had a loan increase in 25 years. Now with this administration supporting huge imports from Mexico, we are at a great transitional time for sugar. This is not the time to cut them anymore. For rice farmers, which Senator LINCOLN spoke about—she is from a rice farming family herself; she most certainly knows what it means to walk the rice rows—the current this amendment would unfairly penalizes producers of rice. Any further cuts to our rice industry would be detrimental.

I am pleased that with Senator LINCOLN's assistance, we were able to put in extra help for some of our specialty crops. Sweet potatoes we grow a lot of, and we are proud of that crop and others. But this is not insignificant business. This is billion-dollar business. It is important to Louisiana. We need to hold the line with the reform.

I urge my colleagues to vote no on Dorgan-Grassley. We have given enough from our region. We want to support reforms. We have supported reforms. But enough is enough.

I am happy corn is now at $4.33 a bushel. I wish my sugarcane farmers and rice farmers were getting two or three times what they were getting a couple years ago, but they are not. Let's hold the line and vote no on the Grassley-Dorgan amendment.

Mr. CHAMBLISS. I yield 5 minutes to my colleague from Georgia, Senator ISAKSON.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. I thank my colleague, Senator CHAMBLISS.

Mr. President, I have great respect for Senator GRASSLEY and Senator DORGAN. But I have respect for a lot of other people. One of them was my predecessor, a guy by the name of Zell Miller. From doing a little research about the 2002 farm bill, Zell stood on this floor and spoke. He made a statement I think is worth repeating. He said: This amendment says to those of us in the South one thing—hold on, little catfish, while we gut you.

It should not go without notice the two sponsors of this are from the Midwest. Everybody on the floor talking right now is from the greater Southeast. This is a punitive amendment to a bill they contend on the one hand doesn't constitute reform, but it is probably the most remarkable reform in farm policy in the United States in the history of the Senate. We are moving in the right direction, but we are moving there without destroying family farms. We are moving there without playing favorites in agriculture.

Supporters of this amendment say these payments go to the few and to the big. I couldn't disagree more. This amendment punishes the farmer and his family who depend solely on the farm for their livelihood. Why should we take the greatest, most abundant food supply in the world and try to mess it up. That is exactly what this amendment would do. Don't let these big numbers fool you. These farmers each year take risks equal or greater than those of their brethren in any other business. In fact, just alone, the equipment a farmer buys today in most cases exceeds the cost of the home that most other Americans buy.

Some argue it is wrong for these payments to go to a small number of big farms. But it is these very farms that are producing the vast majority of our agricultural products. We should be supporting those who are fueling the economic engine of our country. Why should anyone want to punish family farmers who have made very large investments in order to become competitive in an international marketplace? Why are we going to hurt farmers who are trying to provide a decent living for their families in the face of tremendous challenges and soaring costs of production? They do not deserve this kind of treatment. With much of our Nation's farmland in a drought and input costs at record highs, why should anyone want to limit assistance during this time, at a time when our farmers need our help and need it most?

I urge my colleagues to oppose the Dorgan-Grassley amendment. Let's unify America in our ag policy, not have sectional differences, certainly not have sectional penalties. Let's not allow one part of the country to be gutted to the benefit of another.

I yield the floor.

Mr. CHAMBLISS. Mr. President, I thank my colleagues from Louisiana, Alabama, Arkansas, and Georgia for stepping up and making a lot of common sense in their comments. All of us are appreciative of the work Senator DORGAN and Senator GRASSLEY have done over the years in this body. They have both been very supportive of agriculture. I particularly am appreciative of that as the ranking member of the Senate Agriculture Committee. I have been to Iowa. I know the kind of farming they do there. It is different from the way we farm Georgia. I have been to North Dakota. I have seen the way their farms operate in North Dakota. It is different from the way we operate in the Southeast. There are reasons why policies have to be different for different sections of the country.

I wish to talk for a minute about this claim that all these farmers getting payments are big farmers. The proponents of the Dorgan-Grassley amendment claim that 10 percent of the farmers are getting 70 to 80 percent of the program payments. They characterize these farmers as megafarmers and corporate farmers. Both Senator GRASSLEY and Senator DORGAN talk about megafarmers and corporate farmers as opposed to family farmers they want to assist with farm programs. I wish to explain that the farmers in the States of all my colleagues fall within this 10-percent category, and they are ordinary farmers with average size operations. They have families to support, and they are a vital component of rural communities. Most of all, those 10 percent feed this country.

I wish to make it clear, particularly to those who are considering supporting Dorgan-Grassley, why an overwhelming majority of the farmers in your State would fit within the category of being in the top 10 percent of payment recipients. In order to compare apples to apples, I asked USDA to provide me with the attribution data for the 2005 direct payments. I asked for the data in an attributable form because I wanted the information to reflect what the universe of payees would look like based upon the committee-supported bill which requires direct attribution. The data from USDA is pretty interesting. It provides clarity as to the size of farming operations that comprise the top recipients.

In 2005, if a farmer received 1 penny more than $10,000 in direct payments, they would have been considered to fit within the largest 12 percent of producer recipients, exactly the category Senator GRASSLEY referred to. Some of you might ask: How many acres does a farmer have to farm to reach $10,000? Critics consider them to be megafarmers, but the facts do not support this claim and here is why.

According to the USDA attribution data, direct payments average $23.02 per acre nationally, which means if a farmer has 511 base acres, they reach the $10,000 level. Now, I will be honest with you. Maybe it is a good bit different in the Southeast from the way it is in the Midwest. But if you try to farm 500 acres in the Southeast and feed a family of four, you simply cannot do it. In areas where covered commodities are produced, there are few farmers who would consider themselves anything but a small farmer with this amount of acreage. Yet the critics are not interested in telling you these small farmers fit within the category Senator GRASSLEY referenced on the floor recently, when he claimed we have 10 percent of the large farmers in America getting 70 percent to 80 percent of all the money.

To better understand how so many typical farmers fall within this small percentage of payment beneficiaries, you must understand the entire universe of program participants. If one operator rents seven separate tracts from seven separate landowners, on a 75 percent-25 percent crop share arrangement, we end up with eight individuals receiving program benefits—one operator and seven landowners.

Each of these eight individuals counts as a program recipient. But since the operator is on a 75–25 percent crop share arrangement, he or she ends up with 75 percent of the acres and production, while all seven landowners account for 25 percent of the acres and production on their respective farm. Or another way to look at it, the individual operator accounts for 75 percent of the program payments but only 12 percent of the universe of individuals represented in that scenario. I fail to see why this is being represented as inappropriate or unfair. It is only logical that the operator, as a program recipient, who accounts for 75 percent of the acres and production, receives more than any of the other seven individual landowners, who each account for only 25 percent of the acres and production on their respective farm. This simply reflects the one individual operator receives payments in a higher proportion than the other seven individuals due to his level of production and risk.

Now, there has been conversation and statements made tonight about the fact we did not make real reforms.

Let me tell you where the heart of the difference is between the Grassley-Dorgan proposal and the underlying bill. The heart of the difference is in what we call the definition of an "actively engaged farmer."

Under current law and under the language in the base bill, individuals or entities must furnish a significant contribution of capital or equipment or land and personal labor or active personal management in order to be actively engaged in farming. So a farmer who qualifies for payments must put at risk money, he must furnish land, he must furnish equipment or he has to be directly involved in the management of the operation.

Under the Grassley-Dorgan amendment, that definition is changed so that for an individual to be considered actively engaged in farming, they must furnish a significant contribution of capital or equipment or land and personal labor and active personal management.

So what that means is any young farmer—as Senator GRASSLEY referred to—who has a difficult time getting into the farming business, if he wants to come in and start farming, that young farmer, in order to qualify for payments—remember, this is the person who is going to be out there driving the tractor; this is the person who is going to be getting dirt under his or her fingernails—they have to come up with money, they have to come up with equipment or he has to come up with land, and he has to be the guy who is making all the decisions on the ground out there. He cannot have anybody helping him with it, so to speak, who gets payments that help that young man along.

Which young farmer in America today can step right out of school, step right out of high school or college, for that matter, who has the ability to come up with capital, who can come up with the $250,000 combine, who can come up with a $150,000 tractor, who can come up with even a used planter that is going to cost several thousand dollars? Who has the ability to do that?

Well, the arrangement we have that is available to a young farmer under the base bill and under current law is that when a young man or a young woman wants to get involved in farming—a lot of the time it is with their family, sometimes it is without—they have the ability now to enter into a crop share or a landlord-tenant arrangement with a landowner who oftentimes is in the retiring years of wanting to slow down his farming operation or maybe completely get out of it and let someone else get into it. But if he has land, he has equipment he is willing to put into a partnership, a landlord-tenant arrangement, then that young farmer has an opportunity today he simply would not have if the Dorgan-Grassley amendment passes.

It is pure and simple. So when we say we are going to be taking care of young farmers by putting a $250,000 cap on the payment limits any farmer can receive and, thereby, we are going to allow young farmers to come into an agricultural operation, we are kidding ourselves, and we are not being straightforward because that simply is not giving that young farmer any additional advantage.

Now, there has been conversation about abuses of the program and that a lot of people who are not farmers—who may live in Los Angeles or may live in Washington or may live in New York—are getting payments. That is true.

This is my third farm bill. I have tried in every farm bill to try to make sure that young man whom we talked about who is getting dirt under his fingernails, whether it is a young farmer or an older farmer, is the one who gets the benefit—I emphasize that, the benefit—of these safety net programs.

We have sought to do that again. We have modified the language in this bill. For example, Senator DORGAN has referred to what we commonly call the "cowboy starter kit," where we have base acres on a piece of farmland that all of a sudden is turned into a subdivision or into a development of some sort, and payments are made on those base acres.

Well, we have taken those base acres out of eligibility for farm payments with language we have directly put into the bill because what we say is that in order for base acres to qualify, a farmer has "to use the land on the farm, in a quantity equal to the attributable base acres for the farm and any base acres for peanuts for the farm under part III, for an agricultural or conserving use, and not for a nonagricultural commercial, industrial, or residential use. . . ."

So when we talk about the ability of somebody to own base acres and to take that land and develop it or maybe carve a 10-acre tract out of there and still get payments on those base acres, you are not going to be able to do that under this farm bill.

We went a little bit further because in the committee I had a dialog with Senator NELSON and Senator SALAZAR relative to an amendment which they had designed to prevent commodity program payments on land that is no longer a farming operation or used in conjunction with a farming operation. We have agreed to accept some additional language relative to the amendment they proposed and we took in the committee.

The amendment requires the Secretary to reduce base acres for covered commodities for land that has been developed for commercial or industrial use, unless the producer demonstrates that the land remains devoted exclusively to agricultural production, or for land that has been subdivided and developed for multiple residential units or other nonfarming uses, unless the producer demonstrates the land remains devoted exclusively to agricultural production.

So we are taking the ability away from a commercial developer to ever get any farm payments. I do not know who these particular individuals are who have been referred to as the examples of who ought not to get payments who have gotten payments, but I do recognize there have been abuses, and we have sought to correct that. We have sought to correct that, and we are going to make sure any payments that go on base acres under the bill go to a farmer or an individual who is using that land for agricultural purposes and not for any commercial development or residential development purposes.

Are we going to cure all the problems? Look, I wish I thought we could. I know with any program that is of this size there is going to be some abuse somewhere along the way. We do not have a Federal program in place today that is not being abused and that you cannot single out 1 or 2 or 10 individuals, particularly where we have an expenditure of billions and billions of dollars. But we are certainly doing our best to address the issue, to try to correct the abuses that have taken place.

In this particular instance, we truly have made real reforms that I think are going to close every loophole we know is out there today when it comes to making sure payments go to folks who deserve the payments and that the payments are at a level that is reasonable when it comes to making sure we have a close watch on the taxpayer dollar.

I wish to close this portion of my comments by saying we will detail, as Senator LINCOLN said earlier, some of the specific reforms. But I will highlight one.

I was involved in the writing of the 1996 farm bill, as was Senator GRASSLEY, as was Senator LINCOLN. In that farm bill, which was enacted 5 years ago, we had a payment limit cap of $450,000. In the last 5 years, from 2002 to the language that is included in the base bill we are talking about today, we have reduced that $450,000 down to $100,000. Now, that is a $350,000 reform. Senator GRASSLEY takes it up to $250,000, but that is not apples and apples. But the fact is, we have made real reforms in the dollar amount that folks are eligible to receive from $450,000 down to $100,000.

We have also made other significant changes, such as elimination of three entity, as well as the requiring of attribution to every farmer in America who is going to be receiving payments under this farm bill.

With that, I will reserve the remainder of our time.

The PRESIDING OFFICER. Who yields time?

AMENDMENT NO. 3825 WITHDRAWN

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the pending second-degree amendment to Gregg amendment No. 3673 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I yield myself a few minutes.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I will do it for the sole purpose of commenting on a couple things the Senator from Arkansas brought up. One was the statement where if our amendment is adopted, Senator DORGAN and I would be working to eliminate farm program payments altogether. I wish to make clear I am a believer in a safety net for farmers. We are going to maintain that safety net. So I hope people will ignore that suggested goal.

I think it is important to understand that farm programs have been around since the 1930s. They have been around as a safety net because farmers are at the beginning of the food chain or, you might say, at the bottom of the food chain. We have a situation where farmers for input, for producing a crop—producing the food our consumers eat—pay what is charged for those imports. They might bargain a little bit, but they don't have control; they have to buy the imports or they aren't in farming. When they sell their products, they have to sell what the market bears for the day they choose to sell. They might choose a different day to sell, but eventually, whatever they sell for is what the market is there; a farmer is not bargaining for that market. So smaller farmers don't have the ability to withstand things beyond their control, such as a natural disaster or domestic policy such as, let's say, Nixon freezing beef prices, ruining the beef farmers, or stopping the exports of soybeans so that they fall from $13 a bushel to $3 a bushel. Those are things a farmer doesn't have anything to do with. So we have a safety net to help medium- and small-sized farmers get over humps and things they don't control, whereas larger farmers, the farmers whom we are putting a $250,000 cap on—the larger the farmer, the more staying power they have. Now, I admit they are affected by the same policies I have referred to, but they have the ability to withstand that to a greater extent than smaller farmers. Also, as I stated in my opening remarks, when you subsidize big farmers, it helps them to get bigger, and it makes it more difficult for people to stay in farming.

A second thing I wish to give a retort to is the use of quotes from an article that says the largest farms in America produce 78 percent of the commodities, but only get 56 percent of the farm program payments. Well, the safety net wasn't set up to match the food source. It wasn't developed to follow the crowd. It was set up to protect small- and medium-sized farmers from things beyond their control, and to maintain the institution of the family farm because it is the most efficient food-producing unit in the entire world. I would compare it to corporate farms on the one hand; I would compare it to the political State farms of the old Soviet Union as an example. The family farm has a record of being the most productive. That is to the benefit of the farmer and the entire economy. It is to the benefit of the consumer.

I am not advocating that there is anything wrong with large farms or large farms expanding; we just shouldn't subsidize them to do it.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. How much time remains on the two sides?

The PRESIDING OFFICER. There is 25 minutes 50 seconds on your side, and 10 minutes 42 seconds on the other side.

Mr. DORGAN. Mr. President, my intention would be to use some time and then perhaps yield to my colleague from Georgia, and then I would prefer that we be able to close since it is our amendment, and then we would be done with the time. If that would be satisfactory to my colleague from Georgia, the ranking member, I would proceed on that basis.

Mr. CHAMBLISS. Certainly, Mr. President. That is fine.

Mr. DORGAN. Mr. President, let me begin, as a couple of my colleagues have—more specifically, my colleague from Arkansas—I have great respect for Senator LINCOLN, Senator PRYOR, Senator CHAMBLISS, and others here who may disagree with Senator GRASSLEY and myself. I very much respect their position and do not in any way denigrate a position or a philosophy or a policy choice they have made. I do think, however, this is a real choice and an important choice, and I come at it from a different perspective. I believe very strongly if we do not do the right thing, one day we won't be talking about a farm program because there won't be a farm program.

The fact is most people in this country don't farm. Only a small percentage of people live out in the country, out on the farm, under a yard light, trying to raise a family, trying to raise a crop against all the odds. They put a seed in and in the spring they hope it grows and they hope it doesn't rain too much, they hope it rains enough; they hope it doesn't hail; they hope crop disease doesn't come; and they hope that at the end of the summer, perhaps during the harvest season, they get in and harvest that land and they have a crop that comes out of the ground. Then they hope if they were lucky enough to get through all of that and get a crop and drive it to the country elevator, that they might get a decent price for it. They live on hope. The only way people living on a farm in the country can exist is living on hope. They are eternal optimists, believing that if they put a crop in in the spring, that putting that seed into that soil is going to somehow sprout into something bigger, and that at the end of the growing season, they have an opportunity to make a decent living. That is what it is about—because farmers live on hope—but because, in most cases, when international wild price swings occur and the bottom falls out of the grain market, if we don't have a safety net across those price valleys, so those family farmers get economic leverage, the opportunity to make it from one side to the other, they get wiped out. The same is true when a natural disaster comes along.

There are some big enterprises that have the economic strength to get through it. Perhaps when price declines, when disasters hit, they can get through it, but the family farmer doesn't. They get washed away, completely washed away. Then you have the auction sale. You have the yard sale, the auction sale, and that family farmer is gone. It goes on all across this country.

This country decided to do something very important. It decided to say it matters that when you fly across this country tonight, that you are able to look down and see people populating the prairies, populating the rural areas with yard lights and family farms. Look down sometime and see where they all live. Fewer and fewer of them live out in the country. There are fewer and fewer neighbors. But we are trying and struggling mightily to say to family farmers, when you are out there trying to run a family farm and raise a family and raise a crop, if you run into trouble, if you run into a tough patch, we want to help you. That is what this safety net is about.

Now this safety net has grown into a set of golden arches for some. Some of the biggest corporate agrifactories in the country suck millions of dollars out of this program. Some of them are farming the farm program—millions and millions of dollars. Is that what we believe this safety net should be about? Is it, really? Does anyone here believe that those who have never farmed and are never going to farm should receive a farm program payment? Is there anybody who believes that? Because that is what is going to happen. It is what is happening now.

According to some pretty good research that has been done on who receives and would receive the payments under the current system, there are what they call "down south cowboy starter kits." I described that before. It is somebody who subdivides some land that used to produce a crop and still gets a direct payment on a crop that is not produced anymore. So they subdivide it and build a house on part of it and run a horse on another and hay it once a year, and lo and behold, someone who has never farmed and never will, living on ground that has not produced a crop for 20 years, is going to go to the mailbox some day and open up an envelope from the Federal Government and it is going to say: Congratulations. You get a farm program payment. That is exactly what happens today, and it is what is going to happen with this bill.

I support the farm bill that came out of this committee, but I want to improve it because there is a glaring hole. The hole is that under this bill, nonfarmers could get farm program payments, and the hole that is there is an unlimited opportunity to get loan deficiency payments on the LDP or the marketing loan portion. My colleague will say: Well, we have a $200,000 cap on farm program payments. But that is not true; they don't have a $200,000 cap. They have a $200,000 cap on the direct payment and the countercyclical payment, but the third piece, the marketing loan and the loan deficiency payment, is unlimited—no cap at all. The biggest farm in the country, on every single bushel of commodity they produce, will get a price protection in the form of a safety net from the American taxpayer. I don't think that adds up.

I described a few moments ago a wonderful—apparently a wonderful woman in San Francisco, a patron of the arts. I had a picture I decided not to use because I don't think it is fair to her, but she was in the San Francisco Chronicle; they did run a picture of her. Her name is Constance Bowles. She was the largest recipient of farm program funds in San Francisco. She received $1.2 million, her husband received $1.1 million. Another fellow still runs the 6,000 acres. He is receiving money. He says: Well, I don't know why I am getting this money, but if they are—if cotton and rice folks in Texas are going to get it, then I think I ought to get it as well. I don't know. Do people think this is what we ought to be doing? Do you think this represents a safety net? It doesn't look like it to me. It looks like a glaring loophole.

The committee made some improvements. I said that when I started. The three-entity rule is gone. That was something that was abusive, and that is gone. I think that is progress. But I am telling my colleagues more needs to be done, because if we pass this bill as is, people who have never farmed and never will, will still receive farm program payments. For land that hasn't produced a crop for 20 years, they will still be able to get farm program payments. In my judgment, that is not reform.

I believe when we read stories—and we will—when we read stories that operations—the big corporate agrifactory gets $35 million in 5 years, I think a lot of the American people reasonably will ask the question: What does this have to do with the safety net to help family farmers through tough times? Again, if we are for change and reform in a constructive way that says let's do the right thing, then we will pass the amendment I have offered with Senator GRASSLEY, Senator BEN NELSON from Nebraska, and others, because we think it is the right thing to do.

Someone said during this debate: This will injure the safety net. No, no. Exactly the opposite. This is the one thing we can do that will preserve and strengthen the safety net. If we don't do this, we won't have a safety net at some point in the years ahead. It will all be gone because the American people will say: If you can't do it right, we are not going to let you do it at all. That is why I believe this is important.

I yield the floor.

Mr. CHAMBLISS. Madam President, I yield 5 minutes to the Senator from Arkansas, Mr. PRYOR.

The PRESIDING OFFICER (Mrs. LINCOLN). The Senator from Arkansas is recognized.

Mr. PRYOR. Madam President, as many others have said today, it is difficult for me on a personal level to speak against this amendment because I have such great respect for the two sponsors of the amendment. However, let me say this to my colleagues who are here, or the staff watching on C–SPAN 2 right now, for the Senators and staff who are looking at this amendment and thinking about previous votes they have made on this same subject and wondering what the differences might be between this and other votes they have cast, there is one major difference and that is the context of this vote. The context of this vote is in a reform bill. Previous votes have been, as we have talked about earlier, in budget bills, et cetera, et cetera, et cetera. This one is in an agriculture reform bill.

The farmers in our section of the country have given up a lot. What we have given up goes into nutrition programs, goes into conservation, goes into energy, rural development, and new programs for specialty crops. When we talk about adjusted gross income, the hard cap in this bill that came out of committee, the three-entity rule reform, all are major gives by farmers in our section of the country.

Quite frankly, if this amendment is adopted, I believe it will destroy the American cotton and rice industry. We will continue to use cotton and rice, but it will increase our trade deficit. We will import it from other parts of the world. Our food and fiber will be grown in countries that do not have our same standards on the environment or on labor or in many other areas. So I have to ask my colleagues: Do we think that is good public policy?

I called a friend of mine this weekend. In fact, it was on December 9. I called him and I said: Hey, are you all set up to go duck hunting, because I want to take my 13-year-old down there and go duck hunting. He said: Not yet, because we are still working the fields. They are still working on December 9 in the rice fields in Arkansas. Now, the rice is gone, but they have to maintain the levees. They have to do all kinds of things. I don't even know what they do. But the truth is my friend, and farmers all over this country, cotton and rice farmers, have huge investments they have made. They have business plans. They have bought combines. They have bought other very expensive pieces of farm equipment. They would have to totally reconfigure their fields. They would have to destroy a very elaborate and very expensive levee system.

It is not fair for us to go through these reforms we have already done and now to ask our rice farmers to do this.

So when I think about my friend, I think about what he would have to go through—in fact, he is the hardest working person I know—I think about the impact it is going to have on rural communities and about the fact that we are talking about food security and protecting the integrity of the American food supply, and we are talking about importing more rice and cotton, et cetera.

It is hard for me to understand why the Senate would want to do that. I have to remind my colleagues of a quote that our colleague in the House made, MARION BERRY. He said:

> If you like importing your oil, you will love importing your food.

I hear the arguments my colleagues are making about the so-called cowboy starter kit. I have heard about that. It is a funny story, but it makes you mad as a taxpayer. The fact is, the USDA today can fix that problem. It should have already been fixed, but for whatever reason, they have not fixed it. They have the authority to fix that today.

Now, I have heard the other side say they are concerned about money going to people who don't farm. There is one key thing that my other colleagues need to understand, and that is that they may not be farming, but the land is being farmed. The land is being farmed. They share the risk in that crop. And I heard Senator GRASSLEY say a few moments ago that he and his family, and folks all over his State, enter into these rent-type agreements. Well, so do we. But the way this amendment is structured would absolutely destroy our cotton and rice farmers in our part of the country.

In closing, this is difficult for me, but I am telling you, if this amendment is adopted, I cannot support this bill. It is very hard for me to come to the Senate floor and say I cannot support a farm bill, which is so critical to our State. If this amendment is adopted, I cannot support the farm bill.

With that, I ask my colleagues to look at this very closely. I thank Senators CHAMBLISS and LINCOLN for their leadership.

The PRESIDING OFFICER (Ms. CANTWELL). Who yields time? The Senator from Georgia is recognized.

Mr. CHAMBLISS. How much time remains?

The PRESIDING OFFICER. We have 5 minutes remaining under the control of the Senator from Georgia.

Mr. CHAMBLISS. How much on the other side?

The PRESIDING OFFICER. There are 17 minutes.

Mr. CHAMBLISS. Madam President, I yield half of the 5 minutes to the Senator from Arkansas, Mrs. LINCOLN.

Mrs. LINCOLN. First of all, I want to correct something. Senator GRASSLEY had some concerns about my comments earlier, and they may have been misinterpreted. Senator GRASSLEY is a champion for his farmers, no question about it. I have no doubt about that. I didn't say it would eliminate the subsidy program. What I said the amendment would do is eliminate our ability as farmers in southern States in terms of being able to mitigate our risks without that marketing loan, uncapped as it is in current law. I wanted to make sure he knows.

Madam President, I want to take a few minutes to walk through some of the reforms in this bill that people should be proud of. Over the past 5 years, I ever consistently heard press accounts unfairly characterizing farm programs. All too often, the accounts are very misleading—and that is a nice way of saying it. However, as members of those States, we rely on a strong farm safety net. I paid close attention to that criticism. I have taken it personally because I believe it unfairly calls into question the character and integrity of my farmers, the hard-working farm families I am proud to represent in the Senate. Largely because they are hard working, they are salt-of-the-Earth people, and they go by the rules. The fact is, they may farm something different, and they may farm a little differently than others, but they are still the hard-working farm families of this country.

We have eliminated today in the underlying Senate Agriculture Committee bill some of the often cited loopholes, the so-called three-entity rule, and banned the use of generic certificates, which producers use to make their entire crop eligible for the marketing loan cap in less transparent ways. We have been asked to be transparent, and that is what we have done.

For reformers, the underlying bill also creates direct attribution of program benefits to a "warm body" by requiring the Secretary to track payments to a natural person regardless of the nature of the farming operation earning these payments.

Folks also wanted to dramatically lower the overall level that an individual farmer can receive. That is what we have done.

I thank you for the opportunity to be here and represent those great farmers. I want to say to all of my colleagues that a vote against the Dorgan-Grassley amendment is still a vote for the most significant reform in the history of our farm bill.

The PRESIDING OFFICER. Who yields time? The Senator from Iowa is recognized.

Mr. GRASSLEY. Madam President, how much time is left on our side?

The PRESIDING OFFICER. There is 17 minutes remaining.

Mr. GRASSLEY. I yield myself 5 minutes.

Madam President, one of the things I think we have to remember is there is reform in the bill that the committee has presented to the Senate—reform that probably should have been done a long time ago.

I pointed it out in my opening remarks and in closing I want to kind of emphasize that there are limits put on in the bill that sound very reasonable. But I have to tell you there is one gigantic loophole you have to consider, and out of the three forms of payments—direct payment, loan deficiency payment, and countercyclical payment—the caps that are in the bill, adding up to $200,000, are for countercyclical and direct payments.

So if you don't have a cap on loan deficiency payments, that means the payments farmers can receive are unlimited and, from that standpoint, when loan deficiency payments are considered, there is not a hard cap. Now, the adjective, "hard," is applicable to Dorgan-Grassley, and it is very important because we have had caps on farm programs for, I will bet, three or four decades. They have been ineffective caps because there has been legal subterfuge to get around it.

The underlying bill, as well as our amendment, takes care of some of that legal subterfuge. But we maintain one for loan deficiency payments within this bill. So you, consequently, don't have a hard cap. Some people would say you don't have a cap at all. I will not go that far. But it is one gigantic opportunity for people to get payments that are really not limited. And it is particularly important for big farmers because the loan deficiency payment is paid out so much per bushel for what the market price is under the target price. So the more bushels you produce, the larger the farm, the more deficiency payments you are going to get. Consequently, we are trying to stop subsidizing farmers from getting bigger.

But when the loan deficiency payment is left out, you are going to give these farmers the same opportunity they have under existing law to use a legal subterfuge that basically makes the limits less meaningful. So I hope you will consider whether you think, when we have a cap, it ought to be an effective cap and, in the words of Dorgan-Grassley, a hard cap. It is very important that we do that.

Remember the background for the farm safety net. It is to help medium- and small-sized farmers, to protect them against things beyond their own control. And natural disaster is a natural one to speak about because floods and hail and windstorms and inability because of a wet spring to get the crop in, et cetera, et cetera, are all natural disasters that a farmer cannot do anything about. Only God can do something about natural disasters.

Then there are political decisions. I keep mentioning them because they ruined so many farmers in the 1970s. Nixon put a freeze on beef prices, and the President also put a limit on exports of soybeans so the price would plummet when it was very high in the early 1970s. And there is international politics: the cost of energy, what OPEC does—all of that is beyond the control of the small- and medium-sized farmers.

But the larger you get, the more staying power you have in it, and we don't need to have a safety net so strong that it subsidizes big farmers to get bigger, and 10 percent of the biggest farmers are getting 73 percent of the benefits out of the farm program.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Madam President, how much time remains on our side?

The PRESIDING OFFICER. There is 1½ minutes remaining.

Mr. CHAMBLISS. Senator GRASSLEY said a little earlier that the payment limit provision increased the land prices or contributed to the increase in land prices in his State. I simply say that I understand they have risen 64 percent from 2000. I remember very well, in 2002, when we were drafting the farm bill, the price of corn was $1.90 a bushel. Today, the price is $3.16 a bushel in Iowa, and in Texas it is about $3.85 a bushel. It is pretty easy to see why the price of land in the midwestern part of the United States increased. It has nothing to do with payment limits and everything to do with crops.

By contrast, in the mid-1950s, cotton was selling at 55 cents a pound. Today, a pound of cotton is selling somewhere in the range of 62 cents, and it is up. That is a pretty drastic contrast.

My colleagues have said it is their position that farmers simply get too much money, and we need to cap payments. I think it is interesting to note that we tried to put a cap on conservation payments, and we were stymied from doing it in the committee.

There is nothing in the Grassley-Dorgan amendment to put any payment limit on the conservation payments that are made. The conservation payments that are made, I daresay, are virtually all of the payments to which the Senator from North Dakota referred. I urge colleagues to vote no on this amendment.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. How much time remains?

The PRESIDING OFFICER. There is 12 minutes remaining.

Mr. DORGAN. Madam President, to suggest that perhaps we believe that farmers were getting too much money, nothing could be further from the truth. A whole lot of farmers are not getting enough help when they need it. The reason is because we don't have enough money in the farm program to provide a decent safety net. We have money leaking out the back door in the form of millions of dollars of payments to big corporate agrifactories. I have some examples. We have all heard these and read about them.

Constance Bowles, a prominent San Francisco art collector, from 2003 to 2005 received $1.2 million. Her husband received an equivalent amount during that period. Mark Burkett, a bonafide farmer, received payments for corn, wheat, cotton, peanuts, and sorghum from 2003 to 2005 totaling $1.8 million. Tommy Dildine collected $1.04 million. By the way, his wife Betty received exactly the same amount down to the penny. That is just over $2 million for that couple. I could go on.

Is this a safety net helping family farmers? I don't think so. There is nothing, as I indicated previously, in this legislation that stops some of the practices I described earlier.

My colleague said this issue of cowboy starter kits—I am tired hearing about cowboy starter kits. The USDA can shut that down. Yes, they can, but they won't. Why wouldn't we shut down a loophole that says somebody who has never farmed and never will farm and living on land that hasn't produced a crop for 20 years ought to open the mailbox and get a check from the Federal Government, a farm program payment? Why wouldn't we close that loophole? Why? Because this bill doesn't go far enough and won't close it and those who are opposing us on the floor of the Senate today don't want it closed.

There are a lot of reasons to support family farming. Some say it is hopelessly old-fashioned, that farming has gone a different direction; it is mechanized, it is big, these are big operators farming from California to Maine. I believe it is not hopelessly old-fashioned to think we can keep families on the farm putting in a crop and contributing more than a crop, but contributing to building communities. They are the economic blood vessels that flow into our rural communities in our country.

There is a songwriter, a farmer, a rancher from North Dakota named Chuck Suchy. He sings a song about "Saturday Night at the Bohemian Hall," where all the neighbors, all the farmers in the region gather and talk about the weather, they talk about their crops, and they talk about their families. It is an unusual culture and one that is important to this country. Some say that is yesterday, it is certainly not tomorrow. I, for one, hope we can construct a farm bill that is about tomorrow and that says to family farmers living on the land: We care about you. You are out there alone trying to make it against the odds. So we have a safety net. But some of my colleagues believe that safety net should be a set of golden arches, providing millions to the biggest agrifactories in this country. That is not what the farm program was designed to do.

When we do a program here, it doesn't mean it has to be perverted. We don't need snow removal in Hawaii, we don't need beachfront restoration in North Dakota, and we don't need to pervert a farm program by allowing millions of dollars—and, by the way, since the year 2000, $1.3 billion has been spent by this Federal Government in crop subsidies to people who are not farming—$1.3 billion. What might that have done in the form of health care for children who don't have health care or strengthening education so that when kids walk through a classroom door, we can believe they are walking into one of the best classrooms in the world? What might that have done in a whole range of areas where we could have improved life? What might that have done had that money gone in to strengthening the farm program itself or providing a disaster provision 2, 3 years ago for a farm program that doesn't have it?

Madam President, how much remains on my time?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. DORGAN. Again, I know some think it is hopelessly old-fashioned to talk about family farms. I don't. I know some farms have been very successful and they have grown, and I don't mean at all they should be penalized. That is not my intention. We only have a certain amount of money, and we ought to provide the best safety net and farm program we can up to a certain amount of production because that is the money we have. But we ought not dissipate our energy, strength, and money on people who are not farming and they go to their mailbox and open a check, and they get a farm program payment even if they don't farm. That does not make sense to me.

Let me tell a story about a young man named Waylon. I was invited to the White House to the East Room some while ago when they brought in some youngsters who were heroes and the President presented these youngsters with medals. One of them was a North Dakotan. Twelve-year-old Waylon was on the farm with his brother and sister. His parents went to a neighbor farm for a moment to see the neighbors. It was winter, and in North Dakota in the winter, the stock pond was frozen. They were playing on the ice. This 12-year-old boy and his brother and sister were playing on the stock pond ice and his sister fell through the ice. It cracked and she fell through the ice and was drowning.

Waylon, age 12, sent his brother to go 1 mile to fetch his parents. His 6-year-old brother went off to fetch the parents. Waylon, age 12, meanwhile lay on his belly with his winter clothes on and cowboy boots toward the edge of the hole on the ice where his sister was drowning.

Some while later, about 20 minutes later, his parents came rushing into the yard, driving into the yard. What they saw was a 12-year-old boy in this area where the ice had broken who couldn't swim, who broke into that ice trying to find his sister who was drowning. What his parents saw was a young 12-year-old boy with his sister's head in the crook of his arm. He was treading water as fast as he could tread still 20 minutes later.

He was given a medal for heroism at the White House along with some other boys. I asked young Waylon: How did you do that? He said I watched "GI Joe" and I learned safety tips. He said: I kicked as hard as I could. He kicked so hard that his cowboy boots came off. On that day, a 12-year-old boy who couldn't swim reached out his hand for his sister who was drowning.

That same type of love, that kind of commitment, that outreach of a hand, not just from that 12-year-old boy, but from a country to farmers all across this country to say, let us help you when you are in trouble—that is the instinct of this country and why we created a safety net in the first place, to reach out our hands to say we want to help, you are not alone when prices collapse, when disease comes, when it hails, when it rains, when it rains too much, when it doesn't rain enough. This country has said we want to help because we believe family farmers are important to this country. We want people on Saturday night to come to the Bohemian Hall and swap stories about the weather, the crops, and their neighbors. We want that. The way you get that, it seems to me, is to preserve a safety net. We will not preserve a safety net for family farmers by deciding we ought to give millions and millions of dollars to the biggest agrifactories in this country that are farming the farm program.

When we give $1.3 billion in farm program payments to people who are not farming—let me say that again—when we send checks to the mailboxes of people who are not farming to the tune of $1.3 billion and call it a safety net in a farm program, I am saying it is a perversion of what we ought to do as a government to help family farmers in the future.

This ought not be a difficult choice. The committee made some improvements in this bill; yes, they did. But without this amendment, we will still have people who are not farming now and have never farmed in the past and will never farm in the future living on land that has not produced a crop for 20 years, and they are going to continue to get farm program payments. If you don't believe that is wrong, then vote against this amendment.

Senator GRASSLEY and I believe there is a much better way. We don't do it by suggesting anybody at all should ever be penalized. We just believe we should use the resources we have to provide the best safety net we can to those family farms out there struggling to try to make ends meet during tough times. That is why we have a farm program. It is why we designed a safety net. It has not worked as well as any of us would have liked.

I would like to improve the safety net, but we can't improve the safety net if we are using this precious money to send it to Telegraph Hill in San Francisco to somebody who gets $2.4 million with her husband, a patron of the arts, who gets money from the farm program and whose brother now runs the farm and says: I don't know why we get this money, but if they get it down in Texas, we ought to get it here in San Francisco.

I am telling you, the American people expect more from us. Let me finish by saying this again. I deeply respect my colleagues who disagree with me. I respect my colleagues who have spoken in support of their bill and against this amendment. But I say to them, if they are for constructive change, if they are for reform that the American people understand makes sense, then they have to support this amendment and believe let's at least do the right thing.

This is a good bill that came out of the committee, but it needs to have this hole plugged. To have a bill come out of the committee and have loan deficiency payments or the marketing loan be totally unlimited for the biggest farm in America for everything they ever will produce, that is wrong. It is a hole big enough to drive a truck through. If we can fix that, I say we have done a good day's work and done something very important for family farmers in the future.

One of my colleagues says, if we do this, he won't vote for the bill. I am going to vote for the bill one way or the other because this bill is an advancement in public policy. But Senator GRASSLEY has said it well, my colleague BEN NELSON and others believe as I do that we should do this, we should have done this 6 years ago. And by the way, we had 66 Senators vote for this approach the last time we wrote a farm bill, and it got dropped in conference. My hope is we will at least have 60 votes tomorrow in support of change, constructive reform that the American people want. If you went to a cafe anyplace in this country, set this out and said: What do you think we should do? I tell you it will be 99 percent saying fix this, fix this, do this in support of the American taxpayers, and do this in support of family farmers.

The PRESIDING OFFICER. The Senator's time has expired.

AMENDMENT NO. 3551

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes for debate equally divided prior to vote on amendment No. 3551, the amendment offered by the Senator from Tennessee, Mr. ALEXANDER.

Who yields time?

The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I ask the manager of the bill if he wishes us to begin our 1-minute discussion?

Mr. HARKIN. Go ahead.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, this is a wonderful opportunity to take wasteful Washington spending and turn it into higher farm family income by using our secret weapon, land grant universities' competitive grants to create value-added agricultural products to get that program back on track. It is fully paid for, $74 million, by striking a provision that uses taxpayers' dollars so taxpayers in Virginia and Georgia, for example, will pay for transmission lines in Tennessee and other States. Those should be paid for by utilities.

The group that hopes Senators vote "yes" includes the National Association of State Universities and Land Grant Colleges, the National Coalition for Food and Agricultural Research, the National Association of Wheat Growers, and the National Cattlemen's Beef Association.

I urge a "yes" vote.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time in opposition?

The Senator from Iowa.

Mr. HARKIN. Madam President, I hope the Senate will reject these Alexander amendments. The first one on transmission easement payments, again, if we want to encourage the building of renewable energy resources, they are going to take place in rural areas. These easements they have to get have to take place on farms and rural areas.

I was pleased the Finance Committee in their tax package provided this income exclusion for transmission easement payments because it can help support transmission access development and it does it for renewable energy. So this is part of the tax package that came from the Finance Committee supported both by the Finance Committee and the Agriculture Committee.

If you want renewable resources built in rural America, then this amendment should be defeated because it will slow it down and stop it from happening.

The PRESIDING OFFICER. All time has expired.

Mr. ALEXANDER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 3551.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from New Jersey (Mr. MENENDEZ) would vote "nay."

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 19, nays 75, as follows:

[Rollcall Vote No. 420 Leg.]

YEAS—19

Alexander
Allard
Bennett
Bond
Bunning
Burr
Cochran
Dole
Graham
Hutchison
Kyl
McConnell
Sessions
Shelby
Snowe
Specter
Sununu
Voinovich
Warner

NAYS—75

Akaka
Barrasso
Baucus
Bayh
Bingaman
Boxer
Brown
Brownback
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Coburn
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Grassley
Gregg
Hagel
Harkin
Hatch
Inhofe
Inouye
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Smith
Stabenow
Stevens
Tester
Thune
Vitter
Webb
Whitehouse
Wyden

NOT VOTING—6

Biden
Clinton
Dodd
McCain
Menendez
Obama

The amendment (No. 3551) was rejected.

AMENDMENT NO. 3553

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate prior to a vote on amendment No. 3553, offered by the Senator from Tennessee, Mr. ALEXANDER.

The Senator from Tennessee is recognized.

Mr. ALEXANDER. Madam President, the words I would like my colleagues to remember are "farms, yes; residential, no." If the Alexander amendment is adopted, there would be subsidies for wind turbines up to 12 stories tall in agricultural areas, but there would be no subsidies for wind turbines in residential areas. This is called "small wind." Twelve stories is not very tall, but I would not want to go home and explain to my constituents why I took their tax dollars and helped a neighbor build a 12-story-tall wind turbine with flashing lights in a residential neighborhood.

Farms, yes; residential, no. I ask for a "yes" vote.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Madam President, I ask my colleagues to vote no on the Alexander amendment. The Alexander amendment would essentially strip out what came out as a bipartisan supported amendment from both the Finance Committee and the Agriculture Committee. It is a step in the right direction in terms of moving forward with small wind microturbines that are very essential to our renewable energy future. This is something which is part of our whole renewable energy agenda.

I urge my colleagues to vote against the Alexander amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3553.

Mr. ALEXANDER. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from New Jersey (Mr. MENENDEZ) would vote "nay."

Mr. LOTT. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from North Carolina (Mr. BURR).

The PRESIDING OFFICER (Mr. CASEY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 14, nays 79, as follows:

[Rollcall Vote No. 421 Leg.]

YEAS—14

Alexander
Bennett
Bond
Bunning
Cochran
DeMint
Dole
Domenici
Kyl
Lott
McConnell
Sessions
Shelby
Warner

NAYS—79

Akaka
Allard
Barrasso
Baucus
Bayh
Bingaman
Boxer
Brown
Brownback
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Coburn
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Webb
Whitehouse
Wyden

NOT VOTING—7

Biden
Burr
Clinton
Dodd
McCain
Menendez
Obama

The amendment (No. 3553) was rejected.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on amendment No. 3673 offered by the Senator from New Hampshire, Mr. GREGG.

Mr. GREGG. Mr. President, parliamentary inquiry: What is the proper order for the 2 minutes? Is there a tradition or an order on the 2 minutes?

The PRESIDING OFFICER. There is no order of speakers. There is 2 minutes equally divided.

Mr. GREGG. Thank you.

The PRESIDING OFFICER. Who yields time?

If no one yields time, the time will be charged equally to both sides.

Mr. DURBIN. Mr. President, obviously the Senator from New Hampshire does not want to explain his amendment. I will. This is a medical malpractice amendment on a farm bill. This amendment picks a class of Americans who will be denied their day in court and restricted in what they can recover if they are victims of medical malpractice.

The people who will be denied their day in court, a class, women, women living in towns of 20,000 of population or less, and their children, those are the only people who will be denied the right to go to court.

If you think this is wise policy for America, to say to victims of medical malpractice who live in small towns they cannot go before the court and jury for fair compensation for their injuries, then I assume you will support this amendment.

But if you believe the medical malpractice does not belong in the farm bill, should not specify one class of Americans to be discriminated against and that we should give those victims a chance for their day in court, please vote no.

Mr. GREGG. Mr. President, I appreciate the courtesy of the Senator from Illinois in going first. Let me simply make this point. This is not a complicated amendment. In rural America today, there is a distinct lack of obstetricians. Women who are going to have children are having a very serious problem finding doctors who can take care of them.

That is because of the cost of malpractice insurance. This bill tracks the Texas experience and the California experience and is a very reasonable approach. You have a simple choice in this bill on this amendment. You can vote for women who need decent health care when they are having children or you can vote for trial lawyers. That is the choice. I would appreciate it if people voted for women. Thank you.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 3673.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) and the Senator from New Jersey (Mr. MENENDEZ) would each vote "nay."

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 53, as follows:

[Rollcall Vote No. 422 Leg.]

YEAS—41

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
DeMint
Dole
Domenici
Ensign
Enzi
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
McConnell
Murkowski
Roberts
Sessions
Smith
Stevens
Sununu
Thune
Vitter
Voinovich
Warner

NAYS—53

Akaka
Baucus
Bayh
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Conrad
Crapo
Dorgan
Durbin
Feingold
Feinstein
Graham
Harkin
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Martinez
McCaskill
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Shelby
Snowe
Specter
Stabenow
Tester
Webb
Whitehouse
Wyden

NOT VOTING—6

Biden
Clinton
Dodd
McCain
Menendez
Obama

The PRESIDING OFFICER. On this vote, the yeas are 41, the nays are 53. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

Mr. REID. Mr. President, I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, the managers have made a lot of progress on this bill today. The end is in sight. We are going to have a couple more votes tonight. There will be a little more debate tonight.

So I ask unanimous consent that the following amendments be debated tonight for the time limits specified in the order listed and that all other provisions of the previous order remain in effect regarding time division and intervening amendments: Sessions amendment No. 3596, 20 minutes evenly divided; Coburn amendment No. 3632, 20 minutes evenly divided; that the Klobuchar amendment be debated tonight for whatever time she may consume of her 30 minutes—she has 30 minutes; whoever opposes the amendment will have 30 minutes; they are going to debate part of that time tomorrow—Senator KLOBUCHAR will use whatever time she feels appropriate tonight within her 30 minutes but the vote occur in relation to the amendment during Thursday's session; that upon the conclusion of the debate with respect to the Klobuchar amendment, the Senate proceed to vote in relation to amendment No. 3596 and then amendment No. 3632—I am sorry, the debate on the Klobuchar amendment will begin after we complete the votes tonight on the two amendments I mentioned—that the following two amendments be debated during tomorrow's session: Senator BROWN will have 60 minutes on amendment No. 3819, evenly divided; Senator TESTER will have 60 minutes evenly divided on amendment No. 3666.

So in effect, we are going to have debate for a relatively short period of time, and they will yield back their time if they wish. We will have two votes. Senator KLOBUCHAR will start her debate tonight and use whatever of her 30 minutes she desires, and then tomorrow we will have a number of amendments, but locked in is the Brown amendment and the Tester amendment, as I outlined.

I have spoken to Senator HARKIN. He, of course, is in touch often with Senator CHAMBLISS. There is every possibility we could finish this bill tomorrow. As everyone knows, we have some votes in the morning on the Dorgan-Grassley amendment and on cloture on the Energy bill.

After that, we will have to see what happens and try to get back to this bill as quickly as we can.

The PRESIDING OFFICER. Is there objection?

Mr. CHAMBLISS. Mr. President, reserving the right to object, if I could ask the distinguished majority leader to add the other unanimous consent request we have agreed to.

Mr. REID. Yes. I did not have that.

AMENDMENT NO. 3803 TO AMENDMENT NO. 3500

Mr. President, I ask unanimous consent that amendment No. 3803, which is at the desk, be considered and agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection to the request, as modified?

Without objection, it is so ordered.

The amendment (No. 3803) was agreed to, as follows:

(Purpose: To amend the Internal Revenue Code of 1986 to provide for the tax treatment of horses, and for other purposes)

At the appropriate place, insert the following:

SEC. _. ASSET TREATMENT OF HORSES.

(a) 3-YEAR DEPRECIATION FOR ALL RACE HORSES.—

(1) IN GENERAL.—Clause (i) of section 168(e)(3)(A) of the Internal Revenue Code of 1986 (relating to 3-year property) is amended to read as follows:

"(i) any race horse,".

(2) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service on or after the date of the enactment of this Act.

(b) REDUCTION OF HOLDING PERIOD TO 12 MONTHS FOR PURPOSES OF DETERMINING WHETHER HORSES ARE SECTION 1231 ASSETS.—

(1) IN GENERAL.—Subparagraph (A) of section 1231(b)(3) of the Internal Revenue Code of 1986 (relating to definition of livestock) is amended by striking "and horses".

(2) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. _. ELIMINATION OF PRIVATE PAYMENT TEST FOR PROFESSIONAL SPORTS FACILITY BONDS.

(a) IN GENERAL.—Section 141(a) (defining private activity bond) is amended by adding at the end the following new flush sentence: "In the case of any professional sports facility bond, paragraph (1) shall be applied without regard to subparagraph (B) thereof.".

(b) PROFESSIONAL SPORTS FACILITY BOND DEFINED.—Section 141 is amended by adding at the end the following new subsection:

"(f) PROFESSIONAL SPORTS FACILITY BOND.—For purposes of subsection (a)—

"(1) IN GENERAL.—The term 'professional sports facility bond' means any bond issued as part of an issue any portion of the proceeds of which are to be used to provide a professional sports facility.

"(2) PROFESSIONAL SPORTS FACILITY.—The term 'professional sports facility' means real property and related improvements used, in whole or in part, for professional sports, professional sports exhibitions, professional games, or professional training.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act, other than bonds with respect to which a resolution was issued by an issuer or conduit borrower before January 24, 2007.

The PRESIDING OFFICER. The majority leader is recognized.

ENERGY INDEPENDENCE AND SECURITY ACT OF 2007

Mr. REID. Mr. President, I ask that the Chair lay before the Senate the message from the House on H.R. 6.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendments of the Senate to the bill (H.R. 6) entitled "An Act to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes," with amendments.

MOTION TO CONCUR WITH AMENDMENT NO. 3841

(Purpose: In the nature of a substitute.)

Mr. REID. Mr. President, I move to concur in the House amendment to the Senate amendment to the text with the amendment that is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to concur in the House amendment to the Senate amendment to the text of H.R. 6, with an amendment numbered 3841.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3842 TO AMENDMENT NO. 3841

Mr. REID. Mr. President, I have a second-degree amendment at the desk I wish to have reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3842 to amendment No. 3841.

The amendment is as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of this bill's enactment.

CLOTURE MOTION

Mr. REID. Mr. President, I send to the desk a cloture motion.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Reid motion to concur in the House amendment to the Senate amendment to the text with an amendment, with reference to H.R. 6, Energy.

Jeff Bingaman, Barbara Boxer, Ben Nelson, Dick Durbin, Debbie Stabenow, Kent Conrad, Maria Cantwell, Ken Salazar, Tom Carper, Joe Lieberman, Daniel K. Akaka, Daniel K. Inouye, Robert P. Casey, Jr., Mark Pryor, Dianne Feinstein, B.A. Mikulski, Sherrod Brown, Jim Webb.

Mr. REID. Mr. President, I ask unanimous consent that the live quorum under rule XXII be waived and that the Senate resume consideration of the farm bill, H.R. 2419.

The PRESIDING OFFICER. Without objection, it is so ordered.

FARM, NUTRITION, AND BIOENERGY ACT OF 2007—Continued

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, parliamentary inquiry: What is the order before the Senate at the present time?

AMENDMENT NO. 3596

The PRESIDING OFFICER. Under the previous order, 20 minutes of debate, evenly divided, on the Sessions amendment No. 3596.

The Senator from Alabama.

Mr. SESSIONS. Mr. President, I will attempt to complete my remarks in less than the 10 minutes I have.

MODIFICATION TO AMENDMENT NO. 3596

Mr. President, I ask unanimous consent that I be allowed to amend my amendment. We got a score today that indicated it would cost $1 million over 10 years. This would be an offset for that. So I send this modification to the amendment to the desk and ask unanimous consent that I be allowed to amend the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Mr. President, reserving the right to object, we have not seen the modification.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I renew my unanimous consent request that I be allowed to modify my amendment to allow for an offset for the $1 million cost over 10 years.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The modification is as follows:

At the end of the amendment, add the following:

(j) OFFSET.—Notwithstanding any other provision of this Act or an amendment made by this Act, for the period beginning on October 1, 2007, and ending on September 30, 2011, each amount provided to carry out administration for a program under this Act or an amendment made by this Act is reduced by an amount necessary to achieve a total reduction of $1,000,000.

Mr. SESSIONS. Mr. President, I will try to be succinct.

Crop insurance is a critical part of farm policy in America. It is not working perfectly. A number of farmers do not like it and do not take it out. Many do take it out and are not happy with the way it works.

We spend a lot of money on it. The Federal Government contributes 58 percent of the premiums for crop insurance, totaling $3.2 billion a year.

One of the goals of crop insurance was to eliminate ad hoc individual disaster relief bills when farm disasters occur. Yet, since 2002, we have averaged $1.3 billion in additional disaster relief to agriculture. So it has not met that goal.

In 1999, the Alabama Farmers Federation, now affiliated with the National Farm Bureau, had a study of crop insurance. Farmers recommended—these were farmers—they recommended we adopt a system in which farmers, if they chose, could take the subsidy from the Federal Government, plus their own premium, and pay that into a farm disaster savings account and draw on that account if a disaster occurred—but only if they voluntarily chose to do so.

I have studied that. I believe it is a good policy. I talked to Secretary Johanns when he was Secretary of Agriculture a few months ago. He tells me he thought it would be particularly good if we moved forward in this way as a pilot program.

So I have offered this amendment which would call on the U.S. Department of Agriculture to create farm savings accounts for insurance purposes, which would allow the Federal contribution to Federal crop insurance to go into that account, along with the farmer's contribution, but only for 1 percent of the farmers in America. That would limit it to a number of 20,000. Then we would try it out and see how it works. I think it could work very well for quite a number of farmers; I don't know how many. It certainly will not eliminate the need for crop insurance. Most farmers, I am sure, would want to have crop insurance.

Under my amendment, farmers would have to have catastrophic insurance. Their crop insurance numbers would be a smaller amount to take care of the more routine financial losses that farmers incur. I think it is a good program. It has been thought out pretty carefully. We have worked with the Department of Agriculture, the Alabama Farm Bureau, the Farmers Federation. They support it strongly. The National Farm Bureau has not taken a position. So I think it is the kind of legislation we ought to consider, and I urge my colleagues to do so.

In a few years, we will see how it is working. If it is not working, so be it. If it is working, we might want to make it permanent. So I ask my colleagues to support this amendment.

I yield the floor, reserving the remainder of my time.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, we are constantly coming to the floor or going into committees and talking about the fact that when it comes to the complicated programs we deal with, it is critically important that Members, as well as our staffs, think outside the box and come up with new ideas, new concepts that make sense, where we can take bureaucratic programs and streamline them, make them better, make them easier, make them more, in this case, farmer friendly. For that reason I compliment the Senator from Alabama. I think he has come up with an excellent idea. It has the potential for providing something similar to an idea that was prevalent in the House several years ago that was proposed by a Congressman from Kansas, KENNY HULSHOF, and that was to create farm savings accounts that the farmer could use to take excess money in good years and put it, tax-free, into a savings account and save it for a time down the road where he knows he was going to have a tough year and he would have that money available. That is exactly something along the lines of what Senator SESSIONS is talking about. I do think it is a great concept.

The problem I have with the amendment right now is that we have had no hearings on it in the committee, and we are not sure of whether it can even be implemented as a part of this particular farm bill in conjunction with the crop insurance provisions that are in our bill. I have talked to my dear friend Senator SESSIONS. I have told him I regret I will have to vote against it, but a vote against it is not a vote against the concept or against the fact that he has now come in and has thought outside the box, and I think he has a very good concept that I would encourage the chairman to look at as we move in the next year into the implementation of this farm bill. Let's have some hearings. Let's get some economists, some crop insurance folks to think about it and see if we can't maybe even think about a stand-alone bill for it and not wait for the next farm bill.

So I think it has merit. I just think trying to incorporate it into this bill presents complexities that I don't think we can accommodate.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I join my colleague and concur in his remarks on the Sessions amendment. For a lot of subjects before us we get good ideas, interesting ideas that come up via amendments on bills. This isn't the first time it has happened. As Senator CHAMBLISS said, this idea has been talked about, floated around for a while. Senator SESSIONS has perhaps focused it more than I have seen in the past on the savings account idea.

But I think Senator CHAMBLISS is right. This is a very complicated subject. It involves a lot of different considerations and as well as interactions with other programs in agriculture. I would just say to my friend from Alabama that I would, with Senator CHAMBLISS, be willing to have some hearings on this next year, and I invite the Senator to testify and bring some witnesses in, as Senator CHAMBLISS says, some agricultural economists, some agricultural producers, and see what this proposal would do. If it has legs, if it has some merit, we could move it.

Just because we pass a farm bill doesn't mean that our committee is dormant for 5 years. We will be holding hearings and working on legislation. The occupant of the chair, too, will be actively involved in a lot of those discussions next year as a valuable member of our committee.

So I would just say to the Senator from Alabama, I am going to join Senator CHAMBLISS in opposing the amendment. Not that I am absolutely, irrevocably opposed to it, but it is a little bit too much of a change on a bill now, without the kind of hearings and due diligence that we should apply to it. So I will oppose it. But I will say this to Senator SESSIONS: I look forward to having some hearings on it next year.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank the chairman for his willingness to consider this. I do believe I have given a good bit of thought to it, and I have shared it with the committee for the last several or couple weeks. But at any rate, I urge my colleagues to support it, recognizing that it is a pilot program involving only 1 percent of the farmers in America, and from that pilot program, we may learn that we have a good program indeed. So I urge support for it.

I yield the floor, and I yield the remainder of my time.

The PRESIDING OFFICER. There is 5½ minutes remaining.

The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, I am here to speak briefly on my amendment, which is amendment No. 3810. I am going to reserve most of my time for tomorrow because some of my colleagues want to address this bill.

Mr. President, America's farm safety net was created during the Great Depression. It was created to protect struggling family farmers from volatile prices and from volatile weather. I think the reasons for that safety net still remain today. That is why I am a strong supporter of this farm bill.

I believe there are some forward thinking provisions in this farm bill, including with regard to energy, cellulosic energy—something near and dear to my heart. We have worked hard on those provisions. The permanent disaster relief is so important for the farmers in my State. I think the safety net that helped our farmers in the 2002 farm bill and allowed them to take risks and revitalize a lot of the areas in this country are good. That is why I support this farm bill.

But I also believe there is a need for reform in this farm bill. I believe the money that is set aside for a safety net for our farmers should be going to the hard-working farmers in this country and not to urban millionaires. When you look at what happened over the last few years, there are scandals. There are people who should not have gotten this money. There are art collectors in San Francisco and real estate developers in Florida. When we look at where the money went, I think we can conclude there are not a lot of farms in, say, the District of Columbia, where we stand today. Mr. President, $3.1 million in farm payments went to the District of Columbia, $4.2 million has gone to people living in Manhattan, and $1 billion of taxpayer money for farm payments has gone to Beverly Hills 90210. The last time I checked, there is not a lot of farmland in those areas.

I believe we can fix this problem. As Senator DORGAN said today, if we don't fix it ourselves, someone is going to fix it for us. I believe the people who live in farm States have an obligation to make sure these programs are appropriate and that they are going to the right people.

That is why I am proud that in this last farm bill, as a member of the Agriculture Committee, we have included in this farm bill an end to the three-entity rule. We have eliminated it. It will cut down the abuse by applying payment limits strictly to individuals and married couples and to ending the practice of dividing farms into multiple corporations so they get multiple payments.

I also support the Dorgan-Grassley amendment that puts some sensible limits on the total number of subsidies. But also I believe it is very important that we put some reasonable limits on income eligibility.

Now, what we have here with our amendment is reasonable. Let me go through what the law is right now. Right now, the law, for full-time farmers, says if you get at least 75 percent of your income from farming, you have an unlimited amount of income and profit you can make, and you can still get Government subsidies. That is how it works. It says for part-time farmers, if you get $2.45 million—you may just be an investor in Beverly Hills—you can still make up to $2.5 million, and you get the subsidies. We know that with the budget problems this country is facing, we need to make some sensible reforms.

The President has proposed a $200,000 limit on income for both part-time and full-time farmers. The House-passed version has suggested a $1 million limit on income for full-time farmers and a $500,000 limit for part-time farmers. So it is more generous than the administration, but it is still a big change from what the current law is. Our Senate bill that came out of committee, unfortunately, still allows for unlimited income for full-time farmers, and then basically for part-time farmers ends up after a number of years at $750,000.

What our amendment does, the Klobuchar-Durbin-Brown amendment—and we have a number of people on the other side of the aisle who are going to be supporting this as well, as well as the Department of Agriculture. It simply says for full-time farmers, if you make in profit $750,000, at that point you are not going to get any more Government farm payments. Now, if you have a bad year, and disaster strikes and you go below that amount, you will be eligible for those payments. For part-time farmers, some of the investors, the people who are making less than 66 percent of their income from farming, if you make $250,000, then, at that point, you are no longer eligible for these payments.

Now, I don't think this is something outrageous. I think this is good policy. When I think about the farmers in my State, the average income of a farmer is $54,000. That is why as we look at this farm bill and what we want to do for the new and beginning farmers, we want to get more farmers involved in agriculture. We want to do more for nutrition, conservation, and most important to me, moving to this next generation of cellulosic ethanol, we have to acknowledge that at some point, multimillionaires who live in urban areas should not be getting these farm payments.

So I am going to reserve the remainder of my time for tomorrow because my colleagues want to address this issue. I think we will have a good debate. But I wanted to put it in people's minds tonight so they can go back and talk to their staffs about how important it is and how sensible it is to put some reasonable income limits on this farm bill. Right now, our Senate bill has no income limits for full-time farmers and goes all the way up to $750,000 for part-time farmers. I believe we can do better and still strongly support the family farmers in this country. I support them. My State is sixth in the country for agriculture; No. 1 turkey producer in the country. We have a lot of corn. We have some great people who are revitalizing our State because of the hard work they did, and the 2002 farm bill helped them. We want to keep those strong reforms in place, keep the safety net in place, add the disaster relief, add the conservation focus, but we also want to have some reasonable reforms so the money goes where it should go, and that is to our hard-working farmers.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. First of all, I would like to take just a moment—we had an amendment No. 3530 which I think the committee has agreed to accept and will come to later, but I wanted to spend a moment talking about it.

Over the last 20 years, the U.S. Department of Agriculture has paid out $1.1 billion to dead farmers. Forty percent of them have been dead over 7 years; 19 percent of them have been dead over 11 years. Yet they continued to pay them. I very much appreciate the chairman and ranking member for their consideration.

What this will do is to make USDA go back and say: If you haven't gotten your estate settled in 2 years, you have to be talking to us rather than us continuing to make farm payments to people who are no longer alive. I appreciate their acceptance of that amendment.

AMENDMENT NO. 3632

I wish to set aside the pending amendment and call up amendment No. 3632.

The PRESIDING OFFICER. The amendment is pending.

Mr. COBURN. Thank you, Mr. President. This is a fairly straightforward amendment. It fits with a lot of things they have done in this bill. This is about the EQIP program. This is about environmental capacity to save in terms of runoff, decrease load streams, and do a lot of things in terms of the environment, and the basic goals behind it are good. This amendment is very simple. All it says is that you ought to be a real farmer to get EQIP money.

You ought to get two-thirds of your money from agriculture before you are eligible for getting this money. Why is that a problem? The problem is that our real farmers are not getting the vast majority of the money; it is our nonfarmers. If you buy 160 acres, what the marketing guy says is: I have a way for you to refence this land and build a new pond, and it will increase the value and you can turn around and sell it, except the American taxpayers pay for 40 percent of the improvements on it. You never have to run a head of cattle on it; you never have to raise a crop on it. You can just invest in the land and qualify. That is not the intended purpose for EQIP or why we created it. I believe EQIP funds ought to go for what they are intended. What this does is take the doctor who is play-farming or play-ranching and using American taxpayer money to improve the value of his land so he can turn around in a year and a half and sell it and make money. It doesn't save us anything in terms of the intended purpose of EQIP.

All this says is that if you are a real farmer and you get two-thirds of your income from farming, agriculture, this would not apply to you. But if you are gaming the system, gaming EQIP to advantage yourself, and not as a person in production agriculture but as an investor in land or as a speculator in land, you ought not to be able to use these moneys to increase the value. Fencing hardly improves the environment. Yet we spend money out of EQIP for farms and ranches that are small and are not owned by real farmers but gentlemen farmers who don't produce anything. Yet they go out and have fun on some land they own and they qualify. We ought not to be paying for that with American taxpayer money. It is straightforward. It says you ought to be a real farmer before we allow EQIP money to be used to improve the environmental conditions on your farm.

There is a marked increase in the demand for these EQIP dollars. We see pivots. We can markedly decrease water consumption if we have modern pivots. We help farmers to put them in. We use less water, get less runoff, and do more no-till farming. So the demand for the dollars associated with EQIP, the Environmental Quality Incentives Program, was designed for working farms and working ranches, not for the weekend farmer.

The Environmental Quality Incentive Program emerged as the most important USDA program providing financial assistance for conservation on working farms and ranches and is measured by the number of participants and acres under contract—the largest financial assistance conservation program in all of USDA. Yet we have real farmers and ranchers who cannot get enough help to make a difference when it comes to the environment.

I want real farmers who are really in it to produce agriculture to have this money available, and I don't want the American taxpayers paying for somebody else who has the money to do it already but is using their money to enhance the value of their property, and they are not real farmers, not real ranchers, they are not a vegetable farmer, they are not in production agriculture, they are not an orchard farmer, they are not in timber, but, in fact, they own 40 acres of timber, and therefore they qualify even though it is purely an investment and they have no intent to harvest a crop, but they are utilizing taxpayer money.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Iowa has 10 minutes.

Mr. HARKIN. Mr. President, when I hear the Senator describe how the money is going out, of course it sounds bad. No one wants EQIP money going for doctors who buy a little bit of acreage and want to put in a pond and have a fishing hole. We don't want EQIP money going for that, and it should not go for that.

But the way the amendment is drafted, it just says two-thirds of your income has to be from farming before you can qualify for EQIP. The problem with that is there are a lot of young, beginning farmers who are farming, but they are not making enough money from the farm to sustain themselves, and they and their spouse need to work at other jobs. They may have a night job and the spouse may have a job. Most of their income may not be from that farming venture, but the money they are earning is going into the farm and they are building up their farm asset base. I see this happening, and we don't want to discourage that. Those are the people who may need some EQIP money. They may need to build a fence for livestock production. That EQIP money ought to be there for them to do that. Maybe they are improving their land and they need a water-holding facility to provide livestock with water on an around-the-year basis. That happens in our State, and I am sure it happens in Oklahoma too. They may not be getting two-thirds of their income from farming for a while. Later, they may, as they build up their assets and become better farmers and they get more income from farming.

So according to the Economic Research Service data, this amendment would bar EQIP contracts for 71.2 percent of all producers who receive them in 2006. You cannot say that 71 percent of all those people are these rich doctors putting in a fence and putting their horses out there. That may be a small part of these contracts, but it seems to me you are going after a lot of people who deserve EQIP contracts to go after some who don't deserve them.

The farms that would still qualify under the Senator's amendment would tend to be relatively large farms—that is, with gross income on average over $654,000. Again, these are the producers that have a greater ability to pay for conservation. I repeat: the larger farms, where the producers get more than two-thirds of their income from farming, average over $654,000 in gross income. If you compare that to a beginning farmer, they would actually have more ability to pay for conservation on their own, but this amendment would hurt the younger farmers with lower incomes and second jobs to make ends meet.

As I said, I just think this kind of a shotgun approach isn't the way to go. I wish there were some way to refine it to get at the very problem the Senator spoke about.

Mr. COBURN. Will the Senator yield for a question?

Mr. HARKIN. Yes.

Mr. COBURN. If 72 percent of the people getting EQIP money today would not get the money, that means 72 percent of the people who are getting EQIP today get less than 66 percent of the money from agriculture. That is an even bigger problem. In fact, three quarters of the people who are eligible aren't primarily getting the vast majority of their income from agriculture. Yet we are sending three quarters of the money to those people. I see that as an even bigger problem.

Would the chairman work with me to try to figure out a way to exclude those who are advantaging themselves and have no intention of working into an agriculture position as a lifestyle or as a primary vocation? Would he agree to work with me so we might come to a point where we can define the difference between those who are primarily interested in agriculture and building a young farm and excluding those who are using the American taxpayer money to improve the quality of their land so they can turn around and sell it?

Mr. HARKIN. I could not agree with the Senator more. When I hear what he says, the answer is, yes, I wish we could figure out how we do that. We have not done that, and we should do that.

On the 71 percent, that might sound alarming, but that says to me there are a lot of people out there farming who aren't making a lot of money on the farm. They do have some farm income, but think about it this way: people who may be bona fide farmers or ranchers, but they may have another business in town—maybe they are an elevator operator or something, but they are farmers.

I think we have to be very careful about this. I think there are a lot of these people in that 71 percent—I haven't looked at the breakdown—who are these younger farmers and have to have some off-farm income to help make ends meet or maybe they need farm income to put away for college savings or something.

Mr. COBURN. Will the chairman yield for another question?

Mr. HARKIN. Sure.

Mr. COBURN. Would the Senator think a certification as to intent by people who apply for EQIP that their primary vocation is either now or is intended to be agriculture would be a way in which we might accomplish the goal? I am willing to withdraw this amendment if we can work on that.

Mr. HARKIN. That sounds interesting.

Mr. COBURN. I don't want the small farmer to be excluded, but I think the amount of money going to nonfarmers is a lot greater than you think it is. It is not going to real farmers who have real needs and the vast majority of the acres where we are going to make the biggest difference on the environment. I ask if he would work with me between now and the time the bill comes out of conference to see if we cannot address that, and if he would do so, as well as the ranking member, I will ask unanimous consent to withdraw this amendment.

Mr. HARKIN. I give the Senator my word. I want the same thing he wants. It burns me up, too, to see some of these people who buy acres and they get EQIP money to put up a nice pond or a horse shed. I agree with him. Maybe we can get our staffs and get people to think about how we might fashion this to exclude those people from the EQIP program. I would love to see that happen.

Mr. CHAMBLISS. I say to the Senator from Oklahoma, also, he knows I sympathize with him on this issue. We talked about it. He talked to me about a couple of specific instances that are just wrong. I talked earlier today about as hard as we try to prohibit abuses that crop up in farm programs, we know they are there. Whatever we can do to close the loopholes, I would like to do it here. Obviously, I am happy to continue to work with the Senator from Oklahoma.

Mr. HARKIN. If the Senator will yield further, maybe the Senator is onto something in terms of intent or what they are doing, coupled with, perhaps, the productive capacity and what that land is actually producing on an annualized basis.

Mr. COBURN. I think we can work that out.

AMENDMENT NO. 3632, WITHDRAWN

I ask unanimous consent to withdraw my amendment, and I will work with the chairman and ranking member on this issue.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. COBURN. Mr. President, what is the pending business before the Senate? Is there a unanimous consent request as far as further amendments?

The PRESIDING OFFICER. Under the previous order, all time having expired on the two amendments that were being debated, the time now occurs for a vote on the Sessions amendment.

The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Under the consent order, is it possible that a modification to the amendment be sent to the desk?

The PRESIDING OFFICER. The Senator will need further consent for that.

AMENDMENT NO. 3807, AS MODIFIED

Mr. COBURN. Mr. President, I ask unanimous consent to send to the desk a modification to my amendment No. 3807, as discussed with the chairman and ranking member.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is so modified.

The amendment, as modified, is as follows:

On page 1362, between lines 19 and 20, insert the following:

SEC. 1107_. EXPENDITURE OF CERTAIN FUNDS.

None of the funds made available or authorized to be appropriated by this Act or an amendment made by this Act (including funds for any loan, grant, or payment under a contract) may be expended for any activity relating to the planning, construction, or maintenance of, travel to, or lodging at a golf course, or resort.

Strike section 6023.

Strike section 6025 and insert the following:

SEC. 6025. HISTORIC BARN PRESERVATION.

Section 379A of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008o) is amended—

(1) in subsection (c)(4)—

(A) by striking "There are" and inserting the following:

"(A) IN GENERAL.—There are"; and

(B) by adding at the end the following:

"(B) LIMITATION.—If, at any time during the 2-year period preceding the date on which funds are made available to carry out this section, Congress has provided supplemental agricultural assistance to agricultural producers or the President has declared an agricultural-related emergency—

"(i) none of the funds made available to carry out this section shall be used for the program under this section; and

"(ii) the funds made available to carry out this section shall be—

"(I) used to carry out programs that address the agricultural emergencies identified by Congress or the President; or

"(II) returned to the Treasury of the United States for debt reduction to offset the costs of the emergency agricultural spending."; and

(2) by adding at the end the following:

"(d) REPEAL.—If, during each of 5 consecutive fiscal years, Congress has provided supplemental agricultural assistance to agricultural producers or the President has declared an agricultural-related emergency, this section is repealed.".

Mr. COBURN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we have had Senator CHAMBLISS and Senator HARKIN working on a number of amendments. Senator COBURN is not requiring a vote on his amendment. It has been withdrawn. So tonight under the order before the Senate, we have one vote on the Sessions amendment. After that, there will be no more votes tonight. The first vote in the morning will be at 9:15. We are going to have to keep to the time schedule in the morning because we have four people anxious to go other places tomorrow.

AMENDMENT NO. 3596, AS MODIFIED

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3596, as modified, offered by the Senator from Alabama, Mr. SESSIONS.

Mr. SESSIONS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from New Jersey (Mr. MENENDEZ) would vote "nay."

Mr. McCONNELL. The following Senators are necessarily absent: the Senator from Mississippi (Mr. LOTT) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 35, nays 58, as follows:

[Rollcall Vote No. 423 Leg.]

YEAS—35

Alexander
Allard
Barrasso
Bunning
Burr
Cantwell
Casey
Coburn
Collins
Corker
Cornyn
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Gregg
Inhofe
Kyl
Levin
Lugar
Martinez
McConnell
Murkowski
Nelson (FL)
Sessions
Shelby
Snowe
Specter
Sununu
Tester
Vitter
Voinovich
Warner

.NAYS—58

Akaka
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Brownback
Byrd
Cardin
Carper
Chambliss
Cochran
Coleman
Conrad
Craig
Crapo
Dorgan
Durbin
Feingold
Feinstein
Grassley
Hagel
Harkin
Hatch
Hutchison
Inouye
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Lieberman
Lincoln
McCaskill
Mikulski
Murray
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Smith
Stabenow
Stevens
Thune
Webb
Whitehouse
Wyden

NOT VOTING—7

Biden
Clinton
Dodd
Lott
McCain
Menendez
Obama

The amendment (No. 3596), as modified, was rejected.

Mr. HARKIN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, we are making good progress. Senator CHAMBLISS and I have been working very hard today to get amendments up. I think we are down to just a few we will be voting on tomorrow, and we will do perhaps a little bit more work tonight. I would say to any Senator whose amendment is on the list who wants to debate it, we are here. They could debate the amendment tonight and get in order tomorrow. I have a couple of things I want to wrap up.

The PRESIDING OFFICER. The Senator is recognized.

AMENDMENT NO. 3830

Mr. HARKIN. I ask for regular order with respect to amendment No. 3830.

The PRESIDING OFFICER. The amendment is now pending.

AMENDMENT NO. 3844 TO AMENDMENT NO. 3830

Mr. HARKIN. Mr. President, I send an amendment to the desk.

Mr. CHAMBLISS. Mr. President, reserving the right to object—

Mr. HARKIN. It is just a second-degree.

Mr. CHAMBLISS. I withdraw my objection.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 3844 to amendment No. 3830.

(The amendment is printed in today's RECORD under "Text of Amendments.")

AMENDMENT NO. 3539

Mr. HARKIN. Mr. President, I call up amendment No. 3539. It is an amendment by Senator DURBIN, No. 3539. I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment is pending and without objection the amendment will be made the pending question.

AMENDMENT NO. 3845 TO AMENDMENT NO. 3539

Mr. HARKIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the second-degree amendment.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for Mr. KENNEDY, for himself and Mr. DURBIN, proposes an amendment numbered 3845 to amendment No. 3539.

The amendment is as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 1170_. ACTION BY PRESIDENT AND CONGRESS BASED ON REPORT.

(a) PRESIDENT.—Not later than 180 days after the date on which the Congressional Bipartisan Food Safety Commission established by section 11060(a)(1)(A) submits to the President and Congress the report required under section 11060(b)(3), the President shall—

(1) review the report; and

(2) submit to Congress proposed legislation based on the recommendations for statutory language contained in the report, together with an explanation of the differences, if any, between the recommendations for statutory language contained in the report and the proposed legislation.

(b) CONGRESS.—On receipt of the proposed legislation described in subsection (a), the appropriate committees of Congress may hold such hearings and carry out such other activities as are necessary for appropriate consideration of the recommendations for statutory language contained in the report and the proposed legislation.

(c) SENSE OF SENATE.—It is the sense of the Senate that—

(1) it is vital for Congress to provide to food safety agencies of the Federal Government, including the Department of Agriculture and the Food and Drug Administration, additional resources and direction with respect to ensuring the safety of the food supply of the United States;

(2) additional inspectors are required to improve the ability of the Federal Government to safeguard the food supply of the United States;

(3) because of the increasing volume of international trade in food products, the Federal Government should give priority to entering into agreements with trading partners of the United States with respect to food safety; and

(4) based on the report of the Commission referred to in subsection (a) and the proposed legislation referred to in subsection (b), Congress should work toward a comprehensive legislative response to the issue of food safety.

Mr. DURBIN. Mr. President, I rise to speak in support of the pending amendment offered by friend and colleague Senator KENNEDY.

This is an amendment that would make important changes to America's food safety policy.

We clearly need to make a change. For far too long, we have gone without a comprehensive review of our food safety laws.

Ancient statutes remain on the books, standards have not been updated, budgets have atrophied, and consumers have suffered from food borne illness.

In 2007, the Government Accountability Office, GAO, added the food safety system to its "High Risk List" of government functions that pose a risk to the United States.

The designation follows an extensive series of GAO, National Academies of Science, and inspector general reports calling for major improvements in our food safety system.

This year alone, we have witnessed 48 recalls of contaminated products regulated by the U.S. Department of Agriculture, USDA, Food Safety Inspection Service, FSIS, and more than 150 recalls of contaminated products regulated by the Food and Drug Administration, FDA.

Included in these statistics are recalls of more than 3 years of production of certain brands of peanut butter tainted with salmonella, a full year of production of ground beef tainted with E. coli, and more than 100 brands of popular cat and dog food.

In the past 2 months alone, there have been recalls of 5 million units of frozen pizza and 1 million more pounds of beef tainted with E. coli.

According to the Centers for Disease Control and Prevention, CDC, there are approximately 76 million cases of food borne disease each year in the United States. While many of these cases are mild, CDC estimates that food borne illness causes 325,000 hospitalizations and 5,000 deaths each year.

The food industry is one of the most important sectors of the national economy, generating more than $1 trillion in economic activity annually and employing millions of American workers.

Unfortunately, over the past several months, consumer confidence in the safety of our food supply has dropped precipitously, posing a risk to this sector of the economy.

According to the Food Marketing Institute's 2007 survey of consumer confidence, the number of consumers confident in the safety of supermarket food declined from 82 percent in 2006 to 66 percent today—the lowest point since 1989. The same survey shows that consumer confidence in restaurant food is even lower, at 43 percent.

Although the United States continues to have one of the safest food supplies in the world, the authorities and standards we set and the investments in food safety we make are being surpassed by other major industrialized nations.

A significant portion of the responsibility for this trend rests with Congress. While other countries have updated their food safety laws to reflect best available science, technology, and practices, we have allowed our statutes to become dated and obsolete.

We have underfunded this critical government function.

It is alarming that the safety of our food supply depends on ancient statutes that were written to address vastly different food safety challenges.

The Federal Meat Inspection Act was passed in 1906 partly in response to Upton Sinclair's accounts of Chicago's meat packing plants in his novel "The Jungle."

There has been only one major review of our meat laws and that occurred 40 years ago.

The Poultry Products Inspection Act celebrates its 50th anniversary this year and the Egg Products Inspection Act is more than 35 years old.

The Federal Food, Drug, and Cosmetic Act was passed in 1938 and has never been comprehensively reauthorized.

This is the key statute used by the Food and Drug Administration to regulate about 80 percent of our food supply.

Since then, although our understanding of food borne illness, preventative measures, microbiology, sanitation practices, and industry best practices has been transformed by developments in science and technology, the core principles of these statutes remain in place.

Into this void has stepped an uncoordinated, irregular sweep of crises-specific legislation, such as the Infant Formula Act of 1980 and Import Milk Act, as well as dozens of regulatory efforts to improve the safety of specific products.

Agencies have faced legal challenges as to whether they have the authority to implement some of these regulations.

It is time that Congress stepped forward to exercise oversight and ensure that we comprehensively improve our food safety system.

That is why my colleague Senator KENNEDY and I are offering an amendment to the farm bill that would set a trajectory toward a comprehensive review of the laws that underpin our food safety system.

Although food safety is one of the most dynamic functions of the federal government and relies heavily on developments in science, technology, and best practices, there is no mechanism for Congress to regularly review developments and reauthorize the agencies that perform these tasks.

Already included in the bill we're considering is language that would create a Food Safety Commission, a mechanism for Congress, the administration, academia, industry, consumer groups, and others to work together on comprehensive food safety reform and recommend specific statutory language.

The Commission is tasked with studying the in our current system and making specific legislative recommendations to the President and Congress on how to improve our laws.

We have directed the Commission to do its work based on universally agreed upon principles—allocate resources according to risk, base policies on best available science, improve coordination of budgets and personnel.

This amendment goes further than that language. It directs the President to review these recommendations and findings and report his or her recommendations back to Congress in a timely fashion.

The language puts Congress on a track of holding hearings and moving such comprehensive food safety reform through the process.

Lastly, the language contains sense-of-the-Senate language that it is the policy of the U.S. Senate to provide our food safety functions with adequate resources, that we increase the number of inspectors looking at food shipments, and that it is vital for Congress to move forward with comprehensive food safety reform.

This amendment will compel the participation of all stakeholders in the Commission process and will compel Congress and the Administration to act on its recommendations.

I offer this amendment and ask for my colleagues to support this effort to modernize our food safety system.

Mr. HARKIN. I ask that the second-degree amendment be agreed to.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 3845) was agreed to.

Mr. HARKIN. I ask the amendment, No. 3539, as amended, be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment No. 3539, as amended, was agreed to.

CHESAPEAKE BAY WATERSHED CONSERVATION PROGRAM

Mr. CARDIN. Mr. President, I wish to engage the distinguished chairman and ranking member of the Agriculture Committee in a colloquy.

Mr. HARKIN. I am happy to yield to my friend from Maryland.

Mr. CHAMBLISS. I, too, am happy to engage my friend from Maryland in discussion.

Mr. CARDIN. Mr. Chairman, all of us who represent Chesapeake Bay watershed States in the Senate are grateful that the bill reported out by the Agriculture Committee recognizes the very serious challenge that we have with excess nutrients and sediments in the bay. As I testified to your committee back in the spring, every year huge areas of the Chesapeake Bay and its tidal tributaries become "dead zones," which occur when there isn't enough dissolved oxygen for aquatic life to thrive. Not all the excess nutrients that create these dead zones come from agriculture, but a substantial part of them do. The Chesapeake Bay Watershed Conservation Program in your bill will go a long way in assisting farmers in our States implement projects to better manage their nutrient-rich runoff. The new program represents a significant part of the $700 million annually that scientists and agricultural experts estimate is needed on the ground to bring the runoff to ecologically acceptable levels.

My question is just to clarify the intent of the committee regarding this new program. Am I correct in my understanding that, although the Chesapeake Bay Watershed Conservation Program uses EQIP authorities, it has its own funding stream and therefore will not reduce the normal EQIP allocations to Maryland and the other Chesapeake Bay watershed States?

Mr. HARKIN. That is correct, Senator. Section 2361 provides an additional funding stream totaling $165 million from 2007 through 2012 to address the critical needs of the Chesapeake Bay. This funding is separate from EQIP and is not intended to offset funding allocated under that program.

Mr. CARDIN. I thank the chairman for that clarification. I would like to ask the distinguished ranking member, the same question. Is it your understanding that the legislation before us today provides a unique funding stream for the Chesapeake Bay Watershed Conservation Program without reducing the normal EQIP allocations to the Maryland and the other Chesapeake Bay watershed States?

Mr. CHAMBLISS. I am happy to confirm with the Senator from Maryland that he understands the provision correctly. The Chesapeake Bay Watershed Conservation Program is to be implemented by the NRCS in addition to EQIP or any other existing conservation program. The Chesapeake Bay basin is the watershed for our Nation's Capital and the Bay is a national treasure. The committee is providing this extraordinary support for this extraordinary watershed and its farmers.

Mr. CARDIN. I thank the chairman and distinguished ranking member for their clarifications. I invite both of my friends to join me in visiting the farms of the Chesapeake region in the coming year so they can see for themselves how effectively and enthusiastically these needed funds are being used to benefit both our farmers and our treasured Chesapeake Bay watershed.

Mr. AKAKA. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Hawaii is recognized.

(The remarks of Mr. AKAKA pertaining to the introduction of S. 2462 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

VETERANS AFFAIRS

Mr. AKAKA. Mr. President, as chairman of the Committee on Veterans' Affairs I have tried to advance two pieces of legislation—the Veterans' Traumatic Brain Injury and Other Health Programs Improvement Act of 2007 and S. 1315, the Veterans Benefits Enhancement Act of 2007.

Once again, Members on the other side are objecting to moving forward with these bills—they are setting up a procedural roadblock. These bills deserve to be heard and debated and discussed, and I welcome that, but Republicans will not allow that to happen. Let me make that point again—we are only asking for debate. Not for the immediate passage of the bills that the Senate simply pass the bills as reported by the committee. Surely it is not too much to ask that the Senate be allowed to do its business.

Earlier today, the former ranking member of the committee, Senator LARRY CRAIG, made the latest objection for himself and for the Republican leadership.

This is new territory for a VA bill. When Senator CRAIG was chairman of the committee, he and I negotiated on a variety of legislative initiatives leading up to our markup but could not reach agreement on a number of matters. At the markup, I offered amendments on a number of the issues about which I had strong feelings. I did not, however, continue to pursue those matters on the floor. And I most assuredly did not do anything to block Senate consideration of the legislation that I had sought to amend. In fact, as ranking member, I worked with then-chairman CRAIG to gain passage of the legislation by unanimous consent.

There is much in S. 1233, the committee's omnibus VA health bill, that needs to be enacted, like an increase in the reimbursement rate for veterans who must travel long distances for VA care, and vital provisions to help veterans from becoming homeless. Never, in my memory, have we let a disagreement on one provision stand in the way of passing a legislative package, especially at such a critical time.

Senator CRAIG feels most strongly about allowing middle-income veterans to enroll for VA health care. In 2003, the Bush administration shut the doors to these veterans, and since that time, hundreds of thousands of veterans have been turned away. I want to be clear that these veterans are not asking for a free ride. Indeed, they will be required to make copayments for their care. What they are asking for is entry into the system. We estimate that 1.3 million veterans want this opportunity. And some in this body are standing in their way.

Many veterans have been denied VA health care under the current ban. Take, for example, California, where over 22,500 veterans have been denied enrollment; or Texas, where 23,800 have been denied access since 2003. This phenomenon is not limited to the larger States—17,000 veterans in Pennsylvania; 12,300 in Illinois; 36,000 in Florida; and over 14,000 in North Carolina have all been denied VA health care.

Also, I want to clarify that we are not talking about allowing veterans with "upper-income" entry into VA care. While the administration, and some of my colleagues, characterize Priority 8 veterans as "higher-income," that is not necessarily the case. The current income eligibility threshold for VA health care is under $28,000 a year—which can hardly be classified as a "high-income" salary. In my home State of Hawaii, where the cost of living is one of the Nation's highest, the average salary for a veteran who has been denied is $39,300 a year.

It is not just in Hawaii, but in many other States as well. For example, in South Carolina, the threshold is $31,650 a year; in North Carolina, $32,000 a year is considered low-income. These are not meaningless numbers—the dollar values represent the hard work of veterans who have served honorably and are now earning well below the median income for their area.

No, these are not poor veterans. But one devastating illness without health care coverage, and make no mistake about it, they will be impoverished.

Many of these veterans do not have any other form of health insurance. A recent study conducted by researchers at Harvard University found that nearly 1.8 million veterans are uninsured. This suggests that there are veterans in Priority 8 who are stuck in the middle between not making enough money to afford their own private insurance and making too much to qualify for VA care. No veteran who served their country honorably should be denied care when they need it because they were fortunate enough not to have been wounded in combat.

I also urge Members to read the text of the contested provision relating to Category 8 veterans. If the Secretary of Veterans Affairs sees opening up enrollment as too much of a financial burden, the Secretary could simply publish a decision in the Federal Register to again block these veterans. Congress is not seeking to overstep the Secretary's authority to determine who can come through VA's doors.

Finally, Senator CRAIG calls the inclusion of enrollment for middle-income veterans, a "last minute" addition. I say with a smile, that while time does seem to stand still in the Senate, I would remind my colleague that the bill enabling full enrollment was introduced last April, it was the subject of a hearing last May, and was marked up by the committee in June. This is not something that can be characterized as a "last-minute" change.

Now I turn briefly to address concerns raised about S. 1315, the committee's omnibus veterans benefits legislation. The proposed Veterans' Benefits Enhancement Act of 2007 is a comprehensive bill that includes benefits for a broad constituency of servicemembers and veterans, particularly those who are service-disabled. Provisions in this bill would also improve benefits for World War II Filipino veterans, virtually all of whom are now in their 80s or 90s.

While not providing Filipino veterans living outside the United States with benefits identical to those provided to veterans living in the United States, I am satisfied that the provisions in S. 1315 are equitable and should be adopted. It is important to note that S. 1315 would fix a historical wrong.

Filipino veterans served under the command of the United States military during World War II. They were considered by the Veterans' Administration, the predecessor of the Department of Veterans Affairs, to be veterans of the United States military, naval and air service until that status was revoked by the Rescission Acts of 1946. Therefore, as a matter of fundamental fairness and justice, Filipino veterans' benefits should be similar to those of other veterans.

Those who oppose the pension provision in S. 1315 argue that the pension that would be provided through this legislation is too high. However, pension benefits are designed to allow wartime veterans and their survivors to live in dignity—above the poverty level. I am satisfied that the levels of pension designated in this bill would allow these veterans to live with such dignity, while finally giving them the recognition that they so richly deserve.

I urge my colleagues on the other side of the aisle to take a good look at the facts surrounding the provisions contained in both S. 1233 and S. 1315 that some on the other side are objecting to, and to realize that opposing these bills on the current basis provided effectively denies valuable and meaningful benefits to our Nation's veterans.

In closing, I again stress that all we are seeking is a time agreement that will allow for debate. For those who believe that there are provisions in these two bills that should not be approved by the Senate, offer amendments, debate the merits, let the Senate vote. That is the least we can do as we seek to meet the needs of our Nation's veterans.

Mr. President, I yield the floor and suggest the absence of a quorum.

Mr. SALAZAR. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. HARKIN. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO BRIGADIER GENERAL BENJAMIN J. SPRAGGINS

Mr. LOTT. Mr. President, I wish to take this opportunity to recognize and say farewell to an outstanding Air Force officer, BG Benjamin J. Spraggins, upon his retirement from the Air Force after more than 34 years of service. Throughout his career, Brigadier General Spraggins has served with distinction, and it is my privilege to recognize his many accomplishments and commend him for his service to the Air Force, the Congress, and our grateful Nation.

Brigadier General Spraggins is a longtime resident of my home State and devoted public servant of Harrison County, MS. He enlisted in the U.S. Air Force on March 17, 1972. After over 6 years of successful enlisted service, reaching the grade of technical sergeant, Brigadier General Spraggins received his commission from the Academy of Military Science, McGhee Tyson, TN. Following graduation from Officer Candidate School, Brigadier General Spraggins completed aviation school at Mather Air Force Base, CA, and RF-4C training at Shaw, Air Force Base, SC. Brigadier General Spraggins was then stationed with the 187th TRG at Dannelly Field, AL, flying the RF-4C fighter aircraft. While stationed in the 187th, Brigadier General Spraggins served in many critical positions, including instructor, scheduling officer and assistant chief of standards and evaluations. He flew the RF-4C from 1979 to 1983 and was a weapons instructor in the F-4D from 1983 to 1988 at the 187th Fighter Wing. Brigadier General Spraggins completed his military flying career with over 2,500 hours in the T-37, T-43, RF-4C, and F-4D aircraft.

On September 23, 1987, Brigadier General Spraggins was assigned to the Combat Readiness Training Center, Gulfport, MS. During his tenure at the training center, he served in various positions, including range control officer, director of operations, operations group commander, and finally as commander of the Combat Readiness Training Center. As commander, Brigadier General Spraggins was responsible for operations and training of over 20,000 military personnel annually and provided oversight for a $75 million budget.

Concurrently, Brigadier General Spraggins was sent to Andrews Air Force Base, DC, in 2002 to run the Crisis Action Team for the Air National Guard. In 2003, he also served as the commander of the 186th Air Refueling Wing, where he was responsible for operations of KC-135 aircraft wing, with over 1,000 personnel and oversight of a $48 million annual budget. He was the first member of the Mississippi Air National Guard to simultaneously command two major units, the Combat Readiness Training Center and the 186th Air Refueling Wing.

Brigadier General Spraggins was assigned to the Tennessee Air National Guard in November 2005 as the chief of staff. In this capacity he was responsible to the adjutant general for readiness of Tennessee's three flying wings and three mission support units. In addition to duties as chief of staff, Brigadier General Spraggins also served as the air deputy commander, joint forces Headquarters, Tennessee National Guard. Brigadier General Spraggins was also attached as the battle commander for Air Force North, Tyndall AFB, FL. In this capacity he was responsible for ensuring the air sovereignty and air defense of the continental United States.

During his long and distinguished career, Brigadier General Spraggins successfully completed Squadron Officer School, Air Command and Staff, and the Air War College with the Air University. His decorations and awards include Legion of Merit, Meritorious Service Medal, Air Force Commendation Medal, Mississippi Magnolia Cross, Tennessee Meritorious Service Medal, Combat Readiness Medal, Air Reserve Forces Meritorious Service Medal, National Defense Service Medal, Air Force Longevity Service Medal, Armed Forces Reserve Medal and the Air Force Training Ribbon.

Upon the retirement of Brigadier General Spraggins after 34 years of dedicated service, I offer my congratulations to him and his wife Judy. Brigadier General Spraggins is a credit to both the Air Force and the United States of America. I know that I speak for all my colleagues in expressing heartfelt appreciation to him. I wish Brigadier General Spraggins blue skies and safe landings and congratulate him on completion of an outstanding and successful career.

HONORING OUR ARMED FORCES

CORPORAL TANNER O'LEARY

Mr. JOHNSON. Mr. President, I rise today to pay tribute to Corporal Tanner O'Leary and his heroic service to our country. As a member of the Army's C Company, 1st Battalion, 508th Parachute Infantry Regiment, 82nd Airborne Division based in North Carolina, Corporal O'Leary was serving in support of Operation Enduring Freedom. On December 9, 2007, he was killed in action in Afghanistan.

A native of rural Eagle Butte and a 2003 graduate of Timber Lake High School, Tanner joined the Army in 2005. His teachers remember Tanner as a student who loved to learn. He was active in school science fairs and on the football team. As his former science teacher recalls, "Once Tanner latched on to something he didn't let go; I know that was how it was with him with the Army as well."

Growing up on a ranch west of Timber Lake, Tanner was a hard worker who enjoyed spending time with his family. He took great pride in his daughter Alexis, and his family will always remember what a wonderful father he was. Friends and family will miss Tanner's easygoing, fun-loving personality.

Corporal O'Leary gave his all for his soldiers and his country. Our Nation owes him a debt of gratitude, and the best way to honor his life is to emulate his commitment to our country. I join with all South Dakotans in expressing my deepest sympathy to the family and friends of Corporal O'Leary. He will be missed, but his service to our Nation will never be forgotten.

FURTHER CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, section 307 of S. Con. Res. 21, the 2008 budget resolution, permits the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other appropriate levels for legislation, including one or more bills and amendments, that reauthorizes the 2002 farm bill or similar or related programs, provides for revenue changes, or any combination thereof. Section 307 authorizes the revisions provided that certain conditions are met, including that amounts provided in the legislation for the above purposes not exceed $20 billion over the period of fiscal years 2007 through 2012 and that the legislation not worsen the deficit over the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

I find that Senate amendment No. 3551 offered by Senator ALEXANDER to Senate amendment No. 3500, an amendment in the nature of a substitute to H.R. 2419, satisfies the conditions of the deficit-neutral reserve fund for the farm bill. Therefore, pursuant to section 307, I am adjusting the aggregates in the 2008 budget resolution, as well as the allocation provided to the Senate Agriculture, Nutrition, and Forestry Committee.

I ask unanimous consent that the following revisions to S. Con. Res. 21 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 307 DEFICIT-NEUTRAL RESERVE FUND FOR THE FARM BILL

[In billions of dollars]

Section 101	
(1)(A) Federal Revenues:	
FY 2007	1,900.340
FY 2008	2,024.841
FY 2009	2,121.615
FY 2010	2,176.237
FY 2011	2,357.103
FY 2012	2,498.980
(1)(B) Change in Federal Revenues:	
FY 2007	−4.366
FY 2008	−25.955
FY 2009	14.689
FY 2010	12.516
FY 2011	−37.447
FY 2012	−98.116
(2) New Budget Authority:	
FY 2007	2,371.470
FY 2008	2,508.833
FY 2009	2,526.124
FY 2010	2,581.393
FY 2011	2,696.822
FY 2012	2,737.603
(3) Budget Outlays:	
FY 2007	2,294.862
FY 2008	2,471.548
FY 2009	2,573.005
FY 2010	2,609.877
FY 2011	2,702.851
FY 2012	2,716.412

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 307 DEFICIT-NEUTRAL RESERVE FUND FOR THE FARM BILL

[In millions of dollars]

Current Allocation to Senate Agriculture, Nutrition, and Forestry Committee:	
FY 2007 Budget Authority	14,284
FY 2007 Outlays	14,056
FY 2008 Budget Authority	17,088
FY 2008 Outlays	14,629
FY 2008–2012 Budget Authority	76,881
FY 2008–2012 Outlays	71,049
Adjustments:	
FY 2007 Budget Authority	0
FY 2007 Outlays	0
FY 2008 Budget Authority	0
FY 2008 Outlays	0
FY 2008–2012 Budget Authority	74
FY 2008–2012 Outlays	36
Revised Allocation to Senate Agriculture, Nutrition, and Forestry Committee:	
FY 2007 Budget Authority	14,284
FY 2007 Outlays	14,056
FY 2008 Budget Authority	17,088
FY 2008 Outlays	14,629
FY 2008–2012 Budget Authority	76,955
FY 2008–2012 Outlays	71,085

FURTHER CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, earlier today, pursuant to section 307 of S. Con. Res. 21, I filed revisions to S. Con. Res. 21, the 2008 budget resolution. Those revisions were made for Senate amendment No. 3551, an amendment offered to Senate amendment No. 3500, an amendment in the nature of a substitute to H.R. 2419.

The Senate did not adopt Senate amendment No. 3551. As a consequence, I am further revising the 2008 budget resolution and reversing the adjustments made pursuant to section 307 to the aggregates and the allocation provided to the Senate Agriculture, Nutrition, and Forestry Committee for Senate Amendment No. 3551.

I ask unanimous consent that the following revisions to S. Con. Res. 21 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 307 DEFICIT-NEUTRAL RESERVE FUND FOR THE FARM BILL

[In billions of dollars]

Section 101 (1)(A) Federal Revenues:	
FY 2007	1,900.340
FY 2008	2,024.835
FY 2009	2,121.607
FY 2010	2,176.229
FY 2011	2,357.094
FY 2012	2,498.971
(1)(B) Change in Federal Revenues:	
FY 2007	−4.366
FY 2008	−25.961
FY 2009	14.681
FY 2010	12.508
FY 2011	−37.456
FY 2012	−98.125
(2) New Budget Authority:	
FY 2007	2,371.470
FY 2008	2,508.833
FY 2009	2,526.124
FY 2010	2,581.369
FY 2011	2,696.797
FY 2012	2,737.578
(3) Budget Outlays:	
FY 2007	2,294.862
FY 2008	2,471.548
FY 2009	2,573.005
FY 2010	2,609.873
FY 2011	2,702.839
FY 2012	2,716.392

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 307 DEFICIT-NEUTRAL RESERVE FUND FOR THE FARM BILL

[In millions of dollars]

Current Allocation to Senate Agriculture, Nutrition, and Forestry Committee:	
FY 2007 Budget Authority	14,284
FY 2007 Outlays	14,056
FY 2008 Budget Authority	17,088
FY 2008 Outlays	14,629
FY 2008–2012 Budget Authority	76,955
FY 2008–2012 Outlays	71,085
Adjustments:	
FY 2007 Budget Authority	0
FY 2007 Outlays	0
FY 2008 Budget Authority	0
FY 2008 Outlays	0
FY 2008–2012 Budget Authority	−74
FY 2008–2012 Outlays	−36
Revised Allocation to Senate Agriculture, Nutrition, and Forestry Committee:	
FY 2007 Budget Authority	14,284
FY 2007 Outlays	14,056
FY 2008 Budget Authority	17,088
FY 2008 Outlays	14,629
FY 2008–2012 Budget Authority	76,881
FY 2008–2012 Outlays	71,049

EXECUTIVE BRANCH NOMINATIONS

Mr. LEAHY. Mr. President, with only a few legislative days left to us before the Christmas holidays and the end of this session, we continue seeking to make progress in filling the many U.S. attorney vacancies across our Nation and the high-level vacancies at the Justice Department.

Today, the Senate will confirm three more nominations for U.S. attorneys, including the nominations of Gregory A. Brower to the District of Nevada, Diane J. Humetewa to the District of Arizona, and Edmund A. Booth, Jr. to the Southern District of Georgia. Two of the three nominations—Ms. Humetewa and Mr. Brower—are replacements for two of the outstanding U.S. attorneys who were fired almost a year ago as part of the ill-advised, partisan plan to replace well-performing U.S. attorneys. I thank the home State Senators—Senators REID, ENSIGN, MCCAIN, KYL, CHAMBLISS, and ISAKSON—for their consideration of these nominations.

We also are proceeding to fill one of the many high-level vacancies at the Department of Justice by confirming the nomination of Ronald Jay Tenpas to be Assistant Attorney General for the Environment and Natural Resources Division at the Justice Department. I thank Senator WHITEHOUSE for chairing his hearing.

Over the course of this year, the Judiciary Committee's investigation into the firing of United States attorneys and the influence of White House political operatives on Federal law enforcement has led to resignations at the highest ranks in the Justice Department, including the Attorney General, the Deputy Attorney General, the Associate Attorney General, the chiefs of staff of the Attorney General and Deputy Attorney General, the White House liaison, as well as several White House officials.

When I met with Michael Mukasey before his confirmation hearing to replace Alberto Gonzales as Attorney General, I emphasized the need to fill the many vacancies that remain at the Department with nominees who will restore the independence of Federal law enforcement.

In the days before the congressional Thanksgiving recess, the White House made a show of releasing the names of a score of nominees for high-level positions in the Department of Justice. Yet, that announcement was mostly bluster. We received the nomination of Mark Filip to be the Deputy Attorney General nearly 3 full weeks after the announcement was made. Had the nomination been sent immediately following the White House announcement, the committee could have considered Judge Filip's nomination in early December. As it was, after a 3-week White House delay in sending up the nomination, I immediately set a hearing on his nomination for next Wednesday, December 19, once the Senate received it.

Nearly a month after the White House announced its intent to nominate Kevin O'Connor be the Associate Attorney General and Gregory Katsas to be the Assistant Attorney General of the Civil Division at the Department of Justice we have only now received those nominations. We have not yet been provided with their background materials to allow us to review them. Because of the administration's delay, we will not be able to consider those nominations before the end of the year.

The Judiciary Committee has reported 20 executive nominations this year. To make further progress, the committee is holding back-to-back hearings next week, before the Christmas break, on six nominations for senior leadership posts at the Justice Department and Executive Office of the President, including the recently received nomination to be Deputy Attorney General.

There are now 23 districts with acting or interim U.S. attorneys instead of Senate-confirmed, presidentially appointed U.S. attorneys, over a quarter of all districts. Many of these vacancies, including several for which we consider nominations today, could have been filled a year ago had the White House worked with the Senate.

In the course of the committee's investigation into the unprecedented mass firing of U.S. attorneys by the President who appointed them, we uncovered an effort by officials at the White House and the Justice Department to exploit an obscure provision enacted during the Patriot Act reauthorization to do an end-run around the Senate's constitutional duty to confirm U.S. attorneys. The result was the firing of well-performing U.S. attorneys for not bending to the political will of political operatives at the White House.

When it comes to the United States Department of Justice and to the U.S. attorneys in our home States, Senators have a say and a stake in ensuring fairness and independence in order to insulate the Federal law enforcement function from untoward political influence. That is why the law and the practice has always been that these appointments require Senate confirmation. The advice and consent check on the appointment power for U.S. attorneys is a critical function of the Senate.

I had hoped when the Senate unanimously voted to close the loophole created by the Patriot Act, passing S.214, the "Preserving United States Attorneys Independence Act of 2007," it would send a clear message to the administration to make nominations that could receive Senate support and begin to restore an important check on the partisan influence in law enforcement.

Yet, even as we closed one loophole, the administration has been exploiting others to continue to avoid coming to the Senate. Under the guidance of an erroneous opinion of the Justice Department's Office of Legal Counsel, the administration has been naming acting U.S. attorneys and interim U.S. attorneys sequentially. They have used this misguided approach to put somebody in place for 330 days without the advice and consent of the Senate. This approach runs afoul of congressional intent and the law.

We will continue to make progress when we can, and I will continue to urge the White House to send the Senate consensus, qualified nominees. I congratulate the nominees and their families on their confirmation today.

NNSA SECURES HIGHLY ENRICHED URANIUM

Mr. DOMENICI. Mr. President, I wish today to bring attention to the progress being made by the National Nuclear Security Administration, NNSA, on the front of global nuclear non-proliferation. Yesterday the NNSA announced that 176 pounds of highly enriched uranium, HEU, had been secured from the Nuclear Research Institute in Rez, Czech Republic and safely returned to Russia. With the cooperation of several countries, this nuclear fuel has been secured and returned to its country of origin, reducing the risk of it falling into the wrong hands.

Nuclear nonproliferation programs such as the NNSA's Global Threat Reduction Initiative, GTRI, are some of the most important tools we have to curb the threat of nuclear material being acquired by those who wish to do us harm. With the addition of this most recent shipment, the GTRI program has returned over 1300 pounds of HEU to Russia from civilian sites worldwide. I applaud the work being done through the GTRI, and I look forward to the day when we no longer have to be concerned with the possibility of an illicit acquisition of nuclear fuel.

SAUDI ARABIA ACCOUNTABILITY ACT

Mr. FEINGOLD. Mr. President, I wish to express my support for Senator SPECTER's Saudi Arabia Accountability Act of 2007, S. 2243. I am pleased to cosponsor this bill, which addresses the importance of Saudi cooperation with the U.S. on counterterrorism issues.

It is also important, however, that we raise concerns about Saudi Arabia's poor human rights record, weak rule of law, ongoing political and religious repression, and poor treatment of women. For instance, last month a court in Saudi Arabia doubled its sentence of lashings for a rape victim who had elected to speak out publicly about her case and her attempt at justice. According to human rights organizations, the court also harassed her lawyer, banned him from the case, and confiscated his professional license.

Similarly, 2 of the country's leading reformers, the brothers Abdullah and Isa al-Hamid, were recently sentenced to 6 months in jail after they themselves were arrested for reportedly requiring the Saudi intelligence forces to produce an arrest warrant when seeking to detain peaceful demonstrators protesting the lengthy imprisonment of their relatives.

The State Department's 2007 human rights report notes that very serious problems persist in Saudi Arabia, including no right to peacefully change the government; infliction of severe pain by judicially sanctioned corporal punishments; beatings and other abuses; inadequate prison and detention center conditions; arbitrary arrest and detention, sometimes incommunicado; denial of fair public trials; exemption from the rule of law for some individuals and lack of judicial independence; arbitrary interference with privacy, family, home, and correspondence; and significant restriction of civil liberties—freedoms of speech and press, including the Internet; assembly; association; and movement. In addition, the Saudi government committed severe violations of religious freedom and has very strict limitations on workers, especially for foreign workers. While the State Department continues to condemn Saudi Arabia for its abhorrent policies on human trafficking—and place it in the worst tier for such abuses—the President continues to waive sanctions that are supposed to be triggered by this designation, in the interest of national security.

What message are we sending if we don't act on these pervasive human rights abuses in Saudi Arabia? Such abuses should not be overlooked or sidelined in the interest of national security. In fact, they are critical to our national security and our ongoing efforts to combat al-Qaida and related extremist threats. The United States must continue to push for freedom of speech, religion, and association, and the rule of law around the globe. I will continue to support S. 2243, but also encourage my colleagues to also speak up about the crucial role that free and fair societies play in curbing human rights abuses and reducing the alienation, oppression and despair that feed extremism.

IN CELEBRATION OF BRUNO NOWICKI'S 100TH BIRTHDAY

Mr. LEVIN. Mr. President, I rise today to recognize the 100th birthday of my friend Bruno Nowicki, of Warren, MI.

Bruno has led a remarkable life. He was born in Sosnowiec, Poland, immigrating to the United States as a young man. His love for his native Poland is exceeded only by his love for Michigan and the United States of America. He launched a career as a journalist and writer in Pittsburgh and Chicago before moving to Detroit where he became a small businessman and raised a family. I had the privilege of appointing Bruno's granddaughter, Genevieve Nowicki, to serve as a Senate page in 1991.

Bruno is an expert chess player. He once played against Bobby Fischer, and chess is an activity that he continues to enjoy today. Years ago, Bruno urged me to examine the educational benefits of chess. We found that chess is proven to help students develop high order thinking skills, discipline and increased math skills. The Goals 2000: Education America Act includes language that Bruno Nowicki inspired, and that I pushed for in the Senate, that allows Federal funds for low-achieving schools to be used for chess instruction as an enrichment program. This bill has helped bring chess into schools across America.

In Michigan, Bruno has been instrumental in acquiring and placing sculptures that pay tribute to his Polish heritage. The sculptures appear across the State, from the southeast, where he lives, to northern Michigan, serving as a reminder of the rich Polish heritage of so many people in Michigan and of Poland's significant contributions to America's history and culture. A statue of Astronomer Nicolaus Copernicus sits in the Detroit Public Library. A sculpture of Frederic Chopin is placed in Interlochen, home to a world-renowned fine arts school. And a bust of Joseph Conrad graces the Hamtramck Public Library.

Conrad wrote: "Each blade of grass has its spot on earth whence it draws its life, its strength; and so is man rooted to the land from which he draws his faith together with his life." These words are certainly apt for Bruno. In his 100 years, Bruno has been rooted in both his Polish homeland and his American home in Michigan, drawing life and strength from each and making Michigan the better for it.

The Polish birthday song "Sto Lat" includes the refrain "I hope you live one hundred years." Bruno was never quite willing to settle for only 100 years. Now, as he enters his second century, I wish Bruno many more years of happiness, and I offer my congratulations and my thanks for his friendship and his contributions to his beloved America.

ADDITIONAL STATEMENTS

100TH ANNIVERSARY OF PINNACLES NATIONAL MONUMENT

• Mrs. BOXER. Mr. President, I take this opportunity to recognize the 100th anniversary of Pinnacles National Monument, located in San Benito County, CA.

On January 16, 1908, President Theodore Roosevelt proclaimed 2,080 acres of the Pinnacles National Forest Reserve as Pinnacles National Monument. This year, we celebrate its centennial anniversary. Part of an extinct volcano, the spectacular geology of Pinnacles National Monument has fascinated visitors for decades. A variety of flora and fauna flourishes in this unusual landscape, including an exquisite chaparral ecosystem and nearly 400 species of bees, the highest known bee diversity of anyplace on earth.

Situated near the San Andreas Rift Zone with the central coast to the west and Gabilan Mountain Range to the east, Pinnacles National Monument now occupies over 26,000 acres 14,000 acres of which are congressionally designated wilderness. With surrounding lands tended by farmers whose ancestors homesteaded the region, and cowboys who watch over the cattle that graze on the expansive plains, Pinnacles National Monument offers a sublime glimpse into California's past.

Pinnacles is home to 20 endemic species holding special Federal or State status, and is also the ancestral home range of the California condor. Pinnacles is the only National Park site that releases and maintains this extremely endangered bird species and is critical to the overall condor recovery effort. Pinnacles is also located within the Pacific Flyway migratory route and contains the highest concentration of nesting prairie falcons of any national park in the country.

Only 100 miles from the urban centers of San Francisco and San Jose, Pinnacles National Monument remains a haven of solitude for nature enthusiasts and offers a stunning reflection of California's rural history and heritage. For 100 years, Pinnacles National Monument has served as a recreational escape for hikers, outdoor enthusiasts, and those seeking a glimpse of California's rich history. It is a powerful reminder of the beauty of nature and the importance of conservation efforts.

I commend the National Park Service staff and volunteers for maintaining the natural beauty and historical significance of Pinnacles National Monument. I look forward to future generations having the opportunity to study and enjoy this unique piece of our State and national history for another 100 years.•

LEADERSHIP AT KANSAS STATE UNIVERSITY

• Mr. BROWNBACK. Mr. President, I wish today to applaud my alma mater, Kansas State University, and three of its students. Recently, three Kansas State University students and a student from the University of Delaware teamed up to win first place in a student case study competition at the ninth annual International Leadership Association conference in Vancouver, British Columbia.

Members of the winning team from Kansas State were Chance Lee, senior in sociology and political science with a minor in leadership studies, Manhattan, KS; Lauren Luhrs, senior in human ecology and mass communications-public relations with minors in leadership studies and business, Overland Park, KS; and Anthony Carter, senior in sociology with a minor in nonprofit leadership, Colorado Springs, CO.

The Leadership Studies Minor at Kansas State University has been a tremendous success. The mission of the Leadership Studies at Kansas State University is to develop knowledgeable, ethical, caring, inclusive leaders for a diverse and changing world. Mr. President, this program is doing just that. I am proud of this program, my alma matter, and the three students who represented Kansas State University so well.

In the competition participating teams were given a 23-page document from the Harvard Business School which detailed specifics for leadership development at Goldman Sachs. The document provided key details for the case study, including the purpose of the leadership development program to be created. It also gave six factors that were essential in the design of the program: form and location, faculty, content and format, method, target audience, and governance and sponsorship.

I again congratulate these three students for their success.•

TRIBUTE TO CHARLES M. EVERS

• Mr. CRAPO. Mr. President, I am honored to publicly recognize an Idahoan who has received one of our Nation's highest military honors, the Silver Star Medal. United States Marine Corps SSG Charles M. Evers, of Lewiston, ID, was awarded this medal for "conspicuous gallantry and intrepidity in action against the enemy while serving as Platoon Commander, 3d Platoon, India Company, 3d Battalion, 5th Marines, Regimental Combat Team, 1 Marine Expeditionary Force Forward in Support of Operation Iraqi Freedom from 8 June to 12 June 2006." Over the course of a 4-day firefight, Sergeant Evers led his platoon in withstanding and repulsing a platoon-sized enemy attack that, on the third day, included a massive truck bomb that burst through the entry control point at an observation post the Marines were defending. During this fight, approximately 60 well-trained insurgents attempted, but were unable to take the observation post held by Evers' 22 marines, a fight in which no Americans perished. Citing repeated decisive combat leadership under intense and sustained machine gun and small arms fire, General James T. Conway, Commandant of the Marine Corps, recognized Sergeant Evers' "resolve" and "refusal to submit to the enemy's will" in the Silver Star Medal Citation.

As you know, the Silver Star is the Nation's third highest combat medal behind the Medal of Honor and the Navy Cross, Distinguished Service Cross or Air Force Cross. Sergeant Evers' extraordinary achievement recognizes his unflinching commitment to our Nation, his fellow soldiers and the mission for which he was trained. Sergeant Evers' courage and skill rivals his humility: when given the Silver Star, he said, "I was just doing my job. I'm proud of my Marines. I led them and they did their job."

I am honored and proud to call Sergeant Evers a fellow Idahoan, and I thank him for his bravery, patriotism and commitment to and support of the military mission of the United States of America. Most of all, I thank him and his fellow Marines for continuing to defend my freedom and that of my family.•

HONORING OLIN SIMS

• Mr. ENZI. Mr. President, Wyoming lost a beloved member of its agricultural community this weekend to a tragic accident. Olin Sims, a fourth generation rancher from McFadden, WY, and president of the National Association of Conservation Districts served his community with a great passion for conservation, agriculture, and family values. Olin provided this body with sound advice and testimony on a number of occasions regarding the natural resource needs of our Nation. Although his life ended early, his contributions to our State and Nation will never end. The good he has done will benefit generations to come. He did what all of us should strive to do—leave this world a better place. Diana and I offer our thoughts and prayers to the family, friends, and colleagues of Olin Sims.•

CONGRATULATING THE UNIVERSITY OF CENTRAL ARKANSAS

• Mr. PRYOR. Mr. President, it is with the greatest pleasure that I rise today to honor the University of Central Arkansas for its 100th anniversary. The university is located in Conway, AR, which lies in the central part of my State.

The University of Central Arkansas began as the Arkansas State Normal

School under the leadership of John James Doyne in 1907. In 1909, the first commencement ceremony was held to recognize 10 graduates. The school conferred its first baccalaureate degree in 1922 and was renamed Arkansas State Teachers College in 1925.

The school was renamed State College of Arkansas in 1967, but was granted university status and renamed as the University of Central Arkansas in 1975. Since then, UCA has continued to excel by establishing the State's first Honors College, joining the National Collegiate Athletic Association, NCAA, and beginning its first doctoral program in 1998. Currently, the University of Central Arkansas has more than 100 undergraduate courses of study, 33 master's degree programs, and 3 doctoral programs.

Arkansas has always made education a top priority and the University of Central Arkansas has a proud history of scholastic progress. The university is an integral part of the Arkansas community and the educational opportunities available provide graduates with the skills needed to succeed in today's workforce.

Mr. President, I ask my colleagues to join me today in congratulating the University of Central Arkansas on its 100th anniversary and in wishing the university another 100 years of success.●

MAINE MUTUAL GROUP INSURANCE COMPANY

● Ms. SNOWE. Mr. President, today I recognize Maine Mutual Group Insurance Company, MMG, a premier regional property and casualty insurance company that continues to grow and flourish. I am particularly pleased that MMG recently completed a major expansion of its headquarters this October.

Like many American success stories, MMG has humble roots. The company was founded in Houlton, ME, in 1897, by a group of local farmers who were concerned about the cost and limited availability of insurance in Aroostook County. In 1906, the company moved to Presque Isle, where it remains today. In 1968, the company changed its name when it merged with Maine Mutual Fire Insurance Company. It subsequently merged with United Mutual Insurance Company 10 years later. The company grew exponentially following these mergers, from a premium volume of under $1 million in 1968, to over $20 million by 1988, and over $107 million by 2006.

Evolving from a modest local business to a regional force, MMG expanded into Vermont in 1981, New Hampshire in 1984, and Pennsylvania in 2006. In March 2002, the company restructured as a mutual holding company and adopted its present name. By 2006, MMG's policyholder surplus reached a record high of $55.9 million, a 127-percent increase over the previous 5 years. And all the while, the company maintained its presence in Maine's northernmost county, Aroostook County, or "the County" as Mainers know it. The County finds itself hundreds of miles from urban and financial centers, and the fact that MMG remains in Aroostook County speaks volumes to its commitment to the community and people of this rural county.

Two months ago, MMG completed a $5 million expansion of its headquarters in Presque Isle, adding 20,000 square feet to the facility and creating an additional 50 jobs. Anticipating further growth, the new headquarters can accommodate about 200 employees. The phenomenal growth is first and foremost attributable to the hard work ethic of the people in northern Maine and the company's outstanding leadership.

Additionally, in order to continue to grow its business, the company must retain additional investment, and thankfully, through the new markets tax credit, NMTC, Coastal Enterprises of Wiscasset, ME, will soon be enabled to make a sizeable investment in this company. The new markets tax credit program continues to promote investment and economic growth for rural communities throughout Maine. And that is why as a member of the Senate Committee on Finance, I fought for and successfully secured an extension of the NMTC through the end of 2008 to ensure this pivotal program wouldn't just expire at the end of this year—but continue. I am not stopping there, and I am in the process of fighting for another extension. The credit's impact on our State cannot be overstated. This expansion alone of a progressive, regional company in Maine Mutual Group reinforces the value and power of the New Markets Tax Credit in strengthening our communities, exemplifying the best that public-private cooperation can offer.

Maine Mutual Group's numerous achievements have not gone unnoticed. In 1991, the firm gained the Governor's Award for Business Excellence. More recently, MMG garnered the Maine Insurance Company of the Year Award in 2000 and 2005, and the New Hampshire Insurance Company of the Year Award in 2004. With all insurance companies operating within those States being eligible for the awards, it is particularly impressive that MMG bested larger national competitors several times over the last decade.

In 2007, MMG was rated the top performer on Deep Customer Connections Inc.'s Ease of Doing Business survey. In this survey, more than 8,000 independent agents and brokers assessed the performance of over 220 property and casualty carriers, by comparing them in areas such as underwriting responsiveness and promptness in handling claims, as well as providing effective technology. In addition, MMG was ranked the number one medium-sized company in Maine on the "Best Places to Work in Maine" list this year.

I congratulate MMG on a job well done, and I look forward to watching its bright future unfold. As MMG continues building on recent achievements, it is well positioned to pursue new market opportunities in the years ahead. MMG is truly a valued member of our business community, and I am honored that it has served Maine so well.●

TRIBUTE TO JOHN MASSAUA

● Ms. SNOWE. Mr. President, today I recognize a man who has gone above and beyond for the State of Maine and the country as a whole. On December 31 of this year, John Massaua will step down from his position as the State director for the Maine Small Business Development Centers, SBDCs.

John joined the Maine SBDC as State director just over 6 years ago, with a rare blend of private sector and nonprofit experience. I remember learning about John's background as a founding officer of Staples and becoming excited at the prospect of what he could do for a program that had long underachieved.

After more than 6 years as State director for the Maine SBDC, John's retirement will be a loss to Maine's 151,000 small businesses. For a program that counseled over 2,500 clients for more than 14,000 hours last year, replacing his leadership will prove to be a difficult challenge. John has demonstrated an unsurpassed dedication to his job, as reflected by the fact that the Maine SBDC returns $3.30 annually to the Federal Government for each Federal dollar invested.

During John's tenure, the Maine SBDC achieved national recognition as an effective and worthwhile investment of taxpayer dollars. The Maine SBDC, which just celebrated its 30th anniversary, has helped create or retain 15,000 jobs and assisted 2,650 entrepreneurs in starting a business. Since its inception, the Maine SBDCs have provided one-on-one counseling to over 42,000 entrepreneurs, including over 200,000 hours of direct assistance and 3,000 workshops and courses. There is no doubt in my mind that Maine's nationally recognized program came of age under John's tutelage, and I will always be thankful that he built something of which the State of Maine can be proud.

John's personal accomplishments and awards that the Maine SBDC received over the past 6 years are far too numerous to count—for example, during John's tenure he personally received the Thomas A. McGillicuddy Award for Excellence, the Maine SBDC was a recipient of the prestigious Margaret Chase Smith Quality Award, the Best of the Web Award, and in 2003 the Maine SBDC became only the fourth program in 4 years to earn the "T" designation from the Association of Small Business Development Centers. This national accreditation authorizes the Maine SBDC to formally provide technology support to Maine's small businesses and independent workers.

During the time that John was developing a program with a national reputation for regional excellence at the Maine SBDC, he also helped SBDCs on the national level through the Association of Small Business Development Centers, ASBDC. The ASBDC is an association which represents the collective interests of SBDCs throughout the country, and on numerous occasions John was selected to serve on their board and within its various committees.

Not only was John beneficial to Maine's small business communities, but he was a vital resource to me and my staff. I specifically remember one instance, when in 2005, John testified before the Senate Committee on Small Business and Entrepreneurship about the financial burden the 63 State, regional, and territorial SBDCs were under. As expected, John provided a well researched and persuasive argument as to why Congress should provide additional funds to this vital and successful program. Due in large part to John's testimony and dedicated activism, we are finally starting to see a commitment from Congress to provide more funds to the SBDC program. For this, John should always be remembered and duly credited.

The State of Maine and small businesses across the country owe a debt of gratitude to John Massaua for his work to protect and improve something as crucial as the Small Business Development Center program. Although he will be missed, I applaud John's years of commitment and hard work in providing entrepreneurs with the management and professional expertise required to achieve success. I sincerely hope that John and I can continue to work together ensuring that Maine maintains a leading role in assisting our Nation's most committed and creative small businesses.●

RECOGNIZING JIM SHEEHAN

● Mr. THUNE. Mr. President, today I recognize Jim Sheehan, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several months.

Jim is a graduate of Stanley County High School in Fort Pierre, SD. Currently he is attending Lake Forest College, where he is majoring in history and political science. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Jim for all of the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING TYLER CUSTIS

● Mr. THUNE. Mr. President, today I recognize Tyler Custis, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several months.

Tyler is a graduate of Custer High School in Custer, SD. He is a recent graduate of Texas A&M University where he majored in economics. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Tyler for all of the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING LUKE LOVING

● Mr. THUNE. Mr. President, today I recognize Luke Loving, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several months.

Luke is a graduate of O'Gorman High School in Sioux Falls, SD. Currently he is attending the University of South Dakota, where he is majoring in psychology. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Luke for all of the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING CHRISTY VAN BEER

● Mr. THUNE. Mr. President, today I recognize Christy Van Beek, an intern in my Sioux Falls, SD, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Christy is a graduate of Netherlands Reformed Christian School in Rock Valley, IA. Currently she is attending the University of Sioux Falls, where she is majoring in political science. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Christy for all of the fine work she has done and wish her continued success in the years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:24 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 123. An act to authorize appropriations for the San Gabriel Basin Restoration Fund.

H.R. 1413. An act to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to address vulnerabilities in aviation security by carrying out a pilot program to screen airport workers with access to secure and sterile areas of airports, and for other purposes.

H.R. 2601. An act to extend the authority of the Federal Trade Commission to collect fees to administer and enforce the provisions relating to the "Do-not-call" registry of the Telemarketing Sales Rule.

H.R. 3079. An act to amend the joint resolution that approved the covenant establishing the Commonwealth of the Northern Mariana Islands, and for other purposes.

H.R. 3541. An act to amend the Do-not-call Implementation Act to eliminate the automatic removal of telephone numbers registered on the Federal "do-not-call" registry.

H.R. 3739. An act to amend the Arizona Water Settlements Act to modify the requirements for the statement of findings.

H.R. 3890. An act to amend the Burmese Freedom and Democracy Act of 2003 to impose import sanctions on Burmese gemstones, expand the number of individuals against whom the visa ban is applicable, expand the blocking of assets and other prohibited activities, and for other purposes.

H.R. 3986. An act to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, and for other purposes.

H.R. 4009. An act to designate the facility of the United States Postal Service located at 567 West Nepessing Street in Lapeer, Michigan, as the "Turrill Post Office Building".

H.R. 4108. An act to amend section 3328 of title 5, United States Code, relating to Selective Service registration.

H.R. 4343. An act to amend title 49, United States Code, to modify age standards for pilots engaged in commercial aviation operations.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 215. Concurrent resolution supporting the designation of a week as "National Cardiopulmonary Resuscitation and Automated External Defibrillator Awareness Week".

H. Con. Res. 261. Concurrent resolution commemorating the centennial anniversary of the sailing of the Navy's "Great White Fleet," launched by President Theodore Roosevelt on December 16, 1907, from Hampton Roads, Virginia, and returning there on February 22, 1909.

H. Con. Res. 264. Concurrent resolution honoring the University of Hawaii for its 100 years of commitment to public higher education.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 797) to amend title 38, United States Code, to improve compensation benefits for veterans in certain cases of impairment of vision involving both eyes, to provide for the use of the National Directory of New Hires for income verification purposes, to extend the authority of the Secretary of Veterans Affairs to provide an educational assistance allowance for qualifying work study activities, and to authorize the provision of bronze representations of the letter "V" for the graves of eligible individuals buried in private cemeteries in lieu of Government-provided headstones or markers, with amendments, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the bill (S. 597) to extend the special postage stamp for breast cancer research for 4 years, with amendments, in which it requests the concurrence of the Senate.

At 4:18 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 269. Concurrent resolution directing the Clerk of the House of Representatives to correct the enrollment of the bill H.R. 1585.

At 5:22 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4299. An act to extend the Terrorism Insurance Program of the Department of the Treasury, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At 7:29 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4351. An act to amend the Internal Revenue Code of 1986 to provide individuals temporary relief from the alternative minimum tax, and for other purposes.

ENROLLED BILLS SIGNED

At 9:10 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following bills:

H.R. 365. An act to provide for a research program for remediation of closed methamphetamine production laboratories, and for other purposes.

H.R. 4252. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through May 23, 2008, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 123. An act to authorize appropriations for the San Gabriel Basin Restoration Fund; to the Committee on Environment and Public Works.

H.R. 1413. To direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to address vulnerabilities in aviation security by carrying out a pilot program to screen airport workers with access to secure and sterile areas of airports, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 2601. An act to extend the authority of the Federal Trade Commission to collect fees to administer and enforce the provisions relating to the "Do-not-call" registry of the Telemarketing Sales Rule; to the Committee on Commerce, Science, and Transportation.

H.R. 3079. An act to amend the joint resolution that approved the covenant establishing the Commonwealth of the Northern Mariana Islands, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3541. To amend the Do-not-call Implementation Act to eliminate the automatic removal of telephone numbers registered on the Federal "do-not-call" registry; to the Committee on Commerce, Science, and Transportation.

H.R. 3739. An act to amend the Arizona Water Settlements Act to modify the requirements for the statement of findings; to the Committee on Indian Affairs.

H.R. 3890. To amend the Burmese Freedom and Democracy Act of 2003 to impose import sanctions on Burmese gemstones, expand the number of individuals against whom the visa ban is applicable, expand the blocking of assets and other prohibited activities, and for other purposes; to the Committee on Foreign Relations.

H.R. 3986. An act to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, and for other purposes; to the Committee on Environment and Public Works.

H.R. 4009. An act to designate the facility of the United States Postal Service located at 567 West Nepessing Street in Lapeer, Michigan, as the "Turrill Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4108. An act to amend section 3328 of title 5, United States Code, relating to Selective Service registration; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 215. Concurrent resolution supporting the designation of a week as "National Cardiopulmonary Resuscitation and Automated External Defibrillator Awareness Week"; to the Committee on Health, Education, Labor, and Pensions.

H. Con. Res. 261. Concurrent resolution commemorating the centennial anniversary of the sailing of the Navy's "Great White Fleet," launched by President Theodore Roosevelt on December 16, 1907, from Hampton Roads, Virginia, and returning there on February 22, 1909; to the Committee on Armed Services.

H. Con. Res. 264. Concurrent resolution honoring the University of Hawaii for its 100 years of commitment to public higher education; to the Committee on the Judiciary.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2461. A bill to authorize the transfer of certain earmarked funds to accounts for operations and activities in Iraq and Afghanistan.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4330. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Fair Credit Reporting Affiliate Marketing Regulations" (RIN3064-AC83) received on December 7, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-4331. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations (including 9 regulations beginning with CGD08-07-040)" (RIN1625-AB09) received on December 10, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4332. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations (including 9 regulations beginning with CGD11-07-014)" (RIN1625-AB09) received on December 10, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4333. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations (including 5 regulations beginning with CGD08-07-037)" (RIN1625-AB09) received on December 10, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4334. A communication from the Administrator, Saint Lawrence Seaway Development Corporation, Department of Transportation, transmitting, pursuant to law, the Corporation's annual financial audit and management report for fiscal year 2007; to the Committee on Environment and Public Works.

EC–4335. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a report relative to the National Source Tracking System; to the Committee on Environment and Public Works.

EC–4336. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Illinois; Source-Specific Revision for Cromwell-Phoenix, Incorporated" (FRL No. 8503–5) received on December 10, 2007; to the Committee on Environment and Public Works.

EC–4337. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clethodim; Pesticide Tolerance" (FRL No. 8340–7) received on December 10, 2007; to the Committee on Environment and Public Works.

EC–4338. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Finding of Failure to Attain; California—Imperial Valley Nonattainment Area; PM–10" (FRL No. 8504–2) received on December 10, 2007; to the Committee on Environment and Public Works.

EC–4339. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Rhode Island: Final Authorization of State Hazardous Waste Management Program Revisions" (FRL No. 8504–4) received on December 10, 2007; to the Committee on Environment and Public Works.

EC–4340. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Water Quality Standards for Puerto Rico" (FRL No. 8504–9) received on December 10, 2007; to the Committee on Environment and Public Works.

EC–4341. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the Agency's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4342. A communication from the General Counsel, Government and Accountability Office, transmitting, pursuant to law, a report relative to the number of federal agencies that did not fully implement a recommendation made by the Office in response to a bid protest during fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4343. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–190, "Neighborhood Investment Clarification Temporary Amendment Act of 2007" received on December 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4344. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–186, "Washington Convention Center Authority Advisory Committee Continuity Temporary Amendment Act of 2007" received on December 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4345. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–185, "Closing Agreement Temporary Act of 2007" received on December 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4346. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–184, "Real Property Tax Benefits Revision Temporary Act of 2007" received on December 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4347. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–183, "East of the River Hospital Revitalization Temporary Amendment Act of 2007" received on December 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4348. A communication from the Chief Executive Officer, Millennium Challenge Corporation, transmitting, pursuant to law, the Semiannual Report of the Corporation's Inspector General for the six-month period from April 1, 2007, to September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4349. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–182, "Appointment of the Chief Medical Examiner Temporary Amendment Act of 2007" received on December 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4350. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–189, "Fire Hydrant Inspection, Repair, Maintenance, and Fire Preparedness Temporary Amendment Act of 2007" received on December 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4351. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–188, "East of the River Hospital Revitalization Tax Exemption Temporary Amendment Act of 2007" received on December 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4352. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–187, "Access to Youth Employment Programs Temporary Amendment Act of 2007" received on December 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4353. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–181, "Uniform Prudent Management of Institutional Funds Act of 2007" received on December 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4354. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–180, "District of Columbia Consumer Protection Fund Act of 2007" received on December 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4355. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–179, "Doubled Fines in Construction or Work Zones Amendment Act of 2007" received on December 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–268. A resolution adopted by the Board of County Commissioners for Miami-Dade County of the State of Florida urging the Florida Legislature to develop and implement a system for providing homeowners discounts on their property insurance if they install carbon monoxide detectors; to the Committee on Banking, Housing, and Urban Affairs.

POM–269. A resolution adopted by the Board of County Commissioners for Miami-Dade County of the State of Florida urging the Florida Legislature to pass legislation regulating crane operations; to the Committee on Health, Education, Labor, and Pensions.

POM–270. A resolution adopted by the Board of County Commissioners for Miami-Dade County of the State of Florida opposing legislation that would preempt local governments from suing firms that rent hotel rooms over the Internet to recover unpaid bed taxes; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 506. A bill to improve efficiency in the Federal Government through the use of high-performance green buildings, and for other purposes (Rept. No. 110–241).

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment:

S. 1429. A bill to amend the Safe Drinking Water Act to reauthorize the provision of technical assistance to small public water systems (Rept. No. 110–242).

By Mrs. BOXER, from the Committee on Environment and Public Works:

Report to accompany S. 1785, a bill to amend the Clean Air Act to establish deadlines by which the Administrator of the Environmental Protection Agency shall issue a decision on whether to grant certain waivers of preemption under that Act (Rept. No. 110–243).

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 781. A bill to extend the authority of the Federal Trade Commission to collect Do-Not-Call Registry fees to fiscal years after fiscal year 2007 (Rept. No. 110–244).

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 1965. A bill to protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors (Rept. No. 110-245).

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2096. A bill to amend the Do-Not-Call Implementation Act to eliminate the automatic removal of telephone numbers registered on the Federal "do-not-call" registry (Rept. No. 110-246).

By Mr. AKAKA, from the Committee on Veterans' Affairs, without amendment:

S. 2004. A bill to amend title 38, United States Code, to establish epilepsy centers of excellence in the Veterans Health Administration of the Department of Veterans Affairs, and for other purposes (Rept. No. 110-247).

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 911. A bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 1916. A bill to amend the Public Health Service Act to modify the program for the sanctuary system for surplus chimpanzees by terminating the authority for the removal of chimpanzees from the system for research purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REID (for Mr. DODD (for himself, Mr. REED, Mr. SCHUMER, Mr. MENENDEZ, Mr. AKAKA, Mr. BROWN, Mr. CASEY, Mr. KENNEDY, Mr. KERRY, Mr. HARKIN, Ms. MIKULSKI, Mrs. BOXER, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mrs. FEINSTEIN, and Mr. DURBIN)):

S. 2452. A bill to amend the Truth in Lending Act to provide protection to consumers with respect to certain high-cost loans, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ALEXANDER:

S. 2453. A bill to amend title VII of the Civil Rights Act of 1964 to clarify requirements relating to nondiscrimination on the basis of national origin; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER (for herself, Mr. SPECTER, and Mr. BROWN):

S. 2454. A bill to amend the Communications Act of 1934 to protect the privacy rights of subscribers to wireless communications services; to the Committee on Commerce, Science, and Transportation.

By Mr. COLEMAN (for himself and Mr. LEAHY):

S. 2455. A bill to provide $1,000,000,000 in emergency Community Development Block Grant funding for necessary expenses related to the impact of foreclosures on communities; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. REID (for Mrs. CLINTON (for herself and Mr. ROBERTS)):

S. 2456. A bill to amend the Public Health Service Act to improve and secure an adequate supply of influenza vaccine; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 2457. A bill to provide for extensions of leases of certain land by Mashantucket Pequot (Western) Tribe; to the Committee on Indian Affairs .

By Ms. LANDRIEU:

S. 2458. A bill to promote and enhance the operation of local building code enforcement administration across the country by establishing a competitive Federal matching grant program; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MENENDEZ:

S. 2459. A bill to authorize appropriations for research and enforcement activities of the Federal Trade Commission related to misleading mortgage advertisements; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN (for himself, Mrs. DOLE, Mr. DURBIN, Mrs. FEINSTEIN, Ms. STABENOW, Mr. SALAZAR, Mr. KERRY, Mr. BROWN, Mrs. MCCASKILL, Mr. SCHUMER, Mrs. BOXER, Mr. LEVIN, Mr. BAYH, Mr. BURR, Mr. MARTINEZ, Mrs. CLINTON, Mr. PRYOR, Mr. LEAHY, Mrs. LINCOLN, Mrs. HUTCHISON, Mr. CHAMBLISS, Mr. ROCKEFELLER, Mr. ISAKSON, and Mr. BOND):

S. 2460. A bill to extend by one year the moratorium on implementation of a rule relating to the Federal-State financial partnership under Medicaid and the State Children's Health Insurance Program and on finalization of a rule regarding graduate medical education under Medicaid and to include a moratorium on the finalization of the outpatient Medicaid rule making similar changes; to the Committee on Finance.

By Mr. DEMINT:

S. 2461. A bill to authorize the transfer of certain earmarked funds to accounts for operations and activities in Iraq and Afghanistan; read the first time.

By Mr. AKAKA (for himself, Mr. DODD, and Mr. OBAMA):

S. 2462. A bill to provide that before the Secretary of Defense may furlough any employee of the Department of Defense on the basis of a lack of funds, the Secretary shall suspend any nonessential service contract entered into by the Department of Defense, and for other purposes; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRASSLEY (for himself, Mr. BROWNBACK, Mr. COBURN, Mr. CORNYN, Mr. DEMINT, Mr. HATCH, Mr. ROBERTS, Mr. SUNUNU, Mrs. DOLE, Mr. ALLARD, Mr. BUNNING, Ms. SNOWE, Mr. DOMENICI, Mr. MARTINEZ, Mr. ENSIGN, Mr. COLEMAN, Mr. VITTER, Mr. HAGEL, Mr. SHELBY, Mr. THUNE, Mr. BENNETT, Mr. CRAPO, Mr. CRAIG, Mr. KYL, Mr. SESSIONS, and Mr. SMITH):

S. Res. 402. A resolution recognizing the life and contributions of Henry John Hyde; to the Committee on the Judiciary.

By Mr. HAGEL (for himself and Mr. NELSON of Nebraska):

S. Res. 403. A resolution congratulating Boys Town on its 90th anniversary celebration; considered and agreed to.

ADDITIONAL COSPONSORS

S. 805

At the request of Mr. DURBIN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 805, a bill to amend the Foreign Assistance Act of 1961 to assist countries in sub-Saharan Africa in the effort to achieve internationally recognized goals in the treatment and prevention of HIV/AIDS and other major diseases and the reduction of maternal and child mortality by improving human health care capacity and improving retention of medical health professionals in sub-Saharan Africa, and for other purposes.

S. 958

At the request of Mrs. MURRAY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 958, a bill to establish an adolescent literacy program.

S. 988

At the request of Ms. MIKULSKI, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 988, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 1003

At the request of Ms. STABENOW, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1003, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 1232

At the request of Mr. SCHUMER, his name was added as a cosponsor of S. 1232, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

S. 1464

At the request of Mr. FEINGOLD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1464, a bill to establish a

Global Service Fellowship Program, and for other purposes.

S. 1506

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1506, a bill to amend the Federal Water Pollution Control Act to modify provisions relating to beach monitoring, and for other purposes.

S. 1514

At the request of Mr. DODD, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 1514, a bill to revise and extend provisions under the Garrett Lee Smith Memorial Act.

S. 1664

At the request of Mr. FEINGOLD, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1664, a bill to require the Secretary of the Treasury to mint coins in commemoration of Robert M. La Follette, Sr., in recognition of his important contributions to the Progressive movement, the State of Wisconsin, and the United States.

S. 1665

At the request of Mr. FEINGOLD, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1665, a bill to authorize the President to posthumously award a gold medal on behalf of Congress to Robert M. La Follette, Sr., in recognition of his important contributions to the Progressive movement, the State of Wisconsin, and the United States.

S. 1841

At the request of Ms. COLLINS, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1841, a bill to provide a site for the National Women's History Museum in Washington, District of Columbia, and for other purposes.

S. 1991

At the request of Mr. BUNNING, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1991, a bill to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of extending the Lewis and Clark National Historic Trail to include additional sites associated with the preparation and return phases of the expedition, and for other purposes.

S. 1995

At the request of Mr. SALAZAR, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1995, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level.

S. 2056

At the request of Mr. ROCKEFELLER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2056, a bill to amend title XVIII of the Social Security Act to restore financial stability to Medicare anesthesiology teaching programs for resident physicians.

S. 2064

At the request of Mr. DURBIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2064, a bill to fund comprehensive programs to ensure an adequate supply of nurses.

S. 2080

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2080, a bill to amend the Federal Water Pollution Control Act to ensure that sewage treatment plants monitor for and report discharges of raw sewage, and for other purposes.

S. 2112

At the request of Mr. INOUYE, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2112, a bill to amend the Public Health Service Act to establish the Nurse-Managed Health Clinic Investment program, and for other purposes.

S. 2140

At the request of Mr. DORGAN, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Illinois (Mr. DURBIN), the Senator from Illinois (Mr. OBAMA) and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of S. 2140, a bill to award a Congressional Gold Medal to Francis Collins, in recognition of his outstanding contributions and leadership in the fields of medicine and genetics.

S. 2257

At the request of Mrs. LINCOLN, her name was added as a cosponsor of S. 2257, a bill to impose sanctions on officials of the State Peace and Development Council in Burma, to amend the Burmese Freedom and Democracy Act of 2003 to prohibit the importation of gemstones and hardwoods from Burma, to promote a coordinated international effort to restore civilian democratic rule to Burma, and for other purposes.

S. 2277

At the request of Mr. SMITH, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2277, a bill to amend the Internal Revenue Code of 1986 to increase the limitation on the issuance of qualified veterans' mortgage bonds for Alaska, Oregon, and Wisconsin and to modify the definition of qualified veteran.

S. 2341

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 2341, a bill to provide Individual Development Accounts to support foster youths who are transitioning from the foster care system.

S. 2400

At the request of Mr. SESSIONS, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2400, a bill to amend title 37, United States Code, to require the Secretary of Defense to continue to pay to a member of the Armed Forces who is retired or separated from the Armed Forces due to a combat-related injury certain bonuses that the member was entitled to before the retirement or separation and would continue to be entitled to if the member was not retired or separated, and for other purposes.

S. 2408

At the request of Mr. KERRY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2408, a bill to amend title XVIII of the Social Security Act to require physician utilization of the Medicare electronic prescription drug program.

S. CON. RES. 53

At the request of Mr. NELSON of Florida, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. Con. Res. 53, a concurrent resolution condemning the kidnapping and hostage-taking of 3 United States citizens for over 4 years by the Revolutionary Armed Forces of Colombia (FARC), and demanding their immediate and unconditional release.

S. RES. 388

At the request of Mr. CRAPO, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. Res. 388, a resolution designating the week of February 4 through February 8, 2008, as "National Teen Dating Violence Awareness and Prevention Week".

S. RES. 401

At the request of Mr. LIEBERMAN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 401, a resolution to provide Internet access to certain Congressional Research Service publications.

AMENDMENT NO. 3614

At the request of Mr. DOMENICI, the names of the Senator from Nebraska (Mr. NELSON), the Senator from South Dakota (Mr. JOHNSON), the Senator from Iowa (Mr. GRASSLEY) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of amendment No. 3614 proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

AMENDMENT NO. 3639

At the request of Mr. HARKIN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of amendment No. 3639 proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

AMENDMENT NO. 3673

At the request of Mr. GREGG, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Colorado (Mr. ALLARD), the Senator from Texas (Mr. CORNYN), the Senator from Tennessee (Mr. CORKER), the Senator from North Carolina (Mrs. DOLE), the Senator from Texas (Mrs. HUTCHISON) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of amendment No. 3673 proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

AMENDMENT NO. 3674

At the request of Mr. GREGG, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of amendment No. 3674 proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

AMENDMENT NO. 3826

At the request of Mr. SANDERS, the names of the Senator from Minnesota (Mr. COLEMAN), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of amendment No. 3826 proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

AMENDMENT NO. 3830

At the request of Mr. HARKIN, the names of the Senator from Maine (Ms. COLLINS) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of amendment No. 3830 proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for Mr. DODD (for himself, Mr. REED, Mr. SCHUMER, Mr. MENENDEZ, Mr. AKAKA, Mr. BROWN, Mr. CASEY, Mr. KENNEDY, Mr. KERRY, Mr. HARKIN, Ms. MIKULSKI, Mrs. BOXER, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mrs. FEINSTEIN, and Mr. DURBIN)):

S. 2452. A bill to amend the Truth in Lending Act to provide protection to consumers with respect to certain high-cost loans, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DODD. Mr. President, today we are facing a crisis in the mortgage markets on a scale that has not been seen since the Great Depression: over 2 million homeowners face foreclosure at a loss of over $160 billion in hard-earned home equity; the Conference of Mayors recently reported, November 26, 2007, that they expect a decline of $1.2 trillion in property values in 2008 because of the crisis; over one out of every 5 subprime loans is currently delinquent according to First American Loan Performance, an industry research firm. These high default rates have frozen the subprime and jumbo mortgage markets and infected the capital markets to the point where central banks around the world have had to inject liquidity into the system to avoid the crisis from spreading to other segments of the market.

One of the fundamental causes of this serious crisis is abusive and predatory subprime mortgage lending. The Homeownership Preservation and Protection Act of 2007, which I am introducing today with a number of my colleagues, is designed to protect American homeowners from these practices, and prevent this disaster from happening again. The legislation will: realign the interests of the mortgage industry with borrowers to insure the availability of mortgage capital on fair terms both for the creation and sustainability of homeownership; establish new lending standards to ensure that loans are affordable and fair, and provide for adequate remedies to make sure the standards are met; and create a transparent set of rules for the mortgage industry so that capital can safely return to the market without bad lending practices driving out the good.

The fundamental problem in the subprime market today is that the mortgage system has become extremely fragmented, with different entities responsible for selling, underwriting, originating, funding, and securitizing the loans. Too few of these entities have a stake in the long-term success of the mortgage. A recent article in The Economist, February 17, 2007, described the process succinctly:

> Banks are traditionally supposed to know a bit about the borrowers on their books. But, in many cases, their loans did not stay on their books long enough for them to care. Mortgages were written for a fee, sold to investment banks for a fee, then packaged and floated for another fee. At each link in the chain, the fees mattered more than the quality of the loans. . . .

As the GAO concluded, "Originators [mortgage brokers and lenders] had financial incentives to increase loan volume, partially at the expense of loan quality," October 10, 2007. For example, mortgage originators have an incentive to get a borrower to take out a larger loan than he or she needs, and at a higher interest rate than that for which the borrower would qualify, because the originator gets a higher commission for such loans.

Comptroller of the Currency John Dugan recently described the corrosive impact of this system on underwriting standards. In a speech to the American Bankers Association October 9, 2007, Mr. Dugan said:

> When a bank makes a loan that it plans to hold, the fundamental standard it uses to underwrite the loan is that most basic of credit standards that . . . the underwriting must be strong enough to create a reasonable expectation that the loan will be repaid. But when a bank makes a loan that it plans to sell, then the credit evaluation shifts in an important way: the underwriting must be strong enough to create a reasonable expectation that the loan can be sold or put another way, the bank will underwrite to whatever standard the market will bear.

The vast majority of subprime loans were made to be sold, and, hence, their underwriting standards simply were not sufficient to ensure a reasonable prospect of repayment for too many Americans.

While the focus of much of the news coverage has been on the impact of the crisis on financial institutions and markets, I ask my colleagues to keep in mind the affect this is having on individuals who are losing their homes, and on their neighbors, who are seeing their home equity erode as foreclosures in their neighborhoods increase.

It is important to keep in mind that only about 10 percent of subprime mortgages in the past several years have been made to first time home buyers. This market has not been primarily about creating a new set of homeowners; a majority of subprime loans have been refinances. While maintaining access to subprime credit on fair terms is important, too much of the subprime market in the past several years has actually put the homes and home equity of American families at risk.

The legislation seeks to set high standards for brokers, lenders, appraisers, servicers, and Wall Street and provide for strong remedies to restore accountability to the system. Specifically, the legislation will establish new protections for all borrowers including a prohibition on steering prime borrowers to subprime loans, which the Wall Street Journal recently found was widespread in the market. The bill establishes a fiduciary duty for mortgage brokers towards borrowers. It provides for a duty of good faith and fair dealing toward borrowers for all lenders.

The bill will establish new protections for subprime borrowers and borrowers who get exotic mortgages. First and foremost, brokers and lenders will have to establish the borrowers' ability to repay the loan, including for interest-only and option ARMs. In addition, the bill prohibits prepayment penalties and YSPs on these loans, and requires that these loans provide a net tangible benefit to the borrower.

The bill will tighten the definition of high cost loans and provide increased protections for these borrowers, including a prohibition of balloon payments, financing of points and fees, prepayment penalties and yield spread premiums, YSPs.

The bill will provide strong remedies to make sure these standards are met. The bill puts more "cops on the beat" by allowing state attorneys general to enforce the provisions of the law, and it does not preempt State law. States should be allowed the flexibility to address new abuses as they arise.

The bill will provide for limited liability for holders of a mortgage made in violation of law, whether it is the original lender or a subsequent investment trust. Unlike current law, which puts the burden on the borrower to find the party responsible for causing the harm, the legislation allows the borrower to go directly to the current mortgage holder for a cure.

The bill will also prohibit lenders from influencing appraisers, limit the "junk" fees mortgage servicers can charge, and require them to credit payments promptly, require foreclosure prevention counseling or loss mitigation before a foreclosure can take place, and uuthorize the hiring of additional FBI agents to fight mortgage fraud.

In the coming months, the housing crisis is going to get worse. We will need to continue to press lenders and servicers to provide real relief for homeowners threatened with foreclosure. FHA and the GSEs will have to play an expanded role. But as we deal with the cleaning up the current crisis, let us keep in mind the need to address the underiying problems that have created the crisis, and move to address those underlying causes by passing the "Homeownership Protection and Preservation Act."

Finally, I want to acknowledge the work of a number of my colleagues on this issue. Senators SCHUMER, BROWN, and CASEY introduced a bill on this topic earlier this year, S. 1299, from which I took some important provisions. In addition, Senators REED and MENENDEZ both made important contributions to the deliberations leading up to the introduction of this legislation.

Mr. President, I ask unanimous consent that the text of the bill and a detailed summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2452

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Home Ownership Preservation and Protection Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Effective date and regulations.

TITLE I—HIGH-COST MORTGAGES

Sec. 101. Definitions relating to high-cost mortgages.
Sec. 102. Additional protections for HOEPA loans.

TITLE II—PROTECTIONS APPLICABLE TO SUBPRIME AND CERTAIN OTHER LOANS

Sec. 201. Truth in Lending Act amendments.

TITLE III—PROTECTIONS FOR ALL HOME LOAN BORROWERS

Sec. 301. Mortgage protections.

TITLE IV—GOOD FAITH AND FAIR DEALING IN APPRAISALS

Sec. 401. Duties of appraisers.

TITLE V—GOOD FAITH AND FAIR DEALING IN HOME LOAN SERVICING

Sec. 501. Duties of lenders and loan servicers.
Sec. 502. Real estate settlement procedures.
Sec. 503. Effective date.

TITLE VI—FORECLOSURE PREVENTION COUNSELING

Sec. 601. Foreclosure prevention counseling.

TITLE VII—REMEDIES AND ENFORCEMENT

Sec. 701. Material disclosures and violations.
Sec. 702. Right of rescission.
Sec. 703. Civil liability.
Sec. 704. Liability for monetary damages.
Sec. 705. Remedy in lieu of rescission for certain violations.
Sec. 706. Prohibition on mandatory arbitration.
Sec. 707. Lender liability.

TITLE VIII—OTHER BANKING AGENCY AUTHORITY

Sec. 801. Inclusion of all banking agencies in the regulatory authority under the Federal Trade Commission Act with respect to depository institutions.

TITLE IX—MISCELLANEOUS

Sec. 901. Authorizations.

SEC. 2. DEFINITIONS.

Section 103 of the Truth in Lending Act (15 U.S.C. 1602) is amended by adding at the end the following:

"(cc) DEFINITIONS RELATING TO HOME MORTGAGE LOANS.—

"(1) HOME MORTGAGE LOAN.—The term 'home mortgage loan' means a consumer credit transaction secured by a home, used or intended to be used as a principal dwelling, regardless of whether it is real or personal property, or whether the loan is used to purchase the home.

"(2) MORTGAGE BROKER.—The term 'mortgage broker' means a person who, for compensation or in anticipation of compensation, arranges or negotiates or attempts to arrange or negotiate home mortgage loans or commitments for such loans, refers applicants or prospective applicants to creditors, or selects or offers to select creditors to whom requests for credit may be made.

"(3) MORTGAGE ORIGINATOR.—The term 'mortgage originator' means any creditor or other person, including a mortgage broker, who, for compensation or in anticipation of compensation, engages either directly or indirectly in the acceptance of applications for home mortgage loans, solicitation of home mortgage loans on behalf of consumers, negotiation of terms or conditions of home mortgage loans on behalf of consumers or lenders, or negotiation of sales of existing home mortgage loans to institutional or noninstitutional lenders. It also includes any employee or agent of such person.

"(4) NONTRADITIONAL MORTGAGE LOAN.—The term 'nontraditional mortgage loan' means a home mortgage loan that allows a consumer to defer payment of principal or interest.

"(5) SUBPRIME MORTGAGE LOAN.—

"(A) IN GENERAL.—The term 'subprime mortgage loan' means a home mortgage loan in which the annual percentage rate exceeds the greater of the thresholds determined under subparagraph (B) or (C), as applicable.

"(B) TREASURY SECURITIES RATE SPREAD.—A home mortgage loan is a subprime mortgage loan if the difference between the annual percentage rate for the loan and the yield on United States Treasury securities having comparable periods of maturity is equal to or greater than—

"(i) 3 percentage points, if the loan is secured by a first lien mortgage or deed of trust; or

"(ii) 5 percentage points, if the loan is secured by a subordinate lien mortgage or deed of trust.

"(C) CONVENTIONAL MORTGAGE RATE SPREAD.—A home mortgage loan is a subprime mortgage loan if the difference between the annual percentage rate for the loan and the annual yield on conventional mortgages, as published by the Board of Governors of the Federal Reserve System in statistical release H.15 (or any successor publication thereto) is either equal to or greater than—

"(i) 1.75 percentage points, if the loan is secured by a first lien mortgage or deed of trust; or

"(ii) 3.75 percentage points, if the loan is secured by a subordinate lien mortgage or deed of trust.

"(D) RULE OF CONSTRUCTION.—For purposes of subparagraph (B), the difference between the annual percentage rate of a home mortgage loan and the yield on United States Treasury securities having comparable periods of maturity shall be determined using the same procedures and calculation methods applicable to loans that are subject to the reporting requirements of the Federal Home Mortgage Disclosure Act, whether or not such loan is subject to or reportable under the provisions of that Act.".

SEC. 3. EFFECTIVE DATE AND REGULATIONS.

(a) EFFECTIVE DATE.—This Act and the amendments made by this Act shall become effective 6 months after the date of enactment of this Act, and shall apply to all transactions consummated on or after that effective date, except as otherwise specifically provided herein.

(b) REGULATIONS REQUIRED.—Not later than 6 months after the date of enactment of this Act, the Board of Governors of the Federal Reserve System shall issue in final form such regulations as are necessary to carry out this Act and the amendments made by this Act.

TITLE I—HIGH-COST MORTGAGES

SEC. 101. DEFINITIONS RELATING TO HIGH-COST MORTGAGES.

(a) HIGH-COST MORTGAGE DEFINED.—Section 103(aa) of the Truth in Lending Act (15 U.S.C. 1602(aa)) is amended by striking all that precedes paragraph (2) and inserting the following:

"(aa) HIGH-COST MORTGAGE.—

"(1) DEFINITION.—

"(A) IN GENERAL.—The term 'high-cost mortgage', and a mortgage referred to in this subsection, mean a consumer credit transaction that is secured by the principal dwelling of a consumer, other than a reverse mortgage transaction, if—

"(i) in the case of a loan secured—

"(I) by a first mortgage on such dwelling, the annual percentage rate at consummation of the transaction will exceed by more than 8 percentage points the yield on United States Treasury securities having comparable periods of maturity on the 15th day of the month immediately preceding the month in which the application for the extension of credit is received by the creditor; or

"(II) by a subordinate or junior mortgage on such dwelling, the annual percentage rate at consummation of the transaction will exceed by more than 10 percentage points the yield on United States Treasury securities having comparable periods of maturity on the 15th day of the month immediately preceding the month in which the application for the extension of credit is received by the creditor; or

"(ii) the total points and fees payable in connection with the loan exceed—

"(I) in the case of a loan for $20,000 or more, 5 percent of the total loan amount; or

"(II) in the case of a loan for less than $20,000, the lesser of 8 percent of the total loan amount or $1,000.

"(B) INTRODUCTORY RATES TAKEN INTO ACCOUNT.—For purposes of subparagraph (A)(i), the annual percentage rate shall be determined as—

"(i) in the case of a fixed-rate loan in which the rate of interest will not vary during the term of the loan, the interest rate in effect on the date of consummation of the transaction;

"(ii) in the case of a loan in which the rate of interest varies solely in accordance with an index, the interest rate determined by adding the index rate in effect on the date of consummation of the transaction to the maximum margin permitted at any time by the terms of the loan agreement; and

"(iii) in the case of any other loan in which the rate may vary at any time during the term of the loan for any reason, the interest charged on the loan at the maximum rate that may be charged during the term of the loan.".

(b) ADJUSTMENT OF PERCENTAGE POINTS.—Section 103(aa)(2) of the Truth in Lending Act (15 U.S.C. 1602(aa)(2)) is amended by striking subparagraph (B) and inserting the following:

"(B) An increase or decrease under subparagraph (A)—

"(i) may not result in the number of percentage points referred to in paragraph (1)(A)(i)(I) being less than 6 percentage points or greater than 10 percentage points; and

"(ii) may not result in the number of percentage points referred to in paragraph (1)(A)(i)(II) being less than 8 percentage points or greater than 12 percentage points.".

(c) POINTS AND FEES DEFINED.—

(1) IN GENERAL.—Section 103(aa)(4) of the Truth in Lending Act (15 U.S.C. 1602(aa)(4)) is amended—

(A) by striking "(1)(B)" and inserting "(1)(A)(ii)";

(B) by striking subparagraph (B) and inserting the following:

"(B) all compensation paid directly or indirectly by a consumer or creditor to a mortgage broker or from any source, including a mortgage broker that originates a loan in the name of the broker in a table funded transaction;";

(C) in subparagraph (C)(iii), by striking "and" at the end;

(D) by redesignating subparagraph (D) as subparagraph (G); and

(E) by inserting after subparagraph (C) the following:

"(D) premiums or other charges payable at or before consummation of the loan for any credit life, credit disability, credit unemployment, or credit property insurance, or any other accident, loss-of-income, life, or health insurance, or any payments directly or indirectly for any debt cancellation or suspension agreement or contract, except that insurance premiums or debt cancellation or suspension fees calculated and paid in full on a monthly basis shall not be considered financed by the creditor;

"(E) the maximum prepayment fees and penalties which may be charged or collected under the terms of the loan documents;

"(F) all prepayment fees or penalties that are incurred by the customer, if the loan refinances a previous loan made or currently held by the same creditor or an affiliate of the creditor; and".

(2) CALCULATION OF POINTS AND FEES FOR OPEN-END LOANS.—Section 103(aa) of the Truth in Lending Act (15 U.S.C. 1602(aa)) is amended—

(A) by redesignating paragraph (5) as paragraph (7); and

(B) by inserting after paragraph (4) the following:

"(5) CALCULATION OF POINTS AND FEES FOR OPEN-END LOANS.—In the case of a loan under an open-end credit plan, points and fees shall be calculated, for purposes of this section and section 129, by adding the total points and fees known at or before closing, including the maximum prepayment penalties which may be charged or collected under the terms of the loan documents, plus the minimum additional fees that the consumer would be required to pay to draw down an amount equal to the total credit line.".

(d) HIGH-COST MORTGAGE LENDER.—Section 103(f) of the Truth in Lending Act (15 U.S.C. 1602(f)) is amended by striking the last sentence and inserting the following: "Any person who originates or brokers 2 or more mortgages referred to in subsection (aa) in any 12-month period, any person who originates 1 or more such mortgages through a mortgage broker in any 12-month period or in connection with a table funded transaction involving such a mortgage, and any person to whom the obligation is initially assigned at or after settlement, shall be considered to be a creditor for purposes of this title.".

(e) BONA FIDE DISCOUNT LOAN DISCOUNT POINTS AND PREPAYMENT PENALTIES.—Section 103(aa) of the Truth in Lending Act (15 U.S.C. 1602(aa)) is amended by inserting after paragraph (5), as added by this Act, the following:

"(6) BONA FIDE DISCOUNT POINTS.—

"(A) IN GENERAL.—For the purpose of determining the amount of points and fees under this subsection—

"(i) not more than 2 bona fide discount points payable by the consumer in connection with the mortgage shall be excluded, but only if the interest rate from which the interest rate on the mortgage will be discounted does not exceed by more than 1 percentage point the required net yield for a 90-day standard mandatory delivery commitment for a reasonably comparable loan from either the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, whichever is greater; and

"(ii) unless 2 bona fide discount points have been excluded under subparagraph (A), not more than 1 bona fide discount point payable by the consumer in connection with the mortgage shall be excluded, but only if the interest rate from which the interest rate on the mortgage will be discounted does not exceed by more than 2 percentage points the required net yield for a 90-day standard mandatory delivery commitment for a reasonably comparable loan from either the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, whichever is greater.

"(B) DEFINITION.—For purposes of subparagraph (A), the term 'bona fide discount points' means loan discount points which are knowingly paid by the consumer for the purpose of reducing, and which in fact result in a bona fide reduction of, the interest rate or time-price differential applicable to the mortgage.

"(C) EXCEPTION FOR INTEREST RATE REDUCTIONS INCONSISTENT WITH INDUSTRY NORMS.—Subparagraph (A) shall not apply to discount points used to purchase an interest rate reduction, unless the amount of the interest rate reduction purchased is reasonably consistent with established industry norms and practices for secondary mortgage market transactions.".

SEC. 102. ADDITIONAL PROTECTIONS FOR HOEPA LOANS.

(a) NO PREPAYMENT PENALTIES.—Section 129(c) of the Truth in Lending Act (15 U.S.C. 1639(c)) is amended—

(1) by striking paragraph (2); and

(2) in paragraph (1)—

(A) by striking "(1) IN GENERAL.—"; and

(B) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and moving the margins 2 ems to the left.

(b) NO BALLOON PAYMENTS.—Section 129(e) of the Truth in Lending Act (15 U.S.C. 1639(e)) is amended to read as follows: .

"(e) NO BALLOON PAYMENTS.—No high-cost mortgage may contain a scheduled payment that is more than twice as large as the average of any earlier required scheduled payments, except that this subsection shall not apply when the payment schedule is adjusted to the seasonal or irregular income of the consumer.".

(c) OTHER PROHIBITIONS ON HIGH-COST MORTGAGES.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by adding at the end the following:

"(m) NO YIELD SPREAD PREMIUMS.—No person may provide, and no mortgage originator may receive, directly or indirectly, any compensation for originating a home mortgage loan that is more costly than that for which the consumer qualifies, or that is based on, or varies with, the terms of any home mortgage loan.

"(n) ACCELERATION OF DEBT.—No high-cost mortgage may contain a provision which permits the creditor, in its sole discretion, to accelerate the indebtedness, other than in any case in which repayment of the loan has been accelerated by default, pursuant to a due-on-sale provision, or for a breach of a material provision of the loan documents unrelated to the payment schedule.

"(o) RESTRICTION ON FINANCING POINTS AND FEES.—No creditor may, directly or indirectly, finance, in connection with any high-cost mortgage—

"(1) any prepayment fee or penalty payable by the consumer in a refinancing transaction, if the creditor or an affiliate of the creditor is the noteholder of the note being refinanced; or

"(2) any points or fees as defined in section 103(aa)(4).

"(p) PROHIBITION ON EVASIONS, STRUCTURING OF TRANSACTIONS, AND RECIPROCAL ARRANGEMENTS.—A creditor may not take any action in connection with a high-cost mortgage—

"(1) to structure a loan transaction as an open-end credit plan or another form of loan for the purpose and with the intent of evading the provisions of this title; or

"(2) to divide any loan transaction into separate parts for the purpose and with the intent of evading the provisions of this title.

"(q) MODIFICATION AND DEFERRAL FEES PROHIBITED.—A creditor may not charge a consumer any fee to modify, renew, extend, or amend a high-cost mortgage, or to defer any payment due under the terms of such mortgage, unless the modification, renewal, extension, or amendment results in a lower annual percentage rate on the mortgage for the consumer, and then only if the fee is bona fide and reasonable.

"(r) Net Tangible Benefit.—In accordance with regulations prescribed by the Board, no originator may make, provide, or arrange a high-cost mortgage loan that involves a refinancing of a prior existing home mortgage loan, unless the new loan will provide a net tangible benefit to the consumer.".

TITLE II—PROTECTIONS APPLICABLE TO SUBPRIME AND CERTAIN OTHER LOANS

SEC. 201. TRUTH IN LENDING ACT AMENDMENTS.

The Truth in Lending Act (15 U.S.C. 1601 et seq.) is amended by inserting after section 129 the following new section:

"SEC. 129A. PROTECTIONS FOR SUBPRIME AND NONTRADITIONAL HOME LOANS.

"(a) Assessment of Ability To Pay.—

"(1) In general.—

"(A) In general.—Before entering into or otherwise facilitating a subprime or nontraditional mortgage loan, each mortgage originator shall verify the reasonable ability of the borrower to pay the principal and interest on the loan and any real estate taxes and homeowner insurance fees and premiums.

"(B) Considerations.—A determination under subparagraph (A) shall include consideration of—

"(i) the income of the borrower;

"(ii) the credit history of the borrower;

"(iii) the current obligations and employment status of the borrower;

"(iv) the debt-to-income ratio of the monthly gross income of the borrower, inclusive of all scheduled or otherwise significant debt payments and total monthly housing payments, including taxes, property and private mortgage insurance, any required homeowner or condominium fees, and any subordinate mortgages, including those that will be made contemporaneously to the same borrower;

"(v) the residual income of the borrower; and

"(vi) other available financial resources, other than the equity of the borrower in the principal dwelling that secures or would secure the loan.

"(2) Variable mortgage rates.—In the case of a subprime or nontraditional mortgage loan, with respect to which the applicable rate of interest may vary, for purposes of paragraph (1), the ability to pay shall be determined based on the monthly payment that could be due from the borrower, using as assumptions—

"(A) the fully indexed interest rate;

"(B) a repayment schedule which achieves full amortization over the life of the loan, assuming no default by the borrower;

"(C) for products that permit negative amortization, the initial loan amount plus any balance increase that may accrue from the negative amortization provision;

"(D) that the loan is to be repaid in substantially equal monthly amortizing payments for principal and interest over that period of time which would be permitted after the consumer has made lower payments, as permitted under the terms of the loan, and which includes any additions to principal that will result from such permitted lower payments, with no balloon payment, unless the loan contract requires a more rapid repayment schedule to be used in the calculation; and

"(E) the reasonably foreseeable capacity of the borrower to make payments, assuming market changes as to the contract index rate over the period of the loan, using, to make such assessment, a credible market rate determined according to regulations issued by the Board, which regulations shall require reasonable market expectations to be a factor.

"(3) Rebuttable presumption.—

"(A) In general.—For purposes of this subsection there is a rebuttable presumption that a mortgage was made without regard to repayment ability if, at the time at which the loan was consummated, the total monthly debts of the borrower, including total monthly housing payments, taxes, property, and private mortgage insurance, any required homeowner or condominium fees, and any subordinate mortgages, including those that will be made contemporaneously to the same borrower, exceed 45 percent of the monthly gross income of the borrower.

"(B) Rebuttal.—To rebut the presumption of inability to repay under subparagraph (A) the creditor shall, at minimum, determine and consider the residual income of the borrower after payment of current expenses and proposed home loan payments, except that no presumption of ability to make the scheduled payments to repay the obligation shall arise solely from the fact that, at the time at which the loan is consummated, the total monthly debts of the borrower (including amounts owed under the loan) does not exceed 45 percent of the monthly gross income of the borrower.

"(b) Requirement of Tax and Insurance Escrows.—No subprime or nontraditional mortgage loan may be arranged, approved, or made without requiring escrow of tax and insurance installments calculated in accordance with the requirements of section 10 of the Real Estate Settlement Procedures Act of 1974, and regulations promulgated pursuant thereto, and mortgage insurance premiums, if any.

"(c) Prohibition on Prepayment Penalties.—No subprime or nontraditional mortgage loan may contain a provision that requires a consumer to pay a penalty for paying all or part of the principal before the date on which it is due.

"(d) Prohibition on Yield-Spread Premiums.—No person may provide, and no mortgage originator may receive, directly or indirectly, any compensation for originating a subprime or nontraditional mortgage loan that is more costly than that for which the consumer qualifies, or that is based on, or varies with, the terms (other than the amount of loan principal) of any home mortgage loan.

"(e) Net Tangible Benefit.—

"(1) In general.—In accordance with regulations prescribed by the Board, no originator may make, provide, or arrange a subprime or nontraditional mortgage loan that involves a refinancing of a prior existing home mortgage loan, unless the new loan will provide a net tangible benefit to the consumer.

"(2) Certain loans providing no net tangible benefit.—For purposes of paragraph (1), a mortgage loan that involves refinancing of a prior existing mortgage loan shall not be considered to provide a net tangible benefit to the borrower if the costs of the refinanced loan, including points, fees, and other charges, exceed the amount of any newly advanced principal, less the points, fees, and other charges, without any corresponding changes in the terms of the refinanced loan that are advantageous to the borrower.".

TITLE III—PROTECTIONS FOR ALL HOME LOAN BORROWERS

SEC. 301. MORTGAGE PROTECTIONS.

The Truth in Lending Act (15 U.S.C. 1601 et seq.) is amended by inserting after section 129A, as added by this Act, the following new section:

"SEC. 129B. PROTECTIONS FOR ALL HOME LOANS.

"(a) Duties of All Mortgage Originators.—Each mortgage originator shall, with respect to each home mortgage loan and, in addition to requirements under other applicable provisions of Federal or State law—

"(1) safeguard and account for any money handled for the borrower;

"(2) follow reasonable and lawful instructions from the borrower;

"(3) act with reasonable skill, care, and diligence;

"(4) act in good faith and with fair dealing in any transaction, practice, or course of business in connection with the originating of any home mortgage loan; and

"(5) make reasonable efforts to secure a home mortgage loan that is appropriately advantageous to the borrower, considering all of the circumstances, including the product type, rates, charges, and repayment terms of the loan.

"(b) Duties of Mortgage Brokers.—Each mortgage broker shall with respect to each home mortgage loan be deemed to have a fiduciary relationship with the borrower, and, in addition to duties imposed by other applicable provisions of Federal or State law, shall—

"(1) act in the best interest of the borrower and in the utmost good faith toward the borrower, and refrain from compromising the rights or interests of the borrower in favor of the rights or interests of another, including a right or interest of the mortgage broker; and

"(2) clearly disclose to the borrower, not later than 3 days after receipt of the loan application, all material information that might reasonably affect the rights, interests, or ability of the borrower to receive the borrower's intended benefit from the home mortgage loan, including total compensation that the broker would receive from any of the loan options that the broker presents to the borrower.

"(c) Prohibition on Steering.—

"(1) In general.—In connection with a home mortgage loan, a mortgage originator may not steer, counsel, or direct a consumer to a loan with rates, charges, principal amount, or prepayment terms that are more costly than that for which the consumer qualifies.

"(2) Duties to consumers.—If unable to suggest, offer, or recommend to a consumer a home mortgage loan that is not more expensive than that for which the consumer qualifies, a mortgage originator shall disclose to the consumer—

"(A) that the creditor does not offer a home mortgage loan that is not more expensive than that for which the consumer qualifies, but that other creditors may offer such a loan; and

"(B) the reasons that the products and services offered by the mortgage originator are not available to or reasonably advantageous for the consumer.

"(3) Prohibited conduct.—In connection with a home mortgage loan, a mortgage originator may not—

"(A) mischaracterize the credit history of a consumer or the home loans available to a consumer;

"(B) mischaracterize or suborn mischaracterization of the appraised value of the property securing the extension of credit; and

"(C) if unable to suggest, offer, or recommend to a consumer a loan that is not more expensive than that for which the consumer qualifies, discourage a consumer from seeking a home mortgage loan from another creditor or with another mortgage originator.

"(d) REQUIRED DOCUMENTATION.—

"(1) IN GENERAL.—With respect to any home mortgage loan, a mortgage originator shall base its determination of the ability of a consumer to pay on—

"(A) documentation of all sources of income verified by tax returns, payroll receipts, bank records, or the best and most appropriate form of documentation available, subject to such requirements and exceptions as determined appropriate by the Board; and

"(B) the debt-to-income ratio and the residual income of the consumer after payment of current expenses and proposed home loan payments.

"(2) LIMITATION.—A statement provided by a consumer of the income and financial resources of the consumer, without other documentation referred to in paragraph (1), is not sufficient verification for purposes of assessing the ability of the consumer to pay.

"(e) LIMITATIONS ON YIELD-SPREAD PREMIUMS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no person may provide, and no mortgage originator may receive, directly or indirectly, any compensation for originating a home mortgage loan that is more costly than that for which the consumer qualifies, or that is based on, or varies with, the terms of any home mortgage loan (other than the amount of loan principal).

"(2) LIMITED EXCEPTION FOR NO-COST LOANS.—Notwithstanding paragraph (1), in a home mortgage loan, other than a high-cost mortgage loan, a subprime mortgage loan, or a nontraditional mortgage loan, a mortgage broker may receive compensation in the form of an increased rate, but only if—

"(A) the mortgage broker receives no other compensation, however denominated, directly or indirectly, from the consumer, creditor, or other mortgage originator;

"(B) the loan does not include discount points, origination points, or rate reduction points, however denominated, or any payment reduction fee, however denominated;

"(C) the loan does not include a prepayment penalty; and

"(D) there are no other closing costs associated with the loan, except for fees to government officials or amounts to fund escrow accounts for taxes and insurance.

"(f) RECOMMENDED DEFAULT.—No creditor shall recommend or encourage default on an existing loan or other debt prior to and in connection with the closing or planned closing of a mortgage loan that refinances all or any portion of such existing loan or debt.

"(g) EFFECT OF FORECLOSURE ON PRE-EXISTING LEASE.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, in the case of any foreclosure with respect to a home mortgage loan entered into after the date of enactment of this Act, any successor in interest in such property pursuant to the foreclosure shall assume such interest subject to—

"(A) the provision, by the successor in interest, of a notice to vacate to any bona fide tenant at least 90 days before the effective date of the notice to vacate; and

"(B) the rights of any bona fide tenant, as of the date of such notice of foreclosure—

"(i) under any bona fide lease entered into before the notice of foreclosure to occupy the premises until the end of the remaining term of the lease; or

"(ii) without a lease or with a lease terminable at will under State law, subject to the receipt by the tenant of the 90-day notice under subparagraph (A).

"(2) BONA FIDE LEASE OR TENANCY.—For purposes of this section, a lease or tenancy shall be considered bona fide only if—

"(A) the mortgagor under the contract is not the tenant;

"(B) the lease or tenancy was the result of an arms-length transaction; or

"(C) the lease or tenancy requires the receipt of rent that is not substantially less than fair market rent for the property.".

TITLE IV—GOOD FAITH AND FAIR DEALING IN APPRAISALS

SEC. 401. DUTIES OF APPRAISERS.

The Truth in Lending Act (15 U.S.C. 1601 et seq.) is amended by inserting after section 129B, as added by this Act, the following new section:

"SEC. 129C. DUTIES OF APPRAISERS.

"(a) DEFINITIONS.—In this section, the following definitions shall apply:

"(1) APPRAISER.—The term 'appraiser' means a person who—

"(A) is certified or licensed by the State in which the property to be appraised is located; and

"(B) performs each appraisal in conformity with the Uniform Standards of Professional Appraisal Practice and title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and the regulations prescribed under such title, as in effect on the date of the appraisal.

"(2) QUALIFYING BOND.—The term 'qualifying bond' means a bond equal to not less than 1 percent of the aggregate value of all homes appraised by an appraiser of real property in connection with a home mortgage loan in the calendar year preceding the date of the transaction, with respect to which—

"(A) the bond shall inure first to the benefit of the homeowners who have claims against the appraiser under this title or any other applicable provision of law, and second to the benefit of originating creditors that complied with their duty of good faith and fair dealing in accordance with this title; and

"(B) any assignee or subsequent transferee or trustee shall be a beneficiary of the bond, only if the originating creditor qualified for such treatment.

"(b) STANDARD OF CARE.—Each appraiser shall, in addition to the duties imposed by otherwise applicable provisions of Federal or State law, with respect to each home mortgage loan in which the appraiser is involved—

"(1) act with reasonable skill, care, diligence, and in accordance with the highest standards; and

"(2) act in good faith and with fair dealing in any transaction, practice, or course of business associated with the transaction.

"(c) DUTIES OF APPRAISERS.—

"(1) OBJECTIVE APPRAISALS.—All appraisals carried out by an appraiser shall be accurate and reasonable. An appraiser shall have no direct or indirect interest in the property to be appraised, the real estate transaction prompting such appraisal, or the home loan involved in such transaction.

"(2) BOND REQUIREMENT.—No appraiser may charge, seek, or receive compensation for an appraisal unless the appraisal is covered by a qualifying bond.

"(3) NO TARGET VALUES.—No lender or loan servicer may, with respect to a home mortgage loan, in any way—

"(A) seek to influence an appraiser or otherwise to encourage a targeted value in order to facilitate the making or pricing of the home mortgage loan; or

"(B) select an appraiser on the basis of an expectation that such appraiser would provide a targeted value in order to facilitate the making or pricing of the home mortgage loan.

"(4) PROHIBITION ON CERTAIN DISCLOSURES.—Neither the appraisal order nor any other communication in any form by an appraiser may include the requested loan amount or any estimate of value for the property to serve as collateral, either express or implied.

"(d) APPRAISAL REPORT.—In any case in which an appraisal is performed in connection with a home mortgage loan, the lender or loan servicer shall provide a copy of the appraisal report to an applicant for a home mortgage loan, whether credit is granted, denied, or the application was withdrawn. The first copy of this report shall be provided to the applicant without charge.

"(e) REMEDIES.—In addition to other remedies, in any action for a violation of this section, the following shall apply:

"(1) REQUIRED MODIFICATION.—If a retrospective appraisal determines that the appraisal upon which the home loan was based exceeded the true market value by 10 percent or more, the holder of the loan shall modify the loan and recast the loan ab initio to a loan amount that is at the same loan-to-value which the original loan purported to be. All payments made prior to the recasting of such loan shall be applied to the reduced loan amount.

"(2) AGENCY ABILITY TO MODIFY TRUE VALUE TOLERANCE LEVEL.—If a consumer has a right of action or a defense against the holder of the home loan when the appraisal upon which the home loan was based exceeds the true market value of the home by 10 percent or more, the regulatory agency which oversees appraisers in the jurisdiction in which the collateral is located has the authority to issue rules which permit the 10 percent tolerance level established in this paragraph to deviate by no more than 2 percent where local conditions warrant.

"(3) COLLECTION FROM APPRAISER'S QUALIFYING BOND.—A consumer awarded remedies pursuant to this section shall have the right to collect such remedies from the appraiser's qualifying bond.

"(f) CIVIL LIABILITY.—

"(1) IN GENERAL.—Any appraiser who fails to comply with any requirement of this section with respect to a borrower designated in a home mortgage loan contract, is liable to such borrower in an amount equal to the sum of—

"(A) any actual damages sustained by such borrower as a result of the failure;

"(B) an amount not less than $5,000; or

"(C) in the case of any successful action to enforce the foregoing liability, the costs of the action, together with a reasonable attorney's fee as determined by the court.

"(2) JURISDICTION.—Any action by a borrower for a failure to comply with the requirements of this section may be brought in any United States district court, or in any other court of competent jurisdiction, not later than 3 years from the date of the occurrence of such violation. This subsection does not bar a person from asserting a violation of this section in an action to collect the debt owed on a home mortgage loan, or foreclose upon the home securing a home mortgage loan, or to stop a foreclosure upon that home, which was brought more than 3 years after the date of the occurrence of the violation as a matter of defense by recoupment or set-off in such action. An action under this section does not create an independent basis for removal of an action to a United States district court.

"(3) STATE ATTORNEY GENERAL ENFORCEMENT.—An action to enforce a violation of this section may also be brought by the appropriate State attorney general in any appropriate United States district court, or any other court of competent jurisdiction, not later than 3 years after the date on which the violation occurs. An action under this section does not create an independent basis for removal of an action to a United States district court.".

TITLE V—GOOD FAITH AND FAIR DEALING IN HOME LOAN SERVICING

SEC. 501. DUTIES OF LENDERS AND LOAN SERVICERS.

The Truth in Lending Act (15 U.S.C. 1601 et seq.) is amended by inserting after section 129C, as added by this Act, the following new section:

"SEC. 129D. DUTIES OF LENDERS AND LOAN SERVICERS.

"(a) STANDARD OF CARE.—

"(1) AGENCY RELATIONSHIP.—In the case of any home loan serviced by a loan servicer on behalf of a lender, the loan servicer shall be deemed an agent of that lender, and shall be subject to all requirements of agents otherwise applicable under Federal or State law.

"(2) FAIR DEALING.—Each lender and loan servicer shall, in addition to the duties imposed by otherwise applicable provisions of Federal or State law, with respect to each home mortgage loan, including any home mortgage loan in default or in which the homeowner has filed for bankruptcy—

"(A) act with reasonable skill, care, diligence, and in accordance with the highest standards; and

"(B) act in good faith and with fair dealing in any transaction, practice, or course of business associated with the home mortgage loan.

"(b) RULES FOR ASSESSMENT OF FEE.—

"(1) IN GENERAL.—No home mortgage loan contract may require, nor may any lender or loan servicer assess or receive, any fees or charges other than interest, late fees as specifically authorized in this section, or fees assessed for nonsufficient funds, and charges allowed pursuant to subsection (i)(1)(B), until the home mortgage loan is the subject of a foreclosure proceeding and the debt on such loan has been accelerated.

"(2) FEE LIMITATIONS.—Any permissible fee or charge described under paragraph (1) shall be—

"(A) reasonable;

"(B) for services actually rendered; and

"(C) specifically authorized by the terms of the home mortgage loan contract and State law.

"(3) ASSESSMENT AND DISCLOSURE.—

"(A) IN GENERAL.—Any permissible fee or charge described under paragraph (1) shall be—

"(i) assessed not later than 30 days after the date on which the fee was accrued; and

"(ii) explained clearly and conspicuously in the next monthly accounting statement provided to the borrower designated in the home mortgage loan contract.

"(B) FAILURE TO COMPLY.—Failure by a lender or loan servicer to comply with the requirements set forth under subparagraph (A) shall result in the waiver of the fee.

"(4) REQUIRED STATEMENTS.—Each month a lender or loan servicer shall provide to each borrower designated in a home mortgage loan contract entered into by such lender or loan servicer a periodic statement that clearly and in plain english explains—

"(A) the application of the prior month's payment by the borrower, including the allocation of the payment to interest, principal, escrow, and fees;

"(B) the status of the escrow account held on behalf of the borrower, including the payments into and from the escrow account; and

"(C) the assessment of fees accruing in the previous month, including the reason that such fee accrued and the date such fee accrued.

"(c) MAXIMUM ALLOWABLE LATE FEES CHARGED AFTER LOAN CLOSING.—

"(1) IN GENERAL.—No lender or loan servicer may impose a charge or fee for late payment of any amount due on a home mortgage loan—

"(A) unless the home mortgage loan contract specifically authorizes the charge or fee;

"(B) in an amount in excess of 5 percent of the amount of the payment past due;

"(C) before the end of the 15-day period after the date the payment is due, or in the case of a home mortgage loan on which interest on each installment is paid in advance, before the end of the 30-day period after the date the payment is due; or

"(D) more than once with respect to a single late payment.

"(2) RULE OF CONSTRUCTION.—For purposes of this subsection, payments on any amount due on a home mortgage loan shall be applied first to current installments, then to delinquent payments, and then to delinquency charges.

"(3) COORDINATION WITH SUBSEQUENT LATE FEES.—If a home loan mortgage payment is otherwise a full payment for the applicable period and is paid on its due date or within an applicable grace period, and the only delinquency or insufficiency of payment is attributable to a late fee or delinquency charge assessed on an earlier payment, no late fee or delinquency charge may be imposed on such payment.

"(d) PROMPT CREDITING OF PAYMENTS REQUIRED.—Each home loan mortgage payment amount received by a lender or a loan servicer shall be accepted and credited on the date received. Such payments shall be credited to interest and principal due on the home mortgage loan before crediting the payment to taxes, insurance, or fees.

"(e) COLLATERAL PROTECTION INSURANCE.—

"(1) IN GENERAL.—A lender or loan servicer may not charge any borrower designated in a home mortgage loan contract for collateral protection insurance, unless—

"(A) the home mortgage loan contract requires the borrower to maintain insurance on the collateral and clearly delineates—

"(i) the terms and conditions for imposition of and payment of the collateral;

"(ii) that such insurance may not protect the interests of the borrower and may be substantially more expensive than insurance that the borrower could purchase independently; and

"(iii) that the borrower will be charged for the cost of the insurance;

"(B) the lender or loan servicer makes every effort to avoid the necessity of requiring collateral protection insurance, including at least written notice and telephone communications with the borrower and the insurance agent of record regarding the—

"(i) obligation of the borrower to maintain property insurance; and

"(ii) additional cost to the borrower on a monthly basis if collateral protection insurance is required;

"(C) clear notice is received by the borrower at least 15 days in advance of the charge for collateral protection insurance, including—

"(i) notice that the—

"(I) placement of the insurance is imminent;

"(II) costs of the insurance will be paid by the borrower; and

"(III) the insurance will not protect the borrower from loss;

"(ii) notice of the amount of the new monthly payment; and

"(iii) instructions on the steps that the borrower may take to avoid such charge; and

"(D) charges for such insurance are bona fide and reasonable.

"(2) PROHIBITION.—In no event is collateral protection insurance permitted when a lender or loan servicer is collecting fees in escrow from the borrower for the payment of property taxes and insurance, unless the borrower has had his or her insurance cancelled for some reason other than non-payment of the premium.

"(3) NOTICE OF CHARGE.—After a charge for the purchase of collateral protection insurance has been issued by a lender or loan servicer, notice of the new monthly payment requirements shall be delivered to the borrower at least 15 days prior to the first increased payment—

"(A) explaining the imposition of the new charges for such insurance; and

"(B) providing information on what the borrower can do to obviate the need for such insurance.

"(f) OBLIGATIONS OF LENDER OR LOAN SERVICER TO HANDLE ESCROW FUNDS.—A lender or loan servicer shall make all payments from the escrow account held for the borrower designated in a home mortgage loan contract for insurance, taxes, and other charges with respect to the property secured by such contract in a timely manner to ensure that no late penalties are assessed and that no other negative consequences result, regardless of whether the loan is delinquent, unless—

"(1) there are not sufficient funds in the account of such borrower to cover the payments; and

"(2) the lender or loan servicer has a reasonable basis to believe that recovery of the funds will not be possible.

"(g) INFORMATION EXCHANGE AND DISPUTE REQUIREMENTS.—

"(1) MANDATORY RESPONSE TO BORROWERS' REQUESTS.—

"(A) IN GENERAL.—A lender or loan servicer shall respond to any request for information about a home mortgage loan or for resolution of any dispute involving a home mortgage loan submitted by a borrower designated in a home mortgage loan contract entered into by such lender or loan servicer.

"(B) TIMING OR RESPONSE.—A response required under subparagraph shall occur—

"(i) without cost to the requesting borrower; and

"(ii) not later than 10 days after the receipt of such request.

"(C) SCOPE OF OBLIGATION.—The scope of the response requirement set forth in subparagraph (A), includes—

"(i) providing—

"(I) the status of the borrowers account, including whether the account is current, or if not, the date the account went into default;

"(II) the current balance due on the home mortgage loan of the borrower, including the principal due, an explanation of the escrow balance, and whether there are any escrow deficiencies or shortages;

"(III) a full payment history of the borrower, which shows in a clear and easily understandable manner all of the activity on the home mortgage loan of the borrower since the origination of the loan, including the escrow account and the application of payments; and

"(IV) a copy of the original note and security instrument;

"(ii) correcting errors relating to the allocation of payments made by the borrower, final balances for purposes of paying off the loan or avoiding foreclosure, and other lender or loan servicer obligations;

"(iii) providing the identity, address, and other relevant information about the owner or assignee of the home mortgage loan; and

"(iv) providing a telephone number on each regular account statement that gives the borrower access to a live person with the information and authority to answer questions and resolve issues.

"(2) NO SHARING OF INFORMATION.—During the 90-day period beginning on the date of the receipt of a request from a borrower under paragraph (1), a lender or loan servicer may not provide information to any reporting agency regarding any overdue payment, or other default on the home mortgage loan, by such borrower to any consumer reporting agency (as such term is defined in section 603(f) of the Fair Credit Reporting Act).

"(3) MAINTENANCE OF RECORDS.—A lender or loan servicer shall maintain written and electronic records of the handling of any oral request made by a borrower under this subsection.

"(h) MANDATORY LOSS MITIGATION.—

"(1) IN GENERAL.—A lender or loan servicer shall not initiate a foreclosure of a home mortgage loan unless that lender or loan servicer has made a good faith review of the financial situation of the borrower designated in such home mortgage loan contract and has offered, whenever feasible, a repayment plan, forbearance, loan modification, or other option to assist the borrower in bringing his or her delinquent account into arrears. In the event that such options are not feasible, the lender or loan servicer shall refer the borrower to a housing counseling agency approved by the Secretary of Housing and Urban Development under section 106(d) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(d)).

"(2) REPORTS ON LOSS MITIGATION ACTIVITIES.—

"(A) IN GENERAL.—Each servicer shall report to the Board once every 3 months on the extent and results of its loss mitigation activities.

"(B) FORM AND CONTENT.—The Board shall prescribe, by regulation, the form and content of the reports required by this paragraph which shall include—

"(i) categories of measures that result in modifications of loan provisions, including payment schedules, loan principle, and loan interest;

"(ii) forebearance agreements;

"(iii) acceptance of a reduced amount in satisfaction of the loan;

"(iv) assumption of the loan;

"(v) pre-foreclosure sales; and

"(vi) deeds in lieu of foreclosure, and foreclosures.

"(C) BASIS.—Data required by this paragraph shall be reported on a servicer and lender basis.

"(D) PUBLIC AVAILABILITY.—The Board shall make data received under this paragraph publicly available, and shall annually report to Congress on servicer loss mitigation activities.

"(3) FAILURE TO COMPLY.—Failure by a lender or loan servicer to comply with the requirements under paragraph (1) shall constitute a defense to any foreclosure.

"(i) PAYOFF STATEMENTS.—

"(1) PROHIBITION ON FEES.—

"(A) IN GENERAL.—No lender or loan servicer (or any third party acting on behalf of such lender or loan servicer) may charge a fee for transmitting to any borrower the amount due to pay off the outstanding balance on the home mortgage loan of such borrower.

"(B) EXCEPTION.—After a lender or loan servicer (or any third party acting on behalf of such lender or loan servicer) has provided the information described in subparagraph (A) without charge on 4 occasions during a calendar year, the lender or loan servicer (or any third party acting on behalf of such lender or loan servicer) may thereafter charge a reasonable fee for providing such information during the remainder of the calendar year.

"(2) TIMING.—The information described in subparagraph (A) shall be provided to the borrower within a reasonable period of time but in any event not more than 5 business days after the receipt of the request by the lender or loan servicer.

"(j) CIVIL LIABILITY.—

"(1) IN GENERAL.—Any lender or loan servicer who fails to comply with any requirement of this section with respect to a borrower designated in a home mortgage loan contract, is liable to such borrower in an amount equal to the sum of—

"(A) any actual damages sustained by such borrower as a result of the failure;

"(B) an amount not less than $5,000; or

"(C) in the case of any successful action to enforce the foregoing liability the costs of the action, together with a reasonable attorney's fee as determined by the court.

"(2) JURISDICTION.—Any action by a borrower for a failure to comply with the requirements of this section may be brought in any United States district court, or in any other court of competent jurisdiction, not later than 3 years from the date of the occurrence of such violation. This subsection does not bar a person from asserting a violation of this section in an action by a lender or loan servicer to collect the debt owed on a home mortgage loan, or foreclose upon the home securing a home mortgage loan, or to stop a foreclosure upon that home, which was brought more than 3 years after the date of the occurrence of the violation as a matter of defense by recoupment or set-off in such action. An action under this section does not create an independent basis for removal of an action to a United States district court.

"(3) STATE ATTORNEY GENERAL ENFORCEMENT.—An action to enforce a violation of this section may also be brought by the appropriate State attorney general in any appropriate United States district court, or any other court of competent jurisdiction, not later than 3 years after the date on which the violation occurs. An action under this section does not create an independent basis for removal of an action to a United States district court.

"(k) DEFINITIONS.—In this section, the following definitions shall apply:

"(1) LENDER.—The term 'lender' has the same meaning as in section 3500.2 of title 24, Code of Federal Regulations, as in effect on the date of enactment of this section.

"(2) LOAN SERVICER.—The term 'loan servicer' has the same meaning as the term 'servicer' in section 6(i)(2) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(i)(2)).".

SEC. 502. REAL ESTATE SETTLEMENT PROCEDURES.

Section 6(b)(3) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(b)(3)) is amended by adding at the end the following new subparagraph:

"(H) A statement explaining—

"(i) whether the account of the borrower is current, or if the account is not current, an explanation of the reason and date the account went into default;

"(ii) the current balance due on the loan, including the principal due, an explanation of the escrow balance, and whether there are any escrow deficiencies or shortages; and

"(iii) a full payment history of the borrower which shows in a clear and easily understandable manner, all of the activity on the home mortgage loan since the origination of the loan or the prior transfer of servicing, including the escrow account, and the application of payments.".

SEC. 503. EFFECTIVE DATE.

This title and the amendments made by this title shall become effective 90 days after the date of enactment of this Act, and shall apply to loan servicers and loan servicing activities on and after that effective date.

TITLE VI—FORECLOSURE PREVENTION COUNSELING

SEC. 601. FORECLOSURE PREVENTION COUNSELING.

Section 106(d)(6) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(d)(6)) is amended to read as follows:

"(6) FORECLOSURE PREVENTION COUNSELING.—

"(A) NOTIFICATION AT TIME OF SETTLEMENT OF AVAILABILITY OF COUNSELING UPON DELINQUENCY.—

"(i) IN GENERAL.—At the time of settlement of any real estate transaction involving a qualified mortgage, and together with the final signed loan documents, a lender or loan servicer shall provide to each eligible homeowner a plain language statement in conspicuous 16-point type or larger which shall include the following:

"(I) COUNSELING STATEMENT.—A counseling statement that reads as follows:

'If you are more than 30 days late on your mortgage payments, your lender or loan servicer shall notify you of housing counseling agencies approved by the Secretary of Housing and Urban Development that may be able to assist you. Before you miss another mortgage payment, you are strongly encouraged to contact your lender or loan servicer or 1 of these agencies for assistance. If you are more than 60 days late on your mortgage payments, your lender or loan servicer shall send you a second notification containing this information. In addition, if you are more than 60 days late on your mortgage payment, your lender or loan servicer shall notify an approved housing counseling agency so that such agency can contact you regarding any assistance it may be able to provide.

'You can also choose a housing counseling agency from the list provided with this statement to assist you. By calling 1 of these approved housing counseling agencies and signing an authorization form, your agency of choice will notify your lender or loan servicer of your decision.'.

"(II) COUNSELING AGENCY LISTING.—A listing of at least 5 national, State and local housing counseling agencies approved by the

Secretary. It is the responsibility of the lender or loan servicer to ensure that—

"(aa) if fewer than 5 approved housing counseling agencies serve the area where the eligible homeowner is located, all available housing counseling agencies in that area shall be listed; and

"(bb) the list shall include options of housing counseling agencies that provide in-person counseling, as well as telephone counseling.

"(ii) NOTICE.—Any notice required to be sent pursuant to this subparagraph shall be sent by first class mail to the last known address of the eligible homeowner and if different, to the residence which is the subject of the mortgage. The notice shall also be sent by registered or certified mail.

"(B) NOTIFICATION OF AVAILABILITY OF COUNSELING UPON DELINQUENCY AFTER 60 DAYS.—

"(i) IN GENERAL.—Before a lender or loan servicer accelerates the maturity of a mortgage obligation, commences legal action, including mortgage foreclosure to recover under the obligation, or takes possession of a security of the mortgage debtor for the mortgage obligation, the lender or loan servicer is required to give notice to an eligible homeowner in conspicuous 16-point type or larger which shall include the following:

"(I) HOUSING COUNSELING INFORMATION IN NOTICE FORECLOSURE STATEMENT.—A foreclosure notice that includes the following statement (blank lines to be filled in by the lender or loan servicer, as appropriate):

'This is an official notice that the mortgage on your home is in default, and the lender intends to foreclose in _____ days. The name, address, and phone number of housing counseling agencies approved by the Secretary of Housing and Urban Development serving your county are listed at the end of this notice.

'In addition, your lender or loan servicer shall notify such an approved housing counseling agency of your default so that such agency can contact you regarding any assistance it may be able to provide. You have the right to request that your lender or loan servicer not share your information with a housing counseling agency.

'You can also choose an approved housing counseling agency from the list provided with this notice to assist you. By calling one of these approved housing counseling agencies and signing an authorization form, your agency of choice will notify your lender or loan servicer of your decision.'.

"(II) COUNSELING AGENCY LISTING.—A listing of at least 5 State and local housing counseling agencies approved by the Secretary. It is the responsibility of the lender or loan servicer to ensure that—

"(aa) if fewer than 5 approved housing counseling agencies serve the area where the eligible homeowner is located, all available housing counseling agencies in that area shall be listed; and

"(bb) the list shall include options of housing counseling agencies that provide in-person counseling, as well as telephone counseling.

"(ii) NOTICE.—Any notice required to be sent pursuant to this subparagraph shall be sent by first class mail to the last known address of the eligible homeowner and if different, to the residence which is the subject of the mortgage. The notice shall also be sent by registered or certified mail

"(iii) TIMING.—Any notice required to be sent pursuant to this subparagraph shall be sent at such time as the eligible homeowner is at least 60 days contractually delinquent in his or her mortgage payments or is in violation of other provisions of the mortgage.

"(iv) INCLUSION IN ALL FORECLOSURE MAILINGS.—The foreclosure notice and counseling agency listing required under subclauses (I) and (II) of clause (i) shall be included with all foreclosure mailings sent to an eligible homeowner.

"(C) NO FORECLOSURE IF APPLICATION FOR FORECLOSURE PREVENTION SERVICES.—A lender or loan servicer shall not initiate or continue a foreclosure—

"(i) upon receipt of a written confirmation that an eligible homeowner has engaged a housing counseling agency approved by the Secretary for the purposes of receiving foreclosure prevention services and assistance; and

"(ii) for the 45-day period beginning on the date of receipt of such written confirmation.

"(D) DUTIES.—

"(i) DUTY OF LENDER OR SERVICER TO FORWARD INFORMATION.—

"(I) IN GENERAL.—Each lender or loan servicer shall forward the contact information of each eligible homeowner who has borrowed amounts from such lender or loan servicer for a qualified mortgage to a housing counseling agency approved by the Secretary in the event the mortgage payment of that homeowner is or becomes more than 60 days late so that the housing counseling agency can attempt to reach the homeowner.

"(II) PRE-EXISTING RELATIONSHIP.—In the case that an eligible homeowner has a pre-existing relationship with a housing counseling agency approved by the Secretary, or a preference for one agency over another, the homeowner may indicate as such—

"(aa) at the time of settlement of the real estate transaction involving a qualified mortgage issued to that homeowner;

"(bb) by providing written correspondence to the lender or loan servicer for such qualified mortgage stating which housing counseling agency the homeowner would like to work with in case the homeowner should become delinquent in his or her mortgage payments; or

"(cc) by signing an authorization form at the office of such housing counseling agency of choice, which form shall then be sent to the lender or loan servicer.

"(III) RULES OF CONSTRUCTION.—In order to carry out the provisions of this paragraph, lenders and loan servicers may form relationships with housing counseling agencies approved by the Secretary to provide services to eligible homeowners. Notwithstanding the previous sentence, exclusive relationships between any such parties are strictly prohibited.

"(ii) AGENCY REPRESENTATION OF HOMEOWNER.—When a housing counseling agency provides a lender or loan servicer with a signed authorization form to represent an eligible homeowner, the lender or servicer shall respond to requests from that agency for information within 3 days, and to any workout proposals of that agency within 7 days. A lender or loan servicer may not refuse to work with a housing counselor from a housing counseling agency approved by the Secretary, if a signed authorization form an eligible homeowner has been received by that lender or loan servicer (faxed, scanned, and other electronically reproduced authorizations of such authorization form shall also be acceptable).

"(iii) REQUIRED DISCLOSURES TO HOMEOWNER.—Each eligible homeowner shall be informed at the time of settlement of the real estate transaction involving a qualified mortgage issued to that homeowner that under this paragraph a housing counseling agency may provide easier access to assistance in case the homeowner becomes delinquent on his or her mortgage payments and that no information that would make it possible to identify the homeowner will be given to any other entity for any reason without the prior approval of the homeowner.

"(iv) REQUIRED RESOLUTIONS.—A lender or loan servicer shall be required to consider all loss mitigation resolutions for each case of foreclosure initiated by the lender or loan servicer, including the modification of a qualified mortgage to a more permanent, affordable interest rate.

"(v) REQUIRED DISCLOSURES TO HOUSING COUNSELING AGENCIES.—A lender or loan servicer shall disclose to any housing counseling agency approved by the Secretary and authorized to represent an eligible homeowner the name of the originator of the loans as stated in the Pooling and Servicing Agreement, and the name of the pool Trustee.

"(E) REIMBURSEMENTS FOR HOUSING COUNSELING SERVICES.—

"(i) IN GENERAL.—A lender or loan servicer of a qualified mortgage made to an eligible homeowner shall reimburse the housing counseling agency that is authorized to represent the homeowner upon the rendering of services by such agency to the homeowner under this paragraph.

"(ii) REIMBURSEMENT.—A lender or loan servicer shall seek reimbursement for the payment of housing counseling services as described under clause (i) from the Trust, if any, designated in the lender or servicer's Pooling and Servicing Agreement.

"(F) AVAILABILITY OF WAIVER.—

"(i) IN GENERAL.—An eligible homeowner may choose not to receive information regarding State and local housing counseling agencies approved by the Secretary, or to have their information shared with State and local housing counseling agencies, or both, at any time after default. An eligible homeowner may also submit a signed letter to their lender or loan servicer at any time after default to waive their right to receive information regarding State and local housing counseling agencies.

"(ii) LIMITATION ON WAIVER.—The waiver described under clause (i) shall only apply to the receipt of information regarding housing counseling agencies located in the area where the homeowner is located or the sharing of the homeowner's personal information with such agencies. The waiver described under clause (i) shall not apply to the right of the homeowner to seek foreclosure prevention counseling, nor does it relieve the lender or loan servicer of the requirement to notify the homeowner of the availability of counseling as described in this section.

"(G) DEFINITIONS.—In this paragraph, the following definitions shall apply:

"(i) LENDER.—The term 'lender' has the same meaning as in section 3500.2 of title 24, Code of Federal Regulations.

"(ii) LOAN SERVICER.—The term 'loan servicer' has the same meaning as the term 'servicer' as that term is defined in section 6(i)(2) of the Real Estate Settlement Procedures Act (12 U.S.C. 2605(i)(2)).".

TITLE VII—REMEDIES AND ENFORCEMENT

SEC. 701. MATERIAL DISCLOSURES AND VIOLATIONS.

(a) MATERIAL DISCLOSURES.—Section 103(u) of the Truth in Lending Act (15 U.S.C. 1602(u)) is amended by—

(1) striking "material disclosures" and inserting "material disclosures or violations"; and

(2) striking "and the disclosures required by section 129(a)" and inserting "and the provisions of sections 129, 129A, and 129B.".

(b) CONSEQUENCES OF FAILURE TO COMPLY.—Section 129(j) of the Truth in Lending Act (15 U.S.C. 1639(j)) is amended by striking "contains a provision prohibited by" and inserting "violates a provision of".

SEC. 702. RIGHT OF RESCISSION.

(a) TIME LIMIT FOR EXERCISE OF RIGHT.—Section 125(f) of the Truth in Lending Act (15 U.S.C. 1635(f)) is amended by striking "An obligor's right of rescission shall expire three years after the date of consummation" and inserting "An obligor's right of rescission shall extend to 6 years from the date of consummation".

(b) ASSERTION OF RIGHT.—Section 130(e) of the Truth in Lending Act (15 U.S.C. 1640(e)) is amended by inserting after the second sentence the following new sentence: "This subsection shall not bar a person from asserting a right to rescission under section 125 in an action to collect the debt or as a defense to a judicial foreclosure or to stop a nonjudicial foreclosure after the expiration of the time period set forth in section 125(f), but not exceed 10 years from the date of the consummation of the transaction.".

SEC. 703. CIVIL LIABILITY.

(a) IN GENERAL.—Section 130 of the Truth in Lending Act (15 U.S.C. 1640) is amended by—

(1) striking "creditor" and inserting "creditor or mortgage broker" in each place that term appears;

(2) striking "CREDITOR" and inserting "CREDITOR OR MORTGAGE BROKER" in each place that term appears; and

(3) striking "creditor's" and inserting "creditor's or mortgage broker's" in each place that term appears.

(b) STATUTE OF LIMITATIONS EXTENDED FOR SECTION 129, 129A, OR 129B VIOLATIONS.—Section 130(e) of the Truth in Lending Act (15 U.S.C. 1640(e)), as amended by section 702(b), is further amended—

(1) in the first sentence, by striking "Any action" and inserting "Except as otherwise provided in this subsection, any action";

(2) by inserting after the first sentence the following new sentence: "Any action under this section with respect to any violation of section 129, 129A, or 129B may be brought in any United States district court, or in any other court of competent jurisdiction, within 3 years from the date of the occurrence of the violation."; and

(3) in the fifth sentence (as so redesignated) by striking "violation of section 129" and inserting "violation of section 129, 129A, or 129B".

(c) ENFORCEMENT BY STATE ATTORNEYS GENERAL.—An action to enforce a violation of section 129, 129A, or 129B of the Truth in Lending Act, as amended and added by this Act, may also be brought by the appropriate State attorney general in any appropriate United States district court, or any other court of competent jurisdiction, not later than 3 years after the date on which the violation occurs. An action under this subsection does not create an independent basis for removal of an action to a United States district court.

(d) OTHER CHANGES TO CIVIL LIABILITY.—

(1) AMOUNT OF AWARD.—Section 130(a)(2) of the Truth in Lending Act (15 U.S.C. 1640(a)(2)) is amended—

(A) in subparagraph (A)(iii), by—

(i) striking "$200" and inserting "$500";

(ii) striking "$2,000" and inserting "$5,000"; and

(iii) adding before the semicolon at the end the following: ", such amount to adjusted annually based on the consumer price index, to maintain current value."; and

(B) in subparagraph (B), by striking "500,000" and inserting "$5,000,000".

(2) FAILURE TO COMPLY WITH SECTION 129A.—Section 130(a)(4) of the Truth in Lending Act (15 U.S.C. 1640(a)(4)) is amended by inserting "or 129A" after "129".

SEC. 704. LIABILITY FOR MONETARY DAMAGES.

Section 131 of the Truth in Lending Act (15 U.S.C. 1641) is amended by—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

"(f) LIABILITY OF ASSIGNEES FOR MONETARY DAMAGES FOR VIOLATIONS OF SECTIONS 129A AND 129B.—

"(1) SUBPRIME OR NONTRADITIONAL LOANS.—

"(A) INDIVIDUAL ACTIONS.—Notwithstanding subsections (a) and (e), any person who purchases, holds, or is otherwise assigned a mortgage or similar security interest in connection with a subprime or nontraditional home mortgage loan, other than a loan described under section 103(aa), shall be liable in an individual action for remedies available under section 130 for violations of sections 129A and 129B that the consumer could assert against the creditor or mortgage originator originating that mortgage.

"(B) CLASS ACTIONS.—Notwithstanding subsections (a) and (e), any person who purchases, holds, or is otherwise assigned a mortgage or similar security interest in connection with a subprime or nontraditional home mortgage loan, other than a loan described under section 103(aa), shall be liable in a class action for remedies available under section 130 for violations of section 129A that the consumer could assert against the creditor or mortgage originator originating that mortgage, unless such person demonstrates, by a preponderance of the evidence, that a reasonable person exercising ordinary and independent due diligence could not determine that the home mortgage loan was not in compliance with the requirements of section 129A.

"(2) OTHER LOANS.—Notwithstanding subsections (a) and (e), any person who purchases, holds, or is otherwise assigned a mortgage or similar security interest in connection with home mortgage loan other than a loan described under section 103(aa), a subprime, or a nontraditional loan, shall be liable only in an individual action for remedies available under section 130 for violations of section 129B that the consumer could assert against the creditor or mortgage originator originating that mortgage, provided that such liability is limited to the amount of all remaining indebtedness and the total amount paid in connection with the transaction plus amounts required to recover costs, including reasonable attorneys' fees.".

SEC. 705. REMEDY IN LIEU OF RESCISSION FOR CERTAIN VIOLATIONS.

Section 131 of the Truth in Lending Act (15 U.S.C. 1641) is further amended by adding at the end the following new subsection:

"(h) REMEDY IN LIEU OF RESCISSION FOR CERTAIN VIOLATIONS.—At the election of a consumer entitled to rescind for violations of sections 129, 129A, or 129B, any person (including a creditor) who holds, purchases, or is otherwise assigned a mortgage or similar security interest in connection with home mortgage loan—

"(1) may be required to make such adjustments to the balance of the obligation as are required under section 125; and

"(2) shall modify or refinance the loan, at no cost to the consumer, the resulting balance of which shall provide terms that would have satisfied the requirements of sections 129, 129A, or 129B at the origination of the loan and to pay costs and reasonable attorneys fees.".

SEC. 706. PROHIBITION ON MANDATORY ARBITRATION.

Section 131 of the Truth in Lending Act (15 U.S.C. 1641) is further amended by adding at the end the following new subsection:

"(i) RULE OF CONSTRUCTION.—No provision in a home mortgage loan shall be construed to bar a consumer from access to any judicial procedure, forum, or remedy through any court of competent jurisdiction under any provision of Federal or State law.".

SEC. 707. LENDER LIABILITY.

Section 130 of the Truth in Lending Act (15 U.S.C. 1640) is amended by adding at the end the following new subsection:

"(i) LENDER LIABILITY.—

"(1) TRANSITIVE LIABILITY FOR SUBPRIME LOAN.—In any case in which a mortgage broker sells or delivers a high-cost mortgage, a subprime mortgage, or a nontraditional mortgage, a creditor shall be liable for the acts, omissions, and representations made by the mortgage broker in connection with such home mortgage loan.

"(2) TRANSITIVE LIABILITY FOR OTHER LOANS.—In the case of any other home mortgage loan not described under paragraph (1) in which a mortgage broker has received a yield spread premium or other compensation from a creditor, the creditor shall be liable for the acts, omissions, and representations made by the mortgage broker in connection with such home mortgage loan.".

TITLE VIII—OTHER BANKING AGENCY AUTHORITY

SEC. 801. INCLUSION OF ALL BANKING AGENCIES IN THE REGULATORY AUTHORITY UNDER THE FEDERAL TRADE COMMISSION ACT WITH RESPECT TO DEPOSITORY INSTITUTIONS.

(a) IN GENERAL.—Section 18(f) of the Federal Trade Commission Act (15 U.S.C. 57a(f)(1)) is amended—

(1) in paragraph (1)—

(A) in the first sentence—

(i) by striking "banks or savings and loan institutions described in paragraph (3), each agency specified in paragraph (2) or (3) of this subsection shall establish" and inserting "depository institutions and Federal credit unions, the Federal banking agencies and the National Credit Union Administration Board shall each establish"; and

(ii) by striking "banks or savings and loan institutions described in paragraph (3), subject to its jurisdiction" and inserting "depository institutions or Federal credit unions subject to the jurisdiction of such agency or Board";

(B) in the second sentence, by striking "The Board of Governors of the Federal Reserve System (with respect to banks) and the Federal Home Loan Bank Board (with respect to savings and loan institutions described in paragraph (3))" and inserting "Each Federal banking agency (with respect to the depository institutions each such agency supervises)";

(C) in the third sentence—

(i) by striking "each such Board" and inserting "each such banking agency and the National Credit Union Administration Board";

(ii) by striking "banks or savings and loan institutions described in paragraph (3)" each place such term appears and inserting "depository institutions subject to the jurisdiction of such agency";

(iii) by striking "(A) any such Board" and inserting "(A) any such Federal banking agency or the National Credit Union Administration Board"; and

(iv) by striking "with respect to banks, savings and loan institutions" and inserting "with respect to depository institutions"; and

(D) by adding at the end the following: "For purposes of this subsection, the terms 'Federal banking agency' and 'depository institution' have the same meaning as in section 3 of the Federal Deposit Insurance Act.";

(2) in paragraph (3), by inserting "by the Director of the Office of Thrift Supervision" before the period at the end;

(3) in paragraph (4), by inserting "by the National Credit Union Administration" before the period at the end; and

(4) by amending paragraph (5) to read as follows:

"(5) For the purpose of the exercise by the Federal banking agencies described in paragraphs (2) and (3) and the National Credit Union Administration Board described in paragraph (4) of its powers under any Act referred to in those paragraphs, a violation of any regulation prescribed under this subsection shall be considered a violation of a requirement imposed under that Act. In addition to its powers under any provision of law specifically referred to in paragraphs (2) through (4), each of the agencies or the Board referred to in those paragraphs may exercise, for the purpose of enforcing compliance with any regulation prescribed under this subsection, any other authority conferred on it by law.".

(b) PREEMPTION.—Such section 18(f) is further amended by striking paragraph (6) and inserting the following:

"(6) Notwithstanding anything in this subsection or any other provision of law, including the National Bank Act (12 U.S.C. 38 et seq.) and the Home Owners' Loan Act (12 U.S.C. 1461 et seq.), regulations promulgated under this subsection shall be considered supplemental to State laws governing unfair and deceptive acts and practices and may not be construed to preempt any provision of State law that provides equal or greater protections.".

(c) TECHNICAL AMENDMENT.—Such section 18(f) is further amended in paragraph (2)(C), by inserting "than" after "(other".

TITLE IX—MISCELLANEOUS

SEC. 901. AUTHORIZATIONS.

For fiscal years 2008, 2009, 2010, 2011, and 2012, there are authorized to be appropriated to the Attorney General of the United States, a total of—

(1) $31,250,000 to support the employment of 30 additional agents of the Federal Bureau of Investigation and 2 additional dedicated prosecutors at the Department of Justice to coordinate prosecution of mortgage fraud efforts with the offices of the United States Attorneys; and

(2) $750,000 to support the operations of interagency task forces of the Federal Bureau of Investigation in the areas with the 15 highest concentrations of mortgage fraud.

"HOMEOWNERSHIP PRESERVATION AND PROTECTION ACT OF 2007"—KEY PROVISIONS

TITLE I: HIGH COST MORTGAGES

Definition of "High Cost" Mortgage. The legislation tightens the definition of a "high cost mortgage" for which certain consumer protections are triggered. The new definition, which amends the "Home Ownership Equity Protection Act," (HOEPA) is as follows: first mortgages with APRs that exceed Treasury securities by eight (8) percentage points (with a range from 6 to 10 percent); second mortgages with APRs that exceed Treasury securities by ten (10) percentage points (with a range of 8 to 12 percent); or mortgages where total points and fees payable by the borrower are five percent (5 percent) of the total loan amount, or, for smaller loans of less than $20,000, the lesser of eight (8) percentage or $1,000. The bill revises the definition of points and fees to include yield spread premiums and other charges. It allows for up to two bona fide discount points outside of the 5 percent trigger.

The following key protections are triggered for high cost mortgages

No financing of points and fees. The bill prohibits a creditor from directly or indirectly financing any portion of the points, fees or prepayment penalties. These limitations and prohibitions are designed to discourage lenders from "flipping" the mortgage in order to extract additional excessive fees.

Prohibition on prepayment penalties. The bill prohibits the lender from imposing prepayment penalties for high cost loans.

Prohibition of Yield Spread Premiums (YSPs). The bill prohibits YSPs for placing a borrower in a high cost loan that is more costly than that for which the borrower qualifies. Mortgage brokers, who have originated about 70 percent of subprime mortgages, receive higher compensation through YSPs for steering borrowers to these higher cost loans. This bill will eliminate the incentive to "upsell" these borrowers.

Net Tangible Benefit. The originator must determine that a high-cost refinance loan provides a net tangible benefit to the borrower.

Prohibition on balloon payments. The bill prohibits the use of balloon payments.

Limitation on single premium credit insurance. The bill would prohibit the upfront payment or financing of credit life, credit disability or credit unemployment insurance on a single premium basis. However, borrowers are free to purchase such insurance with the regular mortgage payment on a periodic basis, provided that it is a separate transaction that can be canceled at any time.

TITLE II—SUBPRIME AND NON-TRADITIONAL MORTGAGES

Definition of "Subprime Mortgage" and "Nontraditional Mortgage": The legislation creates a new designation in the law for subprime and nontraditional mortgages.

Subprime mortgages. Mortgages that have interest rates that are 3 percentage points higher than Treasury securities of comparable maturities for first mortgages and 5 percentage points for second mortgages. This definition tracks the Federal Reserve Board's definition of subprime lending for the purposes of the Home Mortgage Disclosure Act (HMDA) reporting. In addition, the legislation includes an alternative measure that is designed to prevent capturing too many mortgages when the yield curve is unusually flat.

Nontraditional mortgages. These are mortgages that allow deferral of the payment of interest or principal. Interest-only and payment-option ARMs are the current examples of nontraditional mortgages we see most often.

Requirements for making subprime or nontraditional mortgages

Ability to repay. A mortgage originator must establish that a borrower has the ability to repay the loan based on the fully-indexed rate, assuming full amortization. In making this determination, the originator must consider the borrower's income, credit history, debt-to-income (DTI) ratio, employment status, residual income, and other financial resources.

Require Escrows for Taxes and Insurance. While nearly all prime mortgages include escrows for taxes and insurance, very few subprime loans include such escrows. The legislation would require these escrows for all subprime and nontraditional loans.

Nearly all prime loans include escrows for taxes and insurance. Yet, few subprime mortgages include these escrows. Currently, unscrupulous mortgage originators entice unsophisticated borrowers into taking out abusive loans with promises of lower monthly payments, in part by comparing their current payments, which often include escrows, with proposed loans that do not include escrows in the monthly payments and, therefore, appear lower. Then, when insurance or tax payments are due, the borrowers, who often do not have the resources to pay the taxes, are forced to seek new loans to cover the required payments, generating a whole new set of fees. Lack of escrows, in other words, becomes a tool for "flipping" borrowers into yet another, high-cost loan.

Debt-to-Income Ratio. If a borrower's DTI ratio is greater than 45 percent, a mortgage is assumed to be unaffordable unless the originator can show, at a minimum, sufficient residual income to afford the loan.

The ability to repay standard is largely based on guidance published by the federal regulators in late 2006 and early 2007 and applied to the sub prime and nontraditional mortgage markets.

The following protections apply to borrowers who take out subprime or nontraditional mortgages

No Prepayment Penalties. The legislation will prohibit all prepayment penalties for subprime and nontraditional loans.

Prepayment penalties unfairly trap subprime borrowers in expensive subprime mortgages. These penalties make it cost-prohibitive to refinance into better loans, or strip out equity when the penalty is paid. Studies done by the Center for Responsible Lending (CRL) show that interest rates on subprime loans are no lower for loans with prepayment penalties—the ostensible rationale for these fees—than for loans without these penalties, even after holding credit scores, LTVs, and other factors constant. Moreover, the CRL study shows that the odds of having a loan with a prepayment penalty increases significantly for borrowers who live in minority neighborhoods.

No Yield-Spread Premiums (YSPs). The legislation will prohibit YSPs for subprime and nontraditional loans.

YSPs are payments made by lenders to mortgage brokers, usually without the borrower's knowledge. In exchange for the YSP, the lender charges the borrower a higher interest rate than that for which he could have qualified. The industry justifies YSPs as a way for the borrower to pay the broker's fee and other closing costs without paying cash at the closing table. However, numerous studies have shown that YSPs result in higher costs for consumers. For example, a study done by HUD (while Senator Martinez was Secretary) concluded that half ($7.5 billion) of the $15 billion paid in YSPs at the time of this study "is not passed through . . . to reduce closing costs.". More recent research by HUD indicates that fees tend to rise even as interest rates do—exactly the opposite of what the industry says should happen—and that this effect is more pronounced for minority borrowers. Research sponsored by Freddie Mac also came to the conclusion that borrowers who pay YSPs along with direct fees pay more for loans, all other things being equal.

Net Tangible Benefit. The originator must determine that a high-cost refinance loan provides a net tangible benefit to the borrower.

Remedies

Individual borrowers who get loans in violation of these provisions will be able to rescind (i.e. "unwind") the loans. Alternatively, at the choice of the borrower, the creditor or holder of the loan may cure the loan by making the borrower whole.

Actual damages.

Statutory damages up to $5,000 per loan, regardless of the number of violations per loan (up from $2,000 per loan in current law), plus the sum of finance charges and fees.

Makes mortgage brokers liable for violations of TILA

No class actions for assignees who perform due diligence to ensure they are not buying loans in violation of the law.

As in current law, creditors are subject to class actions for making loans in violation of the law with damages capped at the lesser of 1 percent of net worth or $5 million (current law caps class damages at the lesser of 1 percent of net worth or $500,000).

A key goal of the legislation is to realign the interests of the mortgage production system with the interest of the borrower. In recent years, as many observers have noted, the incentives in the system have worked against the interests of borrowers and resulted in larger loans, at higher rates, with weaker underwriting, and without regard to the ability of the borrower to repay the loans. As The Economist put it:

> Mortgages were written for a fee, sold to investment banks for a fee, then packaged and floated for another fee. At each link in the chain, the fees mattered more than the quality of the loans . . .

To insure that the quality of the loans does matter, a reasonable amount of responsibility for making good loans must travel with the mortgage. The legislation allows for individual actions by borrowers who have been given illegal loans to make themselves whole. There will be no class liability for assignees who exercise due diligence to avoid funding and buying these loans.

Moreover, it is crucial that the burden of curing an illegal loan rest not with the victims, such as Dorothy King, the elderly woman who testified before the Senate Committee on Banking, Housing, and Urban Affairs in February, 2007. The subprime borrower is often more vulnerable, less sophisticated, lower income, and less likely to have access to better lenders. For the subprime borrower, or most any borrower, their home is their chief asset. If the borrower faces the loss of her only real asset through a foreclosure, for instance, as a result of a violation of the law, it is simply not fair to put the burden on her to find a party that can make her whole, spending months in the courts while she faces the loss of her home. The sensible and fair thing to do is to allow her to go to the only party that can give her relief—the note holder. The note holder, which is typically a large institutional entity such as a pension fund, insurance company, hedge fund or the like, is in a far better position to recover from another party who may have caused the problem. In the long run, this process will bring more discipline to the mortgage marketplace, the very kind of discipline that has been missing over the past several years.

TITLE III—ALL MORTGAGES

All home loan borrowers get the following rights and protections:

All mortgage originators—lenders and brokers—owe a duty of good faith and fair dealing to borrowers. The duty of good faith and fair dealing is widespread in state law with regard to the execution of contracts. It would apply that duty to the making of a mortgage contract, which is a new, but reasonable application.

All mortgage originators have to make reasonable efforts to make an advantageous loan to the borrower, considering that borrower's circumstances. For example, this requirement would prohibit a broker or lender from giving an adjustable rate mortgage with a high likelihood of escalating costs to an elderly person on a fixed income.

Mortgage brokers owe a fiduciary duty to their customers. The bill designates mortgage brokers as fiduciaries of borrowers. This means that brokers represent the borrower in the transaction.

Today, brokers typically sell their services by telling borrowers that they will do the shopping for the borrowers. Indeed, the National Association of Mortgage Brokers (NAMB) made the claim on their web site (until they were questioned about it at a Senate Banking Committee hearing) that brokers serve as "mentors" to borrowers to help them through the complex process of getting a loan. An industry publication, *Inside B & C Lending*, described mortgage brokers as being particularly adept at convincing borrowers that they were "trusted advisors" to the borrowers. The bill would simply make the brokers live up to the role they often claim for themselves—that of a fiduciary.

Prohibit steering. Mortgage originators are prohibited from steering borrowers to more costly loans than that for which the borrower qualifies. This provision is designed to counteract the widespread problem of prime quality borrowers being steered into subprime loans. This provision would require originators to notify borrowers that they qualify for higher quality loans, even if the originator does not offer those prime loans.

Over the past several years, there have been estimates that from 20 to 50 percent of subprime borrowers could have qualified for prime loans. The Wall Street Journal ("Subprime Debacle Traps Even Very Credit-Worthy," December 3, 2007) reported on a study it commissioned that found in 2006 that 61 percent of subprime loans went to "people with credit scores high enough to often qualify for conventional loans with far better terms." HMDA data repeatedly shows that minorities are given higher cost loans in disproportionate numbers.

Limitations on Yield-Spread Premiums. Allows YSPs only in the case of no-cost loans. (YSPs for high-cost, subprime, and nontraditional mortgages would be prohibited). Where YSPs are paid, brokers may not receive any other compensation from any other source and prepayment penalties are prohibited.

As discussed above, mortgage brokers argue that YSPs are a way for cash-constrained borrowers to cover closing costs, including the broker fee. However, independent research has consistently shown that mortgage brokers keep at least half or more of the YSPs for themselves. For example, HUD research showed that no more than half of all YSPs went to offset closing costs. Other research commissioned by Freddie Mac, showed that borrowers who paid a combination of direct fees and YSPs paid significantly more in fees than borrowers who got no-cost loans where a broker's compensation came completely from the YSP. Research also indicates that there is a significant racial component to YSPs. Racial minorities pay even more in fees than similarly situated white borrowers.

Limit Low- and No-Documentation Loans. The legislation requires adequate documentation for mortgage loans. However, it gives the Federal Reserve the authority to make exceptions as deemed appropriate, presumably for prime loans.

Remedies

Individual borrowers who get loans in violation of these provisions will be able to rescind (i.e. "unwind") the loans. Alternatively, at the choice of the borrower, the creditor or holder of the loan may cure the loan by making the borrower whole.

Actual damages.

Statutory damages up to $5,000 per loan, regardless of the number of violations per loan (up from $2,000 per loan in current law).

Makes mortgage brokers liable under TILA for violations of TILA.

No class liability for assignees.

TITLE IV—GOOD FAITH AND FAIR DEALING IN APPRAISALS

Requirements for Appraisers

Appraisers owe a duty of good faith and fair dealing to borrowers.

No lender may encourage or influence an appraiser to "hit" a certain value in connection with making a home loan. In addition, a lender may not seek to influence an appraiser's work, nor select an appraiser on the basis of an expectation that he or she will appraise a property at a high enough value to facilitate a home loan.

A crucial cause of the current mortgage meltdown has been inflated appraisals. Many ethical appraisers complain that lenders will only use appraisers who consistently value properties at the levels necessary to allow the loan to close. Appraisers who do not cooperate simply do not get hired. This is particularly detrimental to the homeowner because it leads the homeowner to believe he or she has equity where little or none may exist.

Appraisers must obtain bonds equal to one percent of the value of the homes appraised.

Remedies available to borrowers

Lenders must adjust outstanding mortgages where appraisals exceeded true market value by 10 percent or more.

When an appraisal exceeds market value by 10 percent (plus or minus 2 percent) or more, a borrower has a cause of action against the lender. A consumer who is awarded remedies under this section shall collect from the appraiser's bond.

Actual and statutory damages up to $5,000.

TITLE V—GOOD FAITH AND FAIR DEALING IN HOME LOAN SERVICING

Requirements for mortgage servicers

Mortgage Servicers owe a duty of good faith and fair dealing to borrowers. James Montgomery, former Chairman of Great Western Financial Corporation, and a former director of Freddie Mac, said recently, "Servicers make money on foreclosure," (American Banker, December 4, 2007). This standard would prevent servicers from unfairly profiting from their servicing responsibilities.

Prompt crediting of payments. Servicers must credit all payments on the day received. Payments must first be credited to principal and interest due on the note.

Servicers can employ a scheme called "pyramiding," by which they hold a payment until it is late, use a portion of the payment to cover the late fee, thereby causing the remaining payment to be insufficient. When the next month's payment is made, it is insufficient to cover the previous shortfall and the new payment, generating another penalty fee. The legislation will require both prompt posting of payments and crediting of payments to principal and interest before being charged to late fees or other charges.

All fees must be reasonable and for services actually provided, and only if allowed by the mortgage contract. In addition, an adequate notice and statement is required.

No force-placing of insurance without clear notice to the borrower.

Currently, some servicers claim that the borrower does not have insurance on the property and "force-places" such insurance on the loan. Sometimes, that insurance is purchased from an affiliate; oftentimes the servicer is given a significant commission for doing so. Many times, as was the case with the Fairbanks Capital case settled by the FTC in 2003, the borrowers already had insurance, but were charged for the additional insurance in any case. As with the pyramiding problems, these extra charges could often result in the borrower being put into default.

Prior to initiating foreclosure. a servicer must attempt to implement loss mitigation.

Even in the dire circumstances existing in the mortgage market today, and despite the nearly universal calls for action from regulators, government officials, and consumer advocates, mortgage servicers have been extremely slow to offer meaningful alternatives to foreclosure for most borrowers. In fact, according to Moody's, only 1 percent of subprime ARM borrowers have received any loan modifications during the current crisis. Furthermore, a new study shows how servicers use the foreclosure process to make additional fees from the troubled borrowers, even borrowers in bankruptcy. These conclusions are consistent with practices uncovered by the FTC in its 2003 investigation of mortgage servicing practices of Fairbanks Capital, one of the largest subprime mortgage servicers at the time. This provision will insure that adequate loss mitigation is offered to the borrower prior to foreclosure.

Require servicers to report their loss mitigation activities.

In order to see which servicers are meeting their requirements under this provision, the legislation will require public reporting of loss mitigation activities. The lack of responsiveness in the current crisis indicates how important public accountability is to maximize the number of homes saved.

Remedies

Actual and statutory damages (up to $5,000).

TITLE VI—FORECLOSURE PREVENTION COUNSELING

Require that borrowers be notified of availability of foreclosure prevention counseling both at closing and upon default.

Require servicers, with the consent of the borrower, to forward the borrower's name to a HUD-authorized foreclosure counselor upon default.

It is widely agreed that reluctance by delinquent borrowers to respond to communications from the lender or servicer reduces the effectiveness of loss mitigation. The legislation will help expedite contact with the borrower by having it come from a 3rd party counselor.

The servicer must reimburse the counselor for its work.

Once a borrower is working with an approved housing counselor, the servicer may not initiate foreclosure for 45 days to give the parties an opportunity to work out a mutually agreeable solution.

TITLE VI—REMEDIES

Description of remedies are listed in each relevant title.

TITLE VIII—GIVE THE FDIC AND OCC UDAP RULEMAKING AUTHORITY.

Currently, only the Federal Reserve may issue a regulation establishing standards for determining unfair or deceptive acts or practices (UDAP) for banks. The Office of Thrift Supervision has the authority to do this for thrifts, and has indicated its intention of issuing such a rule. This provision would give other banking regulators the same authority. These regulators have requested this authority, and have indicated that they are willing to act.

OTHER PROVISIONS

The Federal Reserve Board will be responsible for writing regulations to implement this Act.

The Act takes effect 6 months after date of enactment.

The legislation provides protections for renters in foreclosed homes.

The legislation authorizes additional appropriations to the FBI to fight mortgage fraud.

By Mr. COLEMAN (for himself and Mr. LEAHY):

S. 2455. A bill to provide $1,000,000,000 in emergency Community Development Block Grant funding for necessary expenses related to the impact of foreclosures on communities; to the Committee on Banking, Housing, and Urban Affairs.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2455

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Foreclosure Assistance Act of 2007".

SEC. 2. ADDITIONAL EMERGENCY CDBG FUNDING.

(a) APPROPRIATION.—There are authorized to be appropriated, and shall be appropriated, $1,000,000,000, to remain available until expended, for assistance to States, metropolitan cities, and urban counties (as those terms are defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302)) in carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.)—

(1) for necessary expenses related to the impact of housing foreclosures, and other related economic and community development activities; and

(2) to provide foreclosure-based rental assistance for individual renters in the form of relocation assistance.

(b) LIMITATION.—

(1) IN GENERAL.—Except for counseling services none of the amounts appropriated under subsection (a) may be provided, directly or indirectly, to an individual homeowner for foreclosure prevention purposes, including for refinancing assistance, loans, or any other form of financial assistance. Such funds may be provided directly to a certified housing counseling service, which shall be considered as a subrecipient of such grant amounts.

(2) DEFINITION.—For purposes of paragraph (1), the term "certified housing counseling service" means a housing counseling agency approved by the Secretary of Housing and Urban Development pursuant to section 106(d) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(d)).

SEC. 3. INCREASED PUBLIC SERVICES REQUIREMENT CAP.

For purposes of this Act, paragraph (8) of section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)) shall apply to the use of all funds appropriated or otherwise made available under this Act by substituting—

(1) "25 per centum" for "15 per centum" each place that term appears; and

(2) "25 percent" for "15 percent" each place that term appears.

SEC. 4. LOW AND MODERATE INCOME REQUIREMENT.

At least 50 percent of the funds appropriated or otherwise made available under this Act shall benefit primarily persons of low- and moderate-income.

SEC. 5. PLANS AND REPORTS.

(a) COMPREHENSIVE PLAN.—None of the funds appropriated or otherwise made available under this Act shall be used by any State, metropolitan city, or urban county until such time as that State, metropolitan city, or urban county submits to the Secretary of Housing and Urban Development, for approval by the Secretary, a comprehensive plan detailing the proposed use of all such funds.

(b) REPORT ON USE OF FUNDS.—During the period of time that funds are being expended under this Act, each State, metropolitan city, or urban county receiving funds under this Act shall submit, on a quarterly basis, a report to the Secretary of Housing and Urban Development describing and accounting for the use of all such funds expended during the applicable period.

SEC. 6. WAIVERS.

(a) GENERAL WAIVER.—In administering funds appropriated or otherwise made available under this Act, the Secretary of Housing and Urban Development shall waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of such funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by a State, metropolitan city, or urban county that such waiver is required to facilitate the use of such funds, and a finding by the Secretary that such waiver would not be inconsistent with the overall purpose of the statute.

(b) LOW AND MODERATE INCOME REQUIREMENT WAIVER.—The Secretary of Housing and Urban Development may waive, upon the request of a State, metropolitan city, or urban county, the 50 percent requirement described under section 4. Such waiver shall, in the discretion of the Secretary, only be granted if a compelling need is demonstrated.

(c) PUBLIC SERVICES CAP.—The Secretary of Housing and Urban Development may waive, upon the request of a State, metropolitan city, or urban county, the public service requirement cap described under section 3. Such waiver shall, in the discretion of the Secretary, only be granted if a compelling need is demonstrated.

(d) OTHER WAIVER PROVISIONS.—

(1) PUBLICATION IN THE FEDERAL REGISTER.—The Secretary of Housing and Urban Development shall publish in the Federal Register any waiver of any statute or regulation authorized under this section not later than 5 days before the effective date of such waiver.

(2) REVIEW OF WAIVER.—Each waiver granted under this section by the Secretary of Housing and Urban Development shall be reconsidered, and if still necessary reauthorized by the Secretary, not later than 2-years after the date on which such waiver was first published in the Federal Register pursuant to paragraph (1).

(3) NOTIFICATION OF COMMITTEES.—The Secretary of Housing and Urban Development shall notify the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives of any waiver granted or denied under this section not later than 5 days before such waiver is granted or denied.

SEC. 7. NONCOMPLIANCE WITH COMMUNITY DEVELOPMENT REQUIREMENTS.

For purposes of this Act, the provisions of section 111 of the Housing and Community Development Act of 1974 (42 U.S.C. 5311)(relating to noncompliance) shall apply to the use of all funds appropriated or otherwise made available under this Act.

SEC. 8. GAO AUDIT.

The Comptroller General of the United States shall—

(1) conduct an audit of the expenditure of all funds appropriated under this Act in accordance with generally accepted government auditing standards; and

(2) submit a report detailing such audit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

SEC. 9. REPORTS.

The Secretary of Housing and Urban Development shall report, on a quarterly basis, to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives on—

(1) the use of funds appropriated or otherwise made available under this Act, including—

(A) the number of households receiving counseling and rental assistance;

(B) the outcomes of such assistance activities;

(C) the names of those certified housing counseling service providing counseling assistance pursuant to this Act; and

(D) such other information as the Secretary may deem appropriate; and

(2) all steps taken by the Secretary to prevent fraud and abuse of such funds.

By Mr. REID (for Mrs. CLINTON (for herself and Mr. ROBERTS)):

S. 2456. A bill to amend the Public Health Service Act to improve and secure an adequate supply of influenza vaccine; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, today I join my colleague, Senator PAT ROBERTS, in introducing the Influenza Vaccine Security Act. Senator ROBERTS and I first introduced this legislation during the 109th Congress, in response to seasonal flu vaccine shortages, as well as the growing awareness of the need for pandemic flu preparedness. Some of these provisions were incorporated into law, but the overall need to address problems in education, tracking, and distribution related to seasonal influenza vaccine have not changed.

About 36,000 Americans die from the flu every year, and 200,000 more are hospitalized due to complications from the flu. These complications and deaths are largely preventable with a simple flu shot. Yet the process of getting a flu shot is not always simple. Since 2000, our Nation has experienced multiple shortages of flu vaccine prior to Thanksgiving, when demand is highest. What we have also experienced—and what received less attention—is the fact that at the end of the flu season, we often have surpluses. The millions of doses that were in such high demand earlier in the season go unused. We need to bring some stability into the vaccine market, to ensure that we have vaccine at periods of high demand, and also sustain demand beyond the limited early-season period.

The Influenza Vaccine Security Act will help create a stable flu vaccine market for manufacturers by increasing coordination between the public and private sectors so that we can set targets and procedures for dealing with both shortages and surpluses before they hit. It will also create a buyback provision so that we can direct late-season surplus vaccine to public health and bioterrorism prevention efforts, instead of having it go to waste. The legislation will increase demand for vaccine by improving education and outreach to populations with historically low rates of influenza vaccination.

Of course, vaccines do us no good if they can't get to the people who need them, and in past shortages, we had problems matching existing stocks of vaccine to the high priority populations, like senior citizens, who needed vaccines right away. The Influenza Vaccine Security Act also sets up a tracking system so the CDC and state and local health departments can share the information they need to ensure that high priority populations will have access to vaccines. This tracking system is critical and will provide fundamental infrastructure necessary not only to deal with our annual flu season, but avian or other pandemic outbreaks.

This legislation is supported by Trust for America's Health, the American Lung Association, the American Public Health Association, the National Association of County and City Health Officials, the American Academy of Pediatrics, the American Academy of Physician Assistants, the American College of Occupational and Environmental Medicine, the Association of American Medical Colleges, the Association for Professionals in Infection Control and Epidemiology, the Allergy & Asthma Network, Mothers of Asthmatics, the Asthma and Allergy Foundation of America, the Center for Biosecurity at the University of Pittsburgh Medical Center, the Center for Infectious Disease Research & Policy, the Immunization Coalition of Washington, DC, and the Service Employees International Union.

Mr. President, I ask unanimous consent to have letters of support printed in the RECORD.

There being no objection, the material was ordered to be placed in the RECORD, as follows:

DECEMBER 11, 2007.

Hon. HILLARY CLINTON,
U.S. Senate,
Washington, DC.
Hon. PAT ROBERTS,
U.S. Senate,
Washington, DC.

DEAR SENATORS CLINTON AND ROBERTS: The undersigned organizations join in thanking you for your leadership in protecting our nation's health. By introducing the Influenza Vaccine Security Act of 2007, you address one of the most critical issues confronting the public's health in the United States—the challenge of ensuring an adequate and timely influenza vaccine supply. According to the Centers for Disease Control and Prevention (CDC), the seasonal flu claims as many as 36,000 lives each year and results in more than 200,000 hospitalizations. These numbers could skyrocket in the case of an influenza pandemic.

The introduction of the Influenza Vaccine Security Act is an important step toward improving the U.S. response to outbreaks of seasonal flu. Among its provisions, the legislation provides incentives to manufacturers to enter the U.S. flu vaccine market and expand production capacity, increases funding for vaccine research and development, and increases flu surveillance and outreach, coordination, and education. Also, public health officials must have the flexibility to provide the medication where outbreaks are most severe. Your bill provides the Secretary of Health and Human Services with the ability to prioritize vaccine distribution to high-risk populations and to ensure geographic equity.

In addition to preparation for seasonal flu, the legislation takes important steps to prevent and respond to a severe flu pandemic. We applaud the emphasis on outreach, as the efficient, widespread distribution of seasonal flu vaccines would allow healthcare providers to conduct exercises to prepare for the event of a severe flu pandemic. In addition, the provision allowing unused vaccines to be redeployed to state and local health departments for mass vaccination exercises will also be useful in preparation for an influenza pandemic. Finally, allowing the Secretary to purchase antiviral medications and N–95 respirator masks and encouraging stockpiling of pediatric countermeasures will be critical to treating and minimizing the effects of a pandemic influenza outbreak.

Prevention is the key to protecting and saving American lives from seasonal flu outbreaks. Again, we want to commend your leadership and thank you for introducing this very important public health bill.

Sincerely,

American Academy of Pediatrics; American Academy of Physician Assistants; American College of Occupational and Environmental Medicine; Association of American Medical Colleges; Association for Professionals in Infection Control and Epidemiology; Allergy & Asthma Network Mothers of Asthmatics; Asthma and Allergy Foundation of America; Center for Biosecurity, University of Pittsburgh Medical Center; Center for Infectious Disease Research & Policy; Immunization Coalition of Washington, DC; Service Employees International Union; Trust for America's Health.

AMERICAN PUBLIC HEALTH ASSOCIATION,
Washington, DC, December 3, 2007.
Hon. HILLARY CLINTON,
U.S. Senate,
Washington, DC.
Hon. PAT ROBERTS,
U.S. Senate,
Washington, DC.

DEAR SENATORS CLINTON AND ROBERTS: On behalf of the American Public Health Association (APHA), the oldest and most diverse organization of public health professionals in the world, dedicated to protecting all Americans, their families and communities from preventable, serious health threats and assuring community-based health promotion and disease prevention activities and prevention health services are universally accessible in the United States, I write to thank you for your attention to and leadership on the important public health issue of influenza. The Influenza Vaccine Security Act is an important step to ensuring that the country has an adequate supply of vaccine for seasonal flu and addresses important issues related to pandemic influenza.

We are pleased your legislation contains provisions to increase the production of seasonal influenza vaccine that will improve public health, as well as a provision expanding the current influenza surveillance system. Improved surveillance is not only important for seasonal influenza, but is vital to an early, rapid response to an influenza pandemic. APHA applauds the inclusion of a provision directing the Secretary of Health and Human Services to increase the supply of antiviral medications and N-95 respirator masks to ensure sufficient supply for responders and children. In addition, we support the creation of a tracking system for vaccine distribution, with a focus on ensuring that vaccine is distributed to high priority populations. Finally, your legislation would increase outreach and education and improve its coordination, especially the focus on increasing vaccination rates among providers and medically underserved communities. We believe this is a critical step in eliminating disparities in this area.

Thank you again for your leadership on this important public health issue. We look forward to working with you as the Influenza Vaccine Security Act moves through the legislative process. If you have any questions or need additional information, please contact me or have your staff contact Don Hoppert or Michealle Carpenter.

Sincerely,

GEORGES C. BENJAMIN,
Executive Director.

AMERICAN LUNG ASSOCIATION,
New York, NY, December 4, 2007.
Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: The American Lung Association strongly supports your Influenza Vaccine Security Act of 2007. Thank you for recognizing the importance of prevention in saving lives from annual flu outbreaks. Once enacted into law, this legislation will confront a pressing public health issue in the United States—establishing a continuous and adequate supply of influenza vaccine. It will also allow the United States to take initiative in improving its response to outbreaks, such as accelerating participation in the global influenza pandemic prevention effort.

According to the Centers for Disease Control and Prevention (CDC), the seasonal flu takes the lives of 36,000 people every year. Such alarming numbers can have an effect on the public health of the United States, as well as impact health care costs. The American Lung Association is confronting this issue through our national Faces of Influenza public awareness campaign, which urges Americans to get their annual influenza vaccination. The Lung Association also provides a free, online Flu Clinic Locator, making it easier for the American public to find flu shot clinics in their local area.

The Influenza Vaccine Security Act of 2007 addresses many issues associated with influenza prevention and treatment. This legislation offers vaccine manufacturers important incentives to enter the U.S. flu vaccine market, expand their production capacity, increase surveillance and outreach efforts and coordination, and boost funding for ongoing research and development of vaccines. This legislation also provides the U.S. Secretary of Health and Human Services the authority to prioritize the distribution of vaccines, particularly among at-risk groups.

Your legislation also recognizes the importance of ensuring that unused vaccines be redeployed to state and local health departments. These provisions will be critical in responding to domestic outbreaks and preparing for an influenza pandemic.

The American Lung Association commends your efforts regarding this high-priority concern and looks forward to working with you to see the Influenza Vaccine Security Act of 2007 enacted into law.

Sincerely,

BERNADETTE A. TOOMEY,
President and CEO.

NATIONAL ASSOCIATION OF COUNTY & CITY HEALTH OFFICIALS,
Washington, DC, December 11, 2007.
Hon. HILLARY RODHAM CLINTON,
Senate Office Building,
Washington, DC.
Hon. PAT ROBERTS,
Senate Office Building,
Washington, DC.

DEAR SENATORS CLINTON AND ROBERTS: I am writing today on behalf of the National Association of County and City Health Officials (NACCHO) to endorse the Influenza Vaccine Security Act of 2007.

This bill would begin to address uncertainty in influenza vaccine supply. NACCHO believes that federal vaccine policy must explicitly recognize, support, and strengthen the unique roles of governmental public health agencies in monitoring vaccine availability at the local level, assuring that immunizations are received by the most vulnerable and high-risk populations, and intervening to correct maldistribution, particularly during shortages and supply disruptions. Tracking influenza vaccine supplies would assist local health departments to learn which end-users may have excess vaccine that they are willing to donate or sell so that it can be reallocated voluntarily to nursing homes, health departments, visiting nurses, or any other entity that serves a high-risk population. During the 2004-2005 flu season, NACCHO and local health departments learned many lessons about what information is needed when vaccine shortages occur. We appreciate the inclusion of a tracking system in your bill that has potential to collect data at the local level and provide estimates of supply on a county by county basis. The funding authorized in your bill will provide a good start on a national system of tracking influenza vaccine supply, which will help prevent illness and death when supply shortages or disruptions occur.

We also appreciate the inclusion in your bill of demonstration grants to enhance the infrastructure of public health departments and health care providers in order to improve their ability to report and track influenza vaccine supply. The ability of local health departments to serve their communities will also be strengthened by the influenza vaccine education and outreach grants included in the Influenza Vaccine Security Act of 2007.

The shortages and maldistribution of influenza vaccine is a critical issue that our nation will undoubtedly face again in the future. This legislation would provide important tools to help ensure that individuals that need influenza vaccine are protected in the future. Thank you for your past support of local public health. The nation's local health departments look forward to continuing to work with you to safeguard the public's health.

Sincerely,

PATRICK M. LIBBEY,
Executive Director.

By Mr. BINGAMAN (for himself, Mrs. DOLE, Mr. DURBIN, Mrs. FEINSTEIN, Ms. STABENOW, Mr. SALAZAR, Mr. KERRY, Mr. BROWN, Mrs. MCCASKILL, Mr. SCHUMER, Mrs. BOXER, Mr. LEVIN, Mr. BAYH, Mr. BURR, Mr. MARTINEZ, Mrs. CLINTON, Mr. PRYOR, Mr. LEAHY, Mrs. LINCOLN, Mrs. HUTCHISON, Mr. CHAMBLISS, Mr. ROCKEFELLER, Mr. ISAKSON, and Mr. BOND):

S. 2460. A bill to extend by one year the moratorium on implementation of a rule relating to the Federal-State financial partnership under Medicaid and the State Children's Health Insurance Program and on finalization of a rule regarding graduate medical education under Medicaid and to include a moratorium on the finalization of the outpatient Medicaid rule making similar changes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today with my colleagues Senators DOLE, DURBIN, FEINSTEIN, STABENOW, SALAZAR, KERRY, BROWN, MCCASKILL, SCHUMER, BOXER, LEVIN, BAYH, BURR, MARTINEZ, CLINTON, PRYOR, LEAHY, LINCOLN, HUTCHISON, CHAMBLISS, ROCKEFELLER, and ISAKSON to introduce legislation vitally important to the ability of our States to continue to fund their Medicaid programs and ensure access to health care services for low-income constituents. The legislation would extend the existing 1 year moratorium for an additional year on a CMS rule limiting Medicaid payments to public and teaching hospitals as well as the ability of States to fund critical healthcare programs for rural residents such as through Sole Community Hospital programs.

On January 18, 2007, the Centers for Medicare and Medicaid Services, CMS, published a proposed rule entitled "Medicaid Program; Cost Limit for Providers Operated by Units of Government and Provisions to Ensure the Integrity of Federal- State-Financial Partnership" that would make sweeping changes to public and other safety net provider payment and financing arrangements with State Medicaid programs. The proposed rule would: impose a cost limit on Medicaid payments to public and other safety net providers; impose a new Federal definition of public provider status; and, greatly restrict the sources of non-Federal share funding through intergovernmental transfers, IGTs, and certified public expenditures, CPEs.

National advocates report that over 400 comment letters were submitted to CMS on the proposed rule, none of which expressed support for the rule and the overall majority of which called for its withdrawal. In addition, a budget neutral reserve fund to block this regulation was introduced by me and approved by the Senate this year.

CMS subsequently issued an additional regulation that would force billions of dollars in additional Medicaid payment reductions to teaching hospitals, many of whom are public hospitals, hampering the ability of those providers to provide essential services including the education of the next generation of medical professionals despite a shortage of medical professionals. The proposed regulations would cut at least $5 billion in Medicaid funding for safety net hospitals nationwide over 5 years—weakening their effectiveness for all of us and jeopardizing the health of millions of vulnerable children and families.

In response to these rules, 66 Senators and 283 Members of the House have gone on record in opposition to the rules since they were released earlier this year. This includes a majority of the Finance Committee including Senators: ROBERTS, SNOWE, SMITH, ROCKEFELLER, KERRY, BINGAMAN, SALAZAR, STABENOW, WYDEN, LINCOLN, SCHUMER, and CANTWELL.

Furthermore, Congress showed its strong opposition to the rules by including a one-year moratorium in the recent supplemental appropriations bill, P.L. 110–28. The moratorium prohibits implementation of the rules for one year from the date of enactment of the supplemental. The supplemental was negotiated extensively by Congress and the White House and a deal was reached on May 23. On May 25—the day the President signed the supplemental, and the moratorium, into law—the administration put the final rule on display and published it in the Federal Register on May 29. The most damaging components of the proposed rule remain in the final rule, including Medicaid cuts limiting public and other safety net providers to cost.

Since then, CMS has issued a third rule of major concern to public and teaching hospitals. On September 28, 2007, CMS released a new proposed rule governing the calculation of the Medicaid outpatient upper payment limit, UPL. Many believe this action was in violation of the current moratorium enacted by Congress. For example, the outpatient regulation would exclude GME costs from the calculation of the Medicaid Outpatient UPL for all hospitals and would also eliminate many ancillary services from the UPL calculation for all-inclusive rate providers.

Major Medicaid reforms require a congressional role. By rushing to publish a final regulation, CMS has disregarded congressional opposition and attempted to usurp Congress's role. In addition, the status quo is now the administration's new policy, not what existed when Congress was in the process of enacting the moratorium. CMS's action requires states to prepare for implementation of the regulation and expend administrative resources to do so—all of this before Congress has the opportunity to address the key policy issues contained in the regulation.

I urge my colleagues to join me in supporting this important legislation.

Mr. President, I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

There being no objection, the material was ordered to printed in the RECORD, as follows:

S. 2460

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF MORATORIUM ON IMPLEMENTATION OF RULE RELATING TO THE FEDERAL-STATE FINANCIAL PARTNERSHIP UNDER MEDICAID AND SCHIP AND ON FINALIZATION OF A RULE RELATING TO THE TREATMENT OF GRADUATE MEDICAL EDUCATION UNDER MEDICAID; MORATORIUM ON THE FINALIZATION OF THE OUTPATIENT MEDICAID RULE MAKING SIMILAR CHANGE.

(a) FINDINGS.—Congress makes the following findings:

(1) A proposed rule was published on January 18, 2007, on pages 2236 through 2248 of volume 72, Federal Register, and a rule purporting to finalize that rule was published on May 29, 2007, on pages 29748 through 29836 of volume 72, Federal Register (relating to parts 433, 447, and 457 of title 42, Code of Federal Regulations). This rule would significantly change the Federal-State financial partnership under the Medicaid and the State Children's Health Insurance Programs by—

(A) imposing a cost limit on payments made under such programs to governmentally operated providers;

(B) limiting the permissible sources of the non-Federal shares required under such programs and the types of entities permitted to contribute to such shares; and

(C) imposing new requirements on participating providers and States under such programs.

(2) A proposed rule was published on May 23, 2007, on pages 28930 through 28936 of volume 72, Federal Register (relating to parts 438 and 447 of title 42, Code of Federal Regulations) that would significantly change the scope of permissible payments under Medicaid by removing the ability for States to make payments related to graduate medical education.

(3) Permitting these rules to take effect would drastically alter the Federal-State financial partnership in Medicaid and the State Children's Health Insurance Programs, undermine the discretion traditionally accorded States, and have a negative impact on States, providers, and beneficiaries in the following manner:

(A) Implementation of the rule regarding the Federal-State financial partnership would force billions of dollars of payment reductions, thus hampering the ability of impacted providers to provide essential services including allowing those providers to be ready and available for emergency situations and to provide care to the increasing numbers of uninsured.

(B) Implementation of the rule regarding graduate medical education would force billions of dollars in payment reductions to teaching hospitals, thus hampering the ability of those providers to provide essential services including the education of the next generation of medical professionals despite a shortage of medical professionals.

(4) By including a one-year moratorium in the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007, Congress intended to forestall administrative action to allow itself time to assess the proposals and consider alternatives that would not negatively impact States, providers, and beneficiaries.

(5) After Congressional approval of the moratorium contained in the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007, the Centers for Medicare & Medicaid Services on May 25, 2007, submitted for publication its final rule, which was not significantly different from the January proposed regulation.

(6) The publication of a final rule in May regarding the Federal-State financial partnership was not anticipated by Congress and accelerates the negative impact on States, providers, and beneficiaries, thus undermining the intent of the moratorium passed by Congress.

(7) The publication of a proposed rule in May regarding graduate medical education was not anticipated by Congress and undermines the intent of the moratorium passed by Congress.

(8) A proposed rule was published on September 28, 2007, on pages 55158 through 55166 of volume 72, Federal Register (relating to parts 440 and 447 of title 42, Code of Federal Regulations) that would significantly change

the scope of permissible payments under Medicaid by redefining outpatient hospital services and dictating methodologies for calculation of the outpatient services upper payment limit.

(9) Congress did not anticipate continued changes after the moratorium to reduce state flexibility to make adequate Medicaid payments.

(10) Expansion and extension of the moratorium is necessary to effectuate Congressional intent.

(b) EXTENSION OF PROHIBITION.—Section 7002(a)(1) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007 (Public Law 110–28) is amended—

(1) by striking "1 year" and inserting "2 years",

(2) by inserting "or (D)" after "described in subparagraph (A)" in subparagraph (B);

(3) by striking "or" at the end of subparagraph (B);

(4) by striking the period at the end of subparagraph (C) and inserting "; or"; and

(5) by inserting at the end the following:

"(D) finalize or otherwise implement provisions contained in the proposed rule published on September 28, 2007, on pages 55158 through 55166 of volume 72, Federal Register (relating to parts 440 and 447 of title 42, Code of Federal Regulations).".

U.S. SENATE,
Washington, DC, March 16, 2007.

Hon. MICHAEL O. LEAVITT,
Secretary, U.S. Department of Health and Human Services, Washington, DC.

DEAR SECRETARY LEAVITT: We are writing to express our strong opposition to the Medicaid changes contained in the Proposed Rule CMS–2258–P, which was issued on January 18, 2007, As you know, bipartisan objections to the changes called for in this proposed rule have been raised by Congress and our nation's Governors since 2005. We urge you to withdraw this rule immediately.

The Medicaid program is the foundation of our health care safety net. As our nation's largest insurer, it provides access to meaningful and affordable health care for more than 50 million people. It also keeps hospitals, doctors, nursing homes, and clinics operating in our communities. Without this critical source of funding, many providers would not be able to afford to offer high-quality health care, especially in rural areas.

Since its enactment in 1965, Medicaid has been a federal-state partnership. The federal government has worked together with the states to ensure health care coverage and access for the most vulnerable Americans—children, pregnant women, the elderly and the disabled. This shared responsibility has been paramount, with states implementing the program within broad federal guidelines.

The new proposed rule would usurp state flexibility and fundamentally alter the nature of state funding for the Medicaid program. We are particularly concerned with three aspects of the proposed rule: (1) the new definition of a "unit of government;" (2) the restrictions placed on states' ability to fund their share of Medicaid expenditures; and (3) the "cost" limit imposed on Medicaid provider payments. We are also alarmed by CMS' refusal to provide any state-specific data on the impact of this proposed rule, which we believe could be much greater than a $5 billion reduction in federal Medicaid spending.

The new definition of a "unit of government" contained in the proposed rule is at odds with the definition adopted by Congress in Title XIX (Section 1903(w)(7)(G)), as described in House Report 102–310. The proposed rule adopts a federal definition in which only those governmental entities with taxing authority would be deemed governmental enough to contribute to the non-federal share of Medicaid expenditures. This is not what Congress intended. The statutory definition of a "unit of government" respects the fundamental right of states to establish subdivisions to suit their needs and best carry out governmental functions. In the case of Medicaid, federal law grants states the authority and flexibility to provide health care through the most efficient and effective methods possible. In most states, this means that state university hospitals, public nursing homes, school-based health centers, and other providers become an essential part of the governmental health care infrastructure. We believe the narrow definition of "unit of government" proposed by this new rule would lead to substantial cuts for public providers and limit access to the vital health care services that millions of Americans depend upon.

Similarly, CMS is also singling out public providers by restricting the type of public funds that can be used to finance the state share of Medicaid expenditures. Under the proposed rule, only funding derived from state and local taxes would be allowed to fund the state share. By your agency's own admission, inappropriate federal matching arrangements have been largely eliminated over the last three years through CMS' oversight activities. Given these activities, it is unclear why the new restriction on public funds is necessary or how it will further the overall efforts of CMS to reduce Medicaid fraud and abuse.

Furthermore, this aspect of the proposed rule also seems to contradict federal law. Section 1902(a)(2) of the Social Security Act allows states to rely on "local sources" for up to 60 percent of the non-federal share of program expenditures. Current law does not limit the types of local sources that may be used to only those sources derived from tax revenue. Such a policy shift would hamper states abilities to fund their Medicaid programs, and we question CMS' authority to pursue such a far-reaching policy change.

Finally, we are concerned about the cost limit imposed on public providers by this proposed rule. Under current regulations, states are permitted to provide Medicaid reimbursement to hospitals and other providers up to the amount that would be payable using Medicare payment policies. The proposed rule would reduce that limit to Medicaid costs for governmental providers only, with no concurrent change for private providers. Public providers, who disproportionately serve the uninsured, should not be subject to a more restrictive cost limit than private providers. Such a reimbursement policy would have an adverse impact on system-wide health care needs, such as trauma care, school-based health care and medical education.

We understand and respect the efforts of CMS to ensure that the Medicaid program is operating on a fiscally sound and responsible basis; however, we believe the proposed rule has gone far beyond what is necessary to secure fiscal integrity. Instead, the proposed rule would undermine both the federal-state partnership and the shared goal of ensuring health care coverage and access, which are the hallmarks of the Medicaid program.

While we are willing to work with you and CMS to strengthen Medicaid, fundamental changes in Medicaid's financing and payment mechanisms as envisioned in this rule can only be adopted by Congress. For this reason, we request that you withdraw the regulation.

We thank you for your prompt consideration of and attention to this request. We also ask that our comments be placed in the public record of the rulemaking.

Sincerely,

Senators John D. Rockefeller, IV, Gordon H. Smith, Jeff Bingaman, Richard Durbin, John Kerry, Barack Obama, Hillary Rodham Clinton, Barbara Boxer, Edward M. Kennedy, Susan Collins, Johnny Isakson, Elizabeth Dole, Kay Bailey Hutchison, Thad Cochran, Pete Domenici, Richard Shelby.

Senators Ken Salazar, Dianne Feinstein, Bill Nelson, Jim Webb, Debbie Stabenow, Robert Menendez, Evan Bayh, Olympia Snowe, Saxby Chambliss, Richard Burr, Wayne Allard, Christopher Bond, Pat Roberts, John Warner.

Senators Ron Wyden, Carl Levin, Joseph Lieberman, Sherrod Brown, Charles Schumer, Harry Reid, Joseph Biden, Bernard Sanders, Blanche Lincoln, Mark Pryor, Frank Lautenberg, Russell Feingold, Maria Cantwell, Tom Harkin.

Senators Daniel Akaka, Barbara Mikulski, Christopher Dodd, Patrick Leahy, Patty Murray, Arlen Specter, Daniel Inouye, Amy Klobuchar, Benjamin Cardin, Claire McCaskill, Jon Tester, Herb Kohl, Robert Casey, Jr., Mary Landrieu, Norm Coleman, Sheldon Whitehouse.

By Mr. AKAKA (for himself, Mr. DODD, and Mr. OBAMA):

S. 2462. A bill to provide that before the Secretary of Defense may furlough any employee of the Department of Defense on the basis of a lack of funds, the Secretary shall suspend any nonessential service contract entered into by the Department of Defense, and for other purposes; to the Committee on Armed Services.

Mr. AKAKA. Mr. President, for the last few weeks, the administration has increased its rhetoric about a looming budget shortfall at the Department of Defense unless Congress passes an emergency spending bill. Most recently, the President threatened to lay off hundreds of thousands of Federal workers at DoD to make up for any shortfalls. This is simply unacceptable.

The Pentagon said as late as last week that the Department has sufficient funds in order to keep our fighting men and women in Iraq and Afghanistan supplied through late February to mid-March of next year. Nonetheless, the administration continues to threaten to layoff workers to make up for a non-existent gap in funding. The Department of Defense should not use Federal employees as pawns because the White House is playing politics with the budget.

As Chairman of the Governmental Affairs Oversight of Government Management and Federal Workforce Subcommittee and the Armed Services Readiness Subcommittee, I have made oversight Government contracting a priority. In several hearings, I have heard officials and whistleblowers testify about the systemic waste, fraud and abuse, in many contracts. If the administration wants to save money, it should start increasing oversight over contracts and drop those that are not performing.

Rather than increasing their efforts to eliminate waste, fraud, and abuse in contracting that costs us billions every year, this administration would rather lay off patriotic civilian Federal employees who have dedicated their careers to the Federal Government. The Federal Government is already facing looming crisis in retirements and is working hard to recruit new workers to fill vacancies. Using Federal workers to make a political statement is wrong. It sends a negative message to prospective employees and hurts recruitment efforts in the long run.

Instead of looking to cut the Federal workforce to save money, the President should be holding contractors accountable to reduce costs and ensure that our fighting men and women in Iraq and Afghanistan have the supplies they need.

Today, I am introducing a bill that would send a clear message to the administration that Federal workers are not bargaining chips.

The idea behind this legislation is simple, rather than laying off Federal workers to close a budget shortfall, the Pentagon should suspend contracts for non-essential services. Many service contractors work side-by-side with Federal workers. There is no reason that Federal workers should get a pink slip for Christmas while the Pentagon continues to spend millions on contractors.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2462

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIMITATION ON FURLOUGHS OF EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) DEFINITIONS.—In this Act:

(1) EMPLOYEE.—The term "employee"—

(A) has the meaning given under section 7511(a)(1) of title 5, United States Code; and

(B) includes a member of the Senior Executive Service.

(2) FURLOUGH.—The term "furlough"—

(A) has the meaning given under section 7511(a)(5) of title 5, United States Code; and

(B) with respect to a member of the Senior Executive Service, has the meaning given under section 3595a(a) of title 5, United States Code.

(b) LIMITATION ON FURLOUGHS.—Before the Secretary of Defense may furlough employees of the Department of Defense on the basis of a lack of funds, the Secretary shall suspend all nonessential service contracts entered into by the Department of Defense as are necessary to make up for the lack of funds.

(c) TRANSFER OF FUNDS.—The Secretary of Defense shall transfer an amount equal to payments not required to be made by the United States by reason of the suspension of contracts under subsection (b) from the applicable appropriations accounts used for making such payments into the applicable appropriations accounts for the salaries and expenses of employees.

(d) USE OF TRANSFERRED FUNDS.—Amounts transferred into appropriations accounts under subsection (c) may be used for authorized purposes of those accounts to prevent the furlough of employees on the basis of a lack of funds.

(e) EFFECTIVE DATE.—This Act shall apply with respect to fiscal year 2008.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 402—RECOGNIZING THE LIFE AND CONTRIBUTIONS OF HENRY JOHN HYDE

Mr. GRASSLEY (for himself, Mr. BROWNBACK, Mr. COBURN, Mr. CORNYN, Mr. DEMINT, Mr. HATCH, Mr. ROBERTS, Mr. SUNUNU, Mrs. DOLE, Mr. ALLARD, Mr. BUNNING, Ms. SNOWE, Mr. DOMENICI, Mr. MARTINEZ, Mr. ENSIGN, Mr. COLEMAN, Mr. VITTER, Mr. HAGEL, Mr. SHELBY, Mr. THUNE, Mr. BENNETT, Mr. CRAPO, Mr. CRAIG, Mr. KYL, Mr. SESSIONS, and Mrs. SMITH) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 402

Whereas Representative Henry John Hyde of Illinois was born in Chicago, Cook County, Illinois, on April 18, 1924;

Whereas Henry Hyde excelled as a student both at Georgetown University, at which he helped take the Hoyas basketball team to the National Collegiate Athletic Association semifinals in 1943 and from which he graduated with a bachelor of science degree in 1947, and at Loyola University Chicago School of Law, from which he graduated in 1949;

Whereas Henry Hyde served his country for his entire adult life, as an officer of the United States Navy from 1944 to 1946, where he served in combat in the Philippines during World War II, in the United States Navy Reserve from 1946 to 1968, from which he retired at the rank of Commander, as a member of the Illinois House of Representatives from 1967 to 1974 and Majority Leader of that body from 1971 to 1972, as a delegate to the Illinois Republican State Conventions from 1958 to 1974, and as a Republican Member of the United States House of Representatives for 16 Congresses, over 3 decades from January 3, 1975, to January 3, 2007;

Whereas Henry Hyde served as the Ranking Member on the Select Committee on Intelligence of the House of Representatives from 1985 to 1991, in the 99th through 101st Congresses, and as chairman of the Committee on the Judiciary of the House of Representatives from the 104th through 106th Congresses and the Committee on International Relations from the 107th through 109th Congresses;

Whereas, in his capacity as a United States Representative, Henry Hyde tirelessly served as a champion for children, both born and unborn, and relentlessly defended the rule of law;

Whereas Henry Hyde demonstrated his commitment to the rule of law during his tenure in the House of Representatives, once stating, "The rule of law is no pious aspiration from a civics textbook. The rule of law is what stands between us and the arbitrary exercise of power by the state. The rule of law is the safeguard of our liberties. The rule of law is what allows us to live our freedom in ways that honor the freedom of others while strengthening the common good. . . If across the river in Arlington Cemetery there are American heroes who died in defense of the rule of law, can we give less than the full measure of our devotion to that great cause?";

Whereas Henry Hyde was a key player in some of the highest level debates concerning the response to the terrorist attacks on our Nation on September 11, 2001;

Whereas Henry Hyde received the Presidential Medal of Freedom, the Nation's highest civilian honor, on November 5, 2007, at a ceremony at which President George W. Bush explained about Representative Hyde, "He used his persuasive powers for noble causes. He stood for a strong and purposeful America—confident in freedom's advance, and firm in freedom's defense. He stood for limited, accountable government, and the equality of every person before the law. He was a gallant champion of the weak and forgotten, and a fearless defender of life in all its seasons.";

Whereas Henry Hyde's greatest legacy is as the author, during his freshman term in the House of Representatives, of an amendment to the 1976 Departments of Labor and Health, Education, and Welfare Appropriations Act—commonly referred to as the Hyde Amendment—that prohibits Federal dollars from being used to pay for the abortion of unborn babies, which conservative figures estimate has saved at least 1,000,000 lives;

Whereas Henry Hyde lived by the belief that we will all be judged by our Creator in the end for our actions here on Earth, which he once explained on the floor of the House of Representatives by saying, "Our moment in history is marked by a mortal conflict between a culture of life and a culture of death. God put us in the world to do noble things, to love and to cherish our fellow human beings, not to destroy them. Today we must choose sides.";

Whereas Henry Hyde selflessly battled for the causes that formed the core of his beliefs until the end of his life, and was greatly respected by his friends and adversaries alike for his dedication and will remain a role model for advocates of those causes by virtue of his conviction, passion, wisdom, and character; and

Whereas Henry Hyde was preceded in death by his first wife, Jeanne, and his son Hank, and is survived by his second wife, Judy, his sons Robert and Anthony and daughter Laura, 3 stepchildren, Susan, Mitch, and Stephen, 7 grandchildren, and 7 step-grandchildren: Now, therefore, be it

Resolved, That the Senate—

(1) notes with deep sorrow the death of Henry John Hyde on November 29, 2007, in Chicago;

(2) extends its heartfelt sympathy to the family of Henry Hyde;

(3) recognizes the life of service and the outstanding contributions of Henry Hyde; and

(4) directs the Secretary of the Senate to transmit a copy of this resolution to the family of Henry Hyde.

Mr. GRASSLEY. Mr. President, today, I am introducing a Senate resolution to honor the life and work of Congressman Henry John Hyde of Illinois. I authored this resolution because I knew Henry Hyde for over 20 years. In fact, he and I were 2 of 16 Republicans who were first elected to the House of Representatives in 1974.

Congressman Hyde was a true leader in the House of Representatives. He proved his leadership by authoring the "Hyde Amendment" to help protect the lives of unborn children. Because of this long-standing policy, innocent lives have been saved and taxpayers have not been forced to fund abortions.

Henry Hyde was intelligent, as was proved during his tenure as chairman of two different committees—the House Committee on the Judiciary and the House Committee on International Relations. In his 32 years in the House of Representatives, he was dedicated to the rule of law as well as the expansion of freedom around the world.

He was a great Representative for the people of his district, and he leaves an important legacy for our Nation. It is with great respect that I introduce this resolution in his honor.

SENATE RESOLUTION 403—A RESOLUTION CONGRATULATING BOYS TOWN ON ITS 90TH ANNIVERSARY CELEBRATION

Mr. HAGEL (for himself and Mr. NELSON of Nebraska) submitted the following resolution; which was considered and agreed to:

S. RES. 403

Whereas on Wednesday, December 12, 2007, Boys Town celebrates the 90th anniversary of the date Father Flanagan founded Boys Town to serve hurting children and their families;

Whereas Father Flanagan's legacy, Boys Town, is a beacon of hope to thousands of young people across the Nation;

Whereas in 2006 nearly 450,000 children and families found help through the Boys Town National Hotline, including 34,000 calls from youth where hotline staff intervened to save a life or provide therapeutic counseling, and nearly 1,000,000 more children were assisted through outreach and training programs;

Whereas Boys Town continues to find new ways to bring healing and hope to more children and families;

Whereas new programs at Boys Town seek to increase the number of children assisted and bring resources and expertise to bear on the problems facing our Nation's children; and

Whereas Boys Town's mission is to change the way America cares for children and families by providing and promoting a continuum of care that strengthens them in mind, body, and spirit: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its heartfelt congratulations to the Boys Town family on the historic occasion of its 90th anniversary; and

(2) extends its thanks to the extraordinary Boys Town community for its important work with our Nation's children and families.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3832. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed by him to the bill S. 543, to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program; which was referred to the Committee on Finance.

SA 3833. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3830 proposed by Mr. HARKIN (for himself, Mr. KENNEDY, and Mr. GREGG) to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table.

SA 3834. Mrs. DOLE (for herself, Mr. GRASSLEY, and Mr. LUGAR) submitted an amendment intended to be proposed to amendment SA 3630 submitted by Mrs. DOLE and intended to be proposed to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3835. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 3830 proposed by Mr. HARKIN (for himself, Mr. KENNEDY, and Mr. GREGG) to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3836. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 3830 proposed by Mr. HARKIN (for himself, Mr. KENNEDY, and Mr. GREGG) to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3837. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 3830 proposed by Mr. HARKIN (for himself, Mr. KENNEDY, and Mr. GREGG) to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3838. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 3830 proposed by Mr. HARKIN (for himself, Mr. KENNEDY, and Mr. GREGG) to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3839. Mr. ENZI (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 3830 proposed by Mr. HARKIN (for himself, Mr. KENNEDY, and Mr. GREGG) to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3840. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 3830 proposed by Mr. HARKIN (for himself, Mr. KENNEDY, and Mr. GREGG) to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3841. Mr. REID proposed an amendment to the bill H.R. 6, to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers from price gouging, to increase the energy efficiency of products, buildings, and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes.

SA 3842. Mr. REID proposed an amendment to amendment SA 3841 proposed by Mr. REID to the bill H.R. 6, supra.

SA 3843. Mr. FEINGOLD (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table.

SA 3844. Mr. HARKIN (for himself, Mr. KENNEDY, and Mr. GREGG) proposed an amendment to amendment SA 3830 proposed by Mr. HARKIN (for himself, Mr. KENNEDY, and Mr. GREGG) to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra.

SA 3845. Mr. HARKIN (for Mr. KENNEDY (for himself and Mr. DURBIN)) proposed an amendment to amendment SA 3539 proposed by Mr. DURBIN to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra.

SA 3846. Mr. HARKIN (for Mr. DODD (for himself and Mr. SHELBY)) proposed an amendment to the bill S. 2271, to authorize State and local governments to divest assets in companies that conduct business operations in Sudan, to prohibit United States Government contracts with such companies, and for other purposes.

SA 3847. Mr. HARKIN (for Mr. BAUCUS (for himself and Mr. GRASSLEY)) proposed an amendment to the bill H.R. 3997, to amend the Internal Revenue Code of 1986 to provide tax relief and protections for military personnel, and for other purposes.

SA 3848. Mr. HARKIN (for Mr. BAUCUS) proposed an amendment to the bill H.R. 3997, supra.

TEXT OF AMENDMENTS

SA 3832. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 543, to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program; which was referred to the Committee on Finance; as follows:

On page 1, strike lines 3 through 5 and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tim Johnson Inpatient Rehabilitation Preservation Act of 2007".

SA 3833. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3830 proposed by Mr. HARKIN (for himself, Mr. KENNEDY, and Mr. GREGG) to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 10 of the amendment, strike line 3 and all that follows through line 19 on page 11, and insert the following:

"(6) Forbidding any public safety employer from negotiating a contract or memorandum of understanding that requires the payment of any fees to any labor organization as a condition of employment.

"(c) FAILURE TO MEET REQUIREMENTS.—

"(1) IN GENERAL.—If the Authority determines, acting pursuant to its authority under subsection (a), that a State does not substantially provide for the rights and responsibilities described in subsection (b), such State shall be subject to the regulations and procedures described in section _____5.

"(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on the date that is 2 years after the date of enactment of this subtitle.

"SEC. _____5. ROLE OF FEDERAL LABOR RELATIONS AUTHORITY.

"(a) IN GENERAL.—Not later than 1 year after the date of enactment of this subtitle, the Authority shall issue regulations in accordance with the rights and responsibilities described in section _____4(b) establishing collective bargaining procedures for employers and public safety officers in States which the Authority has determined, acting pursuant to section _____4(a), do not substantially provide for such rights and responsibilities.

"(b) ROLE OF THE FEDERAL LABOR RELATIONS AUTHORITY.—The Authority, to the extent provided in this subtitle and in accordance with regulations prescribed by the Authority, shall—

"(1) determine the appropriateness of units for labor organization representation;

"(2) supervise or conduct elections to determine whether a labor organization has been selected as an exclusive representative by a voting majority of the employees in an appropriate unit;

"(3) resolve issues relating to the duty to bargain in good faith;

"(4) conduct hearings and resolve complaints of unfair labor practices;

"(5) resolve exceptions to the awards of arbitrators;

"(6) protect the right of each employee to form, join, or assist any labor organization, or to refrain from any such activity, and the right of each employee to refrain from payment of any fees to any labor organization, freely and without fear of penalty or reprisal, and protect each employee in the exercise of such right; and".

SA 3834. Mrs. DOLE (for herself, Mr. GRASSLEY, and Mr. LUGAR) submitted an amendment intended to be proposed to amendment SA 3630 submitted by Mrs. DOLE and intended to be proposed to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. _____. 2-YEAR EXTENSION AND EXPANSION OF CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Section 170(e)(3)(C) (relating to special rule for certain contributions of inventory and other property) is amended—

(1) by striking "December 31, 2007" in clause (iv) and inserting "December 31, 2009", and

(2) by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively, and by inserting after clause (ii) the following new clause:

"(iii) DETERMINATION OF BASIS.—If a taxpayer—

"(I) does not account for inventories under section 471, and

"(II) is not required to capitalize indirect costs under section 263A,

the taxpayer may elect, solely for purposes of subparagraph (B), to treat the basis of any apparently wholesome food as being equal to 25 percent of the fair market value of such food.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after December 31, 2007.

SEC. _____. MILEAGE REIMBURSEMENTS TO CHARITABLE VOLUNTEERS EXCLUDED FROM GROSS INCOME.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 is amended by inserting after section 139A the following new section:

"SEC. 139B. MILEAGE REIMBURSEMENTS TO CHARITABLE VOLUNTEERS.

"(a) IN GENERAL.—Gross income of an individual does not include amounts received, from an organization described in section 170(c), as reimbursement of operating expenses with respect to use of a passenger automobile for the benefit of such organization. The preceding sentence shall apply only to the extent that such reimbursement would be deductible under this chapter if section 274(d) were applied—

"(1) by using the standard business mileage rate in effect under section 162(a) at the time of such use, and

"(2) as if the individual were an employee of an organization not described in section 170(c).

"(b) APPLICATION TO VOLUNTEER SERVICES ONLY.—Subsection (a) shall not apply with respect to any expenses relating to the performance of services for compensation.

"(c) NO DOUBLE BENEFIT.—No deduction or credit shall be allowed under any other provision of this title with respect to the expenses excludable from gross income under subsection (a).".

(b) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 139A and inserting the following new item:

"Sec. 139B. Reimbursement for use of passenger automobile for charity.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. _____. BASIS ADJUSTMENT TO STOCK OF S CORPORATIONS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) TECHNICAL AMENDMENT RELATED TO SECTION 1203 OF THE PENSION PROTECTION ACT OF 2006.—Subsection (d) of section 1366 is amended by adding at the end the following new paragraph:

"(4) APPLICATION OF LIMITATION ON CHARITABLE CONTRIBUTIONS.—In the case of any charitable contribution of property to which the second sentence of section 1367(a)(2) applies, paragraph (1) shall not apply to the extent of the excess (if any) of—

"(A) the shareholder's pro rata share of such contribution, over

"(B) the shareholder's pro rata share of the adjusted basis of such property.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the provision of the Pension Protection Act of 2006 to which it relates.

SA 3835. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 3830 proposed by Mr. HARKIN (for himself, Mr. KENNEDY, and Mr. GREGG) to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section ___2 of the amendment, add the following:

(5) Public safety officers frequently endanger their own lives to protect the rights of individuals in their communities. In return, each officer deserves the optimal protection of his or her own rights under the law.

(6) The health and safety of the Nation and the best interests of public security are furthered when employees are assured that their collective bargaining representatives have been selected in a free, fair and democratic manner.

(7) An employee whose wages are subject to compulsory assessment for any purpose not supported or authorized by such employee is susceptible to job dissatisfaction. Job dissatisfaction negatively affects job performance, and, in the case of public safety officers, the welfare of the general public.

SEC. ___2A. PUBLIC SAFETY OFFICER BILL OF RIGHTS.

(a) IN GENERAL.—A State law described in section ___4(a) of this subtitle shall—

(1) provide for the selection of an exclusive bargaining representative by public safety officer employees only through the use of a democratic, government-supervised, secret ballot election upon the request of the employer or any affected employee;

(2) ensure that public safety employers recognize the employees' labor organization, freely chosen by a majority of the employees pursuant to a law that provides the democratic safeguards set forth in paragraph (1), to agree to bargain with the labor organization, and to commit any agreements to writing in a contract or memorandum of understanding; and

(3) provide that—

(A) no public safety officer shall, as a condition of employment, be required to pay any amount in dues or fees to any labor organization for any purpose other than the direct and demonstrable costs associated with collective bargaining; and

(B) a labor organization shall not collect from any public safety officer any additional amount without full disclosure of the intended and actual use of such funds, and without the public safety officer's written consent.

(b) APPLICABILITY OF DISCLOSURE REQUIREMENTS.—Notwithstanding any other provision of law, any labor organization that represents or seeks to represent public safety officers under State law or this subtitle, or in accordance with regulations promulgated by the Federal Labor Relations Authority, shall be subject to the requirements of title II of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 432 et seq.) as if such public safety labor organization was a labor organization defined in section 3(i) of such Act (29 U.S.C. 402(i)).

(c) APPLICATION.—Notwithstanding any other provision of law, the provisions of this section shall apply to all States.

SA 3836. Mr. ENZI submitted an amendment intended to be proposed to

amendment SA 3830 proposed by Mr. HARKIN (for himself, Mr. KENNEDY, and Mr. GREGG) to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section ___2 of the amendment, add the following:

(5) Because of the critical role of public safety officers in law enforcement, and the high public regard for such employees, such employees should only be represented by organizations that demonstrate a similar regard for the law and inspire the same level of public trust and confidence.

SEC. ___2A. PUBLIC SAFETY PROTECTIONS.

(a) IN GENERAL.—A State law described in section ___4(a) of this subtitle shall—

(1) provide that no labor organization may serve, or continue to serve, as the representative of any unit of public safety officers if—

(A) any of the labor organization's officers or agents are convicted of—

(i) a felony; or

(ii) a misdemeanor related to the organization's representational responsibilities; or

(B) the organization, or the organization's officers, agents, or employees, encourage, participate, or fail to take all steps necessary to prevent any unlawful work stoppage or disruption by any public safety officers represented by such labor organization; and

(2)(A) provide any political subdivision or individual with the right to bring a civil action in Federal court against any public safety officer that engages in a strike, slowdown, or other employment action that is unlawful under Federal or State law or contrary to the provisions of a collective bargaining agreement or a contract or memorandum of understanding described in section ___4(b)(2) of this subtitle; and

(B) provide that, in any civil action described in subparagraph (A), a public safety employer may receive damages relating to the strike, slowdown, or other employment action described in subparagraph (A), and that joint and several liability shall apply.

(b) INTERACTION WITH OTHER LAWS.—Notwithstanding the Act entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes", approved March 23, 1932 (commonly known as the "Norris-LaGuardia Act"), or any other provision of law, no Federal law that restricts the issuance of injunctions or restraining orders in labor disputes shall apply to labor disputes involving public safety officers covered under this subtitle.

(c) APPLICATION.—Notwithstanding any other provision of law, the provisions of this section shall apply to all States.

SA 3837. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 3830 proposed by Mr. HARKIN (for himself, Mr. KENNEDY, and Mr. GREGG) to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

After section ___8 of the amendment, insert the following:

SEC. ___8A. GUARANTEEING PUBLIC SAFETY AND LOCAL CONTROL OF TAXES AND SPENDING.

Notwithstanding any State law or regulation issued under section ___5 of this subtitle, no collective-bargaining obligation may be imposed on any political subdivision or any public safety employer, and no contractual provision may be imposed on any political subdivision or public safety employer, if either the principal administrative officer of such public safety employer, or the chief elected official of such political subdivision certifies that the obligation, or any provision would be contrary to the best interests of public safety; or would result in any increase in local taxes, or would result in any decrease in the level of public safety or other municipal services.

SA 3838. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 3830 proposed by Mr. HARKIN (for himself, Mr. KENNEDY, and Mr. GREGG) to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

In section ___8(b) of the amendment, insert before paragraph (1) the following and redesignate accordingly:

(1) HARMONIZING WITH FEDERAL LAW.—

(A) EXEMPTION.—Notwithstanding any other provision of this subtitle, a governor or the legislative body of a State, or a mayor or other chief executive officer or authority or the legislative body of a political subdivision, may exempt from the requirements established under this subtitle or otherwise any group of public safety officers whose job function is similar to the job function performed by any group of Federal employees that is excluded from collective bargaining under Federal law or an Executive order.

(B) TREATMENT OF CERTAIN EMPLOYEES.—Notwithstanding any provision of State law, supervisory, managerial, and confidential employees employed by public safety employers shall be treated in the same manner for purposes of collective-bargaining as individuals employed in the same capacity by any employer covered under the provisions of the National Labor Relations Act (29 U.S.C. 151 et seq.).

(C) RULE OF CONSTRUCTION.—Notwithstanding any provision of this subtitle, nothing in this subtitle shall be construed to require mandatory bargaining except to the extent, and with regard to the subjects, that mandatory bargaining is required between the Federal Government and any of its public safety employees.

SA 3839. Mr. ENZI (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 3830 proposed by Mr. HARKIN (for himself, Mr. KENNEDY, and Mr. GREGG) to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Strike section ___6 of the amendment and insert the following:

SEC. ___6. STRIKES AND LOCKOUTS PROHIBITED.

Notwithstanding any rights or responsibilities provided under State law or pursuant to any regulations issued under section ___5 of this subtitle, a labor organization may not call, encourage, condone, or fail to take all actions necessary to prevent or end, and a public safety employee may not engage in or otherwise support, any strike (including sympathy strikes), work slowdown, sick out, or any other job action or concerted, full or partial refusal to work against any public sector employer. A public safety employer may not engage in a lockout of public safety officers.

SA 3840. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 3830 proposed by Mr. HARKIN (for himself, Mr. KENNEDY, and Mr. GREGG) to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

After section ___8 of the amendment, insert the following:

SEC. ___8A. NONAPPLICATION OF PROVISIONS.

Notwithstanding any State law or regulation issued under section ___5 of this subtitle, the rights and responsibilities set forth in section ___4(b) of this subtitle shall not apply to any political subdivision of any State having a population of less than 75,000, or that employs fewer than 150 uniformed public safety officers.

SA 3841. Mr. REID proposed an amendment to the bill H.R. 6, to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers from price gouging, to increase the energy efficiency of products, buildings, and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Energy Independence and Security Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Relationship to other law.

TITLE I—ENERGY SECURITY THROUGH IMPROVED VEHICLE FUEL ECONOMY

Subtitle A—Increased Corporate Average Fuel Economy Standards

Sec. 101. Short title.
Sec. 102. Average fuel economy standards for automobiles and certain other vehicles.
Sec. 103. Definitions.
Sec. 104. Credit trading program.
Sec. 105. Consumer information.

Sec. 106. Continued applicability of existing standards.
Sec. 107. National Academy of Sciences studies.
Sec. 108. National Academy of Sciences study of medium-duty and heavy-duty truck fuel economy.
Sec. 109. Extension of flexible fuel vehicle credit program.
Sec. 110. Periodic review of accuracy of fuel economy labeling procedures.
Sec. 111. Consumer tire information.
Sec. 112. Use of civil penalties for research and development.
Sec. 113. Exemption from separate calculation requirement.

Subtitle B—Improved Vehicle Technology

Sec. 131. Transportation electrification.
Sec. 132. Domestic manufacturing conversion grant program.
Sec. 133. Inclusion of electric drive in Energy Policy Act of 1992.
Sec. 134. Loan guarantees for fuel-efficient automobile parts manufacturers.
Sec. 135. Advanced battery loan guarantee program.
Sec. 136. Advanced technology vehicles manufacturing incentive program.

Subtitle C—Federal Vehicle Fleets

Sec. 141. Federal vehicle fleets.
Sec. 142. Federal fleet conservation requirements.

TITLE II—ENERGY SECURITY THROUGH INCREASED PRODUCTION OF BIOFUELS

Subtitle A—Renewable Fuel Standard

Sec. 201. Definitions.
Sec. 202. Renewable fuel standard.
Sec. 203. Study of impact of Renewable Fuel Standard.
Sec. 204. Environmental and resource conservation impacts.
Sec. 205. Biomass based diesel and biodiesel labeling.
Sec. 206. Study of credits for use of renewable electricity in electric vehicles.
Sec. 207. Grants for production of advanced biofuels.
Sec. 208. Integrated consideration of water quality in determinations on fuels and fuel additives.
Sec. 209. Anti-backsliding.
Sec. 210. Effective date, savings provision, and transition rules.

Subtitle B—Biofuels Research and Development

Sec. 221. Biodiesel.
Sec. 222. Biogas.
Sec. 223. Grants for biofuel production research and development in certain States.
Sec. 224. Biorefinery energy efficiency.
Sec. 225. Study of optimization of flexible fueled vehicles to use E-85 fuel.
Sec. 226. Study of engine durability and performance associated with the use of biodiesel.
Sec. 227. Study of optimization of biogas used in natural gas vehicles.
Sec. 228. Algal biomass.
Sec. 229. Biofuels and biorefinery information center.
Sec. 230. Cellulosic ethanol and biofuels research.
Sec. 231. Bioenergy research and development, authorization of appropriation.
Sec. 232. Environmental research and development.
Sec. 233. Bioenergy research centers.
Sec. 234. University based research and development grant program.

Subtitle C—Biofuels Infrastructure

Sec. 241. Prohibition on franchise agreement restrictions related to renewable fuel infrastructure.
Sec. 242. Renewable fuel dispenser requirements.
Sec. 243. Ethanol pipeline feasibility study.
Sec. 244. Renewable fuel infrastructure grants.
Sec. 245. Study of the adequacy of transportation of domestically-produced renewable fuel by railroads and other modes of transportation.
Sec. 246. Federal fleet fueling centers.
Sec. 247. Standard specifications for biodiesel.
Sec. 248. Biofuels distribution and advanced biofuels infrastructure.

Subtitle D—Environmental Safeguards

Sec. 251. Waiver for fuel or fuel additives.

TITLE III—ENERGY SAVINGS THROUGH IMPROVED STANDARDS FOR APPLIANCE AND LIGHTING

Subtitle A—Appliance Energy Efficiency

Sec. 301. External power supply efficiency standards.
Sec. 302. Updating appliance test procedures.
Sec. 303. Residential boilers.
Sec. 304. Furnace fan standard process.
Sec. 305. Improving schedule for standards updating and clarifying State authority.
Sec. 306. Regional standards for furnaces, central air conditioners, and heat pumps.
Sec. 307. Procedure for prescribing new or amended standards.
Sec. 308. Expedited rulemakings.
Sec. 309. Battery chargers.
Sec. 310. Standby mode.
Sec. 311. Energy standards for home appliances.
Sec. 312. Walk-in coolers and walk-in freezers.
Sec. 313. Electric motor efficiency standards.
Sec. 314. Standards for single package vertical air conditioners and heat pumps.
Sec. 315. Improved energy efficiency for appliances and buildings in cold climates.
Sec. 316. Technical corrections.

Subtitle B—Lighting Energy Efficiency

Sec. 321. Efficient light bulbs.
Sec. 322. Incandescent reflector lamp efficiency standards.
Sec. 323. Public building energy efficient and renewable energy systems.
Sec. 324. Metal halide lamp fixtures.
Sec. 325. Energy efficiency labeling for consumer electronic products.

TITLE IV—ENERGY SAVINGS IN BUILDINGS AND INDUSTRY

Sec. 401. Definitions.

Subtitle A—Residential Building Efficiency

Sec. 411. Reauthorization of weatherization assistance program.
Sec. 412. Study of renewable energy rebate programs.
Sec. 413. Energy code improvements applicable to manufactured housing.

Subtitle B—High-Performance Commercial Buildings

Sec. 421. Commercial high-performance green buildings.
Sec. 422. Zero Net Energy Commercial Buildings Initiative.
Sec. 423. Public outreach.

Subtitle C—High-Performance Federal Buildings

Sec. 431. Energy reduction goals for Federal buildings.
Sec. 432. Management of energy and water efficiency in Federal buildings.
Sec. 433. Federal building energy efficiency performance standards.
Sec. 434. Management of Federal building efficiency.
Sec. 435. Leasing.
Sec. 436. High-performance green Federal buildings.
Sec. 437. Federal green building performance.
Sec. 438. Storm water runoff requirements for Federal development projects.
Sec. 439. Cost-effective technology acceleration program.
Sec. 440. Authorization of appropriations.
Sec. 441. Public building life-cycle costs.

Subtitle D—Industrial Energy Efficiency

Sec. 451. Industrial energy efficiency.
Sec. 452. Energy-intensive industries program.
Sec. 453. Energy efficiency for data center buildings.

Subtitle E—Healthy High-Performance Schools

Sec. 461. Healthy high-performance schools.
Sec. 462. Study on indoor environmental quality in schools.

Subtitle F—Institutional Entities

Sec. 471. Energy sustainability and efficiency grants and loans for institutions.

Subtitle G—Public and Assisted Housing

Sec. 481. Application of International Energy Conservation Code to public and assisted housing.

Subtitle H—General Provisions

Sec. 491. Demonstration project.
Sec. 492. Research and development.
Sec. 493. Environmental Protection Agency demonstration grant program for local governments.
Sec. 494. Green Building Advisory Committee.
Sec. 495. Advisory Committee on Energy Efficiency Finance.

TITLE V—ENERGY SAVINGS IN GOVERNMENT AND PUBLIC INSTITUTIONS

Subtitle A—United States Capitol Complex

Sec. 501. Capitol complex photovoltaic roof feasibility studies.
Sec. 502. Capitol complex E-85 refueling station.
Sec. 503. Energy and environmental measures in Capitol complex master plan.
Sec. 504. Promoting maximum efficiency in operation of Capitol power plant.
Sec. 505. Capitol power plant carbon dioxide emissions feasibility study and demonstration projects.

Subtitle B—Energy Savings Performance Contracting

Sec. 511. Authority to enter into contracts; reports.
Sec. 512. Financing flexibility.
Sec. 513. Promoting long-term energy savings performance contracts and verifying savings.
Sec. 514. Permanent reauthorization.
Sec. 515. Definition of energy savings.
Sec. 516. Retention of savings.
Sec. 517. Training Federal contracting officers to negotiate energy efficiency contracts.
Sec. 518. Study of energy and cost savings in nonbuilding applications.

Subtitle C—Energy Efficiency in Federal Agencies

Sec. 521. Installation of photovoltaic system at Department of Energy headquarters building.

Sec. 522. Prohibition on incandescent lamps by Coast Guard.
Sec. 523. Standard relating to solar hot water heaters.
Sec. 524. Federally-procured appliances with standby power.
Sec. 525. Federal procurement of energy efficient products.
Sec. 526. Procurement and acquisition of alternative fuels.
Sec. 527. Government efficiency status reports.
Sec. 528. OMB government efficiency reports and scorecards.
Sec. 529. Electricity sector demand response.

Subtitle D—Energy Efficiency of Public Institutions

Sec. 531. Reauthorization of State energy programs.
Sec. 532. Utility energy efficiency programs.

Subtitle E—Energy Efficiency and Conservation Block Grants

Sec. 541. Definitions.
Sec. 542. Energy Efficiency and Conservation Block Grant Program.
Sec. 543. Allocation of funds.
Sec. 544. Use of funds.
Sec. 545. Requirements for eligible entities.
Sec. 546. Competitive grants.
Sec. 547. Review and evaluation.
Sec. 548. Funding.

TITLE VI—ACCELERATED RESEARCH AND DEVELOPMENT

Subtitle A—Solar Energy

Sec. 601. Short title.
Sec. 602. Thermal energy storage research and development program.
Sec. 603. Concentrating solar power commercial application studies.
Sec. 604. Solar energy curriculum development and certification grants.
Sec. 605. Daylighting systems and direct solar light pipe technology.
Sec. 606. Solar Air Conditioning Research and Development Program.
Sec. 607. Photovoltaic demonstration program.

Subtitle B—Geothermal Energy

Sec. 611. Short title.
Sec. 612. Definitions.
Sec. 613. Hydrothermal research and development.
Sec. 614. General geothermal systems research and development.
Sec. 615. Enhanced geothermal systems research and development.
Sec. 616. Geothermal energy production from oil and gas fields and recovery and production of geopressured gas resources.
Sec. 617. Cost sharing and proposal evaluation.
Sec. 618. Center for geothermal technology transfer.
Sec. 619. GeoPowering America.
Sec. 620. Educational pilot program.
Sec. 621. Reports.
Sec. 622. Applicability of other laws.
Sec. 623. Authorization of appropriations.
Sec. 624. International geothermal energy development.
Sec. 625. High cost region geothermal energy grant program.

Subtitle C—Marine and Hydrokinetic Renewable Energy Technologies

Sec. 631. Short title.
Sec. 632. Definition.
Sec. 633. Marine and hydrokinetic renewable energy research and development.
Sec. 634. National Marine Renewable Energy Research, Development, and Demonstration Centers.
Sec. 635. Applicability of other laws.
Sec. 636. Authorization of appropriations.

Subtitle D—Energy Storage for Transportation and Electric Power

Sec. 641. Energy storage competitiveness.

Subtitle E—Miscellaneous Provisions

Sec. 651. Lightweight materials research and development.
Sec. 652. Commercial insulation demonstration program.
Sec. 653. Technical criteria for clean coal power Initiative.
Sec. 654. H-Prize.
Sec. 655. Bright Tomorrow Lighting Prizes.
Sec. 656. Renewable Energy innovation manufacturing partnership.

TITLE VII—CARBON CAPTURE AND SEQUESTRATION

Subtitle A—Carbon Capture and Sequestration Research, Development, and Demonstration

Sec. 701. Short title.
Sec. 702. Carbon capture and sequestration research, development, and demonstration program.
Sec. 703. Carbon capture.
Sec. 704. Review of large-scale programs.
Sec. 705. Geologic sequestration training and research.
Sec. 706. Relation to Safe Drinking Water Act.
Sec. 707. Safety research.
Sec. 708. University based research and development grant program.

Subtitle B—Carbon Capture and Sequestration Assessment and Framework

Sec. 711. Carbon dioxide sequestration capacity assessment.
Sec. 712. Assessment of carbon sequestration and methane and nitrous oxide emissions from ecosystems.
Sec. 713. Carbon dioxide sequestration inventory.
Sec. 714. Framework for geological carbon sequestration on public land.

TITLE VIII—IMPROVED MANAGEMENT OF ENERGY POLICY

Subtitle A—Management Improvements

Sec. 801. National media campaign.
Sec. 802. Alaska Natural Gas Pipeline administration.
Sec. 803. Renewable energy deployment.
Sec. 804. Coordination of planned refinery outages.
Sec. 805. Assessment of resources.
Sec. 806. Sense of Congress relating to the use of renewable resources to generate energy.
Sec. 807. Geothermal assessment, exploration information, and priority activities.

Subtitle B—Prohibitions on Market Manipulation and False Information

Sec. 811. Prohibition on market manipulation.
Sec. 812. Prohibition on false information.
Sec. 813. Enforcement by the Federal Trade Commission.
Sec. 814. Penalties.
Sec. 815. Effect on other laws.

TITLE IX—INTERNATIONAL ENERGY PROGRAMS

Sec. 901. Definitions.

Subtitle A—Assistance to Promote Clean and Efficient Energy Technologies in Foreign Countries

Sec. 911. United States assistance for developing countries.
Sec. 912. United States exports and outreach programs for India, China, and other countries.
Sec. 913. United States trade missions to encourage private sector trade and investment.
Sec. 914. Actions by Overseas Private Investment Corporation.
Sec. 915. Actions by United States Trade and Development Agency.
Sec. 916. Deployment of international clean and efficient energy technologies and investment in global energy markets.
Sec. 917. United States-Israel energy cooperation.

Subtitle B—International Clean Energy Foundation

Sec. 921. Definitions.
Sec. 922. Establishment and management of Foundation.
Sec. 923. Duties of Foundation.
Sec. 924. Annual report.
Sec. 925. Powers of the Foundation; related provisions.
Sec. 926. General personnel authorities.
Sec. 927. Authorization of appropriations.

Subtitle C—Miscellaneous Provisions

Sec. 931. Energy diplomacy and security within the Department of State.
Sec. 932. National Security Council reorganization.
Sec. 933. Annual national energy security strategy report.
Sec. 934. Convention on Supplementary Compensation for Nuclear Damage contingent cost allocation.
Sec. 935. Transparency in extractive industries resource payments.

TITLE X—GREEN JOBS

Sec. 1001. Short title.
Sec. 1002. Energy efficiency and renewable energy worker training program.

TITLE XI—ENERGY TRANSPORTATION AND INFRASTRUCTURE

Subtitle A—Department of Transportation

Sec. 1101. Office of Climate Change and Environment.

Subtitle B—Railroads

Sec. 1111. Advanced technology locomotive grant pilot program.
Sec. 1112. Capital grants for class II and class III railroads.

Subtitle C—Marine Transportation

Sec. 1121. Short sea transportation initiative.
Sec. 1122. Short sea shipping eligibility for capital construction fund.
Sec. 1123. Short sea transportation report.

Subtitle D—Highways

Sec. 1131. Increased Federal share for CMAQ projects.
Sec. 1132. Distribution of rescissions.
Sec. 1133. Sense of Congress regarding use of complete streets design techniques.

TITLE XII—SMALL BUSINESS ENERGY PROGRAMS

Sec. 1201. Express loans for renewable energy and energy efficiency.
Sec. 1202. Pilot program for reduced 7(a) fees for purchase of energy efficient technologies.
Sec. 1203. Small business energy efficiency.
Sec. 1204. Larger 504 loan limits to help business develop energy efficient technologies and purchases.
Sec. 1205. Energy saving debentures.
Sec. 1206. Investments in energy saving small businesses.
Sec. 1207. Renewable fuel capital investment company.
Sec. 1208. Study and report.

TITLE XIII—SMART GRID
Sec. 1301. Statement of policy on modernization of electricity grid.
Sec. 1302. Smart grid system report.
Sec. 1303. Smart grid advisory committee and smart grid task force.
Sec. 1304. Smart grid technology research, development, and demonstration.
Sec. 1305. Smart grid interoperability framework.
Sec. 1306. Federal matching fund for smart grid investment costs.
Sec. 1307. State consideration of smart grid.
Sec. 1308. Study of the effect of private wire laws on the development of combined heat and power facilities.
Sec. 1309. DOE study of security attributes of smart grid systems.
TITLE XIV—POOL AND SPA SAFETY
Sec. 1401. Short title.
Sec. 1402. Findings.
Sec. 1403. Definitions.
Sec. 1404. Federal swimming pool and spa drain cover standard.
Sec. 1405. State swimming pool safety grant program.
Sec. 1406. Minimum State law requirements.
Sec. 1407. Education program.
Sec. 1408. CPSC report.
TITLE XV—CLEAN RENEWABLE ENERGY AND CONSERVATION TAX ACT OF 2007
Sec. 1500. Short title; amendment of 1986 Code.
Subtitle A—Clean Renewable Energy Production Incentives
PART I—PROVISIONS RELATING TO RENEWABLE ENERGY
Sec. 1501. Extension and modification of renewable electricity and refined coal production credit.
Sec. 1502. Extension and modification of energy credit.
Sec. 1503. Extension and modification of credit for residential energy efficient property.
Sec. 1504. Extension and modification of special rule to implement FERC and State electric restructuring policy.
Sec. 1505. New clean renewable energy bonds.
PART II—PROVISIONS RELATING TO CARBON MITIGATION AND COAL
Sec. 1506. Expansion and modification of advanced coal project investment credit.
Sec. 1507. Expansion and modification of coal gasification investment credit.
Sec. 1508. Seven-year applicable recovery period for depreciation of qualified carbon dioxide pipeline property.
Sec. 1509. Special rules for refund of the coal excise tax to certain coal producers and exporters.
Sec. 1510. Extension of temporary increase in coal excise tax.
Sec. 1511. Carbon audit of the tax code.
Subtitle B—Transportation and Domestic Fuel Security
PART I—BIOFUELS
Sec. 1521. Credit for production of cellulosic biomass alcohol.
Sec. 1522. Expansion of special allowance to cellulosic biomass alcohol fuel plant property.
Sec. 1523. Modification of alcohol credit.
Sec. 1524. Extension and modification of credits for biodiesel and renewable diesel.
Sec. 1525. Clarification of eligibility for renewable diesel credit.
Sec. 1526. Provisions clarifying treatment of fuels with no nexus to the United States.
Sec. 1527. Comprehensive study of biofuels.
PART II—ADVANCED TECHNOLOGY MOTOR VEHICLES
Sec. 1528. Credit for new qualified plug-in electric drive motor vehicles.
Sec. 1529. Exclusion from heavy truck tax for idling reduction units and advanced insulation.
PART III—OTHER TRANSPORTATION PROVISIONS
Sec. 1530. Restructuring of New York Liberty Zone tax credits.
Sec. 1531. Extension of transportation fringe benefit to bicycle commuters.
Sec. 1532. Extension and modification of election to expense certain refineries.
Subtitle C—Energy Conservation and Efficiency
PART I—CONSERVATION TAX CREDIT BONDS
Sec. 1541. Qualified energy conservation bonds.
Sec. 1542. Qualified forestry conservation bonds.
PART II—EFFICIENCY
Sec. 1543. Extension and modification of energy efficient existing homes credit.
Sec. 1544. Extension and modification of energy efficient commercial buildings deduction.
Sec. 1545. Modifications of energy efficient appliance credit for appliances produced after 2007.
Sec. 1546. Seven-year applicable recovery period for depreciation of qualified energy management devices.
Subtitle D—Other Provisions
PART I—FORESTRY PROVISIONS
Sec. 1551. Deduction for qualified timber gain.
Sec. 1552. Excise tax not applicable to section 1203 deduction of real estate investment trusts.
Sec. 1553. Timber REIT modernization.
Sec. 1554. Mineral royalty income qualifying income for timber REITs.
Sec. 1555. Modification of taxable REIT subsidiary asset test for timber REITs.
Sec. 1556. Safe harbor for timber property.
PART II—EXXON VALDEZ
Sec. 1557. Income averaging for amounts received in connection with the Exxon Valdez litigation.
PART III—ELECTRIC TRANSMISSION FACILITIES
Sec. 1558. Tax-exempt financing of certain electric transmission facilities.
Subtitle E—Revenue Provisions
Sec. 1561. Denial of deduction for major integrated oil companies for income attributable to domestic production of oil, gas, or primary products thereof.
Sec. 1562. Elimination of the different treatment of foreign oil and gas extraction income and foreign oil related income for purposes of the foreign tax credit.
Sec. 1563. Seven-year amortization of geological and geophysical expenditures for certain major integrated oil companies.
Sec. 1564. Broker reporting of customer's basis in securities transactions.
Sec. 1565. Extension of additional 0.2 percent FUTA surtax.
Sec. 1566. Repeal of suspension of certain penalties and interest.
Sec. 1567. Time for payment of corporate estimated taxes.
Sec. 1568. Modification of penalty for failure to file partnership returns.
Sec. 1569. Participants in government section 457 plans allowed to treat elective deferrals as Roth contributions.
Subtitle F—Secure Rural Schools
Sec. 1571. Secure rural schools and community self-determination program.
TITLE XVI—EFFECTIVE DATE
Sec. 1601. Effective date.

SEC. 2. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—The term "Department" means the Department of Energy.

(2) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(3) SECRETARY.—The term "Secretary" means the Secretary of Energy.

SEC. 3. RELATIONSHIP TO OTHER LAW.

Except to the extent expressly provided in this Act or an amendment made by this Act, nothing in this Act or an amendment made by this Act supersedes, limits the authority provided or responsibility conferred by, or authorizes any violation of any provision of law (including a regulation), including any energy or environmental law or regulation.

TITLE I—ENERGY SECURITY THROUGH IMPROVED VEHICLE FUEL ECONOMY

Subtitle A—Increased Corporate Average Fuel Economy Standards

SEC. 101. SHORT TITLE.

This subtitle may be cited as the "Ten-in-Ten Fuel Economy Act".

SEC. 102. AVERAGE FUEL ECONOMY STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.

(a) INCREASED STANDARDS.—Section 32902 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "NON-PASSENGER AUTOMOBILES.—" and inserting "PRESCRIPTION OF STANDARDS BY REGULATION.—";

(B) by striking "(except passenger automobiles)" in subsection (a); and

(C) by striking the last sentence;

(2) by striking subsection (b) and inserting the following:

"(b) STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.—

"(1) IN GENERAL.—The Secretary of Transportation, after consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall prescribe separate average fuel economy standards for—

"(A) passenger automobiles manufactured by manufacturers in each model year beginning with model year 2011 in accordance with this subsection;

"(B) non-passenger automobiles manufactured by manufacturers in each model year beginning with model year 2011 in accordance with this subsection;

"(C) work trucks in accordance with subsection (k); and

"(D) commercial medium-duty or heavy-duty on-highway vehicles in accordance with subsection (l).

"(2) FUEL ECONOMY STANDARDS FOR AUTOMOBILES.—

"(A) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2011 THROUGH 2020.—The Secretary shall prescribe a separate average fuel economy standard for passenger automobiles and a separate average fuel economy standard for non-passenger automobiles for each model year beginning with model year 2011 to achieve a combined fuel economy average for model year 2020 of at least 35 miles per gallon for the total fleet of passenger and non-passenger automobiles manufactured for sale in the United States for that model year.

"(B) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2021 THROUGH 2030.—For model years 2021 through 2030, the average fuel economy required to be attained by each fleet of passenger and non-passenger automobiles manufactured for sale in the United States shall be the maximum feasible average fuel economy standard for each fleet for that model year.

"(C) PROGRESS TOWARD STANDARD REQUIRED.—In prescribing average fuel economy standards under subparagraph (A), the Secretary shall prescribe annual fuel economy standard increases that increase the applicable average fuel economy standard ratably beginning with model year 2011 and ending with model year 2020.

"(3) AUTHORITY OF THE SECRETARY.—The Secretary shall—

"(A) prescribe by regulation separate average fuel economy standards for passenger and non-passenger automobiles based on 1 or more vehicle attributes related to fuel economy and express each standard in the form of a mathematical function; and

"(B) issue regulations under this title prescribing average fuel economy standards for at least 1, but not more than 5, model years.

"(4) MINIMUM STANDARD.—In addition to any standard prescribed pursuant to paragraph (3), each manufacturer shall also meet the minimum standard for domestically manufactured passenger automobiles, which shall be the greater of—

"(A) 27.5 miles per gallon; or

"(B) 92 percent of the average fuel economy projected by the Secretary for the combined domestic and non-domestic passenger automobile fleets manufactured for sale in the United States by all manufacturers in the model year, which projection shall be published in the Federal Register when the standard for that model year is promulgated in accordance with this section."; and

(3) in subsection (c)—

(A) by striking "(1) Subject to paragraph (2) of this subsection, the" and inserting "The"; and

(B) by striking paragraph (2).

(b) FUEL ECONOMY STANDARD FOR WORK TRUCKS.—Section 32902 of title 49, United States Code, is amended by adding at the end the following:

"(k) WORK TRUCKS.—

"(1) STUDY.—Not later than 1 year after the date of the enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall examine the fuel efficiency of work trucks and determine—

"(A) the appropriate test procedures and methodologies for measuring the fuel efficiency of work trucks;

"(B) the appropriate metric for measuring and expressing work truck fuel efficiency performance, taking into consideration, among other things, the work performed by work trucks and types of operations in which they are used;

"(C) the range of factors, including, without limitation, design, functionality, use, duty cycle, infrastructure, and total overall energy consumption and operating costs that affect work truck fuel efficiency; and

"(D) such other factors and conditions that could have an impact on a program to improve work truck fuel efficiency.

"(2) RULEMAKING.—Not later than 24 months after completion of the study required under paragraph (1), the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, by regulation, shall determine in a rulemaking proceeding how to implement a work truck fuel efficiency improvement program designed to achieve the maximum feasible improvement, and shall adopt and implement appropriate test methods, measurement metrics, fuel economy standards, and compliance and enforcement protocols that are appropriate, cost-effective, and technologically feasible for work trucks. Any fuel economy standard prescribed under this section shall be prescribed at least 18 months before the model year to which it applies. The Secretary may prescribe separate standards for different classes of vehicles under this subsection.".

(c) FUEL ECONOMY STANDARD FOR COMMERCIAL MEDIUM-DUTY AND HEAVY-DUTY ON-HIGHWAY VEHICLES.—Section 32902 of title 49, United States Code, as amended by subsection (b), is further amended by adding at the end the following:

"(l) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLES.—

"(1) STUDY.—Not later than 1 year after the National Academy of Sciences publishes the results of its study under section 108 of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall examine the fuel efficiency of commercial medium- and heavy-duty on-highway vehicles and determine—

"(A) the appropriate test procedures and methodologies for measuring the fuel efficiency of such vehicles;

"(B) the appropriate metric for measuring and expressing commercial medium- and heavy-duty on-highway vehicle fuel efficiency performance, taking into consideration, among other things, the work performed by such on-highway vehicles and types of operations in which they are used;

"(C) the range of factors, including, without limitation, design, functionality, use, duty cycle, infrastructure, and total overall energy consumption and operating costs that affect commercial medium- and heavy-duty on-highway vehicle fuel efficiency; and

"(D) such other factors and conditions that could have an impact on a program to improve commercial medium- and heavy-duty on-highway vehicle fuel efficiency.

"(2) RULEMAKING.—Not later than 24 months after completion of the study required under paragraph (1), the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, by regulation, shall determine in a rulemaking proceeding how to implement a commercial medium- and heavy-duty on-highway vehicle fuel efficiency improvement program designed to achieve the maximum feasible improvement, and shall adopt and implement appropriate test methods, measurement metrics, fuel economy standards, and compliance and enforcement protocols that are appropriate, cost-effective, and technologically feasible for commercial medium- and heavy-duty on-highway vehicles. Any fuel economy standard prescribed under this section shall be prescribed at least 18 months before the model year to which it applies. The Secretary may prescribe separate standards for different classes of vehicles under this subsection.

"(3) LEAD-TIME; REGULATORY STABILITY.—The first commercial medium- and heavy-duty on-highway vehicle fuel efficiency regulatory program adopted pursuant to this subsection shall provide not less than—

"(A) 4 full model years of regulatory lead-time; and

"(B) 3 full model years of regulatory stability.".

SEC. 103. DEFINITIONS.

(a) IN GENERAL.—Section 32901(a) of title 49, United States Code, is amended—

(1) by striking paragraph (3) and inserting the following:

"(3) except as provided in section 32908 of this title, 'automobile' means a 4-wheeled vehicle that is propelled by fuel, or by alternative fuel, manufactured primarily for use on public streets, roads, and highways and rated at less than 10,000 pounds gross vehicle weight, except—

"(A) a vehicle operated only on a rail line;

"(B) a vehicle manufactured in different stages by 2 or more manufacturers, if no intermediate or final-stage manufacturer of that vehicle manufactures more than 10,000 multi-stage vehicles per year; or

"(C) a work truck.";

(2) by redesignating paragraphs (7) through (16) as paragraphs (8) through (17), respectively;

(3) by inserting after paragraph (6) the following:

"(7) 'commercial medium- and heavy-duty on-highway vehicle' means an on-highway vehicle with a gross vehicle weight rating of 10,000 pounds or more.";

(4) in paragraph (9)(A), as redesignated, by inserting "or a mixture of biodiesel and diesel fuel meeting the standard established by the American Society for Testing and Materials or under section 211(u) of the Clean Air Act (42 U.S.C. 7545(u)) for fuel containing 20 percent biodiesel (commonly known as 'B20')" after "alternative fuel";

(5) by redesignating paragraph (17), as redesignated, as paragraph (18);

(6) by inserting after paragraph (16), as redesignated, the following:

"(17) 'non-passenger automobile' means an automobile that is not a passenger automobile or a work truck."; and

(7) by adding at the end the following:

"(19) 'work truck' means a vehicle that—

"(A) is rated at between 8,500 and 10,000 pounds gross vehicle weight; and

"(B) is not a medium-duty passenger vehicle (as defined in section 86.1803–01 of title 40, Code of Federal Regulations, as in effect on the date of the enactment of the Ten-in-Ten Fuel Economy Act).".

SEC. 104. CREDIT TRADING PROGRAM.

(a) IN GENERAL.—Section 32903 of title 49, United States Code, is amended—

(1) by striking "section 32902(b)-(d) of this title" each place it appears and inserting "subsections (a) through (d) of section 32902";

(2) in subsection (a)(2)—

(A) by striking "3 consecutive model years" and inserting "5 consecutive model years";

(B) by striking "clause (1) of this subsection," and inserting "paragraph (1)";

(3) by redesignating subsection (f) as subsection (h); and

(4) by inserting after subsection (e) the following:

"(f) CREDIT TRADING AMONG MANUFACTURERS.—

"(1) IN GENERAL.—The Secretary of Transportation may establish, by regulation, a fuel economy credit trading program to allow manufacturers whose automobiles exceed the average fuel economy standards prescribed under section 32902 to earn credits to be sold to manufacturers whose automobiles fail to achieve the prescribed standards such that the total oil savings associated with manufacturers that exceed the prescribed standards are preserved when trading credits to manufacturers that fail to achieve the prescribed standards.

"(2) LIMITATION.—The trading of credits by a manufacturer to the category of passenger automobiles manufactured domestically is limited to the extent that the fuel economy level of such automobiles shall comply with the requirements of section 32902(b)(4), without regard to any trading of credits from other manufacturers.

"(g) CREDIT TRANSFERRING WITHIN A MANUFACTURER'S FLEET.—

"(1) IN GENERAL.—The Secretary of Transportation shall establish by regulation a fuel economy credit transferring program to allow any manufacturer whose automobiles exceed any of the average fuel economy standards prescribed under section 32902 to transfer the credits earned under this section and to apply such credits within that manufacturer's fleet to a compliance category of automobiles that fails to achieve the prescribed standards.

"(2) YEARS FOR WHICH USED.—Credits transferred under this subsection are available to be used in the same model years that the manufacturer could have applied such credits under subsections (a), (b), (d), and (e), as well as for the model year in which the manufacturer earned such credits.

"(3) MAXIMUM INCREASE.—The maximum increase in any compliance category attributable to transferred credits is—

"(A) for model years 2011 through 2013, 1.0 mile per gallon;

"(B) for model years 2014 through 2017, 1.5 miles per gallon; and

"(C) for model year 2018 and subsequent model years, 2.0 miles per gallon.

"(4) LIMITATION.—The transfer of credits by a manufacturer to the category of passenger automobiles manufactured domestically is limited to the extent that the fuel economy level of such automobiles shall comply with the requirements under section 32904(b)(4), without regard to any transfer of credits from other categories of automobiles described in paragraph (6)(B).

"(5) YEARS AVAILABLE.—A credit may be transferred under this subsection only if it is earned after model year 2010.

"(6) DEFINITIONS.—In this subsection:

"(A) FLEET.—The term 'fleet' means all automobiles manufactured by a manufacturer in a particular model year.

"(B) COMPLIANCE CATEGORY OF AUTOMOBILES.—The term 'compliance category of automobiles' means any of the following 3 categories of automobiles for which compliance is separately calculated under this chapter:

"(i) Passenger automobiles manufactured domestically.

"(ii) Passenger automobiles not manufactured domestically.

"(iii) Non-passenger automobiles.".

(b) CONFORMING AMENDMENTS.—

(1) LIMITATIONS.—Section 32902(h) of title 49, United States Code, is amended—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(3) may not consider, when prescribing a fuel economy standard, the trading, transferring, or availability of credits under section 32903.".

(2) SEPARATE CALCULATIONS.—Section 32904(b)(1)(B) is amended by striking "chapter." and inserting "chapter, except for the purposes of section 32903.".

SEC. 105. CONSUMER INFORMATION.

Section 32908 of title 49, United States Code, is amended by adding at the end the following:

"(g) CONSUMER INFORMATION.—

"(1) PROGRAM.—The Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall develop and implement by rule a program to require manufacturers—

"(A) to label new automobiles sold in the United States with—

"(i) information reflecting an automobile's performance on the basis of criteria that the Administrator shall develop, not later than 18 months after the date of the enactment of the Ten-in-Ten Fuel Economy Act, to reflect fuel economy and greenhouse gas and other emissions over the useful life of the automobile;

"(ii) a rating system that would make it easy for consumers to compare the fuel economy and greenhouse gas and other emissions of automobiles at the point of purchase, including a designation of automobiles—

"(I) with the lowest greenhouse gas emissions over the useful life of the vehicles; and

"(II) the highest fuel economy; and

"(iii) a permanent and prominent display that an automobile is capable of operating on an alternative fuel; and

"(B) to include in the owner's manual for vehicles capable of operating on alternative fuels information that describes that capability and the benefits of using alternative fuels, including the renewable nature and environmental benefits of using alternative fuels.

"(2) CONSUMER EDUCATION.—

"(A) IN GENERAL.—The Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall develop and implement by rule a consumer education program to improve consumer understanding of automobile performance described in paragraph (1)(A)(i) and to inform consumers of the benefits of using alternative fuel in automobiles and the location of stations with alternative fuel capacity.

"(B) FUEL SAVINGS EDUCATION CAMPAIGN.—The Secretary of Transportation shall establish a consumer education campaign on the fuel savings that would be recognized from the purchase of vehicles equipped with thermal management technologies, including energy efficient air conditioning systems and glass.

"(3) FUEL TANK LABELS FOR ALTERNATIVE FUEL AUTOMOBILES.—The Secretary of Transportation shall by rule require a label to be attached to the fuel compartment of vehicles capable of operating on alternative fuels, with the form of alternative fuel stated on the label. A label attached in compliance with the requirements of section 32905(h) is deemed to meet the requirements of this paragraph.

"(4) RULEMAKING DEADLINE.—The Secretary of Transportation shall issue a final rule under this subsection not later than 42 months after the date of the enactment of the Ten-in-Ten Fuel Economy Act.".

SEC. 106. CONTINUED APPLICABILITY OF EXISTING STANDARDS.

Nothing in this subtitle, or the amendments made by this subtitle, shall be construed to affect the application of section 32902 of title 49, United States Code, to passenger automobiles or non-passenger automobiles manufactured before model year 2011.

SEC. 107. NATIONAL ACADEMY OF SCIENCES STUDIES.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall execute an agreement with the National Academy of Sciences to develop a report evaluating vehicle fuel economy standards, including—

(1) an assessment of automotive technologies and costs to reflect developments since the Academy's 2002 report evaluating the corporate average fuel economy standards was conducted;

(2) an analysis of existing and potential technologies that may be used practically to improve automobile and medium-duty and heavy-duty truck fuel economy;

(3) an analysis of how such technologies may be practically integrated into the automotive and medium-duty and heavy-duty truck manufacturing process; and

(4) an assessment of how such technologies may be used to meet the new fuel economy standards under chapter 329 of title 49, United States Code, as amended by this subtitle.

(b) REPORT.—The Academy shall submit the report to the Secretary, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Energy and Commerce of the House of Representatives, with its findings and recommendations not later than 5 years after the date on which the Secretary executes the agreement with the Academy.

(c) QUINQUENNIAL UPDATES.—After submitting the initial report, the Academy shall update the report at 5 year intervals thereafter through 2025.

SEC. 108. NATIONAL ACADEMY OF SCIENCES STUDY OF MEDIUM-DUTY AND HEAVY-DUTY TRUCK FUEL ECONOMY.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall execute an agreement with the National Academy of Sciences to develop a report evaluating medium-duty and heavy-duty truck fuel economy standards, including—

(1) an assessment of technologies and costs to evaluate fuel economy for medium-duty and heavy-duty trucks;

(2) an analysis of existing and potential technologies that may be used practically to improve medium-duty and heavy-duty truck fuel economy;

(3) an analysis of how such technologies may be practically integrated into the medium-duty and heavy-duty truck manufacturing process;

(4) an assessment of how such technologies may be used to meet fuel economy standards to be prescribed under section 32902(l) of title 49, United States Code, as amended by this subtitle; and

(5) associated costs and other impacts on the operation of medium-duty and heavy-duty trucks, including congestion.

(b) REPORT.—The Academy shall submit the report to the Secretary, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Energy and Commerce of the House of Representatives, with its findings and recommendations not later than 1 year after the date on which the Secretary executes the agreement with the Academy.

SEC. 109. EXTENSION OF FLEXIBLE FUEL VEHICLE CREDIT PROGRAM.

(a) IN GENERAL.—Section 32906 of title 49, United States Code, is amended to read as follows:

"§ 32906. Maximum fuel economy increase for alternative fuel automobiles

"(a) IN GENERAL.—For each of model years 1993 through 2019 for each category of automobile (except an electric automobile), the maximum increase in average fuel economy for a manufacturer attributable to dual fueled automobiles is—

"(1) 1.2 miles a gallon for each of model years 1993 through 2014;

"(2) 1.0 miles per gallon for model year 2015;

"(3) 0.8 miles per gallon for model year 2016;

"(4) 0.6 miles per gallon for model year 2017;

"(5) 0.4 miles per gallon for model year 2018;

"(6) 0.2 miles per gallon for model year 2019; and

"(7) 0 miles per gallon for model years after 2019.

"(b) CALCULATION.—In applying subsection (a), the Administrator of the Environmental Protection Agency shall determine the increase in a manufacturer's average fuel economy attributable to dual fueled automobiles by subtracting from the manufacturer's average fuel economy calculated under section 32905(e) the number equal to what the manufacturer's average fuel economy would be if it were calculated by the formula under section 32904(a)(1) by including as the denominator for each model of dual fueled automobiles the fuel economy when the automobiles are operated on gasoline or diesel fuel.".

(b) CONFORMING AMENDMENTS.—Section 32905 of title 49, United States Code, is amended—

(1) in subsection (b), by striking "1993-2010," and inserting "1993 through 2019,";

(2) in subsection (d), by striking "1993-2010," and inserting "1993 through 2019,";

(3) by striking subsections (f) and (g); and

(4) by redesignating subsection (h) as subsection (f).

(c) B20 BIODIESEL FLEXIBLE FUEL CREDIT.—Section 32905(b)(2) of title 49, United States Code, is amended to read as follows:

"(2) .5 divided by the fuel economy—

"(A) measured under subsection (a) when operating the model on alternative fuel; or

"(B) measured based on the fuel content of B20 when operating the model on B20, which is deemed to contain 0.15 gallon of fuel.".

SEC. 110. PERIODIC REVIEW OF ACCURACY OF FUEL ECONOMY LABELING PROCEDURES.

Beginning in December, 2009, and not less often than every 5 years thereafter, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation, shall—

(1) reevaluate the fuel economy labeling procedures described in the final rule published in the Federal Register on December 27, 2006 (71 Fed. Reg. 77,872; 40 C.F.R. parts 86 and 600) to determine whether changes in the factors used to establish the labeling procedures warrant a revision of that process; and

(2) submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives that describes the results of the reevaluation process.

SEC. 111. CONSUMER TIRE INFORMATION.

(a) IN GENERAL.—Chapter 323 of title 49, United States Code, is amended by inserting after section 32304 the following:

"§ 32304A. Consumer tire information

"(a) RULEMAKING.—

"(1) IN GENERAL.—Not later than 24 months after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation shall, after notice and opportunity for comment, promulgate rules establishing a national tire fuel efficiency consumer information program for replacement tires designed for use on motor vehicles to educate consumers about the effect of tires on automobile fuel efficiency, safety, and durability.

"(2) ITEMS INCLUDED IN RULE.—The rulemaking shall include—

"(A) a national tire fuel efficiency rating system for motor vehicle replacement tires to assist consumers in making more educated tire purchasing decisions;

"(B) requirements for providing information to consumers, including information at the point of sale and other potential information dissemination methods, including the Internet;

"(C) specifications for test methods for manufacturers to use in assessing and rating tires to avoid variation among test equipment and manufacturers; and

"(D) a national tire maintenance consumer education program including, information on tire inflation pressure, alignment, rotation, and tread wear to maximize fuel efficiency, safety, and durability of replacement tires.

"(3) APPLICABILITY.—This section shall apply only to replacement tires covered under section 575.104(c) of title 49, Code of Federal Regulations, in effect on the date of the enactment of the Ten-in-Ten Fuel Economy Act.

"(b) CONSULTATION.—The Secretary shall consult with the Secretary of Energy and the Administrator of the Environmental Protection Agency on the means of conveying tire fuel efficiency consumer information.

"(c) REPORT TO CONGRESS.—The Secretary shall conduct periodic assessments of the rules promulgated under this section to determine the utility of such rules to consumers, the level of cooperation by industry, and the contribution to national goals pertaining to energy consumption. The Secretary shall transmit periodic reports detailing the findings of such assessments to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce.

"(d) TIRE MARKING.—The Secretary shall not require permanent labeling of any kind on a tire for the purpose of tire fuel efficiency information.

"(e) APPLICATION WITH STATE AND LOCAL LAWS AND REGULATIONS.—Nothing in this section prohibits a State or political subdivision thereof from enforcing a law or regulation on tire fuel efficiency consumer information that was in effect on January 1, 2006. After a requirement promulgated under this section is in effect, a State or political subdivision thereof may adopt or enforce a law or regulation on tire fuel efficiency consumer information enacted or promulgated after January 1, 2006, if the requirements of that law or regulation are identical to the requirement promulgated under this section. Nothing in this section shall be construed to preempt a State or political subdivision thereof from regulating the fuel efficiency of tires (including establishing testing methods for determining compliance with such standards) not otherwise preempted under this chapter.".

(b) ENFORCEMENT.—Section 32308 of title 49, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d)and (e), respectively; and

(2) by inserting after subsection (b) the following:

"(c) SECTION 32304A.—Any person who fails to comply with the national tire fuel efficiency information program under section 32304A is liable to the United States Government for a civil penalty of not more than $50,000 for each violation.".

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 323 of title 49, United States Code, is amended by inserting after the item relating to section 32304 the following:

"32304A. Consumer tire information".

SEC. 112. USE OF CIVIL PENALTIES FOR RESEARCH AND DEVELOPMENT.

Section 32912 of title 49, United States Code, is amended by adding at the end the following:

"(e) USE OF CIVIL PENALTIES.—For fiscal year 2008 and each fiscal year thereafter, from the total amount deposited in the general fund of the Treasury during the preceding fiscal year from fines, penalties, and other funds obtained through enforcement actions conducted pursuant to this section (including funds obtained under consent decrees), the Secretary of the Treasury, subject to the availability of appropriations, shall—

"(1) transfer 50 percent of such total amount to the account providing appropriations to the Secretary of Transportation for the administration of this chapter, which shall be used by the Secretary to support rulemaking under this chapter; and

"(2) transfer 50 percent of such total amount to the account providing appropriations to the Secretary of Transportation for the administration of this chapter, which shall be used by the Secretary to carry out a program to make grants to manufacturers for retooling, reequipping, or expanding existing manufacturing facilities in the United States to produce advanced technology vehicles and components.".

SEC. 113. EXEMPTION FROM SEPARATE CALCULATION REQUIREMENT.

(a) REPEAL.—Paragraphs (6), (7), and (8) of section 32904(b) of title 49, United States Code, are repealed.

(b) EFFECT OF REPEAL ON EXISTING EXEMPTIONS.—Any exemption granted under section 32904(b)(6) of title 49, United States Code, prior to the date of the enactment of this Act shall remain in effect subject to its terms through model year 2013.

(c) ACCRUAL AND USE OF CREDITS.—Any manufacturer holding an exemption under section 32904(b)(6) of title 49, United States Code, prior to the date of the enactment of this Act may accrue and use credits under sections 32903 and 32905 of such title begining with model year 2011.

Subtitle B—Improved Vehicle Technology

SEC. 131. TRANSPORTATION ELECTRIFICATION.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) BATTERY.—The term "battery" means an electrochemical energy storage system powered directly by electrical current.

(3) ELECTRIC TRANSPORTATION TECHNOLOGY.—The term "electric transportation technology" means—

(A) technology used in vehicles that use an electric motor for all or part of the motive power of the vehicles, including battery electric, hybrid electric, plug-in hybrid electric, fuel cell, and plug-in fuel cell vehicles, or rail transportation; or

(B) equipment relating to transportation or mobile sources of air pollution that use an electric motor to replace an internal combustion engine for all or part of the work of the equipment, including—

(i) corded electric equipment linked to transportation or mobile sources of air pollution; and

(ii) electrification technologies at airports, ports, truck stops, and material-handling facilities.

(4) NONROAD VEHICLE.—The term "nonroad vehicle" means a vehicle—

(A) powered—

(i) by a nonroad engine, as that term is defined in section 216 of the Clean Air Act (42 U.S.C. 7550); or

(ii) fully or partially by an electric motor powered by a fuel cell, a battery, or an off-board source of electricity; and

(B) that is not a motor vehicle or a vehicle used solely for competition.

(5) PLUG-IN ELECTRIC DRIVE VEHICLE.—The term "plug-in electric drive vehicle" means a vehicle that—

(A) draws motive power from a battery with a capacity of at least 4 kilowatt-hours;

(B) can be recharged from an external source of electricity for motive power; and

(C) is a light-, medium-, or heavy-duty motor vehicle or nonroad vehicle (as those terms are defined in section 216 of the Clean Air Act (42 U.S.C. 7550)).

(6) QUALIFIED ELECTRIC TRANSPORTATION PROJECT.—The term "qualified electric transportation project" means an electric transportation technology project that would significantly reduce emissions of criteria pollutants, greenhouse gas emissions, and petroleum, including—

(A) shipside or shoreside electrification for vessels;

(B) truck-stop electrification;

(C) electric truck refrigeration units;

(D) battery powered auxiliary power units for trucks;

(E) electric airport ground support equipment;

(F) electric material and cargo handling equipment;

(G) electric or dual-mode electric rail;

(H) any distribution upgrades needed to supply electricity to the project; and

(I) any ancillary infrastructure, including panel upgrades, battery chargers, in-situ transformers, and trenching.

(b) PLUG-IN ELECTRIC DRIVE VEHICLE PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish a competitive program to provide grants on a cost-shared basis to State governments, local governments, metropolitan transportation authorities, air pollution control districts, private or nonprofit entities, or combinations of those governments, authorities, districts, and entities, to carry out 1 or more projects to encourage the use of plug-in electric drive vehicles or other emerging electric vehicle technologies, as determined by the Secretary.

(2) ADMINISTRATION.—The Secretary shall, in consultation with the Secretary of Transportation and the Administrator, establish requirements for applications for grants under this section, including reporting of data to be summarized for dissemination to grantees and the public, including safety, vehicle, and component performance, and vehicle and component life cycle costs.

(3) PRIORITY.—In making awards under this subsection, the Secretary shall—

(A) give priority consideration to applications that—

(i) encourage early widespread use of vehicles described in paragraph (1); and

(ii) are likely to make a significant contribution to the advancement of the production of the vehicles in the United States; and

(B) ensure, to the maximum extent practicable, that the program established under this subsection includes a variety of applications, manufacturers, and end-uses.

(4) REPORTING.—The Secretary shall require a grant recipient under this subsection to submit to the Secretary, on an annual basis, data relating to safety, vehicle performance, life cycle costs, and emissions of vehicles demonstrated under the grant, including emissions of greenhouse gases.

(5) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to a grant made under this subsection.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $90,000,000 for each of fiscal years 2008 through 2012, of which not less than ⅓ of the total amount appropriated shall be available each fiscal year to make grants to local and municipal governments.

(c) NEAR-TERM TRANSPORTATION SECTOR ELECTRIFICATION PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation and the Administrator, shall establish a program to provide grants for the conduct of qualified electric transportation projects.

(2) PRIORITY.—In providing grants under this subsection, the Secretary shall give priority to large-scale projects and large-scale aggregators of projects.

(3) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to a grant made under this subsection.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $95,000,000 for each of fiscal years 2008 through 2013.

(d) EDUCATION PROGRAM.—

(1) IN GENERAL.—The Secretary shall develop a nationwide electric drive transportation technology education program under which the Secretary shall provide—

(A) teaching materials to secondary schools and high schools; and

(B) assistance for programs relating to electric drive system and component engineering to institutions of higher education.

(2) ELECTRIC VEHICLE COMPETITION.—The program established under paragraph (1) shall include a plug-in hybrid electric vehicle competition for institutions of higher education, which shall be known as the "Dr. Andrew Frank Plug-In Electric Vehicle Competition".

(3) ENGINEERS.—In carrying out the program established under paragraph (1), the Secretary shall provide financial assistance to institutions of higher education to create new, or support existing, degree programs to ensure the availability of trained electrical and mechanical engineers with the skills necessary for the advancement of—

(A) plug-in electric drive vehicles; and

(B) other forms of electric drive transportation technology vehicles.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

SEC. 132. DOMESTIC MANUFACTURING CONVERSION GRANT PROGRAM.

Section 712 of the Energy Policy Act of 2005 (42 U.S.C. 16062) is amended to read as follows:

"SEC. 712. DOMESTIC MANUFACTURING CONVERSION GRANT PROGRAM.

"(a) PROGRAM.—

"(1) IN GENERAL.—The Secretary shall establish a program to encourage domestic production and sales of efficient hybrid and advanced diesel vehicles and components of those vehicles.

"(2) INCLUSIONS.—The program shall include grants to automobile manufacturers and suppliers and hybrid component manufacturers to encourage domestic production of efficient hybrid, plug-in electric hybrid, plug-in electric drive, and advanced diesel vehicles.

"(3) PRIORITY.—Priority shall be given to the refurbishment or retooling of manufacturing facilities that have recently ceased operation or will cease operation in the near future.

"(b) COORDINATION WITH STATE AND LOCAL PROGRAMS.—The Secretary may coordinate implementation of this section with State and local programs designed to accomplish similar goals, including the retention and retraining of skilled workers from the manufacturing facilities, including by establishing matching grant arrangements.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section.".

SEC. 133. INCLUSION OF ELECTRIC DRIVE IN ENERGY POLICY ACT OF 1992.

Section 508 of the Energy Policy Act of 1992 (42 U.S.C. 13258) is amended—

(1) by redesignating subsections (a) through (d) as subsections (b) through (e), respectively;

(2) by inserting before subsection (b) the following:

"(a) DEFINITIONS.—In this section:

"(1) FUEL CELL ELECTRIC VEHICLE.—The term 'fuel cell electric vehicle' means an on-road or nonroad vehicle that uses a fuel cell (as defined in section 803 of the Spark M. Matsunaga Hydrogen Act of 2005 (42 U.S.C. 16152)).

"(2) HYBRID ELECTRIC VEHICLE.—The term 'hybrid electric vehicle' means a new qualified hybrid motor vehicle (as defined in section 30B(d)(3) of the Internal Revenue Code of 1986).

"(3) MEDIUM- OR HEAVY-DUTY ELECTRIC VEHICLE.—The term 'medium- or heavy-duty electric vehicle' means an electric, hybrid electric, or plug-in hybrid electric vehicle with a gross vehicle weight of more than 8,501 pounds.

"(4) NEIGHBORHOOD ELECTRIC VEHICLE.—The term 'neighborhood electric vehicle' means a 4-wheeled on-road or nonroad vehicle that—

"(A) has a top attainable speed in 1 mile of more than 20 mph and not more than 25 mph on a paved level surface; and

"(B) is propelled by an electric motor and on-board, rechargeable energy storage system that is rechargeable using an off-board source of electricity.

"(5) PLUG-IN ELECTRIC DRIVE VEHICLE.—The term 'plug-in electric drive vehicle' means a vehicle that—

"(A) draws motive power from a battery with a capacity of at least 4 kilowatt-hours;

"(B) can be recharged from an external source of electricity for motive power; and

"(C) is a light-, medium-, or heavy duty motor vehicle or nonroad vehicle (as those terms are defined in section 216 of the Clean Air Act (42 U.S.C. 7550).";

(3) in subsection (b) (as redesignated by paragraph (1))—

(A) by striking "The Secretary" and inserting the following:

"(1) ALLOCATION.—The Secretary"; and

(B) by adding at the end the following:

"(2) ELECTRIC VEHICLES.—Not later than January 31, 2009, the Secretary shall—

"(A) allocate credit in an amount to be determined by the Secretary for—

"(i) acquisition of—

"(I) a hybrid electric vehicle;

"(II) a plug-in electric drive vehicle;

"(III) a fuel cell electric vehicle;

"(IV) a neighborhood electric vehicle; or

"(V) a medium- or heavy-duty electric vehicle; and

"(ii) investment in qualified alternative fuel infrastructure or nonroad equipment, as determined by the Secretary; and

"(B) allocate more than 1, but not to exceed 5, credits for investment in an emerging technology relating to any vehicle described in subparagraph (A) to encourage—

"(i) a reduction in petroleum demand;

"(ii) technological advancement; and

"(iii) a reduction in vehicle emissions.";

(4) in subsection (c) (as redesignated by paragraph (1)), by striking "subsection (a)" and inserting "subsection (b)"; and

(5) by adding at the end the following:

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2013.".

SEC. 134. LOAN GUARANTEES FOR FUEL-EFFICIENT AUTOMOBILE PARTS MANUFACTURERS.

(a) IN GENERAL.—Section 712(a)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16062(a)(2)) (as amended by section 132) is amended by inserting "and loan guarantees under section 1703" after "grants".

(b) CONFORMING AMENDMENT.—Section 1703(b) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)) is amended by striking paragraph (8) and inserting the following:

"(8) Production facilities for the manufacture of fuel efficient vehicles or parts of those vehicles, including electric drive vehicles and advanced diesel vehicles.".

SEC. 135. ADVANCED BATTERY LOAN GUARANTEE PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to provide guarantees of loans by private institutions for the construction of facilities for the manufacture of advanced vehicle batteries and battery systems that are developed and produced in the United States, including advanced lithium ion batteries and hybrid electrical system and component manufacturers and software designers.

(b) REQUIREMENTS.—The Secretary may provide a loan guarantee under subsection (a) to an applicant if—

(1) without a loan guarantee, credit is not available to the applicant under reasonable terms or conditions sufficient to finance the construction of a facility described in subsection (a);

(2) the prospective earning power of the applicant and the character and value of the security pledged provide a reasonable assurance of repayment of the loan to be guaranteed in accordance with the terms of the loan; and

(3) the loan bears interest at a rate determined by the Secretary to be reasonable, taking into account the current average yield on outstanding obligations of the United States with remaining periods of maturity comparable to the maturity of the loan.

(c) CRITERIA.—In selecting recipients of loan guarantees from among applicants, the Secretary shall give preference to proposals that—

(1) meet all applicable Federal and State permitting requirements;

(2) are most likely to be successful; and

(3) are located in local markets that have the greatest need for the facility.

(d) MATURITY.—A loan guaranteed under subsection (a) shall have a maturity of not more than 20 years.

(e) TERMS AND CONDITIONS.—The loan agreement for a loan guaranteed under subsection (a) shall provide that no provision of the loan agreement may be amended or waived without the consent of the Secretary.

(f) ASSURANCE OF REPAYMENT.—The Secretary shall require that an applicant for a loan guarantee under subsection (a) provide an assurance of repayment in the form of a performance bond, insurance, collateral, or other means acceptable to the Secretary in an amount equal to not less than 20 percent of the amount of the loan.

(g) GUARANTEE FEE.—The recipient of a loan guarantee under subsection (a) shall pay the Secretary an amount determined by the Secretary to be sufficient to cover the administrative costs of the Secretary relating to the loan guarantee.

(h) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of all guarantees made under this section. Any such guarantee made by the Secretary shall be conclusive evidence of the eligibility of the loan for the guarantee with respect to principal and interest. The validity of the guarantee shall be incontestable in the hands of a holder of the guaranteed loan.

(i) REPORTS.—Until each guaranteed loan under this section has been repaid in full, the Secretary shall annually submit to Congress a report on the activities of the Secretary under this section.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(k) TERMINATION OF AUTHORITY.—The authority of the Secretary to issue a loan guarantee under subsection (a) terminates on the date that is 10 years after the date of enactment of this Act.

SEC. 136. ADVANCED TECHNOLOGY VEHICLES MANUFACTURING INCENTIVE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADVANCED TECHNOLOGY VEHICLE.—The term "advanced technology vehicle" means a light duty vehicle that meets—

(A) the Bin 5 Tier II emission standard established in regulations issued by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)), or a lower-numbered Bin emission standard;

(B) any new emission standard in effect for fine particulate matter prescribed by the Administrator under that Act (42 U.S.C. 7401 et seq.); and

(C) at least 125 percent of the average base year combined fuel economy for vehicles with substantially similar attributes.

(2) COMBINED FUEL ECONOMY.—The term "combined fuel economy" means—

(A) the combined city/highway miles per gallon values, as reported in accordance with section 32904 of title 49, United States Code; and

(B) in the case of an electric drive vehicle with the ability to recharge from an offboard source, the reported mileage, as determined in a manner consistent with the Society of Automotive Engineers recommended practice for that configuration or a similar practice recommended by the Secretary.

(3) ENGINEERING INTEGRATION COSTS.—The term "engineering integration costs" includes the cost of engineering tasks relating to—

(A) incorporating qualifying components into the design of advanced technology vehicles; and

(B) designing tooling and equipment and developing manufacturing processes and material suppliers for production facilities that produce qualifying components or advanced technology vehicles.

(4) QUALIFYING COMPONENTS.—The term "qualifying components" means components that the Secretary determines to be—

(A) designed for advanced technology vehicles; and

(B) installed for the purpose of meeting the performance requirements of advanced technology vehicles.

(b) ADVANCED VEHICLES MANUFACTURING FACILITY.—The Secretary shall provide facility funding awards under this section to automobile manufacturers and component suppliers to pay not more than 30 percent of the cost of—

(1) reequipping, expanding, or establishing a manufacturing facility in the United States to produce—

(A) qualifying advanced technology vehicles; or

(B) qualifying components; and

(2) engineering integration performed in the United States of qualifying vehicles and qualifying components.

(c) PERIOD OF AVAILABILITY.—An award under subsection (b) shall apply to—

(1) facilities and equipment placed in service before December 30, 2020; and

(2) engineering integration costs incurred during the period beginning on the date of enactment of this Act and ending on December 30, 2020.

(d) DIRECT LOAN PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and subject to the availability of appropriated funds, the Secretary shall carry out a program to provide a total of not more than $25,000,000,000 in loans to eligible individuals and entities (as determined by the Secretary) for the costs of activities described in subsection (b).

(2) APPLICATION.—An applicant for a loan under this subsection shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a written assurance that—

(A) all laborers and mechanics employed by contractors or subcontractors during construction, alteration, or repair that is financed, in whole or in part, by a loan under this section shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with sections 3141-3144, 3146, and 3147 of title 40, United States Code; and

(B) the Secretary of Labor shall, with respect to the labor standards described in this paragraph, have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. App.) and section 3145 of title 40, United States Code.

(3) SELECTION OF ELIGIBLE PROJECTS.—The Secretary shall select eligible projects to receive loans under this subsection in cases in which, as determined by the Secretary, the award recipient—

(A) is financially viable without the receipt of additional Federal funding associated with the proposed project;

(B) will provide sufficient information to the Secretary for the Secretary to ensure that the qualified investment is expended efficiently and effectively; and

(C) has met such other criteria as may be established and published by the Secretary.

(4) RATES, TERMS, AND REPAYMENT OF LOANS.—A loan provided under this subsection—

(A) shall have an interest rate that, as of the date on which the loan is made, is equal to the cost of funds to the Department of the Treasury for obligations of comparable maturity;

(B) shall have a term equal to the lesser of—

(i) the projected life, in years, of the eligible project to be carried out using funds from the loan, as determined by the Secretary; and

(ii) 25 years;

(C) may be subject to a deferral in repayment for not more than 5 years after the date on which the eligible project carried out using funds from the loan first begins operations, as determined by the Secretary; and

(D) shall be made by the Federal Financing Bank.

(e) IMPROVEMENT.—The Secretary shall issue regulations that require that, in order for an automobile manufacturer to be eligible for an award or loan under this section during a particular year, the adjusted average fuel economy of the manufacturer for light duty vehicles produced by the manufacturer during the most recent year for which data are available shall be not less than the average fuel economy for all light duty vehicles of the manufacturer for model year 2005. In order to determine fuel economy baselines for eligibility of a new manufacturer or a manufacturer that has not produced previously produced equivalent vehicles, the Secretary may substitute industry averages.

(f) FEES.—Administrative costs shall be no more than $100,000 or 10 basis point of the loan.

(g) PRIORITY.—The Secretary shall, in making awards or loans to those manufacturers that have existing facilities, give priority to those facilities that are oldest or have been in existence for at least 20 years. Such facilities can currently be sitting idle.

(h) SET ASIDE FOR SMALL AUTOMOBILE MANUFACTURERS AND COMPONENT SUPPLIERS.—

(1) DEFINITION OF COVERED FIRM.—In this subsection, the term "covered firm" means a firm that—

(A) employs less than 500 individuals; and

(B) manufactures automobiles or components of automobiles.

(2) SET ASIDE.—Of the amount of funds that are used to provide awards for each fiscal year under subsection (b), the Secretary shall use not less than 10 percent to provide awards to covered firms or consortia led by a covered firm.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

Subtitle C—Federal Vehicle Fleets

SEC. 141. FEDERAL VEHICLE FLEETS.

Section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

"(f) VEHICLE EMISSION REQUIREMENTS.—

"(1) DEFINITIONS.—In this subsection:

"(A) FEDERAL AGENCY.—The term 'Federal agency' does not include any office of the legislative branch, except that it does include the House of Representatives with respect to an acquisition described in paragraph (2)(C).

"(B) MEDIUM DUTY PASSENGER VEHICLE.—The term 'medium duty passenger vehicle' has the meaning given that term section 523.2 of title 49 of the Code of Federal Regulations, as in effect on the date of enactment of this paragraph.

"(C) MEMBER'S REPRESENTATIONAL ALLOWANCE.—The term 'Member's Representational Allowance' means the allowance described in section 101(a) of the House of Representatives Administrative Reform Technical Corrections Act (2 U.S.C. 57b(a)).

"(2) PROHIBITION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), no Federal agency shall acquire a light duty motor vehicle or medium duty passenger vehicle that is not a low greenhouse gas emitting vehicle.

"(B) EXCEPTION.—The prohibition in subparagraph (A) shall not apply to acquisition of a vehicle if the head of the agency certifies in writing, in a separate certification for each individual vehicle purchased, either—

"(i) that no low greenhouse gas emitting vehicle is available to meet the functional needs of the agency and details in writing the functional needs that could not be met with a low greenhouse gas emitting vehicle; or

"(ii) that the agency has taken specific alternative more cost-effective measures to reduce petroleum consumption that—

"(I) have reduced a measured and verified quantity of greenhouse gas emissions equal to or greater than the quantity of greenhouse gas reductions that would have been achieved through acquisition of a low greenhouse gas emitting vehicle over the lifetime of the vehicle; or

"(II) will reduce each year a measured and verified quantity of greenhouse gas emissions equal to or greater than the quantity of greenhouse gas reductions that would have been achieved each year through acquisition of a low greenhouse gas emitting vehicle.

"(C) SPECIAL RULE FOR VEHICLES PROVIDED BY FUNDS CONTAINED IN MEMBERS' REPRESENTATIONAL ALLOWANCE.—This paragraph shall apply to the acquisition of a light duty motor vehicle or medium duty passenger vehicle using any portion of a Member's Representational Allowance, including an acquisition under a long-term lease.

"(3) GUIDANCE.—

"(A) IN GENERAL.—Each year, the Administrator of the Environmental Protection Agency shall issue guidance identifying the makes and model numbers of vehicles that are low greenhouse gas emitting vehicles.

"(B) CONSIDERATION.—In identifying vehicles under subparagraph (A), the Administrator shall take into account the most stringent standards for vehicle greenhouse gas emissions applicable to and enforceable against motor vehicle manufacturers for vehicles sold anywhere in the United States.

"(C) REQUIREMENT.—The Administrator shall not identify any vehicle as a low greenhouse gas emitting vehicle if the vehicle emits greenhouse gases at a higher rate than such standards allow for the manufacturer's fleet average grams per mile of carbon dioxide-equivalent emissions for that class of vehicle, taking into account any emissions allowances and adjustment factors such standards provide.".

SEC. 142. FEDERAL FLEET CONSERVATION REQUIREMENTS.

Part J of title III of the Energy Policy and Conservation Act (42 U.S.C. 6374 et seq.) is amended by adding at the end the following:

"SEC. 400FF. FEDERAL FLEET CONSERVATION REQUIREMENTS.

"(a) MANDATORY REDUCTION IN PETROLEUM CONSUMPTION.—

"(1) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Secretary shall issue regulations for Federal fleets subject to section 400AA to require that, beginning in fiscal year 2010, each Federal agency shall reduce petroleum consumption and increase alternative fuel consumption each year by an amount necessary to meet the goals described in paragraph (2).

"(2) GOALS.—The goals of the requirements under paragraph (1) are that not later than October 1, 2015, and for each year thereafter, each Federal agency shall achieve at least a 20 percent reduction in annual petroleum consumption and a 10 percent increase in annual alternative fuel consumption, as calculated from the baseline established by the Secretary for fiscal year 2005.

"(3) MILESTONES.—The Secretary shall include in the regulations described in paragraph (1)—

"(A) interim numeric milestones to assess annual agency progress towards accomplishing the goals described in that paragraph; and

"(B) a requirement that agencies annually report on progress towards meeting each of the milestones and the 2015 goals.

"(b) PLAN.—

"(1) REQUIREMENT.—

"(A) IN GENERAL.—The regulations under subsection (a) shall require each Federal agency to develop a plan, and implement the measures specified in the plan by dates specified in the plan, to meet the required petroleum reduction levels and the alternative fuel consumption increases, including the milestones specified by the Secretary.

"(B) INCLUSIONS.—The plan shall—

"(i) identify the specific measures the agency will use to meet the requirements of subsection (a)(2); and

"(ii) quantify the reductions in petroleum consumption or increases in alternative fuel consumption projected to be achieved by each measure each year.

"(2) MEASURES.—The plan may allow an agency to meet the required petroleum reduction level through—

"(A) the use of alternative fuels;

"(B) the acquisition of vehicles with higher fuel economy, including hybrid vehicles, neighborhood electric vehicles, electric vehicles, and plug-in hybrid vehicles if the vehicles are commercially available;

"(C) the substitution of cars for light trucks;

"(D) an increase in vehicle load factors;

"(E) a decrease in vehicle miles traveled;

"(F) a decrease in fleet size; and

"(G) other measures.".

TITLE II—ENERGY SECURITY THROUGH INCREASED PRODUCTION OF BIOFUELS

Subtitle A—Renewable Fuel Standard

SEC. 201. DEFINITIONS.

Section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)) is amended to read as follows:

"(1) DEFINITIONS.—In this section:

"(A) ADDITIONAL RENEWABLE FUEL.—The term 'additional renewable fuel' means fuel that is produced from renewable biomass and that is used to replace or reduce the quantity of fossil fuel present in home heating oil or jet fuel.

"(B) ADVANCED BIOFUEL.—

"(i) IN GENERAL.—The term 'advanced biofuel' means renewable fuel, other than ethanol derived from corn starch, that has lifecycle greenhouse gas emissions, as determined by the Administrator, after notice and opportunity for comment, that are at least 50 percent less than baseline lifecycle greenhouse gas emissions.

"(ii) INCLUSIONS.—The types of fuels eligible for consideration as 'advanced biofuel' may include any of the following:

"(I) Ethanol derived from cellulose, hemicellulose, or lignin.

"(II) Ethanol derived from sugar or starch (other than corn starch).

"(III) Ethanol derived from waste material, including crop residue, other vegetative waste material, animal waste, and food waste and yard waste.

"(IV) Biomass-based diesel.

"(V) Biogas (including landfill gas and sewage waste treatment gas) produced through the conversion of organic matter from renewable biomass.

"(VI) Butanol or other alcohols produced through the conversion of organic matter from renewable biomass.

"(VII) Other fuel derived from cellulosic biomass.

"(C) BASELINE LIFECYCLE GREENHOUSE GAS EMISSIONS.—The term 'baseline lifecycle greenhouse gas emissions' means the average lifecycle greenhouse gas emissions, as determined by the Administrator, after notice and opportunity for comment, for gasoline or diesel (whichever is being replaced by the renewable fuel) sold or distributed as transportation fuel in 2005.

"(D) BIOMASS-BASED DIESEL.—The term 'biomass-based diesel' means renewable fuel that is biodiesel as defined in section 312(f) of the Energy Policy Act of 1992 (42 U.S.C. 13220(f)) and that has lifecycle greenhouse gas emissions, as determined by the Administrator, after notice and opportunity for comment, that are at least 50 percent less than the baseline lifecycle greenhouse gas emissions. Notwithstanding the preceding sentence, renewable fuel derived from co-processing biomass with a petroleum feedstock shall be advanced biofuel if it meets the requirements of subparagraph (B), but is not biomass-based diesel.

"(E) CELLULOSIC BIOFUEL.—The term 'cellulosic biofuel' means renewable fuel derived from any cellulose, hemicellulose, or lignin that is derived from renewable biomass and that has lifecycle greenhouse gas emissions, as determined by the Administrator, that are at least 60 percent less than the baseline lifecycle greenhouse gas emissions.

"(F) CONVENTIONAL BIOFUEL.—The term 'conventional biofuel' means renewable fuel that is ethanol derived from corn starch.

"(G) GREENHOUSE GAS.—The term 'greenhouse gas' means carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, sulfur hexafluoride. The Administrator may include any other anthropogenically-emitted gas that is determined by the Administrator, after notice and comment, to contribute to global warming.

"(H) LIFECYCLE GREENHOUSE GAS EMISSIONS.—The term 'lifecycle greenhouse gas emissions' means the aggregate quantity of greenhouse gas emissions (including direct emissions and significant indirect emissions such as significant emissions from land use changes), as determined by the Administrator, related to the full fuel lifecycle, including all stages of fuel and feedstock production and distribution, from feedstock generation or extraction through the distribution and delivery and use of the finished fuel to the ultimate consumer, where the mass values for all greenhouse gases are adjusted to account for their relative global warming potential.

"(I) RENEWABLE BIOMASS.—The term 'renewable biomass' means each of the following:

"(i) Planted crops and crop residue harvested from agricultural land cleared or cultivated at any time prior to the enactment of this sentence that is either actively managed or fallow, and nonforested.

"(ii) Planted trees and tree residue from actively managed tree plantations on non-federal land cleared at any time prior to enactment of this sentence, including land belonging to an Indian tribe or an Indian individual, that is held in trust by the United States or subject to a restriction against alienation imposed by the United States.

"(iii) Animal waste material and animal byproducts.

"(iv) Slash and pre-commercial thinnings that are from non-federal forestlands, including forestlands belonging to an Indian tribe or an Indian individual, that are held in trust by the United States or subject to a restriction against alienation imposed by the United States, but not forests or forestlands that are ecological communities with a global or State ranking of critically imperiled, imperiled, or rare pursuant to a State Natural Heritage Program, old growth forest, or late successional forest.

"(v) Biomass obtained from the immediate vicinity of buildings and other areas regularly occupied by people, or of public infrastructure, at risk from wildfire.

"(vi) Algae.

"(vii) Separated yard waste or food waste, including recycled cooking and trap grease.

"(J) RENEWABLE FUEL.—The term 'renewable fuel' means fuel that is produced from renewable biomass and that is used to replace or reduce the quantity of fossil fuel present in a transportation fuel.

"(K) SMALL REFINERY.—The term 'small refinery' means a refinery for which the average aggregate daily crude oil throughput for a calendar year (as determined by dividing the aggregate throughput for the calendar year by the number of days in the calendar year) does not exceed 75,000 barrels.

"(L) TRANSPORTATION FUEL.—The term 'transportation fuel' means fuel for use in motor vehicles, motor vehicle engines, nonroad vehicles, or nonroad engines (except for ocean-going vessels).".

SEC. 202. RENEWABLE FUEL STANDARD.

(a) RENEWABLE FUEL PROGRAM.—Paragraph (2) of section 211(o) (42 U.S.C. 7545(o)(2)) of the Clean Air Act is amended as follows:

(1) REGULATIONS.—Clause (i) of subparagraph (A) is amended by adding the following at the end thereof: "Not later than 1 year after the date of enactment of this sentence, the Administrator shall revise the regulations under this paragraph to ensure that transportation fuel sold or introduced into commerce in the United States (except in noncontiguous States or territories), on an annual average basis, contains at least the applicable volume of renewable fuel, advanced biofuel, cellulosic biofuel, and biomass-based diesel, determined in accordance with subparagraph (B) and, in the case of any such renewable fuel produced from new facilities that commence construction after the date of enactment of this sentence, achieves at least a 20 percent reduction in lifecycle greenhouse gas emissions compared to baseline lifecycle greenhouse gas emissions."

(2) APPLICABLE VOLUMES OF RENEWABLE FUEL.—Subparagraph (B) is amended to read as follows:

"(B) APPLICABLE VOLUMES.—

"(i) CALENDAR YEARS AFTER 2005.—

"(I) RENEWABLE FUEL.—For the purpose of subparagraph (A), the applicable volume of renewable fuel for the calendar years 2006 through 2022 shall be determined in accordance with the following table:

"Calendar year:	**Applicable volume of renewable fuel (in billions of gallons):**
2006	4.0
2007	4.7
2008	9.0
2009	11.1
2010	12.95
2011	13.95
2012	15.2
2013	16.55
2014	18.15
2015	20.5
2016	22.25
2017	24.0
2018	26.0
2019	28.0
2020	30.0
2021	33.0
2022	36.0

"(II) ADVANCED BIOFUEL.—For the purpose of subparagraph (A), of the volume of renewable fuel required under subclause (I), the applicable volume of advanced biofuel for the calendar years 2009 through 2022 shall be determined in accordance with the following table:

"Calendar year:	**Applicable volume of advanced biofuel (in billions of gallons):**
2009	0.6
2010	0.95
2011	1.35
2012	2.0
2013	2.75
2014	3.75
2015	5.5
2016	7.25
2017	9.0
2018	11.0
2019	13.0
2020	15.0
2021	18.0
2022	21.0

"(III) CELLULOSIC BIOFUEL.—For the purpose of subparagraph (A), of the volume of advanced biofuel required under subclause (II), the applicable volume of cellulosic biofuel for the calendar years 2010 through 2022 shall be determined in accordance with the following table:

"Calendar year:	**Applicable volume of cellulosic biofuel (in billions of gallons):**
2010	0.1
2011	0.25
2012	0.5
2013	1.0
2014	1.75
2015	3.0
2016	4.25
2017	5.5
2018	7.0
2019	8.5
2020	10.5
2021	13.5
2022	16.0

"(IV) BIOMASS-BASED DIESEL.—For the purpose of subparagraph (A), of the volume of advanced biofuel required under subclause (II), the applicable volume of biomass-based diesel for the calendar years 2009 through 2012 shall be determined in accordance with the following table:

“Calendar year:	Applicable volume of biomass-based diesel (in billions of gallons):
2009	0.5
2010	0.65
2011	0.80
2012	1.0

“(ii) OTHER CALENDAR YEARS.—For the purposes of subparagraph (A), the applicable volumes of each fuel specified in the tables in clause (i) for calendar years after the calendar years specified in the tables shall be determined by the Administrator, in coordination with the Secretary of Energy and the Secretary of Agriculture, based on a review of the implementation of the program during calendar years specified in the tables, and an analysis of—

“(I) the impact of the production and use of renewable fuels on the environment, including on air quality, climate change, conversion of wet lands, eco-systems, wildlife habitat, water quality, and water supply;

“(II) the impact of renewable fuels on the energy security of the United States;

“(III) the expected annual rate of future commercial production of renewable fuels, including advanced biofuels in each category (cellulosic biofuel and biomass-based diesel);

“(IV) the impact of renewable fuels on the infrastructure of the United States, including deliverability of materials, goods, and products other than renewable fuel, and the sufficiency of infrastructure to deliver and use renewable fuel;

“(V) the impact of the use of renewable fuels on the cost to consumers of transportation fuel and on the cost to transport goods; and

“(VI) the impact of the use of renewable fuels on other factors, including job creation, the price and supply of agricultural commodities, rural economic development, and food prices.

The Administrator shall promulgate rules establishing the applicable volumes under this clause no later than 14 months before the first year for which such applicable volume will apply.

“(iii) APPLICABLE VOLUME OF ADVANCED BIOFUEL.—For the purpose of making the determinations in clause (ii), for each calendar year, the applicable volume of advanced biofuel shall be at least the same percentage of the applicable volume of renewable fuel as in calendar year 2022.

“(iv) APPLICABLE VOLUME OF CELLULOSIC BIOFUEL.—For the purpose of making the determinations in clause (ii), for each calendar year, the applicable volume of cellulosic biofuel established by the Administrator shall be based on the assumption that the Administrator will not need to issue a waiver for such years under paragraph (7)(D).

“(v) MINIMUM APPLICABLE VOLUME OF BIOMASS-BASED DIESEL.—For the purpose of making the determinations in clause (ii), the applicable volume of biomass-based diesel shall not be less than the applicable volume listed in clause (i)(IV) for calendar year 2012.”.

(b) APPLICABLE PERCENTAGES.—Paragraph (3) of section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)(3)) is amended as follows:

(1) In subparagraph (A), by striking “2011” and inserting “2021”.

(2) In subparagraph (A), by striking “gasoline” and inserting “transportation fuel, biomass-based diesel, and cellulosic biofuel”.

(3) In subparagraph (B), by striking “2012” and inserting “2021” in clause (i).

(4) In subparagraph (B), by striking “gasoline” and inserting “transportation fuel” in clause (ii)(II).

(c) MODIFICATION OF GREENHOUSE GAS PERCENTAGES.—Paragraph (4) of section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)(4)) is amended to read as follows:

“(4) MODIFICATION OF GREENHOUSE GAS REDUCTION PERCENTAGES.—

“(A) IN GENERAL.—The Administrator may, in the regulations under the last sentence of paragraph (2)(A)(i), adjust the 20 percent, 50 percent, and 60 percent reductions in lifecycle greenhouse gas emissions specified in paragraphs (2)(A)(i)(relating to renewable fuel), (1)(D) (relating to biomass-based diesel), (1)(B)(i)(relating to advanced biofuel), and (1)(E) (relating to cellulosic biofuel) to a lower percentage. For the 50 and 60 percent reductions, the Administrator may make such an adjustment only if he determines that generally such reduction is not commercially feasible for fuels made using a variety of feedstocks, technologies, and processes to meet the applicable reduction.

“(B) AMOUNT OF ADJUSTMENT.—In promulgating regulations under this paragraph, the specified 50 percent reduction in greenhouse gas emissions from advanced biofuel and in biomass-based diesel may not be reduced below 40 percent. The specified 20 percent reduction in greenhouse gas emissions from renewable fuel may not be reduced below 10 percent, and the specified 60 percent reduction in greenhouse gas emissions from cellulosic biofuel may not be reduced below 50 percent.

“(C) ADJUSTED REDUCTION LEVELS.—An adjustment under this paragraph to a percent less than the specified 20 percent greenhouse gas reduction for renewable fuel shall be the minimum possible adjustment, and the adjusted greenhouse gas reduction shall be established by the Administrator at the maximum achievable level, taking cost in consideration, for natural gas fired corn-based ethanol plants, allowing for the use of a variety of technologies and processes. An adjustment in the 50 or 60 percent greenhouse gas levels shall be the minimum possible adjustment for the fuel or fuels concerned, and the adjusted greenhouse gas reduction shall be established at the maximum achievable level, taking cost in consideration, allowing for the use of a variety of feedstocks, technologies, and processes.

“(D) 5-YEAR REVIEW.—Whenever the Administrator makes any adjustment under this paragraph, not later than 5 years thereafter he shall review and revise (based upon the same criteria and standards as required for the initial adjustment) the regulations establishing the adjusted level.

“(E) SUBSEQUENT ADJUSTMENTS.—After the Administrator has promulgated a final rule under the last sentence of paragraph (2)(A)(i) with respect to the method of determining lifecycle greenhouse gas emissions, except as provided in subparagraph (D), the Administrator may not adjust the percent greenhouse gas reduction levels unless he determines that there has been a significant change in the analytical methodology used for determining the lifecycle greenhouse gas emissions. If he makes such determination, he may adjust the 20, 50, or 60 percent reduction levels through rulemaking using the criteria and standards set forth in this paragraph.

“(F) LIMIT ON UPWARD ADJUSTMENTS.—If, under subparagraph (D) or (E), the Administrator revises a percent level adjusted as provided in subparagraph (A), (B), and (C) to a higher percent, such higher percent may not exceed the applicable percent specified in paragraph (2)(A)(i), (1)(D),(1)(B)(i), or (1)(E).

“(G) APPLICABILITY OF ADJUSTMENTS.—If the Administrator adjusts, or revises, a percent level referred to in this paragraph or makes a change in the analytical methodology used for determining the lifecycle greenhouse gas emissions, such adjustment, revision, or change (or any combination thereof) shall only apply to renewable fuel from new facilities that commence construction after the effective date of such adjustment, revision, or change.”.

(d) CREDITS FOR ADDITIONAL RENEWABLE FUEL.—Paragraph (5) of section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)(5)) is amended by adding the following new subparagraph at the end thereof:

“(E) CREDITS FOR ADDITIONAL RENEWABLE FUEL.—The Administrator may issue regulations providing (i) for the generation of an appropriate amount of credits by any person that refines, blends, or imports additional renewable fuels specified by the Administrator and (ii) for the use of such credits by the generator, or the transfer of all or a portion of the credits to another person, for the purpose of complying with paragraph (2).”.

(e) WAIVERS.—

(1) IN GENERAL.—Paragraph (7)(A) of section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)(7)(A)) is amended by inserting “, by any person subject to the requirements of this subsection, or by the Administrator on his own motion” after “one or more States” in subparagraph (A) and by striking out “State” in subparagraph (B).

(2) CELLULOSIC BIOFUEL.—Paragraph (7) of section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)(7)) is amended by adding the following at the end thereof:

“(D) CELLULOSIC BIOFUEL.—(i) For any calendar year for which the projected volume of cellulosic biofuel production is less than the minimum applicable volume established under paragraph (2)(B), as determined by the Administrator based on the estimate provided under paragraph (3)(A), not later than November 30 of the preceding calendar year, the Administrator shall reduce the applicable volume of cellulosic biofuel required under paragraph (2)(B) to the projected volume available during that calendar year. For any calendar year in which the Administrator makes such a reduction, the Administrator may also reduce the applicable volume of renewable fuel and advanced biofuels requirement established under paragraph (2)(B) by the same or a lesser volume.

“(ii) Whenever the Administrator reduces the minimum cellulosic biofuel volume under this subparagraph, the Administrator shall make available for sale cellulosic biofuel credits at the higher of $0.25 per gallon or the amount by which $3.00 per gallon exceeds the average wholesale price of a gallon of gasoline in the United States. Such amounts shall be adjusted for inflation by the Administrator for years after 2008.

“(iii) 18 months after date of enactment of this subparagraph, the Administrator shall promulgate regulations to govern the issuance of credits under this subparagraph. The regulations shall set forth the method for determining the exact price of credits in the event of a waiver. The price of such credits shall not be changed more frequently than once each quarter. These regulations shall include such provisions, including limiting the credits' uses and useful life, as the Administrator deems appropriate to assist market liquidity and transparency, to provide appropriate certainty for regulated entities and renewable fuel producers, and to limit any potential misuse of cellulosic biofuel credits to reduce the use of other renewable fuels, and for such other purposes as the Administrator determines will help achieve the goals of this subsection. The regulations shall limit the number of cellulosic biofuel credits for any calendar year to the minimum applicable volume (as reduced under this subparagraph) of cellulosic biofuel for that year.".

(3) BIOMASS-BASED DIESEL.—Paragraph (7) of section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)(7)) is amended by adding the following at the end thereof:

"(E) BIOMASS-BASED DIESEL.—

"(i) MARKET EVALUATION.—The Administrator, in consultation with the Secretary of Energy and the Secretary of Agriculture, shall periodically evaluate the impact of the biomass-based diesel requirements established under this paragraph on the price of diesel fuel.

"(ii) WAIVER.—If the Administrator determines that there is a significant renewable feedstock disruption or other market circumstances that would make the price of biomass-based diesel fuel increase significantly, the Administrator, in consultation with the Secretary of Energy and the Secretary of Agriculture, shall issue an order to reduce, for up to a 60-day period, the quantity of biomass-based diesel required under subparagraph (A) by an appropriate quantity that does not exceed 15 percent of the applicable annual requirement for biomass-based diesel. For any calendar year in which the Administrator makes a reduction under this subparagraph, the Administrator may also reduce the applicable volume of renewable fuel and advanced biofuels requirement established under paragraph (2)(B) by the same or a lesser volume.

"(iii) EXTENSIONS.—If the Administrator determines that the feedstock disruption or circumstances described in clause (ii) is continuing beyond the 60-day period described in clause (ii) or this clause, the Administrator, in consultation with the Secretary of Energy and the Secretary of Agriculture, may issue an order to reduce, for up to an additional 60-day period, the quantity of biomass-based diesel required under subparagraph (A) by an appropriate quantity that does not exceed an additional 15 percent of the applicable annual requirement for biomass-based diesel.

"(F) MODIFICATION OF APPLICABLE VOLUMES.—For any of the tables in paragraph (2)(B), if the Administrator waives—

"(i) at least 20 percent of the applicable volume requirement set forth in any such table for 2 consecutive years; or

"(ii) at least 50 percent of such volume requirement for a single year,

the Administrator shall promulgate a rule (within one year after issuing such waiver) that modifies the applicable volumes set forth in the table concerned for all years following the final year to which the waiver applies, except that no such modification in applicable volumes shall be made for any year before 2016. In promulgating such a rule, the Administrator shall comply with the processes, criteria, and standards set forth in paragraph (2)(B)(ii).".

SEC. 203. STUDY OF IMPACT OF RENEWABLE FUEL STANDARD.

(a) IN GENERAL.—The Secretary of Energy, in consultation with the Secretary of Agriculture and the Administrator of the Environmental Protection Agency, shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a study to assess the impact of the requirements described in section 211(o) of the Clean Air Act on each industry relating to the production of feed grains, livestock, food, forest products, and energy.

(b) PARTICIPATION.—In conducting the study under this section, the National Academy of Sciences shall seek the participation, and consider the input, of—

(1) producers of feed grains;

(2) producers of livestock, poultry, and pork products;

(3) producers of food and food products;

(4) producers of energy;

(5) individuals and entities interested in issues relating to conservation, the environment, and nutrition;

(6) users and consumer of renewable fuels;

(7) producers and users of biomass feedstocks; and

(8) land grant universities.

(c) CONSIDERATIONS.—In conducting the study, the National Academy of Sciences shall consider—

(1) the likely impact on domestic animal agriculture feedstocks that, in any crop year, are significantly below current projections;

(2) policy options to alleviate the impact on domestic animal agriculture feedstocks that are significantly below current projections; and

(3) policy options to maintain regional agricultural and silvicultural capability.

(d) COMPONENTS.—The study shall include—

(1) a description of the conditions under which the requirements described in section 211(o) of the Clean Air Act should be suspended or reduced to prevent adverse impacts to domestic animal agriculture feedstocks described in subsection (c)(2) or regional agricultural and silvicultural capability described in subsection (c)(3); and

(2) recommendations for the means by which the Federal Government could prevent or minimize adverse economic hardships and impacts.

(e) DEADLINE FOR COMPLETION OF STUDY.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the results of the study under this section.

(f) PERIODIC REVIEWS.—Section 211(o) of the Clean Air Act is amended by adding the following at the end thereof:

"(11) PERIODIC REVIEWS.—To allow for the appropriate adjustment of the requirements described in subparagraph (B) of paragraph (2), the Administrator shall conduct periodic reviews of—

"(A) existing technologies;

"(B) the feasibility of achieving compliance with the requirements; and

"(C) the impacts of the requirements described in subsection (a)(2) on each individual and entity described in paragraph (2).".

SEC. 204. ENVIRONMENTAL AND RESOURCE CONSERVATION IMPACTS.

(a) IN GENERAL.—Not later than 3 years after the enactment of this section and every 3 years thereafter, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Agriculture and the Secretary of Energy, shall assess and report to Congress on the impacts to date and likely future impacts of the requirements of section 211(o) of the Clean Air Act on the following:

(1) Environmental issues, including air quality, effects on hypoxia, pesticides, sediment, nutrient and pathogen levels in waters, acreage and function of waters, and soil environmental quality.

(2) Resource conservation issues, including soil conservation, water availability, and ecosystem health and biodiversity, including impacts on forests, grasslands, and wetlands.

(3) The growth and use of cultivated invasive or noxious plants and their impacts on the environment and agriculture.

In advance of preparing the report required by this subsection, the Administrator may seek the views of the National Academy of Sciences or another appropriate independent research institute. The report shall include the annual volume of imported renewable fuels and feedstocks for renewable fuels, and the environmental impacts outside the United States of producing such fuels and feedstocks. The report required by this subsection shall include recommendations for actions to address any adverse impacts found.

(b) EFFECT ON AIR QUALITY AND OTHER ENVIRONMENTAL REQUIREMENTS.—Except as provided in section 211(o)(13) of the Clean Air Act, nothing in the amendments made by this title to section 211(o) of the Clean Air Act shall be construed as superseding, or limiting, any more environmentally protective requirement under the Clean Air Act, or under any other provision of State or Federal law or regulation, including any environmental law or regulation.

SEC. 205. BIOMASS BASED DIESEL AND BIODIESEL LABELING.

(a) IN GENERAL.—Each retail diesel fuel pump shall be labeled in a manner that informs consumers of the percent of biomass-based diesel or biodiesel that is contained in the biomass-based diesel blend or biodiesel blend that is offered for sale, as determined by the Federal Trade Commission.

(b) LABELING REQUIREMENTS.—Not later than 180 days after the date of enactment of this section, the Federal Trade Commission shall promulgate biodiesel labeling requirements as follows:

(1) Biomass-based diesel blends or biodiesel blends that contain less than or equal to 5 percent biomass-based diesel or biodiesel by volume and that meet ASTM D975 diesel specifications shall not require any additional labels.

(2) Biomass based diesel blends or biodiesel blends that contain more than 5 percent biomass-based diesel or biodiesel by volume but not more than 20 percent by volume shall be labeled "contains biomass-based diesel or biodiesel in quantities between 5 percent and 20 percent".

(3) Biomass-based diesel or biodiesel blends that contain more than 20 percent biomass based or biodiesel by volume shall be labeled "contains more than 20 percent biomass-based diesel or biodiesel".

(c) DEFINITIONS.—In this section:

(1) ASTM.—The term "ASTM" means the American Society of Testing and Materials.

(2) BIOMASS-BASED DIESEL.—The term "biomass-based diesel" means biodiesel as defined in section 312(f) of the Energy Policy Act of 1992 (42 U.S.C. 13220(f)).

(3) BIODIESEL.—The term "biodiesel" means the monoalkyl esters of long chain fatty acids derived from plant or animal matter that meet—

(A) the registration requirements for fuels and fuel additives under this section; and

(B) the requirements of ASTM standard D6751.

(4) BIOMASS-BASED DIESEL AND BIODIESEL BLENDS.—The terms "biomass-based diesel blend" and "biodiesel blend" means a blend of "biomass-based diesel" or "biodiesel" fuel

that is blended with petroleum based diesel fuel.

SEC. 206. STUDY OF CREDITS FOR USE OF RENEWABLE ELECTRICITY IN ELECTRIC VEHICLES.

(a) DEFINITION OF ELECTRIC VEHICLE.—In this section, the term "electric vehicle" means an electric motor vehicle (as defined in section 601 of the Energy Policy Act of 1992 (42 U.S.C. 13271)) for which the rechargeable storage battery—

(1) receives a charge directly from a source of electric current that is external to the vehicle; and

(2) provides a minimum of 80 percent of the motive power of the vehicle.

(b) STUDY.—The Administrator of the Environmental Protection Agency shall conduct a study on the feasibility of issuing credits under the program established under section 211(o) of the Clean Air Act to electric vehicles powered by electricity produced from renewable energy sources.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Energy and Commerce of the United States House of Representatives a report that describes the results of the study, including a description of—

(1) existing programs and studies on the use of renewable electricity as a means of powering electric vehicles; and

(2) alternatives for—

(A) designing a pilot program to determine the feasibility of using renewable electricity to power electric vehicles as an adjunct to a renewable fuels mandate;

(B) allowing the use, under the pilot program designed under subparagraph (A), of electricity generated from nuclear energy as an additional source of supply;

(C) identifying the source of electricity used to power electric vehicles; and

(D) equating specific quantities of electricity to quantities of renewable fuel under section 211(o) of the Clean Air Act.

SEC. 207. GRANTS FOR PRODUCTION OF ADVANCED BIOFUELS.

(a) IN GENERAL.—The Secretary of Energy shall establish a grant program to encourage the production of advanced biofuels.

(b) REQUIREMENTS AND PRIORITY.—In making grants under this section, the Secretary—

(1) shall make awards to the proposals for advanced biofuels with the greatest reduction in lifecycle greenhouse gas emissions compared to the comparable motor vehicle fuel lifecycle emissions during calendar year 2005; and

(2) shall not make an award to a project that does not achieve at least a 80 percent reduction in such lifecycle greenhouse gas emissions.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000,000 for the period of fiscal years 2008 through 2015.

SEC. 208. INTEGRATED CONSIDERATION OF WATER QUALITY IN DETERMINATIONS ON FUELS AND FUEL ADDITIVES.

Section 211(c)(1) of the Clean Air Act (42 U.S.C. 7545(c)(1)) is amended as follows:

(1) By striking "nonroad vehicle (A) if in the judgment of the Administrator" and inserting "nonroad vehicle if, in the judgment of the Administrator, any fuel or fuel additive or" ; and

(2) In subparagraph (A), by striking "air pollution which" and inserting "air pollution or water pollution (including any degradation in the quality of groundwater) that".

SEC. 209. ANTI-BACKSLIDING.

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended by adding at the end the following:

"(v) PREVENTION OF AIR QUALITY DETERIORATION.—

"(1) STUDY.—

"(A) IN GENERAL.—Not later than 18 months after the date of enactment of this subsection, the Administrator shall complete a study to determine whether the renewable fuel volumes required by this section will adversely impact air quality as a result of changes in vehicle and engine emissions of air pollutants regulated under this Act.

"(B) CONSIDERATIONS.—The study shall include consideration of—

"(i) different blend levels, types of renewable fuels, and available vehicle technologies; and

"(ii) appropriate national, regional, and local air quality control measures.

"(2) REGULATIONS.—Not later than 3 years after the date of enactment of this subsection, the Administrator shall—

"(A) promulgate fuel regulations to implement appropriate measures to mitigate, to the greatest extent achievable, considering the results of the study under paragraph (1), any adverse impacts on air quality, as the result of the renewable volumes required by this section; or

"(B) make a determination that no such measures are necessary.".

SEC. 210. EFFECTIVE DATE, SAVINGS PROVISION, AND TRANSITION RULES.

(a) TRANSITION RULES.—(1) For calendar year 2008, transportation fuel sold or introduced into commerce in the United States (except in noncontiguous States or territories), that is produced from facilities that commence construction after the date of enactment of this Act shall be treated as renewable fuel within the meaning of section 211(o) of the Clean Air Act only if it achieves at least a 20 percent reduction in lifecycle greenhouse gas emissions compared to baseline lifecycle greenhouse gas emissions. For calendar years 2008 and 2009, any ethanol plant that is fired with natural gas, biomass, or any combination thereof is deemed to be in compliance with such 20 percent reduction requirement and with the 20 percent reduction requirement of section 211(o)(1) of the Clean Air Act. The terms used in this subsection shall have the same meaning as provided in the amendment made by this Act to section 211(o) of the Clean Air Act.

(2) Until January 1, 2009, the Administrator of the Environmental Protection Agency shall implement section 211(o) of the Clean Air Act and the rules promulgated under that section in accordance with the provisions of that section as in effect before the enactment of this Act and in accordance with the rules promulgated before the enactment of this Act, except that for calendar year 2008, the number "9.0" shall be substituted for the number "5.4" in the table in section 211(o)(2)(B) and in the corresponding rules promulgated to carry out those provisions. The Administrator is authorized to take such other actions as may be necessary to carry out this paragraph notwithstanding any other provision of law.

(b) SAVINGS CLAUSE.—Section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) is amended by adding the following new paragraph at the end thereof:

"(12) EFFECT ON OTHER PROVISIONS.—Nothing in this subsection, or regulations issued pursuant to this subsection, shall affect or be construed to affect the regulatory status of carbon dioxide or any other greenhouse gas, or to expand or limit regulatory authority regarding carbon dioxide or any other greenhouse gas, for purposes of other provisions (including section 165) of this Act. The previous sentence shall not affect implementation and enforcement of this subsection.".

(c) EFFECTIVE DATE.—The amendments made by this title to section 211(o) of the Clean Air Act shall take effect January 1, 2009, except that the Administrator shall promulgate regulations to carry out such amendments not later than one year after the enactment of this Act.

Subtitle B—Biofuels Research and Development

SEC. 221. BIODIESEL.

(a) BIODIESEL STUDY.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall submit to Congress a report on any research and development challenges inherent in increasing the proportion of diesel fuel sold in the United States that is biodiesel.

(b) MATERIAL FOR THE ESTABLISHMENT OF STANDARDS.—The Director of the National Institute of Standards and Technology, in consultation with the Secretary, shall make publicly available the physical property data and characterization of biodiesel and other biofuels as appropriate.

SEC. 222. BIOGAS.

Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall submit to Congress a report on any research and development challenges inherent in increasing the amount of transportation fuels sold in the United States that are fuel with biogas or a blend of biogas and natural gas.

SEC. 223. GRANTS FOR BIOFUEL PRODUCTION RESEARCH AND DEVELOPMENT IN CERTAIN STATES.

(a) IN GENERAL.—The Secretary shall provide grants to eligible entities for research, development, demonstration, and commercial application of biofuel production technologies in States with low rates of ethanol production, including low rates of production of cellulosic biomass ethanol, as determined by the Secretary.

(b) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall—

(1)(A) be an institution of higher education (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)), including tribally controlled colleges or universities, located in a State described in subsection (a); or

(B) be a consortium including at least 1 such institution of higher education, and industry, State agencies, Indian tribal agencies, National Laboratories, or local government agencies located in the State; and

(2) have proven experience and capabilities with relevant technologies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $25,000,000 for each of fiscal years 2008 through 2010.

SEC. 224. BIOREFINERY ENERGY EFFICIENCY.

Section 932 of Energy Policy Act of 2005 (42 U.S.C. 16232) is amended by adding at the end the following new subsections:

"(g) BIOREFINERY ENERGY EFFICIENCY.—The Secretary shall establish a program of research, development, demonstration, and commercial application for increasing energy efficiency and reducing energy consumption in the operation of biorefinery facilities.

"(h) RETROFIT TECHNOLOGIES FOR THE DEVELOPMENT OF ETHANOL FROM CELLULOSIC MATERIALS.—The Secretary shall establish a program of research, development, demonstration, and commercial application on technologies and processes to enable biorefineries that exclusively use corn grain or corn starch as a feedstock to produce ethanol to be retrofitted to accept a range of biomass, including lignocellulosic feedstocks.".

SEC. 225. STUDY OF OPTIMIZATION OF FLEXIBLE FUELED VEHICLES TO USE E-85 FUEL.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall conduct a study of whether optimizing flexible fueled vehicles to operate using E-85 fuel would increase the fuel efficiency of flexible fueled vehicles.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Science and Technology and the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, and the Committee on Commerce, Science, and Transportation of the Senate, a report that describes the results of the study under this section, including any recommendations of the Secretary.

SEC. 226. STUDY OF ENGINE DURABILITY AND PERFORMANCE ASSOCIATED WITH THE USE OF BIODIESEL.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall initiate a study on the effects of the use of biodiesel on the performance and durability of engines and engine systems.

(b) COMPONENTS.—The study under this section shall include—

(1) an assessment of whether the use of biodiesel lessens the durability and performance of conventional diesel engines and engine systems; and

(2) an assessment of the effects referred to in subsection (a) with respect to biodiesel blends at varying concentrations, including the following percentage concentrations of biodiesel:

(A) 5 percent biodiesel.

(B) 10 percent biodiesel.

(C) 20 percent biodiesel.

(D) 30 percent biodiesel.

(E) 100 percent biodiesel.

(c) REPORT.—Not later than 24 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Science and Technology and the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the Senate, a report that describes the results of the study under this section, including any recommendations of the Secretary.

SEC. 227. STUDY OF OPTIMIZATION OF BIOGAS USED IN NATURAL GAS VEHICLES.

(a) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Transportation, shall conduct a study of methods of increasing the fuel efficiency of vehicles using biogas by optimizing natural gas vehicle systems that can operate on biogas, including the advancement of vehicle fuel systems and the combination of hybrid-electric and plug-in hybrid electric drive platforms with natural gas vehicle systems using biogas.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, and the Committee on Commerce, Science, and Transportation of the Senate, and to the Committee on Science and Technology and the Committee on Energy and Commerce of the House of Representatives, a report that describes the results of the study, including any recommendations of the Secretary.

SEC. 228. ALGAL BIOMASS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the progress of the research and development that is being conducted on the use of algae as a feedstock for the production of biofuels.

(b) CONTENTS.—The report shall identify continuing research and development challenges and any regulatory or other barriers found by the Secretary that hinder the use of this resource, as well as recommendations on how to encourage and further its development as a viable transportation fuel.

SEC. 229. BIOFUELS AND BIOREFINERY INFORMATION CENTER.

(a) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture, shall establish a biofuels and biorefinery information center to make available to interested parties information on—

(1) renewable fuel feedstocks, including the varieties of fuel capable of being produced from various feedstocks;

(2) biorefinery processing techniques related to various renewable fuel feedstocks;

(3) the distribution, blending, storage, and retail dispensing infrastructure necessary for the transport and use of renewable fuels;

(4) Federal and State laws and incentives related to renewable fuel production and use;

(5) renewable fuel research and development advancements;

(6) renewable fuel development and biorefinery processes and technologies;

(7) renewable fuel resources, including information on programs and incentives for renewable fuels;

(8) renewable fuel producers;

(9) renewable fuel users; and

(10) potential renewable fuel users.

(b) ADMINISTRATION.—In administering the biofuels and biorefinery information center, the Secretary shall—

(1) continually update information provided by the center;

(2) make information available relating to processes and technologies for renewable fuel production;

(3) make information available to interested parties on the process for establishing a biorefinery; and

(4) make information and assistance provided by the center available through a toll-free telephone number and website.

(c) COORDINATION AND NONDUPLICATION.—To maximum extent practicable, the Secretary shall ensure that the activities under this section are coordinated with, and do not duplicate the efforts of, centers at other government agencies.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 230. CELLULOSIC ETHANOL AND BIOFUELS RESEARCH.

(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term "eligible entity" means—

(1) an 1890 Institution (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7061));

(2) a part B institution (as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061)) (commonly referred to as "Historically Black Colleges and Universities");

(3) a tribal college or university (as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)); or

(4) a Hispanic-serving institution (as defined in section 502(a) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)).

(b) GRANTS.—The Secretary shall make cellulosic ethanol and biofuels research and development grants to 10 eligible entities selected by the Secretary to receive a grant under this section through a peer-reviewed competitive process.

(c) COLLABORATION.—An eligible entity that is selected to receive a grant under subsection (b) shall collaborate with 1 of the Bioenergy Research Centers of the Office of Science of the Department.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to make grants described in subsection (b) $50,000,000 for fiscal year 2008, to remain available until expended.

SEC. 231. BIOENERGY RESEARCH AND DEVELOPMENT, AUTHORIZATION OF APPROPRIATION.

Section 931 of the Energy Policy Act of 2005 (42 U.S.C. 16231) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(4) $963,000,000 for fiscal year 2010."; and

(2) in subsection (c)—

(A) in paragraph (2)—

(i) by striking "$251,000,000" and inserting "$377,000,000"; and

(ii) by striking "and" at the end;

(B) in paragraph (3)—

(i) by striking "$274,000,000" and inserting "$398,000,000"; and

(ii) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(4) $419,000,000 for fiscal year 2010, of which $150,000,000 shall be for section 932(d).".

SEC. 232. ENVIRONMENTAL RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Section 977 of the Energy Policy Act of 2005 (42 U.S.C. 16317) is amended—

(1) in subsection (a)(1), by striking "and computational biology" and inserting "computational biology, and environmental science"; and

(2) in subsection (b)—

(A) in paragraph (1), by inserting "in sustainable production systems that reduce greenhouse gas emissions" after "hydrogen";

(B) in paragraph (3), by striking "and" at the end;

(C) by redesignating paragraph (4) as paragraph (5); and

(D) by inserting after paragraph (3) the following:

"(4) develop cellulosic and other feedstocks that are less resource and land intensive and that promote sustainable use of resources, including soil, water, energy, forests, and land, and ensure protection of air, water, and soil quality; and".

(b) Tools and Evaluation.—Section 307(d) of the Biomass Research and Development Act of 2000 (7 U.S.C. 8606(d)) is amended—

(1) in paragraph (3)(E), by striking "and" at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(5) the improvement and development of analytical tools to facilitate the analysis of life-cycle energy and greenhouse gas emissions, including emissions related to direct and indirect land use changes, attributable to all potential biofuel feedstocks and production processes; and

"(6) the systematic evaluation of the impact of expanded biofuel production on the environment, including forest lands, and on the food supply for humans and animals.".

(c) Small-Scale Production and Use of Biofuels.—Section 307(e) of the Biomass Research and Development Act of 2000 (7 U.S.C. 8606(e)) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(4) to facilitate small-scale production, local, and on-farm use of biofuels, including the development of small-scale gasification technologies for production of biofuel from cellulosic feedstocks.".

SEC. 233. BIOENERGY RESEARCH CENTERS.

Section 977 of the Energy Policy Act of 2005 (42 U.S.C. 16317) is amended by adding at the end the following:

"(f) Bioenergy Research Centers.—

"(1) Establishment of centers.—In carrying out the program under subsection (a), the Secretary shall establish at least 7 bioenergy research centers, which may be of varying size.

"(2) Geographic distribution.—The Secretary shall establish at least 1 bioenergy research center in each Petroleum Administration for Defense District or Subdistrict of a Petroleum Administration for Defense District.

"(3) Goals.—The goals of the centers established under this subsection shall be to accelerate basic transformational research and development of biofuels, including biological processes.

"(4) Selection and duration.—

"(A) In general.—A center under this subsection shall be selected on a competitive basis for a period of 5 years.

"(B) Reapplication.—After the end of the period described in subparagraph (A), a grantee may reapply for selection on a competitive basis.

"(5) Inclusion.—A center that is in existence on the date of enactment of this subsection—

"(A) shall be counted towards the requirement for establishment of at least 7 bioenergy research centers; and

"(B) may continue to receive support for a period of 5 years beginning on the date of establishment of the center.".

SEC. 234. UNIVERSITY BASED RESEARCH AND DEVELOPMENT GRANT PROGRAM.

(a) Establishment.—The Secretary shall establish a competitive grant program, in a geographically diverse manner, for projects submitted for consideration by institutions of higher education to conduct research and development of renewable energy technologies. Each grant made shall not exceed $2,000,000.

(b) Eligibility.—Priority shall be given to institutions of higher education with—

(1) established programs of research in renewable energy;

(2) locations that are low income or outside of an urbanized area;

(3) a joint venture with an Indian tribe; and

(4) proximity to trees dying of disease or insect infestation as a source of woody biomass.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary $25,000,000 for carrying out this section.

(d) Definitions.—In this section:

(1) Indian tribe.—The term "Indian tribe" has the meaning as defined in section 126(c) of the Energy Policy Act of 2005.

(2) Renewable energy.—The term "renewable energy" has the meaning as defined in section 902 of the Energy Policy Act of 2005.

(3) Urbanized area.—The term "urbanized area" has the mean as defined by the U.S. Bureau of the Census.

Subtitle C—Biofuels Infrastructure

SEC. 241. PROHIBITION ON FRANCHISE AGREEMENT RESTRICTIONS RELATED TO RENEWABLE FUEL INFRASTRUCTURE.

(a) In General.—Title I of the Petroleum Marketing Practices Act (15 U.S.C. 2801 et seq.) is amended by adding at the end the following:

"SEC. 107. PROHIBITION ON RESTRICTION OF INSTALLATION OF RENEWABLE FUEL PUMPS.

"(a) Definition.—In this section:

"(1) Renewable fuel.—The term 'renewable fuel' means any fuel—

"(A) at least 85 percent of the volume of which consists of ethanol; or

"(B) any mixture of biodiesel and diesel or renewable diesel (as defined in regulations adopted pursuant to section 211(o) of the Clean Air Act (40 CFR, Part 80)), determined without regard to any use of kerosene and containing at least 20 percent biodiesel or renewable diesel.

"(2) Franchise-related document.—The term 'franchise-related document' means—

"(A) a franchise under this Act; and

"(B) any other contract or directive of a franchisor relating to terms or conditions of the sale of fuel by a franchisee.

"(b) Prohibitions.—

"(1) In general.—No franchise-related document entered into or renewed on or after the date of enactment of this section shall contain any provision allowing a franchisor to restrict the franchisee or any affiliate of the franchisee from—

"(A) installing on the marketing premises of the franchisee a renewable fuel pump or tank, except that the franchisee's franchisor may restrict the installation of a tank on leased marketing premises of such franchisor;

"(B) converting an existing tank or pump on the marketing premises of the franchisee for renewable fuel use, so long as such tank or pump and the piping connecting them are either warranted by the manufacturer or certified by a recognized standards setting organization to be suitable for use with such renewable fuel;

"(C) advertising (including through the use of signage) the sale of any renewable fuel;

"(D) selling renewable fuel in any specified area on the marketing premises of the franchisee (including any area in which a name or logo of a franchisor or any other entity appears);

"(E) purchasing renewable fuel from sources other than the franchisor if the franchisor does not offer its own renewable fuel for sale by the franchisee;

"(F) listing renewable fuel availability or prices, including on service station signs, fuel dispensers, or light poles; or

"(G) allowing for payment of renewable fuel with a credit card,

so long as such activities described in subparagraphs (A) through (G) do not constitute mislabeling, misbranding, willful adulteration, or other trademark violations by the franchisee.

"(2) Effect of provision.—Nothing in this section shall be construed to preclude a franchisor from requiring the franchisee to obtain reasonable indemnification and insurance policies.

"(c) Exception to 3-Grade Requirement.—No franchise-related document that requires that 3 grades of gasoline be sold by the applicable franchisee shall prevent the franchisee from selling an renewable fuel in lieu of 1, and only 1, grade of gasoline.".

(b) Enforcement.—Section 105 of the Petroleum Marketing Practices Act (15 U.S.C. 2805) is amended by striking "102 or 103" each place it appears and inserting "102, 103, or 107".

(c) Conforming Amendments.—

(1) In general.—Section 101(13) of the Petroleum Marketing Practices Act (15 U.S.C. 2801(13)) is amended by aligning the margin of subparagraph (C) with subparagraph (B).

(2) Table of contents.—The table of contents of the Petroleum Marketing Practices Act (15 U.S.C. 2801 note) is amended—

(A) by inserting after the item relating to section 106 the following:

"Sec. 107. Prohibition on restriction of installation of renewable fuel pumps."; and

(B) by striking the item relating to section 202 and inserting the following:

"Sec. 202. Automotive fuel rating testing and disclosure requirements.".

SEC. 242. RENEWABLE FUEL DISPENSER REQUIREMENTS.

(a) Market Penetration Reports.—The Secretary, in consultation with the Secretary of Transportation, shall determine and report to Congress annually on the market penetration for flexible-fuel vehicles in use within geographic regions to be established by the Secretary.

(b) Dispenser Feasibility Study.—Not later than 24 months after the date of enactment of this Act, the Secretary, in consultation with the Department of Transportation, shall report to the Congress on the feasibility of requiring motor fuel retailers to install E–85 compatible dispensers and related systems at retail fuel facilities in regions where flexible-fuel vehicle market penetration has reached 15 percent of motor vehicles. In conducting such study, the Secretary shall consider and report on the following factors:

(1) The commercial availability of E–85 fuel and the number of competing E–85 wholesale suppliers in a given region.

(2) The level of financial assistance provided on an annual basis by the Federal Government, State governments, and nonprofit entities for the installation of E–85 compatible infrastructure.

(3) The number of retailers whose retail locations are unable to support more than 2 underground storage tank dispensers.

(4) The expense incurred by retailers in the installation and sale of E-85 compatible dispensers and related systems and any potential effects on the price of motor vehicle fuel.

SEC. 243. ETHANOL PIPELINE FEASIBILITY STUDY.

(a) IN GENERAL.—The Secretary, in coordination with the Secretary of Transportation, shall conduct a study of the feasibility of the construction of pipelines dedicated to the transportation of ethanol.

(b) FACTORS FOR CONSIDERATION.—In conducting the study under subsection (a), the Secretary shall take into consideration—

(1) the quantity of ethanol production that would make dedicated pipelines economically viable;

(2) existing or potential barriers to the construction of pipelines dedicated to the transportation of ethanol, including technical, siting, financing, and regulatory barriers;

(3) market risk (including throughput risk) and means of mitigating the risk;

(4) regulatory, financing, and siting options that would mitigate the risk and help ensure the construction of 1 or more pipelines dedicated to the transportation of ethanol;

(5) financial incentives that may be necessary for the construction of pipelines dedicated to the transportation of ethanol, including the return on equity that sponsors of the initial dedicated ethanol pipelines will require to invest in the pipelines;

(6) technical factors that may compromise the safe transportation of ethanol in pipelines, including identification of remedial and preventive measures to ensure pipeline integrity; and

(7) such other factors as the Secretary considers to be appropriate.

(c) REPORT.—Not later than 15 months after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study conducted under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $1,000,000 for each of fiscal years 2008 and 2009, to remain available until expended.

SEC. 244. RENEWABLE FUEL INFRASTRUCTURE GRANTS.

(a) DEFINITION OF RENEWABLE FUEL BLEND.—For purposes of this section, the term "renewable fuel blend" means gasoline blend that contain not less than 11 percent, and not more than 85 percent, renewable fuel or diesel fuel that contains at least 10 percent renewable fuel.

(b) INFRASTRUCTURE DEVELOPMENT GRANTS.—

(1) ESTABLISHMENT.—The Secretary shall establish a program for making grants for providing assistance to retail and wholesale motor fuel dealers or other entities for the installation, replacement, or conversion of motor fuel storage and dispensing infrastructure to be used exclusively to store and dispense renewable fuel blends.

(2) SELECTION CRITERIA.—Not later than 12 months after the date of enactment of this Act, the Secretary shall establish criteria for evaluating applications for grants under this subsection that will maximize the availability and use of renewable fuel blends, and that will ensure that renewable fuel blends are available across the country. Such criteria shall provide for—

(A) consideration of the public demand for each renewable fuel blend in a particular geographic area based on State registration records showing the number of flexible-fuel vehicles;

(B) consideration of the opportunity to create or expand corridors of renewable fuel blend stations along interstate or State highways;

(C) consideration of the experience of each applicant with previous, similar projects;

(D) consideration of population, number of flexible-fuel vehicles, number of retail fuel outlets, and saturation of flexible-fuel vehicles; and

(E) priority consideration to applications that—

(i) are most likely to maximize displacement of petroleum consumption, measured as a total quantity and a percentage;

(ii) are best able to incorporate existing infrastructure while maximizing, to the extent practicable, the use of renewable fuel blends; and

(iii) demonstrate the greatest commitment on the part of the applicant to ensure funding for the proposed project and the greatest likelihood that the project will be maintained or expanded after Federal assistance under this subsection is completed.

(3) LIMITATIONS.—Assistance provided under this subsection shall not exceed—

(A) 33 percent of the estimated cost of the installation, replacement, or conversion of motor fuel storage and dispensing infrastructure; or

(B) $180,000 for a combination of equipment at any one retail outlet location.

(4) OPERATION OF RENEWABLE FUEL BLEND STATIONS.—The Secretary shall establish rules that set forth requirements for grant recipients under this section that include providing to the public the renewable fuel blends, establishing a marketing plan that informs consumers of the price and availability of the renewable fuel blends, clearly labeling the dispensers and related equipment, and providing periodic reports on the status of the renewable fuel blend sales, the type and amount of the renewable fuel blends dispensed at each location, and the average price of such fuel.

(5) NOTIFICATION REQUIREMENTS.—Not later than the date on which each renewable fuel blend station begins to offer renewable fuel blends to the public, the grant recipient that used grant funds to construct or upgrade such station shall notify the Secretary of such opening. The Secretary shall add each new renewable fuel blend station to the renewable fuel blend station locator on its Website when it receives notification under this subsection.

(6) DOUBLE COUNTING.—No person that receives a credit under section 30C of the Internal Revenue Code of 1986 may receive assistance under this section.

(7) RESERVATION OF FUNDS.—The Secretary shall reserve funds appropriated for the renewable fuel blends infrastructure development grant program for technical and marketing assistance described in subsection (c).

(c) RETAIL TECHNICAL AND MARKETING ASSISTANCE.—The Secretary shall enter into contracts with entities with demonstrated experience in assisting retail fueling stations in installing refueling systems and marketing renewable fuel blends nationally, for the provision of technical and marketing assistance to recipients of grants under this section. Such assistance shall include—

(1) technical advice for compliance with applicable Federal and State environmental requirements;

(2) help in identifying supply sources and securing long-term contracts; and

(3) provision of public outreach, education, and labeling materials.

(d) REFUELING INFRASTRUCTURE CORRIDORS.—

(1) IN GENERAL.—The Secretary shall establish a competitive grant pilot program (referred to in this subsection as the "pilot program"), to be administered through the Vehicle Technology Deployment Program of the Department, to provide not more than 10 geographically-dispersed project grants to State governments, Indian tribal governments, local governments, metropolitan transportation authorities, or partnerships of those entities to carry out 1 or more projects for the purposes described in paragraph (2).

(2) GRANT PURPOSES.—A grant under this subsection shall be used for the establishment of refueling infrastructure corridors, as designated by the Secretary, for renewable fuel blends, including—

(A) installation of infrastructure and equipment necessary to ensure adequate distribution of renewable fuel blends within the corridor;

(B) installation of infrastructure and equipment necessary to directly support vehicles powered by renewable fuel blends; and

(C) operation and maintenance of infrastructure and equipment installed as part of a project funded by the grant.

(3) APPLICATIONS.—

(A) REQUIREMENTS.—

(i) IN GENERAL.—Subject to clause (ii), not later than 90 days after the date of enactment of this Act, the Secretary shall issue requirements for use in applying for grants under the pilot program.

(ii) MINIMUM REQUIREMENTS.—At a minimum, the Secretary shall require that an application for a grant under this subsection—

(I) be submitted by—

(aa) the head of a State, tribal, or local government or a metropolitan transportation authority, or any combination of those entities; and

(bb) a registered participant in the Vehicle Technology Deployment Program of the Department; and

(II) include—

(aa) a description of the project proposed in the application, including the ways in which the project meets the requirements of this subsection;

(bb) an estimate of the degree of use of the project, including the estimated size of fleet of vehicles operated with renewable fuels blend available within the geographic region of the corridor, measured as a total quantity and a percentage;

(cc) an estimate of the potential petroleum displaced as a result of the project (measured as a total quantity and a percentage), and a plan to collect and disseminate petroleum displacement and other relevant data relating to the project to be funded under the grant, over the expected life of the project;

(dd) a description of the means by which the project will be sustainable without Federal assistance after the completion of the term of the grant;

(ee) a complete description of the costs of the project, including acquisition, construction, operation, and maintenance costs over the expected life of the project; and

(ff) a description of which costs of the project will be supported by Federal assistance under this subsection.

(B) PARTNERS.—An applicant under subparagraph (A) may carry out a project under the pilot program in partnership with public and private entities.

(4) SELECTION CRITERIA.—In evaluating applications under the pilot program, the Secretary shall—

(A) consider the experience of each applicant with previous, similar projects; and

(B) give priority consideration to applications that—

(i) are most likely to maximize displacement of petroleum consumption, measured as a total quantity and a percentage;

(ii) are best able to incorporate existing infrastructure while maximizing, to the extent practicable, the use of advanced biofuels;

(iii) demonstrate the greatest commitment on the part of the applicant to ensure funding for the proposed project and the greatest likelihood that the project will be maintained or expanded after Federal assistance under this subsection is completed;

(iv) represent a partnership of public and private entities; and

(v) exceed the minimum requirements of paragraph (3)(A)(ii).

(5) PILOT PROJECT REQUIREMENTS.—

(A) MAXIMUM AMOUNT.—The Secretary shall provide not more than $20,000,000 in Federal assistance under the pilot program to any applicant.

(B) COST SHARING.—The non-Federal share of the cost of any activity relating to renewable fuel blend infrastructure development carried out using funds from a grant under this subsection shall be not less than 20 percent.

(C) MAXIMUM PERIOD OF GRANTS.—The Secretary shall not provide funds to any applicant under the pilot program for more than 2 years.

(D) DEPLOYMENT AND DISTRIBUTION.—The Secretary shall seek, to the maximum extent practicable, to ensure a broad geographic distribution of project sites funded by grants under this subsection.

(E) TRANSFER OF INFORMATION AND KNOWLEDGE.—The Secretary shall establish mechanisms to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(6) SCHEDULE.—

(A) INITIAL GRANTS.—

(i) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register, Commerce Business Daily, and such other publications as the Secretary considers to be appropriate, a notice and request for applications to carry out projects under the pilot program.

(ii) DEADLINE.—An application described in clause (i) shall be submitted to the Secretary by not later than 180 days after the date of publication of the notice under that clause.

(iii) INITIAL SELECTION.—Not later than 90 days after the date by which applications for grants are due under clause (ii), the Secretary shall select by competitive, peer-reviewed proposal up to 5 applications for projects to be awarded a grant under the pilot program.

(B) ADDITIONAL GRANTS.—

(i) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall publish in the Federal Register, Commerce Business Daily and such other publications as the Secretary considers to be appropriate, a notice and request for additional applications to carry out projects under the pilot program that incorporate the information and knowledge obtained through the implementation of the first round of projects authorized under the pilot program.

(ii) DEADLINE.—An application described in clause (i) shall be submitted to the Secretary by not later than 180 days after the date of publication of the notice under that clause.

(iii) INITIAL SELECTION.—Not later than 90 days after the date by which applications for grants are due under clause (ii), the Secretary shall select by competitive, peer-reviewed proposal such additional applications for projects to be awarded a grant under the pilot program as the Secretary determines to be appropriate.

(7) REPORTS TO CONGRESS.—

(A) INITIAL REPORT.—Not later than 60 days after the date on which grants are awarded under this subsection, the Secretary shall submit to Congress a report containing—

(i) an identification of the grant recipients and a description of the projects to be funded under the pilot program;

(ii) an identification of other applicants that submitted applications for the pilot program but to which funding was not provided; and

(iii) a description of the mechanisms used by the Secretary to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(B) EVALUATION.—Not later than 2 years after the date of enactment of this Act, and annually thereafter until the termination of the pilot program, the Secretary shall submit to Congress a report containing an evaluation of the effectiveness of the pilot program, including an assessment of the petroleum displacement and benefits to the environment derived from the projects included in the pilot program.

(e) RESTRICTION.—No grant shall be provided under subsection (b) or (c) to a large, vertically integrated oil company.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $200,000,000 for each of the fiscal years 2008 through 2014.

SEC. 245. STUDY OF THE ADEQUACY OF TRANSPORTATION OF DOMESTICALLY-PRODUCED RENEWABLE FUEL BY RAILROADS AND OTHER MODES OF TRANSPORTATION.

(a) STUDY.—

(1) IN GENERAL.—The Secretary, in coordination with the Secretary of Transportation, shall jointly conduct a study of the adequacy of transportation of domestically-produced renewable fuels by railroad and other modes of transportation as designated by the Secretaries.

(2) COMPONENTS.—In conducting the study under paragraph (1), the Secretaries shall—

(A) consider the adequacy of existing railroad and other transportation and distribution infrastructure, equipment, service and capacity to move the necessary quantities of domestically-produced renewable fuel within the timeframes;

(B)(i) consider the projected costs of moving the domestically-produced renewable fuel by railroad and other modes transportation; and

(ii) consider the impact of the projected costs on the marketability of the domestically-produced renewable fuel;

(C) identify current and potential impediments to the reliable transportation and distribution of adequate supplies of domestically-produced renewable fuel at reasonable prices, including practices currently utilized by domestic producers, shippers, and receivers of renewable fuels;

(D) consider whether adequate competition exists within and between modes of transportation for the transportation and distribution of domestically-produced renewable fuel and, whether inadequate competition leads to an unfair price for the transportation and distribution of domestically-produced renewable fuel or unacceptable service for transportation of domestically-produced renewable fuel;

(E) consider whether Federal agencies have adequate legal authority to address instances of inadequate competition when inadequate competition is found to prevent domestic producers for renewable fuels from obtaining a fair and reasonable transportation price or acceptable service for the transportation and distribution of domestically-produced renewable fuels;

(F) consider whether Federal agencies have adequate legal authority to address railroad and transportation service problems that may be resulting in inadequate supplies of domestically-produced renewable fuel in any area of the United States;

(G) consider what transportation infrastructure capital expenditures may be necessary to ensure the reliable transportation of adequate supplies of domestically-produced renewable fuel at reasonable prices within the United States and which public and private entities should be responsible for making such expenditures; and

(H) provide recommendations on ways to facilitate the reliable transportation of adequate supplies of domestically-produced renewable fuel at reasonable prices.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretaries shall jointly submit to the Committee on Commerce, Science and Transportation, the Committee on Energy and Natural Resources, and the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives a report that describes the results of the study conducted under subsection (a).

SEC. 246. FEDERAL FLEET FUELING CENTERS.

(a) IN GENERAL.—Not later than January 1, 2010, the head of each Federal agency shall install at least 1 renewable fuel pump at each Federal fleet fueling center in the United States under the jurisdiction of the head of the Federal agency.

(b) REPORT.—Not later than October 31 of the first calendar year beginning after the date of the enactment of this Act, and each October 31 thereafter, the President shall submit to Congress a report that describes the progress toward complying with subsection (a), including identifying—

(1) the number of Federal fleet fueling centers that contain at least 1 renewable fuel pump; and

(2) the number of Federal fleet fueling centers that do not contain any renewable fuel pumps.

(c) DEPARTMENT OF DEFENSE FACILITY.—This section shall not apply to a Department of Defense fueling center with a fuel turnover rate of less than 100,000 gallons of fuel per year.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 247. STANDARD SPECIFICATIONS FOR BIODIESEL.

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended by redesignating subsection (s) as subsection (t), redesignating subsection (r) (relating to conversion assistance for cellulosic biomass, waste-derived ethanol, approved renewable fuels) as subsection (s) and by adding the following new subsection at the end thereof:

"(u) STANDARD SPECIFICATIONS FOR BIODIESEL.—(1) Unless the American Society for

Testing and Materials has adopted a standard for diesel fuel containing 20 percent biodiesel (commonly known as 'B20') within 1 year after the date of enactment of this subsection, the Administrator shall initiate a rulemaking to establish a uniform per gallon fuel standard for such fuel and designate an identification number so that vehicle manufacturers are able to design engines to use fuel meeting such standard.

"(2) Unless the American Society for Testing and Materials has adopted a standard for diesel fuel containing 5 percent biodiesel (commonly known as 'B5') within 1 year after the date of enactment of this subsection, the Administrator shall initiate a rulemaking to establish a uniform per gallon fuel standard for such fuel and designate an identification so that vehicle manufacturers are able to design engines to use fuel meeting such standard.

"(3) Whenever the Administrator is required to initiate a rulemaking under paragraph (1) or (2), the Administrator shall promulgate a final rule within 18 months after the date of the enactment of this subsection.

"(4) Not later than 180 days after the enactment of this subsection, the Administrator shall establish an annual inspection and enforcement program to ensure that diesel fuel containing biodiesel sold or distributed in interstate commerce meets the standards established under regulations under this section, including testing and certification for compliance with applicable standards of the American Society for Testing and Materials. There are authorized to be appropriated to carry out the inspection and enforcement program under this paragraph $3,000,000 for each of fiscal years 2008 through 2010.

"(5) For purposes of this subsection, the term 'biodiesel' has the meaning provided by section 312(f) of Energy Policy Act of 1992 (42 U.S.C. 13220(f)).".

SEC. 248. BIOFUELS DISTRIBUTION AND ADVANCED BIOFUELS INFRASTRUCTURE.

(a) IN GENERAL.—The Secretary, in coordination with the Secretary of Transportation and in consultation with the Administrator of the Environmental Protection Agency, shall carry out a program of research, development, and demonstration relating to existing transportation fuel distribution infrastructure and new alternative distribution infrastructure.

(b) FOCUS.—The program described in subsection (a) shall focus on the physical and chemical properties of biofuels and efforts to prevent or mitigate against adverse impacts of those properties in the areas of—

(1) corrosion of metal, plastic, rubber, cork, fiberglass, glues, or any other material used in pipes and storage tanks;

(2) dissolving of storage tank sediments;

(3) clogging of filters;

(4) contamination from water or other adulterants or pollutants;

(5) poor flow properties related to low temperatures;

(6) oxidative and thermal instability in long-term storage and uses;

(7) microbial contamination;

(8) problems associated with electrical conductivity; and

(9) such other areas as the Secretary considers appropriate.

Subtitle D—Environmental Safeguards

SEC. 251. WAIVER FOR FUEL OR FUEL ADDITIVES.

Section 211(f)(4) of the Clean Air Act (42 U.S.C. 7545(f)) is amended to read as follows:

"(4) The Administrator, upon application of any manufacturer of any fuel or fuel additive, may waive the prohibitions established under paragraph (1) or (3) of this subsection or the limitation specified in paragraph (2) of this subsection, if he determines that the applicant has established that such fuel or fuel additive or a specified concentration thereof, and the emission products of such fuel or fuel additive or specified concentration thereof, will not cause or contribute to a failure of any emission control device or system (over the useful life of the motor vehicle, motor vehicle engine, nonroad engine or nonroad vehicle in which such device or system is used) to achieve compliance by the vehicle or engine with the emission standards with respect to which it has been certified pursuant to sections 206 and 213(a). The Administrator shall take final action to grant or deny an application submitted under this paragraph, after public notice and comment, within 270 days of the receipt of such an application.".

TITLE III—ENERGY SAVINGS THROUGH IMPROVED STANDARDS FOR APPLIANCE AND LIGHTING

Subtitle A—Appliance Energy Efficiency

SEC. 301. EXTERNAL POWER SUPPLY EFFICIENCY STANDARDS.

(a) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended—

(1) in paragraph (36)—

(A) by striking "(36) The" and inserting the following:

"(36) EXTERNAL POWER SUPPLY.—

"(A) IN GENERAL.—The"; and

(B) by adding at the end the following:

"(B) ACTIVE MODE.—The term 'active mode' means the mode of operation when an external power supply is connected to the main electricity supply and the output is connected to a load.

"(C) CLASS A EXTERNAL POWER SUPPLY.—

"(i) IN GENERAL.—The term 'class A external power supply' means a device that—

"(I) is designed to convert line voltage AC input into lower voltage AC or DC output;

"(II) is able to convert to only 1 AC or DC output voltage at a time;

"(III) is sold with, or intended to be used with, a separate end-use product that constitutes the primary load;

"(IV) is contained in a separate physical enclosure from the end-use product;

"(V) is connected to the end-use product via a removable or hard-wired male/female electrical connection, cable, cord, or other wiring; and

"(VI) has nameplate output power that is less than or equal to 250 watts.

"(ii) EXCLUSIONS.—The term 'class A external power supply' does not include any device that—

"(I) requires Federal Food and Drug Administration listing and approval as a medical device in accordance with section 513 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c); or

"(II) powers the charger of a detachable battery pack or charges the battery of a product that is fully or primarily motor operated.

"(D) NO-LOAD MODE.—The term 'no-load mode' means the mode of operation when an external power supply is connected to the main electricity supply and the output is not connected to a load."; and

(2) by adding at the end the following:

"(52) DETACHABLE BATTERY.—The term 'detachable battery' means a battery that is—

"(A) contained in a separate enclosure from the product; and

"(B) intended to be removed or disconnected from the product for recharging.".

(b) TEST PROCEDURES.—Section 323(b) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)) is amended by adding at the end the following:

"(17) CLASS A EXTERNAL POWER SUPPLIES.—Test procedures for class A external power supplies shall be based on the 'Test Method for Calculating the Energy Efficiency of Single-Voltage External AC–DC and AC–AC Power Supplies' published by the Environmental Protection Agency on August 11, 2004, except that the test voltage specified in section 4(d) of that test method shall be only 115 volts, 60 Hz.".

(c) EFFICIENCY STANDARDS FOR CLASS A EXTERNAL POWER SUPPLIES.—Section 325(u) of the Energy Policy and Conservation Act (42 U.S.C. 6295(u)) is amended by adding at the end the following:

"(6) EFFICIENCY STANDARDS FOR CLASS A EXTERNAL POWER SUPPLIES.—

"(A) IN GENERAL.—Subject to subparagraphs (B) through (D), a class A external power supply manufactured on or after the later of July 1, 2008, or the date of enactment of this paragraph shall meet the following standards:

<table>
<tr><th colspan="2">"Active Mode</th></tr>
<tr><th>"Nameplate Output</th><th>Required Efficiency
(decimal equivalent of a percentage)</th></tr>
<tr><td>Less than 1 watt</td><td>0.5 times the Nameplate Output</td></tr>
<tr><td>From 1 watt to not more than 51 watts</td><td>The sum of 0.09 times the Natural Logarithm of the Nameplate Output and 0.5</td></tr>
<tr><td>Greater than 51 watts</td><td>0.85</td></tr>
<tr><th colspan="2">"No-Load Mode</th></tr>
<tr><th>"Nameplate Output</th><th>Maximum Consumption</th></tr>
<tr><td>Not more than 250 watts</td><td>0.5 watts</td></tr>
</table>

"(B) NONCOVERED SUPPLIES.—A class A external power supply shall not be subject to subparagraph (A) if the class A external power supply is—

"(i) manufactured during the period beginning on July 1, 2008, and ending on June 30, 2015; and

"(ii) made available by the manufacturer as a service part or a spare part for an end-use product—

"(I) that constitutes the primary load; and

"(II) was manufactured before July 1, 2008.

"(C) MARKING.—Any class A external power supply manufactured on or after the later of July 1, 2008 or the date of enactment of this paragraph shall be clearly and permanently marked in accordance with the External Power Supply International Efficiency Marking Protocol, as referenced in the 'Energy Star Program Requirements for Single Voltage External AC-DC and AC-AC Power Supplies, version 1.1' published by the Environmental Protection Agency.

"(D) AMENDMENT OF STANDARDS.—

"(i) FINAL RULE BY JULY 1, 2011.—

"(I) IN GENERAL.—Not later than July 1, 2011, the Secretary shall publish a final rule to determine whether the standards established under subparagraph (A) should be amended.

"(II) ADMINISTRATION.—The final rule shall—

"(aa) contain any amended standards; and

"(bb) apply to products manufactured on or after July 1, 2013.

"(ii) FINAL RULE BY JULY 1, 2015.—

"(I) IN GENERAL.—Not later than July 1, 2015 the Secretary shall publish a final rule to determine whether the standards then in effect should be amended.

"(II) ADMINISTRATION.—The final rule shall—

"(aa) contain any amended standards; and

"(bb) apply to products manufactured on or after July 1, 2017.

"(7) END-USE PRODUCTS.—An energy conservation standard for external power supplies shall not constitute an energy conservation standard for the separate end-use product to which the external power supplies is connected.".

SEC. 302. UPDATING APPLIANCE TEST PROCEDURES.

(a) CONSUMER APPLIANCES.—Section 323(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)(1)) is amended by striking "(1)" and all that follows through the end of the paragraph and inserting the following:

"(1) TEST PROCEDURES.—

"(A) AMENDMENT.—At least once every 7 years, the Secretary shall review test procedures for all covered products and—

"(i) amend test procedures with respect to any covered product, if the Secretary determines that amended test procedures would more accurately or fully comply with the requirements of paragraph (3); or

"(ii) publish notice in the Federal Register of any determination not to amend a test procedure.".

(b) INDUSTRIAL EQUIPMENT.—Section 343(a) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)) is amended by striking "(a)" and all that follows through the end of paragraph (1) and inserting the following:

"(a) PRESCRIPTION BY SECRETARY; REQUIREMENTS.—

"(1) TEST PROCEDURES.—

"(A) AMENDMENT.—At least once every 7 years, the Secretary shall conduct an evaluation of each class of covered equipment and—

"(i) if the Secretary determines that amended test procedures would more accurately or fully comply with the requirements of paragraphs (2) and (3), shall prescribe test procedures for the class in accordance with this section; or

"(ii) shall publish notice in the Federal Register of any determination not to amend a test procedure.".

SEC. 303. RESIDENTIAL BOILERS.

Section 325(f) of the Energy Policy and Conservation Act (42 U.S.C. 6295(f)) is amended—

(1) in the subsection heading, by inserting "AND BOILERS" after "FURNACES";

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following:

"(3) BOILERS.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), boilers manufactured on or after September 1, 2012, shall meet the following requirements:

Boiler Type	Minimum Annual Fuel Utilization Efficiency	Design Requirements
Gas Hot Water	82%	No Constant Burning Pilot, Automatic Means for Adjusting Water Temperature
Gas Steam	80%	No Constant Burning Pilot
Oil Hot Water	84%	Automatic Means for Adjusting Temperature
Oil Steam	82%	None
Electric Hot Water	None	Automatic Means for Adjusting Temperature
Electric Steam	None	None

"(B) AUTOMATIC MEANS FOR ADJUSTING WATER TEMPERATURE.—

"(i) IN GENERAL.—The manufacturer shall equip each gas, oil, and electric hot water boiler (other than a boiler equipped with a tankless domestic water heating coil) with automatic means for adjusting the temperature of the water supplied by the boiler to ensure that an incremental change in inferred heat load produces a corresponding incremental change in the temperature of water supplied.

"(ii) SINGLE INPUT RATE.—For a boiler that fires at 1 input rate, the requirements of this subparagraph may be satisfied by providing an automatic means that allows the burner or heating element to fire only when the means has determined that the inferred heat load cannot be met by the residual heat of the water in the system.

"(iii) NO INFERRED HEAT LOAD.—When there is no inferred heat load with respect to a hot water boiler, the automatic means described in clause (i) and (ii) shall limit the temperature of the water in the boiler to not more than 140 degrees Fahrenheit.

"(iv) OPERATION.—A boiler described in clause (i) or (ii) shall be operable only when the automatic means described in clauses (i), (ii), and (iii) is installed.

"(C) EXCEPTION.—A boiler that is manufactured to operate without any need for electricity or any electric connection, electric gauges, electric pumps, electric wires, or electric devices shall not be required to meet the requirements of this paragraph.".

SEC. 304. FURNACE FAN STANDARD PROCESS.

Paragraph (4)(D) of section 325(f) of the Energy Policy and Conservation Act (42 U.S.C. 6295(f)) (as redesignated by section 303(4)) is amended by striking "the Secretary may" and inserting "not later than December 31, 2013, the Secretary shall".

SEC. 305. IMPROVING SCHEDULE FOR STANDARDS UPDATING AND CLARIFYING STATE AUTHORITY.

(a) CONSUMER APPLIANCES.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended by striking subsection (m) and inserting the following:

"(m) AMENDMENT OF STANDARDS.—

"(1) IN GENERAL.—Not later than 6 years after issuance of any final rule establishing or amending a standard, as required for a product under this part, the Secretary shall publish—

"(A) a notice of the determination of the Secretary that standards for the product do not need to be amended, based on the criteria established under subsection (n)(2); or

"(B) a notice of proposed rulemaking including new proposed standards based on the criteria established under subsection (o) and the procedures established under subsection (p).

"(2) NOTICE.—If the Secretary publishes a notice under paragraph (1), the Secretary shall—

"(A) publish a notice stating that the analysis of the Department is publicly available; and

"(B) provide an opportunity for written comment.

"(3) AMENDMENT OF STANDARD; NEW DETERMINATION.—

"(A) AMENDMENT OF STANDARD.—Not later than 2 years after a notice is issued under paragraph (1)(B), the Secretary shall publish a final rule amending the standard for the product.

"(B) NEW DETERMINATION.—Not later than 3 years after a determination under paragraph (1)(A), the Secretary shall make a new determination and publication under subparagraph (A) or (B) of paragraph (1).

"(4) APPLICATION TO PRODUCTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), an amendment prescribed under this subsection shall apply to—

"(i) with respect to refrigerators, refrigerator-freezers, freezers, room air conditioners, dishwashers, clothes washers, clothes dryers, fluorescent lamp ballasts, and kitchen ranges and ovens, such a product that is manufactured after the date that is 3 years after publication of the final rule establishing an applicable standard; and

"(ii) with respect to central air conditioners, heat pumps, water heaters, pool heaters, direct heating equipment, and furnaces, such a product that is manufactured after the date that is 5 years after publication of the final rule establishing an applicable standard.

"(B) OTHER NEW STANDARDS.—A manufacturer shall not be required to apply new standards to a product with respect to which other new standards have been required during the prior 6-year period.

"(5) REPORTS.—The Secretary shall promptly submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate—

"(A) a progress report every 180 days on compliance with this section, including a specific plan to remedy any failures to comply with deadlines for action established under this section; and

"(B) all required reports to the Court or to any party to the Consent Decree in State of New York v Bodman, Consolidated Civil Actions No.05 Civ. 7807 and No.05 Civ. 7808.".

(b) INDUSTRIAL EQUIPMENT.—Section 342(a)(6) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(6)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by striking "(6)(A)(i)" and all that follows through the end of subparagraph (B) and inserting the following:

"(6) AMENDED ENERGY EFFICIENCY STANDARDS.—

"(A) IN GENERAL.—

"(i) ANALYSIS OF POTENTIAL ENERGY SAVINGS.—If ASHRAE/IES Standard 90.1 is amended with respect to any small commercial package air conditioning and heating equipment, large commercial package air conditioning and heating equipment, very large commercial package air conditioning and heating equipment, packaged terminal air conditioners, packaged terminal heat pumps, warm-air furnaces, packaged boilers, storage water heaters, instantaneous water heaters, or unfired hot water storage tanks, not later than 180 days after the amendment of the standard, the Secretary shall publish in the Federal Register for public comment an analysis of the energy savings potential of amended energy efficiency standards.

"(ii) AMENDED UNIFORM NATIONAL STANDARD FOR PRODUCTS.—

"(I) IN GENERAL.—Except as provided in subclause (II), not later than 18 months after the date of publication of the amendment to the ASHRAE/IES Standard 90.1 for a product described in clause (i), the Secretary shall establish an amended uniform national standard for the product at the minimum level specified in the amended ASHRAE/IES Standard 90.1.

"(II) MORE STRINGENT STANDARD.—Subclause (I) shall not apply if the Secretary determines, by rule published in the Federal Register, and supported by clear and convincing evidence, that adoption of a uniform national standard more stringent than the amended ASHRAE/IES Standard 90.1 for the product would result in significant additional conservation of energy and is technologically feasible and economically justified.

"(B) RULE.—If the Secretary makes a determination described in clause (ii)(II) for a product described in clause (i), not later than 30 months after the date of publication of the amendment to the ASHRAE/IES Standard 90.1 for the product, the Secretary shall issue the rule establishing the amended standard.

"(C) AMENDMENT OF STANDARD.—

"(i) IN GENERAL.—Not later than 6 years after issuance of any final rule establishing or amending a standard, as required for a product under this part, the Secretary shall publish—

"(I) a notice of the determination of the Secretary that standards for the product do not need to be amended, based on the criteria established under subparagraph (A); or

"(II) a notice of proposed rulemaking including new proposed standards based on the criteria and procedures established under subparagraph (B).

"(ii) NOTICE.—If the Secretary publishes a notice under clause (i), the Secretary shall—

"(I) publish a notice stating that the analysis of the Department is publicly available; and

"(II) provide an opportunity for written comment.

"(iii) AMENDMENT OF STANDARD; NEW DETERMINATION.—

"(I) AMENDMENT OF STANDARD.—Not later than 2 years after a notice is issued under clause (i)(II), the Secretary shall publish a final rule amending the standard for the product.

"(II) NEW DETERMINATION.—Not later than 3 years after a determination under clause (i)(I), the Secretary shall make a new determination and publication under subclause (I) or (II) of clause (i).

"(iv) APPLICATION TO PRODUCTS.—An amendment prescribed under this subsection shall apply to products manufactured after a date that is the later of—

"(I) the date that is 3 years after publication of the final rule establishing a new standard; or

"(II) the date that is 6 years after the effective date of the current standard for a covered product.

"(v) REPORTS.—The Secretary shall promptly submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a progress report every 180 days on compliance with this subparagraph, including a specific plan to remedy any failures to comply with deadlines for action established under this subparagraph.".

SEC. 306. REGIONAL STANDARDS FOR FURNACES, CENTRAL AIR CONDITIONERS, AND HEAT PUMPS.

(a) IN GENERAL.—Section 325(o) of the Energy Policy and Conservation Act (42 U.S.C. 6295(o)) is amended by adding at the end the following:

"(6) REGIONAL STANDARDS FOR FURNACES, CENTRAL AIR CONDITIONERS, AND HEAT PUMPS.—

"(A) IN GENERAL.—In any rulemaking to establish a new or amended standard, the Secretary may consider the establishment of separate standards by geographic region for furnaces (except boilers), central air conditioners, and heat pumps.

"(B) NATIONAL AND REGIONAL STANDARDS.—

"(i) NATIONAL STANDARD.—If the Secretary establishes a regional standard for a product, the Secretary shall establish a base national standard for the product.

"(ii) REGIONAL STANDARDS.—If the Secretary establishes a regional standard for a product, the Secretary may establish more restrictive standards for the product by geographic region as follows:

"(I) For furnaces, the Secretary may establish 1 additional standard that is applicable in a geographic region defined by the Secretary.

"(II) For any cooling product, the Secretary may establish 1 or 2 additional standards that are applicable in 1 or 2 geographic regions as may be defined by the Secretary.

"(C) BOUNDARIES OF GEOGRAPHIC REGIONS.—

"(i) IN GENERAL.—Subject to clause (ii), the boundaries of additional geographic regions established by the Secretary under this paragraph shall include only contiguous States.

"(ii) ALASKA AND HAWAII.—The States of Alaska and Hawaii may be included under this paragraph in a geographic region that the States are not contiguous to.

"(iii) INDIVIDUAL STATES.—Individual States shall be placed only into a single region under this paragraph.

"(D) PREREQUISITES.—In establishing additional regional standards under this paragraph, the Secretary shall—

"(i) establish additional regional standards only if the Secretary determines that—

"(I) the establishment of additional regional standards will produce significant energy savings in comparison to establishing only a single national standard; and

"(II) the additional regional standards are economically justified under this paragraph; and

"(ii) consider the impact of the additional regional standards on consumers, manufacturers, and other market participants, including product distributors, dealers, contractors, and installers.

"(E) APPLICATION; EFFECTIVE DATE.—

"(i) BASE NATIONAL STANDARD.—Any base national standard established for a product under this paragraph shall—

"(I) be the minimum standard for the product; and

"(II) apply to all products manufactured or imported into the United States on and after the effective date for the standard.

"(ii) REGIONAL STANDARDS.—Any additional and more restrictive regional standard established for a product under this paragraph shall apply to any such product installed on or after the effective date of the standard in States in which the Secretary has designated the standard to apply.

"(F) CONTINUATION OF REGIONAL STANDARDS.—

"(i) IN GENERAL.—In any subsequent rulemaking for any product for which a regional standard has been previously established, the Secretary shall determine whether to continue the establishment of separate regional standards for the product.

"(ii) REGIONAL STANDARD NO LONGER APPROPRIATE.—Except as provided in clause (iii), if the Secretary determines that regional standards are no longer appropriate for a product, beginning on the effective date of the amended standard for the product—

"(I) there shall be 1 base national standard for the product with Federal enforcement; and

"(II) State authority for enforcing a regional standard for the product shall terminate.

"(iii) REGIONAL STANDARD APPROPRIATE BUT STANDARD OR REGION CHANGED.—

"(I) STATE NO LONGER CONTAINED IN REGION.—Subject to subclause (III), if a State is no longer contained in a region in which a regional standard that is more stringent than the base national standard applies, the authority of the State to enforce the regional standard shall terminate.

"(II) STANDARD OR REGION REVISED SO THAT EXISTING REGIONAL STANDARD EQUALS BASE

NATIONAL STANDARD.—If the Secretary revises a base national standard for a product or the geographic definition of a region so that an existing regional standard for a State is equal to the revised base national standard—

"(aa) the authority of the State to enforce the regional standard shall terminate on the effective date of the revised base national standard; and

"(bb) the State shall be subject to the revised base national standard.

"(III) STANDARD OR REGION REVISED SO THAT EXISTING REGIONAL STANDARD EQUALS BASE NATIONAL STANDARD.—If the Secretary revises a base national standard for a product or the geographic definition of a region so that the standard for a State is lower than the previously approved regional standard, the State may continue to enforce the previously approved standard level.

"(iv) WAIVER OF FEDERAL PREEMPTION.—Nothing in this paragraph diminishes the authority of a State to enforce a State regulation for which a waiver of Federal preemption has been granted under section 327(d).

"(G) ENFORCEMENT.—

"(i) BASE NATIONAL STANDARD.—

"(I) IN GENERAL.—The Secretary shall enforce any base national standard.

"(II) TRADE ASSOCIATION CERTIFICATION PROGRAMS.—In enforcing the base national standard, the Secretary shall use, to the maximum extent practicable, national standard nationally recognized certification programs of trade associations.

"(ii) REGIONAL STANDARDS.—

"(I) ENFORCEMENT PLAN.—Not later than 90 days after the date of the issuance of a final rule that establishes a regional standard, the Secretary shall initiate a rulemaking to develop and implement an effective enforcement plan for regional standards for the products that are covered by the final rule.

"(II) RESPONSIBLE ENTITIES.—Any rules regarding enforcement of a regional standard shall clearly specify which entities are legally responsible for compliance with the standards and for making any required information or labeling disclosures.

"(III) FINAL RULE.—Not later than 15 months after the date of the issuance of a final rule that establishes a regional standard for a product, the Secretary shall promulgate a final rule covering enforcement of regional standards for the product.

"(IV) INCORPORATION BY STATES AND LOCALITIES.—A State or locality may incorporate any Federal regional standard into State or local building codes or State appliance standards.

"(V) STATE ENFORCEMENT.—A State agency may seek enforcement of a Federal regional standard in a Federal court of competent jurisdiction.

"(H) INFORMATION DISCLOSURE.—

"(i) IN GENERAL.—Not later than 90 days after the date of the publication of a final rule that establishes a regional standard for a product, the Federal Trade Commission shall undertake a rulemaking to determine the appropriate 1 or more methods for disclosing information so that consumers, distributors, contractors, and installers can easily determine whether a specific piece of equipment that is installed in a specific building is in conformance with the regional standard that applies to the building.

"(ii) METHODS.—A method of disclosing information under clause (i) may include—

"(I) modifications to the Energy Guide label; or

"(II) other methods that make it easy for consumers and installers to use and understand at the point of installation.

"(iii) COMPLETION OF RULEMAKING.—The rulemaking shall be completed not later 15 months after the date of the publication of a final rule that establishes a regional standard for a product.".

(b) PROHIBITED ACTS.—Section 332(a) of the Energy Policy and Conservation Act (42 U.S.C. 6302(a)) is amended—

(1) in paragraph (4), by striking "or" after the semicolon at the end;

(2) in paragraph (5), by striking "part." and inserting "part, except to the extent that the new covered product is covered by a regional standard that is more stringent than the base national standard; or"; and

(3) by adding at the end the following:

"(6) for any manufacturer or private labeler to knowingly sell a product to a distributor, contractor, or dealer with knowledge that the entity routinely violates any regional standard applicable to the product.".

(c) CONSIDERATION OF PRICES AND OPERATING PATTERNS.—Section 342(a)(6)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(6)(B)) is amended by adding at the end the following:

"(iii) CONSIDERATION OF PRICES AND OPERATING PATTERNS.—If the Secretary is considering revised standards for air-cooled 3-phase central air conditioners and central air conditioning heat pumps with less 65,000 Btu per hour (cooling capacity), the Secretary shall use commercial energy prices and operating patterns in all analyses conducted by the Secretary.".

SEC. 307. PROCEDURE FOR PRESCRIBING NEW OR AMENDED STANDARDS.

Section 325(p) of the Energy Policy and Conservation Act (42 U.S.C. 6925(p)) is amended—

(1) by striking paragraph (1); and

(2) by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

SEC. 308. EXPEDITED RULEMAKINGS.

(a) PROCEDURE FOR PRESCRIBING NEW OR AMENDED STANDARDS.—Section 325(p) of the Energy Policy and Conservation Act (42 U.S.C. 6295(p)) (as amended by section 307) is amended by adding at the end the following:

"(4) DIRECT FINAL RULES.—

"(A) IN GENERAL.—On receipt of a statement that is submitted jointly by interested persons that are fairly representative of relevant points of view (including representatives of manufacturers of covered products, States, and efficiency advocates), as determined by the Secretary, and contains recommendations with respect to an energy or water conservation standard—

"(i) if the Secretary determines that the recommended standard contained in the statement is in accordance with subsection (o) or section 342(a)(6)(B), as applicable, the Secretary may issue a final rule that establishes an energy or water conservation standard and is published simultaneously with a notice of proposed rulemaking that proposes a new or amended energy or water conservation standard that is identical to the standard established in the final rule to establish the recommended standard (referred to in this paragraph as a 'direct final rule'); or

"(ii) if the Secretary determines that a direct final rule cannot be issued based on the statement, the Secretary shall publish a notice of the determination, together with an explanation of the reasons for the determination.

"(B) PUBLIC COMMENT.—The Secretary shall solicit public comment for a period of at least 110 days with respect to each direct final rule issued by the Secretary under subparagraph (A)(i).

"(C) WITHDRAWAL OF DIRECT FINAL RULES.—

"(i) IN GENERAL.—Not later than 120 days after the date on which a direct final rule issued under subparagraph (A)(i) is published in the Federal Register, the Secretary shall withdraw the direct final rule if—

"(I) the Secretary receives 1 or more adverse public comments relating to the direct final rule under subparagraph (B)(i) or any alternative joint recommendation; and

"(II) based on the rulemaking record relating to the direct final rule, the Secretary determines that such adverse public comments or alternative joint recommendation may provide a reasonable basis for withdrawing the direct final rule under subsection (o), section 342(a)(6)(B), or any other applicable law.

"(ii) ACTION ON WITHDRAWAL.—On withdrawal of a direct final rule under clause (i), the Secretary shall—

"(I) proceed with the notice of proposed rulemaking published simultaneously with the direct final rule as described in subparagraph (A)(i); and

"(II) publish in the Federal Register the reasons why the direct final rule was withdrawn.

"(iii) TREATMENT OF WITHDRAWN DIRECT FINAL RULES.—A direct final rule that is withdrawn under clause (i) shall not be considered to be a final rule for purposes of subsection (o).

"(D) EFFECT OF PARAGRAPH.—Nothing in this paragraph authorizes the Secretary to issue a direct final rule based solely on receipt of more than 1 statement containing recommended standards relating to the direct final rule.".

(b) CONFORMING AMENDMENT.—Section 345(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6316(b)(1)) is amended in the first sentence by inserting "section 325(p)(5)," after "The provisions of".

SEC. 309. BATTERY CHARGERS.

Section 325(u)(1)(E) of the Energy Policy and Conservation Act (42 U.S.C. 6295(u)(1)(E)) is amended—

(1) by striking "(E)(i) Not" and inserting the following:

"(E) EXTERNAL POWER SUPPLIES AND BATTERY CHARGERS.—

"(i) ENERGY CONSERVATION STANDARDS.—

"(I) EXTERNAL POWER SUPPLIES.—Not";

(2) by striking "3 years" and inserting "2 years";

(3) by striking "battery chargers and" each place it appears; and

(4) by adding at the end the following :

"(II) BATTERY CHARGERS.—Not later than July 1, 2011, the Secretary shall issue a final rule that prescribes energy conservation standards for battery chargers or classes of battery chargers or determine that no energy conservation standard is technically feasible and economically justified.".

SEC. 310. STANDBY MODE.

Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended—

(1) in subsection (u)—

(A) by striking paragraphs (2), (3), and (4); and

(B) by redesignating paragraph (5) and (6) as paragraphs (2) and (3), respectively;

(2) by redesignating subsection (gg) as subsection (hh);

(3) by inserting after subsection (ff) the following:

"(gg) STANDBY MODE ENERGY USE.—

"(1) DEFINITIONS.—

"(A) IN GENERAL.—Unless the Secretary determines otherwise pursuant to subparagraph (B), in this subsection:

"(i) ACTIVE MODE.—The term 'active mode' means the condition in which an energy-using product—

"(I) is connected to a main power source;

"(II) has been activated; and

"(III) provides 1 or more main functions.

"(ii) OFF MODE.—The term 'off mode' means the condition in which an energy-using product—

"(I) is connected to a main power source; and

"(II) is not providing any standby or active mode function.

"(iii) STANDBY MODE.—The term 'standby mode' means the condition in which an energy-using product—

"(I) is connected to a main power source; and

"(II) offers 1 or more of the following user-oriented or protective functions:

"(aa) To facilitate the activation or deactivation of other functions (including active mode) by remote switch (including remote control), internal sensor, or timer.

"(bb) Continuous functions, including information or status displays (including clocks) or sensor-based functions.

"(B) AMENDED DEFINITIONS.—The Secretary may, by rule, amend the definitions under subparagraph (A), taking into consideration the most current versions of Standards 62301 and 62087 of the International Electrotechnical Commission.

"(2) TEST PROCEDURES.—

"(A) IN GENERAL.—Test procedures for all covered products shall be amended pursuant to section 323 to include standby mode and off mode energy consumption, taking into consideration the most current versions of Standards 62301 and 62087 of the International Electrotechnical Commission, with such energy consumption integrated into the overall energy efficiency, energy consumption, or other energy descriptor for each covered product, unless the Secretary determines that—

"(i) the current test procedures for a covered product already fully account for and incorporate the standby mode and off mode energy consumption of the covered product; or

"(ii) such an integrated test procedure is technically infeasible for a particular covered product, in which case the Secretary shall prescribe a separate standby mode and off mode energy use test procedure for the covered product, if technically feasible.

"(B) DEADLINES.—The test procedure amendments required by subparagraph (A) shall be prescribed in a final rule no later than the following dates:

"(i) December 31, 2008, for battery chargers and external power supplies.

"(ii) March 31, 2009, for clothes dryers, room air conditioners, and fluorescent lamp ballasts.

"(iii) June 30, 2009, for residential clothes washers.

"(iv) September 30, 2009, for residential furnaces and boilers.

"(v) March 31, 2010, for residential water heaters, direct heating equipment, and pool heaters.

"(vi) March 31, 2011, for residential dishwashers, ranges and ovens, microwave ovens, and dehumidifiers.

"(C) PRIOR PRODUCT STANDARDS.—The test procedure amendments adopted pursuant to subparagraph (B) shall not be used to determine compliance with product standards established prior to the adoption of the amended test procedures.

"(3) INCORPORATION INTO STANDARD.—

"(A) IN GENERAL.—Subject to subparagraph (B), based on the test procedures required under paragraph (2), any final rule establishing or revising a standard for a covered product, adopted after July 1, 2010, shall incorporate standby mode and off mode energy use into a single amended or new standard, pursuant to subsection (o), if feasible.

"(B) SEPARATE STANDARDS.—If not feasible, the Secretary shall prescribe within the final rule a separate standard for standby mode and off mode energy consumption, if justified under subsection (o)."; and

(4) in paragraph (2) of subsection (hh) (as redesignated by paragraph (2)), by striking "(ff)" each place it appears and inserting "(gg)".

SEC. 311. ENERGY STANDARDS FOR HOME APPLIANCES.

(a) APPLIANCES.—

(1) DEHUMIDIFIERS.—Section 325(cc) of the Energy Policy and Conservation Act (42 U.S.C. 6295(cc)) is amended by striking paragraph (2) and inserting the following:

"(2) DEHUMIDIFIERS MANUFACTURED ON OR AFTER OCTOBER 1, 2012.—Dehumidifiers manufactured on or after October 1, 2012, shall have an Energy Factor that meets or exceeds the following values:

"Product Capacity (pints/day):	**Minimum Energy Factor (liters/KWh)**
Up to 35.00	1.35
35.01-45.00	1.50
45.01-54.00	1.60
54.01-75.00	1.70
Greater than 75.00	2.5.".

(2) RESIDENTIAL CLOTHES WASHERS AND RESIDENTIAL DISHWASHERS.—Section 325(g) of the Energy Policy and Conservation Act (42 U.S.C. 6295(g)) is amended by adding at the end the following:

"(9) RESIDENTIAL CLOTHES WASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2011.—

"(A) IN GENERAL.—A top-loading or front-loading standard-size residential clothes washer manufactured on or after January 1, 2011, shall have—

"(i) a Modified Energy Factor of at least 1.26; and

"(ii) a water factor of not more than 9.5.

"(B) AMENDMENT OF STANDARDS.—

"(i) IN GENERAL.—Not later than December 31, 2011, the Secretary shall publish a final rule determining whether to amend the standards in effect for clothes washers manufactured on or after January 1, 2015.

"(ii) AMENDED STANDARDS.—The final rule shall contain any amended standards.

"(10) RESIDENTIAL DISHWASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2010.—

"(A) IN GENERAL.—A dishwasher manufactured on or after January 1, 2010, shall—

"(i) for a standard size dishwasher not exceed 355 kwh/year and 6.5 gallon per cycle; and

"(ii) for a compact size dishwasher not exceed 260 kwh/year and 4.5 gallons per cycle.

"(B) AMENDMENT OF STANDARDS.—

"(i) IN GENERAL.—Not later than January 1, 2015, the Secretary shall publish a final rule determining whether to amend the standards for dishwashers manufactured on or after January 1, 2018.

"(ii) AMENDED STANDARDS.—The final rule shall contain any amended standards.".

(3) REFRIGERATORS AND FREEZERS.—Section 325(b) of the Energy Policy and Conservation Act (42 U.S.C. 6295(b)) is amended by adding at the end the following:

"(4) REFRIGERATORS AND FREEZERS MANUFACTURED ON OR AFTER JANUARY 1, 2014.—

"(A) IN GENERAL.—Not later than December 31, 2010, the Secretary shall publish a final rule determining whether to amend the standards in effect for refrigerators, refrigerator-freezers, and freezers manufactured on or after January 1, 2014.

"(B) AMENDED STANDARDS.—The final rule shall contain any amended standards.".

(b) ENERGY STAR.—Section 324A(d)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6294a(d)(2)) is amended by striking "January 1, 2010" and inserting "July 1, 2009".

SEC. 312. WALK-IN COOLERS AND WALK-IN FREEZERS.

(a) DEFINITIONS.—Section 340 of the Energy Policy and Conservation Act (42 U.S.C. 6311) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (G) through (K) as subparagraphs (H) through (L), respectively; and

(B) by inserting after subparagraph (F) the following:

"(G) Walk-in coolers and walk-in freezers.";

(2) by redesignating paragraphs (20) and (21) as paragraphs (21) and (22), respectively; and

(3) by inserting after paragraph (19) the following:

"(20) WALK-IN COOLER; WALK-IN FREEZER.—

"(A) IN GENERAL.—The terms 'walk-in cooler' and 'walk-in freezer' mean an enclosed storage space refrigerated to temperatures, respectively, above, and at or below 32 degrees Fahrenheit that can be walked into, and has a total chilled storage area of less than 3,000 square feet.

"(B) EXCLUSION.—The terms 'walk-in cooler' and 'walk-in freezer' do not include products designed and marketed exclusively for medical, scientific, or research purposes.".

(b) STANDARDS.—Section 342 of the Energy Policy and Conservation Act (42 U.S.C. 6313) is amended by adding at the end the following:

"(f) WALK-IN COOLERS AND WALK-IN FREEZERS.—

"(1) IN GENERAL.—Subject to paragraphs (2) through (5), each walk-in cooler or walk-in freezer manufactured on or after January 1, 2009, shall—

"(A) have automatic door closers that firmly close all walk-in doors that have been closed to within 1 inch of full closure, except that this subparagraph shall not apply to doors wider than 3 feet 9 inches or taller than 7 feet;

"(B) have strip doors, spring hinged doors, or other method of minimizing infiltration when doors are open;

"(C) contain wall, ceiling, and door insulation of at least R–25 for coolers and R–32 for freezers, except that this subparagraph shall not apply to glazed portions of doors nor to structural members;

"(D) contain floor insulation of at least R–28 for freezers;

"(E) for evaporator fan motors of under 1 horsepower and less than 460 volts, use—

"(i) electronically commutated motors (brushless direct current motors); or

"(ii) 3-phase motors;

"(F) for condenser fan motors of under 1 horsepower, use—

"(i) electronically commutated motors;

"(ii) permanent split capacitor-type motors; or

"(iii) 3-phase motors; and

"(G) for all interior lights, use light sources with an efficacy of 40 lumens per watt or more, including ballast losses (if any), except that light sources with an efficacy of 40 lumens per watt or less, including ballast losses (if any), may be used in conjunction with a timer or device that turns off the lights within 15 minutes of when the walk-in cooler or walk-in freezer is not occupied by people.

"(2) ELECTRONICALLY COMMUTATED MOTORS.—

"(A) IN GENERAL.—The requirements of paragraph (1)(E)(i) for electronically commutated motors shall take effect January 1, 2009, unless, prior to that date, the Secretary determines that such motors are only available from 1 manufacturer.

"(B) OTHER TYPES OF MOTORS.—In carrying out paragraph (1)(E)(i) and subparagraph (A), the Secretary may allow other types of motors if the Secretary determines that, on average, those other motors use no more energy in evaporator fan applications than electronically commutated motors.

"(C) MAXIMUM ENERGY CONSUMPTION LEVEL.—The Secretary shall establish the maximum energy consumption level under subparagraph (B) not later than January 1, 2010.

"(3) ADDITIONAL SPECIFICATIONS.—Each walk-in cooler or walk-in freezer with transparent reach-in doors manufactured on or after January 1, 2009, shall also meet the following specifications:

"(A) Transparent reach-in doors for walk-in freezers and windows in walk-in freezer doors shall be of triple-pane glass with either heat-reflective treated glass or gas fill.

"(B) Transparent reach-in doors for walk-in coolers and windows in walk-in cooler doors shall be—

"(i) double-pane glass with heat-reflective treated glass and gas fill; or

"(ii) triple-pane glass with either heat-reflective treated glass or gas fill.

"(C) If the appliance has an antisweat heater without antisweat heat controls, the appliance shall have a total door rail, glass, and frame heater power draw of not more than 7.1 watts per square foot of door opening (for freezers) and 3.0 watts per square foot of door opening (for coolers).

"(D) If the appliance has an antisweat heater with antisweat heat controls, and the total door rail, glass, and frame heater power draw is more than 7.1 watts per square foot of door opening (for freezers) and 3.0 watts per square foot of door opening (for coolers), the antisweat heat controls shall reduce the energy use of the antisweat heater in a quantity corresponding to the relative humidity in the air outside the door or to the condensation on the inner glass pane.

"(4) PERFORMANCE-BASED STANDARDS.—

"(A) IN GENERAL.—Not later than January 1, 2012, the Secretary shall publish performance-based standards for walk-in coolers and walk-in freezers that achieve the maximum improvement in energy that the Secretary determines is technologically feasible and economically justified.

"(B) APPLICATION.—

"(i) IN GENERAL.—Except as provided in clause (ii), the standards shall apply to products described in subparagraph (A) that are manufactured beginning on the date that is 3 years after the final rule is published.

"(ii) DELAYED EFFECTIVE DATE.—If the Secretary determines, by rule, that a 3-year period is inadequate, the Secretary may establish an effective date for products manufactured beginning on the date that is not more than 5 years after the date of publication of a final rule for the products.

"(5) AMENDMENT OF STANDARDS.—

"(A) IN GENERAL.—Not later than January 1, 2020, the Secretary shall publish a final rule to determine if the standards established under paragraph (4) should be amended.

"(B) APPLICATION.—

"(i) IN GENERAL.—Except as provided in clause (ii), the rule shall provide that the standards shall apply to products manufactured beginning on the date that is 3 years after the final rule is published.

"(ii) DELAYED EFFECTIVE DATE.—If the Secretary determines, by rule, that a 3-year period is inadequate, the Secretary may establish an effective date for products manufactured beginning on the date that is not more than 5 years after the date of publication of a final rule for the products.".

(c) TEST PROCEDURES.—Section 343(a) of the Energy Policy and Conservation Act (42 U.S.C. 6314(a)) is amended by adding at the end the following:

"(9) WALK-IN COOLERS AND WALK-IN FREEZERS.—

"(A) IN GENERAL.—For the purpose of test procedures for walk-in coolers and walk-in freezers:

"(i) The R value shall be the 1/K factor multiplied by the thickness of the panel.

"(ii) The K factor shall be based on ASTM test procedure C518-2004.

"(iii) For calculating the R value for freezers, the K factor of the foam at 20°F (average foam temperature) shall be used.

"(iv) For calculating the R value for coolers, the K factor of the foam at 55°F (average foam temperature) shall be used.

"(B) TEST PROCEDURE.—

"(i) IN GENERAL.—Not later than January 1, 2010, the Secretary shall establish a test procedure to measure the energy-use of walk-in coolers and walk-in freezers.

"(ii) COMPUTER MODELING.—The test procedure may be based on computer modeling, if the computer model or models have been verified using the results of laboratory tests on a significant sample of walk-in coolers and walk-in freezers.".

(d) LABELING.—Section 344(e) of the Energy Policy and Conservation Act (42 U.S.C. 6315(e)) is amended by inserting "walk-in coolers and walk-in freezers," after "commercial clothes washers," each place it appears.

(e) ADMINISTRATION, PENALTIES, ENFORCEMENT, AND PREEMPTION.—Section 345 of the Energy Policy and Conservation Act (42 U.S.C. 6316) is amended—

(1) by striking "subparagraphs (B), (C), (D), (E), and (F)" each place it appears and inserting "subparagraphs (B) through (G)"; and

(2) by adding at the end the following:

"(h) WALK-IN COOLERS AND WALK-IN FREEZERS.—

"(1) COVERED TYPES.—

"(A) RELATIONSHIP TO OTHER LAW.—

"(i) IN GENERAL.—Except as otherwise provided in this subsection, section 327 shall apply to walk-in coolers and walk-in freezers for which standards have been established under paragraphs (1), (2), and (3) of section 342(f) to the same extent and in the same manner as the section applies under part A on the date of enactment of this subsection.

"(ii) STATE STANDARDS.—Any State standard prescribed before the date of enactment of this subsection shall not be preempted until the standards established under paragraphs (1) and (2) of section 342(f) take effect.

"(B) ADMINISTRATION.—In applying section 327 to equipment under subparagraph (A), paragraphs (1), (2), and (3) of subsection (a) shall apply.

"(2) FINAL RULE NOT TIMELY.—

"(A) IN GENERAL.—If the Secretary does not issue a final rule for a specific type of walk-in cooler or walk-in freezer within the time frame established under paragraph (4) or (5) of section 342(f), subsections (b) and (c) of section 327 shall no longer apply to the specific type of walk-in cooler or walk-in freezer during the period—

"(i) beginning on the day after the scheduled date for a final rule; and

"(ii) ending on the date on which the Secretary publishes a final rule covering the specific type of walk-in cooler or walk-in freezer.

"(B) STATE STANDARDS.—Any State standard issued before the publication of the final rule shall not be preempted until the standards established in the final rule take effect.

"(3) CALIFORNIA.—Any standard issued in the State of California before January 1, 2011, under title 20 of the California Code of Regulations, that refers to walk-in coolers and walk-in freezers, for which standards have been established under paragraphs (1), (2), and (3) of section 342(f), shall not be preempted until the standards established under section 342(f)(3) take effect.".

SEC. 313. ELECTRIC MOTOR EFFICIENCY STANDARDS.

(a) DEFINITIONS.—Section 340(13) of the Energy Policy and Conservation Act (42 U.S.C. 6311(13)) is amended—

(1) by redesignating subparagraphs (B) through (H) as subparagraphs (C) through (I), respectively; and

(2) by striking "(13)(A)" and all that follows through the end of subparagraph (A) and inserting the following:

"(13) ELECTRIC MOTOR.—

"(A) GENERAL PURPOSE ELECTRIC MOTOR (SUBTYPE I).—The term 'general purpose electric motor (subtype I)' means any motor that meets the definition of 'General Purpose' as established in the final rule issued by the Department of Energy entitled 'Energy Efficiency Program for Certain Commercial and Industrial Equipment: Test Procedures, Labeling, and Certification Requirements for Electric Motors' (10 C.F.R. 431), as in effect on the date of enactment of the Energy Independence and Security Act of 2007.

"(B) GENERAL PURPOSE ELECTRIC MOTOR (SUBTYPE II).—The term 'general purpose electric motor (subtype II)' means motors incorporating the design elements of a general purpose electric motor (subtype I) that are configured as 1 of the following:

"(i) A U-Frame Motor.

"(ii) A Design C Motor.

"(iii) A close-coupled pump motor.

"(iv) A Footless motor.

"(v) A vertical solid shaft normal thrust motor (as tested in a horizontal configuration).

"(vi) An 8-pole motor (900 rpm).

"(vii) A poly-phase motor with voltage of not more than 600 volts (other than 230 or 460 volts.".

(b) STANDARDS.—

(1) AMENDMENT.—Section 342(b) of the Energy Policy and Conservation Act (42 U.S.C. 6313(b)) is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following:

"(2) ELECTRIC MOTORS.—

"(A) GENERAL PURPOSE ELECTRIC MOTORS (SUBTYPE I).—Except as provided in subparagraph (B), each general purpose electric motor (subtype I) with a power rating of 1 horsepower or greater, but not greater than 200 horsepower, manufactured (alone or as a component of another piece of equipment) after the 3-year period beginning on the date of enactment of the Energy Independence and Security Act of 2007, shall have a nominal full load efficiency that is not less than as defined in NEMA MG–1 (2006) Table 12–12.

"(B) FIRE PUMP MOTORS.—Each fire pump motor manufactured (alone or as a component of another piece of equipment) after the 3-year period beginning on the date of enactment of the Energy Independence and Security Act of 2007 shall have nominal full load efficiency that is not less than as defined in NEMA MG–1 (2006) Table 12–11.

"(C) GENERAL PURPOSE ELECTRIC MOTORS (SUBTYPE II).—Each general purpose electric motor (subtype II) with a power rating of 1 horsepower or greater, but not greater than 200 horsepower, manufactured (alone or as a component of another piece of equipment) after the 3-year period beginning on the date of enactment of the Energy Independence and Security Act of 2007, shall have a nominal full load efficiency that is not less than as defined in NEMA MG–1 (2006) Table 12–11.

"(D) NEMA DESIGN B, GENERAL PURPOSE ELECTRIC MOTORS.—Each NEMA Design B, general purpose electric motor with a power rating of more than 200 horsepower, but not greater than 500 horsepower, manufactured (alone or as a component of another piece of equipment) after the 3-year period beginning on the date of enactment of the Energy Independence and Security Act of 2007, shall have a nominal full load efficiency that is not less than as defined in NEMA MG–1 (2006) Table 12–11.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) take effect on the date that is 3 years after the date of enactment of this Act.

SEC. 314. STANDARDS FOR SINGLE PACKAGE VERTICAL AIR CONDITIONERS AND HEAT PUMPS.

(a) DEFINITIONS.—Section 340 of the Energy Policy and Conservation Act (42 U.S.C. 6311) is amended by adding at the end the following:

"(22) SINGLE PACKAGE VERTICAL AIR CONDITIONER.—The term 'single package vertical air conditioner' means air-cooled commercial package air conditioning and heating equipment that—

"(A) is factory-assembled as a single package that—

"(i) has major components that are arranged vertically;

"(ii) is an encased combination of cooling and optional heating components; and

"(iii) is intended for exterior mounting on, adjacent interior to, or through an outside wall;

"(B) is powered by a single- or 3-phase current;

"(C) may contain 1 or more separate indoor grilles, outdoor louvers, various ventilation options, indoor free air discharges, ductwork, well plenum, or sleeves; and

"(D) has heating components that may include electrical resistance, steam, hot water, or gas, but may not include reverse cycle refrigeration as a heating means.

"(23) SINGLE PACKAGE VERTICAL HEAT PUMP.—The term 'single package vertical heat pump' means a single package vertical air conditioner that—

"(A) uses reverse cycle refrigeration as its primary heat source; and

"(B) may include secondary supplemental heating by means of electrical resistance, steam, hot water, or gas.".

(b) STANDARDS.—Section 342(a) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)) is amended—

(1) in the first sentence of each of paragraphs (1) and (2), by inserting "(including single package vertical air conditioners and single package vertical heat pumps)" after "heating equipment" each place it appears;

(2) in paragraph (1), by striking "but before January 1, 2010,";

(3) in the first sentence of each of paragraphs (7), (8), and (9), by inserting "(other than single package vertical air conditioners and single package vertical heat pumps)" after "heating equipment" each place it appears;

(4) in paragraph (7)—

(A) by striking "manufactured on or after January 1, 2010,";

(B) in each of subparagraphs (A), (B), and (C), by striking "The" and inserting "For equipment manufactured on or after January 1, 2010, the"; and

(C) by adding at the end the following:

"(D) For equipment manufactured on or after the later of January 1, 2008, or the date that is 180 days after the date of enactment of the Energy Independence and Security Act of 2007—

"(i) the minimum seasonal energy efficiency ratio of air-cooled 3-phase electric central air conditioners and central air conditioning heat pumps less than 65,000 Btu per hour (cooling capacity), split systems, shall be 13.0;

"(ii) the minimum seasonal energy efficiency ratio of air-cooled 3-phase electric central air conditioners and central air conditioning heat pumps less than 65,000 Btu per hour (cooling capacity), single package, shall be 13.0;

"(iii) the minimum heating seasonal performance factor of air-cooled 3-phase electric central air conditioning heat pumps less than 65,000 Btu per hour (cooling capacity), split systems, shall be 7.7; and

"(iv) the minimum heating seasonal performance factor of air-cooled three-phase electric central air conditioning heat pumps less than 65,000 Btu per hour (cooling capacity), single package, shall be 7.7."; and

(5) by adding at the end the following:

"(10) SINGLE PACKAGE VERTICAL AIR CONDITIONERS AND SINGLE PACKAGE VERTICAL HEAT PUMPS.—

"(A) IN GENERAL.—Single package vertical air conditioners and single package vertical heat pumps manufactured on or after January 1, 2010, shall meet the following standards:

"(i) The minimum energy efficiency ratio of single package vertical air conditioners less than 65,000 Btu per hour (cooling capacity), single-phase, shall be 9.0.

"(ii) The minimum energy efficiency ratio of single package vertical air conditioners less than 65,000 Btu per hour (cooling capacity), three-phase, shall be 9.0.

"(iii) The minimum energy efficiency ratio of single package vertical air conditioners at or above 65,000 Btu per hour (cooling capacity) but less than 135,000 Btu per hour (cooling capacity), shall be 8.9.

"(iv) The minimum energy efficiency ratio of single package vertical air conditioners at or above 135,000 Btu per hour (cooling capacity) but less than 240,000 Btu per hour (cooling capacity), shall be 8.6.

"(v) The minimum energy efficiency ratio of single package vertical heat pumps less than 65,000 Btu per hour (cooling capacity), single-phase, shall be 9.0 and the minimum coefficient of performance in the heating mode shall be 3.0.

"(vi) The minimum energy efficiency ratio of single package vertical heat pumps less than 65,000 Btu per hour (cooling capacity), three-phase, shall be 9.0 and the minimum coefficient of performance in the heating mode shall be 3.0.

"(vii) The minimum energy efficiency ratio of single package vertical heat pumps at or above 65,000 Btu per hour (cooling capacity) but less than 135,000 Btu per hour (cooling capacity), shall be 8.9 and the minimum coefficient of performance in the heating mode shall be 3.0.

"(viii) The minimum energy efficiency ratio of single package vertical heat pumps at or above 135,000 Btu per hour (cooling capacity) but less than 240,000 Btu per hour (cooling capacity), shall be 8.6 and the minimum coefficient of performance in the heating mode shall be 2.9.

"(B) REVIEW.—Not later than 3 years after the date of enactment of this paragraph, the Secretary shall review the most recently published ASHRAE/IES Standard 90.1 with respect to single package vertical air conditioners and single package vertical heat pumps in accordance with the procedures established under paragraph (6).".

SEC. 315. IMPROVED ENERGY EFFICIENCY FOR APPLIANCES AND BUILDINGS IN COLD CLIMATES.

(a) RESEARCH.—Section 911(a)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16191(a)(2)) is amended—

(1) in subparagraph (C), by striking "and" at the end;

(2) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(E) technologies to improve the energy efficiency of appliances and mechanical systems for buildings in cold climates, including combined heat and power units and increased use of renewable resources, including fuel.".

(b) REBATES.—Section 124 of the Energy Policy Act of 2005 (42 U.S.C. 15821) is amended—

(1) in subsection (b)(1), by inserting ", or products with improved energy efficiency in cold climates," after "residential Energy Star products"; and

(2) in subsection (e), by inserting "or product with improved energy efficiency in a cold climate" after "residential Energy Star product" each place it appears.

SEC. 316. TECHNICAL CORRECTIONS.

(a) DEFINITION OF F96T12 LAMP.—

(1) IN GENERAL.—Section 135(a)(1)(A)(ii) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 624) is amended by striking "C78.1–1978(R1984)" and inserting "C78.3–1978(R1984)".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on August 8, 2005.

(b) DEFINITION OF FLUORESCENT LAMP.—Section 321(30)(B)(viii) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(B)(viii)) is amended by striking "82" and inserting "87".

(c) MERCURY VAPOR LAMP BALLASTS.—

(1) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) (as amended by section 301(a)(2)) is amended—

(A) by striking paragraphs (46) through (48) and inserting the following:

"(46) HIGH INTENSITY DISCHARGE LAMP.—

"(A) IN GENERAL.—The term 'high intensity discharge lamp' means an electric-discharge lamp in which—

"(i) the light-producing arc is stabilized by the arc tube wall temperature; and

"(ii) the arc tube wall loading is in excess of 3 Watts/cm^2.

"(B) INCLUSIONS.—The term 'high intensity discharge lamp' includes mercury vapor, metal halide, and high-pressure sodium lamps described in subparagraph (A).

"(47) MERCURY VAPOR LAMP.—

"(A) IN GENERAL.—The term 'mercury vapor lamp' means a high intensity discharge lamp in which the major portion of the light is produced by radiation from mercury typically operating at a partial vapor pressure in excess of 100,000 Pa (approximately 1 atm).

"(B) INCLUSIONS.—The term 'mercury vapor lamp' includes clear, phosphor-coated, and self-ballasted screw base lamps described in subparagraph (A).

"(48) MERCURY VAPOR LAMP BALLAST.—The term 'mercury vapor lamp ballast' means a device that is designed and marketed to start and operate mercury vapor lamps intended for general illumination by providing the necessary voltage and current."; and

(B) by adding at the end the following:

"(53) SPECIALTY APPLICATION MERCURY VAPOR LAMP BALLAST.—The term 'specialty application mercury vapor lamp ballast' means a mercury vapor lamp ballast that—

"(A) is designed and marketed for operation of mercury vapor lamps used in quality inspection, industrial processing, or scientific use, including fluorescent microscopy and ultraviolet curing; and

"(B) in the case of a specialty application mercury vapor lamp ballast, the label of which—

"(i) provides that the specialty application mercury vapor lamp ballast is 'For specialty applications only, not for general illumination'; and

"(ii) specifies the specific applications for which the ballast is designed.".

(2) STANDARD SETTING AUTHORITY.—Section 325(ee) of the Energy Policy and Conservation Act (42 U.S.C. 6295(ee)) is amended by inserting "(other than specialty application mercury vapor lamp ballasts)" after "ballasts".

(d) ENERGY CONSERVATION STANDARDS.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended—

(1) in subsection (v)—

(A) in the subsection heading, by striking "CEILING FANS AND";

(B) by striking paragraph (1); and

(C) by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively; and

(2) in subsection (ff)—

(A) in paragraph (1)(A)—

(i) by striking clause (iii);

(ii) by redesignating clause (iv) as clause (iii); and

(iii) in clause (iii)(II) (as so redesignated), by inserting "fans sold for" before "outdoor"; and

(B) in paragraph (4)(C)—

(i) in the matter preceding clause (i), by striking "subparagraph (B)" and inserting "subparagraph (A)"; and

(ii) by striking clause (ii) and inserting the following:

"(ii) shall be packaged with lamps to fill all sockets.";

(C) in paragraph (6), by redesignating subparagraphs (C) and (D) as clauses (i) and (ii), respectively, of subparagraph (B); and

(D) in paragraph (7), by striking "327" the second place it appears and inserting "324".

Subtitle B—Lighting Energy Efficiency

SEC. 321. EFFICIENT LIGHT BULBS.

(a) ENERGY EFFICIENCY STANDARDS FOR GENERAL SERVICE INCANDESCENT LAMPS.—

(1) DEFINITION OF GENERAL SERVICE INCANDESCENT LAMP.—Section 321(30) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)) is amended—

(A) by striking subparagraph (D) and inserting the following:

"(D) GENERAL SERVICE INCANDESCENT LAMP.—

"(i) IN GENERAL.—The term 'general service incandescent lamp' means a standard incandescent or halogen type lamp that—

"(I) is intended for general service applications;

"(II) has a medium screw base;

"(III) has a lumen range of not less than 310 lumens and not more than 2,600 lumens; and

"(IV) is capable of being operated at a voltage range at least partially within 110 and 130 volts.

"(ii) EXCLUSIONS.—The term 'general service incandescent lamp' does not include the following incandescent lamps:

"(I) An appliance lamp.

"(II) A black light lamp.

"(III) A bug lamp.

"(IV) A colored lamp.

"(V) An infrared lamp.

"(VI) A left-hand thread lamp.

"(VII) A marine lamp.

"(VIII) A marine signal service lamp.

"(IX) A mine service lamp.

"(X) A plant light lamp.

"(XI) A reflector lamp.

"(XII) A rough service lamp.

"(XIII) A shatter-resistant lamp (including a shatter-proof lamp and a shatter-protected lamp).

"(XIV) A sign service lamp.

"(XV) A silver bowl lamp.

"(XVI) A showcase lamp.

"(XVII) A 3-way incandescent lamp.

"(XVIII) A traffic signal lamp.

"(XIX) A vibration service lamp.

"(XX) A G shape lamp (as defined in ANSI C78.20–2003 and C79.1–2002with a diameter of 5 inches or more.

"(XXI) A T shape lamp (as defined in ANSI C78.20–2003 and C79.1–2002) and that uses not more than 40 watts or has a length of more than 10 inches.

"(XXII) A B, BA, CA, F, G16–1/2,G–25,G30, S, or M–14 lamp (as defined in ANSI C79.1–2002 and ANSI C78.20–2003) of 40 watts or less."; and

(B) by adding at the end the following:

"(T) APPLIANCE LAMP.—The term 'appliance lamp' means any lamp that—

"(i) is specifically designed to operate in a household appliance, has a maximum wattage of 40 watts, and is sold at retail, including an oven lamp, refrigerator lamp, and vacuum cleaner lamp; and

"(ii) is designated and marketed for the intended application, with—

"(I) the designation on the lamp packaging; and

"(II) marketing materials that identify the lamp as being for appliance use.

"(U) CANDELABRA BASE INCANDESCENT LAMP.—The term 'candelabra base incandescent lamp' means a lamp that uses candelabra screw base as described in ANSI C81.61–2006, Specifications for Electric Bases, common designations E11 and E12.

"(V) INTERMEDIATE BASE INCANDESCENT LAMP.—The term 'intermediate base incandescent lamp' means a lamp that uses an intermediate screw base as described in ANSI C81.61–2006, Specifications for Electric Bases, common designation E17.

"(W) MODIFIED SPECTRUM.—The term 'modified spectrum' means, with respect to an incandescent lamp, an incandescent lamp that—

"(i) is not a colored incandescent lamp; and

"(ii) when operated at the rated voltage and wattage of the incandescent lamp—

"(I) has a color point with (x,y) chromaticity coordinates on the Commission Internationale de l'Eclairage (C.I.E.) 1931 chromaticity diagram that lies below the black-body locus; and

"(II) has a color point with (x,y) chromaticity coordinates on the C.I.E. 1931 chromaticity diagram that lies at least 4 MacAdam steps (as referenced in IESNA LM16) distant from the color point of a clear lamp with the same filament and bulb shape, operated at the same rated voltage and wattage.

"(X) ROUGH SERVICE LAMP.—The term 'rough service lamp' means a lamp that—

"(i) has a minimum of 5 supports with filament configurations that are C–7A, C–11, C–17, and C–22 as listed in Figure 6–12 of the 9th edition of the IESNA Lighting handbook, or similar configurations where lead wires are not counted as supports; and

"(ii) is designated and marketed specifically for 'rough service' applications, with—

"(I) the designation appearing on the lamp packaging; and

"(II) marketing materials that identify the lamp as being for rough service.

"(Y) 3-WAY INCANDESCENT LAMP.—The term '3-way incandescent lamp' includes an incandescent lamp that—

"(i) employs 2 filaments, operated separately and in combination, to provide 3 light levels; and

"(ii) is designated on the lamp packaging and marketing materials as being a 3-way incandescent lamp.

"(Z) SHATTER-RESISTANT LAMP, SHATTER-PROOF LAMP, OR SHATTER-PROTECTED LAMP.—The terms 'shatter-resistant lamp', 'shatter-proof lamp', and 'shatter-protected lamp' mean a lamp that—

"(i) has a coating or equivalent technology that is compliant with NSF/ANSI 51 and is designed to contain the glass if the glass envelope of the lamp is broken; and

"(ii) is designated and marketed for the intended application, with—

"(I) the designation on the lamp packaging; and

"(II) marketing materials that identify the lamp as being shatter-resistant, shatter-proof, or shatter-protected.

"(AA) VIBRATION SERVICE LAMP.—The term 'vibration service lamp' means a lamp that—

"(i) has filament configurations that are C–5, C–7A, or C–9, as listed in Figure 6–12 of the 9th Edition of the IESNA Lighting Handbook or similar configurations;

"(ii) has a maximum wattage of 60 watts;

"(iii) is sold at retail in packages of 2 lamps or less; and

"(iv) is designated and marketed specifically for vibration service or vibration-resistant applications, with—

"(I) the designation appearing on the lamp packaging; and

"(II) marketing materials that identify the lamp as being vibration service only.

"(BB) GENERAL SERVICE LAMP.—

"(i) IN GENERAL.—The term 'general service lamp' includes—

"(I) general service incandescent lamps;

"(II) compact fluorescent lamps;

"(III) general service light-emitting diode (LED or OLED) lamps; and

"(IV) any other lamps that the Secretary determines are used to satisfy lighting applications traditionally served by general service incandescent lamps.

"(ii) EXCLUSIONS.—The term 'general service lamp' does not include—

"(I) any lighting application or bulb shape described in any of subclauses (I) through (XXII) of subparagraph (D)(ii); or

"(II) any general service fluorescent lamp or incandescent reflector lamp.

"(CC) LIGHT-EMITTING DIODE; LED.—

"(i) IN GENERAL.—The terms 'light-emitting diode' and 'LED' means a p–n junction solid state device the radiated output of which is a function of the physical construction, material used, and exciting current of the device.

"(ii) OUTPUT.—The output of a light-emitting diode may be in—

"(I) the infrared region;

"(II) the visible region; or

"(III) the ultraviolet region.

"(DD) ORGANIC LIGHT-EMITTING DIODE; OLED.—The terms 'organic light-emitting diode' and 'OLED' mean a thin-film light-emitting device that typically consists of a series of organic layers between 2 electrical contacts (electrodes).

"(EE) COLORED INCANDESCENT LAMP.—The term 'colored incandescent lamp' means an incandescent lamp designated and marketed as a colored lamp that has—

"(i) a color rendering index of less than 50, as determined according to the test method given in C.I.E. publication 13.3–1995; or

"(ii) a correlated color temperature of less than 2,500K, or greater than 4,600K, where correlated temperature is computed according to the Journal of Optical Society of America, Vol. 58, pages 1528–1595 (1986).".

(2) COVERAGE.—Section 322(a)(14) of the Energy Policy and Conservation Act (42 U.S.C. 6292(a)(14)) is amended by inserting ", general service incandescent lamps," after "fluorescent lamps".

(3) ENERGY CONSERVATION STANDARDS.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended—

(A) in subsection (i)—

(i) in the section heading, by inserting ", GENERAL SERVICE INCANDESCENT LAMPS, INTERMEDIATE BASE INCANDESCENT LAMPS, CANDELABRA BASE INCANDESCENT LAMPS," after "FLUORESCENT LAMPS";

(ii) in paragraph (1)—

(I) in subparagraph (A)—

(aa) by inserting ", general service incandescent lamps, intermediate base incandescent lamps, candelabra base incandescent lamps," after "fluorescent lamps";

(bb) by inserting ", new maximum wattage," after "lamp efficacy"; and

(cc) by inserting after the table entitled "INCANDESCENT REFLECTOR LAMPS" the following:

"GENERAL SERVICE INCANDESCENT LAMPS

Rated Lumen Ranges	Maximum Rate Wattage	Minimum Rate Lifetime	Effective Date
1490–2600	72	1,000 hrs	1/1/2012
1050–1489	53	1,000 hrs	1/1/2013
750–1049	43	1,000 hrs	1/1/2014
310–749	29	1,000 hrs	1/1/2014

"MODIFIED SPECTRUM GENERAL SERVICE INCANDESCENT LAMPS

Rated Lumen Ranges	Maximum Rate Wattage	Minimum Rate Lifetime	Effective Date
1118–1950	72	1,000 hrs	1/1/2012
788–1117	53	1,000 hrs	1/1/2013
563–787	43	1,000 hrs	1/1/2014
232–562	29	1,000 hrs	1/1/2014";

and

(II) by striking subparagraph (B) and inserting the following:

"(B) APPLICATION.—

"(i) APPLICATION CRITERIA.—This subparagraph applies to each lamp that—

"(I) is intended for a general service or general illumination application (whether incandescent or not);

"(II) has a medium screw base or any other screw base not defined in ANSI C81.61-2006;

"(III) is capable of being operated at a voltage at least partially within the range of 110 to 130 volts; and

"(IV) is manufactured or imported after December 31, 2011.

"(ii) REQUIREMENT.—For purposes of this paragraph, each lamp described in clause (i) shall have a color rendering index that is greater than or equal to—

"(I) 80 for nonmodified spectrum lamps; or

"(II) 75 for modified spectrum lamps.

"(C) CANDELABRA INCANDESCENT LAMPS AND INTERMEDIATE BASE INCANDESCENT LAMPS.—

"(i) CANDELABRA BASE INCANDESCENT LAMPS.—A candelabra base incandescent lamp shall not exceed 60 rated watts.

"(ii) INTERMEDIATE BASE INCANDESCENT LAMPS.—An intermediate base incandescent lamp shall not exceed 40 rated watts.

"(D) EXEMPTIONS.—

"(i) PETITION.—Any person may petition the Secretary for an exemption for a type of general service lamp from the requirements of this subsection.

"(ii) CRITERIA.—The Secretary may grant an exemption under clause (i) only to the extent that the Secretary finds, after a hearing and opportunity for public comment, that it is not technically feasible to serve a specialized lighting application (such as a military, medical, public safety, or certified historic lighting application) using a lamp that meets the requirements of this subsection.

"(iii) ADDITIONAL CRITERION.—To grant an exemption for a product under this subparagraph, the Secretary shall include, as an additional criterion, that the exempted product is unlikely to be used in a general service lighting application.

"(E) EXTENSION OF COVERAGE.—

"(i) PETITION.—Any person may petition the Secretary to establish standards for lamp shapes or bases that are excluded from the definition of general service lamps.

"(ii) INCREASED SALES OF EXEMPTED LAMPS.—The petition shall include evidence that the availability or sales of exempted incandescent lamps have increased significantly since the date on which the standards on general service incandescent lamps were established.

"(iii) CRITERIA.—The Secretary shall grant a petition under clause (i) if the Secretary finds that—

"(I) the petition presents evidence that demonstrates that commercial availability or sales of exempted incandescent lamp types have increased significantly since the standards on general service lamps were established and likely are being widely used in general lighting applications; and

"(II) significant energy savings could be achieved by covering exempted products, as determined by the Secretary based on sales data provided to the Secretary from manufacturers and importers.

"(iv) NO PRESUMPTION.—The grant of a petition under this subparagraph shall create no presumption with respect to the determination of the Secretary with respect to any criteria under a rulemaking conducted under this section.

"(v) EXPEDITED PROCEEDING.—If the Secretary grants a petition for a lamp shape or base under this subparagraph, the Secretary shall—

"(I) conduct a rulemaking to determine standards for the exempted lamp shape or base; and

"(II) complete the rulemaking not later than 18 months after the date on which notice is provided granting the petition.

"(F) DEFINITION OF EFFECTIVE DATE.—In this paragraph, except as otherwise provided in a table contained in subparagraph (A), the term 'effective date' means the last day of the month specified in the table that follows October 24, 1992.";

(iii) in paragraph (5), in the first sentence, by striking "and general service incandescent lamps";

(iv) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(v) by inserting after paragraph (5) the following:

"(6) STANDARDS FOR GENERAL SERVICE LAMPS.—

"(A) RULEMAKING BEFORE JANUARY 1, 2014.—

"(i) IN GENERAL.—Not later than January 1, 2014, the Secretary shall initiate a rulemaking procedure to determine whether—

"(I) standards in effect for general service lamps should be amended to establish more stringent standards than the standards specified in paragraph (1)(A); and

"(II) the exemptions for certain incandescent lamps should be maintained or discontinued based, in part, on exempted lamp sales collected by the Secretary from manufacturers.

"(ii) SCOPE.—The rulemaking—

"(I) shall not be limited to incandescent lamp technologies; and

"(II) shall include consideration of a minimum standard of 45 lumens per watt for general service lamps.

"(iii) AMENDED STANDARDS.—If the Secretary determines that the standards in effect for general service incandescent lamps should be amended, the Secretary shall publish a final rule not later than January 1, 2017, with an effective date that is not earlier than 3 years after the date on which the final rule is published.

"(iv) PHASED-IN EFFECTIVE DATES.—The Secretary shall consider phased-in effective dates under this subparagraph after considering—

"(I) the impact of any amendment on manufacturers, retiring and repurposing existing equipment, stranded investments, labor contracts, workers, and raw materials; and

"(II) the time needed to work with retailers and lighting designers to revise sales and marketing strategies.

"(v) BACKSTOP REQUIREMENT.—If the Secretary fails to complete a rulemaking in accordance with clauses (i) through (iv) or if the final rule does not produce savings that are greater than or equal to the savings from a minimum efficacy standard of 45 lumens per watt, effective beginning January 1, 2020, the Secretary shall prohibit the sale of any general service lamp that does not meet a minimum efficacy standard of 45 lumens per watt.

"(vi) STATE PREEMPTION.—Neither section 327(b) nor any other provision of law shall preclude California or Nevada from adopting, effective beginning on or after January 1, 2018—

"(I) a final rule adopted by the Secretary in accordance with clauses (i) through (iv);

"(II) if a final rule described in subclause (I) has not been adopted, the backstop requirement under clause (v); or

"(III) in the case of California, if a final rule described in subclause (I) has not been adopted, any California regulations relating to these covered products adopted pursuant to State statute in effect as of the date of enactment of the Energy Independence and Security Act of 2007.

"(B) RULEMAKING BEFORE JANUARY 1, 2020.—

"(i) IN GENERAL.—Not later than January 1, 2020, the Secretary shall initiate a rulemaking procedure to determine whether—

"(I) standards in effect for general service incandescent lamps should be amended to reflect lumen ranges with more stringent maximum wattage than the standards specified in paragraph (1)(A); and

"(II) the exemptions for certain incandescent lamps should be maintained or discontinued based, in part, on exempted lamp sales data collected by the Secretary from manufacturers.

"(ii) SCOPE.—The rulemaking shall not be limited to incandescent lamp technologies.

"(iii) AMENDED STANDARDS.—If the Secretary determines that the standards in effect for general service incandescent lamps should be amended, the Secretary shall publish a final rule not later than January 1, 2022, with an effective date that is not earlier than 3 years after the date on which the final rule is published.

"(iv) PHASED-IN EFFECTIVE DATES.—The Secretary shall consider phased-in effective dates under this subparagraph after considering—

"(I) the impact of any amendment on manufacturers, retiring and repurposing existing equipment, stranded investments, labor contracts, workers, and raw materials; and

"(II) the time needed to work with retailers and lighting designers to revise sales and marketing strategies."; and

(B) in subsection (l), by adding at the end the following:

"(4) ENERGY EFFICIENCY STANDARDS FOR CERTAIN LAMPS.—

"(A) IN GENERAL.—The Secretary shall prescribe an energy efficiency standard for rough service lamps, vibration service lamps, 3-way incandescent lamps, 2,601–3,300 lumen general service incandescent lamps, and shatter-resistant lamps only in accordance with this paragraph.

"(B) BENCHMARKS.—Not later than 1 year after the date of enactment of this paragraph, the Secretary, in consultation with the National Electrical Manufacturers Association, shall—

"(i) collect actual data for United States unit sales for each of calendar years 1990 through 2006 for each of the 5 types of lamps described in subparagraph (A) to determine the historical growth rate of the type of lamp; and

"(ii) construct a model for each type of lamp based on coincident economic indicators that closely match the historical annual growth rate of the type of lamp to provide a neutral comparison benchmark to model future unit sales after calendar year 2006.

"(C) ACTUAL SALES DATA.—

"(i) IN GENERAL.—Effective for each of calendar years 2010 through 2025, the Secretary, in consultation with the National Electrical Manufacturers Association, shall—

"(I) collect actual United States unit sales data for each of 5 types of lamps described in subparagraph (A); and

"(II) not later than 90 days after the end of each calendar year, compare the lamp sales in that year with the sales predicted by the comparison benchmark for each of the 5 types of lamps described in subparagraph (A).

"(ii) CONTINUATION OF TRACKING.—

"(I) DETERMINATION.—Not later than January 1, 2023, the Secretary shall determine if actual sales data should be tracked for the lamp types described in subparagraph (A) after calendar year 2025.

"(II) CONTINUATION.—If the Secretary finds that the market share of a lamp type described in subparagraph (A) could significantly erode the market share for general service lamps, the Secretary shall continue to track the actual sales data for the lamp type.

"(D) ROUGH SERVICE LAMPS.—

"(i) IN GENERAL.—Effective beginning with the first year that the reported annual sales rate for rough service lamps demonstrates actual unit sales of rough service lamps that achieve levels that are at least 100 percent higher than modeled unit sales for that same year, the Secretary shall—

"(I) not later than 90 days after the end of the previous calendar year, issue a finding that the index has been exceeded; and

"(II) not later than the date that is 1 year after the end of the previous calendar year, complete an accelerated rulemaking to establish an energy conservation standard for rough service lamps.

"(ii) BACKSTOP REQUIREMENT.—If the Secretary fails to complete an accelerated rulemaking in accordance with clause (i)(II), effective beginning 1 year after the date of the issuance of the finding under clause (i)(I), the Secretary shall require rough service lamps to—

"(I) have a shatter-proof coating or equivalent technology that is compliant with NSF/ANSI 51 and is designed to contain the glass if the glass envelope of the lamp is broken and to provide effective containment over the life of the lamp;

"(II) have a maximum 40-watt limitation; and

"(III) be sold at retail only in a package containing 1 lamp.

"(E) VIBRATION SERVICE LAMPS.—

"(i) IN GENERAL.—Effective beginning with the first year that the reported annual sales rate for vibration service lamps demonstrates actual unit sales of vibration service lamps that achieve levels that are at least 100 percent higher than modeled unit sales for that same year, the Secretary shall—

"(I) not later than 90 days after the end of the previous calendar year, issue a finding that the index has been exceeded; and

"(II) not later than the date that is 1 year after the end of the previous calendar year, complete an accelerated rulemaking to establish an energy conservation standard for vibration service lamps.

"(ii) BACKSTOP REQUIREMENT.—If the Secretary fails to complete an accelerated rulemaking in accordance with clause (i)(II), effective beginning 1 year after the date of the issuance of the finding under clause (i)(I), the Secretary shall require vibration service lamps to—

"(I) have a maximum 40-watt limitation; and

"(II) be sold at retail only in a package containing 1 lamp.

"(F) 3-WAY INCANDESCENT LAMPS.—

"(i) IN GENERAL.—Effective beginning with the first year that the reported annual sales rate for 3-way incandescent lamps demonstrates actual unit sales of 3-way incandescent lamps that achieve levels that are at least 100 percent higher than modeled unit sales for that same year, the Secretary shall—

"(I) not later than 90 days after the end of the previous calendar year, issue a finding that the index has been exceeded; and

"(II) not later than the date that is 1 year after the end of the previous calendar year, complete an accelerated rulemaking to establish an energy conservation standard for 3-way incandescent lamps.

"(ii) BACKSTOP REQUIREMENT.—If the Secretary fails to complete an accelerated rulemaking in accordance with clause (i)(II), effective beginning 1 year after the date of issuance of the finding under clause (i)(I), the Secretary shall require that—

"(I) each filament in a 3-way incandescent lamp meet the new maximum wattage requirements for the respective lumen range established under subsection (i)(1)(A); and

"(II) 3-way lamps be sold at retail only in a package containing 1 lamp.

"(G) 2,601–3,300 LUMEN GENERAL SERVICE INCANDESCENT LAMPS.—Effective beginning with the first year that the reported annual sales rate demonstrates actual unit sales of 2,601–3,300 lumen general service incandescent lamps in the lumen range of 2,601 through 3,300 lumens (or, in the case of a modified spectrum, in the lumen range of 1,951 through 2,475 lumens) that achieve levels that are at least 100 percent higher than modeled unit sales for that same year, the Secretary shall impose—

"(i) a maximum 95-watt limitation on general service incandescent lamps in the lumen range of 2,601 through 3,300 lumens; and

"(ii) a requirement that those lamps be sold at retail only in a package containing 1 lamp.

"(H) SHATTER-RESISTANT LAMPS.—

"(i) IN GENERAL.—Effective beginning with the first year that the reported annual sales rate for shatter-resistant lamps demonstrates actual unit sales of shatter-resistant lamps that achieve levels that are at least 100 percent higher than modeled unit sales for that same year, the Secretary shall—

"(I) not later than 90 days after the end of the previous calendar year, issue a finding that the index has been exceeded; and

"(II) not later than the date that is 1 year after the end of the previous calendar year, complete an accelerated rulemaking to establish an energy conservation standard for shatter-resistant lamps.

"(ii) BACKSTOP REQUIREMENT.—If the Secretary fails to complete an accelerated rulemaking in accordance with clause (i)(II), effective beginning 1 year after the date of issuance of the finding under clause (i)(I), the Secretary shall impose—

"(I) a maximum wattage limitation of 40 watts on shatter resistant lamps; and

"(II) a requirement that those lamps be sold at retail only in a package containing 1 lamp.

"(I) RULEMAKINGS BEFORE JANUARY 1, 2025.—

"(i) IN GENERAL.—Except as provided in clause (ii), if the Secretary issues a final rule prior to January 1, 2025, establishing an energy conservation standard for any of the 5 types of lamps for which data collection is required under any of subparagraphs (D) through (G), the requirement to collect and model data for that type of lamp shall terminate unless, as part of the rulemaking, the Secretary determines that continued tracking is necessary.

"(ii) BACKSTOP REQUIREMENT.—If the Secretary imposes a backstop requirement as a result of a failure to complete an accelerated rulemaking in accordance with clause (i)(II) of any of subparagraphs (D) through (G), the requirement to collect and model data for the applicable type of lamp shall continue for an additional 2 years after the effective date of the backstop requirement.".

(b) CONSUMER EDUCATION AND LAMP LABELING.—Section 324(a)(2)(C) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)(2)(C)) is amended by adding at the end the following:

"(iii) RULEMAKING TO CONSIDER EFFECTIVENESS OF LAMP LABELING.—

"(I) IN GENERAL.—Not later than 1 year after the date of enactment of this clause, the Commission shall initiate a rulemaking to consider—

"(aa) the effectiveness of current lamp labeling for power levels or watts, light output or lumens, and lamp lifetime; and

"(bb) alternative labeling approaches that will help consumers to understand new high-efficiency lamp products and to base the purchase decisions of the consumers on the most appropriate source that meets the requirements of the consumers for lighting level, light quality, lamp lifetime, and total lifecycle cost.

"(II) COMPLETION.—The Commission shall—

"(aa) complete the rulemaking not later than the date that is 30 months after the date of enactment of this clause; and

"(bb) consider reopening the rulemaking not later than 180 days before the effective dates of the standards for general service incandescent lamps established under section 325(i)(1)(A), if the Commission determines that further labeling changes are needed to help consumers understand lamp alternatives.".

(c) MARKET ASSESSMENTS AND CONSUMER AWARENESS PROGRAM.—

(1) IN GENERAL.—In cooperation with the Administrator of the Environmental Protection Agency, the Secretary of Commerce, the Federal Trade Commission, lighting and retail industry associations, energy efficiency organizations, and any other entities that the Secretary of Energy determines to be appropriate, the Secretary of Energy shall—

(A) conduct an annual assessment of the market for general service lamps and compact fluorescent lamps—

(i) to identify trends in the market shares of lamp types, efficiencies, and light output levels purchased by residential and nonresidential consumers; and

(ii) to better understand the degree to which consumer decisionmaking is based on lamp power levels or watts, light output or lumens, lamp lifetime, and other factors, including information required on labels mandated by the Federal Trade Commission;

(B) provide the results of the market assessment to the Federal Trade Commission for consideration in the rulemaking described in section 324(a)(2)(C)(iii) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)(2)(C)(iii)); and

(C) in cooperation with industry trade associations, lighting industry members, utilities, and other interested parties, carry out a proactive national program of consumer awareness, information, and education that broadly uses the media and other effective communication techniques over an extended period of time to help consumers understand the lamp labels and make energy-efficient lighting choices that meet the needs of consumers.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $10,000,000 for each of fiscal years 2009 through 2012.

(d) GENERAL RULE OF PREEMPTION FOR ENERGY CONSERVATION STANDARDS BEFORE FEDERAL STANDARD BECOMES EFFECTIVE FOR A PRODUCT.—Section 327(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6297(b)(1)) is amended—

(1) by inserting "(A)" after "(1)";

(2) by inserting "or" after the semicolon at the end; and

(3) by adding at the end the following:

"(B) in the case of any portion of any regulation that establishes requirements for general service incandescent lamps, intermediate base incandescent lamps, or candelabra base lamps, was enacted or adopted by the States of California or Nevada before December 4, 2007, except that—

"(i) the regulation adopted by the California Energy Commission with an effective date of January 1, 2008, shall only be effective until the effective date of the Federal standard for the applicable lamp category under subparagraphs (A), (B), and (C) of section 325(i)(1);

"(ii) the States of California and Nevada may, at any time, modify or adopt a State standard for general service lamps to conform with Federal standards with effective dates no earlier than 12 months prior to the Federal effective dates prescribed under subparagraphs (A), (B), and (C) of section 325(i)(1), at which time any prior regulations adopted by the States of California or Nevada shall no longer be effective; and

"(iii) all other States may, at any time, modify or adopt a State standard for general service lamps to conform with Federal standards and effective dates.".

(e) PROHIBITED ACTS.—Section 332(a) of the Energy Policy and Conservation Act (42 U.S.C. 6302(a)) is amended—

(1) in paragraph (4), by striking "or" at the end;

(2) in paragraph (5), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(6) for any manufacturer, distributor, retailer, or private labeler to distribute in commerce an adapter that—

"(A) is designed to allow an incandescent lamp that does not have a medium screw base to be installed into a fixture or lampholder with a medium screw base socket; and

"(B) is capable of being operated at a voltage range at least partially within 110 and 130 volts.".

(f) ENFORCEMENT.—Section 334 of the Energy Policy and Conservation Act (42 U.S.C. 6304) is amended by inserting after the second sentence the following: "Any such action to restrain any person from distributing in commerce a general service incandescent lamp that does not comply with the applicable standard established under section 325(i) or an adapter prohibited under section 332(a)(6) may also be brought by the attorney general of a State in the name of the State.".

(g) RESEARCH AND DEVELOPMENT PROGRAM.—

(1) IN GENERAL.—The Secretary may carry out a lighting technology research and development program—

(A) to support the research, development, demonstration, and commercial application of lamps and related technologies sold, offered for sale, or otherwise made available in the United States; and

(B) to assist manufacturers of general service lamps in the manufacturing of general service lamps that, at a minimum, achieve the wattage requirements imposed as a result of the amendments made by subsection (a).

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $10,000,000 for each of fiscal years 2008 through 2013.

(3) TERMINATION OF AUTHORITY.—The program under this subsection shall terminate on September 30, 2015.

(h) REPORTS TO CONGRESS.—

(1) REPORT ON MERCURY USE AND RELEASE.—Not later than 1 year after the date of enactment of this Act, the Secretary , in cooperation with the Administrator of the Environmental Protection Agency, shall submit to Congress a report describing recommendations relating to the means by which the

Federal Government may reduce or prevent the release of mercury during the manufacture, transportation, storage, or disposal of light bulbs.

(2) REPORT ON RULEMAKING SCHEDULE.—Beginning on July 1, 2013 and semiannually through July 1, 2016, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on—

(A) whether the Secretary will meet the deadlines for the rulemakings required under this section;

(B) a description of any impediments to meeting the deadlines; and

(C) a specific plan to remedy any failures, including recommendations for additional legislation or resources.

(3) NATIONAL ACADEMY REVIEW.—

(A) IN GENERAL.—Not later than December 31, 2009, the Secretary shall enter into an arrangement with the National Academy of Sciences to provide a report by December 31, 2013, and an updated report by July 31, 2015. The report should include—

(i) the status of advanced solid state lighting research, development, demonstration and commercialization;

(ii) the impact on the types of lighting available to consumers of an energy conservation standard requiring a minimum of 45 lumens per watt for general service lighting effective in 2020; and

(iii) the time frame for the commercialization of lighting that could replace current incandescent and halogen incandescent lamp technology and any other new technologies developed to meet the minimum standards required under subsection (a)(3) of this section.

(B) REPORTS.—The reports shall be transmitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

SEC. 322. INCANDESCENT REFLECTOR LAMP EFFICIENCY STANDARDS.

(a) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) (as amended by section 316(c)(1)(D)) is amended—

(1) in paragraph (30)(C)(ii)—

(A) in the matter preceding subclause (I)—

(i) by striking "or similar bulb shapes (excluding ER or BR)" and inserting "ER, BR, BPAR, or similar bulb shapes"; and

(ii) by striking "2.75" and inserting "2.25"; and

(B) by striking "is either—" and all that follows through subclause (II) and inserting "has a rated wattage that is 40 watts or higher"; and

(2) by adding at the end the following:

"(54) BPAR INCANDESCENT REFLECTOR LAMP.—The term 'BPAR incandescent reflector lamp' means a reflector lamp as shown in figure C78.21-278 on page 32 of ANSI C78.21-2003.

"(55) BR INCANDESCENT REFLECTOR LAMP; BR30; BR40.—

"(A) BR INCANDESCENT REFLECTOR LAMP.—The term 'BR incandescent reflector lamp' means a reflector lamp that has—

"(i) a bulged section below the major diameter of the bulb and above the approximate baseline of the bulb, as shown in figure 1 (RB) on page 7 of ANSI C79.1-1994, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph); and

"(ii) a finished size and shape shown in ANSI C78.21-1989, including the referenced reflective characteristics in part 7 of ANSI C78.21-1989, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph).

"(B) BR30.—The term 'BR30' means a BR incandescent reflector lamp with a diameter of 30/8ths of an inch.

"(C) BR40.—The term 'BR40' means a BR incandescent reflector lamp with a diameter of 40/8ths of an inch.

"(56) ER INCANDESCENT REFLECTOR LAMP; ER30; ER40.—

"(A) ER INCANDESCENT REFLECTOR LAMP.—The term 'ER incandescent reflector lamp' means a reflector lamp that has—

"(i) an elliptical section below the major diameter of the bulb and above the approximate baseline of the bulb, as shown in figure 1 (RE) on page 7 of ANSI C79.1-1994, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph); and

"(ii) a finished size and shape shown in ANSI C78.21-1989, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph).

"(B) ER30.—The term 'ER30' means an ER incandescent reflector lamp with a diameter of 30/8ths of an inch.

"(C) ER40.—The term 'ER40' means an ER incandescent reflector lamp with a diameter of 40/8ths of an inch.

"(57) R20 INCANDESCENT REFLECTOR LAMP.—The term 'R20 incandescent reflector lamp' means a reflector lamp that has a face diameter of approximately 2.5 inches, as shown in figure 1(R) on page 7 of ANSI C79.1-1994.".

(b) STANDARDS FOR FLUORESCENT LAMPS AND INCANDESCENT REFLECTOR LAMPS.—Section 325(i) of the Energy Policy and Conservation Act (42 U.S.C. 6995(i)) is amended by striking paragraph (1) and inserting the following:

"(1) STANDARDS.—

"(A) DEFINITION OF EFFECTIVE DATE.—In this paragraph (other than subparagraph (D)), the term 'effective date' means, with respect to each type of lamp specified in a table contained in subparagraph (B), the last day of the period of months corresponding to that type of lamp (as specified in the table) that follows October 24, 1992.

"(B) MINIMUM STANDARDS.—Each of the following general service fluorescent lamps and incandescent reflector lamps manufactured after the effective date specified in the tables contained in this paragraph shall meet or exceed the following lamp efficacy and CRI standards:

FLUORESCENT LAMPS

Lamp Type	Nominal Lamp Wattage	Minimum CRI	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
4-foot medium bi-pin	>35 W	69	75.0	36
	≤35 W	45	75.0	36
2-foot U-shaped	>35 W	69	68.0	36
	≤35 W	45	64.0	36
8-foot slimline	65 W	69	80.0	18
	≤65 W	45	80.0	18
8-foot high output	>100 W	69	80.0	18
	≤100 W	45	80.0	18

"INCANDESCENT REFLECTOR LAMPS

Nominal Lamp Wattage	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
40–50	10.5	36
51–66	11.0	36
67–85	12.5	36
86–115	14.0	36
116-155	14.5	36
156-205	15.0	36

"(C) EXEMPTIONS.—The standards specified in subparagraph (B) shall not apply to the following types of incandescent reflector lamps:

"(i) Lamps rated at 50 watts or less that are ER30, BR30, BR40, or ER40 lamps.

"(ii) Lamps rated at 65 watts that are BR30, BR40, or ER40 lamps.

"(iii) R20 incandescent reflector lamps rated 45 watts or less.

"(D) EFFECTIVE DATES.—

"(i) ER, BR, AND BPAR LAMPS.—The standards specified in subparagraph (B) shall apply with respect to ER incandescent reflector lamps, BR incandescent reflector lamps, BPAR incandescent reflector lamps, and similar bulb shapes on and after January 1, 2008.

"(ii) LAMPS BETWEEN 2.25–2.75 INCHES IN DIAMETER.—The standards specified in subparagraph (B) shall apply with respect to incandescent reflector lamps with a diameter of more than 2.25 inches, but not more than 2.75 inches, on and after the later of January 1, 2008, or the date that is 180 days after the date of enactment of the Energy Independence and Security Act of 2007.".

SEC. 323. PUBLIC BUILDING ENERGY EFFICIENT AND RENEWABLE ENERGY SYSTEMS.

(a) ESTIMATE OF ENERGY PERFORMANCE IN PROSPECTUS.—Section 3307(b) of title 40, United States Code, is amended—

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting "; and"; and

(3) by inserting after paragraph (6) the following:

"(7) with respect to any prospectus for the construction, alteration, or acquisition of any building or space to be leased, an estimate of the future energy performance of the building or space and a specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.".

(b) MINIMUM PERFORMANCE REQUIREMENTS FOR LEASED SPACE.—Section 3307 of such title is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following:

"(f) MINIMUM PERFORMANCE REQUIREMENTS FOR LEASED SPACE.—With respect to space to be leased, the Administrator shall include, to the maximum extent practicable, minimum performance requirements requiring energy efficiency and the use of renewable energy.".

(c) USE OF ENERGY EFFICIENT LIGHTING FIXTURES AND BULBS.—

(1) IN GENERAL.—Chapter 33 of such title is amended—

(A) by redesignating sections 3313, 3314, and 3315 as sections 3314, 3315, and 3316, respectively; and

(B) by inserting after section 3312 the following:

"§ 3313. Use of energy efficient lighting fixtures and bulbs

"(a) CONSTRUCTION, ALTERATION, AND ACQUISITION OF PUBLIC BUILDINGS.—Each public building constructed, altered, or acquired by the Administrator of General Services shall be equipped, to the maximum extent feasible as determined by the Administrator, with lighting fixtures and bulbs that are energy efficient.

"(b) MAINTENANCE OF PUBLIC BUILDINGS.—Each lighting fixture or bulb that is replaced by the Administrator in the normal course of maintenance of public buildings shall be replaced, to the maximum extent feasible, with a lighting fixture or bulb that is energy efficient.

"(c) CONSIDERATIONS.—In making a determination under this section concerning the feasibility of installing a lighting fixture or bulb that is energy efficient, the Administrator shall consider—

"(1) the life-cycle cost effectiveness of the fixture or bulb;

"(2) the compatibility of the fixture or bulb with existing equipment;

"(3) whether use of the fixture or bulb could result in interference with productivity;

"(4) the aesthetics relating to use of the fixture or bulb; and

"(5) such other factors as the Administrator determines appropriate.

"(d) ENERGY STAR.—A lighting fixture or bulb shall be treated as being energy efficient for purposes of this section if—

"(1) the fixture or bulb is certified under the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a);

"(2) in the case of all light-emitting diode (LED) luminaires, lamps, and systems whose efficacy (lumens per watt) and Color Rendering Index (CRI) meet the Department of Energy requirements for minimum luminaire efficacy and CRI for the Energy Star certification, as verified by an independent third-party testing laboratory that the Administrator and the Secretary of Energy determine conducts its tests according to the procedures and recommendations of the Illuminating Engineering Society of North America, even if the luminaires, lamps, and systems have not received such certification; or

"(3) the Administrator and the Secretary of Energy have otherwise determined that the fixture or bulb is energy efficient.

"(e) ADDITIONAL ENERGY EFFICIENT LIGHTING DESIGNATIONS.—The Administrator of the Environmental Protection Agency and the Secretary of Energy shall give priority to establishing Energy Star performance criteria or Federal Energy Management Program designations for additional lighting product categories that are appropriate for use in public buildings.

"(f) GUIDELINES.—The Administrator shall develop guidelines for the use of energy efficient lighting technologies that contain mercury in child care centers in public buildings.

"(g) APPLICABILITY OF BUY AMERICAN ACT.—Acquisitions carried out pursuant to this section shall be subject to the requirements of the Buy American Act (41 U.S.C. 10c et seq.).

"(h) EFFECTIVE DATE.—The requirements of subsections (a) and (b) shall take effect one year after the date of enactment of this subsection.".

(2) CLERICAL AMENDMENT.—The analysis for such chapter is amended by striking the items relating to sections 3313, 3314, and 3315 and inserting the following:

"3313. Use of energy efficient lighting fixtures and bulbs.
"3314. Delegation.
"3315. Report to Congress.
"3316. Certain authority not affected.".

(d) EVALUATION FACTOR.—Section 3310 of such title is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(2) by inserting after paragraph (2) the following:

"(3) shall include in the solicitation for any lease requiring a prospectus under section 3307 an evaluation factor considering the extent to which the offeror will promote energy efficiency and the use of renewable energy;".

SEC. 324. METAL HALIDE LAMP FIXTURES.

(a) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) (as amended by section 322(a)(2)) is amended by adding at the end the following:

"(58) BALLAST.—The term 'ballast' means a device used with an electric discharge lamp to obtain necessary circuit conditions (voltage, current, and waveform) for starting and operating.

"(59) BALLAST EFFICIENCY.—

"(A) IN GENERAL.—The term 'ballast efficiency' means, in the case of a high intensity discharge fixture, the efficiency of a lamp and ballast combination, expressed as a percentage, and calculated in accordance with the following formula: Efficiency = P_{out}/P_{in}.

"(B) EFFICIENCY FORMULA.—For the purpose of subparagraph (A)—

"(i) P_{out} shall equal the measured operating lamp wattage;

"(ii) P_{in} shall equal the measured operating input wattage;

"(iii) the lamp, and the capacitor when the capacitor is provided, shall constitute a nominal system in accordance with the ANSI Standard C78.43-2004;

"(iv) for ballasts with a frequency of 60 Hz, P_{in} and P_{out} shall be measured after lamps have been stabilized according to section 4.4 of ANSI Standard C82.6-2005 using a wattmeter with accuracy specified in section 4.5 of ANSI Standard C82.6-2005; and

"(v) for ballasts with a frequency greater than 60 Hz, P_{in} and P_{out} shall have a basic accuracy of ± 0.5 percent at the higher of—

"(I) 3 times the output operating frequency of the ballast; or

"(II) 2 kHz for ballast with a frequency greater than 60 Hz.

"(C) MODIFICATION.—The Secretary may, by rule, modify the definition of 'ballast efficiency' if the Secretary determines that the modification is necessary or appropriate to carry out the purposes of this Act.

"(60) ELECTRONIC BALLAST.—The term 'electronic ballast' means a device that uses semiconductors as the primary means to control lamp starting and operation.

"(61) GENERAL LIGHTING APPLICATION.—The term 'general lighting application' means lighting that provides an interior or exterior area with overall illumination.

"(62) METAL HALIDE BALLAST.—The term 'metal halide ballast' means a ballast used to start and operate metal halide lamps.

"(63) METAL HALIDE LAMP.—The term 'metal halide lamp' means a high intensity discharge lamp in which the major portion of the light is produced by radiation of metal halides and their products of dissociation, possibly in combination with metallic vapors.

"(64) METAL HALIDE LAMP FIXTURE.—The term 'metal halide lamp fixture' means a light fixture for general lighting application designed to be operated with a metal halide lamp and a ballast for a metal halide lamp.

"(65) PROBE-START METAL HALIDE BALLAST.—The term 'probe-start metal halide ballast' means a ballast that—

"(A) starts a probe-start metal halide lamp that contains a third starting electrode (probe) in the arc tube; and

"(B) does not generally contain an igniter but instead starts lamps with high ballast open circuit voltage.

"(66) PULSE-START METAL HALIDE BALLAST.—

"(A) IN GENERAL.—The term 'pulse-start metal halide ballast' means an electronic or electromagnetic ballast that starts a pulse-start metal halide lamp with high voltage pulses.

"(B) STARTING PROCESS.—For the purpose of subparagraph (A)—

"(i) lamps shall be started by first providing a high voltage pulse for ionization of the gas to produce a glow discharge; and

"(ii) to complete the starting process, power shall be provided by the ballast to sustain the discharge through the glow-to-arc transition.".

(b) COVERAGE.—Section 322(a) of the Energy Policy and Conservation Act (42 U.S.C. 6292(a)) is amended—

(1) by redesignating paragraph (19) as paragraph (20); and

(2) by inserting after paragraph (18) the following:

"(19) Metal halide lamp fixtures.".

(c) TEST PROCEDURES.—Section 323(b) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)) (as amended by section 301(b)) is amended by adding at the end the following:

"(18) METAL HALIDE LAMP BALLASTS.—Test procedures for metal halide lamp ballasts shall be based on ANSI Standard C82.6-2005, entitled 'Ballasts for High Intensity Discharge Lamps—Method of Measurement'.".

(d) LABELING.—Section 324(a)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)(2)) is amended—

(1) by redesignating subparagraphs (C) through (G) as subparagraphs (D) through (H), respectively; and

(2) by inserting after subparagraph (B) the following:

"(C) METAL HALIDE LAMP FIXTURES.—

"(i) IN GENERAL.—The Commission shall issue labeling rules under this section applicable to the covered product specified in section 322(a)(19) and to which standards are applicable under section 325.

"(ii) LABELING.—The rules shall provide that the labeling of any metal halide lamp fixture manufactured on or after the later of January 1, 2009, or the date that is 270 days after the date of enactment of this subparagraph, shall indicate conspicuously, in a manner prescribed by the Commission under subsection (b) by July 1, 2008, a capital letter 'E' printed within a circle on the packaging of the fixture, and on the ballast contained in the fixture.".

(e) STANDARDS.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) (as amended by section 310) is amended—

(1) by redesignating subsection (hh) as subsection (ii);

(2) by inserting after subsection (gg) the following:

"(hh) METAL HALIDE LAMP FIXTURES.—

"(1) STANDARDS.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), metal halide lamp fixtures designed to be operated with lamps rated greater than or equal to 150 watts but less than or equal to 500 watts shall contain—

"(i) a pulse-start metal halide ballast with a minimum ballast efficiency of 88 percent;

"(ii) a magnetic probe-start ballast with a minimum ballast efficiency of 94 percent; or

"(iii) a nonpulse-start electronic ballast with—

"(I) a minimum ballast efficiency of 92 percent for wattages greater than 250 watts; and

"(II) a minimum ballast efficiency of 90 percent for wattages less than or equal to 250 watts.

"(B) EXCLUSIONS.—The standards established under subparagraph (A) shall not apply to—

"(i) fixtures with regulated lag ballasts;

"(ii) fixtures that use electronic ballasts that operate at 480 volts; or

"(iii) fixtures that—

"(I) are rated only for 150 watt lamps;

"(II) are rated for use in wet locations, as specified by the National Electrical Code 2002, section 410.4(A); and

"(III) contain a ballast that is rated to operate at ambient air temperatures above 50° C, as specified by UL 1029-2001.

"(C) APPLICATION.—The standards established under subparagraph (A) shall apply to metal halide lamp fixtures manufactured on or after the later of—

"(i) January 1, 2009; or

"(ii) the date that is 270 days after the date of enactment of this subsection.

"(2) FINAL RULE BY JANUARY 1, 2012.—

"(A) IN GENERAL.—Not later than January 1, 2012, the Secretary shall publish a final rule to determine whether the standards established under paragraph (1) should be amended.

"(B) ADMINISTRATION.—The final rule shall—

"(i) contain any amended standard; and

"(ii) apply to products manufactured on or after January 1, 2015.

"(3) FINAL RULE BY JANUARY 1, 2019.—

"(A) IN GENERAL.—Not later than January 1, 2019, the Secretary shall publish a final rule to determine whether the standards then in effect should be amended.

"(B) ADMINISTRATION.—The final rule shall—

"(i) contain any amended standards; and

"(ii) apply to products manufactured after January 1, 2022.

"(4) DESIGN AND PERFORMANCE REQUIREMENTS.—Notwithstanding any other provision of law, any standard established pursuant to this subsection may contain both design and performance requirements."; and

(3) in paragraph (2) of subsection (ii) (as redesignated by paragraph (2)), by striking "(gg)" each place it appears and inserting "(hh)".

(f) EFFECT ON OTHER LAW.—Section 327(c) of the Energy Policy and Conservation Act (42 U.S.C. 6297(c)) is amended—

(1) in paragraph (8)(B), by striking the period at the end and inserting "; and"; and

(2) by adding at the end the following:

"(9) is a regulation concerning metal halide lamp fixtures adopted by the California Energy Commission on or before January 1, 2011, except that—

"(A) if the Secretary fails to issue a final rule within 180 days after the deadlines for rulemakings in section 325(hh), notwithstanding any other provision of this section, preemption shall not apply to a regulation concerning metal halide lamp fixtures adopted by the California Energy Commission—

"(i) on or before July 1, 2015, if the Secretary fails to meet the deadline specified in section 325(hh)(2); or

"(ii) on or before July 1, 2022, if the Secretary fails to meet the deadline specified in section 325(hh)(3).".

SEC. 325. ENERGY EFFICIENCY LABELING FOR CONSUMER ELECTRONIC PRODUCTS.

(a) IN GENERAL.—Section 324(a) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)) (as amended by section 324(d)) is amended—

(1) in paragraph (2), by adding at the end the following:

"(I) LABELING REQUIREMENTS.—

"(i) IN GENERAL.—Subject to clauses (ii) through (iv), not later than 18 months after the date of issuance of applicable Department of Energy testing procedures, the Commission, in consultation with the Secretary and the Administrator of the Environmental Protection Agency (acting through the Energy Star program), shall, by regulation, prescribe labeling or other disclosure requirements for the energy use of—

"(I) televisions;

"(II) personal computers;

"(III) cable or satellite set-top boxes;

"(IV) stand-alone digital video recorder boxes; and

"(V) personal computer monitors.

"(ii) ALTERNATE TESTING PROCEDURES.—In the absence of applicable testing procedures described in clause (i) for products described in subclauses (I) through (V) of that clause, the Commission may, by regulation, prescribe labeling or other disclosure requirements for a consumer product category described in clause (i) if the Commission—

"(I) identifies adequate non-Department of Energy testing procedures for those products; and

"(II) determines that labeling of, or other disclosures relating to, those products is likely to assist consumers in making purchasing decisions.

"(iii) DEADLINE AND REQUIREMENTS FOR LABELING.—

"(I) DEADLINE.—Not later than 18 months after the date of promulgation of any requirements under clause (i) or (ii), the Commission shall require labeling of, or other disclosure requirements for, electronic products described in clause (i).

"(II) REQUIREMENTS.—The requirements prescribed under clause (i) or (ii) may include specific requirements for each electronic product to be labeled with respect to the placement, size, and content of Energy Guide labels.

"(iv) DETERMINATION OF FEASIBILITY.—Clause (i) or (ii) shall not apply in any case in which the Commission determines that labeling in accordance with this subsection—

"(I) is not technologically or economically feasible; or

"(II) is not likely to assist consumers in making purchasing decisions."; and

(2) by adding at the end the following:

"(6) AUTHORITY TO INCLUDE ADDITIONAL PRODUCT CATEGORIES.—The Commission may, by regulation, require labeling or other disclosures in accordance with this subsection for any consumer product not specified in this subsection or section 322 if the Commission determines that labeling for the product is likely to assist consumers in making purchasing decisions.".

(b) CONTENT OF LABEL.—Section 324(c) of the Energy Policy and Conservation Act (42 U.S.C. 6924(c)) is amended by adding at the end the following:

"(9) DISCRETIONARY APPLICATION.—The Commission may apply paragraphs (1), (2), (3), (5), and (6) of this subsection to the labeling of any product covered by paragraph (2)(I) or (6) of subsection (a).".

TITLE IV—ENERGY SAVINGS IN BUILDINGS AND INDUSTRY

SEC. 401. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of General Services.

(2) ADVISORY COMMITTEE.—The term "Advisory Committee" means the Green Building Advisory Committee established under section 484.

(3) COMMERCIAL DIRECTOR.—The term "Commercial Director" means the individual appointed to the position established under section 421.

(4) CONSORTIUM.—The term "Consortium" means the High-Performance Green Building Partnership Consortium created in response to section 436(c)(1) to represent the private sector in a public-private partnership to promote high-performance green buildings and zero-net-energy commercial buildings.

(5) COST-EFFECTIVE LIGHTING TECHNOLOGY.—

(A) IN GENERAL.—The term "cost-effective lighting technology" means a lighting technology that—

(i) will result in substantial operational cost savings by ensuring an installed consumption of not more than 1 watt per square foot; or

(ii) is contained in a list under—

(I) section 553 of Public Law 95-619 (42 U.S.C. 8259b);

(II) Federal acquisition regulation 23-203; and

(III) is at least as energy-conserving as required by other provisions of this Act, including the requirements of this title and title III which shall be applicable to the extent that they would achieve greater energy savings than provided under clause (i) or this clause.

(B) INCLUSIONS.—The term "cost-effective lighting technology" includes—

(i) lamps;

(ii) ballasts;

(iii) luminaires;

(iv) lighting controls;

(v) daylighting; and

(vi) early use of other highly cost-effective lighting technologies.

(6) COST-EFFECTIVE TECHNOLOGIES AND PRACTICES.—The term "cost-effective technologies and practices" means a technology or practice that—

(A) will result in substantial operational cost savings by reducing electricity or fossil fuel consumption, water, or other utility costs, including use of geothermal heat pumps;

(B) complies with the provisions of section 553 of Public Law 95–619 (42 U.S.C. 8259b) and Federal acquisition regulation 23–203; and

(C) is at least as energy and water conserving as required under this title, including sections 431 through 435, and title V, including section 511 through 525, which shall be applicable to the extent that they are more stringent or require greater energy or water savings than required by this section.

(7) FEDERAL DIRECTOR.—The term "Federal Director" means the individual appointed to the position established under section 436(a).

(8) FEDERAL FACILITY.—The term "Federal facility" means any building that is constructed, renovated, leased, or purchased in part or in whole for use by the Federal Government.

(9) OPERATIONAL COST SAVINGS.—

(A) IN GENERAL.—The term "operational cost savings" means a reduction in end-use operational costs through the application of cost-effective technologies and practices or geothermal heat pumps, including a reduction in electricity consumption relative to consumption by the same customer or at the same facility in a given year, as defined in guidelines promulgated by the Administrator pursuant to section 329(b) of the Clean Air Act, that achieves cost savings sufficient to pay the incremental additional costs of using cost-effective technologies and practices including geothermal heat pumps by not later than the later of the date established under sections 431 through 434, or—

(i) for cost-effective technologies and practices, the date that is 5 years after the date of installation; and

(ii) for geothermal heat pumps, as soon as practical after the date of installation of the applicable geothermal heat pump.

(B) INCLUSIONS.—The term "operational cost savings" includes savings achieved at a facility as a result of—

(i) the installation or use of cost-effective technologies and practices; or

(ii) the planting of vegetation that shades the facility and reduces the heating, cooling, or lighting needs of the facility.

(C) EXCLUSION.—The term "operational cost savings" does not include savings from measures that would likely be adopted in the absence of cost-effective technology and practices programs, as determined by the Administrator.

(10) GEOTHERMAL HEAT PUMP.—The term "geothermal heat pump" means any heating or air conditioning technology that—

(A) uses the ground or ground water as a thermal energy source to heat, or as a thermal energy sink to cool, a building; and

(B) meets the requirements of the Energy Star program of the Environmental Protection Agency applicable to geothermal heat pumps on the date of purchase of the technology.

(11) GSA FACILITY.—

(A) IN GENERAL.—The term "GSA facility" means any building, structure, or facility, in whole or in part (including the associated support systems of the building, structure, or facility) that—

(i) is constructed (including facilities constructed for lease), renovated, or purchased, in whole or in part, by the Administrator for use by the Federal Government; or

(ii) is leased, in whole or in part, by the Administrator for use by the Federal Government—

(I) except as provided in subclause (II), for a term of not less than 5 years; or

(II) for a term of less than 5 years, if the Administrator determines that use of cost-effective technologies and practices would result in the payback of expenses.

(B) INCLUSION.—The term "GSA facility" includes any group of buildings, structures, or facilities described in subparagraph (A) (including the associated energy-consuming support systems of the buildings, structures, and facilities).

(C) EXEMPTION.—The Administrator may exempt from the definition of "GSA facility" under this paragraph a building, structure, or facility that meets the requirements of section 543(c) of Public Law 95–619 (42 U.S.C. 8253(c)).

(12) HIGH-PERFORMANCE BUILDING.—The term "high performance building" means a building that integrates and optimizes on a life cycle basis all major high performance attributes, including energy conservation, environment, safety, security, durability, accessibility, cost-benefit, productivity, sustainability, functionality, and operational considerations.

(13) HIGH-PERFORMANCE GREEN BUILDING.—The term "high-performance green building" means a high-performance building that, during its life-cycle, as compared with similar buildings (as measured by Commercial Buildings Energy Consumption Survey or Residential Energy Consumption Survey data from the Energy Information Agency)—

(A) reduces energy, water, and material resource use;

(B) improves indoor environmental quality, including reducing indoor pollution, improving thermal comfort, and improving lighting and acoustic environments that affect occupant health and productivity;

(C) reduces negative impacts on the environment throughout the life-cycle of the building, including air and water pollution and waste generation;

(D) increases the use of environmentally preferable products, including biobased, recycled content, and nontoxic products with lower life-cycle impacts;

(E) increases reuse and recycling opportunities;

(F) integrates systems in the building;

(G) reduces the environmental and energy impacts of transportation through building location and site design that support a full range of transportation choices for users of the building; and

(H) considers indoor and outdoor effects of the building on human health and the environment, including—

(i) improvements in worker productivity;

(ii) the life-cycle impacts of building materials and operations; and

(iii) other factors that the Federal Director or the Commercial Director consider to be appropriate.

(14) LIFE-CYCLE.—The term "life-cycle", with respect to a high-performance green building, means all stages of the useful life of the building (including components, equipment, systems, and controls of the building) beginning at conception of a high-performance green building project and continuing through site selection, design, construction, landscaping, commissioning, operation, maintenance, renovation, deconstruction or demolition, removal, and recycling of the high-performance green building.

(15) LIFE-CYCLE ASSESSMENT.—The term "life-cycle assessment" means a comprehensive system approach for measuring the environmental performance of a product or service over the life of the product or service, beginning at raw materials acquisition and continuing through manufacturing, transportation, installation, use, reuse, and end-of-life waste management.

(16) LIFE-CYCLE COSTING.—The term "life-cycle costing", with respect to a high-performance green building, means a technique of economic evaluation that—

(A) sums, over a given study period, the costs of initial investment (less resale value), replacements, operations (including energy use), and maintenance and repair of an investment decision; and

(B) is expressed—

(i) in present value terms, in the case of a study period equivalent to the longest useful life of the building, determined by taking into consideration the typical life of such a building in the area in which the building is to be located; or

(ii) in annual value terms, in the case of any other study period.

(17) OFFICE OF COMMERCIAL HIGH-PERFORMANCE GREEN BUILDINGS.—The term "Office of Commercial High-Performance Green Buildings" means the Office of Commercial High-Performance Green Buildings established under section 421(a).

(18) OFFICE OF FEDERAL HIGH-PERFORMANCE GREEN BUILDINGS.—The term "Office of Federal High-Performance Green Buildings" means the Office of Federal High-Performance Green Buildings established under section 436(a).

(19) PRACTICES.—The term "practices" means design, financing, permitting, construction, commissioning, operation and maintenance, and other practices that contribute to achieving zero-net-energy buildings or facilities.

(20) ZERO-NET-ENERGY COMMERCIAL BUILDING.—The term "zero-net-energy commercial building". means a commercial building that is designed, constructed, and operated to—

(A) require a greatly reduced quantity of energy to operate;

(B) meet the balance of energy needs from sources of energy that do not produce greenhouse gases;

(C) therefore result in no net emissions of greenhouse gases; and

(D) be economically viable.

Subtitle A—Residential Building Efficiency

SEC. 411. REAUTHORIZATION OF WEATHERIZATION ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended by striking " appropriated $500,000,000 for fiscal year 2006, $600,000,000 for fiscal year 2007, and $700,000,000 for fiscal year 2008" and inserting "appropriated—

"(1) $750,000,000 for fiscal year 2008;

"(2) $900,000,000 for fiscal year 2009;

"(3) $1,050,000,000 for fiscal year 2010;

"(4) $1,200,000,000 for fiscal year 2011; and

"(5) $1,400,000,000 for fiscal year 2012.".

(b) SUSTAINABLE ENERGY RESOURCES FOR CONSUMERS GRANTS.—

(1) IN GENERAL.—The Secretary may make funding available to local weatherization agencies from amounts authorized under the amendment made by subsection (a) to expand the weatherization assistance program for residential buildings to include materials, benefits, and renewable and domestic energy technologies not covered by the program (as of the date of enactment of this Act), if the State weatherization grantee certifies that the applicant has the capacity to carry out the proposed activities and that

the grantee will include the project in the financial oversight of the grantee of the weatherization assistance program.

(2) PRIORITY.—In selecting grant recipients under this subsection, the Secretary shall give priority to—

(A) the expected effectiveness and benefits of the proposed project to low- and moderate-income energy consumers;

(B) the potential for replication of successful results;

(C) the impact on the health and safety and energy costs of consumers served; and

(D) the extent of partnerships with other public and private entities that contribute to the resources and implementation of the program, including financial partnerships.

(3) FUNDING.—

(A) IN GENERAL.—Except as provided in paragraph (2), the amount of funds used for projects described in paragraph (1) may equal up to 2 percent of the amount of funds made available for any fiscal year under section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872).

(B) EXCEPTION.—No funds may be used for sustainable energy resources for consumers grants for a fiscal year under this subsection if the amount of funds made available for the fiscal year to carry out the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.) is less than $275,000,000.

(c) DEFINITION OF STATE.—Section 412 of the Energy Conservation and Production Act (42 U.S.C. 6862) is amended by striking paragraph (8) and inserting the following:

"(8) STATE.—The term 'State' means—

"(A) a State;

"(B) the District of Columbia;

"(C) the Commonwealth of Puerto Rico; and

"(D) any other territory or possession of the United States.".

SEC. 412. STUDY OF RENEWABLE ENERGY REBATE PROGRAMS.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary shall conduct, and submit to Congress a report on, a study regarding the rebate programs established under sections 124 and 206(c) of the Energy Policy Act of 2005 (42 U.S.C. 15821, 15853).

(b) COMPONENTS.—In conducting the study, the Secretary shall—

(1) develop a plan for how the rebate programs would be carried out if the programs were funded; and

(2) determine the minimum amount of funding the program would need to receive in order to accomplish the goals of the programs.

SEC. 413. ENERGY CODE IMPROVEMENTS APPLICABLE TO MANUFACTURED HOUSING.

(a) ESTABLISHMENT OF STANDARDS.—

(1) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, the Secretary shall by regulation establish standards for energy efficiency in manufactured housing.

(2) NOTICE, COMMENT, AND CONSULTATION.—Standards described in paragraph (1) shall be established after—

(A) notice and an opportunity for comment by manufacturers of manufactured housing and other interested parties; and

(B) consultation with the Secretary of Housing and Urban Development, who may seek further counsel from the Manufactured Housing Consensus Committee.

(b) REQUIREMENTS.—

(1) INTERNATIONAL ENERGY CONSERVATION CODE.—The energy conservation standards established under this section shall be based on the most recent version of the International Energy Conservation Code (including supplements), except in cases in which the Secretary finds that the code is not cost-effective, or a more stringent standard would be more cost-effective, based on the impact of the code on the purchase price of manufactured housing and on total life-cycle construction and operating costs.

(2) CONSIDERATIONS.—The energy conservation standards established under this section may—

(A) take into consideration the design and factory construction techniques of manufactured homes;

(B) be based on the climate zones established by the Department of Housing and Urban Development rather than the climate zones under the International Energy Conservation Code; and

(C) provide for alternative practices that result in net estimated energy consumption equal to or less than the specified standards.

(3) UPDATING.—The energy conservation standards established under this section shall be updated not later than—

(A) 1 year after the date of enactment of this Act; and

(B) 1 year after any revision to the International Energy Conservation Code.

(c) ENFORCEMENT.—Any manufacturer of manufactured housing that violates a provision of the regulations under subsection (a) is liable to the United States for a civil penalty in an amount not exceeding 1 percent of the manufacturer's retail list price of the manufactured housing.

Subtitle B—High-Performance Commercial Buildings

SEC. 421. COMMERCIAL HIGH-PERFORMANCE GREEN BUILDINGS.

(a) DIRECTOR OF COMMERCIAL HIGH-PERFORMANCE GREEN BUILDINGS.—Notwithstanding any other provision of law, the Secretary, acting through the Assistant Secretary of Energy Efficiency and Renewable Energy, shall appoint a Director of Commercial High-Performance Green Buildings to a position in the career-reserved Senior Executive service, with the principal responsibility to—

(1) establish and manage the Office of Commercial High-Performance Green Buildings; and

(2) carry out other duties as required under this subtitle.

(b) QUALIFICATIONS.—The Commercial Director shall be an individual, who by reason of professional background and experience, is specifically qualified to carry out the duties required under this subtitle.

(c) DUTIES.—The Commercial Director shall, with respect to development of high-performance green buildings and zero-energy commercial buildings nationwide—

(1) coordinate the activities of the Office of Commercial High-Performance Green Buildings with the activities of the Office of Federal High-Performance Green Buildings;

(2) develop the legal predicates and agreements for, negotiate, and establish one or more public-private partnerships with the Consortium, members of the Consortium, and other capable parties meeting the qualifications of the Consortium, to further such development;

(3) represent the public and the Department in negotiating and performing in accord with such public-private partnerships;

(4) use appropriated funds in an effective manner to encourage the maximum investment of private funds to achieve such development;

(5) promote research and development of high performance green buildings, consistent with section 423; and

(6) jointly establish with the Federal Director a national high-performance green building clearinghouse in accordance with section 423(1), which shall provide high-performance green building information and disseminate research results through—

(A) outreach;

(B) education; and

(C) the provision of technical assistance.

(d) REPORTING.—The Commercial Director shall report directly to the Assistant Secretary for Energy Efficiency and Renewable Energy, or to other senior officials in a way that facilitates the integrated program of this subtitle for both energy efficiency and renewable energy and both technology development and technology deployment.

(e) COORDINATION.—The Commercial Director shall ensure full coordination of high-performance green building information and activities, including activities under this subtitle, within the Federal Government by working with the General Services Administration and all relevant agencies, including, at a minimum—

(1) the Environmental Protection Agency;

(2) the Office of the Federal Environmental Executive;

(3) the Office of Federal Procurement Policy;

(4) the Department of Energy, particularly the Federal Energy Management Program;

(5) the Department of Health and Human Services;

(6) the Department of Housing and Urban Development;

(7) the Department of Defense;

(8) the National Institute of Standards and Technology;

(9) the Department of Transportation;

(10) the Office of Science Technology and Policy; and

(11) such nonprofit high-performance green building rating and analysis entities as the Commercial Director determines can offer support, expertise, and review services.

(f) HIGH-PERFORMANCE GREEN BUILDING PARTNERSHIP CONSORTIUM.—

(1) RECOGNITION.—Not later than 90 days after the date of enactment of this Act, the Commercial Director shall formally recognize one or more groups that qualify as a high-performance green building partnership consortium.

(2) REPRESENTATION TO QUALIFY.—To qualify under this section, any consortium shall include representation from—

(A) the design professions, including national associations of architects and of professional engineers;

(B) the development, construction, financial, and real estate industries;

(C) building owners and operators from the public and private sectors;

(D) academic and research organizations, including at least one national laboratory with extensive commercial building energy expertise;

(E) building code agencies and organizations, including a model energy code-setting organization;

(F) independent high-performance green building associations or councils;

(G) experts in indoor air quality and environmental factors;

(H) experts in intelligent buildings and integrated building information systems;

(I) utility energy efficiency programs;

(J) manufacturers and providers of equipment and techniques used in high performance green buildings;

(K) public transportation industry experts; and

(L) nongovernmental energy efficiency organizations.

(3) FUNDING.—The Secretary may make payments to the Consortium pursuant to the terms of a public-private partnership for such activities of the Consortium undertaken under such a partnership as described in this subtitle directly to the Consortium or through one or more of its members.

(g) REPORT.—Not later than 2 years after the date of enactment of this Act, and biennially thereafter, the Commercial Director, in consultation with the Consortium, shall submit to Congress a report that—

(1) describes the status of the high-performance green building initiatives under this subtitle and other Federal programs affecting commercial high-performance green buildings in effect as of the date of the report, including—

(A) the extent to which the programs are being carried out in accordance with this subtitle; and

(B) the status of funding requests and appropriations for those programs; and

(2) summarizes and highlights development, at the State and local level, of high-performance green building initiatives, including executive orders, policies, or laws adopted promoting high-performance green building (including the status of implementation of those initiatives).

SEC. 422. ZERO NET ENERGY COMMERCIAL BUILDINGS INITIATIVE.

(a) DEFINITIONS.—In this section:

(1) CONSORTIUM.—The term "consortium" means a High-Performance Green Building Consortium selected by the Commercial Director.

(2) INITIATIVE.—The term "initiative" means the Zero-Net-Energy Commercial Buildings Initiative established under subsection (b)(1).

(3) ZERO-NET-ENERGY COMMERCIAL BUILDING.—The term "zero-net-energy commercial building" means a high-performance commercial building that is designed, constructed, and operated—

(A) to require a greatly reduced quantity of energy to operate;

(B) to meet the balance of energy needs from sources of energy that do not produce greenhouse gases;

(C) in a manner that will result in no net emissions of greenhouse gases; and

(D) to be economically viable.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Commercial Director shall establish an initiative, to be known as the "Zero-Net-Energy Commercial Buildings Initiative"—

(A) to reduce the quantity of energy consumed by commercial buildings located in the United States; and

(B) to achieve the development of zero net energy commercial buildings in the United States.

(2) CONSORTIUM.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commercial Director shall competitively select, and enter into an agreement with, a consortium to develop and carry out the initiative.

(B) AGREEMENTS.—In entering into an agreement with a consortium under subparagraph (A), the Commercial Director shall use the authority described in section 646(g) of the Department of Energy Organization Act (42 U.S.C. 7256(g)), to the maximum extent practicable.

(c) GOAL OF INITIATIVE.—The goal of the initiative shall be to develop and disseminate technologies, practices, and policies for the development and establishment of zero net energy commercial buildings for—

(1) any commercial building newly constructed in the United States by 2030;

(2) 50 percent of the commercial building stock of the United States by 2040; and

(3) all commercial buildings in the United States by 2050.

(d) COMPONENTS.—In carrying out the initiative, the Commercial Director, in consultation with the consortium, may—

(1) conduct research and development on building science, design, materials, components, equipment and controls, operation and other practices, integration, energy use measurement, and benchmarking;

(2) conduct pilot programs and demonstration projects to evaluate replicable approaches to achieving energy efficient commercial buildings for a variety of building types in a variety of climate zones;

(3) conduct deployment, dissemination, and technical assistance activities to encourage widespread adoption of technologies, practices, and policies to achieve energy efficient commercial buildings;

(4) conduct other research, development, demonstration, and deployment activities necessary to achieve each goal of the initiative, as determined by the Commercial Director, in consultation with the consortium;

(5) develop training materials and courses for building professionals and trades on achieving cost-effective high-performance energy efficient buildings;

(6) develop and disseminate public education materials to share information on the benefits and cost-effectiveness of high-performance energy efficient buildings;

(7) support code-setting organizations and State and local governments in developing minimum performance standards in building codes that recognize the ready availability of many technologies utilized in high-performance energy efficient buildings;

(8) develop strategies for overcoming the split incentives between builders and purchasers, and landlords and tenants, to ensure that energy efficiency and high-performance investments are made that are cost-effective on a lifecycle basis; and

(9) develop improved means of measurement and verification of energy savings and performance for public dissemination.

(e) COST SHARING.—In carrying out this section, the Commercial Director shall require cost sharing in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $20,000,000 for fiscal year 2008;

(2) $50,000,000 for each of fiscal years 2009 and 2010;

(3) $100,000,000 for each of fiscal years 2011 and 2012; and

(4) $200,000,000 for each of fiscal years 2013 through 2018.

SEC. 423. PUBLIC OUTREACH.

The Commercial Director and Federal Director, in coordination with the Consortium, shall carry out public outreach to inform individuals and entities of the information and services available Governmentwide by—

(1) establishing and maintaining a national high-performance green building clearinghouse, including on the internet, that—

(A) identifies existing similar efforts and coordinates activities of common interest; and

(B) provides information relating to high-performance green buildings, including hyperlinks to internet sites that describe the activities, information, and resources of—

(i) the Federal Government;

(ii) State and local governments;

(iii) the private sector (including nongovernmental and nonprofit entities and organizations); and

(iv) international organizations;

(2) identifying and recommending educational resources for implementing high-performance green building practices, including security and emergency benefits and practices;

(3) providing access to technical assistance, tools, and resources for constructing high-performance green buildings, particularly tools to conduct life-cycle costing and life-cycle assessment;

(4) providing information on application processes for certifying a high-performance green building, including certification and commissioning;

(5) providing to the public, through the Commercial Director, technical and research information or other forms of assistance or advice that would be useful in planning and constructing high-performance green buildings;

(6) using such additional methods as are determined by the Commercial Director to be appropriate to conduct public outreach;

(7) surveying existing research and studies relating to high-performance green buildings; and

(8) coordinating activities of common interest.

Subtitle C—High-Performance Federal Buildings

SEC. 431. ENERGY REDUCTION GOALS FOR FEDERAL BUILDINGS.

Section 543(a)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a)(1)) is amended by striking the table and inserting the following:

"Fiscal Year	**Percentage reduction**
2006	2
2007	4
2008	9
2009	12
2010	15
2011	18
2012	21
2013	24
2014	27
2015	30."

SEC. 432. MANAGEMENT OF ENERGY AND WATER EFFICIENCY IN FEDERAL BUILDINGS.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended by adding at the end the following:

"(f) USE OF ENERGY AND WATER EFFICIENCY MEASURES IN FEDERAL BUILDINGS.—

"(1) DEFINITIONS.—In this subsection:

"(A) COMMISSIONING.—The term 'commissioning', with respect to a facility, means a systematic process—

"(i) of ensuring, using appropriate verification and documentation, during the period beginning on the initial day of the design phase of the facility and ending not earlier than 1 year after the date of completion of construction of the facility, that all facility systems perform interactively in accordance with—

"(I) the design documentation and intent of the facility; and

"(II) the operational needs of the owner of the facility, including preparation of operation personnel; and

"(ii) the primary goal of which is to ensure fully functional systems that can be properly operated and maintained during the useful life of the facility.

"(B) ENERGY MANAGER.—

"(i) IN GENERAL.—The term 'energy manager', with respect to a facility, means the individual who is responsible for—

"(I) ensuring compliance with this subsection by the facility; and

"(II) reducing energy use at the facility.

"(ii) INCLUSIONS.—The term 'energy manager' may include—

"(I) a contractor of a facility;

"(II) a part-time employee of a facility; and

"(III) an individual who is responsible for multiple facilities.

"(C) FACILITY.—

"(i) IN GENERAL.—The term 'facility' means any building, installation, structure, or other property (including any applicable fixtures) owned or operated by, or constructed or manufactured and leased to, the Federal Government.

"(ii) INCLUSIONS.—The term 'facility' includes—

"(I) a group of facilities at a single location or multiple locations managed as an integrated operation; and

"(II) contractor-operated facilities owned by the Federal Government.

"(iii) EXCLUSIONS.—The term 'facility' does not include any land or site for which the cost of utilities is not paid by the Federal Government.

"(D) LIFE CYCLE COST-EFFECTIVE.—The term 'life cycle cost-effective', with respect to a measure, means a measure the estimated savings of which exceed the estimated costs over the lifespan of the measure, as determined in accordance with section 544.

"(E) PAYBACK PERIOD.—

"(i) IN GENERAL.—Subject to clause (ii), the term 'payback period', with respect to a measure, means a value equal to the quotient obtained by dividing—

"(I) the estimated initial implementation cost of the measure (other than financing costs); by

"(II) the annual cost savings resulting from the measure, including—

"(aa) net savings in estimated energy and water costs; and

"(bb) operations, maintenance, repair, replacement, and other direct costs.

"(ii) MODIFICATIONS AND EXCEPTIONS.—The Secretary, in guidelines issued pursuant to paragraph (6), may make such modifications and provide such exceptions to the calculation of the payback period of a measure as the Secretary determines to be appropriate to achieve the purposes of this Act.

"(F) RECOMMISSIONING.—The term 'recommissioning' means a process—

"(i) of commissioning a facility or system beyond the project development and warranty phases of the facility or system; and

"(ii) the primary goal of which is to ensure optimum performance of a facility, in accordance with design or current operating needs, over the useful life of the facility, while meeting building occupancy requirements.

"(G) RETROCOMMISSIONING.—The term 'retrocommissioning' means a process of commissioning a facility or system that was not commissioned at time of construction of the facility or system.

"(2) FACILITY ENERGY MANAGERS.—

"(A) IN GENERAL.—Each Federal agency shall designate an energy manager responsible for implementing this subsection and reducing energy use at each facility that meets criteria under subparagraph (B).

"(B) COVERED FACILITIES.—The Secretary shall develop criteria, after consultation with affected agencies, energy efficiency advocates, and energy and utility service providers, that cover, at a minimum, Federal facilities, including central utility plants and distribution systems and other energy intensive operations, that constitute at least 75 percent of facility energy use at each agency.

"(3) ENERGY AND WATER EVALUATIONS.—

"(A) EVALUATIONS.—Effective beginning on the date that is 180 days after the date of enactment of this subsection and annually thereafter, energy managers shall complete, for each calendar year, a comprehensive energy and water evaluation for approximately 25 percent of the facilities of each agency that meet the criteria under paragraph (2)(B) in a manner that ensures that an evaluation of each such facility is completed at least once every 4 years.

"(B) RECOMMISSIONING AND RETROCOMMISSIONING.—As part of the evaluation under subparagraph (A), the energy manager shall identify and assess recommissioning measures (or, if the facility has never been commissioned, retrocommissioning measures) for each such facility.

"(4) IMPLEMENTATION OF IDENTIFIED ENERGY AND WATER EFFICIENCY MEASURES.—Not later than 2 years after the completion of each evaluation under paragraph (3), each energy manager may—

"(A) implement any energy- or water-saving measure that the Federal agency identified in the evaluation conducted under paragraph (3) that is life cycle cost-effective; and

"(B) bundle individual measures of varying paybacks together into combined projects.

"(5) FOLLOW-UP ON IMPLEMENTED MEASURES.—For each measure implemented under paragraph (4), each energy manager shall ensure that—

"(A) equipment, including building and equipment controls, is fully commissioned at acceptance to be operating at design specifications;

"(B) a plan for appropriate operations, maintenance, and repair of the equipment is in place at acceptance and is followed;

"(C) equipment and system performance is measured during its entire life to ensure proper operations, maintenance, and repair; and

"(D) energy and water savings are measured and verified.

"(6) GUIDELINES.—

"(A) IN GENERAL.—The Secretary shall issue guidelines and necessary criteria that each Federal agency shall follow for implementation of—

"(i) paragraphs (2) and (3) not later than 180 days after the date of enactment of this subsection; and

"(ii) paragraphs (4) and (5) not later than 1 year after the date of enactment of this subsection.

"(B) RELATIONSHIP TO FUNDING SOURCE.—The guidelines issued by the Secretary under subparagraph (A) shall be appropriate and uniform for measures funded with each type of funding made available under paragraph (10), but may distinguish between different types of measures project size, and other criteria the Secretary determines are relevant.

"(7) WEB-BASED CERTIFICATION.—

"(A) IN GENERAL.—For each facility that meets the criteria established by the Secretary under paragraph (2)(B), the energy manager shall use the web-based tracking system under subparagraph (B) to certify compliance with the requirements for—

"(i) energy and water evaluations under paragraph (3);

"(ii) implementation of identified energy and water measures under paragraph (4); and

"(iii) follow-up on implemented measures under paragraph (5).

"(B) DEPLOYMENT.—

"(i) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall develop and deploy a web-based tracking system required under this paragraph in a manner that tracks, at a minimum—

"(I) the covered facilities;

"(II) the status of meeting the requirements specified in subparagraph (A);

"(III) the estimated cost and savings for measures required to be implemented in a facility;

"(IV) the measured savings and persistence of savings for implemented measures; and

"(V) the benchmarking information disclosed under paragraph (8)(C).

"(ii) EASE OF COMPLIANCE.—The Secretary shall ensure that energy manager compliance with the requirements in this paragraph, to the maximum extent practicable—

"(I) can be accomplished with the use of streamlined procedures and templates that minimize the time demands on Federal employees; and

"(II) is coordinated with other applicable energy reporting requirements.

"(C) AVAILABILITY.—

"(i) IN GENERAL.—Subject to clause (ii), the Secretary shall make the web-based tracking system required under this paragraph available to Congress, other Federal agencies, and the public through the Internet.

"(ii) EXEMPTIONS.—At the request of a Federal agency, the Secretary may exempt specific data for specific facilities from disclosure under clause (i) for national security purposes.

"(8) BENCHMARKING OF FEDERAL FACILITIES.—

"(A) IN GENERAL.—The energy manager shall enter energy use data for each metered building that is (or is a part of) a facility that meets the criteria established by the Secretary under paragraph (2)(B) into a building energy use benchmarking system, such as the Energy Star Portfolio Manager.

"(B) SYSTEM AND GUIDANCE.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall—

"(i) select or develop the building energy use benchmarking system required under this paragraph for each type of building; and

"(ii) issue guidance for use of the system.

"(C) PUBLIC DISCLOSURE.—Each energy manager shall post the information entered into, or generated by, a benchmarking system under this subsections, on the web-based tracking system under paragraph (7)(B). The energy manager shall update such information each year, and shall include in such reporting previous years' information to allow changes in building performance to be tracked over time.

"(9) FEDERAL AGENCY SCORECARDS.—

"(A) IN GENERAL.—The Director of the Office of Management and Budget shall issue semiannual scorecards for energy management activities carried out by each Federal agency that includes—

"(i) summaries of the status of implementing the various requirements of the agency and its energy managers under this subsection; and

"(ii) any other means of measuring performance that the Director considers appropriate.

"(B) AVAILABILITY.—The Director shall make the scorecards required under this paragraph available to Congress, other Federal agencies, and the public through the Internet.

"(10) FUNDING AND IMPLEMENTATION.—

"(A) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

"(B) FUNDING OPTIONS.—

"(i) IN GENERAL.—To carry out this subsection, a Federal agency may use any combination of—

"(I) appropriated funds made available under subparagraph (A); and

"(II) private financing otherwise authorized under Federal law, including financing available through energy savings performance contracts or utility energy service contracts.

"(ii) COMBINED FUNDING FOR SAME MEASURE.—A Federal agency may use any combination of appropriated funds and private financing described in clause (i) to carry out the same measure under this subsection.

"(C) IMPLEMENTATION.—Each Federal agency may implement the requirements under this subsection itself or may contract out performance of some or all of the requirements.

"(11) RULE OF CONSTRUCTION.—This subsection shall not be construed to require or to obviate any contractor savings guarantees.".

SEC. 433. FEDERAL BUILDING ENERGY EFFICIENCY PERFORMANCE STANDARDS.

(a) STANDARDS.—Section 305(a)(3) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)) is amended by adding at the end the following new subparagraph:

"(D) Not later than 1 year after the date of enactment of the Energy Independence and Security Act of 2007, the Secretary shall establish, by rule, revised Federal building energy efficiency performance standards that require that:

"(i) For new Federal buildings and Federal buildings undergoing major renovations, with respect to which the Administrator of General Services is required to transmit a prospectus to Congress under section 3307 of title 40, United States Code, in the case of public buildings (as defined in section 3301 of title 40, United States Code), or of at least $2,500,000 in costs adjusted annually for inflation for other buildings:

"(I) The buildings shall be designed so that the fossil fuel-generated energy consumption of the buildings is reduced, as compared with such energy consumption by a similar building in fiscal year 2003 (as measured by Commercial Buildings Energy Consumption Survey or Residential Energy Consumption Survey data from the Energy Information Agency), by the percentage specified in the following table:

"Fiscal Year	Percentage Reduction
2010	55
2015	65
2020	80
2025	90
2030	100."

"(II) Upon petition by an agency subject to this subparagraph, the Secretary may adjust the applicable numeric requirement under subclause (I) downward with respect to a specific building, if the head of the agency designing the building certifies in writing that meeting such requirement would be technically impracticable in light of the agency's specified functional needs for that building and the Secretary concurs with the agency's conclusion. This subclause shall not apply to the General Services Administration.

"(III) Sustainable design principles shall be applied to the siting, design, and construction of such buildings. Not later than 90 days after the date of enactment of the Energy Independence and Security Act of 2007, the Secretary, after reviewing the findings of the Federal Director under section 436(h) of that Act, in consultation with the Administrator of General Services, and in consultation with the Secretary of Defense for considerations relating to those facilities under the custody and control of the Department of Defense, shall identify a certification system and level for green buildings that the Secretary determines to be the most likely to encourage a comprehensive and environmentally-sound approach to certification of green buildings. The identification of the certification system and level shall be based on a review of the Federal Director's findings under section 436(h) of the Energy Independence and Security Act of 2007 and the criteria specified in clause (iii), shall identify the highest level the Secretary determines is appropriate above the minimum level required for certification under the system selected, and shall achieve results at least comparable to the system used by and highest level referenced by the General Services Administration as of the date of enactment of the Energy Independence and Security Act of 2007. Within 90 days of the completion of each study required by clause (iv), the Secretary, in consultation with the Administrator of General Services, and in consultation with the Secretary of Defense for considerations relating to those facilities under the custody and control of the Department of Defense, shall review and update the certification system and level, taking into account the conclusions of such study.

"(ii) In establishing criteria for identifying major renovations that are subject to the requirements of this subparagraph, the Secretary shall take into account the scope, degree, and types of renovations that are likely to provide significant opportunities for substantial improvements in energy efficiency.

"(iii) In identifying the green building certification system and level, the Secretary shall take into consideration—

"(I) the ability and availability of assessors and auditors to independently verify the criteria and measurement of metrics at the scale necessary to implement this subparagraph;

"(II) the ability of the applicable certification organization to collect and reflect public comment;

"(III) the ability of the standard to be developed and revised through a consensus-based process;

"(IV) an evaluation of the robustness of the criteria for a high-performance green building, which shall give credit for promoting—

"(aa) efficient and sustainable use of water, energy, and other natural resources;

"(bb) use of renewable energy sources;

"(cc) improved indoor environmental quality through enhanced indoor air quality, thermal comfort, acoustics, day lighting, pollutant source control, and use of low-emission materials and building system controls; and

"(dd) such other criteria as the Secretary determines to be appropriate; and

"(V) national recognition within the building industry.

"(iv) At least once every five years, and in accordance with section 436 of the Energy Independence and Security Act of 2007, the Administrator of General Services shall conduct a study to evaluate and compare available third-party green building certification systems and levels, taking into account the criteria listed in clause (iii).

"(v) The Secretary may by rule allow Federal agencies to develop internal certification processes, using certified professionals, in lieu of certification by the certification entity identified under clause (i)(III). The Secretary shall include in any such rule guidelines to ensure that the certification process results in buildings meeting the applicable certification system and level identified under clause (i)(III). An agency employing an internal certification process must continue to obtain external certification by the certification entity identified under clause (i)(III) for at least 5 percent of the total number of buildings certified annually by the agency.

"(vi) With respect to privatized military housing, the Secretary of Defense, after consultation with the Secretary may, through rulemaking, develop alternative criteria to those established by subclauses (I) and (III) of clause (i) that achieve an equivalent result in terms of energy savings, sustainable design, and green building performance.

"(vii) In addition to any use of water conservation technologies otherwise required by this section, water conservation technologies shall be applied to the extent that the technologies are life-cycle cost-effective.".

(b) DEFINITIONS.—Section 303(6) of the Energy Conservation and Production Act (42 U.S.C. 6832(6)) is amended by striking "which is not legally subject to State or local building codes or similar requirements." and inserting ". Such term shall include buildings built for the purpose of being leased by a Federal agency, and privatized military housing.".

(c) REVISION OF FEDERAL ACQUISITION REGULATION.—Not later than 2 years after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to require Federal officers and employees to comply with this section and the amendments made by this section in the acquisition, construction, or major renovation of any facility. The members of the Federal Acquisition Regulatory Council (established under section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421)) shall consult with the Federal Director and the Commercial Director before promulgating regulations to carry out this subsection.

(d) GUIDANCE.—Not later than 90 days after the date of promulgation of the revised regulations under subsection (c), the Administrator for Federal Procurement Policy shall issue guidance to all Federal procurement executives providing direction and instructions to renegotiate the design of proposed facilities and major renovations for existing facilities to incorporate improvements that are consistent with this section.

SEC. 434. MANAGEMENT OF FEDERAL BUILDING EFFICIENCY.

(a) LARGE CAPITAL ENERGY INVESTMENTS.—Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended by adding at the end the following:

"(f) LARGE CAPITAL ENERGY INVESTMENTS.—

"(1) IN GENERAL.—Each Federal agency shall ensure that any large capital energy investment in an existing building that is not a major renovation but involves replacement of installed equipment (such as heating and cooling systems), or involves renovation, rehabilitation, expansion, or remodeling of existing space, employs the most energy efficient designs, systems, equipment, and controls that are life-cycle cost effective.

"(2) PROCESS FOR REVIEW OF INVESTMENT DECISIONS.—Not later than 180 days after the date of enactment of this subsection, each Federal agency shall—

"(A) develop a process for reviewing each decision made on a large capital energy investment described in paragraph (1) to ensure that the requirements of this subsection are met; and

"(B) report to the Director of the Office of Management and Budget on the process established.

"(3) COMPLIANCE REPORT.—Not later than 1 year after the date of enactment of this subsection, the Director of the Office of Management and Budget shall evaluate and report to Congress on the compliance of each agency with this subsection.".

(b) METERING.—Section 543(e)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8253(e)(1)) is amended by inserting after the second sentence the following: "Not later than October 1, 2016, each agency shall provide for equivalent metering of natural gas and steam, in accordance with guidelines established by the Secretary under paragraph (2).".

SEC. 435. LEASING.

(a) IN GENERAL.—Except as provided in subsection (b), effective beginning on the date that is 3 years after the date of enactment of this Act, no Federal agency shall enter into a contract to lease space in a building that has not earned the Energy Star label in the most recent year.

(b) EXCEPTION.—

(1) APPLICATION.—This subsection applies if—

(A) no space is available in a building described in subsection (a) that meets the functional requirements of an agency, including locational needs;

(B) the agency proposes to remain in a building that the agency has occupied previously;

(C) the agency proposes to lease a building of historical, architectural, or cultural significance (as defined in section 3306(a)(4) of title 40, United States Code) or space in such a building; or

(D) the lease is for not more than 10,000 gross square feet of space.

(2) BUILDINGS WITHOUT ENERGY STAR LABEL.—If 1 of the conditions described in paragraph (2) is met, the agency may enter into a contract to lease space in a building that has not earned the Energy Star label in the most recent year if the lease contract includes provisions requiring that, prior to occupancy or, in the case of a contract described in paragraph (1)(B), not later than 1 year after signing the contract, the space will be renovated for all energy efficiency and conservation improvements that would be cost effective over the life of the lease, including improvements in lighting, windows, and heating, ventilation, and air conditioning systems.

(c) REVISION OF FEDERAL ACQUISITION REGULATION.—

(1) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Federal Acquisition Regulation described in section 6(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(a)) shall be revised to require Federal officers and employees to comply with this section in leasing buildings.

(2) CONSULTATION.—The members of the Federal Acquisition Regulatory Council established under section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421)) shall consult with the Federal Director and the Commercial Director before promulgating regulations to carry out this subsection.

SEC. 436. HIGH-PERFORMANCE GREEN FEDERAL BUILDINGS.

(a) ESTABLISHMENT OF OFFICE.—Not later than 60 days after the date of enactment of this Act, the Administrator shall establish within the General Services Administration an Office of Federal High-Performance Green Buildings, and appoint an individual to serve as Federal Director in, a position in the career-reserved Senior Executive service, to—

(1) establish and manage the Office of Federal High-Performance Green Buildings; and

(2) carry out other duties as required under this subtitle.

(b) COMPENSATION.—The compensation of the Federal Director shall not exceed the maximum rate of basic pay for the Senior Executive Service under section 5382 of title 5, United States Code, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of that title.

(c) DUTIES.—The Federal Director shall—

(1) coordinate the activities of the Office of Federal High-Performance Green Buildings with the activities of the Office of Commercial High-Performance Green Buildings, and the Secretary, in accordance with section 305(a)(3)(D) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(D));

(2) ensure full coordination of high-performance green building information and activities within the General Services Administration and all relevant agencies, including, at a minimum—

(A) the Environmental Protection Agency;

(B) the Office of the Federal Environmental Executive;

(C) the Office of Federal Procurement Policy;

(D) the Department of Energy;

(E) the Department of Health and Human Services;

(F) the Department of Defense;

(G) the Department of Transportation;

(H) the National Institute of Standards and Technology; and

(I) the Office of Science and Technology Policy;

(3) establish a senior-level Federal Green Building Advisory Committee under section 474, which shall provide advice and recommendations in accordance with that section and subsection (d);

(4) identify and every 5 years reassess improved or higher rating standards recommended by the Advisory Committee;

(5) ensure full coordination, dissemination of information regarding, and promotion of the results of research and development information relating to Federal high-performance green building initiatives;

(6) identify and develop Federal high-performance green building standards for all types of Federal facilities, consistent with the requirements of this subtitle and section 305(a)(3)(D) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(D));

(7) establish green practices that can be used throughout the life of a Federal facility;

(8) review and analyze current Federal budget practices and life-cycle costing issues, and make recommendations to Congress, in accordance with subsection (d); and

(9) identify opportunities to demonstrate innovative and emerging green building technologies and concepts.

(d) ADDITIONAL DUTIES.—The Federal Director, in consultation with the Commercial Director and the Advisory Committee, and consistent with the requirements of section 305(a)(3)(D) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(D)) shall—

(1) identify, review, and analyze current budget and contracting practices that affect achievement of high-performance green buildings, including the identification of barriers to high-performance green building life-cycle costing and budgetary issues;

(2) develop guidance and conduct training sessions with budget specialists and contracting personnel from Federal agencies and budget examiners to apply life-cycle cost criteria to actual projects;

(3) identify tools to aid life-cycle cost decisionmaking; and

(4) explore the feasibility of incorporating the benefits of high-performance green buildings, such as security benefits, into a cost-budget analysis to aid in life-cycle costing for budget and decisionmaking processes.

(e) INCENTIVES.—Within 90 days after the date of enactment of this Act, the Federal Director shall identify incentives to encourage the expedited use of high-performance green buildings and related technology in the operations of the Federal Government, in accordance with the requirements of section 305(a)(3)(D) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(D)), including through—

(1) the provision of recognition awards; and

(2) the maximum feasible retention of financial savings in the annual budgets of Federal agencies for use in reinvesting in future high-performance green building initiatives.

(f) REPORT.—Not later than 2 years after the date of enactment of this Act, and biennially thereafter, the Federal Director, in consultation with the Secretary, shall submit to Congress a report that—

(1) describes the status of compliance with this subtitle, the requirements of section 305(a)(3)(D) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(D)), and other Federal high-performance green building initiatives in effect as of the date of the report, including—

(A) the extent to which the programs are being carried out in accordance with this subtitle and the requirements of section 305(a)(3)(D) of that Act; and

(B) the status of funding requests and appropriations for those programs;

(2) identifies within the planning, budgeting, and construction process all types of Federal facility procedures that may affect the certification of new and existing Federal facilities as high-performance green buildings under the provisions of section 305(a)(3)(D) of that Act and the criteria established in subsection (h);

(3) identifies inconsistencies, as reported to the Advisory Committee, in Federal law with respect to product acquisition guidelines and high-performance product guidelines;

(4) recommends language for uniform standards for use by Federal agencies in environmentally responsible acquisition;

(5) in coordination with the Office of Management and Budget, reviews the budget process for capital programs with respect to alternatives for—

(A) restructuring of budgets to require the use of complete energy and environmental cost accounting;

(B) using operations expenditures in budget-related decisions while simultaneously incorporating productivity and health measures (as those measures can be quantified by the Office of Federal High-Performance Green Buildings, with the assistance of universities and national laboratories);

(C) streamlining measures for permitting Federal agencies to retain all identified savings accrued as a result of the use of life-cycle costing for future high-performance green building initiatives; and

(D) identifying short-term and long-term cost savings that accrue from high-performance green buildings, including those relating to health and productivity;

(6) identifies green, self-sustaining technologies to address the operational needs of Federal facilities in times of national security emergencies, natural disasters, or other dire emergencies;

(7) summarizes and highlights development, at the State and local level, of high-performance green building initiatives, including executive orders, policies, or laws adopted promoting high-performance green building (including the status of implementation of those initiatives); and

(8) includes, for the 2-year period covered by the report, recommendations to address each of the matters, and a plan for implementation of each recommendation, described in paragraphs (1) through (7).

(g) IMPLEMENTATION.—The Office of Federal High-Performance Green Buildings shall carry out each plan for implementation of recommendations under subsection (f)(8).

(h) IDENTIFICATION OF CERTIFICATION SYSTEM.—

(1) IN GENERAL.—For the purpose of this section, not later than 60 days after the date of enactment of this Act, the Federal Director shall identify and shall provide to the Secretary pursuant to section 305(a)(3)(D) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(D)), a certification system that the Director determines to be the most likely to encourage a comprehensive and environmentally-sound approach to certification of green buildings.

(2) BASIS.—The system identified under paragraph (1) shall be based on—

(A) a study completed every 5 years and provided to the Secretary pursuant to section 305(a)(3)(D) of that Act, which shall be carried out by the Federal Director to compare and evaluate standards;

(B) the ability and availability of assessors and auditors to independently verify the criteria and measurement of metrics at the scale necessary to implement this subtitle;

(C) the ability of the applicable standard-setting organization to collect and reflect public comment;

(D) the ability of the standard to be developed and revised through a consensus-based process;

(E) an evaluation of the robustness of the criteria for a high performance green building, which shall give credit for promoting—

(i) efficient and sustainable use of water, energy, and other natural resources;

(ii) use of renewable energy sources;

(iii) improved indoor environmental quality through enhanced indoor air quality, thermal comfort, acoustics, day lighting, pollutant source control, and use of low-emission materials and building system controls;

(iv) reduced impacts from transportation through building location and site design that promote access by public transportation; and

(v) such other criteria as the Federal Director determines to be appropriate; and

(F) national recognition within the building industry.

SEC. 437. FEDERAL GREEN BUILDING PERFORMANCE.

(a) IN GENERAL.—Not later than October 31 of each of the 2 fiscal years following the fiscal year in which this Act is enacted, and at such times thereafter as the Comptroller General of the United States determines to be appropriate, the Comptroller General of the United States shall, with respect to the fiscal years that have passed since the preceding report—

(1) conduct an audit of the implementation of this subtitle, section 305(a)(3)(D) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(D)), and section 435; and

(2) submit to the Federal Director, the Advisory Committee, the Administrator, and Congress a report describing the results of the audit.

(b) CONTENTS.—An audit under subsection (a) shall include a review, with respect to the period covered by the report under subsection (a)(2), of—

(1) budget, life-cycle costing, and contracting issues, using best practices identified by the Comptroller General of the United States and heads of other agencies in accordance with section 436(d);

(2) the level of coordination among the Federal Director, the Office of Management and Budget, the Department of Energy, and relevant agencies;

(3) the performance of the Federal Director and other agencies in carrying out the implementation plan;

(4) the design stage of high-performance green building measures;

(5) high-performance building data that were collected and reported to the Office; and

(6) such other matters as the Comptroller General of the United States determines to be appropriate.

(c) ENVIRONMENTAL STEWARDSHIP SCORECARD.—The Federal Director shall consult with the Advisory Committee to enhance, and assist in the implementation of, the Office of Management and Budget government efficiency reports and scorecards under section 528 and the Environmental Stewardship Scorecard announced at the White House summit on Federal sustainable buildings in January 2006, to measure the implementation by each Federal agency of sustainable design and green building initiatives.

SEC. 438. STORM WATER RUNOFF REQUIREMENTS FOR FEDERAL DEVELOPMENT PROJECTS.

The sponsor of any development or redevelopment project involving a Federal facility with a footprint that exceeds 5,000 square feet shall use site planning, design, construction, and maintenance strategies for the property to maintain or restore, to the maximum extent technically feasible, the predevelopment hydrology of the property with regard to the temperature, rate, volume, and duration of flow.

SEC. 439. COST-EFFECTIVE TECHNOLOGY ACCELERATION PROGRAM.

(a) DEFINITION OF ADMINISTRATOR.—In this section, the term "Administrator" means the Administrator of General Services.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Administrator shall establish a program to accelerate the use of more cost-effective technologies and practices at GSA facilities.

(2) REQUIREMENTS.—The program established under this subsection shall—

(A) ensure centralized responsibility for the coordination of cost reduction-related recommendations, practices, and activities of all relevant Federal agencies;

(B) provide technical assistance and operational guidance to applicable tenants to achieve the goal identified in subsection (c)(2)(B)(ii);

(C) establish methods to track the success of Federal departments and agencies with respect to that goal; and

(D) be fully coordinated with and no less stringent nor less energy-conserving or water-conserving than required by other provisions of this Act and other applicable law, including sections 321 through 324, 431 through 438, 461, 511 through 518, and 523 through 525 and amendments made by those sections.

(c) ACCELERATED USE OF TECHNOLOGIES.—

(1) REVIEW.—

(A) IN GENERAL.—As part of the program under this section, not later than 90 days after the date of enactment of this Act, the Administrator shall conduct a review of—

(i) current use of cost-effective lighting technologies and geothermal heat pumps in GSA facilities; and

(ii) the availability to managers of GSA facilities of cost-effective lighting technologies and geothermal heat pumps.

(B) REQUIREMENTS.—The review under subparagraph (A) shall—

(i) examine the use of cost-effective lighting technologies, geothermal heat pumps, and other cost-effective technologies and practices by Federal agencies in GSA facilities; and

(ii) as prepared in consultation with the Administrator of the Environmental Protection Agency, identify cost-effective lighting technology and geothermal heat pump technology standards that could be used for all types of GSA facilities.

(2) REPLACEMENT.—

(A) IN GENERAL.—As part of the program under this section, not later than 180 days after the date of enactment of this Act, the Administrator shall establish, using available appropriations and programs implementing sections 432 and 525 (and amendments made by those sections), a cost-effective lighting technology and geothermal heat pump technology acceleration program to achieve maximum feasible replacement of existing lighting, heating, cooling technologies with cost-effective lighting technologies and geothermal heat pump technologies in each GSA facility. Such program shall fully comply with the requirements of sections 321 through 324, 431 through 438, 461, 511 through 518, and 523 through 525 and amendments made by those sections and any other provisions of law, which shall be applicable to the extent that they are more stringent or would achieve greater energy savings than required by this section.

(B) ACCELERATION PLAN TIMETABLE.—

(i) IN GENERAL.—To implement the program established under subparagraph (A), not later than 1 year after the date of enactment of this Act, the Administrator shall establish a timetable of actions to comply with the requirements of this section and sections 431 through 435, whichever achieves greater energy savings most expeditiously, including milestones for specific activities needed to replace existing lighting, heating, cooling technologies with cost-effective lighting technologies and geothermal heat pump technologies, to the maximum extent feasible (including at the maximum rate feasible), at each GSA facility.

(ii) GOAL.—The goal of the timetable under clause (i) shall be to complete, using available appropriations and programs implementing sections 431 through 435 (and amendments made by those sections), maximum feasible replacement of existing lighting, heating, and cooling technologies with cost-effective lighting technologies and geothermal heat pump technologies consistent with the requirements of this section and sections 431 through 435, whichever achieves greater energy savings most expeditiously. Notwithstanding any provision of this section, such program shall fully comply with the requirements of the Act including sections 321 through 324, 431 through 438, 461, 511 through 518, and 523 through 525 and amendments made by those sections and other provisions of law, which shall be applicable to the extent that they are more stringent or would achieve greater energy or water savings than required by this section.

(d) GSA FACILITY TECHNOLOGIES AND PRACTICES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Administrator shall—

(A) ensure that a manager responsible for implementing section 432 and for accelerating the use of cost-effective technologies and practices is designated for each GSA facility; and

(B) submit to Congress a plan to comply with section 432, this section, and other applicable provisions of this Act and applicable law with respect to energy and water conservation at GSA facilities.

(2) MEASURES.—The plan shall implement measures required by such other provisions of law in accordance with those provisions, and shall implement the measures required by this section to the maximum extent feasible (including at the maximum rate feasible) using available appropriations and programs implementing sections 431 through 435 and 525 (and amendments made by those sections), by not later than the date that is 5 years after the date of enactment of this Act.

(3) CONTENTS OF PLAN.—The plan shall—

(A) with respect to cost-effective technologies and practices—

(i) identify the specific activities needed to comply with sections 431 through 435;

(ii) identify the specific activities needed to achieve at least a 20-percent reduction in operational costs through the application of cost-effective technologies and practices from 2003 levels at GSA facilities by not later than 5 years after the date of enactment of this Act;

(iii) describe activities required and carried out to estimate the funds necessary to achieve the reduction described in clauses (i) and (ii);

(B) include an estimate of the funds necessary to carry out this section;

(C) describe the status of the implementation of cost-effective technologies and practices at GSA facilities, including—

(i) the extent to which programs, including the program established under subsection (b), are being carried out in accordance with this subtitle; and

(ii) the status of funding requests and appropriations for those programs;

(D) identify within the planning, budgeting, and construction processes, all types of GSA facility-related procedures that inhibit new and existing GSA facilities from implementing cost-effective technologies;

(E) recommend language for uniform standards for use by Federal agencies in implementing cost-effective technologies and practices;

(F) in coordination with the Office of Management and Budget, review the budget process for capital programs with respect to alternatives for—

(i) implementing measures that will assure that Federal agencies retain all identified savings accrued as a result of the use of cost-effective technologies, consistent with section 543(a)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a)(1), and other applicable law; and

(ii) identifying short- and long-term cost savings that accrue from the use of cost-effective technologies and practices;

(G) with respect to cost-effective technologies and practices, achieve substantial operational cost savings through the application of the technologies; and

(H) include recommendations to address each of the matters, and a plan for implementation of each recommendation, described in subparagraphs (A) through (G).

(4) ADMINISTRATION.—Notwithstanding any provision of this section, the program required under this section shall fully comply with the requirements of sections 321 through 324, 431 through 438, 461, 511 through 518, and 523 through 525 and amendments made by those sections, which shall be applicable to the extent that they are more stringent or would achieve greater energy or water savings than required by this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.

SEC. 440. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out sections 434 through 439 and 482 $4,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.

SEC. 441. PUBLIC BUILDING LIFE-CYCLE COSTS.

Section 544(a)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8254(a)(1)) is amended by striking "25" and inserting "40".

Subtitle D—Industrial Energy Efficiency

SEC. 451. INDUSTRIAL ENERGY EFFICIENCY.

(a) IN GENERAL.—Title III of the Energy Policy and Conservation Act (42 U.S.C. 6291 et seq.) is amended by inserting after part D the following:

"PART E—INDUSTRIAL ENERGY EFFICIENCY

"SEC. 371. DEFINITIONS.

"In this part:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

"(2) COMBINED HEAT AND POWER.—The term 'combined heat and power system' means a facility that—

"(A) simultaneously and efficiently produces useful thermal energy and electricity; and

"(B) recovers not less than 60 percent of the energy value in the fuel (on a higher-heating-value basis) in the form of useful thermal energy and electricity.

"(3) NET EXCESS POWER.—The term 'net excess power' means, for any facility, recoverable waste energy recovered in the form of electricity in quantities exceeding the total consumption of electricity at the specific time of generation on the site at which the facility is located.

"(4) PROJECT.—The term 'project' means a recoverable waste energy project or a combined heat and power system project.

"(5) RECOVERABLE WASTE ENERGY.—The term 'recoverable waste energy' means waste energy from which electricity or useful thermal energy may be recovered through modification of an existing facility or addition of a new facility.

"(6) REGISTRY.—The term 'Registry' means the Registry of Recoverable Waste Energy Sources established under section 372(d).

"(7) USEFUL THERMAL ENERGY.—The term 'useful thermal energy' means energy—

"(A) in the form of direct heat, steam, hot water, or other thermal form that is used in production and beneficial measures for heating, cooling, humidity control, process use, or other valid thermal end-use energy requirements; and

"(B) for which fuel or electricity would otherwise be consumed.

"(8) WASTE ENERGY.—The term 'waste energy' means—

"(A) exhaust heat or flared gas from any industrial process;

"(B) waste gas or industrial tail gas that would otherwise be flared, incinerated, or vented;

"(C) a pressure drop in any gas, excluding any pressure drop to a condenser that subsequently vents the resulting heat; and

"(D) such other forms of waste energy as the Administrator may determine.

"(9) OTHER TERMS.—The terms 'electric utility', 'nonregulated electric utility', 'State regulated electric utility', and other terms have the meanings given those terms in title I of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2611 et seq.).

"SEC. 372. SURVEY AND REGISTRY.

"(a) RECOVERABLE WASTE ENERGY INVENTORY PROGRAM.—

"(1) IN GENERAL.—The Administrator, in cooperation with the Secretary and State energy offices, shall establish a recoverable waste energy inventory program.

"(2) SURVEY.—The program shall include—

"(A) an ongoing survey of all major industrial and large commercial combustion sources in the United States (as defined by the Administrator) and the sites at which the sources are located; and

"(B) a review of each source for the quantity and quality of waste energy produced at the source.

"(b) CRITERIA.—

"(1) IN GENERAL.—Not later than 270 days after the date of enactment of the Energy Independence and Security Act of 2007, the Administrator shall publish a rule for establishing criteria for including sites in the Registry.

"(2) INCLUSIONS.—The criteria shall include—

"(A) a requirement that, to be included in the Registry, a project at the site shall be determined to be economically feasible by virtue of offering a payback of invested costs not later than 5 years after the date of first full project operation (including incentives offered under this part);

"(B) standards to ensure that projects proposed for inclusion in the Registry are not developed or used for the primary purpose of making sales of excess electric power under the regulatory provisions of this part; and

"(C) procedures for contesting the listing of any source or site on the Registry by any State, utility, or other interested person.

"(c) TECHNICAL SUPPORT.—On the request of the owner or operator of a source or site included in the Registry, the Secretary shall—

"(1) provide to owners or operators of combustion sources technical support; and

"(2) offer partial funding (in an amount equal to not more than ½ of total costs) for feasibility studies to confirm whether or not investment in recovery of waste energy or combined heat and power at a source would offer a payback period of 5 years or less.

"(d) REGISTRY.—

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Energy Independence and Security Act of 2007, the Administrator shall establish a Registry of

Recoverable Waste Energy Sources, and sites on which the sources are located, that meet the criteria established under subsection (b).

"(B) UPDATES; AVAILABILITY.—The Administrator shall—

"(i) update the Registry on a regular basis; and

"(ii) make the Registry available to the public on the website of the Environmental Protection Agency.

"(C) CONTESTING LISTING.—Any State, electric utility, or other interested person may contest the listing of any source or site by submitting a petition to the Administrator.

"(2) CONTENTS.—

"(A) IN GENERAL.—The Administrator shall register and include on the Registry all sites meeting the criteria established under subsection (b).

"(B) QUANTITY OF RECOVERABLE WASTE ENERGY.—The Administrator shall—

"(i) calculate the total quantities of potentially recoverable waste energy from sources at the sites, nationally and by State; and

"(ii) make public—

"(I) the total quantities described in clause (i); and

"(II) information on the criteria pollutant and greenhouse gas emissions savings that might be achieved with recovery of the waste energy from all sources and sites listed on the Registry.

"(3) AVAILABILITY OF INFORMATION.—

"(A) IN GENERAL.—The Administrator shall notify owners or operators of recoverable waste energy sources and sites listed on the Registry prior to publishing the listing.

"(B) DETAILED QUANTITATIVE INFORMATION.—

"(i) IN GENERAL.—Except as provided in clause (ii), the owner or operator of a source at a site may elect to have detailed quantitative information concerning the site not made public by notifying the Administrator of the election.

"(ii) LIMITED AVAILABILITY.—The information shall be made available to—

"(I) the applicable State energy office; and

"(II) any utility requested to support recovery of waste energy from the source pursuant to the incentives provided under section 374.

"(iii) STATE TOTALS.—Information concerning the site shall be included in the total quantity of recoverable waste energy for a State unless there are fewer than 3 sites in the State.

"(4) REMOVAL OF PROJECTS FROM REGISTRY.—

"(A) IN GENERAL.—Subject to subparagraph (B), as a project achieves successful recovery of waste energy, the Administrator shall—

"(i) remove the related sites or sources from the Registry; and

"(ii) designate the removed projects as eligible for incentives under section 374.

"(B) LIMITATION.—No project shall be removed from the Registry without the consent of the owner or operator of the project if—

"(i) the owner or operator has submitted a petition under section 374; and

"(ii) the petition has not been acted on or denied.

"(5) INELIGIBILITY OF CERTAIN SOURCES.—The Administrator shall not list any source constructed after the date of the enactment of the Energy Independence and Security Act of 2007 on the Registry if the Administrator determines that the source—

"(A) was developed for the primary purpose of making sales of excess electric power under the regulatory provisions of this part; or

"(B) does not capture at least 60 percent of the total energy value of the fuels used (on a higher-heating-value basis) in the form of useful thermal energy, electricity, mechanical energy, chemical output, or any combination thereof.

"(e) SELF-CERTIFICATION.—

"(1) IN GENERAL.—Subject to any procedures that are established by the Administrator, an owner, operator, or third-party developer of a recoverable waste energy project that qualifies under standards established by the Administrator may self-certify the sites or sources of the owner, operator, or developer to the Administrator for inclusion in the Registry.

"(2) REVIEW AND APPROVAL.—To prevent a fraudulent listing, a site or source shall be included on the Registry only if the Administrator reviews and approves the self-certification.

"(f) NEW FACILITIES.—As a new energy-consuming industrial facility is developed after the date of enactment of the Energy Independence and Security Act of 2007, to the extent the facility may constitute a site with recoverable waste energy that may qualify for inclusion on the Registry, the Administrator may elect to include the facility on the Registry, at the request of the owner, operator, or developer of the facility, on a conditional basis with the site to be removed from the Registry if the development ceases or the site fails to qualify for listing under this part.

"(g) OPTIMUM MEANS OF RECOVERY.—For each site listed in the Registry, at the request of the owner or operator of the site, the Administrator shall offer, in cooperation with Clean Energy Application Centers operated by the Secretary of Energy, suggestions for optimum means of recovery of value from waste energy stream in the form of electricity, useful thermal energy, or other energy-related products.

"(h) REVISION.—Each annual report of a State under section 548(a) of the National Energy Conservation Policy Act (42 U.S.C. 8258(a)) shall include the results of the survey for the State under this section.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to—

"(1) the Administrator to create and maintain the Registry and services authorized by this section, $1,000,000 for each of fiscal years 2008 through 2012; and

"(2) the Secretary—

"(A) to assist site or source owners and operators in determining the feasibility of projects authorized by this section, $2,000,000 for each of fiscal years 2008 through 2012; and

"(B) to provide funding for State energy office functions under this section, $5,000,000.

"SEC. 373. WASTE ENERGY RECOVERY INCENTIVE GRANT PROGRAM.

"(a) ESTABLISHMENT.—The Secretary shall establish in the Department of Energy a waste energy recovery incentive grant program to provide incentive grants to—

"(1) owners and operators of projects that successfully produce electricity or incremental useful thermal energy from waste energy recovery;

"(2) utilities purchasing or distributing the electricity; and

"(3) States that have achieved 80 percent or more of recoverable waste heat recovery opportunities.

"(b) GRANTS TO PROJECTS AND UTILITIES.—

"(1) IN GENERAL.—The Secretary shall make grants under this section—

"(A) to the owners or operators of waste energy recovery projects; and

"(B) in the case of excess power purchased or transmitted by a electric utility, to the utility.

"(2) PROOF.—Grants may only be made under this section on receipt of proof of waste energy recovery or excess electricity generation, or both, from the project in a form prescribed by the Secretary.

"(3) EXCESS ELECTRIC ENERGY.—

"(A) IN GENERAL.—In the case of waste energy recovery, a grant under this section shall be made at the rate of $10 per megawatt hour of documented electricity produced from recoverable waste energy (or by prevention of waste energy in the case of a new facility) by the project during the first 3 calendar years of production, beginning on or after the date of enactment of the Energy Independence and Security Act of 2007.

"(B) UTILITIES.—If the project produces net excess power and an electric utility purchases or transmits the excess power, 50 percent of so much of the grant as is attributable to the net excess power shall be paid to the electric utility purchasing or transporting the net excess power.

"(4) USEFUL THERMAL ENERGY.—In the case of waste energy recovery that produces useful thermal energy that is used for a purpose different from that for which the project is principally designed, a grant under this section shall be made to the owner or operator of the waste energy recovery project at the rate of $10 for each 3,412,000 Btus of the excess thermal energy used for the different purpose.

"(c) GRANTS TO STATES.—In the case of any State that has achieved 80 percent or more of waste heat recovery opportunities identified by the Secretary under this part, the Administrator shall make a 1-time grant to the State in an amount of not more than $1,000 per megawatt of waste-heat capacity recovered (or a thermal equivalent) to support State-level programs to identify and achieve additional energy efficiency.

"(d) ELIGIBILITY.—The Secretary shall—

"(1) establish rules and guidelines to establish eligibility for grants under subsection (b);

"(2) publicize the availability of the grant program known to owners or operators of recoverable waste energy sources and sites listed on the Registry; and

"(3) award grants under the program on the basis of the merits of each project in recovering or preventing waste energy throughout the United States on an impartial, objective, and not unduly discriminatory basis.

"(e) LIMITATION.—The Secretary shall not award grants to any person for a combined heat and power project or a waste heat recovery project that qualifies for specific Federal tax incentives for combined heat and power or for waste heat recovery.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary—

"(1) to make grants to projects and utilities under subsection (b)—

"(A) $100,000,000 for fiscal year 2008 and $200,000,000 for each of fiscal years 2009 through 2012; and

"(B) such additional amounts for fiscal year 2008 and each fiscal year thereafter as may be necessary for administration of the waste energy recovery incentive grant program; and

"(2) to make grants to States under subsection (b), $10,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.

"SEC. 374. ADDITIONAL INCENTIVES FOR RECOVERY, USE, AND PREVENTION OF INDUSTRIAL WASTE ENERGY.

"(a) CONSIDERATION OF STANDARD.—

"(1) IN GENERAL.—Not later than 180 days after the receipt by a State regulatory authority (with respect to each electric utility for which the authority has ratemaking authority), or nonregulated electric utility, of a request from a project sponsor or owner or operator, the State regulatory authority or nonregulated electric utility shall—

"(A) provide public notice and conduct a hearing respecting the standard established by subsection (b); and

"(B) on the basis of the hearing, consider and make a determination whether or not it is appropriate to implement the standard to carry out the purposes of this part.

"(2) RELATIONSHIP TO STATE LAW.—For purposes of any determination under paragraph (1) and any review of the determination in any court, the purposes of this section supplement otherwise applicable State law.

"(3) NONADOPTION OF STANDARD.—Nothing in this part prohibits any State regulatory authority or nonregulated electric utility from making any determination that it is not appropriate to adopt any standard described in paragraph (1), pursuant to authority under otherwise applicable State law.

"(b) STANDARD FOR SALES OF EXCESS POWER.—For purposes of this section, the standard referred to in subsection (a) shall provide that an owner or operator of a waste energy recovery project identified on the Registry that generates net excess power shall be eligible to benefit from at least 1 of the options described in subsection (c) for disposal of the net excess power in accordance with the rate conditions and limitations described in subsection (d).

"(c) OPTIONS.—The options referred to in subsection (b) are as follows:

"(1) SALE OF NET EXCESS POWER TO UTILITY.—The electric utility shall purchase the net excess power from the owner or operator of the eligible waste energy recovery project during the operation of the project under a contract entered into for that purpose.

"(2) TRANSPORT BY UTILITY FOR DIRECT SALE TO THIRD PARTY.—The electric utility shall transmit the net excess power on behalf of the project owner or operator to up to 3 separate locations on the system of the utility for direct sale by the owner or operator to third parties at those locations.

"(3) TRANSPORT OVER PRIVATE TRANSMISSION LINES.—The State and the electric utility shall permit, and shall waive or modify such laws as would otherwise prohibit, the construction and operation of private electric wires constructed, owned, and operated by the project owner or operator, to transport the power to up to 3 purchasers within a 3-mile radius of the project, allowing the wires to use or cross public rights-of-way, without subjecting the project to regulation as a public utility, and according the wires the same treatment for safety, zoning, land use, and other legal privileges as apply or would apply to the wires of the utility, except that—

"(A) there shall be no grant of any power of eminent domain to take or cross private property for the wires; and

"(B) the wires shall be physically segregated and not interconnected with any portion of the system of the utility, except on the customer side of the revenue meter of the utility and in a manner that precludes any possible export of the electricity onto the utility system, or disruption of the system.

"(4) AGREED ON ALTERNATIVES.—The utility and the owner or operator of the project may reach agreement on any alternate arrangement and payments or rates associated with the arrangement that is mutually satisfactory and in accord with State law.

"(d) RATE CONDITIONS AND CRITERIA.—

"(1) DEFINITIONS.—In this subsection:

"(A) PER UNIT DISTRIBUTION COSTS.—The term 'per unit distribution costs' means (in kilowatt hours) the quotient obtained by dividing—

"(i) the depreciated book-value distribution system costs of a utility; by

"(ii) the volume of utility electricity sales or transmission during the previous year at the distribution level.

"(B) PER UNIT DISTRIBUTION MARGIN.—The term 'per unit distribution margin' means—

"(i) in the case of a State-regulated electric utility, a per-unit gross pretax profit equal to the product obtained by multiplying—

"(I) the State-approved percentage rate of return for the utility for distribution system assets; by

"(II) the per unit distribution costs; and

"(ii) in the case of a nonregulated utility, a per unit contribution to net revenues determined multiplying—

"(I) the percentage (but not less than 10 percent) obtained by dividing—

"(aa) the amount of any net revenue payment or contribution to the owners or subscribers of the nonregulated utility during the prior year; by

"(bb) the gross revenues of the utility during the prior year to obtain a percentage; by

"(II) the per unit distribution costs.

"(C) PER UNIT TRANSMISSION COSTS.—The term 'per unit transmission costs' means the total cost of those transmission services purchased or provided by a utility on a per-kilowatt-hour basis as included in the retail rate of the utility.

"(2) OPTIONS.—The options described in paragraphs (1) and (2) in subsection (c) shall be offered under purchase and transport rate conditions that reflect the rate components defined under paragraph (1) as applicable under the circumstances described in paragraph (3).

"(3) APPLICABLE RATES.—

"(A) RATES APPLICABLE TO SALE OF NET EXCESS POWER.—

"(i) IN GENERAL.—Sales made by a project owner or operator of a facility under the option described in subsection (c)(1) shall be paid for on a per kilowatt hour basis that shall equal the full undiscounted retail rate paid to the utility for power purchased by the facility minus per unit distribution costs, that applies to the type of utility purchasing the power.

"(ii) VOLTAGES EXCEEDING 25 KILOVOLTS.—If the net excess power is made available for purchase at voltages that must be transformed to or from voltages exceeding 25 kilovolts to be available for resale by the utility, the purchase price shall further be reduced by per unit transmission costs.

"(B) RATES APPLICABLE TO TRANSPORT BY UTILITY FOR DIRECT SALE TO THIRD PARTIES.—

"(i) IN GENERAL.—Transportation by utilities of power on behalf of the owner or operator of a project under the option described in subsection (c)(2) shall incur a transportation rate that shall equal the per unit distribution costs and per unit distribution margin, that applies to the type of utility transporting the power.

"(ii) VOLTAGES EXCEEDING 25 KILOVOLTS.—If the net excess power is made available for transportation at voltages that must be transformed to or from voltages exceeding 25 kilovolts to be transported to the designated third-party purchasers, the transport rate shall further be increased by per unit transmission costs.

"(iii) STATES WITH COMPETITIVE RETAIL MARKETS FOR ELECTRICITY.—In a State with a competitive retail market for electricity, the applicable transportation rate for similar transportation shall be applied in lieu of any rate calculated under this paragraph.

"(4) LIMITATIONS.—

"(A) IN GENERAL.—Any rate established for sale or transportation under this section shall—

"(i) be modified over time with changes in the underlying costs or rates of the electric utility; and

"(ii) reflect the same time-sensitivity and billing periods as are established in the retail sales or transportation rates offered by the utility.

"(B) LIMITATION.—No utility shall be required to purchase or transport a quantity of net excess power under this section that exceeds the available capacity of the wires, meter, or other equipment of the electric utility serving the site unless the owner or operator of the project agrees to pay necessary and reasonable upgrade costs.

"(e) PROCEDURAL REQUIREMENTS FOR CONSIDERATION AND DETERMINATION.—

"(1) PUBLIC NOTICE AND HEARING.—

"(A) IN GENERAL.—The consideration referred to in subsection (a) shall be made after public notice and hearing.

"(B) ADMINISTRATION.—The determination referred to in subsection (a) shall be—

"(i) in writing;

"(ii) based on findings included in the determination and on the evidence presented at the hearing; and

"(iii) available to the public.

"(2) INTERVENTION BY ADMINISTRATOR.—The Administrator may intervene as a matter of right in a proceeding conducted under this section—

"(A) to calculate—

"(i) the energy and emissions likely to be saved by electing to adopt 1 or more of the options; and

"(ii) the costs and benefits to ratepayers and the utility; and

"(B) to advocate for the waste-energy recovery opportunity.

"(3) PROCEDURES.—

"(A) IN GENERAL.—Except as otherwise provided in paragraphs (1) and (2), the procedures for the consideration and determination referred to in subsection (a) shall be the procedures established by the State regulatory authority or the nonregulated electric utility.

"(B) MULTIPLE PROJECTS.—If there is more than 1 project seeking consideration simultaneously in connection with the same utility, the proceeding may encompass all such projects, if full attention is paid to individual circumstances and merits and an individual judgment is reached with respect to each project.

"(f) IMPLEMENTATION.—

"(1) IN GENERAL.—The State regulatory authority (with respect to each electric utility for which the authority has ratemaking authority) or nonregulated electric utility may, to the extent consistent with otherwise applicable State law—

"(A) implement the standard determined under this section; or

"(B) decline to implement any such standard.

"(2) NONIMPLEMENTATION OF STANDARD.—

"(A) IN GENERAL.—If a State regulatory authority (with respect to each electric utility for which the authority has ratemaking authority) or nonregulated electric utility declines to implement any standard established by this section, the authority or nonregulated electric utility shall state in writing the reasons for declining to implement the standard.

"(B) AVAILABILITY TO PUBLIC.—The statement of reasons shall be available to the public.

"(C) ANNUAL REPORT.—The Administrator shall include in an annual report submitted to Congress a description of the lost opportunities for waste-heat recovery from the project described in subparagraph (A), specifically identifying the utility and stating the quantity of lost energy and emissions savings calculated.

"(D) NEW PETITION.—If a State regulatory authority (with respect to each electric utility for which the authority has ratemaking authority) or nonregulated electric utility declines to implement the standard established by this section, the project sponsor may submit a new petition under this section with respect to the project at any time after the date that is 2 years after the date on which the State regulatory authority or nonregulated utility declined to implement the standard.

"SEC. 375. CLEAN ENERGY APPLICATION CENTERS.

"(a) RENAMING.—

"(1) IN GENERAL.—The Combined Heat and Power Application Centers of the Department of Energy are redesignated as Clean Energy Application Centers.

"(2) REFERENCES.—Any reference in any law, rule, regulation, or publication to a Combined Heat and Power Application Center shall be treated as a reference to a Clean Energy Application Center.

"(b) RELOCATION.—

"(1) IN GENERAL.—In order to better coordinate efforts with the separate Industrial Assessment Centers and to ensure that the energy efficiency and, when applicable, the renewable nature of deploying mature clean energy technology is fully accounted for, the Secretary shall relocate the administration of the Clean Energy Application Centers to the Office of Energy Efficiency and Renewable Energy within the Department of Energy.

"(2) OFFICE OF ELECTRICITY DELIVERY AND ENERGY RELIABILITY.—The Office of Electricity Delivery and Energy Reliability shall—

"(A) continue to perform work on the role of technology described in paragraph (1) in support of the grid and the reliability and security of the technology; and

"(B) shall assist the Clean Energy Application Centers in the work of the Centers with regard to the grid and with electric utilities.

"(c) GRANTS.—

"(1) IN GENERAL.—The Secretary shall make grants to universities, research centers, and other appropriate institutions to ensure the continued operations and effectiveness of 8 Regional Clean Energy Application Centers in each of the following regions (as designated for such purposes as of the date of the enactment of the Energy Independence and Security Act of 2007):

"(A) Gulf Coast.

"(B) Intermountain.

"(C) Mid-Atlantic.

"(D) Midwest.

"(E) Northeast.

"(F) Northwest.

"(G) Pacific.

"(H) Southeast.

"(2) ESTABLISHMENT OF GOALS AND COMPLIANCE.—In making grants under this subsection, the Secretary shall ensure that sufficient goals are established and met by each Center throughout the program duration concerning outreach and technology deployment.

"(d) ACTIVITIES.—

"(1) IN GENERAL.—Each Clean Energy Application Center shall—

"(A) operate a program to encourage deployment of clean energy technologies through education and outreach to building and industrial professionals; and other individuals and organizations with an interest in efficient energy use; and

"(B) provide project specific support to building and industrial professionals through assessments and advisory activities.

"(2) TYPES OF ACTIVITIES.—Funds made available under this section may be used—

"(A) to develop and distribute informational materials on clean energy technologies, including continuation of the 8 websites in existence on the date of enactment of the Energy Independence and Security Act of 2007;

"(B) to develop and conduct target market workshops, seminars, internet programs, and other activities to educate end users, regulators, and stakeholders in a manner that leads to the deployment of clean energy technologies;

"(C) to provide or coordinate onsite assessments for sites and enterprises that may consider deployment of clean energy technology;

"(D) to perform market research to identify high profile candidates for clean energy deployment;

"(E) to provide consulting support to sites considering deployment of clean energy technologies;

"(F) to assist organizations developing clean energy technologies to overcome barriers to deployment; and

"(G) to assist companies and organizations with performance evaluations of any clean energy technology implemented.

"(e) DURATION.—

"(1) IN GENERAL.—A grant awarded under this section shall be for a period of 5 years

"(2) ANNUAL EVALUATIONS.—Each grant shall be evaluated annually for the continuation of the grant based on the activities and results of the grant.

"(f) AUTHORIZATION.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2008 through 2012.".

(b) TABLE OF CONTENTS.—The table of contents of the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by inserting after the items relating to part D of title III the following:

"PART E—INDUSTRIAL ENERGY EFFICIENCY

"Sec. 371. Definitions.
"Sec. 372. Survey and Registry.
"Sec. 373. Waste energy recovery incentive grant program.
"Sec. 374. Additional incentives for recovery, utilization and prevention of industrial waste energy.
"Sec. 375. Clean Energy Application Centers.".

SEC. 452. ENERGY-INTENSIVE INDUSTRIES PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) an energy-intensive industry;

(B) a national trade association representing an energy-intensive industry; or

(C) a person acting on behalf of 1 or more energy-intensive industries or sectors, as determined by the Secretary.

(2) ENERGY-INTENSIVE INDUSTRY.—The term "energy-intensive industry" means an industry that uses significant quantities of energy as part of its primary economic activities, including—

(A) information technology, including data centers containing electrical equipment used in processing, storing, and transmitting digital information;

(B) consumer product manufacturing;

(C) food processing;

(D) materials manufacturers, including—

(i) aluminum;

(ii) chemicals;

(iii) forest and paper products;

(iv) metal casting;

(v) glass;

(vi) petroleum refining;

(vii) mining; and

(viii) steel;

(E) other energy-intensive industries, as determined by the Secretary.

(3) FEEDSTOCK.—The term "feedstock" means the raw material supplied for use in manufacturing, chemical, and biological processes.

(4) PARTNERSHIP.—The term "partnership" means an energy efficiency partnership established under subsection (c)(1)(A).

(5) PROGRAM.—The term "program" means the energy-intensive industries program established under subsection (b).

(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program under which the Secretary, in cooperation with energy-intensive industries and national industry trade associations representing the energy-intensive industries, shall support, research, develop, and promote the use of new materials processes, technologies, and techniques to optimize energy efficiency and the economic competitiveness of the United States' industrial and commercial sectors.

(c) PARTNERSHIPS.—

(1) IN GENERAL.—As part of the program, the Secretary shall establish energy efficiency partnerships between the Secretary and eligible entities to conduct research on, develop, and demonstrate new processes, technologies, and operating practices and techniques to significantly improve the energy efficiency of equipment and processes used by energy-intensive industries, including the conduct of activities to—

(A) increase the energy efficiency of industrial processes and facilities;

(B) research, develop, and demonstrate advanced technologies capable of energy intensity reductions and increased environmental performance; and

(C) promote the use of the processes, technologies, and techniques described in subparagraphs (A) and (B).

(2) ELIGIBLE ACTIVITIES.—Partnership activities eligible for funding under this subsection include—

(A) feedstock and recycling research, development, and demonstration activities to identify and promote—

(i) opportunities for meeting industry feedstock requirements with more energy efficient and flexible sources of feedstock or energy supply;

(ii) strategies to develop and deploy technologies that improve the quality and quantity of feedstocks recovered from process and waste streams; and

(iii) other methods using recycling, reuse, and improved industrial materials;

(B) research to develop and demonstrate technologies and processes that utilize alternative energy sources to supply heat, power, and new feedstocks for energy-intensive industries;

(C) research to achieve energy efficiency in steam, power, control system, and process heat technologies, and in other manufacturing processes; and

(D) industrial and commercial energy efficiency and sustainability assessments to—

(i) assist individual industrial and commercial sectors in developing tools, techniques, and methodologies to assess—

(I) the unique processes and facilities of the sectors;

(II) the energy utilization requirements of the sectors; and

(III) the application of new, more energy efficient technologies; and

(ii) conduct energy savings assessments;

(E) the incorporation of technologies and innovations that would significantly improve the energy efficiency and utilization of energy-intensive commercial applications; and

(F) any other activities that the Secretary determines to be appropriate.

(3) PROPOSALS.—

(A) IN GENERAL.—To be eligible for funding under this subsection, a partnership shall submit to the Secretary a proposal that describes the proposed research, development, or demonstration activity to be conducted by the partnership.

(B) REVIEW.—After reviewing the scientific, technical, and commercial merit of a proposals submitted under subparagraph (A), the Secretary shall approve or disapprove the proposal.

(C) COMPETITIVE AWARDS.—The provision of funding under this subsection shall be on a competitive basis.

(4) COST-SHARING REQUIREMENT.—In carrying out this section, the Secretary shall require cost sharing in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(d) GRANTS.—The Secretary may award competitive grants for innovative technology research, development and demonstrations to universities, individual inventors, and small companies, based on energy savings potential, commercial viability, and technical merit.

(e) INSTITUTION OF HIGHER EDUCATION-BASED INDUSTRIAL RESEARCH AND ASSESSMENT CENTERS.—The Secretary shall provide funding to institution of higher education-based industrial research and assessment centers, whose purpose shall be—

(1) to identify opportunities for optimizing energy efficiency and environmental performance;

(2) to promote applications of emerging concepts and technologies in small and medium-sized manufacturers;

(3) to promote research and development for the use of alternative energy sources to supply heat, power, and new feedstocks for energy-intensive industries;

(4) to coordinate with appropriate Federal and State research offices, and provide a clearinghouse for industrial process and energy efficiency technical assistance resources; and

(5) to coordinate with State-accredited technical training centers and community colleges, while ensuring appropriate services to all regions of the United States.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this section—

(A) $184,000,000 for fiscal year 2008;

(B) $190,000,000 for fiscal year 2009;

(C) $196,000,000 for fiscal year 2010;

(D) $202,000,000 for fiscal year 2011;

(E) $208,000,000 for fiscal year 2012; and

(F) such sums as are necessary for fiscal year 2013 and each fiscal year thereafter.

(2) PARTNERSHIP ACTIVITIES.—Of the amounts made available under paragraph (1), not less than 50 percent shall be used to pay the Federal share of partnership activities under subsection (c).

(3) COORDINATION AND NONDUPLICATION.—The Secretary shall coordinate efforts under this section with other programs of the Department and other Federal agencies to avoid duplication of effort.

SEC. 453. ENERGY EFFICIENCY FOR DATA CENTER BUILDINGS.

(a) DEFINITIONS.—In this section:

(1) DATA CENTER.—The term "data center" means any facility that primarily contains electronic equipment used to process, store, and transmit digital information, which may be—

(A) a free-standing structure; or

(B) a facility within a larger structure, that uses environmental control equipment to maintain the proper conditions for the operation of electronic equipment.

(2) DATA CENTER OPERATOR.—The term "data center operator" means any person or government entity that builds or operates a data center or purchases data center services, equipment, and facilities.

(b) VOLUNTARY NATIONAL INFORMATION PROGRAM.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary and the Administrator of the Environmental Protection Agency shall, after consulting with information technology industry and other interested parties, initiate a voluntary national information program for those types of data centers and data center equipment and facilities that are widely used and for which there is a potential for significant data center energy savings as a result of the program.

(2) REQUIREMENTS.—The program described in paragraph (1) shall—

(A) address data center efficiency holistically, reflecting the total energy consumption of data centers as whole systems, including both equipment and facilities;

(B) consider prior work and studies undertaken in this area, including by the Environmental Protection Agency and the Department of Energy;

(C) consistent with the objectives described in paragraph (1), determine the type of data center and data center equipment and facilities to be covered under the program;

(D) produce specifications, measurements, best practices, and benchmarks that will enable data center operators to make more informed decisions about the energy efficiency and costs of data centers, and that take into account—

(i) the performance and use of servers, data storage devices, and other information technology equipment;

(ii) the efficiency of heating, ventilation, and air conditioning, cooling, and power conditioning systems, provided that no modification shall be required of a standard then in effect under the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.) for any covered heating, ventilation, air-conditioning, cooling or power-conditioning product;

(iii) energy savings from the adoption of software and data management techniques; and

(iv) other factors determined by the organization described in subsection (c);

(E) allow for creation of separate specifications, measurements, and benchmarks based on data center size and function, as well as other appropriate characteristics;

(F) advance the design and implementation of efficiency technologies to the maximum extent economically practical;

(G) provide to data center operators in the private sector and the Federal Government information about best practices and purchasing decisions that reduce the energy consumption of data centers; and

(H) publish the information described in subparagraph (G), which may be disseminated through catalogs, trade publications, the Internet, or other mechanisms, that will allow data center operators to assess the energy consumption and potential cost savings of alternative data centers and data center equipment and facilities.

(3) PROCEDURES.—The program described in paragraph (1) shall be developed in consultation with and coordinated by the organization described in subsection (c) according to commonly accepted procedures for the development of specifications, measurements, and benchmarks.

(c) DATA CENTER EFFICIENCY ORGANIZATION.—

(1) IN GENERAL.—After the establishment of the program described in subsection (b), the Secretary and the Administrator shall jointly designate an information technology industry organization to consult with and to coordinate the program.

(2) REQUIREMENTS.—The organization designated under paragraph (1), whether preexisting or formed specifically for the purposes of subsection (b), shall—

(A) consist of interested parties that have expertise in energy efficiency and in the development, operation, and functionality of computer data centers, information technology equipment, and software, as well as representatives of hardware manufacturers, data center operators, and facility managers;

(B) obtain and address input from Department of Energy National Laboratories or any college, university, research institution, industry association, company, or public interest group with applicable expertise in any of the areas listed in paragraph (1);

(C) follow commonly accepted procedures for the development of specifications and accredited standards development processes;

(D) have a mission to develop and promote energy efficiency for data centers and information technology; and

(E) have the primary responsibility to consult in the development and publishing of the information, measurements, and benchmarks described in subsection (b) and transmission of the information to the Secretary and the Administrator for consideration under subsection (d).

(d) MEASUREMENTS AND SPECIFICATIONS.—

(1) IN GENERAL.—The Secretary and the Administrator shall consider the specifications, measurements, and benchmarks described in subsection (b) for use by the Federal Energy Management Program, the Energy Star Program, and other efficiency programs of the Department of Energy and Environmental Protection Agency, respectively.

(2) REJECTIONS.—If the Secretary or the Administrator rejects 1 or more specifications, measurements, or benchmarks described in subsection (b), the rejection shall be made consistent with section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note; Public Law 104-113).

(3) DETERMINATION OF IMPRACTICABILITY.—A determination that a specification, measurement, or benchmark described in subsection (b) is impractical may include consideration of the maximum efficiency that is

technologically feasible and economically justified.

(e) MONITORING.—The Secretary and the Administrator shall—

(1) monitor and evaluate the efforts to develop the program described in subsection (b); and

(2) not later than 3 years after the date of enactment of this Act, make a determination as to whether the program is consistent with the objectives of subsection (b).

(f) ALTERNATIVE SYSTEM.—If the Secretary and the Administrator make a determination under subsection (e) that a voluntary national information program for data centers consistent with the objectives of subsection (b) has not been developed, the Secretary and the Administrator shall, after consultation with the National Institute of Standards and Technology and not later than 2 years after the determination, develop and implement the program under subsection (b).

(g) PROTECTION OF PROPRIETARY INFORMATION.—The Secretary, the Administrator, or the data center efficiency organization shall not disclose any proprietary information or trade secrets provided by any individual or company for the purposes of carrying out this section or the program established under this section.

Subtitle E—Healthy High-Performance Schools

SEC. 461. HEALTHY HIGH-PERFORMANCE SCHOOLS.

(a) AMENDMENT.—The Toxic Substances Control Act (15 U.S.C. 2601 et seq.) is amended by adding at the end the following new title:

“TITLE V—HEALTHY HIGH-PERFORMANCE SCHOOLS

“SEC. 501. GRANTS FOR HEALTHY SCHOOL ENVIRONMENTS.

“(a) IN GENERAL.—The Administrator, in consultation with the Secretary of Education, may provide grants to States for use in—

“(1) providing technical assistance for programs of the Environmental Protection Agency (including the Tools for Schools Program and the Healthy School Environmental Assessment Tool) to schools for use in addressing environmental issues; and

“(2) development and implementation of State school environmental health programs that include—

“(A) standards for school building design, construction, and renovation; and

“(B) identification of ongoing school building environmental problems, including contaminants, hazardous substances, and pollutant emissions, in the State and recommended solutions to address those problems, including assessment of information on the exposure of children to environmental hazards in school facilities.

“(b) SUNSET.—The authority of the Administrator to carry out this section shall expire 5 years after the date of enactment of this section.

“SEC. 502. MODEL GUIDELINES FOR SITING OF SCHOOL FACILITIES.

“Not later than 18 months after the date of enactment of this section, the Administrator, in consultation with the Secretary of Education and the Secretary of Health and Human Services, shall issue voluntary school site selection guidelines that account for—

“(1) the special vulnerability of children to hazardous substances or pollution exposures in any case in which the potential for contamination at a potential school site exists;

“(2) modes of transportation available to students and staff;

“(3) the efficient use of energy; and

“(4) the potential use of a school at the site as an emergency shelter.

“SEC. 503. PUBLIC OUTREACH.

“(a) REPORTS.—The Administrator shall publish and submit to Congress an annual report on all activities carried out under this title, until the expiration of authority described in section 501(b).

“(b) PUBLIC OUTREACH.—The Federal Director appointed under section 436(a) of the Energy Independence and Security Act of 2007 (in this title referred to as the ‘Federal Director’) shall ensure, to the maximum extent practicable, that the public clearinghouse established under section 423(1) of the Energy Independence and Security Act of 2007 receives and makes available information on the exposure of children to environmental hazards in school facilities, as provided by the Administrator.

“SEC. 504. ENVIRONMENTAL HEALTH PROGRAM.

“(a) IN GENERAL.—Not later than 2 years after the date of enactment of this section, the Administrator, in consultation with the Secretary of Education, the Secretary of Health and Human Services, and other relevant agencies, shall issue voluntary guidelines for use by the State in developing and implementing an environmental health program for schools that—

“(1) takes into account the status and findings of Federal initiatives established under this title or subtitle C of title IV of the Energy Independence and Security Act of 2007 and other relevant Federal law with respect to school facilities, including relevant updates on trends in the field, such as the impact of school facility environments on student and staff—

“(A) health, safety, and productivity; and

“(B) disabilities or special needs;

“(2) takes into account studies using relevant tools identified or developed in accordance with section 492 of the Energy Independence and Security Act of 2007;

“(3) takes into account, with respect to school facilities, each of—

“(A) environmental problems, contaminants, hazardous substances, and pollutant emissions, including—

“(i) lead from drinking water;

“(ii) lead from materials and products;

“(iii) asbestos;

“(iv) radon;

“(v) the presence of elemental mercury releases from products and containers;

“(vi) pollutant emissions from materials and products; and

“(vii) any other environmental problem, contaminant, hazardous substance, or pollutant emission that present or may present a risk to the health of occupants of the school facilities or environment;

“(B) natural day lighting;

“(C) ventilation choices and technologies;

“(D) heating and cooling choices and technologies;

“(E) moisture control and mold;

“(F) maintenance, cleaning, and pest control activities;

“(G) acoustics; and

“(H) other issues relating to the health, comfort, productivity, and performance of occupants of the school facilities;

“(4) provides technical assistance on siting, design, management, and operation of school facilities, including facilities used by students with disabilities or special needs;

“(5) collaborates with federally funded pediatric environmental health centers to assist in on-site school environmental investigations;

“(6) assists States and the public in better understanding and improving the environmental health of children; and

“(7) takes into account the special vulnerability of children in low-income and minority communities to exposures from contaminants, hazardous substances, and pollutant emissions.

“(b) PUBLIC OUTREACH.—The Federal Director and Commercial Director shall ensure, to the maximum extent practicable, that the public clearinghouse established under section 423 of the Energy Independence and Security Act of 2007 receives and makes available—

“(1) information from the Administrator that is contained in the report described in section 503(a); and

“(2) information on the exposure of children to environmental hazards in school facilities, as provided by the Administrator.

“SEC. 505. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this title $1,000,000 for fiscal year 2009, and $1,500,000 for each of fiscal years 2010 through 2013, to remain available until expended.”.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents for the Toxic Substances Control Act (15 U.S.C. 2601 et seq.) is amended by adding at the end the following:

“TITLE V—HEALTHY HIGH-PERFORMANCE SCHOOLS

“Sec. 501. Grants for healthy school environments.
“Sec. 502. Model guidelines for siting of school facilities.
“Sec. 503. Public outreach.
“Sec. 504. Environmental health program.
“Sec. 505. Authorization of appropriations.”.

SEC. 462. STUDY ON INDOOR ENVIRONMENTAL QUALITY IN SCHOOLS.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency shall enter into an arrangement with the Secretary of Education and the Secretary of Energy to conduct a detailed study of how sustainable building features such as energy efficiency affect multiple perceived indoor environmental quality stressors on students in K–12 schools.

(b) CONTENTS.—The study shall—

(1) investigate the combined effect building stressors such as heating, cooling, humidity, lighting, and acoustics have on building occupants' health, productivity, and overall well-being;

(2) identify how sustainable building features, such as energy efficiency, are influencing these human outcomes singly and in concert; and

(3) ensure that the impacts of the indoor environmental quality are evaluated as a whole.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for carrying out this section $200,000 for each of the fiscal years 2008 through 2012.

Subtitle F—Institutional Entities

SEC. 471. ENERGY SUSTAINABILITY AND EFFICIENCY GRANTS AND LOANS FOR INSTITUTIONS.

Part G of title III of the Energy Policy and Conservation Act is amended by inserting after section 399 (42 U.S.C. 6371h) the following:

“SEC. 399A. ENERGY SUSTAINABILITY AND EFFICIENCY GRANTS AND LOANS FOR INSTITUTIONS.

“(a) DEFINITIONS.—In this section:

“(1) COMBINED HEAT AND POWER.—The term ‘combined heat and power’ means the generation of electric energy and heat in a single, integrated system, with an overall thermal efficiency of 60 percent or greater on a higher-heating-value basis.

“(2) DISTRICT ENERGY SYSTEMS.—The term ‘district energy systems’ means systems providing thermal energy from a renewable energy source, thermal energy source, or highly efficient technology to more than 1 building or fixed energy-consuming use from 1 or more thermal-energy production facilities through pipes or other means to provide space heating, space conditioning, hot water, steam, compression, process energy, or other end uses for that energy.

“(3) ENERGY SUSTAINABILITY.—The term ‘energy sustainability’ includes using a renewable energy source, thermal energy source, or a highly efficient technology for transportation, electricity generation, heating, cooling, lighting, or other energy services in fixed installations.

“(4) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

“(5) INSTITUTIONAL ENTITY.—The term ‘institutional entity’ means an institution of higher education, a public school district, a local government, a municipal utility, or a designee of 1 of those entities.

“(6) RENEWABLE ENERGY SOURCE.—The term ‘renewable energy source’ has the meaning given the term in section 609 of the Public Utility Regulatory Policies Act of 1978 (7 U.S.C. 918c).

“(7) SUSTAINABLE ENERGY INFRASTRUCTURE.—The term ‘sustainable energy infrastructure’ means—

“(A) facilities for production of energy from renewable energy sources, thermal energy sources, or highly efficient technologies, including combined heat and power or other waste heat use; and

“(B) district energy systems.

“(8) THERMAL ENERGY SOURCE.—The term ‘thermal energy source’ means—

“(A) a natural source of cooling or heating from lake or ocean water; and

“(B) recovery of useful energy that would otherwise be wasted from ongoing energy uses.

“(b) TECHNICAL ASSISTANCE GRANTS.—

“(1) IN GENERAL.—Subject to the availability of appropriated funds, the Secretary shall implement a program of information dissemination and technical assistance to institutional entities to assist the institutional entities in identifying, evaluating, designing, and implementing sustainable energy infrastructure projects in energy sustainability.

“(2) ASSISTANCE.—The Secretary shall support institutional entities in—

“(A) identification of opportunities for sustainable energy infrastructure;

“(B) understanding the technical and economic characteristics of sustainable energy infrastructure;

“(C) utility interconnection and negotiation of power and fuel contracts;

“(D) understanding financing alternatives;

“(E) permitting and siting issues;

“(F) obtaining case studies of similar and successful sustainable energy infrastructure systems; and

“(G) reviewing and obtaining computer software for assessment, design, and operation and maintenance of sustainable energy infrastructure systems.

“(3) ELIGIBLE COSTS FOR TECHNICAL ASSISTANCE GRANTS.—On receipt of an application of an institutional entity, the Secretary may make grants to the institutional entity to fund a portion of the cost of—

“(A) feasibility studies to assess the potential for implementation or improvement of sustainable energy infrastructure;

“(B) analysis and implementation of strategies to overcome barriers to project implementation, including financial, contracting, siting, and permitting barriers; and

“(C) detailed engineering of sustainable energy infrastructure.

“(c) GRANTS FOR ENERGY EFFICIENCY IMPROVEMENT AND ENERGY SUSTAINABILITY.—

“(1) GRANTS.—

“(A) IN GENERAL.—The Secretary shall award grants to institutional entities to carry out projects to improve energy efficiency on the grounds and facilities of the institutional entity.

“(B) REQUIREMENT.—To the extent that applications have been submitted, grants under subparagraph (A) shall include not less than 1 grant each year to an institution of higher education in each State.

“(C) MINIMUM FUNDING.—Not less than 50 percent of the total funding for all grants under this subsection shall be awarded in grants to institutions of higher education.

“(2) CRITERIA.—Evaluation of projects for grant funding shall be based on criteria established by the Secretary, including criteria relating to—

“(A) improvement in energy efficiency;

“(B) reduction in greenhouse gas emissions and other air emissions, including criteria air pollutants and ozone-depleting refrigerants;

“(C) increased use of renewable energy sources or thermal energy sources;

“(D) reduction in consumption of fossil fuels;

“(E) active student participation; and

“(F) need for funding assistance.

“(3) CONDITION.—As a condition of receiving a grant under this subsection, an institutional entity shall agree—

“(A) to implement a public awareness campaign concerning the project in the community in which the institutional entity is located; and

“(B) to submit to the Secretary, and make available to the public, reports on any efficiency improvements, energy cost savings, and environmental benefits achieved as part of a project carried out under paragraph (1), including quantification of the results relative to the criteria described under paragraph (2).

“(d) GRANTS FOR INNOVATION IN ENERGY SUSTAINABILITY.—

“(1) GRANTS.—

“(A) IN GENERAL.—The Secretary shall award grants to institutional entities to engage in innovative energy sustainability projects.

“(B) REQUIREMENT.—To the extent that applications have been submitted, grants under subparagraph (A) shall include not less than 2 grants each year to institutions of higher education in each State.

“(C) MINIMUM FUNDING.—Not less than 50 percent of the total funding for all grants under this subsection shall be awarded in grants to institutions of higher education.

“(2) INNOVATION PROJECTS.—An innovation project carried out with a grant under this subsection shall—

“(A) involve—

“(i) an innovative technology that is not yet commercially available; or

“(ii) available technology in an innovative application that maximizes energy efficiency and sustainability;

“(B) have the greatest potential for testing or demonstrating new technologies or processes; and

“(C) to the extent undertaken by an institution of higher education, ensure active student participation in the project, including the planning, implementation, evaluation, and other phases of projects.

“(3) CONDITION.—As a condition of receiving a grant under this subsection, an institutional entity shall agree to submit to the Secretary, and make available to the public, reports that describe the results of the projects carried out using grant funds.

“(e) ALLOCATION TO INSTITUTIONS OF HIGHER EDUCATION WITH SMALL ENDOWMENTS.—

“(1) IN GENERAL.—Of the total amount of grants provided to institutions of higher education for a fiscal year under this section, the Secretary shall provide not less than 50 percent of the amount to institutions of higher education that have an endowment of not more than $100,000,000.

“(2) REQUIREMENT.—To the extent that applications have been submitted, at least 50 percent of the amount described in paragraph (1) shall be provided to institutions of higher education that have an endowment of not more than $50,000,000.

“(f) GRANT AMOUNTS.—

“(1) IN GENERAL.—If the Secretary determines that cost sharing is appropriate, the amounts of grants provided under this section shall be limited as provided in this subsection.

“(2) TECHNICAL ASSISTANCE GRANTS.—In the case of grants for technical assistance under subsection (b), grant funds shall be available for not more than—

“(A) an amount equal to the lesser of—

“(i) $50,000; or

“(ii) 75 percent of the cost of feasibility studies to assess the potential for implementation or improvement of sustainable energy infrastructure;

“(B) an amount equal to the lesser of—

“(i) $90,000; or

“(ii) 60 percent of the cost of guidance on overcoming barriers to project implementation, including financial, contracting, siting, and permitting barriers; and

“(C) an amount equal to the lesser of—

“(i) $250,000; or

“(ii) 40 percent of the cost of detailed engineering and design of sustainable energy infrastructure.

“(3) GRANTS FOR EFFICIENCY IMPROVEMENT AND ENERGY SUSTAINABILITY.—In the case of grants for efficiency improvement and energy sustainability under subsection (c), grant funds shall be available for not more than an amount equal to the lesser of—

“(A) $1,000,000; or

“(B) 60 percent of the total cost.

“(4) GRANTS FOR INNOVATION IN ENERGY SUSTAINABILITY.—In the case of grants for innovation in energy sustainability under subsection (d), grant funds shall be available for not more than an amount equal to the lesser of—

“(A) $500,000; or

“(B) 75 percent of the total cost.

“(g) LOANS FOR ENERGY EFFICIENCY IMPROVEMENT AND ENERGY SUSTAINABILITY.—

“(1) IN GENERAL.—Subject to the availability of appropriated funds, the Secretary shall provide loans to institutional entities for the purpose of implementing energy efficiency improvements and sustainable energy infrastructure.

“(2) TERMS AND CONDITIONS.—

“(A) IN GENERAL.—Except as otherwise provided in this paragraph, loans made under this subsection shall be on such terms and conditions as the Secretary may prescribe.

"(B) MATURITY.—The final maturity of loans made within a period shall be the lesser of, as determined by the Secretary—

"(i) 20 years; or

"(ii) 90 percent of the useful life of the principal physical asset to be financed by the loan.

"(C) DEFAULT.—No loan made under this subsection may be subordinated to another debt contracted by the institutional entity or to any other claims against the institutional entity in the case of default.

"(D) BENCHMARK INTEREST RATE.—

"(i) IN GENERAL.—Loans under this subsection shall be at an interest rate that is set by reference to a benchmark interest rate (yield) on marketable Treasury securities with a similar maturity to the direct loans being made.

"(ii) MINIMUM.—The minimum interest rate of loans under this subsection shall be at the interest rate of the benchmark financial instrument.

"(iii) NEW LOANS.—The minimum interest rate of new loans shall be adjusted each quarter to take account of changes in the interest rate of the benchmark financial instrument.

"(E) CREDIT RISK.—The Secretary shall—

"(i) prescribe explicit standards for use in periodically assessing the credit risk of making direct loans under this subsection; and

"(ii) find that there is a reasonable assurance of repayment before making a loan.

"(F) ADVANCE BUDGET AUTHORITY REQUIRED.—New direct loans may not be obligated under this subsection except to the extent that appropriations of budget authority to cover the costs of the new direct loans are made in advance, as required by section 504 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c).

"(3) CRITERIA.—Evaluation of projects for potential loan funding shall be based on criteria established by the Secretary, including criteria relating to—

"(A) improvement in energy efficiency;

"(B) reduction in greenhouse gas emissions and other air emissions, including criteria air pollutants and ozone-depleting refrigerants;

"(C) increased use of renewable electric energy sources or renewable thermal energy sources;

"(D) reduction in consumption of fossil fuels; and

"(E) need for funding assistance, including consideration of the size of endowment or other financial resources available to the institutional entity.

"(4) LABOR STANDARDS.—

"(A) IN GENERAL.—All laborers and mechanics employed by contractors or subcontractors in the performance of construction, repair, or alteration work funded in whole or in part under this section shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with sections 3141 through 3144, 3146, and 3147 of title 40, United States Code. The Secretary shall not approve any such funding without first obtaining adequate assurance that required labor standards will be maintained upon the construction work.

"(B) AUTHORITY AND FUNCTIONS.—The Secretary of Labor shall have, with respect to the labor standards specified in paragraph (1), the authority and functions set forth in Reorganization Plan Number 14 of 1950 (15 Fed. Reg. 3176; 64 Stat. 1267) and section 3145 of title 40, United States Code.

"(h) PROGRAM PROCEDURES.—Not later than 180 days after the date of enactment of this section, the Secretary shall establish procedures for the solicitation and evaluation of potential projects for grant and loan funding and administration of the grant and loan programs.

"(i) AUTHORIZATION.—

"(1) GRANTS.—There is authorized to be appropriated for the cost of grants authorized in subsections (b), (c), and (d) $250,000,000 for each of fiscal years 2009 through 2013, of which not more than 5 percent may be used for administrative expenses.

"(2) LOANS.—There is authorized to be appropriated for the initial cost of direct loans authorized in subsection (g) $500,000,000 for each of fiscal years 2009 through 2013, of which not more than 5 percent may be used for administrative expenses.".

Subtitle G—Public and Assisted Housing

SEC. 481. APPLICATION OF INTERNATIONAL ENERGY CONSERVATION CODE TO PUBLIC AND ASSISTED HOUSING.

Section 109 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12709) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(C), by striking ", where such standards are determined to be cost effective by the Secretary of Housing and Urban Development"; and

(B) in the first sentence of paragraph (2)—

(i) by striking "Council of American Building Officials Model Energy Code, 1992" and inserting "2006 International Energy Conservation Code"; and

(ii) by striking ", and, with respect to rehabilitation and new construction of public and assisted housing funded by HOPE VI revitalization grants under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), the 2003 International Energy Conservation Code";

(2) in subsection (b)—

(A) in the heading, by striking "**MODEL ENERGY CODE.**—" and inserting "**INTERNATIONAL ENERGY CONSERVATION CODE.**—";

(B) by inserting "and rehabilitation" after "all new construction"; and

(C) by striking ", and, with respect to rehabilitation and new construction of public and assisted housing funded by HOPE VI revitalization grants under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), the 2003 International Energy Conservation Code";

(3) in subsection (c)—

(A) in the heading, by striking "**MODEL ENERGY CODE AND**"; and

(B) by striking ", or, with respect to rehabilitation and new construction of public and assisted housing funded by HOPE VI revitalization grants under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), the 2003 International Energy Conservation Code";

(4) by adding at the end the following:

"(d) FAILURE TO AMEND THE STANDARDS.—If the Secretary of Housing and Urban Development and the Secretary of Agriculture have not, within 1 year after the requirements of the 2006 IECC or the ASHRAE Standard 90.1–2004 are revised, amended the standards or made a determination under subsection (c), all new construction and rehabilitation of housing specified in subsection (a) shall meet the requirements of the revised code or standard if—

"(1) the Secretary of Housing and Urban Development or the Secretary of Agriculture make a determination that the revised codes do not negatively affect the availability or affordability of new construction of assisted housing and single family and multifamily residential housing (other than manufactured homes) subject to mortgages insured under the National Housing Act (12 U.S.C. 1701 et seq.) or insured, guaranteed, or made by the Secretary of Agriculture under title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.), respectively; and

"(2) the Secretary of Energy has made a determination under section 304 of the Energy Conservation and Production Act (42 U.S.C. 6833) that the revised code or standard would improve energy efficiency.";

(5) by striking "CABO Model Energy Code, 1992" each place it appears and inserting "the 2006 IECC"; and

(6) by striking "1989" each place it appears and inserting "2004".

Subtitle H—General Provisions

SEC. 491. DEMONSTRATION PROJECT.

(a) IN GENERAL.—The Federal Director and the Commercial Director shall establish guidelines to implement a demonstration project to contribute to the research goals of the Office of Commercial High-Performance Green Buildings and the Office of Federal High-Performance Green Buildings.

(b) PROJECTS.—In accordance with guidelines established by the Federal Director and the Commercial Director under subsection (a) and the duties of the Federal Director and the Commercial Director described in this title, the Federal Director or the Commercial Director shall carry out—

(1) for each of fiscal years 2009 through 2014, 1 demonstration project per year of green features in a Federal building selected by the Federal Director in accordance with relevant agencies and described in subsection (c)(1), that—

(A) provides for instrumentation, monitoring, and data collection related to the green features, for study of the impact of the features on overall enrgy use and operational costs, and for the evaluation of the information obtained through the conduct of projects and activities under this title; and

(B) achieves the highest rating offered by the high performance green building system identified pursuant to section 436(h);

(2) no fewer than 4 demonstration projects at 4 universities, that, as competitively selected by the Commercial Director in accordance with subsection (c)(2), have—

(A) appropriate research resources and relevant projects to meet the goals of the demonstration project established by the Office of Commercial High-Performance Green Buildings; and

(B) the ability—

(i) to serve as a model for high-performance green building initiatives, including research and education by achieving the highest rating offered by the high performance green building system identified pursuant to section 436(h);

(ii) to identify the most effective ways o use high-performance green building and landscape technologies to engage and educate undergraduate and graduate students;

(iii) to effectively implement a high-performance green building education program for students and occupants;

(iv) to demonstrate the effectiveness of various high-performance technologies, including their impacts on energy use and operational costs, in each of the 4 climatic regions of the United States described in subsection (c)(2)(B); and

(v) to explore quantifiable and nonquantifiable beneficial impacts on public health and employee and student performance;

(3) demonstration projects to evaluate replicable approaches of achieving high performance in actual building operation in various types of commercial buildings in various climates; and

(4) deployment activities to disseminate information on and encourage widespread adoption of technologies, practices, and policies to achieve zero-net-energy commercial buildings or low energy use and effective monitoring of energy use in commercial buildings.

(c) CRITERIA.—

(1) FEDERAL FACILITIES.—With respect to the existing or proposed Federal facility at which a demonstration project under this section is conducted, the Federal facility shall—

(A) be an appropriate model for a project relating to—

(i) the effectiveness of high-performance technologies;

(ii) analysis of materials, components, systems, and emergency operations in the building, and the impact of those materials, components, and systems, including the impact on the health of building occupants;

(iii) life-cycle costing and life-cycle assessment of building materials and systems; and

(iv) location and design that promote access to the Federal facility through walking, biking, and mass transit; and

(B) possess sufficient technological and organizational adaptability.

(2) UNIVERSITIES.—With respect to the 4 universities at which a demonstration project under this section is conducted—

(A) the universities should be selected, after careful review of all applications received containing the required information, as determined by the Commercial Director, based on—

(i) successful and established public-private research and development partnerships;

(ii) demonstrated capabilities to construct or renovate buildings that meet high indoor environmental quality standards;

(iii) organizational flexibility;

(iv) technological adaptability;

(v) the demonstrated capacity of at least 1 university to replicate lessons learned among nearby or sister universities, preferably by participation in groups or consortia that promote sustainability;

(vi) the demonstrated capacity of at least 1 university to have officially-adopted, institution-wide "high-performance green building" guidelines for all campus building projects; and

(vii) the demonstrated capacity of at least 1 university to have been recognized by similar institutions as a national leader in sustainability education and curriculum for students of the university; and

(B) each university shall be located in a different climatic region of the United States, each of which regions shall have, as determined by the Office of Commercial High-Performance Green Buildings—

(i) a hot, dry climate;

(ii) a hot, humid climate;

(iii) a cold climate; or

(iv) a temperate climate (including a climate with cold winters and humid summers).

(d) APPLICATIONS.—To receive a grant under subsection (b), an eligible applicant shall submit to the Federal Director or the Commercial Director an application at such time, in such manner, and containing such information as the Director may require, including a written assurance that all laborers and mechanics employed by contractors or subcontractors during construction, alteration, or repair that is financed, in whole or in part, by a grant under this section shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with sections 3141 through 3144, 3146, and 3147 of title 40, United States Code. The Secretary of Labor shall, with respect to the labor standards described in this subsection, have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. App.) and section 3145 of title 40, United States Code.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter through September 30, 2014—

(1) the Federal Director and the Commercial Director shall submit to the Secretary a report that describes the status of the demonstration projects; and

(2) each University at which a demonstration project under this section is conducted shall submit to the Secretary a report that describes the status of the demonstration projects under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the demonstration project described in section (b)(1) $10,000,000 for the period of fiscal years 2008 through 2012, and to carry out the demonstration project described in section (b)(2), $10,000,000 for the period of fiscal years 2008 through 2012, to remain available until expended.

SEC. 492. RESEARCH AND DEVELOPMENT.

(a) ESTABLISHMENT.—The Federal Director and the Commercial Director, jointly and in coordination with the Advisory Committee, shall—

(1)(A) survey existing research and studies relating to high-performance green buildings; and

(B) coordinate activities of common interest;

(2) develop and recommend a high-performance green building research plan that—

(A) identifies information and research needs, including the relationships between human health, occupant productivity, safety, security, and accessibility and each of—

(i) emissions from materials and products in the building;

(ii) natural day lighting;

(iii) ventilation choices and technologies;

(iv) heating, cooling, and system control choices and technologies;

(v) moisture control and mold;

(vi) maintenance, cleaning, and pest control activities;

(vii) acoustics;

(viii) access to public transportation; and

(ix) other issues relating to the health, comfort, productivity, and performance of occupants of the building;

(B) promotes the development and dissemination of high-performance green building measurement tools that, at a minimum, may be used—

(i) to monitor and assess the life-cycle performance of facilities (including demonstration projects) built as high-performance green buildings; and

(ii) to perform life-cycle assessments; and

(C) identifies and tests new and emerging technologies for high performance green buildings;

(3) assist the budget and life-cycle costing functions of the Directors' Offices under section 436(d);

(4) study and identify potential benefits of green buildings relating to security, natural disaster, and emergency needs of the Federal Government; and

(5) support other research initiatives determined by the Directors' Offices.

(b) INDOOR AIR QUALITY.—The Federal Director, in consultation with the Administrator of the Environmental Protection Agency and the Advisory Committee, shall develop and carry out a comprehensive indoor air quality program for all Federal facilities to ensure the safety of Federal workers and facility occupants—

(1) during new construction and renovation of facilities; and

(2) in existing facilities.

SEC. 493. ENVIRONMENTAL PROTECTION AGENCY DEMONSTRATION GRANT PROGRAM FOR LOCAL GOVERNMENTS.

Title III of the Clean Air Act (42 U.S.C. 7601 et seq.) is amended by adding at the end the following:

"SEC. 329. DEMONSTRATION GRANT PROGRAM FOR LOCAL GOVERNMENTS.

"(a) GRANT PROGRAM.—

"(1) IN GENERAL.—The Administrator shall establish a demonstration program under which the Administrator shall provide competitive grants to assist local governments (such as municipalities and counties), with respect to local government buildings—

"(A) to deploy cost-effective technologies and practices; and

"(B) to achieve operational cost savings, through the application of cost-effective technologies and practices, as verified by the Administrator.

"(2) COST SHARING.—

"(A) IN GENERAL.—The Federal share of the cost of an activity carried out using a grant provided under this section shall be 40 percent.

"(B) WAIVER OF NON-FEDERAL SHARE.—The Administrator may waive up to 100 percent of the local share of the cost of any grant under this section should the Administrator determine that the community is economically distressed, pursuant to objective economic criteria established by the Administrator in published guidelines.

"(3) MAXIMUM AMOUNT.—The amount of a grant provided under this subsection shall not exceed $1,000,000.

"(b) GUIDELINES.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Administrator shall issue guidelines to implement the grant program established under subsection (a).

"(2) REQUIREMENTS.—The guidelines under paragraph (1) shall establish—

"(A) standards for monitoring and verification of operational cost savings through the application of cost-effective technologies and practices reported by grantees under this section;

"(B) standards for grantees to implement training programs, and to provide technical assistance and education, relating to the retrofit of buildings using cost-effective technologies and practices; and

"(C) a requirement that each local government that receives a grant under this section shall achieve facility-wide cost savings, through renovation of existing local government buildings using cost-effective technologies and practices, of at least 40 percent as compared to the baseline operational costs of the buildings before the renovation (as calculated assuming a 3-year, weather-normalized average).

"(c) COMPLIANCE WITH STATE AND LOCAL LAW.—Nothing in this section or any program carried out using a grant provided under this section supersedes or otherwise affects any State or local law, to the extent that the State or local law contains a requirement that is more stringent than the relevant requirement of this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2007 through 2012.

"(e) REPORTS.—

"(1) IN GENERAL.—The Administrator shall provide annual reports to Congress on cost savings achieved and actions taken and recommendations made under this section, and any recommendations for further action.

"(2) FINAL REPORT.—The Administrator shall issue a final report at the conclusion of the program, including findings, a summary of total cost savings achieved, and recommendations for further action.

"(f) TERMINATION.—The program under this section shall terminate on September 30, 2012.

"(g) DEFINITIONS.—In this section, the terms 'cost effective technologies and practices' and 'operating cost savings' shall have the meanings defined in section 401 of the Energy Independence and Security Act of 2007.".

SEC. 494. GREEN BUILDING ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Federal Director, in coordination with the Commercial Director, shall establish an advisory committee, to be known as the "Green Building Advisory Committee".

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Committee shall be composed of representatives of, at a minimum—

(A) each agency referred to in section 421(e); and

(B) other relevant agencies and entities, as determined by the Federal Director, including at least 1 representative of each of—

(i) State and local governmental green building programs;

(ii) independent green building associations or councils;

(iii) building experts, including architects, material suppliers, and construction contractors;

(iv) security advisors focusing on national security needs, natural disasters, and other dire emergency situations;

(v) public transportation industry experts; and

(vi) environmental health experts, including those with experience in children's health.

(2) NON-FEDERAL MEMBERS.—The total number of non-Federal members on the Committee at any time shall not exceed 15.

(c) MEETINGS.—The Federal Director shall establish a regular schedule of meetings for the Committee.

(d) DUTIES.—The Committee shall provide advice and expertise for use by the Federal Director in carrying out the duties under this subtitle, including such recommendations relating to Federal activities carried out under sections 434 through 436 as are agreed to by a majority of the members of the Committee.

(e) FACA EXEMPTION.—The Committee shall not be subject to section 14 of the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 495. ADVISORY COMMITTEE ON ENERGY EFFICIENCY FINANCE.

(a) ESTABLISHMENT.—The Secretary, acting through the Assistant Secretary of Energy for Energy Efficiency and Renewable Energy, shall establish an Advisory Committee on Energy Efficiency Finance to provide advice and recommendations to the Department on energy efficiency finance and investment issues, options, ideas, and trends, and to assist the energy community in identifying practical ways of lowering costs and increasing investments in energy efficiency technologies.

(b) MEMBERSHIP.—The advisory committee established under this section shall have a balanced membership that shall include members with expertise in—

(1) availability of seed capital;

(2) availability of venture capital;

(3) availability of other sources of private equity;

(4) investment banking with respect to corporate finance;

(5) investment banking with respect to mergers and acquisitions;

(6) equity capital markets;

(7) debt capital markets;

(8) research analysis;

(9) sales and trading;

(10) commercial lending; and

(11) residential lending.

(c) TERMINATION.—The Advisory Committee on Energy Efficiency Finance shall terminate on the date that is 10 years after the date of enactment of this Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to the Secretary for carrying out this section.

TITLE V—ENERGY SAVINGS IN GOVERNMENT AND PUBLIC INSTITUTIONS

Subtitle A—United States Capitol Complex

SEC. 501. CAPITOL COMPLEX PHOTOVOLTAIC ROOF FEASIBILITY STUDIES.

(a) STUDIES.—The Architect of the Capitol may conduct feasibility studies regarding construction of photovoltaic roofs for the Rayburn House Office Building and the Hart Senate Office Building.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Architect of the Capitol shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Rules and Administration of the Senate a report on the results of the feasibility studies and recommendations regarding construction of photovoltaic roofs for the buildings referred to in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000.

SEC. 502. CAPITOL COMPLEX E-85 REFUELING STATION.

(a) CONSTRUCTION.—The Architect of the Capitol may construct a fuel tank and pumping system for E-85 fuel at or within close proximity to the Capitol Grounds Fuel Station.

(b) USE.—The E-85 fuel tank and pumping system shall be available for use by all legislative branch vehicles capable of operating with E-85 fuel, subject to such other legislative branch agencies reimbursing the Architect of the Capitol for the costs of E-85 fuel used by such other legislative branch vehicles.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $640,000 for fiscal year 2008.

SEC. 503. ENERGY AND ENVIRONMENTAL MEASURES IN CAPITOL COMPLEX MASTER PLAN.

(a) IN GENERAL.—To the maximum extent practicable, the Architect of the Capitol shall include energy efficiency and conservation measures, greenhouse gas emission reduction measures, and other appropriate environmental measures in the Capitol Complex Master Plan.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Architect of the Capitol shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Rules and Administration of the Senate a report on the energy efficiency and conservation measures, greenhouse gas emission reduction measures, and other appropriate environmental measures included in the Capitol Complex Master Plan pursuant to subsection (a).

SEC. 504. PROMOTING MAXIMUM EFFICIENCY IN OPERATION OF CAPITOL POWER PLANT.

(a) STEAM BOILERS.—

(1) IN GENERAL.—The Architect of the Capitol shall take such steps as may be necessary to operate the steam boilers at the Capitol Power Plant in the most energy efficient manner possible to minimize carbon emissions and operating costs, including adjusting steam pressures and adjusting the operation of the boilers to take into account variations in demand, including seasonality, for the use of the system.

(2) EFFECTIVE DATE.—The Architect shall implement the steps required under paragraph (1) not later than 30 days after the date of the enactment of this Act.

(b) CHILLER PLANT.—

(1) IN GENERAL.—The Architect of the Capitol shall take such steps as may be necessary to operate the chiller plant at the Capitol Power Plant in the most energy efficient manner possible to minimize carbon emissions and operating costs, including adjusting water temperatures and adjusting the operation of the chillers to take into account variations in demand, including seasonality, for the use of the system.

(2) EFFECTIVE DATE.—The Architect shall implement the steps required under paragraph (1) not later than 30 days after the date of the enactment of this Act.

(c) METERS.—Not later than 90 days after the date of the enactment of this Act, the Architect of the Capitol shall evaluate the accuracy of the meters in use at the Capitol Power Plant and correct them as necessary.

(d) REPORT ON IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Architect of the Capitol shall complete the implementation of the requirements of this section and submit a report describing the actions taken and the energy efficiencies achieved to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate.

SEC. 505. CAPITOL POWER PLANT CARBON DIOXIDE EMISSIONS FEASIBILITY STUDY AND DEMONSTRATION PROJECTS.

The first section of the Act of March 4, 1911 (2 U.S.C. 2162; 36 Stat. 1414, chapter 285) is amended in the seventh undesignated paragraph (relating to the Capitol power plant) under the heading "Public Buildings", under the heading "Under the Department of Interior"—

(1) by striking "ninety thousand dollars:" and inserting $90,000."; and

(2) by striking "Provided, That hereafter the" and all that follows through the end of the proviso and inserting the following:

"(a) DESIGNATION.—The heating, lighting, and power plant constructed under the terms of the Act approved April 28, 1904 (33 Stat. 479, chapter 1762) shall be known as the 'Capitol Power Plant'.

"(b) DEFINITION.—In this section, the term 'carbon dioxide energy efficiency' means the quantity of electricity used to power equipment for carbon dioxide capture and storage or use.

"(c) FEASIBILITY STUDY.—The Architect of the Capitol shall conduct a feasibility study evaluating the available methods to capture, store, and use carbon dioxide emitted from the Capitol Power Plant as a result of burning fossil fuels. In carrying out the feasibility study, the Architect of the Capitol is encouraged to consult with individuals with expertise in carbon capture and storage or use, including experts with the Environmental Protection Agency, Department of Energy, academic institutions, non-profit organizations, and industry, as appropriate. The study shall consider—

"(1) the availability of technologies to capture and store or use Capitol Power Plant carbon dioxide emissions;

"(2) strategies to conserve energy and reduce carbon dioxide emissions at the Capitol Power Plant; and

"(3) other factors as determined by the Architect of the Capitol.

"(d) DEMONSTRATION PROJECTS.—

"(1) IN GENERAL.—If the feasibility study determines that a demonstration project to capture and store or use Capitol Power Plant carbon dioxide emissions is technologically feasible and economically justified (including direct and indirect economic and environmental benefits), the Architect of the Capitol may conduct one or more demonstration projects to capture and store or use carbon dioxide emitted from the Capitol Power Plant as a result of burning fossil fuels.

"(2) FACTORS FOR CONSIDERATION.—In carrying out such demonstration projects, the Architect of the Capitol shall consider—

"(A) the amount of Capitol Power Plant carbon dioxide emissions to be captured and stored or used;

"(B) whether the proposed project is able to reduce air pollutants other than carbon dioxide;

"(C) the carbon dioxide energy efficiency of the proposed project;

"(D) whether the proposed project is able to use carbon dioxide emissions;

"(E) whether the proposed project could be expanded to significantly increase the amount of Capitol Power Plant carbon dioxide emissions to be captured and stored or used;

"(F) the potential environmental, energy, and educational benefits of demonstrating the capture and storage or use of carbon dioxide at the U.S. Capitol; and

"(G) other factors as determined by the Architect of the Capitol.

"(3) TERMS AND CONDITIONS.—A demonstration project funded under this section shall be subject to such terms and conditions as the Architect of the Capitol may prescribe.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the feasibility study and demonstration project $3,000,000. Such sums shall remain available until expended.".

Subtitle B—Energy Savings Performance Contracting

SEC. 511. AUTHORITY TO ENTER INTO CONTRACTS; REPORTS.

(a) IN GENERAL.—Section 801(a)(2)(D) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)(D)) is amended—

(1) in clause (ii), by inserting "and" after the semicolon at the end;

(2) by striking clause (iii); and

(3) by redesignating clause (iv) as clause (iii).

(b) REPORTS.—Section 548(a)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8258(a)(2)) is amended by inserting "and any termination penalty exposure" after "the energy and cost savings that have resulted from such contracts".

(c) CONFORMING AMENDMENT.—Section 2913 of title 10, United States Code, is amended by striking subsection (e).

SEC. 512. FINANCING FLEXIBILITY.

Section 801(a)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)) is amended by adding at the end the following:

"(E) FUNDING OPTIONS.—In carrying out a contract under this title, a Federal agency may use any combination of—

"(i) appropriated funds; and

"(ii) private financing under an energy savings performance contract.".

SEC. 513. PROMOTING LONG-TERM ENERGY SAVINGS PERFORMANCE CONTRACTS AND VERIFYING SAVINGS.

Section 801(a)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)) (as amended by section 512) is amended—

(1) in subparagraph (D), by inserting "beginning on the date of the delivery order" after "25 years"; and

(2) by adding at the end the following:

"(F) PROMOTION OF CONTRACTS.—In carrying out this section, a Federal agency shall not—

"(i) establish a Federal agency policy that limits the maximum contract term under subparagraph (D) to a period shorter than 25 years; or

"(ii) limit the total amount of obligations under energy savings performance contracts or other private financing of energy savings measures.

"(G) MEASUREMENT AND VERIFICATION REQUIREMENTS FOR PRIVATE FINANCING.—

"(i) IN GENERAL.—In the case of energy savings performance contracts, the evaluations and savings measurement and verification required under paragraphs (2) and (4) of section 543(f) shall be used by a Federal agency to meet the requirements for the need for energy audits, calculation of energy savings, and any other evaluation of costs and savings needed to implement the guarantee of savings under this section.

"(ii) MODIFICATION OF EXISTING CONTRACTS.—Not later than 18 months after the date of enactment of this subparagraph, each Federal agency shall, to the maximum extent practicable, modify any indefinite delivery and indefinite quantity energy savings performance contracts, and other indefinite delivery and indefinite quantity contracts using private financing, to conform to the amendments made by subtitle B of title V of the Energy Independence and Security Act of 2007.".

SEC. 514. PERMANENT REAUTHORIZATION.

Section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287) is amended by striking subsection (c).

SEC. 515. DEFINITION OF ENERGY SAVINGS.

Section 804(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(2)) is amended—

(1) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and indenting appropriately;

(2) by striking "means a reduction" and inserting "means—

"(A) a reduction";

(3) by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

"(B) the increased efficient use of an existing energy source by cogeneration or heat recovery;

"(C) if otherwise authorized by Federal or State law (including regulations), the sale or transfer of electrical or thermal energy generated on-site from renewable energy sources or cogeneration, but in excess of Federal needs, to utilities or non-Federal energy users; and

"(D) the increased efficient use of existing water sources in interior or exterior applications.".

SEC. 516. RETENTION OF SAVINGS.

Section 546(c) of the National Energy Conservation Policy Act (42 U.S.C. 8256(c)) is amended by striking paragraph (5).

SEC. 517. TRAINING FEDERAL CONTRACTING OFFICERS TO NEGOTIATE ENERGY EFFICIENCY CONTRACTS.

(a) PROGRAM.—The Secretary shall create and administer in the Federal Energy Management Program a training program to educate Federal contract negotiation and contract management personnel so that the contract officers are prepared to—

(1) negotiate energy savings performance contracts;

(2) conclude effective and timely contracts for energy efficiency services with all companies offering energy efficiency services; and

(3) review Federal contracts for all products and services for the potential energy efficiency opportunities and implications of the contracts.

(b) SCHEDULE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall plan, staff, announce, and begin training under the Federal Energy Management Program.

(c) PERSONNEL TO BE TRAINED.—Personnel appropriate to receive training under the Federal Energy Management Program shall be selected by and sent for the training from—

(1) the Department of Defense;

(2) the Department of Veterans Affairs;

(3) the Department;

(4) the General Services Administration;

(5) the Department of Housing and Urban Development;

(6) the United States Postal Service; and

(7) all other Federal agencies and departments that enter contracts for buildings, building services, electricity and electricity services, natural gas and natural gas services, heating and air conditioning services, building fuel purchases, and other types of procurement or service contracts determined by the Secretary, in carrying out the Federal Energy Management Program, to offer the potential for energy savings and greenhouse gas emission reductions if negotiated with taking into account those goals.

(d) TRAINERS.—Training under the Federal Energy Management Program may be conducted by—

(1) attorneys or contract officers with experience in negotiating and managing contracts described in subsection (c)(7) from any agency, except that the Secretary shall reimburse the related salaries and expenses of the attorneys or contract officers from amounts made available for carrying out this section to the extent the attorneys or contract officers are not employees of the Department; and

(2) private experts hired by the Secretary for the purposes of this section, except that the Secretary may not hire experts who are simultaneously employed by any company under contract to provide energy efficiency services to the Federal Government.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $750,000 for each of fiscal years 2008 through 2012.

SEC. 518. STUDY OF ENERGY AND COST SAVINGS IN NONBUILDING APPLICATIONS.

(a) DEFINITIONS.—In this section:

(1) NONBUILDING APPLICATION.—The term "nonbuilding application" means—

(A) any class of vehicles, devices, or equipment that is transportable under the power of the applicable vehicle, device, or equipment by land, sea, or air and that consumes energy from any fuel source for the purpose of—

(i) that transportation; or

(ii) maintaining a controlled environment within the vehicle, device, or equipment; and

(B) any federally-owned equipment used to generate electricity or transport water.

(2) SECONDARY SAVINGS.—

(A) IN GENERAL.—The term "secondary savings" means additional energy or cost savings that are a direct consequence of the energy savings that result from the energy efficiency improvements that were financed and implemented pursuant to an energy savings performance contract.

(B) INCLUSIONS.—The term "secondary savings" includes—

(i) energy and cost savings that result from a reduction in the need for fuel delivery and logistical support;

(ii) personnel cost savings and environmental benefits; and

(iii) in the case of electric generation equipment, the benefits of increased efficiency in the production of electricity, including revenues received by the Federal Government from the sale of electricity so produced.

(b) STUDY.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary and the Secretary of Defense shall jointly conduct, and submit to Congress and the President a report of, a study of the potential for the use of energy savings performance contracts to reduce energy consumption and provide energy and cost savings in nonbuilding applications.

(2) REQUIREMENTS.—The study under this subsection shall include—

(A) an estimate of the potential energy and cost savings to the Federal Government, including secondary savings and benefits, from increased efficiency in nonbuilding applications;

(B) an assessment of the feasibility of extending the use of energy savings performance contracts to nonbuilding applications, including an identification of any regulatory or statutory barriers to that use; and

(C) such recommendations as the Secretary and Secretary of Defense determine to be appropriate.

Subtitle C—Energy Efficiency in Federal Agencies

SEC. 521. INSTALLATION OF PHOTOVOLTAIC SYSTEM AT DEPARTMENT OF ENERGY HEADQUARTERS BUILDING.

(a) IN GENERAL.—The Administrator of General Services shall install a photovoltaic system, as set forth in the Sun Wall Design Project, for the headquarters building of the Department located at 1000 Independence Avenue, SW., Washington, DC, commonly known as the Forrestal Building.

(b) FUNDING.—There shall be available from the Federal Buildings Fund established by section 592 of title 40, United States Code, $30,000,000 to carry out this section. Such sums shall be derived from the unobligated balance of amounts made available from the Fund for fiscal year 2007, and prior fiscal years, for repairs and alternations and other activities (excluding amounts made available for the energy program). Such sums shall remain available until expended.

SEC. 522. PROHIBITION ON INCANDESCENT LAMPS BY COAST GUARD.

(a) PROHIBITION.—Except as provided by subsection (b), on and after January 1, 2009, a general service incandescent lamp shall not be purchased or installed in a Coast Guard facility by or on behalf of the Coast Guard.

(b) EXCEPTION.—A general service incandescent lamp may be purchased, installed, and used in a Coast Guard facility whenever the application of a general service incandescent lamp is—

(1) necessary due to purpose or design, including medical, security, and industrial applications;

(2) reasonable due to the architectural or historical value of a light fixture installed before January 1, 2009; or

(3) the Commandant of the Coast Guard determines that operational requirements necessitate the use of a general service incandescent lamp.

(c) LIMITATION.—In this section, the term "facility" does not include a vessel or aircraft of the Coast Guard.

SEC. 523. STANDARD RELATING TO SOLAR HOT WATER HEATERS.

Section 305(a)(3)(A) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(A)) is amended—

(1) in clause (i)(II), by striking "and" at the end;

(2) in clause (ii), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(iii) if lifecycle cost-effective, as compared to other reasonably available technologies, not less than 30 percent of the hot water demand for each new Federal building or Federal building undergoing a major renovation be met through the installation and use of solar hot water heaters.".

SEC. 524. FEDERALLY-PROCURED APPLIANCES WITH STANDBY POWER.

Section 553 of the National Energy Conservation Policy Act (42 U.S.C. 8259b) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

"(e) FEDERALLY-PROCURED APPLIANCES WITH STANDBY POWER.—

"(1) DEFINITION OF ELIGIBLE PRODUCT.—In this subsection, the term 'eligible product' means a commercially available, off-the-shelf product that—

"(A)(i) uses external standby power devices; or

"(ii) contains an internal standby power function; and

"(B) is included on the list compiled under paragraph (4).

"(2) FEDERAL PURCHASING REQUIREMENT.—Subject to paragraph (3), if an agency purchases an eligible product, the agency shall purchase—

"(A) an eligible product that uses not more than 1 watt in the standby power consuming mode of the eligible product; or

"(B) if an eligible product described in subparagraph (A) is not available, the eligible product with the lowest available standby power wattage in the standby power consuming mode of the eligible product.

"(3) LIMITATION.—The requirements of paragraph (2) shall apply to a purchase by an agency only if—

"(A) the lower-wattage eligible product is—

"(i) lifecycle cost-effective; and

"(ii) practicable; and

"(B) the utility and performance of the eligible product is not compromised by the lower wattage requirement.

"(4) ELIGIBLE PRODUCTS.—The Secretary, in consultation with the Secretary of Defense, the Administrator of the Environmental Protection Agency, and the Administrator of General Services, shall compile a publicly accessible list of cost-effective eligible products that shall be subject to the purchasing requirements of paragraph (2).".

SEC. 525. FEDERAL PROCUREMENT OF ENERGY EFFICIENT PRODUCTS.

(a) AMENDMENTS.—Section 553 of the National Energy Conservation Policy Act (42 U.S.C. 8259b) is amended—

(1) in subsection (b)(1), by inserting "in a product category covered by the Energy Star program or the Federal Energy Management Program for designated products" after "energy consuming product"; and

(2) in the second sentence of subsection (c)—

(A) by inserting "list in their catalogues, represent as available, and" after "Logistics Agency shall"; and

(B) by striking "where the agency" and inserting "in which the head of the agency".

(b) CATALOGUE LISTING DEADLINE.—Not later than 9 months after the date of enactment of this Act, the General Services Administration and the Defense Logistics Agency shall ensure that the requirement established by the amendment made by subsection (a)(2)(A) has been fully complied with.

SEC. 526. PROCUREMENT AND ACQUISITION OF ALTERNATIVE FUELS.

No Federal agency shall enter into a contract for procurement of an alternative or synthetic fuel, including a fuel produced from nonconventional petroleum sources, for any mobility-related use, other than for research or testing, unless the contract specifies that the lifecycle greenhouse gas emissions associated with the production and combustion of the fuel supplied under the contract must, on an ongoing basis, be less than or equal to such emissions from the equivalent conventional fuel produced from conventional petroleum sources.

SEC. 527. GOVERNMENT EFFICIENCY STATUS REPORTS.

(a) IN GENERAL.—Each Federal agency subject to any of the requirements of this title or the amendments made by this title shall compile and submit to the Director of the Office of Management and Budget an annual Government efficiency status report on—

(1) compliance by the agency with each of the requirements of this title and the amendments made by this title;

(2) the status of the implementation by the agency of initiatives to improve energy efficiency, reduce energy costs, and reduce emissions of greenhouse gases; and

(3) savings to the taxpayers of the United States resulting from mandated improvements under this title and the amendments made by this title

(b) SUBMISSION.—The report shall be submitted—

(1) to the Director at such time as the Director requires;

(2) in electronic, not paper, format; and

(3) consistent with related reporting requirements.

SEC. 528. OMB GOVERNMENT EFFICIENCY REPORTS AND SCORECARDS.

(a) REPORTS.—Not later than April 1 of each year, the Director of the Office of Management and Budget shall submit an annual Government efficiency report to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate, which shall contain—

(1) a summary of the information reported by agencies under section 527;

(2) an evaluation of the overall progress of the Federal Government toward achieving the goals of this title and the amendments made by this title; and

(3) recommendations for additional actions necessary to meet the goals of this title and the amendments made by this title.

(b) SCORECARDS.—The Director of the Office of Management and Budget shall include in any annual energy scorecard the Director is otherwise required to submit a description of the compliance of each agency with the requirements of this title and the amendments made by this title.

SEC. 529. ELECTRICITY SECTOR DEMAND RESPONSE.

(a) IN GENERAL.—Title V of the National Energy Conservation Policy Act (42 U.S.C. 8241 et seq.) is amended by adding at the end the following:

"PART 5—PEAK DEMAND REDUCTION

"SEC. 571. NATIONAL ACTION PLAN FOR DEMAND RESPONSE.

"(a) NATIONAL ASSESSMENT AND REPORT.—The Federal Energy Regulatory Commission ('Commission') shall conduct a National Assessment of Demand Response. The Commission shall, within 18 months of the date of enactment of this part, submit a report to Congress that includes each of the following:

"(1) Estimation of nationwide demand response potential in 5 and 10 year horizons, including data on a State-by-State basis, and a methodology for updates of such estimates on an annual basis.

"(2) Estimation of how much of this potential can be achieved within 5 and 10 years after the enactment of this part accompanied by specific policy recommendations that if implemented can achieve the estimated potential. Such recommendations shall include options for funding and/or incentives for the development of demand response resources.

"(3) The Commission shall further note any barriers to demand response programs offering flexible, non-discriminatory, and fairly compensatory terms for the services and benefits made available, and shall provide recommendations for overcoming such barriers.

"(4) The Commission shall seek to take advantage of preexisting research and ongoing work, and shall insure that there is no duplication of effort.

"(b) NATIONAL ACTION PLAN ON DEMAND RESPONSE.—The Commission shall further develop a National Action Plan on Demand Response, soliciting and accepting input and participation from a broad range of industry stakeholders, State regulatory utility commissioners, and non-governmental groups. The Commission shall seek consensus where possible, and decide on optimum solutions to issues that defy consensus. Such Plan shall be completed within one year after the completion of the National Assessment of Demand Response, and shall meet each of the following objectives:

"(1) Identification of requirements for technical assistance to States to allow them to maximize the amount of demand response resources that can be developed and deployed.

"(2) Design and identification of requirements for implementation of a national communications program that includes broad-based customer education and support.

"(3) Development or identification of analytical tools, information, model regulatory provisions, model contracts, and other support materials for use by customers, states, utilities and demand response providers.

"(c) Upon completion, the National Action Plan on Demand Response shall be published, together with any favorable and dissenting comments submitted by participants in its preparation. Six months after publication, the Commission, together with the Secretary of Energy, shall submit to Congress a proposal to implement the Action Plan, including specific proposed assignments of responsibility, proposed budget amounts, and any agreements secured for participation from State and other participants.

"(d) AUTHORIZATION.—There are authorized to be appropriated to the Commission to carry out this section not more than $10,000,000 for each of the fiscal years 2008, 2009, and 2010.".

(b) TABLE OF CONTENTS.—The table of contents for the National Energy Conservation Policy Act (42 U.S.C. 8201 note) is amended by adding after the items relating to part 4 of title V the following:

"PART 5—PEAK DEMAND REDUCTION

"Sec. 571. National Action Plan for Demand Response.".

Subtitle D—Energy Efficiency of Public Institutions

SEC. 531. REAUTHORIZATION OF STATE ENERGY PROGRAMS.

Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)) is amended by striking "$100,000,000 for each of the fiscal years 2006 and 2007 and $125,000,000 for fiscal year 2008" and inserting "$125,000,000 for each of fiscal years 2007 through 2012".

SEC. 532. UTILITY ENERGY EFFICIENCY PROGRAMS.

(a) ELECTRIC UTILITIES.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

"(16) INTEGRATED RESOURCE PLANNING.—Each electric utility shall—

"(A) integrate energy efficiency resources into utility, State, and regional plans; and

"(B) adopt policies establishing cost-effective energy efficiency as a priority resource.

"(17) RATE DESIGN MODIFICATIONS TO PROMOTE ENERGY EFFICIENCY INVESTMENTS.—

"(A) IN GENERAL.—The rates allowed to be charged by any electric utility shall—

"(i) align utility incentives with the delivery of cost-effective energy efficiency; and

"(ii) promote energy efficiency investments.

"(B) POLICY OPTIONS.—In complying with subparagraph (A), each State regulatory authority and each nonregulated utility shall consider—

"(i) removing the throughput incentive and other regulatory and management disincentives to energy efficiency;

"(ii) providing utility incentives for the successful management of energy efficiency programs;

"(iii) including the impact on adoption of energy efficiency as 1 of the goals of retail rate design, recognizing that energy efficiency must be balanced with other objectives;

"(iv) adopting rate designs that encourage energy efficiency for each customer class;

"(v) allowing timely recovery of energy efficiency-related costs; and

"(vi) offering home energy audits, offering demand response programs, publicizing the financial and environmental benefits associated with making home energy efficiency improvements, and educating homeowners about all existing Federal and State incentives, including the availability of low-cost loans, that make energy efficiency improvements more affordable.".

(b) NATURAL GAS UTILITIES.—Section 303(b) of the Public Utility Regulatory Policies Act of 1978 (15 U.S.C. 3203(b)) is amended by adding at the end the following:

"(5) ENERGY EFFICIENCY.—Each natural gas utility shall—

"(A) integrate energy efficiency resources into the plans and planning processes of the natural gas utility; and

"(B) adopt policies that establish energy efficiency as a priority resource in the plans and planning processes of the natural gas utility.

"(6) RATE DESIGN MODIFICATIONS TO PROMOTE ENERGY EFFICIENCY INVESTMENTS.—

"(A) IN GENERAL.—The rates allowed to be charged by a natural gas utility shall align utility incentives with the deployment of cost-effective energy efficiency.

"(B) POLICY OPTIONS.—In complying with subparagraph (A), each State regulatory authority and each nonregulated utility shall consider—

"(i) separating fixed-cost revenue recovery from the volume of transportation or sales service provided to the customer;

"(ii) providing to utilities incentives for the successful management of energy efficiency programs, such as allowing utilities to retain a portion of the cost-reducing benefits accruing from the programs;

"(iii) promoting the impact on adoption of energy efficiency as 1 of the goals of retail rate design, recognizing that energy efficiency must be balanced with other objectives; and

"(iv) adopting rate designs that encourage energy efficiency for each customer class.

For purposes of applying the provisions of this subtitle to this paragraph, any reference in this subtitle to the date of enactment of this Act shall be treated as a reference to the date of enactment of this paragraph.".

(c) CONFORMING AMENDMENT.—Section 303(a) of the Public Utility Regulatory Policies Act of 1978 U.S.C. 3203(a)) is amended by striking "and (4)" inserting "(4), (5), and (6)".

Subtitle E—Energy Efficiency and Conservation Block Grants

SEC. 541. DEFINITIONS.

In this subtitle:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a State;

(B) an eligible unit of local government; and

(C) an Indian tribe.

(2) ELIGIBLE UNIT OF LOCAL GOVERNMENT.—The term "eligible unit of local government" means—

(A) an eligible unit of local government–alternative 1; and

(B) an eligible unit of local government–alternative 2.

(3)(A) ELIGIBLE UNIT OF LOCAL GOVERNMENT–ALTERNATIVE 1.—The term "eligible unit of local government–alternative 1" means—

(i) a city with a population—

(I) of at least 35,000; or

(II) that causes the city to be 1 of the 10 highest-populated cities of the State in which the city is located; and

(ii) a county with a population—

(I) of at least 200,000; or

(II) that causes the county to be 1 of the 10 highest-populated counties of the State in which the county is located.

(B) ELIGIBLE UNIT OF LOCAL GOVERNMENT-ALTERNATIVE 2.—The term "eligible unit of local government-alternative 2" means—

(i) a city with a population of at least 50,000; or

(ii) a county with a population of at least 200,000.

(4) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(5) PROGRAM.—The term "program" means the Energy Efficiency and Conservation Block Grant Program established under section 542(a).

(6) STATE.—The term "State" means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

SEC. 542. ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a program, to be known as the "Energy Efficiency and Conservation Block Grant Program", under which the Secretary shall provide grants to eligible entities in accordance with this subtitle.

(b) PURPOSE.—The purpose of the program shall be to assist eligible entities in implementing strategies—

(1) to reduce fossil fuel emissions created as a result of activities within the jurisdictions of eligible entities in manner that—

(A) is environmentally sustainable; and

(B) to the maximum extent practicable, maximizes benefits for local and regional communities;

(2) to reduce the total energy use of the eligible entities; and

(3) to improve energy efficiency in—

(A) the transportation sector;

(B) the building sector; and

(C) other appropriate sectors.

SEC. 543. ALLOCATION OF FUNDS.

(a) IN GENERAL.—Of amounts made available to provide grants under this subtitle for each fiscal year, the Secretary shall allocate—

(1) 68 percent to eligible units of local government in accordance with subsection (b);

(2) 28 percent to States in accordance with subsection (c);

(3) 2 percent to Indian tribes in accordance with subsection (d); and

(4) 2 percent for competitive grants under section 546.

(b) ELIGIBLE UNITS OF LOCAL GOVERNMENT.—Of amounts available for distribution to eligible units of local government under subsection (a)(1), the Secretary shall provide grants to eligible units of local government under this section based on a formula established by the Secretary according to—

(1) the populations served by the eligible units of local government, according to the latest available decennial census; and

(2) the daytime populations of the eligible units of local government and other similar factors (such as square footage of commercial, office, and industrial space), as determined by the Secretary.

(c) STATES.—Of amounts available for distribution to States under subsection (a)(2), the Secretary shall provide—

(1) not less than 1.25 percent to each State; and

(2) the remainder among the States, based on a formula to be established by the Secretary that takes into account—

(A) the population of each State; and

(B) any other criteria that the Secretary determines to be appropriate.

(d) INDIAN TRIBES.—Of amounts available for distribution to Indian tribes under subsection (a)(3), the Secretary shall establish a formula for allocation of the amounts to Indian tribes, taking into account any factors that the Secretary determines to be appropriate.

(e) PUBLICATION OF ALLOCATION FORMULAS.—Not later than 90 days before the beginning of each fiscal year for which grants are provided under this subtitle, the Secretary shall publish in the Federal Register the formulas for allocation established under this section.

(f) STATE AND LOCAL ADVISORY COMMITTEE.—The Secretary shall establish a State and local advisory committee to advise the Secretary regarding administration, implementation, and evaluation of the program.

SEC. 544. USE OF FUNDS.

An eligible entity may use a grant received under this subtitle to carry out activities to achieve the purposes of the program, including—

(1) development and implementation of an energy efficiency and conservation strategy under section 545(b);

(2) retaining technical consultant services to assist the eligible entity in the development of such a strategy, including—

(A) formulation of energy efficiency, energy conservation, and energy usage goals;

(B) identification of strategies to achieve those goals—

(i) through efforts to increase energy efficiency and reduce energy consumption; and

(ii) by encouraging behavioral changes among the population served by the eligible entity;

(C) development of methods to measure progress in achieving the goals;

(D) development and publication of annual reports to the population served by the eligible entity describing—

(i) the strategies and goals; and

(ii) the progress made in achieving the strategies and goals during the preceding calendar year; and

(E) other services to assist in the implementation of the energy efficiency and conservation strategy;

(3) conducting residential and commercial building energy audits;

(4) establishment of financial incentive programs for energy efficiency improvements;

(5) the provision of grants to nonprofit organizations and governmental agencies for the purpose of performing energy efficiency retrofits;

(6) development and implementation of energy efficiency and conservation programs for buildings and facilities within the jurisdiction of the eligible entity, including—

(A) design and operation of the programs;

(B) identifying the most effective methods for achieving maximum participation and efficiency rates;

(C) public education;

(D) measurement and verification protocols; and

(E) identification of energy efficient technologies;

(7) development and implementation of programs to conserve energy used in transportation, including—

(A) use of flex time by employers;

(B) satellite work centers;

(C) development and promotion of zoning guidelines or requirements that promote energy efficient development;

(D) development of infrastructure, such as bike lanes and pathways and pedestrian walkways;

(E) synchronization of traffic signals; and

(F) other measures that increase energy efficiency and decrease energy consumption;

(8) development and implementation of building codes and inspection services to promote building energy efficiency;

(9) application and implementation of energy distribution technologies that significantly increase energy efficiency, including—

(A) distributed resources; and

(B) district heating and cooling systems;

(10) activities to increase participation and efficiency rates for material conservation programs, including source reduction, recycling, and recycled content procurement programs that lead to increases in energy efficiency;

(11) the purchase and implementation of technologies to reduce, capture, and, to the maximum extent practicable, use methane and other greenhouse gases generated by landfills or similar sources;

(12) replacement of traffic signals and street lighting with energy efficient lighting technologies, including—

(A) light emitting diodes; and

(B) any other technology of equal or greater energy efficiency;

(13) development, implementation, and installation on or in any government building of the eligible entity of onsite renewable energy technology that generates electricity from renewable resources, including—

(A) solar energy;

(B) wind energy;

(C) fuel cells; and

(D) biomass; and

(14) any other appropriate activity, as determined by the Secretary, in consultation with—

(A) the Administrator of the Environmental Protection Agency;

(B) the Secretary of Transportation; and

(C) the Secretary of Housing and Urban Development.

SEC. 545. REQUIREMENTS FOR ELIGIBLE ENTITIES.

(a) CONSTRUCTION REQUIREMENT.—

(1) IN GENERAL.—To be eligible to receive a grant under the program, each eligible applicant shall submit to the Secretary a written assurance that all laborers and mechanics employed by any contractor or subcontractor of the eligible entity during any construction, alteration, or repair activity funded, in whole or in part, by the grant shall be paid wages at rates not less than the prevailing wages for similar construction activities in the locality, as determined by the Secretary of Labor, in accordance with sections 3141 through 3144, 3146, and 3147 of title 40, United States Code.

(2) SECRETARY OF LABOR.—With respect to the labor standards referred to in paragraph (1), the Secretary of Labor shall have the authority and functions described in—

(A) Reorganization Plan Numbered 14 of 1950 (5 U.S.C. 903 note); and

(B) section 3145 of title 40, United States Code.

(b) ELIGIBLE UNITS OF LOCAL GOVERNMENT AND INDIAN TRIBES.—

(1) PROPOSED STRATEGY.—

(A) IN GENERAL.—Not later than 1 year after the date on which an eligible unit of local government or Indian tribe receives a grant under this subtitle, the eligible unit of local government or Indian tribe shall submit to the Secretary a proposed energy efficiency and conservation strategy in accordance with this paragraph.

(B) INCLUSIONS.—The proposed strategy under subparagraph (A) shall include—

(i) a description of the goals of the eligible unit of local government or Indian tribe, in accordance with the purposes of this subtitle, for increased energy efficiency and conservation in the jurisdiction of the eligible unit of local government or Indian tribe; and

(ii) a plan for the use of the grant to assist the eligible unit of local government or Indian tribe in achieving those goals, in accordance with section 544.

(C) REQUIREMENTS FOR ELIGIBLE UNITS OF LOCAL GOVERNMENT.—In developing the strategy under subparagraph (A), an eligible unit of local government shall—

(i) take into account any plans for the use of funds by adjacent eligible units of local governments that receive grants under the program; and

(ii) coordinate and share information with the State in which the eligible unit of local government is located regarding activities carried out using the grant to maximize the energy efficiency and conservation benefits under this subtitle.

(2) APPROVAL BY SECRETARY.—

(A) IN GENERAL.—The Secretary shall approve or disapprove a proposed strategy under paragraph (1) by not later than 120 days after the date of submission of the proposed strategy.

(B) DISAPPROVAL.—If the Secretary disapproves a proposed strategy under subparagraph (A)—

(i) the Secretary shall provide to the eligible unit of local government or Indian tribe the reasons for the disapproval; and

(ii) the eligible unit of local government or Indian tribe may revise and resubmit the proposed strategy as many times as necessary until the Secretary approves a proposed strategy.

(C) REQUIREMENT.—The Secretary shall not provide to an eligible unit of local government or Indian tribe any grant under the program until a proposed strategy of the eligible unit of local government or Indian tribe is approved by the Secretary under this paragraph.

(3) LIMITATIONS ON USE OF FUNDS.—Of amounts provided to an eligible unit of local government or Indian tribe under the program, an eligible unit of local government or Indian tribe may use—

(A) for administrative expenses, excluding the cost of meeting the reporting requirements of this subtitle, an amount equal to the greater of—

(i) 10 percent; and

(ii) $75,000;

(B) for the establishment of revolving loan funds, an amount equal to the greater of—

(i) 20 percent; and

(ii) $250,000; and

(C) for the provision of subgrants to nongovernmental organizations for the purpose of assisting in the implementation of the energy efficiency and conservation strategy of the eligible unit of local government or Indian tribe, an amount equal to the greater of—

(i) 20 percent; and

(ii) $250,000.

(4) ANNUAL REPORT.—Not later than 2 years after the date on which funds are initially provided to an eligible unit of local government or Indian tribe under the program, and annually thereafter, the eligible unit of local government or Indian tribe shall submit to the Secretary a report describing—

(A) the status of development and implementation of the energy efficiency and conservation strategy of the eligible unit of local government or Indian tribe; and

(B) as practicable, an assessment of energy efficiency gains within the jurisdiction of the eligible unit of local government or Indian tribe.

(c) STATES.—

(1) DISTRIBUTION OF FUNDS.—

(A) IN GENERAL.—A State that receives a grant under the program shall use not less than 60 percent of the amount received to provide subgrants to units of local government in the State that are not eligible units of local government.

(B) DEADLINE.—The State shall provide the subgrants required under subparagraph (A) by not later than 180 days after the date on which the Secretary approves a proposed energy efficiency and conservation strategy of the State under paragraph (3).

(2) REVISION OF CONSERVATION PLAN; PROPOSED STRATEGY.—Not later than 120 days after the date of enactment of this Act, each State shall—

(A) modify the State energy conservation plan of the State under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322) to establish additional goals for increased energy efficiency and conservation in the State; and

(B) submit to the Secretary a proposed energy efficiency and conservation strategy that—

(i) establishes a process for providing subgrants as required under paragraph (1); and

(ii) includes a plan of the State for the use of funds received under a the program to assist the State in achieving the goals established under subparagraph (A), in accordance with sections 542(b) and 544.

(3) APPROVAL BY SECRETARY.—

(A) IN GENERAL.—The Secretary shall approve or disapprove a proposed strategy under paragraph (2)(B) by not later than 120 days after the date of submission of the proposed strategy.

(B) DISAPPROVAL.—If the Secretary disapproves a proposed strategy under subparagraph (A)—

(i) the Secretary shall provide to the State the reasons for the disapproval; and

(ii) the State may revise and resubmit the proposed strategy as many times as necessary until the Secretary approves a proposed strategy.

(C) REQUIREMENT.—The Secretary shall not provide to a State any grant under the program until a proposed strategy of the State is approved the Secretary under this paragraph.

(4) LIMITATIONS ON USE OF FUNDS.—A State may use not more than 10 percent of amounts provided under the program for administrative expenses.

(5) ANNUAL REPORTS.—Each State that receives a grant under the program shall submit to the Secretary an annual report that describes—

(A) the status of development and implementation of the energy efficiency and conservation strategy of the State during the preceding calendar year;

(B) the status of the subgrant program of the State under paragraph (1);

(C) the energy efficiency gains achieved through the energy efficiency and conservation strategy of the State during the preceding calendar year; and

(D) specific energy efficiency and conservation goals of the State for subsequent calendar years.

SEC. 546. COMPETITIVE GRANTS.

(a) IN GENERAL.—Of the total amount made available for each fiscal year to carry out this subtitle, the Secretary shall use not less than 2 percent to provide grants under this section, on a competitive basis, to—

(1) units of local government (including Indian tribes) that are not eligible entities; and

(2) consortia of units of local government described in paragraph (1).

(b) APPLICATIONS.—To be eligible to receive a grant under this section, a unit of local government or consortia shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a plan of the unit of local government to carry out an activity described in section 544.

(c) PRIORITY.—In providing grants under this section, the Secretary shall give priority to units of local government—

(1) located in States with populations of less than 2,000,000; or

(2) that plan to carry out projects that would result in significant energy efficiency improvements or reductions in fossil fuel use.

SEC. 547. REVIEW AND EVALUATION.

(a) IN GENERAL.—The Secretary may review and evaluate the performance of any eligible entity that receives a grant under the program, including by conducting an audit, as the Secretary determines to be appropriate.

(b) WITHHOLDING OF FUNDS.—The Secretary may withhold from an eligible entity any portion of a grant to be provided to the eligible entity under the program if the Secretary determines that the eligible entity has failed to achieve compliance with—

(1) any applicable guideline or regulation of the Secretary relating to the program, including the misuse or misappropriation of funds provided under the program; or

(2) the energy efficiency and conservation strategy of the eligible entity.

SEC. 548. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) GRANTS.—There is authorized to be appropriated to the Secretary for the provision of grants under the program $2,000,000,000 for each of fiscal years 2008 through 2012; provided that 49 percent of the appropriated funds shall be distributed using the definition of eligible unit of local government–alternative 1 in section 541(3)(A) and 49 percent of the appropriated funds shall be distributed using the definition of eligible unit of local government–alternative 2 in section 541(3)(B).

(2) ADMINISTRATIVE COSTS.—There are authorized to be appropriated to the Secretary for administrative expenses of the program—

(A) $20,000,000 for each of fiscal years 2008 and 2009;

(B) $25,000,000 for each of fiscal years 2010 and 2011; and

(C) $30,000,000 for fiscal year 2012.

(b) MAINTENANCE OF FUNDING.—The funding provided under this section shall supplement (and not supplant) other Federal funding provided under—

(1) a State energy conservation plan established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.); or

(2) the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.).

TITLE VI—ACCELERATED RESEARCH AND DEVELOPMENT

Subtitle A—Solar Energy

SEC. 601. SHORT TITLE.

This subtitle may be cited as the "Solar Energy Research and Advancement Act of 2007".

SEC. 602. THERMAL ENERGY STORAGE RESEARCH AND DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a program of research and development to provide lower cost and more viable thermal energy storage technologies to enable the shifting of electric power loads on demand and extend the operating time of concentrating solar power electric generating plants.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $5,000,000 for fiscal year 2008, $7,000,000 for fiscal year 2009, $9,000,000 for fiscal year 2010, $10,000,000 for fiscal year 2011, and $12,000,000 for fiscal year 2012.

SEC. 603. CONCENTRATING SOLAR POWER COMMERCIAL APPLICATION STUDIES.

(a) INTEGRATION.—The Secretary shall conduct a study on methods to integrate concentrating solar power and utility-scale photovoltaic systems into regional electricity transmission systems, and to identify new transmission or transmission upgrades needed to bring electricity from high concentrating solar power resource areas to growing electric power load centers throughout the United States. The study shall analyze and assess cost-effective approaches for management and large-scale integration of concentrating solar power and utility-scale photovoltaic systems into regional electric transmission grids to improve electric reliability, to efficiently manage load, and to reduce demand on the natural gas transmission system for electric power. The Secretary shall submit a report to Congress on the results of this study not later than 12 months after the date of enactment of this Act.

(b) WATER CONSUMPTION.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Energy shall transmit to Congress a report on the results of a study on methods to reduce the amount of water consumed by concentrating solar power systems.

SEC. 604. SOLAR ENERGY CURRICULUM DEVELOPMENT AND CERTIFICATION GRANTS.

(a) ESTABLISHMENT.—The Secretary shall establish in the Office of Solar Energy Technologies a competitive grant program to create and strengthen solar industry workforce training and internship programs in installation, operation, and maintenance of solar energy products. The goal of this program is to ensure a supply of well-trained individuals to support the expansion of the solar energy industry.

(b) AUTHORIZED ACTIVITIES.—Grant funds may be used to support the following activities:

(1) Creation and development of a solar energy curriculum appropriate for the local educational, entrepreneurial, and environmental conditions, including curriculum for community colleges.

(2) Support of certification programs for individual solar energy system installers, instructors, and training programs.

(3) Internship programs that provide hands-on participation by students in commercial applications.

(4) Activities required to obtain certification of training programs and facilities by an industry-accepted quality-control certification program.

(5) Incorporation of solar-specific learning modules into traditional occupational training and internship programs for construction-related trades.

(6) The purchase of equipment necessary to carry out activities under this section.

(7) Support of programs that provide guidance and updates to solar energy curriculum instructors.

(c) ADMINISTRATION OF GRANTS.—Grants may be awarded under this section for up to 3 years. The Secretary shall award grants to ensure sufficient geographic distribution of training programs nationally. Grants shall only be awarded for programs certified by an industry-accepted quality-control certification institution, or for new and growing programs with a credible path to certification. Due consideration shall be given to women, underrepresented minorities, and persons with disabilities.

(d) REPORT.—The Secretary shall make public, on the website of the Department or upon request, information on the name and institution for all grants awarded under this section, including a brief description of the project as well as the grant award amount.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $10,000,000 for each of the fiscal years 2008 through 2012.

SEC. 605. DAYLIGHTING SYSTEMS AND DIRECT SOLAR LIGHT PIPE TECHNOLOGY.

(a) ESTABLISHMENT.—The Secretary shall establish a program of research and development to provide assistance in the demonstration and commercial application of direct solar renewable energy sources to provide alternatives to traditional power generation for lighting and illumination, including light pipe technology, and to promote greater energy conservation and improved efficiency. All direct solar renewable energy devices supported under this program shall have the capability to provide measurable data on the amount of kilowatt-hours saved over the traditionally powered light sources they have replaced.

(b) REPORTING.—The Secretary shall transmit to Congress an annual report assessing the measurable data derived from each project in the direct solar renewable energy sources program and the energy savings resulting from its use.

(c) DEFINITIONS.—For purposes of this section—

(1) the term "direct solar renewable energy" means energy from a device that converts sunlight into useable light within a building, tunnel, or other enclosed structure, replacing artificial light generated by a light fixture and doing so without the conversion of the sunlight into another form of energy; and

(2) the term "light pipe" means a device designed to transport visible solar radiation from its collection point to the interior of a building while excluding interior heat gain in the nonheating season.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $3,500,000 for each of the fiscal years 2008 through 2012.

SEC. 606. SOLAR AIR CONDITIONING RESEARCH AND DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a research, development, and demonstration program to promote less costly and more reliable decentralized distributed solar-powered air conditioning for individuals and businesses.

(b) AUTHORIZED ACTIVITIES.—Grants made available under this section may be used to support the following activities:

(1) Advancing solar thermal collectors, including concentrating solar thermal and electric systems, flat plate and evacuated tube collector performance.

(2) Achieving technical and economic integration of solar-powered distributed air-conditioning systems with existing hot water and storage systems for residential applications.

(3) Designing and demonstrating mass manufacturing capability to reduce costs of modular standardized solar-powered distributed air conditioning systems and components.

(4) Improving the efficiency of solar-powered distributed air-conditioning to increase the effectiveness of solar-powered absorption chillers, solar-driven compressors and condensors, and cost-effective precooling approaches.

(5) Researching and comparing performance of solar-powered distributed air conditioning systems in different regions of the country, including potential integration with other onsite systems, such as solar, biogas, geothermal heat pumps, and propane assist or combined propane fuel cells, with a goal to develop site-specific energy production and management systems that ease fuel and peak utility loading.

(c) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to a project carried out under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $2,500,000 for each of the fiscal years 2008 through 2012.

SEC. 607. PHOTOVOLTAIC DEMONSTRATION PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a program of grants to States to demonstrate advanced photovoltaic technology.

(b) REQUIREMENTS.—

(1) ABILITY TO MEET REQUIREMENTS.—To receive funding under the program under this section, a State must submit a proposal that demonstrates, to the satisfaction of the Secretary, that the State will meet the requirements of subsection (f).

(2) COMPLIANCE WITH REQUIREMENTS.—If a State has received funding under this section for the preceding year, the State must demonstrate, to the satisfaction of the Secretary, that it complied with the requirements of subsection (f) in carrying out the program during that preceding year, and that it will do so in the future, before it can receive further funding under this section.

(c) COMPETITION.—The Secretary shall award grants on a competitive basis to the States with the proposals the Secretary considers most likely to encourage the widespread adoption of photovoltaic technologies. The Secretary shall take into consideration the geographic distribution of awards.

(d) PROPOSALS.—Not later than 6 months after the date of enactment of this Act, and in each subsequent fiscal year for the life of the program, the Secretary shall solicit proposals from the States to participate in the program under this section.

(e) COMPETITIVE CRITERIA.—In awarding funds in a competitive allocation under subsection (c), the Secretary shall consider—

(1) the likelihood of a proposal to encourage the demonstration of, or lower the costs of, advanced photovoltaic technologies; and

(2) the extent to which a proposal is likely to—

(A) maximize the amount of photovoltaics demonstrated;

(B) maximize the proportion of non-Federal cost share; and

(C) limit State administrative costs.

(f) STATE PROGRAM.—A program operated by a State with funding under this section shall provide competitive awards for the demonstration of advanced photo-voltaic technologies. Each State program shall—

(1) require a contribution of at least 60 percent per award from non-Federal sources, which may include any combination of State, local, and private funds, except that at least 10 percent of the funding must be supplied by the State;

(2) endeavor to fund recipients in the commercial, industrial, institutional, governmental, and residential sectors;

(3) limit State administrative costs to no more than 10 percent of the grant;

(4) report annually to the Secretary on—

(A) the amount of funds disbursed;

(B) the amount of photovoltaics purchased; and

(C) the results of the monitoring under paragraph (5);

(5) provide for measurement and verification of the output of a representative sample of the photovoltaics systems demonstrated throughout the average working life of the systems, or at least 20 years; and

(6) require that applicant buildings must have received an independent energy efficiency audit during the 6-month period preceding the filing of the application.

(g) UNEXPENDED FUNDS.—If a State fails to expend any funds received under this section within 3 years of receipt, such remaining funds shall be returned to the Treasury.

(h) REPORTS.—The Secretary shall report to Congress 5 years after funds are first distributed to the States under this section—

(1) the amount of photovoltaics demonstrated;

(2) the number of projects undertaken;

(3) the administrative costs of the program;

(4) the results of the monitoring under subsection (f)(5); and

(5) the total amount of funds distributed, including a breakdown by State.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for the purposes of carrying out this section—

(1) $15,000,000 for fiscal year 2008;

(2) $30,000,000 for fiscal year 2009;

(3) $45,000,000 for fiscal year 2010;

(4) $60,000,000 for fiscal year 2011; and

(5) $70,000,000 for fiscal year 2012.

Subtitle B—Geothermal Energy

SEC. 611. SHORT TITLE.

This subtitle may be cited as the "Advanced Geothermal Energy Research and Development Act of 2007".

SEC. 612. DEFINITIONS.

For purposes of this subtitle:

(1) ENGINEERED.—When referring to enhanced geothermal systems, the term "engineered" means subjected to intervention, including intervention to address one or more of the following issues:

(A) Lack of effective permeability or porosity or open fracture connectivity within the reservoir.

(B) Insufficient contained geofluid in the reservoir.

(C) A low average geothermal gradient, which necessitates deeper drilling.

(2) ENHANCED GEOTHERMAL SYSTEMS.—The term "enhanced geothermal systems" means geothermal reservoir systems that are engineered, as opposed to occurring naturally.

(3) GEOFLUID.—The term "geofluid" means any fluid used to extract thermal energy from the Earth which is transported to the surface for direct use or electric power generation, except that such term shall not include oil or natural gas.

(4) GEOPRESSURED RESOURCES.—The term "geopressured resources" mean geothermal deposits found in sedimentary rocks under higher than normal pressure and saturated with gas or methane.

(5) GEOTHERMAL.—The term "geothermal" refers to heat energy stored in the Earth's crust that can be accessed for direct use or electric power generation.

(6) HYDROTHERMAL.—The term "hydrothermal" refers to naturally occurring subsurface reservoirs of hot water or steam.

(7) SYSTEMS APPROACH.—The term "systems approach" means an approach to solving problems or designing systems that attempts to optimize the performance of the overall system, rather than a particular component of the system.

SEC. 613. HYDROTHERMAL RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary shall support programs of research, development, demonstration, and commercial application to expand the use of geothermal energy production from hydrothermal systems, including the programs described in subsection (b).

(b) PROGRAMS.—

(1) ADVANCED HYDROTHERMAL RESOURCE TOOLS.—The Secretary, in consultation with other appropriate agencies, shall support a program to develop advanced geophysical, geochemical, and geologic tools to assist in locating hidden hydrothermal resources, and to increase the reliability of site characterization before, during, and after initial drilling. The program shall develop new prospecting techniques to assist in prioritization of targets for characterization. The program shall include a field component.

(2) INDUSTRY COUPLED EXPLORATORY DRILLING.—The Secretary shall support a program of cost-shared field demonstration programs, to be pursued, simultaneously and independently, in collaboration with industry partners, for the demonstration of advanced technologies and techniques of siting and exploratory drilling for undiscovered resources in a variety of geologic settings. The program shall include incentives to encourage the use of advanced technologies and techniques.

SEC. 614. GENERAL GEOTHERMAL SYSTEMS RESEARCH AND DEVELOPMENT.

(a) SUBSURFACE COMPONENTS AND SYSTEMS.—The Secretary shall support a program of research, development, demonstration, and commercial application of components and systems capable of withstanding extreme geothermal environments and necessary to cost-effectively develop, produce, and monitor geothermal reservoirs and produce geothermal energy. These components and systems shall include advanced casing systems (expandable tubular casing, low-clearance casing designs, and others), high-temperature cements, high-temperature submersible pumps, and high-temperature packers, as well as technologies for under-reaming, multilateral completions, high-temperature and high-pressure logging, logging while drilling, deep fracture stimulation, and reservoir system diagnostics.

(b) RESERVOIR PERFORMANCE MODELING.—The Secretary shall support a program of research, development, demonstration, and commercial application of models of geothermal reservoir performance, with an emphasis on accurately modeling performance over time. Models shall be developed to assist both in the development of geothermal reservoirs and to more accurately account for stress-related effects in stimulated hydrothermal and enhanced geothermal systems production environments.

(c) ENVIRONMENTAL IMPACTS.—The Secretary shall—

(1) support a program of research, development, demonstration, and commercial application of technologies and practices designed to mitigate or preclude potential adverse environmental impacts of geothermal energy development, production or use, and seek to ensure that geothermal energy development is consistent with the highest practicable standards of environmental stewardship;

(2) in conjunction with the Assistant Administrator for Research and Development at the Environmental Protection Agency, support a research program to identify potential environmental impacts of geothermal energy development, production, and use, and ensure that the program described in paragraph (1) addresses such impacts, including effects on groundwater and local hydrology; and

(3) support a program of research to compare the potential environmental impacts identified as part of the development, production, and use of geothermal energy with the potential emission reductions of greenhouse gases gained by geothermal energy development, production, and use.

SEC. 615. ENHANCED GEOTHERMAL SYSTEMS RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary shall support a program of research, development, demonstration, and commercial application for enhanced geothermal systems, including the programs described in subsection (b).

(b) PROGRAMS.—

(1) ENHANCED GEOTHERMAL SYSTEMS TECHNOLOGIES.—The Secretary shall support a program of research, development, demonstration, and commercial application of the technologies and knowledge necessary for enhanced geothermal systems to advance to a state of commercial readiness, including advances in—

(A) reservoir stimulation;

(B) reservoir characterization, monitoring, and modeling;

(C) stress mapping;

(D) tracer development;

(E) three-dimensional tomography; and

(F) understanding seismic effects of reservoir engineering and stimulation.

(2) ENHANCED GEOTHERMAL SYSTEMS RESERVOIR STIMULATION.—

(A) PROGRAM.—In collaboration with industry partners, the Secretary shall support a program of research, development, and demonstration of enhanced geothermal systems reservoir stimulation technologies and techniques. A minimum of 4 sites shall be selected in locations that show particular promise for enhanced geothermal systems development. Each site shall—

(i) represent a different class of subsurface geologic environments; and

(ii) take advantage of an existing site where subsurface characterization has been conducted or existing drill holes can be utilized, if possible.

(B) CONSIDERATION OF EXISTING SITE.—The Desert Peak, Nevada, site, where a Department of Energy and industry cooperative enhanced geothermal systems project is already underway, may be considered for inclusion among the sites selected under subparagraph (A).

SEC. 616. GEOTHERMAL ENERGY PRODUCTION FROM OIL AND GAS FIELDS AND RECOVERY AND PRODUCTION OF GEOPRESSURED GAS RESOURCES.

(a) IN GENERAL.—The Secretary shall establish a program of research, development, demonstration, and commercial application to support development of geothermal energy production from oil and gas fields and production and recovery of energy, including electricity, from geopressured resources. In addition, the Secretary shall conduct such supporting activities including research, resource characterization, and technology development as necessary.

(b) Geothermal Energy Production From Oil and Gas Fields.—The Secretary shall implement a grant program in support of geothermal energy production from oil and gas fields. The program shall include grants for a total of not less than three demonstration projects of the use of geothermal techniques such as advanced organic rankine cycle systems at marginal, unproductive, and productive oil and gas wells. The Secretary shall, to the extent practicable and in the public interest, make awards that—

(1) include not less than five oil or gas well sites per project award;

(2) use a range of oil or gas well hot water source temperatures from 150 degrees Fahrenheit to 300 degrees Fahrenheit;

(3) cover a range of sizes up to one megawatt;

(4) are located at a range of sites;

(5) can be replicated at a wide range of sites;

(6) facilitate identification of optimum techniques among competing alternatives;

(7) include business commercialization plans that have the potential for production of equipment at high volumes and operation and support at a large number of sites; and

(8) satisfy other criteria that the Secretary determines are necessary to carry out the program and collect necessary data and information.

The Secretary shall give preference to assessments that address multiple elements contained in paragraphs (1) through (8).

(c) Grant Awards.—Each grant award for demonstration of geothermal technology such as advanced organic rankine cycle systems at oil and gas wells made by the Secretary under subsection (b) shall include—

(1) necessary and appropriate site engineering study;

(2) detailed economic assessment of site specific conditions;

(3) appropriate feasibility studies to determine whether the demonstration can be replicated;

(4) design or adaptation of existing technology for site specific circumstances or conditions;

(5) installation of equipment, service, and support;

(6) operation for a minimum of one year and monitoring for the duration of the demonstration; and

(7) validation of technical and economic assumptions and documentation of lessons learned.

(d) Geopressured Gas Resource Recovery and Production.—(1) The Secretary shall implement a program to support the research, development, demonstration, and commercial application of cost-effective techniques to produce energy from geopressured resources.

(2) The Secretary shall solicit preliminary engineering designs for geopressured resources production and recovery facilities.

(3) Based upon a review of the preliminary designs, the Secretary shall award grants, which may be cost-shared, to support the detailed development and completion of engineering, architectural and technical plans needed to support construction of new designs.

(4) Based upon a review of the final design plans above, the Secretary shall award cost-shared development and construction grants for demonstration geopressured production facilities that show potential for economic recovery of the heat, kinetic energy and gas resources from geopressured resources.

(e) Competitive Grant Selection.—Not less than 90 days after the date of the enactment of this Act, the Secretary shall conduct a national solicitation for applications for grants under the programs outlined in subsections (b) and (d). Grant recipients shall be selected on a competitive basis based on criteria in the respective subsection.

(f) Well Drilling.—No funds may be used under this section for the purpose of drilling new wells.

SEC. 617. COST SHARING AND PROPOSAL EVALUATION.

(a) Federal Share.—The Federal share of costs of projects funded under this subtitle shall be in accordance with section 988 of the Energy Policy Act of 2005.

(b) Organization and Administration of Programs.—Programs under this subtitle shall incorporate the following elements:

(1) The Secretary shall coordinate with, and where appropriate may provide funds in furtherance of the purposes of this subtitle to, other Department of Energy research and development programs focused on drilling, subsurface characterization, and other related technologies.

(2) In evaluating proposals, the Secretary shall give priority to proposals that demonstrate clear evidence of employing a systems approach.

(3) The Secretary shall coordinate and consult with the appropriate Federal land management agencies in selecting proposals for funding under this subtitle.

(4) Nothing in this subtitle shall be construed to alter or affect any law relating to the management or protection of Federal lands.

SEC. 618. CENTER FOR GEOTHERMAL TECHNOLOGY TRANSFER.

(a) In General.—The Secretary shall award to an institution of higher education (or consortium thereof) a grant to establish a Center for Geothermal Technology Transfer (referred to in this section as the "Center").

(b) Duties.—The Center shall—

(1) serve as an information clearinghouse for the geothermal industry by collecting and disseminating information on best practices in all areas relating to developing and utilizing geothermal resources;

(2) make data collected by the Center available to the public; and

(3) seek opportunities to coordinate efforts and share information with domestic and international partners engaged in research and development of geothermal systems and related technology.

(c) Selection Criteria.—In awarding the grant under subsection (a) the Secretary shall select an institution of higher education (or consortium thereof) best suited to provide national leadership on geothermal related issues and perform the duties enumerated under subsection (b).

(d) Duration of Grant.—A grant made under subsection (a)—

(1) shall be for an initial period of 5 years; and

(2) may be renewed for additional 5-year periods on the basis of—

(A) satisfactory performance in meeting the duties outlined in subsection (b); and

(B) any other requirements specified by the Secretary.

SEC. 619. GEOPOWERING AMERICA.

The Secretary shall expand the Department of Energy's GeoPowering the West program to extend its geothermal technology transfer activities throughout the entire United States. The program shall be renamed "GeoPowering America". The program shall continue to be based in the Department of Energy office in Golden, Colorado.

SEC. 620. EDUCATIONAL PILOT PROGRAM.

The Secretary shall seek to award grant funding, on a competitive basis, to an institution of higher education for a geothermal-powered energy generation facility on the institution's campus. The purpose of the facility shall be to provide electricity and space heating. The facility shall also serve as an educational resource to students in relevant fields of study, and the data generated by the facility shall be available to students and the general public. The total funding award shall not exceed $2,000,000.

SEC. 621. REPORTS.

(a) Reports on Advanced Uses of Geothermal Energy.—Not later than 3 years and 5 years after the date of enactment of this Act, the Secretary shall report to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate on advanced concepts and technologies to maximize the geothermal resource potential of the United States. The reports shall include—

(1) the use of carbon dioxide as an alternative geofluid with potential carbon sequestration benefits;

(2) mineral recovery from geofluids;

(3) use of geothermal energy to produce hydrogen;

(4) use of geothermal energy to produce biofuels;

(5) use of geothermal heat for oil recovery from oil shales and tar sands; and

(6) other advanced geothermal technologies, including advanced drilling technologies and advanced power conversion technologies.

(b) Progress Reports.—(1) Not later than 36 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate an interim report describing the progress made under this subtitle. At the end of 60 months, the Secretary shall submit to Congress a report on the results of projects undertaken under this subtitle and other such information the Secretary considers appropriate.

(2) As necessary, the Secretary shall report to the Congress on any legal, regulatory, or other barriers encountered that hinder economic development of these resources, and provide recommendations on legislative or other actions needed to address such impediments.

SEC. 622. APPLICABILITY OF OTHER LAWS.

Nothing in this subtitle shall be construed as waiving, modifying, or superseding the applicability of any requirement under any environmental or other Federal or State law. To the extent that activities authorized in this subtitle take place in coastal and ocean areas, the Secretary shall consult with the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere, regarding the potential marine environmental impacts and measures to address such impacts.

SEC. 623. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary to carry out this subtitle $90,000,000 for each of the fiscal years 2008 through 2012, of which $10,000,000 for each fiscal year shall be for carrying out section 616. There are also authorized to be appropriated to the Secretary for the Intermountain West Geothermal Consortium $5,000,000 for each of the fiscal years 2008 through 2012.

SEC. 624. INTERNATIONAL GEOTHERMAL ENERGY DEVELOPMENT.

(a) IN GENERAL.—The Secretary of Energy, in coordination with other appropriate Federal and multilateral agencies (including the United States Agency for International Development) shall support international collaborative efforts to promote the research, development, and deployment of geothermal technologies used to develop hydrothermal and enhanced geothermal system resources, including as partners (as appropriate) the African Rift Geothermal Development Facility, Australia, China, France, the Republic of Iceland, India, Japan, and the United Kingdom.

(b) UNITED STATES TRADE AND DEVELOPMENT AGENCY.—The Director of the United States Trade and Development Agency may—

(1) encourage participation by United States firms in actions taken to carry out subsection (a); and

(2) provide grants and other financial support for feasibility and resource assessment studies conducted in, or intended to benefit, less developed countries.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 through 2012.

SEC. 625. HIGH COST REGION GEOTHERMAL ENERGY GRANT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a utility;

(B) an electric cooperative;

(C) a State;

(D) a political subdivision of a State;

(E) an Indian tribe; or

(F) a Native corporation.

(2) HIGH-COST REGION.—The term "high-cost region" means a region in which the average cost of electrical power exceeds 150 percent of the national average retail cost, as determined by the Secretary.

(b) PROGRAM.—The Secretary shall use amounts made available to carry out this section to make grants to eligible entities for activities described in subsection (c).

(c) ELIGIBLE ACTIVITIES.—An eligible entity may use grant funds under this section, with respect to a geothermal energy project in a high-cost region, only—

(1) to conduct a feasibility study, including a study of exploration, geochemical testing, geomagnetic surveys, geologic information gathering, baseline environmental studies, well drilling, resource characterization, permitting, and economic analysis;

(2) for design and engineering costs, relating to the project; and

(3) to demonstrate and promote commercial application of technologies related to geothermal energy as part of the project.

(d) COST SHARING.—The cost-sharing requirements of section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to any project carried out under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

Subtitle C—Marine and Hydrokinetic Renewable Energy Technologies

SEC. 631. SHORT TITLE.

This subtitle may be cited as the "Marine and Hydrokinetic Renewable Energy Research and Development Act".

SEC. 632. DEFINITION.

For purposes of this subtitle, the term "marine and hydrokinetic renewable energy" means electrical energy from—:

(1) waves, tides, and currents in oceans, estuaries, and tidal areas;

(2) free flowing water in rivers, lakes, and streams;

(3) free flowing water in man-made channels; and

(4) differentials in ocean temperature (ocean thermal energy conversion).

The term "marine and hydrokinetic renewable energy" does not include energy from any source that uses a dam, diversionary structure, or impoundment for electric power purposes.

SEC. 633. MARINE AND HYDROKINETIC RENEWABLE ENERGY RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior and the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere, shall establish a program of research, development, demonstration, and commercial application to expand marine and hydrokinetic renewable energy production, including programs to—

(1) study and compare existing marine and hydrokinetic renewable energy technologies;

(2) research, develop, and demonstrate marine and hydrokinetic renewable energy systems and technologies;

(3) reduce the manufacturing and operation costs of marine and hydrokinetic renewable energy technologies;

(4) investigate efficient and reliable integration with the utility grid and intermittency issues;

(5) advance wave forecasting technologies;

(6) conduct experimental and numerical modeling for optimization of marine energy conversion devices and arrays;

(7) increase the reliability and survivability of marine and hydrokinetic renewable energy technologies, including development of corrosive-resistant materials;

(8) identify, in conjunction with the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere, and other Federal agencies as appropriate, the potential environmental impacts, including potential impacts on fisheries and other marine resources, of marine and hydrokinetic renewable energy technologies, measures to prevent adverse impacts, and technologies and other means available for monitoring and determining environmental impacts;

(9) identify, in conjunction with the Secretary of the Department in which the United States Coast Guard is operating, acting through the Commandant of the United States Coast Guard, the potential navigational impacts of marine and hydrokinetic renewable energy technologies and measures to prevent adverse impacts on navigation;

(10) develop power measurement standards for marine and hydrokinetic renewable energy;

(11) develop identification standards for marine and hydrokinetic renewable energy devices;

(12) address standards development, demonstration, and technology transfer for advanced systems engineering and system integration methods to identify critical interfaces;

(13) identifying opportunities for cross fertilization and development of economies of scale between other renewable sources and marine and hydrokinetic renewable energy sources; and

(14) providing public information and opportunity for public comment concerning all technologies.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary, in conjunction with the Secretary of Commerce, acting through the Undersecretary of Commerce for Oceans and Atmosphere, and the Secretary of the Interior, shall provide to the Congress a report that addresses—

(1) the potential environmental impacts, including impacts to fisheries and marine resources, of marine and hydrokinetic renewable energy technologies;

(2) options to prevent adverse environmental impacts;

(3) the potential role of monitoring and adaptive management in identifying and addressing any adverse environmental impacts; and

(4) the necessary components of such an adaptive management program.

SEC. 634. NATIONAL MARINE RENEWABLE ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION CENTERS.

(a) CENTERS.—The Secretary shall award grants to institutions of higher education (or consortia thereof) for the establishment of 1 or more National Marine Renewable Energy Research, Development, and Demonstration Centers. In selecting locations for Centers, the Secretary shall consider sites that meet one of the following criteria:

(1) Hosts an existing marine renewable energy research and development program in coordination with an engineering program at an institution of higher education.

(2) Has proven expertise to support environmental and policy-related issues associated with harnessing of energy in the marine environment.

(3) Has access to and utilizes the marine resources in the Gulf of Mexico, the Atlantic Ocean, or the Pacific Ocean.

The Secretary may give special consideration to historically black colleges and universities and land grant universities that also meet one of these criteria. In establishing criteria for the selection of the Centers, the Secretary shall consult with the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere, on the criteria related to ocean waves, tides, and currents including those for advancing wave forecasting technologies, ocean temperature differences, and studying the compatibility of marine renewable energy technologies and systems with the environment, fisheries, and other marine resources.

(b) PURPOSES.—The Centers shall advance research, development, demonstration, and commercial application of marine renewable energy, and shall serve as an information clearinghouse for the marine renewable energy industry, collecting and disseminating information on best practices in all areas related to developing and managing enhanced marine renewable energy systems resources.

(c) DEMONSTRATION OF NEED.—When applying for a grant under this section, an applicant shall include a description of why Federal support is necessary for the Center, including evidence that the research of the Center will not be conducted in the absence of Federal support.

SEC. 635. APPLICABILITY OF OTHER LAWS.

Nothing in this subtitle shall be construed as waiving, modifying, or superseding the applicability of any requirement under any environmental or other Federal or State law.

SEC. 636. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary to carry out this subtitle $50,000,000 for each of the fiscal years 2008 through 2012, except that no funds shall be appropriated under this section for activities that are receiving funds under section 931(a)(2)(E)(i) of the Energy Policy Act of 2005 (42 U.S.C. 16231(a)(2)(E)(i)).

Subtitle D—Energy Storage for Transportation and Electric Power

SEC. 641. ENERGY STORAGE COMPETITIVENESS.

(a) SHORT TITLE.—This section may be cited as the "United States Energy Storage Competitiveness Act of 2007".

(b) DEFINITIONS.—In this section:

(1) COUNCIL.—The term "Council" means the Energy Storage Advisory Council established under subsection (e).

(2) COMPRESSED AIR ENERGY STORAGE.—The term "compressed air energy storage" means, in the case of an electricity grid application, the storage of energy through the compression of air.

(3) ELECTRIC DRIVE VEHICLE.—The term "electric drive vehicle" means—

(A) a vehicle that uses an electric motor for all or part of the motive power of the vehicle, including battery electric, hybrid electric, plug-in hybrid electric, fuel cell, and plug-in fuel cell vehicles and rail transportation vehicles; or

(B) mobile equipment that uses an electric motor to replace an internal combustion engine for all or part of the work of the equipment.

(4) ISLANDING.—The term "islanding" means a distributed generator or energy storage device continuing to power a location in the absence of electric power from the primary source.

(5) FLYWHEEL.—The term "flywheel" means, in the case of an electricity grid application, a device used to store rotational kinetic energy.

(6) MICROGRID.—The term "microgrid" means an integrated energy system consisting of interconnected loads and distributed energy resources (including generators and energy storage devices), which as an integrated system can operate in parallel with the utility grid or in an intentional islanding mode.

(7) SELF-HEALING GRID.—The term "self-healing grid" means a grid that is capable of automatically anticipating and responding to power system disturbances (including the isolation of failed sections and components), while optimizing the performance and service of the grid to customers.

(8) SPINNING RESERVE SERVICES.—The term "spinning reserve services" means a quantity of electric generating capacity in excess of the quantity needed to meet peak electric demand.

(9) ULTRACAPACITOR.—The term "ultracapacitor" means an energy storage device that has a power density comparable to a conventional capacitor but is capable of exceeding the energy density of a conventional capacitor by several orders of magnitude.

(c) PROGRAM.—The Secretary shall carry out a research, development, and demonstration program to support the ability of the United States to remain globally competitive in energy storage systems for electric drive vehicles, stationary applications, and electricity transmission and distribution.

(d) COORDINATION.—In carrying out the activities of this section, the Secretary shall coordinate relevant efforts with appropriate Federal agencies, including the Department of Transportation.

(e) ENERGY STORAGE ADVISORY COUNCIL.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish an Energy Storage Advisory Council.

(2) COMPOSITION.—

(A) IN GENERAL.—Subject to subparagraph (B), the Council shall consist of not less than 15 individuals appointed by the Secretary, based on recommendations of the National Academy of Sciences.

(B) ENERGY STORAGE INDUSTRY.—The Council shall consist primarily of representatives of the energy storage industry of the United States.

(C) CHAIRPERSON.—The Secretary shall select a Chairperson for the Council from among the members appointed under subparagraph (A).

(3) MEETINGS.—

(A) IN GENERAL.—The Council shall meet not less than once a year.

(B) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to a meeting of the Council.

(4) PLANS.—No later than 1 year after the date of enactment of this Act and every 5 years thereafter, the Council, in conjunction with the Secretary, shall develop a 5-year plan for integrating basic and applied research so that the United States retains a globally competitive domestic energy storage industry for electric drive vehicles, stationary applications, and electricity transmission and distribution.

(5) REVIEW.—The Council shall—

(A) assess, every 2 years, the performance of the Department in meeting the goals of the plans developed under paragraph (4); and

(B) make specific recommendations to the Secretary on programs or activities that should be established or terminated to meet those goals.

(f) BASIC RESEARCH PROGRAM.—

(1) BASIC RESEARCH.—The Secretary shall conduct a basic research program on energy storage systems to support electric drive vehicles, stationary applications, and electricity transmission and distribution, including—

(A) materials design;

(B) materials synthesis and characterization;

(C) electrode-active materials, including electrolytes and bioelectrolytes;

(D) surface and interface dynamics;

(E) modeling and simulation; and

(F) thermal behavior and life degradation mechanisms.

(2) NANOSCIENCE CENTERS.—The Secretary, in cooperation with the Council, shall coordinate the activities of the nanoscience centers of the Department to help the energy storage research centers of the Department maintain a globally competitive posture in energy storage systems for electric drive vehicles, stationary applications, and electricity transmission and distribution.

(3) FUNDING.—For activities carried out under this subsection, in addition to funding activities at National Laboratories, the Secretary shall award funds to, and coordinate activities with, a range of stakeholders including the public, private, and academic sectors.

(g) APPLIED RESEARCH PROGRAM.—

(1) IN GENERAL.—The Secretary shall conduct an applied research program on energy storage systems to support electric drive vehicles, stationary applications, and electricity transmission and distribution technologies, including—

(A) ultracapacitors;

(B) flywheels;

(C) batteries and battery systems (including flow batteries);

(D) compressed air energy systems;

(E) power conditioning electronics;

(F) manufacturing technologies for energy storage systems;

(G) thermal management systems; and

(H) hydrogen as an energy storage medium.

(2) FUNDING.—For activities carried out under this subsection, in addition to funding activities at National Laboratories, the Secretary shall provide funds to, and coordinate activities with, a range of stakeholders, including the public, private, and academic sectors.

(h) ENERGY STORAGE RESEARCH CENTERS.—

(1) IN GENERAL.—The Secretary shall establish, through competitive bids, not more than 4 energy storage research centers to translate basic research into applied technologies to advance the capability of the United States to maintain a globally competitive posture in energy storage systems for electric drive vehicles, stationary applications, and electricity transmission and distribution.

(2) PROGRAM MANAGEMENT.—The centers shall be managed by the Under Secretary for Science of the Department.

(3) PARTICIPATION AGREEMENTS.—As a condition of participating in a center, a participant shall enter into a participation agreement with the center that requires that activities conducted by the participant for the center promote the goal of enabling the United States to compete successfully in global energy storage markets.

(4) PLANS.—A center shall conduct activities that promote the achievement of the goals of the plans of the Council under subsection (e)(4).

(5) NATIONAL LABORATORIES.—A national laboratory (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)) may participate in a center established under this subsection, including a cooperative research and development agreement (as defined in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))).

(6) DISCLOSURE.—Section 623 of the Energy Policy Act of 1992 (42 U.S.C. 13293) may apply to any project carried out through a grant, contract, or cooperative agreement under this subsection.

(7) INTELLECTUAL PROPERTY.—In accordance with section 202(a)(ii) of title 35, United States Code, section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182), and section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908), the Secretary may require, for any new invention developed under this subsection, that—

(A) if an industrial participant is active in a energy storage research center established under this subsection relating to the advancement of energy storage technologies carried out, in whole or in part, with Federal funding, the industrial participant be granted the first option to negotiate with the invention owner, at least in the field of energy storage technologies, nonexclusive licenses, and royalties on terms that are reasonable, as determined by the Secretary;

(B) if 1 or more industry participants are active in a center, during a 2-year period beginning on the date on which an invention is made—

(i) the patent holder shall not negotiate any license or royalty agreement with any entity that is not an industrial participant under this subsection; and

(ii) the patent holder shall negotiate nonexclusive licenses and royalties in good faith with any interested industrial participant under this subsection; and

(C) the new invention be developed under such other terms as the Secretary determines to be necessary to promote the accelerated commercialization of inventions made under this subsection to advance the capability of the United States to successfully compete in global energy storage markets.

(i) ENERGY STORAGE SYSTEMS DEMONSTRATIONS.—

(1) IN GENERAL.—The Secretary shall carry out a program of new demonstrations of advanced energy storage systems.

(2) SCOPE.—The demonstrations shall—

(A) be regionally diversified; and

(B) expand on the existing technology demonstration program of the Department.

(3) STAKEHOLDERS.—In carrying out the demonstrations, the Secretary shall, to the maximum extent practicable, include the participation of a range of stakeholders, including—

(A) rural electric cooperatives;

(B) investor owned utilities;

(C) municipally owned electric utilities;

(D) energy storage systems manufacturers;

(E) electric drive vehicle manufacturers;

(F) the renewable energy production industry;

(G) State or local energy offices;

(H) the fuel cell industry; and

(I) institutions of higher education.

(4) OBJECTIVES.—Each of the demonstrations shall include 1 or more of the following:

(A) Energy storage to improve the feasibility of microgrids or islanding, or transmission and distribution capability, to improve reliability in rural areas.

(B) Integration of an energy storage system with a self-healing grid.

(C) Use of energy storage to improve security to emergency response infrastructure and ensure availability of emergency backup power for consumers.

(D) Integration with a renewable energy production source, at the source or away from the source.

(E) Use of energy storage to provide ancillary services, such as spinning reserve services, for grid management.

(F) Advancement of power conversion systems to make the systems smarter, more efficient, able to communicate with other inverters, and able to control voltage.

(G) Use of energy storage to optimize transmission and distribution operation and power quality, which could address overloaded lines and maintenance of transformers and substations.

(H) Use of advanced energy storage for peak load management of homes, businesses, and the grid.

(I) Use of energy storage devices to store energy during nonpeak generation periods to make better use of existing grid assets.

(j) VEHICLE ENERGY STORAGE DEMONSTRATION.—

(1) IN GENERAL.—The Secretary shall carry out a program of electric drive vehicle energy storage technology demonstrations.

(2) CONSORTIA.—The technology demonstrations shall be conducted through consortia, which may include—

(A) energy storage systems manufacturers and suppliers of the manufacturers;

(B) electric drive vehicle manufacturers;

(C) rural electric cooperatives;

(D) investor owned utilities;

(E) municipal and rural electric utilities;

(F) State and local governments;

(G) metropolitan transportation authorities; and

(H) institutions of higher education.

(3) OBJECTIVES.—The program shall demonstrate 1 or more of the following:

(A) Novel, high capacity, high efficiency energy storage, charging, and control systems, along with the collection of data on performance characteristics, such as battery life, energy storage capacity, and power delivery capacity.

(B) Advanced onboard energy management systems and highly efficient battery cooling systems.

(C) Integration of those systems on a prototype vehicular platform, including with drivetrain systems for passenger, commercial, and nonroad electric drive vehicles.

(D) New technologies and processes that reduce manufacturing costs.

(E) Integration of advanced vehicle technologies with electricity distribution system and smart metering technology.

(F) Control systems that minimize emissions profiles in cases in which clean diesel engines are part of a plug-in hybrid drive system.

(k) SECONDARY APPLICATIONS AND DISPOSAL OF ELECTRIC DRIVE VEHICLE BATTERIES.—The Secretary shall carry out a program of research, development, and demonstration of—

(1) secondary applications of energy storage devices following service in electric drive vehicles; and

(2) technologies and processes for final recycling and disposal of the devices.

(l) COST SHARING.—The Secretary shall carry out the programs established under this section in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(m) MERIT REVIEW OF PROPOSALS.—The Secretary shall carry out the programs established under subsections (i), (j), and (k) in accordance with section 989 of the Energy Policy Act of 2005 (42 U.S.C. 16353).

(n) COORDINATION AND NONDUPLICATION.—To the maximum extent practicable, the Secretary shall coordinate activities under this section with other programs and laboratories of the Department and other Federal research programs.

(o) REVIEW BY NATIONAL ACADEMY OF SCIENCES.—On the business day that is 5 years after the date of enactment of this Act, the Secretary shall offer to enter into an arrangement with the National Academy of Sciences to assess the performance of the Department in carrying out this section.

(p) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out—

(1) the basic research program under subsection (f) $50,000,000 for each of fiscal years 2009 through 2018;

(2) the applied research program under subsection (g) $80,000,000 for each of fiscal years 2009 through 2018; and;

(3) the energy storage research center program under subsection (h) $100,000,000 for each of fiscal years 2009 through 2018;

(4) the energy storage systems demonstration program under subsection (i) $30,000,000 for each of fiscal years 2009 through 2018;

(5) the vehicle energy storage demonstration program under subsection (j) $30,000,000 for each of fiscal years 2009 through 2018; and

(6) the secondary applications and disposal of electric drive vehicle batteries program under subsection (k) $5,000,000 for each of fiscal years 2009 through 2018.

Subtitle E—Miscellaneous Provisions

SEC. 651. LIGHTWEIGHT MATERIALS RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Energy shall establish a program to determine ways in which the weight of motor vehicles could be reduced to improve fuel efficiency without compromising passenger safety by conducting research, development, and demonstration relating to—

(1) the development of new materials (including cast metal composite materials formed by autocombustion synthesis) and material processes that yield a higher strength-to-weight ratio or other properties that reduce vehicle weight; and

(2) reducing the cost of—

(A) lightweight materials (including high-strength steel alloys, aluminum, magnesium, metal composites, and carbon fiber reinforced polymer composites) with the properties required for construction of lighter-weight vehicles; and

(B) materials processing, automated manufacturing, joining, and recycling lightweight materials for high-volume applications. .

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $80,000,000 for the period of fiscal years 2008 through 2012.

SEC. 652. COMMERCIAL INSULATION DEMONSTRATION PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADVANCED INSULATION.—The term "advanced insulation" means insulation that has an R value of not less than R35 per inch.

(2) COVERED REFRIGERATION UNIT.—The term "covered refrigeration unit" means any—

(A) commercial refrigerated truck;

(B) commercial refrigerated trailer; or

(C) commercial refrigerator, freezer, or refrigerator-freezer described in section 342(c) of the Energy Policy and Conservation Act (42 U.S.C. 6313(c)).

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that includes an evaluation of—

(1) the state of technological advancement of advanced insulation; and

(2) the projected amount of cost savings that would be generated by implementing advanced insulation into covered refrigeration units.

(c) DEMONSTRATION PROGRAM.—

(1) ESTABLISHMENT.—If the Secretary determines in the report described in subsection (b) that the implementation of advanced insulation into covered refrigeration units would generate an economically justifiable amount of cost savings, the Secretary, in cooperation with manufacturers of covered refrigeration units, shall establish a demonstration program under which the Secretary shall demonstrate the cost-effectiveness of advanced insulation.

(2) DISCLOSURE.—The Secretary may, for a period of up to five years after an award is granted under the demonstration program, exempt from mandatory disclosure under section 552 of title 5, United States Code (popularly known as the Freedom of Information Act) information that the Secretary determines would be a privileged or confidential trade secret or commercial or financial information under subsection (b)(4) of such section if the information had been obtained from a non-Government party.

(3) COST-SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to any project carried out under this subsection.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $8,000,000 for the period of fiscal years 2009 through 2014.

SEC. 653. TECHNICAL CRITERIA FOR CLEAN COAL POWER INITIATIVE.

Section 402(b)(1)(B)(ii) of the Energy Policy Act of 2005 (42 U.S.C. 15962(b)(1)(B)(ii)) is amended by striking subclause (I) and inserting the following:

"(I)(aa) to remove at least 99 percent of sulfur dioxide; or

"(bb) to emit not more than 0.04 pound SO_2 per million Btu, based on a 30-day average;".

SEC. 654. H-PRIZE.

Section 1008 of the Energy Policy Act of 2005 (42 U.S.C. 16396) is amended by adding at the end the following new subsection:

"(f) H-PRIZE.—

"(1) PRIZE AUTHORITY.—

"(A) IN GENERAL.—As part of the program under this section, the Secretary shall carry out a program to competitively award cash prizes in conformity with this subsection to advance the research, development, demonstration, and commercial application of hydrogen energy technologies.

"(B) ADVERTISING AND SOLICITATION OF COMPETITORS.—

"(i) ADVERTISING.—The Secretary shall widely advertise prize competitions under this subsection to encourage broad participation, including by individuals, universities (including historically Black colleges and universities and other minority serving institutions), and large and small businesses (including businesses owned or controlled by socially and economically disadvantaged persons).

"(ii) ANNOUNCEMENT THROUGH FEDERAL REGISTER NOTICE.—The Secretary shall announce each prize competition under this subsection by publishing a notice in the Federal Register. This notice shall include essential elements of the competition such as the subject of the competition, the duration of the competition, the eligibility requirements for participation in the competition, the process for participants to register for the competition, the amount of the prize, and the criteria for awarding the prize.

"(C) ADMINISTERING THE COMPETITIONS.—The Secretary shall enter into an agreement with a private, nonprofit entity to administer the prize competitions under this subsection, subject to the provisions of this subsection (in this subsection referred to as the 'administering entity'). The duties of the administering entity under the agreement shall include—

"(i) advertising prize competitions under this subsection and their results;

"(ii) raising funds from private entities and individuals to pay for administrative costs and to contribute to cash prizes, including funds provided in exchange for the right to name a prize awarded under this subsection;

"(iii) developing, in consultation with and subject to the final approval of the Secretary, the criteria for selecting winners in prize competitions under this subsection, based on goals provided by the Secretary;

"(iv) determining, in consultation with the Secretary, the appropriate amount and funding sources for each prize to be awarded under this subsection, subject to the final approval of the Secretary with respect to Federal funding;

"(v) providing advice and consultation to the Secretary on the selection of judges in accordance with paragraph (2)(D), using criteria developed in consultation with and subject to the final approval of the Secretary; and

"(vi) protecting against the administering entity's unauthorized use or disclosure of a registered participant's trade secrets and confidential business information. Any information properly identified as trade secrets or confidential business information that is submitted by a participant as part of a competitive program under this subsection may be withheld from public disclosure.

"(D) FUNDING SOURCES.—Prizes under this subsection shall consist of Federal appropriated funds and any funds provided by the administering entity (including funds raised pursuant to subparagraph (C)(ii)) for such cash prize programs. The Secretary may accept funds from other Federal agencies for such cash prizes and, notwithstanding section 3302(b) of title 31, United States Code, may use such funds for the cash prize program under this subsection. Other than publication of the names of prize sponsors, the Secretary may not give any special consideration to any private sector entity or individual in return for a donation to the Secretary or administering entity.

"(E) ANNOUNCEMENT OF PRIZES.—The Secretary may not issue a notice required by subparagraph (B)(ii) until all the funds needed to pay out the announced amount of the prize have been appropriated or committed in writing by the administering entity. The Secretary may increase the amount of a prize after an initial announcement is made under subparagraph (B)(ii) if—

"(i) notice of the increase is provided in the same manner as the initial notice of the prize; and

"(ii) the funds needed to pay out the announced amount of the increase have been appropriated or committed in writing by the administering entity.

"(F) SUNSET.—The authority to announce prize competitions under this subsection shall terminate on September 30, 2018.

"(2) PRIZE CATEGORIES.—

"(A) CATEGORIES.—The Secretary shall establish prizes under this subsection for—

"(i) advancements in technologies, components, or systems related to—

"(I) hydrogen production;

"(II) hydrogen storage;

"(III) hydrogen distribution; and

"(IV) hydrogen utilization;

"(ii) prototypes of hydrogen-powered vehicles or other hydrogen-based products that best meet or exceed objective performance criteria, such as completion of a race over a certain distance or terrain or generation of energy at certain levels of efficiency; and

"(iii) transformational changes in technologies for the distribution or production of hydrogen that meet or exceed far-reaching objective criteria, which shall include minimal carbon emissions and which may include cost criteria designed to facilitate the eventual market success of a winning technology.

"(B) AWARDS.—

"(i) ADVANCEMENTS.—To the extent permitted under paragraph (1)(E), the prizes authorized under subparagraph (A)(i) shall be awarded biennially to the most significant advance made in each of the four subcategories described in subclauses (I) through (IV) of subparagraph (A)(i) since the submission deadline of the previous prize competition in the same category under subparagraph (A)(i) or the date of enactment of this subsection, whichever is later, unless no such advance is significant enough to merit an award. No one such prize may exceed $1,000,000. If less than $4,000,000 is available for a prize competition under subparagraph (A)(i), the Secretary may omit one or more subcategories, reduce the amount of the prizes, or not hold a prize competition.

"(ii) PROTOTYPES.—To the extent permitted under paragraph (1)(E), prizes authorized under subparagraph (A)(ii) shall be awarded biennially in alternate years from the prizes authorized under subparagraph (A)(i). The Secretary is authorized to award up to one prize in this category in each 2-year period. No such prize may exceed $4,000,000. If no registered participants meet the objective performance criteria established pursuant to subparagraph (C) for a competition under this clause, the Secretary shall not award a prize.

"(iii) TRANSFORMATIONAL TECHNOLOGIES.—To the extent permitted under paragraph (1)(E), the Secretary shall announce one prize competition authorized under subparagraph (A)(iii) as soon after the date of enactment of this subsection as is practicable. A prize offered under this clause shall be not less than $10,000,000, paid to the winner in a lump sum, and an additional amount paid to the winner as a match for each dollar of private funding raised by the winner for the hydrogen technology beginning on the date the winner was named. The match shall be provided for 3 years after the date the prize winner is named or until the full amount of the prize has been paid out, whichever occurs first. A prize winner may elect to have the match amount paid to another entity that is continuing the development of the winning technology. The Secretary shall announce the rules for receiving the match in the notice required by paragraph (1)(B)(ii). The Secretary shall award a prize under this clause only when a registered participant has met the objective criteria established for the prize pursuant to subparagraph (C) and announced pursuant to paragraph (1)(B)(ii). Not more than $10,000,000 in Federal funds may be used for the prize award under this clause. The administering entity shall seek to raise $40,000,000 toward the matching award under this clause.

"(C) CRITERIA.—In establishing the criteria required by this subsection, the Secretary—

"(i) shall consult with the Department's Hydrogen Technical and Fuel Cell Advisory Committee;

"(ii) shall consult with other Federal agencies, including the National Science Foundation; and

"(iii) may consult with other experts such as private organizations, including professional societies, industry associations, and the National Academy of Sciences and the National Academy of Engineering.

"(D) JUDGES.—For each prize competition under this subsection, the Secretary in consultation with the administering entity shall assemble a panel of qualified judges to select the winner or winners on the basis of the criteria established under subparagraph (C). Judges for each prize competition shall include individuals from outside the Department, including from the private sector. A judge, spouse, minor children, and members of the judge's household may not—

"(i) have personal or financial interests in, or be an employee, officer, director, or agent of, any entity that is a registered participant in the prize competition for which he or she will serve as a judge; or

"(ii) have a familial or financial relationship with an individual who is a registered participant in the prize competition for which he or she will serve as a judge.

"(3) ELIGIBILITY.—To be eligible to win a prize under this subsection, an individual or entity—

"(A) shall have complied with all the requirements in accordance with the Federal Register notice required under paragraph (1)(B)(ii);

"(B) in the case of a private entity, shall be incorporated in and maintain a primary place of business in the United States, and in the case of an individual, whether participating singly or in a group, shall be a citizen of, or an alien lawfully admitted for permanent residence in, the United States; and

"(C) shall not be a Federal entity, a Federal employee acting within the scope of his employment, or an employee of a national laboratory acting within the scope of his employment.

"(4) INTELLECTUAL PROPERTY.—The Federal Government shall not, by virtue of offering or awarding a prize under this subsection, be entitled to any intellectual property rights derived as a consequence of, or direct relation to, the participation by a registered participant in a competition authorized by this subsection. This paragraph shall not be construed to prevent the Federal Government from negotiating a license for the use of intellectual property developed for a prize competition under this subsection.

"(5) LIABILITY.—

"(A) WAIVER OF LIABILITY.—The Secretary may require registered participants to waive claims against the Federal Government and the administering entity (except claims for willful misconduct) for any injury, death, damage, or loss of property, revenue, or profits arising from the registered participants' participation in a competition under this subsection. The Secretary shall give notice of any waiver required under this subparagraph in the notice required by paragraph (1)(B)(ii). The Secretary may not require a registered participant to waive claims against the administering entity arising out of the unauthorized use or disclosure by the administering entity of the registered participant's trade secrets or confidential business information.

"(B) LIABILITY INSURANCE.—

"(i) REQUIREMENTS.—Registered participants in a prize competition under this subsection shall be required to obtain liability insurance or demonstrate financial responsibility, in amounts determined by the Secretary, for claims by—

"(I) a third party for death, bodily injury, or property damage or loss resulting from an activity carried out in connection with participation in a competition under this subsection; and

"(II) the Federal Government for damage or loss to Government property resulting from such an activity.

"(ii) FEDERAL GOVERNMENT INSURED.—The Federal Government shall be named as an additional insured under a registered participant's insurance policy required under clause (i)(I), and registered participants shall be required to agree to indemnify the Federal Government against third party claims for damages arising from or related to competition activities under this subsection.

"(6) REPORT TO CONGRESS.—Not later than 60 days after the awarding of the first prize under this subsection, and annually thereafter, the Secretary shall transmit to the Congress a report that—

"(A) identifies each award recipient;

"(B) describes the technologies developed by each award recipient; and

"(C) specifies actions being taken toward commercial application of all technologies with respect to which a prize has been awarded under this subsection.

"(7) AUTHORIZATION OF APPROPRIATIONS.—

"(A) IN GENERAL.—

"(i) AWARDS.—There are authorized to be appropriated to the Secretary for the period encompassing fiscal years 2008 through 2017 for carrying out this subsection—

"(I) $20,000,000 for awards described in paragraph (2)(A)(i);

"(II) $20,000,000 for awards described in paragraph (2)(A)(ii); and

"(III) $10,000,000 for the award described in paragraph (2)(A)(iii).

"(ii) ADMINISTRATION.—In addition to the amounts authorized in clause (i), there are authorized to be appropriated to the Secretary for each of fiscal years 2008 and 2009 $2,000,000 for the administrative costs of carrying out this subsection.

"(B) CARRYOVER OF FUNDS.—Funds appropriated for prize awards under this subsection shall remain available until expended, and may be transferred, reprogrammed, or expended for other purposes only after the expiration of 10 fiscal years after the fiscal year for which the funds were originally appropriated. No provision in this subsection permits obligation or payment of funds in violation of section 1341 of title 31 of the United States Code (commonly referred to as the Anti-Deficiency Act).

"(8) NONSUBSTITUTION.—The programs created under this subsection shall not be considered a substitute for Federal research and development programs.".

SEC. 655. BRIGHT TOMORROW LIGHTING PRIZES.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, as part of the program carried out under section 1008 of the Energy Policy Act of 2005 (42 U.S.C. 16396), the Secretary shall establish and award Bright Tomorrow Lighting Prizes for solid state lighting in accordance with this section.

(b) PRIZE SPECIFICATIONS.—

(1) 60-WATT INCANDESCENT REPLACEMENT LAMP PRIZE.—The Secretary shall award a 60-Watt Incandescent Replacement Lamp Prize to an entrant that produces a solid-state light package simultaneously capable of—

(A) producing a luminous flux greater than 900 lumens;

(B) consuming less than or equal to 10 watts;

(C) having an efficiency greater than 90 lumens per watt;

(D) having a color rendering index greater than 90;

(E) having a correlated color temperature of not less than 2,750, and not more than 3,000, degrees Kelvin;

(F) having 70 percent of the lumen value under subparagraph (A) exceeding 25,000 hours under typical conditions expected in residential use;

(G) having a light distribution pattern similar to a soft 60-watt incandescent A19 bulb;

(H) having a size and shape that fits within the maximum dimensions of an A19 bulb in accordance with American National Standards Institute standard C78.20–2003, figure C78.20–211;

(I) using a single contact medium screw socket; and

(J) mass production for a competitive sales commercial market satisfied by producing commercially accepted quality control lots of such units equal to or exceeding the criteria described in subparagraphs (A) through (I).

(2) PAR TYPE 38 HALOGEN REPLACEMENT LAMP PRIZE.—The Secretary shall award a Parabolic Aluminized Reflector Type 38 Halogen Replacement Lamp Prize (referred to in this section as the "PAR Type 38 Halogen Replacement Lamp Prize") to an entrant that produces a solid-state-light package simultaneously capable of—

(A) producing a luminous flux greater than or equal to 1,350 lumens;

(B) consuming less than or equal to 11 watts;

(C) having an efficiency greater than 123 lumens per watt;

(D) having a color rendering index greater than or equal to 90;

(E) having a correlated color coordinate temperature of not less than 2,750, and not more than 3,000, degrees Kelvin;

(F) having 70 percent of the lumen value under subparagraph (A) exceeding 25,000 hours under typical conditions expected in residential use;

(G) having a light distribution pattern similar to a PAR 38 halogen lamp;

(H) having a size and shape that fits within the maximum dimensions of a PAR 38 halogen lamp in accordance with American National Standards Institute standard C78–21–2003, figure C78.21–238;

(I) using a single contact medium screw socket; and

(J) mass production for a competitive sales commercial market satisfied by producing commercially accepted quality control lots of such units equal to or exceeding the criteria described in subparagraphs (A) through (I).

(3) TWENTY-FIRST CENTURY LAMP PRIZE.—The Secretary shall award a Twenty-First Century Lamp Prize to an entrant that produces a solid-state-light-light capable of—

(A) producing a light output greater than 1,200 lumens;

(B) having an efficiency greater than 150 lumens per watt;

(C) having a color rendering index greater than 90;

(D) having a color coordinate temperature between 2,800 and 3,000 degrees Kelvin; and

(E) having a lifetime exceeding 25,000 hours.

(c) PRIVATE FUNDS.—

(1) IN GENERAL.—Subject to paragraph (2), and notwithstanding section 3302 of title 31, United States Code, the Secretary may accept, retain, and use funds contributed by any person, government entity, or organization for purposes of carrying out this subsection—

(A) without further appropriation; and

(B) without fiscal year limitation.

(2) PRIZE COMPETITION.—A private source of funding may not participate in the competition for prizes awarded under this section.

(d) TECHNICAL REVIEW.—The Secretary shall establish a technical review committee composed of non-Federal officers to review entrant data submitted under this section to determine whether the data meets the prize specifications described in subsection (b).

(e) THIRD PARTY ADMINISTRATION.—The Secretary may competitively select a third party to administer awards under this section.

(f) ELIGIBILITY FOR PRIZES.—To be eligible to be awarded a prize under this section—

(1) in the case of a private entity, the entity shall be incorporated in and maintain a primary place of business in the United States; and

(2) in the case of an individual (whether participating as a single individual or in a group), the individual shall be a citizen or lawful permanent resident of the United States.

(g) AWARD AMOUNTS.—Subject to the availability of funds to carry out this section, the amount of—

(1) the 60-Watt Incandescent Replacement Lamp Prize described in subsection (b)(1) shall be $10,000,000;

(2) the PAR Type 38 Halogen Replacement Lamp Prize described in subsection (b)(2) shall be $5,000,000; and

(3) the Twenty-First Century Lamp Prize described in subsection (b)(3) shall be $5,000,000.

(h) FEDERAL PROCUREMENT OF SOLID-STATE-LIGHTS.—

(1) 60-WATT INCANDESCENT REPLACEMENT.—Subject to paragraph (3), as soon as practicable after the successful award of the 60-Watt Incandescent Replacement Lamp Prize under subsection (b)(1), the Secretary (in consultation with the Administrator of General Services) shall develop governmentwide Federal purchase guidelines with a goal of replacing the use of 60-watt incandescent lamps in Federal Government buildings with a solid-state-light package described in subsection (b)(1) by not later than the date that is 5 years after the date the award is made.

(2) PAR 38 HALOGEN REPLACEMENT LAMP REPLACEMENT.—Subject to paragraph (3), as soon as practicable after the successful award of the PAR Type 38 Halogen Replacement Lamp Prize under subsection (b)(2), the Secretary (in consultation with the Administrator of General Services) shall develop governmentwide Federal purchase guidelines with the goal of replacing the use of PAR 38 halogen lamps in Federal Government buildings with a solid-state-light package described in subsection (b)(2) by not later than the date that is 5 years after the date the award is made.

(3) WAIVERS.—

(A) IN GENERAL.—The Secretary or the Administrator of General Services may waive the application of paragraph (1) or (2) if the Secretary or Administrator determines that the return on investment from the purchase of a solid-state-light package described in paragraph (1) or (2) of subsection (b), respectively, is cost prohibitive.

(B) REPORT OF WAIVER.—If the Secretary or Administrator waives the application of paragraph (1) or (2), the Secretary or Administrator, respectively, shall submit to Congress an annual report that describes the waiver and provides a detailed justification for the waiver.

(i) REPORT.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Administrator of General Services shall submit to the Energy Information Agency a report describing the quantity, type, and cost of each lighting product purchased by the Federal Government.

(j) BRIGHT TOMORROW LIGHTING AWARD FUND.—

(1) ESTABLISHMENT.—There is established in the United States Treasury a Bright Tomorrow Lighting permanent fund without fiscal year limitation to award prizes under paragraphs (1), (2), and (3) of subsection (b).

(2) SOURCES OF FUNDING.—The fund established under paragraph (1) shall accept—

(A) fiscal year appropriations; and

(B) private contributions authorized under subsection (c).

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 656. RENEWABLE ENERGY INNOVATION MANUFACTURING PARTNERSHIP.

(a) ESTABLISHMENT.—The Secretary shall carry out a program, to be known as the Renewable Energy Innovation Manufacturing Partnership Program (referred to in this section as the "Program"), to make assistance awards to eligible entities for use in carrying out research, development, and demonstration relating to the manufacturing of renewable energy technologies.

(b) SOLICITATION.—To carry out the Program, the Secretary shall annually conduct a competitive solicitation for assistance awards for an eligible project described in subsection (e).

(c) PROGRAM PURPOSES.—The purposes of the Program are—

(1) to develop, or aid in the development of, advanced manufacturing processes, materials, and infrastructure;

(2) to increase the domestic production of renewable energy technology and components; and

(3) to better coordinate Federal, State, and private resources to meet regional and national renewable energy goals through advanced manufacturing partnerships.

(d) ELIGIBLE ENTITIES.—An entity shall be eligible to receive an assistance award under the Program to carry out an eligible project described in subsection (e) if the entity is composed of—

(1) 1 or more public or private nonprofit institutions or national laboratories engaged in research, development, demonstration, or technology transfer, that would participate substantially in the project; and

(2) 1 or more private entities engaged in the manufacturing or development of renewable energy system components (including solar energy, wind energy, biomass, geothermal energy, energy storage, or fuel cells).

(e) ELIGIBLE PROJECTS.—An eligible entity may use an assistance award provided under this section to carry out a project relating to—

(1) the conduct of studies of market opportunities for component manufacturing of renewable energy systems;

(2) the conduct of multiyear applied research, development, demonstration, and deployment projects for advanced manufacturing processes, materials, and infrastructure for renewable energy systems; and

(3) other similar ventures, as approved by the Secretary, that promote advanced manufacturing of renewable technologies.

(f) CRITERIA AND GUIDELINES.—The Secretary shall establish criteria and guidelines for the submission, evaluation, and funding of proposed projects under the Program.

(g) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to a project carried out under this section.

(h) DISCLOSURE.—The Secretary may, for a period of up to five years after an award is granted under this section, exempt from mandatory disclosure under section 552 of title 5, United States Code (popularly known as the Freedom of Information Act) information that the Secretary determines would be a privileged or confidential trade secret or commercial or financial information under subsection (b)(4) of such section if the information had been obtained from a non-Government party.

(i) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Secretary should ensure that small businesses engaged in renewable manufacturing be given priority consideration for the assistance awards provided under this section.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of funds already authorized to carry out this section $25,000,000 for each of fiscal years 2008 through 2013, to remain available until expended.

TITLE VII—CARBON CAPTURE AND SEQUESTRATION

Subtitle A—Carbon Capture and Sequestration Research, Development, and Demonstration

SEC. 701. SHORT TITLE.

This subtitle may be cited as the "Department of Energy Carbon Capture and Sequestration Research, Development, and Demonstration Act of 2007".

SEC. 702. CARBON CAPTURE AND SEQUESTRATION RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM.

(a) AMENDMENT.—Section 963 of the Energy Policy Act of 2005 (42 U.S.C. 16293) is amended—

(1) in the section heading, by striking "**RESEARCH AND DEVELOPMENT**" and inserting "**AND SEQUESTRATION RESEARCH, DEVELOPMENT, AND DEMONSTRATION**";

(2) in subsection (a)—

(A) by striking "research and development" and inserting "and sequestration research, development, and demonstration"; and

(B) by striking "capture technologies on combustion-based systems" and inserting "capture and sequestration technologies related to industrial sources of carbon dioxide";

(3) in subsection (b)—

(A) in paragraph (3), by striking "and" at the end;

(B) in paragraph (4), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(5) to expedite and carry out large-scale testing of carbon sequestration systems in a range of geologic formations that will provide information on the cost and feasibility of deployment of sequestration technologies."; and

(4) by striking subsection (c) and inserting the following:

"(c) PROGRAMMATIC ACTIVITIES.—

"(1) FUNDAMENTAL SCIENCE AND ENGINEERING RESEARCH AND DEVELOPMENT AND DEMONSTRATION SUPPORTING CARBON CAPTURE AND SEQUESTRATION TECHNOLOGIES AND CARBON USE ACTIVITIES.—

"(A) IN GENERAL.—The Secretary shall carry out fundamental science and engineering research (including laboratory-scale experiments, numeric modeling, and simulations) to develop and document the performance of new approaches to capture and sequester, or use carbon dioxide to lead to an overall reduction of carbon dioxide emissions.

"(B) PROGRAM INTEGRATION.—The Secretary shall ensure that fundamental research carried out under this paragraph is appropriately applied to energy technology development activities, the field testing of carbon sequestration, and carbon use activities, including—

"(i) development of new or advanced technologies for the capture and sequestration of carbon dioxide;

"(ii) development of new or advanced technologies that reduce the cost and increase the efficacy of advanced compression of carbon dioxide required for the sequestration of carbon dioxide;

"(iii) modeling and simulation of geologic sequestration field demonstrations;

"(iv) quantitative assessment of risks relating to specific field sites for testing of sequestration technologies;

"(v) research and development of new and advanced technologies for carbon use, including recycling and reuse of carbon dioxide; and "(vi) research and development of new and advanced technologies for the separation of oxygen from air.

"(2) FIELD VALIDATION TESTING ACTIVITIES.—

"(A) IN GENERAL.—The Secretary shall promote, to the maximum extent practicable, regional carbon sequestration partnerships to conduct geologic sequestration tests involving carbon dioxide injection and monitoring, mitigation, and verification operations in a variety of candidate geologic settings, including—

"(i) operating oil and gas fields;

"(ii) depleted oil and gas fields;

"(iii) unmineable coal seams;

"(iv) deep saline formations;

"(v) deep geologic systems that may be used as engineered reservoirs to extract economical quantities of heat from geothermal resources of low permeability or porosity; and

"(vi) deep geologic systems containing basalt formations.

"(B) OBJECTIVES.—The objectives of tests conducted under this paragraph shall be—

"(i) to develop and validate geophysical tools, analysis, and modeling to monitor, predict, and verify carbon dioxide containment;

"(ii) to validate modeling of geologic formations;

"(iii) to refine sequestration capacity estimated for particular geologic formations;

"(iv) to determine the fate of carbon dioxide concurrent with and following injection into geologic formations;

"(v) to develop and implement best practices for operations relating to, and monitoring of, carbon dioxide injection and sequestration in geologic formations;

"(vi) to assess and ensure the safety of operations related to geologic sequestration of carbon dioxide;

"(vii) to allow the Secretary to promulgate policies, procedures, requirements, and guidance to ensure that the objectives of this subparagraph are met in large-scale testing and deployment activities for carbon capture and sequestration that are funded by the Department of Energy; and

"(viii) to provide information to States, the Environmental Protection Agency, and other appropriate entities to support development of a regulatory framework for commercial-scale sequestration operations that ensure the protection of human health and the environment.

"(3) LARGE-SCALE CARBON DIOXIDE SEQUESTRATION TESTING.—

"(A) IN GENERAL.—The Secretary shall conduct not less than 7 initial large-scale sequestration tests, not including the FutureGen project, for geologic containment of carbon dioxide to collect and validate information on the cost and feasibility of commercial deployment of technologies for geologic containment of carbon dioxide. These 7 tests may include any Regional Partnership projects awarded as of the date of enactment of the Department of Energy Carbon Capture and Sequestration Research, Development, and Demonstration Act of 2007.

"(B) DIVERSITY OF FORMATIONS TO BE STUDIED.—In selecting formations for study under this paragraph, the Secretary shall consider a variety of geologic formations across the United States, and require characterization and modeling of candidate formations, as determined by the Secretary.

"(C) SOURCE OF CARBON DIOXIDE FOR LARGE-SCALE SEQUESTRATION TESTS.—In the process of any acquisition of carbon dioxide for sequestration tests under subparagraph (A), the Secretary shall give preference to sources of carbon dioxide from industrial sources. To the extent feasible, the Secretary shall prefer tests that would facilitate the creation of an integrated system of capture, transportation and sequestration of carbon dioxide. The preference provided for under this subparagraph shall not delay the implementation of the large-scale sequestration tests under this paragraph.

"(D) DEFINITION.—For purposes of this paragraph, the term 'large-scale' means the injection of more than 1,000,000 tons of carbon dioxide from industrial sources annually or a scale that demonstrates the ability to inject and sequester several million metric tons of industrial source carbon dioxide for a large number of years.

"(4) PREFERENCE IN PROJECT SELECTION FROM MERITORIOUS PROPOSALS.—In making competitive awards under this subsection, subject to the requirements of section 989, the Secretary shall—

"(A) give preference to proposals from partnerships among industrial, academic, and government entities; and

"(B) require recipients to provide assurances that all laborers and mechanics employed by contractors and subcontractors in the construction, repair, or alteration of new or existing facilities performed in order to carry out a demonstration or commercial application activity authorized under this subsection shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code, and the Secretary of Labor shall, with respect to the labor standards in this paragraph, have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 Fed. Reg. 3176; 5 U.S.C. Appendix) and section 3145 of title 40, United States Code.

"(5) COST SHARING.—Activities under this subsection shall be considered research and development activities that are subject to the cost sharing requirements of section 988(b).

"(6) PROGRAM REVIEW AND REPORT.—During fiscal year 2011, the Secretary shall—

"(A) conduct a review of programmatic activities carried out under this subsection; and

"(B) make recommendations with respect to continuation of the activities.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) $240,000,000 for fiscal year 2008;

"(2) $240,000,000 for fiscal year 2009;

"(3) $240,000,000 for fiscal year 2010;

"(4) $240,000,000 for fiscal year 2011; and

"(5) $240,000,000 for fiscal year 2012.".

(b) TABLE OF CONTENTS AMENDMENT.—The item relating to section 963 in the table of contents for the Energy Policy Act of 2005 is amended to read as follows:

"Sec. 963. Carbon capture and sequestration research, development, and demonstration program.".

SEC. 703. CARBON CAPTURE.

(a) PROGRAM ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall carry out a program to demonstrate technologies for the large-scale capture of carbon dioxide from industrial sources. In making awards under this program, the Secretary shall select, as appropriate, a diversity of capture technologies to address the need to capture carbon dioxide from a range of industrial sources.

(2) SCOPE OF AWARD.—Awards under this section shall be only for the portion of the project that—

(A) carries out the large-scale capture (including purification and compression) of carbon dioxide from industrial sources;

(B) provides for the transportation and injection of carbon dioxide; and

(C) incorporates a comprehensive measurement, monitoring, and validation program.

(3) PREFERENCES FOR AWARD.—To ensure reduced carbon dioxide emissions, the Secretary shall take necessary actions to provide for the integration of the program under this paragraph with the large-scale carbon dioxide sequestration tests described in section 963(c)(3) of the Energy Policy Act of 2005 (42 U.S.C. 16293(c)(3)), as added by section 702 of this subtitle. These actions should not delay implementation of these tests. The Secretary shall give priority consideration to projects with the following characteristics:

(A) CAPACITY.—Projects that will capture a high percentage of the carbon dioxide in the treated stream and large volumes of carbon dioxide as determined by the Secretary.

(B) SEQUESTRATION.—Projects that capture carbon dioxide from industrial sources that are near suitable geological reservoirs and could continue sequestration including—

(i) a field testing validation activity under section 963 of the Energy Policy Act of 2005 (42 U.S.C. 16293), as amended by this Act; or

(ii) other geologic sequestration projects approved by the Secretary.

(4) REQUIREMENT.—For projects that generate carbon dioxide that is to be sequestered, the carbon dioxide stream shall be of a sufficient purity level to allow for safe transport and sequestration.

(5) COST-SHARING.—The cost-sharing requirements of section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) for research and development projects shall apply to this section.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $200,000,000 per year for fiscal years 2009 through 2013.

SEC. 704. REVIEW OF LARGE-SCALE PROGRAMS.

The Secretary shall enter into an arrangement with the National Academy of Sciences for an independent review and oversight, beginning in 2011, of the programs under section 963(c)(3) of the Energy Policy Act of 2005 (42 U.S.C. 16293(c)(3)), as added by section 702 of this subtitle, and under section 703 of this subtitle, to ensure that the benefits of such programs are maximized. Not later than January 1, 2012, the Secretary shall transmit to the Congress a report on the results of such review and oversight.

SEC. 705. GEOLOGIC SEQUESTRATION TRAINING AND RESEARCH.

(a) STUDY.—

(1) IN GENERAL.—The Secretary shall enter into an arrangement with the National Academy of Sciences to undertake a study that—

(A) defines an interdisciplinary program in geology, engineering, hydrology, environmental science, and related disciplines that will support the Nation's capability to capture and sequester carbon dioxide from anthropogenic sources;

(B) addresses undergraduate and graduate education, especially to help develop graduate level programs of research and instruction that lead to advanced degrees with emphasis on geologic sequestration science;

(C) develops guidelines for proposals from colleges and universities with substantial capabilities in the required disciplines that seek to implement geologic sequestration science programs that advance the Nation's capacity to address carbon management through geologic sequestration science; and

(D) outlines a budget and recommendations for how much funding will be necessary to establish and carry out the grant program under subsection (b).

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to the Congress a copy of the results of the study provided by the National Academy of Sciences under paragraph (1).

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this subsection $1,000,000 for fiscal year 2008.

(b) GRANT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish a competitive grant program through which colleges and universities may apply for and receive 4-year grants for—

(A) salary and startup costs for newly designated faculty positions in an integrated geologic carbon sequestration science program; and

(B) internships for graduate students in geologic sequestration science.

(2) RENEWAL.—Grants under this subsection shall be renewable for up to 2 additional 3-year terms, based on performance criteria, established by the National Academy of Sciences study conducted under subsection (a), that include the number of graduates of such programs.

(3) INTERFACE WITH REGIONAL GEOLOGIC CARBON SEQUESTRATION PARTNERSHIPS.—To the greatest extent possible, geologic carbon sequestration science programs supported under this subsection shall interface with the research of the Regional Carbon Sequestration Partnerships operated by the Department to provide internships and practical training in carbon capture and geologic sequestration.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this subsection such sums as may be necessary.

SEC. 706. RELATION TO SAFE DRINKING WATER ACT.

The injection and geologic sequestration of carbon dioxide pursuant to this subtitle and the amendments made by this subtitle shall be subject to the requirements of the Safe Drinking Water Act (42 U.S.C. 300f et seq.), including the provisions of part C of such Act (42 U.S.C. 300h et seq.; relating to protection of underground sources of drinking water). Nothing in this subtitle and the amendments made by this subtitle imposes or authorizes the promulgation of any requirement that is inconsistent or in conflict with the requirements of the Safe Drinking Water Act (42 U.S.C. 300f et seq.) or regulations thereunder.

SEC. 707. SAFETY RESEARCH.

(a) PROGRAM.—The Administrator of the Environmental Protection Agency shall conduct a research program to address public health, safety, and environmental impacts that may be associated with capture, injection, and sequestration of greenhouse gases in geologic reservoirs.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for carrying out this section $5,000,000 for each fiscal year.

SEC. 708. UNIVERSITY BASED RESEARCH AND DEVELOPMENT GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary, in consultation with other appropriate agencies, shall establish a university based research and development program to study carbon capture and sequestration using the various types of coal.

(b) RURAL AND AGRICULTURAL INSTITUTIONS.—The Secretary shall give special consideration to rural or agricultural based institutions in areas that have regional sources of coal and that offer interdisciplinary programs in the area of environmental science to study carbon capture and sequestration.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are to be authorized to be appropriated $10,000,000 to carry out this section.

Subtitle B—Carbon Capture and Sequestration Assessment and Framework

SEC. 711. CARBON DIOXIDE SEQUESTRATION CAPACITY ASSESSMENT.

(a) DEFINITIONS.—In this section

(1) ASSESSMENT.—The term "assessment" means the national assessment of onshore capacity for carbon dioxide completed under subsection (f).

(2) CAPACITY.—The term "capacity" means the portion of a sequestration formation that can retain carbon dioxide in accordance with the requirements (including physical, geological, and economic requirements) established under the methodology developed under subsection (b).

(3) ENGINEERED HAZARD.—The term "engineered hazard" includes the location and completion history of any well that could affect potential sequestration.

(4) RISK.—The term "risk" includes any risk posed by geomechanical, geochemical, hydrogeological, structural, and engineered hazards.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the United States Geological Survey.

(6) SEQUESTRATION FORMATION.—The term "sequestration formation" means a deep saline formation, unmineable coal seam, or oil or gas reservoir that is capable of accommodating a volume of industrial carbon dioxide.

(b) METHODOLOGY.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a methodology for conducting an assessment under subsection (f), taking into consideration—

(1) the geographical extent of all potential sequestration formations in all States;

(2) the capacity of the potential sequestration formations;

(3) the injectivity of the potential sequestration formations;

(4) an estimate of potential volumes of oil and gas recoverable by injection and sequestration of industrial carbon dioxide in potential sequestration formations;

(5) the risk associated with the potential sequestration formations; and

(6) the work done to develop the Carbon Sequestration Atlas of the United States and Canada that was completed by the Department.

(c) COORDINATION.—

(1) FEDERAL COORDINATION.—

(A) CONSULTATION.—The Secretary shall consult with the Secretary of Energy and the Administrator of the Environmental Protection Agency on issues of data sharing, format, development of the methodology, and content of the assessment required under this section to ensure the maximum usefulness and success of the assessment.

(B) COOPERATION.—The Secretary of Energy and the Administrator shall cooperate with the Secretary to ensure, to the maximum extent practicable, the usefulness and success of the assessment.

(2) STATE COORDINATION.—The Secretary shall consult with State geological surveys and other relevant entities to ensure, to the maximum extent practicable, the usefulness and success of the assessment.

(d) EXTERNAL REVIEW AND PUBLICATION.—On completion of the methodology under subsection (b), the Secretary shall—

(1) publish the methodology and solicit comments from the public and the heads of affected Federal and State agencies;

(2) establish a panel of individuals with expertise in the matters described in paragraphs (1) through (5) of subsection (b) composed, as appropriate, of representatives of Federal agencies, institutions of higher education, nongovernmental organizations, State organizations, industry, and international geoscience organizations to review the methodology and comments received under paragraph (1); and

(3) on completion of the review under paragraph (2), publish in the Federal Register the revised final methodology.

(e) PERIODIC UPDATES.—The methodology developed under this section shall be updated periodically (including at least once every 5 years) to incorporate new data as the data becomes available.

(f) NATIONAL ASSESSMENT.—

(1) IN GENERAL.—Not later than 2 years after the date of publication of the methodology under subsection (d)(1), the Secretary, in consultation with the Secretary of Energy and State geological surveys, shall complete a national assessment of capacity for carbon dioxide in accordance with the methodology.

(2) GEOLOGICAL VERIFICATION.—As part of the assessment under this subsection, the Secretary shall carry out a drilling program to supplement the geological data relevant to determining sequestration capacity of carbon dioxide in geological sequestration formations, including—

(A) well log data;

(B) core data; and

(C) fluid sample data.

(3) PARTNERSHIP WITH OTHER DRILLING PROGRAMS.—As part of the drilling program under paragraph (2), the Secretary shall enter, as appropriate, into partnerships with other entities to collect and integrate data from other drilling programs relevant to the sequestration of carbon dioxide in geological formations.

(4) INCORPORATION INTO NATCARB.—

(A) IN GENERAL.—On completion of the assessment, the Secretary of Energy and the Secretary of the Interior shall incorporate the results of the assessment using—

(i) the NatCarb database, to the maximum extent practicable; or

(ii) a new database developed by the Secretary of Energy, as the Secretary of Energy determines to be necessary.

(B) RANKING.—The database shall include the data necessary to rank potential sequestration sites for capacity and risk, across the United States, within each State, by formation, and within each basin.

(5) REPORT.—Not later than 180 days after the date on which the assessment is completed, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the findings under the assessment.

(6) PERIODIC UPDATES.—The national assessment developed under this section shall be updated periodically (including at least once every 5 years) to support public and private sector decisionmaking.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for the period of fiscal years 2008 through 2012.

SEC. 712. ASSESSMENT OF CARBON SEQUESTRATION AND METHANE AND NITROUS OXIDE EMISSIONS FROM ECOSYSTEMS.

(a) DEFINITIONS.—In this section:

(1) ADAPTATION STRATEGY.—The term "adaptation strategy" means a land use and management strategy that can be used—

(A) to increase the sequestration capabilities of covered greenhouse gases of any ecosystem; or

(B) to reduce the emissions of covered greenhouse gases from any ecosystem.

(2) ASSESSMENT.—The term "assessment" means the national assessment authorized under subsection (b).

(3) COVERED GREENHOUSE GAS.—The term "covered greenhouse gas" means carbon dioxide, nitrous oxide, and methane gas.

(4) ECOSYSTEM.—The term "ecosystem" means any terrestrial, freshwater aquatic, or coastal ecosystem, including an estuary.

(5) NATIVE PLANT SPECIES.—The term "native plant species" means any noninvasive, naturally occurring plant species within an ecosystem.

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) AUTHORIZATION OF ASSESSMENT.—Not later than 2 years after the date on which the final methodology is published under subsection (f)(3)(D), the Secretary shall complete a national assessment of—

(1) the quantity of carbon stored in and released from ecosystems, including from man-caused and natural fires; and

(2) the annual flux of covered greenhouse gases in and out of ecosystems.

(c) COMPONENTS.—In conducting the assessment under subsection (b), the Secretary shall—

(1) determine the processes that control the flux of covered greenhouse gases in and out of each ecosystem;

(2) estimate the potential for increasing carbon sequestration in natural and managed ecosystems through management activities or restoration activities in each ecosystem;

(3) develop near-term and long-term adaptation strategies or mitigation strategies that can be employed—

(A) to enhance the sequestration of carbon in each ecosystem;

(B) to reduce emissions of covered greenhouse gases from ecosystems; and

(C) to adapt to climate change; and

(4) estimate the annual carbon sequestration capacity of ecosystems under a range of policies in support of management activities to optimize sequestration.

(d) USE OF NATIVE PLANT SPECIES.—In developing restoration activities under subsection (c)(2) and management strategies and adaptation strategies under subsection (c)(3), the Secretary shall emphasize the use of native plant species (including mixtures of many native plant species) for sequestering covered greenhouse gas in each ecosystem.

(e) CONSULTATION.—

(1) IN GENERAL.—In conducting the assessment under subsection (b) and developing the methodology under subsection (f), the Secretary shall consult with—

(A) the Secretary of Energy;

(B) the Secretary of Agriculture;

(C) the Administrator of the Environmental Protection Agency;

(D) the Secretary of Commerce, acting through the Under Secretary for Oceans and Atmosphere; and

(E) the heads of other relevant agencies.

(2) OCEAN AND COASTAL ECOSYSTEMS.—In carrying out this section with respect to ocean and coastal ecosystems (including estuaries), the Secretary shall work jointly with the Secretary of Commerce, acting through the Under Secretary for Oceans and Atmosphere.

(f) METHODOLOGY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a methodology for conducting the assessment.

(2) REQUIREMENTS.—The methodology developed under paragraph (1)—

(A) shall—

(i) determine the method for measuring, monitoring, and quantifying covered greenhouse gas emissions and reductions;

(ii) estimate the total capacity of each ecosystem to sequester carbon; and

(iii) estimate the ability of each ecosystem to reduce emissions of covered greenhouse gases through management practices; and

(B) may employ economic and other systems models, analyses, and estimates, to be developed in consultation with each of the individuals described in subsection (e).

(3) EXTERNAL REVIEW AND PUBLICATION.—On completion of a proposed methodology, the Secretary shall—

(A) publish the proposed methodology;

(B) at least 60 days before the date on which the final methodology is published, solicit comments from—

(i) the public; and

(ii) heads of affected Federal and State agencies;

(C) establish a panel to review the proposed methodology published under subparagraph (A) and any comments received under subparagraph (B), to be composed of members—

(i) with expertise in the matters described in subsections (c) and (d); and

(ii) that are, as appropriate, representatives of Federal agencies, institutions of higher education, nongovernmental organizations, State organizations, industry, and international organizations; and

(D) on completion of the review under subparagraph (C), publish in the Federal register the revised final methodology.

(g) ESTIMATE; REVIEW.—The Secretary shall—

(1) based on the assessment, prescribe the data, information, and analysis needed to establish a scientifically sound estimate of the carbon sequestration capacity of relevant ecosystems; and

(2) not later than 180 days after the date on which the assessment is completed, submit to the heads of applicable Federal agencies and the appropriate committees of Congress a report that describes the results of the assessment.

(h) DATA AND REPORT AVAILABILITY.—On completion of the assessment, the Secretary shall incorporate the results of the assessment into a web-accessible database for public use.

(i) AUTHORIZATION.—There is authorized to be appropriated to carry out this section $20,000,000 for the period of fiscal years 2008 through 2012.

SEC. 713. CARBON DIOXIDE SEQUESTRATION INVENTORY.

Section 354 of the Energy Policy Act of 2005 (42 U.S.C. 15910) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

"(d) RECORDS AND INVENTORY.—The Secretary of the Interior, acting through the Bureau of Land Management, shall maintain records on, and an inventory of, the quantity of carbon dioxide stored within Federal mineral leaseholds.".

SEC. 714. FRAMEWORK FOR GEOLOGICAL CARBON SEQUESTRATION ON PUBLIC LAND.

(a) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on a recommended framework for managing geological carbon sequestration activities on public land.

(b) CONTENTS.—The report required by subsection (a) shall include the following:

(1) Recommended criteria for identifying candidate geological sequestration sites in each of the following types of geological settings:

(A) Operating oil and gas fields.

(B) Depleted oil and gas fields.

(C) Unmineable coal seams.

(D) Deep saline formations.

(E) Deep geological systems that may be used as engineered reservoirs to extract economical quantities of heat from geothermal resources of low permeability or porosity.

(F) Deep geological systems containing basalt formations.

(G) Coalbeds being used for methane recovery.

(2) A proposed regulatory framework for the leasing of public land or an interest in public land for the long-term geological sequestration of carbon dioxide, which includes an assessment of options to ensure that the United States receives fair market value for the use of public land or an interest in public land for geological sequestration.

(3) A proposed procedure for ensuring that any geological carbon sequestration activities on public land—

(A) provide for public review and comment from all interested persons; and

(B) protect the quality of natural and cultural resources of the public land overlaying a geological sequestration site.

(4) A description of the status of Federal leasehold or Federal mineral estate liability issues related to the geological subsurface trespass of or caused by carbon dioxide stored in public land, including any relevant experience from enhanced oil recovery using carbon dioxide on public land.

(5) Recommendations for additional legislation that may be required to ensure that public land management and leasing laws are adequate to accommodate the long-term geological sequestration of carbon dioxide.

(6) An identification of the legal and regulatory issues specific to carbon dioxide sequestration on land in cases in which title to mineral resources is held by the United States but title to the surface estate is not held by the United States.

(7)(A) An identification of the issues specific to the issuance of pipeline rights-of-way on public land under the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) for natural or anthropogenic carbon dioxide.

(B) Recommendations for additional legislation that may be required to clarify the appropriate framework for issuing rights-of-way for carbon dioxide pipelines on public land.

(c) CONSULTATION WITH OTHER AGENCIES.—In preparing the report under this section, the Secretary of the Interior shall coordinate with—

(1) the Administrator of the Environmental Protection Agency;

(2) the Secretary of Energy; and

(3) the heads of other appropriate agencies.

(d) COMPLIANCE WITH SAFE DRINKING WATER ACT.—The Secretary shall ensure that all recommendations developed under this section are in compliance with all Federal environmental laws, including the Safe Drinking Water Act (42 U.S.C. 300f et seq.) and regulations under that Act.

TITLE VIII—IMPROVED MANAGEMENT OF ENERGY POLICY

Subtitle A—Management Improvements

SEC. 801. NATIONAL MEDIA CAMPAIGN.

(a) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Energy Efficiency and Renewable Energy (referred to in this section as the "Secretary"), shall develop and conduct a national media campaign—

(1) to increase energy efficiency throughout the economy of the United States during the 10-year period beginning on the date of enactment of this Act;

(2) to promote the national security benefits associated with increased energy efficiency; and

(3) to decrease oil consumption in the United States during the 10-year period beginning on the date of enactment of this Act.

(b) CONTRACT WITH ENTITY.—The Secretary shall carry out subsection (a) directly or through—

(1) competitively bid contracts with 1 or more nationally recognized media firms for the development and distribution of monthly television, radio, and newspaper public service announcements; or

(2) collective agreements with 1 or more nationally recognized institutes, businesses, or nonprofit organizations for the funding, development, and distribution of monthly television, radio, and newspaper public service announcements.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Amounts made available to carry out this section shall be used for—

(A) advertising costs, including—

(i) the purchase of media time and space;

(ii) creative and talent costs;

(iii) testing and evaluation of advertising; and

(iv) evaluation of the effectiveness of the media campaign; and

(B) administrative costs, including operational and management expenses.

(2) LIMITATIONS.—In carrying out this section, the Secretary shall allocate not less than 85 percent of funds made available under subsection (e) for each fiscal year for the advertising functions specified under paragraph (1)(A).

(d) REPORTS.—The Secretary shall annually submit to Congress a report that describes—

(1) the strategy of the national media campaign and whether specific objectives of the campaign were accomplished, including—

(A) determinations concerning the rate of change of energy consumption, in both absolute and per capita terms; and

(B) an evaluation that enables consideration of whether the media campaign contributed to reduction of energy consumption;

(2) steps taken to ensure that the national media campaign operates in an effective and efficient manner consistent with the overall strategy and focus of the campaign;

(3) plans to purchase advertising time and space;

(4) policies and practices implemented to ensure that Federal funds are used responsibly to purchase advertising time and space and eliminate the potential for waste, fraud, and abuse; and

(5) all contracts or cooperative agreements entered into with a corporation, partnership, or individual working on behalf of the national media campaign.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 through 2012.

(2) DECREASED OIL CONSUMPTION.—The Secretary shall use not less than 50 percent of the amount that is made available under this section for each fiscal year to develop and conduct a national media campaign to decrease oil consumption in the United States over the next decade.

SEC. 802. ALASKA NATURAL GAS PIPELINE ADMINISTRATION.

Section 106 of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720d) is amended by adding at the end the following:

"(h) ADMINISTRATION.—

"(1) PERSONNEL APPOINTMENTS.—

"(A) IN GENERAL.—The Federal Coordinator may appoint and terminate such personnel as the Federal Coordinator determines to be appropriate.

"(B) AUTHORITY OF FEDERAL COORDINATOR.—Personnel appointed by the Federal Coordinator under subparagraph (A) shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

"(2) COMPENSATION.—

"(A) IN GENERAL.—Subject to subparagraph (B), personnel appointed by the Federal Coordinator under paragraph (1)(A) shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code (relating to classification and General Schedule pay rates).

"(B) MAXIMUM LEVEL OF COMPENSATION.—The rate of pay for personnel appointed by the Federal Coordinator under paragraph (1)(A) shall not exceed the maximum level of rate payable for level III of the Executive Schedule (5 U.S.C. 5314).

"(C) ALLOWANCES.—Section 5941 of title 5, United States Code, shall apply to personnel appointed by the Federal Coordinator under paragraph (1)(A).

"(3) TEMPORARY SERVICES.—

"(A) IN GENERAL.—The Federal Coordinator may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code.

"(B) MAXIMUM LEVEL OF COMPENSATION.—The level of compensation of an individual employed on a temporary or intermittent basis under subparagraph (A) shall not exceed the maximum level of rate payable for level III of the Executive Schedule (5 U.S.C. 5314).

"(4) FEES, CHARGES, AND COMMISSIONS.—

"(A) IN GENERAL.—With respect to the duties of the Federal Coordinator, as described in this Act, the Federal Coordinator shall have similar authority to establish, change, and abolish reasonable filing and service fees, charges, and commissions, require deposits of payments, and provide refunds as provided to the Secretary of the Interior in section 304 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734).

"(B) AUTHORITY OF SECRETARY OF THE INTERIOR.—Subparagraph (A) shall not affect the authority of the Secretary of the Interior to establish, change, and abolish reasonable filing and service fees, charges, and commissions, require deposits of payments, and provide refunds under section 304 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734).

"(C) USE OF FUNDS.—The Federal Coordinator is authorized to use, without further appropriation, amounts collected under subparagraph (A) to carry out this section.".

SEC. 803. RENEWABLE ENERGY DEPLOYMENT.

(a) DEFINITIONS.—In this section:

(1) ALASKA SMALL HYDROELECTRIC POWER.—The term "Alaska small hydroelectric power" means power that—

(A) is generated—

(i) in the State of Alaska;

(ii) without the use of a dam or impoundment of water; and

(iii) through the use of—

(I) a lake tap (but not a perched alpine lake); or

(II) a run-of-river screened at the point of diversion; and

(B) has a nameplate capacity rating of a wattage that is not more than 15 megawatts.

(2) ELIGIBLE APPLICANT.—The term "eligible applicant" means any—

(A) governmental entity;

(B) private utility;

(C) public utility;

(D) municipal utility;

(E) cooperative utility;

(F) Indian tribes; and

(G) Regional Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)).

(3) OCEAN ENERGY.—

(A) INCLUSIONS.—The term "ocean energy" includes current, wave, and tidal energy.

(B) EXCLUSION.—The term "ocean energy" excludes thermal energy.

(4) RENEWABLE ENERGY PROJECT.—The term "renewable energy project" means a project—

(A) for the commercial generation of electricity; and

(B) that generates electricity from—

(i) solar, wind, or geothermal energy or ocean energy;

(ii) biomass (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)));

(iii) landfill gas; or

(iv) Alaska small hydroelectric power.

(b) RENEWABLE ENERGY CONSTRUCTION GRANTS.—

(1) IN GENERAL.—The Secretary shall use amounts appropriated under this section to make grants for use in carrying out renewable energy projects.

(2) CRITERIA.—Not later than 180 days after the date of enactment of this Act, the Secretary shall set forth criteria for use in awarding grants under this section.

(3) APPLICATION.—To receive a grant from the Secretary under paragraph (1), an eligible applicant shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a written assurance that—

(A) all laborers and mechanics employed by contractors or subcontractors during construction, alteration, or repair that is financed, in whole or in part, by a grant under this section shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with sections 3141–3144, 3146, and 3147 of title 40, United States Code; and

(B) the Secretary of Labor shall, with respect to the labor standards described in this paragraph, have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. App.) and section 3145 of title 40, United States Code.

(4) NON-FEDERAL SHARE.—Each eligible applicant that receives a grant under this subsection shall contribute to the total cost of the renewable energy project constructed by the eligible applicant an amount not less than 50 percent of the total cost of the project.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund such sums as are necessary to carry out this section.

SEC. 804. COORDINATION OF PLANNED REFINERY OUTAGES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Energy Information Administration.

(2) PLANNED REFINERY OUTAGE.—

(A) IN GENERAL.—The term "planned refinery outage" means a removal, scheduled before the date on which the removal occurs, of a refinery, or any unit of a refinery, from service for maintenance, repair, or modification.

(B) EXCLUSION.—The term "planned refinery outage" does not include any necessary and unplanned removal of a refinery, or any unit of a refinery, from service as a result of a component failure, safety hazard, emergency, or action reasonably anticipated to be necessary to prevent such events.

(3) REFINED PETROLEUM PRODUCT.—The term "refined petroleum product" means any gasoline, diesel fuel, fuel oil, lubricating oil, liquid petroleum gas, or other petroleum distillate that is produced through the refining or processing of crude oil or an oil derived from tar sands, shale, or coal.

(4) REFINERY.—The term "refinery" means a facility used in the production of a refined petroleum product through distillation, cracking, or any other process.

(b) REVIEW AND ANALYSIS OF AVAILABLE INFORMATION.—The Administrator shall, on an ongoing basis—

(1) review information on refinery outages that is available from commercial reporting services;

(2) analyze that information to determine whether the scheduling of a refinery outage may nationally or regionally substantially affect the price or supply of any refined petroleum product by—

(A) decreasing the production of the refined petroleum product; and

(B) causing or contributing to a retail or wholesale supply shortage or disruption;

(3) not less frequently than twice each year, submit to the Secretary a report describing the results of the review and analysis under paragraphs (1) and (2); and

(4) specifically alert the Secretary of any refinery outage that the Administrator determines may nationally or regionally substantially affect the price or supply of a refined petroleum product.

(c) ACTION BY SECRETARY.—On a determination by the Secretary, based on a report or alert under paragraph (3) or (4) of subsection (b), that a refinery outage may affect the price or supply of a refined petroleum product, the Secretary shall make available to refinery operators information on planned refinery outages to encourage reductions of the quantity of refinery capacity that is out of service at any time.

(d) LIMITATION.—Nothing in this section shall alter any existing legal obligation or responsibility of a refinery operator, or create any legal right of action, nor shall this section authorize the Secretary—

(1) to prohibit a refinery operator from conducting a planned refinery outage; or

(2) to require a refinery operator to continue to operate a refinery.

SEC. 805. ASSESSMENT OF RESOURCES.

(a) 5-YEAR PLAN.—

(1) ESTABLISHMENT.—The Administrator of the Energy Information Administration (referred to in this section as the "Administrator") shall establish a 5-year plan to enhance the quality and scope of the data collection necessary to ensure the scope, accuracy, and timeliness of the information needed for efficient functioning of energy markets and related financial operations.

(2) REQUIREMENT.—In establishing the plan under paragraph (1), the Administrator shall pay particular attention to—

(A) data series terminated because of budget constraints;

(B) data on demand response;

(C) timely data series of State-level information;

(D) improvements in the area of oil and gas data;

(E) improvements in data on solid byproducts from coal-based energy-producing facilities; and

(F) the ability to meet applicable deadlines under Federal law (including regulations) to provide data required by Congress.

(b) SUBMISSION TO CONGRESS.—The Administrator shall submit to Congress the plan established under subsection (a), including a description of any improvements needed to enhance the ability of the Administrator to collect and process energy information in a manner consistent with the needs of energy markets.

(c) GUIDELINES.—

(1) IN GENERAL.—The Administrator shall—

(A) establish guidelines to ensure the quality, comparability, and scope of State energy data, including data on energy production and consumption by product and sector and renewable and alternative sources, required to provide a comprehensive, accurate energy profile at the State level;

(B) share company-level data collected at the State level with each State involved, in a manner consistent with the legal authorities, confidentiality protections, and stated uses in effect at the time the data were collected, subject to the condition that the State shall agree to reasonable requirements for use of the data, as the Administrator may require;

(C) assess any existing gaps in data obtained and compiled by the Energy Information Administration; and

(D) evaluate the most cost-effective ways to address any data quality and quantity issues in conjunction with State officials.

(2) CONSULTATION.—The Administrator shall consult with State officials and the Federal Energy Regulatory Commission on a regular basis in—

(A) establishing guidelines and determining the scope of State-level data under paragraph (1); and

(B) exploring ways to address data needs and serve data uses.

(d) ASSESSMENT OF STATE DATA NEEDS.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to Congress an assessment of State-level data needs, including a plan to address the needs.

(e) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amounts made available to the Administrator, there are authorized to be appropriated to the Administrator to carry out this section—

(1) $10,000,000 for fiscal year 2008;

(2) $10,000,000 for fiscal year 2009;

(3) $10,000,000 for fiscal year 2010;

(4) $15,000,000 for fiscal year 2011;

(5) $20,000,000 for fiscal year 2012; and

(6) such sums as are necessary for subsequent fiscal years.

SEC. 806. SENSE OF CONGRESS RELATING TO THE USE OF RENEWABLE RESOURCES TO GENERATE ENERGY.

(a) FINDINGS.—Congress finds that—

(1) the United States has a quantity of renewable energy resources that is sufficient to supply a significant portion of the energy needs of the United States;

(2) the agricultural, forestry, and working land of the United States can help ensure a sustainable domestic energy system;

(3) accelerated development and use of renewable energy technologies provide numerous benefits to the United States, including improved national security, improved balance of payments, healthier rural economies, improved environmental quality, and abundant, reliable, and affordable energy for all citizens of the United States;

(4) the production of transportation fuels from renewable energy would help the United States meet rapidly growing domestic and global energy demands, reduce the dependence of the United States on energy imported from volatile regions of the world that are politically unstable, stabilize the cost and availability of energy, and safeguard the economy and security of the United States;

(5) increased energy production from domestic renewable resources would attract substantial new investments in energy infrastructure, create economic growth, develop new jobs for the citizens of the United States, and increase the income for farm, ranch, and forestry jobs in the rural regions of the United States;

(6) increased use of renewable energy is practical and can be cost effective with the implementation of supportive policies and proper incentives to stimulate markets and infrastructure; and

(7) public policies aimed at enhancing renewable energy production and accelerating technological improvements will further reduce energy costs over time and increase market demand.

(b) SENSE OF CONGRESS.—It is the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should—

(1) provide from renewable resources not less than 25 percent of the total energy consumed in the United States; and

(2) continue to produce safe, abundant, and affordable food, feed, and fiber.

SEC. 807. GEOTHERMAL ASSESSMENT, EXPLORATION INFORMATION, AND PRIORITY ACTIVITIES.

(a) IN GENERAL.—Not later than January 1, 2012, the Secretary of the Interior, acting through the Director of the United States Geological Survey, shall—

(1) complete a comprehensive nationwide geothermal resource assessment that examines the full range of geothermal resources in the United States; and

(2) submit to the the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the results of the assessment.

(b) PERIODIC UPDATES.—At least once every 10 years, the Secretary shall update the national assessment required under this section to support public and private sector decisionmaking.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Interior to carry out this section—

(1) $15,000,000 for each of fiscal years 2008 through 2012; and

(2) such sums as are necessary for each of fiscal years 2013 through 2022.

Subtitle B—Prohibitions on Market Manipulation and False Information

SEC. 811. PROHIBITION ON MARKET MANIPULATION.

It is unlawful for any person, directly or indirectly, to use or employ, in connection with the purchase or sale of crude oil gasoline or petroleum distillates at wholesale, any manipulative or deceptive device or contrivance, in contravention of such rules and regulations as the Federal Trade Commission may prescribe as necessary or appropriate in the public interest or for the protection of United States citizens.

SEC. 812. PROHIBITION ON FALSE INFORMATION.

It is unlawful for any person to report information related to the wholesale price of crude oil gasoline or petroleum distillates to a Federal department or agency if—

(1) the person knew, or reasonably should have known, the information to be false or misleading;

(2) the information was required by law to be reported; and

(3) the person intended the false or misleading data to affect data compiled by the department or agency for statistical or analytical purposes with respect to the market for crude oil, gasoline, or petroleum distillates.

SEC. 813. ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.

(a) ENFORCEMENT.—This subtitle shall be enforced by the Federal Trade Commission in the same manner, by the same means, and with the same jurisdiction as though all applicable terms of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this subtitle.

(b) VIOLATION IS TREATED AS UNFAIR OR DECEPTIVE ACT OR PRACTICE.—The violation of any provision of this subtitle shall be treated as an unfair or deceptive act or practice proscribed under a rule issued under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

SEC. 814. PENALTIES.

(a) CIVIL PENALTY.—In addition to any penalty applicable under the Federal Trade Commission Act (15 U.S.C. 41 et seq.), any supplier that violates section 811 or 812 shall be punishable by a civil penalty of not more than $1,000,000.

(b) METHOD.—The penalties provided by subsection (a) shall be obtained in the same manner as civil penalties imposed under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(c) MULTIPLE OFFENSES; MITIGATING FACTORS.—In assessing the penalty provided by subsection (a)—

(1) each day of a continuing violation shall be considered a separate violation; and

(2) the court shall take into consideration, among other factors—

(A) the seriousness of the violation; and

(B) the efforts of the person committing the violation to remedy the harm caused by the violation in a timely manner.

SEC. 815. EFFECT ON OTHER LAWS.

(a) OTHER AUTHORITY OF THE COMMISSION.—Nothing in this subtitle limits or affects the authority of the Federal Trade Commission to bring an enforcement action or take any other measure under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or any other provision of law.

(b) ANTITRUST LAW.—Nothing in this subtitle shall be construed to modify, impair, or supersede the operation of any of the antitrust laws. For purposes of this subsection, the term "antitrust laws" shall have the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12), except that it includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that such section 5 applies to unfair methods of competition.

(c) STATE LAW.—Nothing in this subtitle preempts any State law.

TITLE IX—INTERNATIONAL ENERGY PROGRAMS

SEC. 901. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Affairs and the Committee on Energy and Commerce of the House of Representatives; and

(B) the Committee on Foreign Relations, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works of the Senate, and the Committee on Commerce, Science, and Transportation.

(2) CLEAN AND EFFICIENT ENERGY TECHNOLOGY.—The term "clean and efficient energy technology" means an energy supply or end-use technology that, compared to a similar technology already in widespread commercial use in a recipient country, will—

(A) reduce emissions of greenhouse gases; or

(B)(i) increase efficiency of energy production; or

(ii) decrease intensity of energy usage.

(3) GREENHOUSE GAS.—The term "greenhouse gas" means—

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide;

(D) hydrofluorocarbons;

(E) perfluorocarbons; or

(F) sulfur hexafluoride.

Subtitle A—Assistance to Promote Clean and Efficient Energy Technologies in Foreign Countries

SEC. 911. UNITED STATES ASSISTANCE FOR DEVELOPING COUNTRIES.

(a) ASSISTANCE AUTHORIZED.—The Administrator of the United States Agency for International Development shall support policies and programs in developing countries that promote clean and efficient energy technologies—

(1) to produce the necessary market conditions for the private sector delivery of energy and environmental management services;

(2) to create an environment that is conducive to accepting clean and efficient energy technologies that support the overall purpose of reducing greenhouse gas emissions, including—

(A) improving policy, legal, and regulatory frameworks;

(B) increasing institutional abilities to provide energy and environmental management services; and

(C) increasing public awareness and participation in the decision-making of delivering energy and environmental management services; and

(3) to promote the use of American-made clean and efficient energy technologies, products, and energy and environmental management services.

(b) REPORT.—The Administrator of the United States Agency for International Development shall submit to the appropriate congressional committees an annual report on the implementation of this section for each of the fiscal years 2008 through 2012.

(c) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated to the Administrator of the United States Agency for International Development $200,000,000 for each of the fiscal years 2008 through 2012.

SEC. 912. UNITED STATES EXPORTS AND OUTREACH PROGRAMS FOR INDIA, CHINA, AND OTHER COUNTRIES.

(a) ASSISTANCE AUTHORIZED.—The Secretary of Commerce shall direct the United States and Foreign Commercial Service to expand or create a corps of the Foreign Commercial Service officers to promote United States exports in clean and efficient energy technologies and build the capacity of government officials in India, China, and any other country the Secretary of Commerce determines appropriate, to become more familiar with the available technologies—

(1) by assigning or training Foreign Commercial Service attachés, who have expertise in clean and efficient energy technologies from the United States, to embark on business development and outreach efforts to such countries; and

(2) by deploying the attachés described in paragraph (1) to educate provincial, state, and local government officials in such countries on the variety of United States-based technologies in clean and efficient energy technologies for the purposes of promoting United States exports and reducing global greenhouse gas emissions.

(b) REPORT.—The Secretary of Commerce shall submit to the appropriate congressional committees an annual report on the implementation of this section for each of the fiscal years 2008 through 2012.

(c) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated to the Secretary of Commerce such sums as may be necessary for each of the fiscal years 2008 through 2012.

SEC. 913. UNITED STATES TRADE MISSIONS TO ENCOURAGE PRIVATE SECTOR TRADE AND INVESTMENT.

(a) ASSISTANCE AUTHORIZED.—The Secretary of Commerce shall direct the International Trade Administration to expand or create trade missions to and from the United States to encourage private sector trade and investment in clean and efficient energy technologies—

(1) by organizing and facilitating trade missions to foreign countries and by matching United States private sector companies with opportunities in foreign markets so that clean and efficient energy technologies can help to combat increases in global greenhouse gas emissions; and

(2) by creating reverse trade missions in which the Department of Commerce facilitates the meeting of foreign private and public sector organizations with private sector companies in the United States for the purpose of showcasing clean and efficient energy technologies in use or in development that could be exported to other countries.

(b) REPORT.—The Secretary of Commerce shall submit to the appropriate congressional committees an annual report on the implementation of this section for each of the fiscal years 2008 through 2012.

(c) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated to the Secretary of Commerce such sums as may be necessary for each of the fiscal years 2008 through 2012.

SEC. 914. ACTIONS BY OVERSEAS PRIVATE INVESTMENT CORPORATION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Overseas Private Investment Corporation should promote greater investment in clean and efficient energy technologies by—

(1) proactively reaching out to United States companies that are interested in investing in clean and efficient energy technologies in countries that are significant contributors to global greenhouse gas emissions;

(2) giving preferential treatment to the evaluation and awarding of projects that involve the investment or utilization of clean and efficient energy technologies; and

(3) providing greater flexibility in supporting projects that involve the investment or utilization of clean and efficient energy technologies, including financing, insurance, and other assistance.

(b) REPORT.—The Overseas Private Investment Corporation shall include in its annual report required under section 240A of the Foreign Assistance Act of 1961 (22 U.S.C. 2200a)—

(1) a description of the activities carried out to implement this section; or

(2) if the Corporation did not carry out any activities to implement this section, an explanation of the reasons therefor.

SEC. 915. ACTIONS BY UNITED STATES TRADE AND DEVELOPMENT AGENCY.

(a) ASSISTANCE AUTHORIZED.—The Director of the Trade and Development Agency shall establish or support policies that—

(1) proactively seek opportunities to fund projects that involve the utilization of clean and efficient energy technologies, including in trade capacity building and capital investment projects;

(2) where appropriate, advance the utilization of clean and efficient energy technologies, particularly to countries that have the potential for significant reduction in greenhouse gas emissions; and

(3) recruit and retain individuals with appropriate expertise or experience in clean, renewable, and efficient energy technologies to identify and evaluate opportunities for projects that involve clean and efficient energy technologies and services.

(b) REPORT.—The President shall include in the annual report on the activities of the Trade and Development Agency required under section 661(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2421(d)) a description of the activities carried out to implement this section.

SEC. 916. DEPLOYMENT OF INTERNATIONAL CLEAN AND EFFICIENT ENERGY TECHNOLOGIES AND INVESTMENT IN GLOBAL ENERGY MARKETS.

(a) TASK FORCE.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this Act, the President shall establish a Task Force on International Cooperation for Clean and Efficient Energy Technologies (in this section referred to as the "Task Force").

(2) COMPOSITION.—The Task Force shall be composed of representatives, appointed by the head of the respective Federal department or agency, of—

(A) the Council on Environmental Quality;

(B) the Department of Energy;

(C) the Department of Commerce;

(D) the Department of the Treasury;

(E) the Department of State;

(F) the Environmental Protection Agency;

(G) the United States Agency for International Development;

(H) the Export-Import Bank of the United States;

(I) the Overseas Private Investment Corporation:

(J) the Trade and Development Agency;

(K) the Small Business Administration;

(L) the Office of the United States Trade Representative; and

(M) other Federal departments and agencies, as determined by the President.

(3) CHAIRPERSON.—The President shall designate a Chairperson or Co-Chairpersons of the Task Force.

(4) DUTIES.—The Task Force—

(A) shall develop and assist in the implementation of the strategy required under subsection (c); and

(B)(i) shall analyze technology, policy, and market opportunities for the development, demonstration, and deployment of clean and efficient energy technologies on an international basis; and

(ii) shall examine relevant trade, tax, finance, international, and other policy issues to assess which policies, in the United States and in developing countries, would help open markets and improve the export of clean and efficient energy technologies from the United States.

(5) TERMINATION.—The Task Force, including any working group established by the Task Force pursuant to subsection (b), shall terminate 12 years after the date of the enactment of this Act.

(b) WORKING GROUPS.—

(1) ESTABLISHMENT.—The Task Force—

(A) shall establish an Interagency Working Group on the Export of Clean and Efficient Energy Technologies (in this section referred to as the "Interagency Working Group"); and

(B) may establish other working groups as may be necessary to carry out this section.

(2) COMPOSITION.—The Interagency Working Group shall be composed of—

(A) the Secretary of Energy, the Secretary of Commerce, and the Secretary of State, who shall serve as Co-Chairpersons of the Interagency Working Group; and

(B) other members, as determined by the Chairperson or Co-Chairpersons of the Task Force.

(3) DUTIES.—The Interagency Working Group shall coordinate the resources and relevant programs of the Department of Energy, the Department of Commerce, the Department of State, and other relevant Federal departments and agencies to support the export of clean and efficient energy technologies developed or demonstrated in the United States to other countries and the deployment of such clean and efficient energy technologies in such other countries.

(4) INTERAGENCY CENTER.—The Interagency Working Group—

(A) shall establish an Interagency Center on the Export of Clean and Efficient Energy Technologies (in this section referred to as the "Interagency Center") to assist the Interagency Working Group in carrying out its duties required under paragraph (3); and

(B) shall locate the Interagency Center at a site agreed upon by the Co-Chairpersons of the Interagency Working Group, with the approval of Chairperson or Co-Chairpersons of the Task Force.

(c) STRATEGY.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Task Force shall develop and submit to the President and the appropriate congressional committees a strategy to—

(A) support the development and implementation of programs, policies, and initiatives in developing countries to promote the adoption and deployment of clean and efficient energy technologies, with an emphasis on those developing countries that are expected to experience the most significant growth in energy production and use over the next 20 years;

(B) open and expand clean and efficient energy technology markets and facilitate the export of clean and efficient energy technologies to developing countries, in a manner consistent with United States obligations as member of the World Trade Organization;

(C) integrate into the foreign policy objectives of the United States the promotion of—

(i) the deployment of clean and efficient energy technologies and the reduction of greenhouse gas emissions in developing countries; and

(ii) the export of clean and efficient energy technologies; and

(D) develop financial mechanisms and instruments, including securities that mitigate the political and foreign exchange risks of uses that are consistent with the foreign policy objectives of the United States by combining the private sector market and government enhancements, that—

(i) are cost-effective; and

(ii) facilitate private capital investment in clean and efficient energy technology projects in developing countries.

(2) UPDATES.—Not later than 3 years after the date of submission of the strategy under paragraph (1), and every 3 years thereafter, the Task Force shall update the strategy in accordance with the requirements of paragraph (1).

(d) REPORT.—

(1) IN GENERAL.—Not later than 3 years after the date of submission of the strategy under subsection (c)(1), and every 3 years thereafter, the President shall transmit to the appropriate congressional committees a report on the implementation of this section for the prior 3-year period.

(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall include the following:

(A) The update of the strategy required under subsection (c)(2) and a description of the actions taken by the Task Force to assist in the implementation of the strategy.

(B) A description of actions taken by the Task Force to carry out the duties required under subsection (a)(4)(B).

(C) A description of assistance provided under this section.

(D) The results of programs, projects, and activities carried out under this section.

(E) A description of priorities for promoting the diffusion and adoption of clean and efficient energy technologies and strategies in developing countries, taking into account economic and security interests of the United States and opportunities for the export of technology of the United States.

(F) Recommendations to the heads of appropriate Federal departments and agencies on methods to streamline Federal programs and policies to improve the role of such Federal departments and agencies in the development, demonstration, and deployment of clean and efficient energy technologies on an international basis.

(G) Strategies to integrate representatives of the private sector and other interested groups on the export and deployment of clean and efficient energy technologies.

(H) A description of programs to disseminate information to the private sector and the public on clean and efficient energy technologies and opportunities to transfer such clean and efficient energy technologies.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 through 2020.

SEC. 917. UNITED STATES-ISRAEL ENERGY COOPERATION.

(a) FINDINGS.—Congress finds that—

(1) it is in the highest national security interests of the United States to develop renewable energy sources;

(2) the State of Israel is a steadfast ally of the United States;

(3) the special relationship between the United States and Israel is manifested in a variety of cooperative scientific research and development programs, such as—

(A) the United States-Israel Binational Science Foundation; and

(B) the United States-Israel Binational Industrial Research and Development Foundation;

(4) those programs have made possible many scientific, technological, and commercial breakthroughs in the fields of life sciences, medicine, bioengineering, agriculture, biotechnology, communications, and others;

(5) on February 1, 1996, the Secretary of Energy (referred to in this section as the "Secretary") and the Israeli Minister of Energy and Infrastructure signed an agreement to establish a framework for collaboration between the United States and Israel in energy research and development activities;

(6) Israeli scientists and engineers are at the forefront of research and development in the field of renewable energy sources; and

(7) enhanced cooperation between the United States and Israel for the purpose of research and development of renewable energy sources would be in the national interests of both countries.

(b) GRANT PROGRAM.—

(1) ESTABLISHMENT.—In implementing the agreement entitled the "Agreement between the Department of Energy of the United States of America and the Ministry of Energy and Infrastructure of Israel Concerning Energy Cooperation", dated February 1, 1996, the Secretary shall establish a grant program in accordance with the requirements of sections 988 and 989 of the Energy Policy Act of 2005 (42 U.S.C. 16352, 16353) to support research, development, and commercialization of renewable energy or energy efficiency.

(2) TYPES OF ENERGY.—In carrying out paragraph (1), the Secretary may make grants to promote—

(A) solar energy;

(B) biomass energy;

(C) energy efficiency;

(D) wind energy;

(E) geothermal energy;

(F) wave and tidal energy; and

(G) advanced battery technology.

(3) ELIGIBLE APPLICANTS.—An applicant shall be eligible to receive a grant under this subsection if the project of the applicant—

(A) addresses a requirement in the area of improved energy efficiency or renewable energy sources, as determined by the Secretary; and

(B) is a joint venture between—

(i)(I) a for-profit business entity, academic institution, National Laboratory (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)), or nonprofit entity in the United States; and

(II) a for-profit business entity, academic institution, or nonprofit entity in Israel; or

(ii)(I) the Federal Government; and

(II) the Government of Israel.

(4) APPLICATIONS.—To be eligible to receive a grant under this subsection, an applicant shall submit to the Secretary an application for the grant in accordance with procedures established by the Secretary, in consultation with the advisory board established under paragraph (5).

(5) ADVISORY BOARD.—

(A) ESTABLISHMENT.—The Secretary shall establish an advisory board—

(i) to monitor the method by which grants are awarded under this subsection; and

(ii) to provide to the Secretary periodic performance reviews of actions taken to carry out this subsection.

(B) COMPOSITION.—The advisory board established under subparagraph (A) shall be composed of 3 members, to be appointed by the Secretary, of whom—

(i) 1 shall be a representative of the Federal Government;

(ii) 1 shall be selected from a list of nominees provided by the United States-Israel Binational Science Foundation; and

(iii) 1 shall be selected from a list of nominees provided by the United States-Israel Binational Industrial Research and Development Foundation.

(6) CONTRIBUTED FUNDS.—Notwithstanding section 3302 of title 31, United States Code, the Secretary may accept, retain, and use funds contributed by any person, government entity, or organization for purposes of carrying out this subsection—

(A) without further appropriation; and

(B) without fiscal year limitation.

(7) REPORT.—Not later than 180 days after the date of completion of a project for which a grant is provided under this subsection, the grant recipient shall submit to the Secretary a report that contains—

(A) a description of the method by which the recipient used the grant funds; and

(B) an evaluation of the level of success of each project funded by the grant.

(8) CLASSIFICATION.—Grants shall be awarded under this subsection only for projects that are considered to be unclassified by both the United States and Israel.

(c) TERMINATION.—The grant program and the advisory committee established under this section terminate on the date that is 7 years after the date of enactment of this Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—The Secretary shall use amounts authorized to be appropriated under section 931 of the Energy Policy Act of 2005 (42 U.S.C. 16231) to carry out this section.

Subtitle B—International Clean Energy Foundation

SEC. 921. DEFINITIONS.

In this subtitle:

(1) BOARD.—The term "Board" means the Board of Directors of the Foundation established pursuant to section 922(c).

(2) CHIEF EXECUTIVE OFFICER.—The term "Chief Executive Officer" means the chief executive officer of the Foundation appointed pursuant to section 922(b).

(3) FOUNDATION.—The term "Foundation" means the International Clean Energy Foundation established by section 922(a).

SEC. 922. ESTABLISHMENT AND MANAGEMENT OF FOUNDATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the executive branch a foundation to be known as the "International Clean Energy Foundation" that shall be responsible for carrying out the provisions of this subtitle. The Foundation shall be a government corporation, as defined in section 103 of title 5, United States Code.

(2) BOARD OF DIRECTORS.—The Foundation shall be governed by a Board of Directors in accordance with subsection (c).

(3) INTENT OF CONGRESS.—It is the intent of Congress, in establishing the structure of the Foundation set forth in this subsection, to create an entity that serves the long-term foreign policy and energy security goals of reducing global greenhouse gas emissions.

(b) CHIEF EXECUTIVE OFFICER.—

(1) IN GENERAL.—There shall be in the Foundation a Chief Executive Officer who shall be responsible for the management of the Foundation.

(2) APPOINTMENT.—The Chief Executive Officer shall be appointed by the Board, with the advice and consent of the Senate, and shall be a recognized leader in clean and efficient energy technologies and climate change and shall have experience in energy security, business, or foreign policy, chosen on the basis of a rigorous search.

(3) RELATIONSHIP TO BOARD.—The Chief Executive Officer shall report to, and be under the direct authority of, the Board.

(4) COMPENSATION AND RANK.—

(A) IN GENERAL.—The Chief Executive Officer shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(B) AMENDMENT.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

"Chief Executive Officer, International Clean Energy Foundation.".

(C) AUTHORITIES AND DUTIES.—The Chief Executive Officer shall be responsible for the management of the Foundation and shall exercise the powers and discharge the duties of the Foundation.

(D) AUTHORITY TO APPOINT OFFICERS.—In consultation and with approval of the Board, the Chief Executive Officer shall appoint all officers of the Foundation.

(c) BOARD OF DIRECTORS.—

(1) ESTABLISHMENT.—There shall be in the Foundation a Board of Directors.

(2) DUTIES.—The Board shall perform the functions specified to be carried out by the Board in this subtitle and may prescribe, amend, and repeal bylaws, rules, regulations, and procedures governing the manner in which the business of the Foundation may be conducted and in which the powers granted to it by law may be exercised.

(3) MEMBERSHIP.—The Board shall consist of—

(A) the Secretary of State (or the Secretary's designee), the Secretary of Energy (or the Secretary's designee), and the Administrator of the United States Agency for International Development (or the Administrator's designee); and

(B) four other individuals with relevant experience in matters relating to energy security (such as individuals who represent institutions of energy policy, business organizations, foreign policy organizations, or other relevant organizations) who shall be appointed by the President, by and with the advice and consent of the Senate, of whom—

(i) one individual shall be appointed from among a list of individuals submitted by the majority leader of the House of Representatives;

(ii) one individual shall be appointed from among a list of individuals submitted by the minority leader of the House of Representatives;

(iii) one individual shall be appointed from among a list of individuals submitted by the majority leader of the Senate; and

(iv) one individual shall be appointed from among a list of individuals submitted by the minority leader of the Senate.

(4) CHIEF EXECUTIVE OFFICER.—The Chief Executive Officer of the Foundation shall serve as a nonvoting, ex officio member of the Board.

(5) TERMS.—

(A) OFFICERS OF THE FEDERAL GOVERNMENT.—Each member of the Board described in paragraph (3)(A) shall serve for a term that is concurrent with the term of service of the individual's position as an officer within the other Federal department or agency.

(B) OTHER MEMBERS.—Each member of the Board described in paragraph (3)(B) shall be appointed for a term of 3 years and may be reappointed for a term of an additional 3 years.

(C) VACANCIES.—A vacancy in the Board shall be filled in the manner in which the original appointment was made.

(D) ACTING MEMBERS.—A vacancy in the Board may be filled with an appointment of an acting member by the Chairperson of the Board for up to 1 year while a nominee is named and awaits confirmation in accordance with paragraph (3)(B).

(6) CHAIRPERSON.—There shall be a Chairperson of the Board. The Secretary of State (or the Secretary's designee) shall serve as the Chairperson.

(7) QUORUM.—A majority of the members of the Board described in paragraph (3) shall constitute a quorum, which, except with respect to a meeting of the Board during the 135-day period beginning on the date of the enactment of this Act, shall include at least 1 member of the Board described in paragraph (3)(B).

(8) MEETINGS.—The Board shall meet at the call of the Chairperson, who shall call a meeting no less than once a year.

(9) COMPENSATION.—

(A) OFFICERS OF THE FEDERAL GOVERNMENT.—

(i) IN GENERAL.—A member of the Board described in paragraph (3)(A) may not receive additional pay, allowances, or benefits by reason of the member's service on the Board.

(ii) TRAVEL EXPENSES.—Each such member of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(B) OTHER MEMBERS.—

(i) IN GENERAL.—Except as provided in clause (ii), a member of the Board described in paragraph (3)(B)—

(I) shall be paid compensation out of funds made available for the purposes of this subtitle at the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties as a member of the Board; and

(II) while away from the member's home or regular place of business on necessary travel in the actual performance of duties as a member of the Board, shall be paid per diem, travel, and transportation expenses in the same manner as is provided under subchapter I of chapter 57 of title 5, United States Code.

(ii) LIMITATION.—A member of the Board may not be paid compensation under clause (i)(II) for more than 90 days in any calendar year.

SEC. 923. DUTIES OF FOUNDATION.

The Foundation shall—

(1) use the funds authorized by this subtitle to make grants to promote projects outside of the United States that serve as models of how to significantly reduce the emissions of global greenhouse gases through clean and efficient energy technologies, processes, and services;

(2) seek contributions from foreign governments, especially those rich in energy resources such as member countries of the Organization of the Petroleum Exporting Countries, and private organizations to supplement funds made available under this subtitle;

(3) harness global expertise through collaborative partnerships with foreign governments and domestic and foreign private actors, including nongovernmental organizations and private sector companies, by leveraging public and private capital, technology, expertise, and services towards innovative models that can be instituted to reduce global greenhouse gas emissions;

(4) create a repository of information on best practices and lessons learned on the utilization and implementation of clean and efficient energy technologies and processes to be used for future initiatives to tackle the climate change crisis;

(5) be committed to minimizing administrative costs and to maximizing the availability of funds for grants under this subtitle; and

(6) promote the use of American-made clean and efficient energy technologies, processes, and services by giving preference to entities incorporated in the United States and whose technology will be substantially manufactured in the United States.

SEC. 924. ANNUAL REPORT.

(a) REPORT REQUIRED.—Not later than March 31, 2008, and each March 31 thereafter, the Foundation shall submit to the appropriate congressional committees a report on the implementation of this subtitle during the prior fiscal year.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) the total financial resources available to the Foundation during the year, including appropriated funds, the value and source of any gifts or donations accepted pursuant to section 925(a)(6), and any other resources;

(2) a description of the Board's policy priorities for the year and the basis upon which competitive grant proposals were solicited and awarded to nongovernmental institutions and other organizations;

(3) a list of grants made to nongovernmental institutions and other organizations that includes the identity of the institutional recipient, the dollar amount, and the results of the program; and

(4) the total administrative and operating expenses of the Foundation for the year, as well as specific information on—

(A) the number of Foundation employees and the cost of compensation for Board members, Foundation employees, and personal service contractors;

(B) costs associated with securing the use of real property for carrying out the functions of the Foundation;

(C) total travel expenses incurred by Board members and Foundation employees in connection with Foundation activities; and

(D) total representational expenses.

SEC. 925. POWERS OF THE FOUNDATION; RELATED PROVISIONS.

(a) POWERS.—The Foundation—

(1) shall have perpetual succession unless dissolved by a law enacted after the date of the enactment of this Act;

(2) may adopt, alter, and use a seal, which shall be judicially noticed;

(3) may make and perform such contracts, grants, and other agreements with any person or government however designated and wherever situated, as may be necessary for carrying out the functions of the Foundation;

(4) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid, including expenses for representation;

(5) may lease, purchase, or otherwise acquire, improve, and use such real property wherever situated, as may be necessary for carrying out the functions of the Foundation;

(6) may accept money, funds, services, or property (real, personal, or mixed), tangible or intangible, made available by gift, bequest grant, or otherwise for the purpose of carrying out the provisions of this title from domestic or foreign private individuals, charities, nongovernmental organizations, corporations, or governments;

(7) may use the United States mails in the same manner and on the same conditions as the executive departments;

(8) may contract with individuals for personal services, who shall not be considered Federal employees for any provision of law administered by the Office of Personnel Management;

(9) may hire or obtain passenger motor vehicles; and

(10) shall have such other powers as may be necessary and incident to carrying out this subtitle.

(b) PRINCIPAL OFFICE.—The Foundation shall maintain its principal office in the metropolitan area of Washington, District of Columbia.

(c) APPLICABILITY OF GOVERNMENT CORPORATION CONTROL ACT.—

(1) IN GENERAL.—The Foundation shall be subject to chapter 91 of subtitle VI of title 31, United States Code, except that the Foundation shall not be authorized to issue obligations or offer obligations to the public.

(2) CONFORMING AMENDMENT.—Section 9101(3) of title 31, United States Code, is amended by adding at the end the following:

"(R) the International Clean Energy Foundation.".

(d) INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of State shall serve as Inspector General of the Foundation, and, in acting in such capacity, may conduct reviews, investigations, and inspections of all aspects of the operations and activities of the Foundation.

(2) AUTHORITY OF THE BOARD.—In carrying out the responsibilities under this subsection, the Inspector General shall report to and be under the general supervision of the Board.

(3) REIMBURSEMENT AND AUTHORIZATION OF SERVICES.—

(A) REIMBURSEMENT.—The Foundation shall reimburse the Department of State for all expenses incurred by the Inspector General in connection with the Inspector General's responsibilities under this subsection.

(B) AUTHORIZATION FOR SERVICES.—Of the amount authorized to be appropriated under section 927(a) for a fiscal year, up to $500,000 is authorized to be made available to the Inspector General of the Department of State to conduct reviews, investigations, and inspections of operations and activities of the Foundation.

SEC. 926. GENERAL PERSONNEL AUTHORITIES.

(a) DETAIL OF PERSONNEL.—Upon request of the Chief Executive Officer, the head of an agency may detail any employee of such agency to the Foundation on a reimbursable basis. Any employee so detailed remains, for the purpose of preserving such employee's allowances, privileges, rights, seniority, and other benefits, an employee of the agency from which detailed.

(b) REEMPLOYMENT RIGHTS.—

(1) IN GENERAL.—An employee of an agency who is serving under a career or career conditional appointment (or the equivalent), and who, with the consent of the head of such agency, transfers to the Foundation, is

entitled to be reemployed in such employee's former position or a position of like seniority, status, and pay in such agency, if such employee—

(A) is separated from the Foundation for any reason, other than misconduct, neglect of duty, or malfeasance; and

(B) applies for reemployment not later than 90 days after the date of separation from the Foundation.

(2) SPECIFIC RIGHTS.—An employee who satisfies paragraph (1) is entitled to be reemployed (in accordance with such paragraph) within 30 days after applying for reemployment and, on reemployment, is entitled to at least the rate of basic pay to which such employee would have been entitled had such employee never transferred.

(c) HIRING AUTHORITY.—Of persons employed by the Foundation, no more than 30 persons may be appointed, compensated, or removed without regard to the civil service laws and regulations.

(d) BASIC PAY.—The Chief Executive Officer may fix the rate of basic pay of employees of the Foundation without regard to the provisions of chapter 51 of title 5, United States Code (relating to the classification of positions), subchapter III of chapter 53 of such title (relating to General Schedule pay rates), except that no employee of the Foundation may receive a rate of basic pay that exceeds the rate for level IV of the Executive Schedule under section 5315 of such title.

(e) DEFINITIONS.—In this section—

(1) the term "agency" means an executive agency, as defined by section 105 of title 5, United States Code; and

(2) the term "detail" means the assignment or loan of an employee, without a change of position, from the agency by which such employee is employed to the Foundation.

SEC. 927. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—To carry out this subtitle, there are authorized to be appropriated $20,000,000 for each of the fiscal years 2009 through 2013.

(b) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—The Foundation may allocate or transfer to any agency of the United States Government any of the funds available for carrying out this subtitle. Such funds shall be available for obligation and expenditure for the purposes for which the funds were authorized, in accordance with authority granted in this subtitle or under authority governing the activities of the United States Government agency to which such funds are allocated or transferred.

(2) NOTIFICATION.—The Foundation shall notify the appropriate congressional committees not less than 15 days prior to an allocation or transfer of funds pursuant to paragraph (1).

Subtitle C—Miscellaneous Provisions

SEC. 931. ENERGY DIPLOMACY AND SECURITY WITHIN THE DEPARTMENT OF STATE.

(a) STATE DEPARTMENT COORDINATOR FOR INTERNATIONAL ENERGY AFFAIRS.—

(1) IN GENERAL.—The Secretary of State should ensure that energy security is integrated into the core mission of the Department of State.

(2) COORDINATOR FOR INTERNATIONAL ENERGY AFFAIRS.—There is established within the Office of the Secretary of State a Coordinator for International Energy Affairs, who shall be responsible for—

(A) representing the Secretary of State in interagency efforts to develop the international energy policy of the United States;

(B) ensuring that analyses of the national security implications of global energy and environmental developments are reflected in the decision making process within the Department of State;

(C) incorporating energy security priorities into the activities of the Department of State;

(D) coordinating energy activities of the Department of State with relevant Federal agencies; and

(E) coordinating energy security and other relevant functions within the Department of State currently undertaken by offices within—

(i) the Bureau of Economic, Energy and Business Affairs;

(ii) the Bureau of Oceans and International Environmental and Scientific Affairs; and

(iii) other offices within the Department of State.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(b) ENERGY EXPERTS IN KEY EMBASSIES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that includes—

(1) a description of the Department of State personnel who are dedicated to energy matters and are stationed at embassies and consulates in countries that are major energy producers or consumers;

(2) an analysis of the need for Federal energy specialist personnel in United States embassies and other United States diplomatic missions; and

(3) recommendations for increasing energy expertise within United States embassies among foreign service officers and options for assigning to such embassies energy attachés from the National Laboratories or other agencies within the Department of Energy.

(c) ENERGY ADVISORS.—The Secretary of Energy may make appropriate arrangements with the Secretary of State to assign personnel from the Department of Energy or the National Laboratories of the Department of Energy to serve as dedicated advisors on energy matters in embassies of the United States or other United States diplomatic missions.

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, and every 2 years thereafter for the following 20 years, the Secretary of State shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that describes—

(1) the energy-related activities being conducted by the Department of State, including activities within—

(A) the Bureau of Economic, Energy and Business Affairs;

(B) the Bureau of Oceans and Environmental and Scientific Affairs; and

(C) other offices within the Department of State;

(2) the amount of funds spent on each activity within each office described in paragraph (1); and

(3) the number and qualification of personnel in each embassy (or relevant foreign posting) of the United States whose work is dedicated exclusively to energy matters.

SEC. 932. NATIONAL SECURITY COUNCIL REORGANIZATION.

Section 101(a) of the National Security Act of 1947 (50 U.S.C. 402(a)) is amended—

(1) by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively; and

(2) by inserting after paragraph (4) the following:

"(5) the Secretary of Energy;".

SEC. 933. ANNUAL NATIONAL ENERGY SECURITY STRATEGY REPORT.

(a) REPORTS.—

(1) IN GENERAL.—Subject to paragraph (2), on the date on which the President submits to Congress the budget for the following fiscal year under section 1105 of title 31, United States Code, the President shall submit to Congress a comprehensive report on the national energy security of the United States.

(2) NEW PRESIDENTS.—In addition to the reports required under paragraph (1), the President shall submit a comprehensive report on the national energy security of the United States by not later than 150 days after the date on which the President assumes the office of President after a presidential election.

(b) CONTENTS.—Each report under this section shall describe the national energy security strategy of the United States, including a comprehensive description of—

(1) the worldwide interests, goals, and objectives of the United States that are vital to the national energy security of the United States;

(2) the foreign policy, worldwide commitments, and national defense capabilities of the United States necessary—

(A) to deter political manipulation of world energy resources; and

(B) to implement the national energy security strategy of the United States;

(3) the proposed short-term and long-term uses of the political, economic, military, and other authorities of the United States—

(A) to protect or promote energy security; and

(B) to achieve the goals and objectives described in paragraph (1);

(4) the adequacy of the capabilities of the United States to protect the national energy security of the United States, including an evaluation of the balance among the capabilities of all elements of the national authority of the United States to support the implementation of the national energy security strategy; and

(5) such other information as the President determines to be necessary to inform Congress on matters relating to the national energy security of the United States.

(c) CLASSIFIED AND UNCLASSIFIED FORM.—Each national energy security strategy report shall be submitted to Congress in—

(1) a classified form; and

(2) an unclassified form.

SEC. 934. CONVENTION ON SUPPLEMENTARY COMPENSATION FOR NUCLEAR DAMAGE CONTINGENT COST ALLOCATION.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) (commonly known as the "Price-Anderson Act")—

(i) provides a predictable legal framework necessary for nuclear projects; and

(ii) ensures prompt and equitable compensation in the event of a nuclear incident in the United States;

(B) the Price-Anderson Act, in effect, provides operators of nuclear powerplants with insurance for damage arising out of a nuclear incident and funds the insurance primarily through the assessment of a retrospective premium from each operator after the occurrence of a nuclear incident;

(C) the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997, will establish a global system—

(i) to provide a predictable legal framework necessary for nuclear energy projects; and

(ii) to ensure prompt and equitable compensation in the event of a nuclear incident;

(D) the Convention benefits United States nuclear suppliers that face potentially unlimited liability for nuclear incidents that are not covered by the Price-Anderson Act by replacing a potentially open-ended liability with a predictable liability regime that, in effect, provides nuclear suppliers with insurance for damage arising out of such an incident;

(E) the Convention also benefits United States nuclear facility operators that may be publicly liable for a Price-Anderson incident by providing an additional early source of funds to compensate damage arising out of the Price-Anderson incident;

(F) the combined operation of the Convention, the Price-Anderson Act, and this section will augment the quantity of assured funds available for victims in a wider variety of nuclear incidents while reducing the potential liability of United States suppliers without increasing potential costs to United States operators;

(G) the cost of those benefits is the obligation of the United States to contribute to the supplementary compensation fund established by the Convention;

(H) any such contribution should be funded in a manner that does not—

(i) upset settled expectations based on the liability regime established under the Price-Anderson Act; or

(ii) shift to Federal taxpayers liability risks for nuclear incidents at foreign installations;

(I) with respect to a Price-Anderson incident, funds already available under the Price-Anderson Act should be used; and

(J) with respect to a nuclear incident outside the United States not covered by the Price-Anderson Act, a retrospective premium should be prorated among nuclear suppliers relieved from potential liability for which insurance is not available.

(2) PURPOSE.—The purpose of this section is to allocate the contingent costs associated with participation by the United States in the international nuclear liability compensation system established by the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997—

(A) with respect to a Price-Anderson incident, by using funds made available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) to cover the contingent costs in a manner that neither increases the burdens nor decreases the benefits under section 170 of that Act; and

(B) with respect to a covered incident outside the United States that is not a Price-Anderson incident, by allocating the contingent costs equitably, on the basis of risk, among the class of nuclear suppliers relieved by the Convention from the risk of potential liability resulting from any covered incident outside the United States.

(b) DEFINITIONS.—In this section:

(1) COMMISSION.—The term "Commission" means the Nuclear Regulatory Commission.

(2) CONTINGENT COST.—The term "contingent cost" means the cost to the United States in the event of a covered incident the amount of which is equal to the amount of funds the United States is obligated to make available under paragraph 1(b) of Article III of the Convention.

(3) CONVENTION.—The term "Convention" means the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997.

(4) COVERED INCIDENT.—The term "covered incident" means a nuclear incident the occurrence of which results in a request for funds pursuant to Article VII of the Convention.

(5) COVERED INSTALLATION.—The term "covered installation" means a nuclear installation at which the occurrence of a nuclear incident could result in a request for funds under Article VII of the Convention.

(6) COVERED PERSON.—

(A) IN GENERAL.—The term "covered person" means—

(i) a United States person; and

(ii) an individual or entity (including an agency or instrumentality of a foreign country) that—

(I) is located in the United States; or

(II) carries out an activity in the United States.

(B) EXCLUSIONS.—The term "covered person" does not include—

(i) the United States; or

(ii) any agency or instrumentality of the United States.

(7) NUCLEAR SUPPLIER.—The term "nuclear supplier" means a covered person (or a successor in interest of a covered person) that—

(A) supplies facilities, equipment, fuel, services, or technology pertaining to the design, construction, operation, or decommissioning of a covered installation; or

(B) transports nuclear materials that could result in a covered incident.

(8) PRICE-ANDERSON INCIDENT.—The term "Price-Anderson incident" means a covered incident for which section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) would make funds available to compensate for public liability (as defined in section 11 of that Act (42 U.S.C. 2014)).

(9) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(10) UNITED STATES.—

(A) IN GENERAL.—The term "United States" has the meaning given the term in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

(B) INCLUSIONS.—The term "United States" includes—

(i) the Commonwealth of Puerto Rico;

(ii) any other territory or possession of the United States;

(iii) the Canal Zone; and

(iv) the waters of the United States territorial sea under Presidential Proclamation Number 5928, dated December 27, 1988 (43 U.S.C. 1331 note).

(11) UNITED STATES PERSON.—The term "United States person" means—

(A) any individual who is a resident, national, or citizen of the United States (other than an individual residing outside of the United States and employed by a person who is not a United States person); and

(B) any corporation, partnership, association, joint stock company, business trust, unincorporated organization, or sole proprietorship that is organized under the laws of the United States.

(c) USE OF PRICE-ANDERSON FUNDS.—

(1) IN GENERAL.—Funds made available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) shall be used to cover the contingent cost resulting from any Price-Anderson incident.

(2) EFFECT.—The use of funds pursuant to paragraph (1) shall not reduce the limitation on public liability established under section 170 e. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)).

(d) EFFECT ON AMOUNT OF PUBLIC LIABILITY.—

(1) IN GENERAL.—Funds made available to the United States under Article VII of the Convention with respect to a Price-Anderson incident shall be used to satisfy public liability resulting from the Price-Anderson incident.

(2) AMOUNT.—The amount of public liability allowable under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) relating to a Price-Anderson incident under paragraph (1) shall be increased by an amount equal to the difference between—

(A) the amount of funds made available for the Price-Anderson incident under Article VII of the Convention; and

(B) the amount of funds used under subsection (c) to cover the contingent cost resulting from the Price-Anderson incident.

(e) RETROSPECTIVE RISK POOLING PROGRAM.—

(1) IN GENERAL.—Except as provided under paragraph (2), each nuclear supplier shall participate in a retrospective risk pooling program in accordance with this section to cover the contingent cost resulting from a covered incident outside the United States that is not a Price-Anderson incident.

(2) DEFERRED PAYMENT.—

(A) IN GENERAL.—The obligation of a nuclear supplier to participate in the retrospective risk pooling program shall be deferred until the United States is called on to provide funds pursuant to Article VII of the Convention with respect to a covered incident that is not a Price-Anderson incident.

(B) AMOUNT OF DEFERRED PAYMENT.—The amount of a deferred payment of a nuclear supplier under subparagraph (A) shall be based on the risk-informed assessment formula determined under subparagraph (C).

(C) RISK-INFORMED ASSESSMENT FORMULA.—

(i) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, and every 5 years thereafter, the Secretary shall, by regulation, determine the risk-informed assessment formula for the allocation among nuclear suppliers of the contingent cost resulting from a covered incident that is not a Price-Anderson incident, taking into account risk factors such as—

(I) the nature and intended purpose of the goods and services supplied by each nuclear supplier to each covered installation outside the United States;

(II) the quantity of the goods and services supplied by each nuclear supplier to each covered installation outside the United States;

(III) the hazards associated with the supplied goods and services if the goods and services fail to achieve the intended purposes;

(IV) the hazards associated with the covered installation outside the United States to which the goods and services are supplied;

(V) the legal, regulatory, and financial infrastructure associated with the covered installation outside the United States to which the goods and services are supplied; and

(VI) the hazards associated with particular forms of transportation.

(ii) FACTORS FOR CONSIDERATION.—In determining the formula, the Secretary may—

(I) exclude—

(aa) goods and services with negligible risk;

(bb) classes of goods and services not intended specifically for use in a nuclear installation;

(cc) a nuclear supplier with a de minimis share of the contingent cost; and

(dd) a nuclear supplier no longer in existence for which there is no identifiable successor; and

(II) establish the period on which the risk assessment is based.

(iii) APPLICATION.—In applying the formula, the Secretary shall not consider any covered installation or transportation for which funds would be available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210).

(iv) REPORT.—Not later than 5 years after the date of the enactment of this Act, and every 5 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on whether there is a need for continuation or amendment of this section, taking into account the effects of the implementation of the Convention on the United States nuclear industry and suppliers.

(f) REPORTING.—

(1) COLLECTION OF INFORMATION.—

(A) IN GENERAL.—The Secretary may collect information necessary for developing and implementing the formula for calculating the deferred payment of a nuclear supplier under subsection (e)(2).

(B) PROVISION OF INFORMATION.—Each nuclear supplier and other appropriate persons shall make available to the Secretary such information, reports, records, documents, and other data as the Secretary determines, by regulation, to be necessary or appropriate to develop and implement the formula under subsection (e)(2)(C).

(2) PRIVATE INSURANCE.—The Secretary shall make available to nuclear suppliers, and insurers of nuclear suppliers, information to support the voluntary establishment and maintenance of private insurance against any risk for which nuclear suppliers may be required to pay deferred payments under this section.

(g) EFFECT ON LIABILITY.—Nothing in any other law (including regulations) limits liability for a covered incident to an amount equal to less than the amount prescribed in paragraph 1(a) of Article IV of the Convention, unless the law—

(1) specifically refers to this section; and

(2) explicitly repeals, alters, amends, modifies, impairs, displaces, or supersedes the effect of this subsection.

(h) PAYMENTS TO AND BY THE UNITED STATES.—

(1) ACTION BY NUCLEAR SUPPLIERS.—

(A) NOTIFICATION.—In the case of a request for funds under Article VII of the Convention resulting from a covered incident that is not a Price-Anderson incident, the Secretary shall notify each nuclear supplier of the amount of the deferred payment required to be made by the nuclear supplier.

(B) PAYMENTS.—

(i) IN GENERAL.—Except as provided under clause (ii), not later than 60 days after receipt of a notification under subparagraph (A), a nuclear supplier shall pay to the general fund of the Treasury the deferred payment of the nuclear supplier required under subparagraph (A).

(ii) ANNUAL PAYMENTS.—A nuclear supplier may elect to prorate payment of the deferred payment required under subparagraph (A) in 5 equal annual payments (including interest on the unpaid balance at the prime rate prevailing at the time the first payment is due).

(C) VOUCHERS.—A nuclear supplier shall submit payment certification vouchers to the Secretary of the Treasury in accordance with section 3325 of title 31, United States Code.

(2) USE OF FUNDS.—

(A) IN GENERAL.—Amounts paid into the Treasury under paragraph (1) shall be available to the Secretary of the Treasury, without further appropriation and without fiscal year limitation, for the purpose of making the contributions of public funds required to be made by the United States under the Convention.

(B) ACTION BY SECRETARY OF TREASURY.—The Secretary of the Treasury shall pay the contribution required under the Convention to the court of competent jurisdiction under Article XIII of the Convention with respect to the applicable covered incident.

(3) FAILURE TO PAY.—If a nuclear supplier fails to make a payment required under this subsection, the Secretary may take appropriate action to recover from the nuclear supplier—

(A) the amount of the payment due from the nuclear supplier;

(B) any applicable interest on the payment; and

(C) a penalty of not more than twice the amount of the deferred payment due from the nuclear supplier.

(i) LIMITATION ON JUDICIAL REVIEW; CAUSE OF ACTION.—

(1) LIMITATION ON JUDICIAL REVIEW.—

(A) IN GENERAL.—In any civil action arising under the Convention over which Article XIII of the Convention grants jurisdiction to the courts of the United States, any appeal or review by writ of mandamus or otherwise with respect to a nuclear incident that is not a Price-Anderson incident shall be in accordance with chapter 83 of title 28, United States Code, except that the appeal or review shall occur in the United States Court of Appeals for the District of Columbia Circuit.

(B) SUPREME COURT JURISDICTION.—Nothing in this paragraph affects the jurisdiction of the Supreme Court of the United States under chapter 81 of title 28, United States Code.

(2) CAUSE OF ACTION.—

(A) IN GENERAL.—Subject to subparagraph (B), in any civil action arising under the Convention over which Article XIII of the Convention grants jurisdiction to the courts of the United States, in addition to any other cause of action that may exist, an individual or entity shall have a cause of action against the operator to recover for nuclear damage suffered by the individual or entity.

(B) REQUIREMENT.—Subparagraph (A) shall apply only if the individual or entity seeks a remedy for nuclear damage (as defined in Article I of the Convention) that was caused by a nuclear incident (as defined in Article I of the Convention) that is not a Price-Anderson incident.

(C) SAVINGS PROVISION.—Nothing in this paragraph may be construed to limit, modify, extinguish, or otherwise affect any cause of action that would have existed in the absence of enactment of this paragraph.

(j) RIGHT OF RECOURSE.—This section does not provide to an operator of a covered installation any right of recourse under the Convention.

(k) PROTECTION OF SENSITIVE UNITED STATES INFORMATION.—Nothing in the Convention or this section requires the disclosure of—

(1) any data that, at any time, was Restricted Data (as defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014));

(2) information relating to intelligence sources or methods protected by section 102A(i) of the National Security Act of 1947 (50 U.S.C. 403-1(i)); or

(3) national security information classified under Executive Order 12958 (50 U.S.C. 435 note; relating to classified national security information) (or a successor Executive Order or regulation).

(l) REGULATIONS.—

(1) IN GENERAL.—The Secretary or the Commission, as appropriate, may prescribe regulations to carry out section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) and this section.

(2) REQUIREMENT.—Rules prescribed under this subsection shall ensure, to the maximum extent practicable, that—

(A) the implementation of section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) and this section is consistent and equitable; and

(B) the financial and operational burden on a Commission licensee in complying with section 170 of that Act is not greater as a result of the enactment of this section.

(3) APPLICABILITY OF PROVISION.—Section 553 of title 5, United States Code, shall apply with respect to the promulgation of regulations under this subsection.

(4) EFFECT OF SUBSECTION.—The authority provided under this subsection is in addition to, and does not impair or otherwise affect, any other authority of the Secretary or the Commission to prescribe regulations.

(m) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 935. TRANSPARENCY IN EXTRACTIVE INDUSTRIES RESOURCE PAYMENTS.

(a) PURPOSE.—The purpose of this section is to—

(1) ensure greater United States energy security by combating corruption in the governments of foreign countries that receive revenues from the sale of their natural resources; and

(2) enhance the development of democracy and increase political and economic stability in such resource rich foreign countries.

(b) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to increase energy security by promoting anti-corruption initiatives in oil and natural gas rich countries; and

(2) to promote global energy security through promotion of programs such as the Extractive Industries Transparency Initiative (EITI) that seek to instill transparency and accountability into extractive industries resource payments.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the United States should further global energy security and promote democratic development in resource-rich foreign countries by—

(1) encouraging further participation in the EITI by eligible countries and companies; and

(2) promoting the efficacy of the EITI program by ensuring a robust and candid review mechanism.

(d) REPORT.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State, in consultation with the Secretary of Energy, shall submit to the appropriate congressional committees a report on progress made in promoting transparency in extractive industries resource payments.

(2) MATTERS TO BE INCLUDED.—The report required by paragraph (1) shall include a detailed description of United States participation in the EITI, bilateral and multilateral diplomatic efforts to further participation in

the EITI, and other United States initiatives to strengthen energy security, deter energy kleptocracy, and promote transparency in the extractive industries.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $3,000,000 for the purposes of United States contributions to the Multi-Donor Trust Fund of the EITI.

TITLE X—GREEN JOBS

SEC. 1001. SHORT TITLE.

This title may be cited as the "Green Jobs Act of 2007".

SEC. 1002. ENERGY EFFICIENCY AND RENEWABLE ENERGY WORKER TRAINING PROGRAM.

Section 171 of the Workforce Investment Act of 1998 (29 U.S.C. 2916) is amended by adding at the end the following:

"(e) ENERGY EFFICIENCY AND RENEWABLE ENERGY WORKER TRAINING PROGRAM.—

"(1) GRANT PROGRAM.—

"(A) IN GENERAL.—Not later than 6 months after the date of enactment of the Green Jobs Act of 2007, the Secretary, in consultation with the Secretary of Energy, shall establish an energy efficiency and renewable energy worker training program under which the Secretary shall carry out the activities described in paragraph (2) to achieve the purposes of this subsection.

"(B) ELIGIBILITY.—For purposes of providing assistance and services under the program established under this subsection—

"(i) target populations of eligible individuals to be given priority for training and other services shall include—

"(I) workers impacted by national energy and environmental policy;

"(II) individuals in need of updated training related to the energy efficiency and renewable energy industries;

"(III) veterans, or past and present members of reserve components of the Armed Forces;

"(IV) unemployed individuals;

"(V) individuals, including at-risk youth, seeking employment pathways out of poverty and into economic self-sufficiency; and

"(VI) formerly incarcerated, adjudicated, nonviolent offenders; and

"(ii) energy efficiency and renewable energy industries eligible to participate in a program under this subsection include—

"(I) the energy-efficient building, construction, and retrofits industries;

"(II) the renewable electric power industry;

"(III) the energy efficient and advanced drive train vehicle industry;

"(IV) the biofuels industry;

"(V) the deconstruction and materials use industries;

"(VI) the energy efficiency assessment industry serving the residential, commercial, or industrial sectors; and

"(VII) manufacturers that produce sustainable products using environmentally sustainable processes and materials.

"(2) ACTIVITIES.—

"(A) NATIONAL RESEARCH PROGRAM.—Under the program established under paragraph (1), the Secretary, acting through the Bureau of Labor Statistics, where appropriate, shall collect and analyze labor market data to track workforce trends resulting from energy-related initiatives carried out under this subsection. Activities carried out under this paragraph shall include—

"(i) tracking and documentation of academic and occupational competencies as well as future skill needs with respect to renewable energy and energy efficiency technology;

"(ii) tracking and documentation of occupational information and workforce training data with respect to renewable energy and energy efficiency technology;

"(iii) collaborating with State agencies, workforce investments boards, industry, organized labor, and community and nonprofit organizations to disseminate information on successful innovations for labor market services and worker training with respect to renewable energy and energy efficiency technology;

"(iv) serving as a clearinghouse for best practices in workforce development, job placement, and collaborative training partnerships;

"(v) encouraging the establishment of workforce training initiatives with respect to renewable energy and energy efficiency technologies;

"(vi) linking research and development in renewable energy and energy efficiency technology with the development of standards and curricula for current and future jobs;

"(vii) assessing new employment and work practices including career ladder and upgrade training as well as high performance work systems; and

"(viii) providing technical assistance and capacity building to national and State energy partnerships, including industry and labor representatives.

"(B) NATIONAL ENERGY TRAINING PARTNERSHIP GRANTS.—

"(i) IN GENERAL.—Under the program established under paragraph (1), the Secretary shall award National Energy Training Partnerships Grants on a competitive basis to eligible entities to enable such entities to carry out training that leads to economic self-sufficiency and to develop an energy efficiency and renewable energy industries workforce. Grants shall be awarded under this subparagraph so as to ensure geographic diversity with at least 2 grants awarded to entities located in each of the 4 Petroleum Administration for Defense Districts with no subdistricts, and at least 1 grant awarded to an entity located in each of the subdistricts of the Petroleum Administration for Defense District with subdistricts.

"(ii) ELIGIBILITY.—To be eligible to receive a grant under clause (i), an entity shall be a nonprofit partnership that—

"(I) includes the equal participation of industry, including public or private employers, and labor organizations, including joint labor-management training programs, and may include workforce investment boards, community-based organizations, qualified service and conservation corps, educational institutions, small businesses, cooperatives, State and local veterans agencies, and veterans service organizations; and

"(II) demonstrates—

"(aa) experience in implementing and operating worker skills training and education programs;

"(bb) the ability to identify and involve in training programs carried out under this grant, target populations of individuals who would benefit from training and be actively involved in activities related to energy efficiency and renewable energy industries; and

"(cc) the ability to help individuals achieve economic self-sufficiency.

"(iii) PRIORITY.—Priority shall be given to partnerships which leverage additional public and private resources to fund training programs, including cash or in-kind matches from participating employers.

"(C) STATE LABOR MARKET RESEARCH, INFORMATION, AND LABOR EXCHANGE RESEARCH PROGRAM.—

"(i) IN GENERAL.—Under the program established under paragraph (1), the Secretary shall award competitive grants to States to enable such States to administer labor market and labor exchange information programs that include the implementation of the activities described in clause (ii), in coordination with the one-stop delivery system.

"(ii) ACTIVITIES.—A State shall use amounts awarded under a grant under this subparagraph to provide funding to the State agency that administers the Wagner-Peyser Act and State unemployment compensation programs to carry out the following activities using State agency merit staff:

"(I) The identification of job openings in the renewable energy and energy efficiency sector.

"(II) The administration of skill and aptitude testing and assessment for workers.

"(III) The counseling, case management, and referral of qualified job seekers to openings and training programs, including energy efficiency and renewable energy training programs.

"(D) STATE ENERGY TRAINING PARTNERSHIP PROGRAM.—

"(i) IN GENERAL.—Under the program established under paragraph (1), the Secretary shall award competitive grants to States to enable such States to administer renewable energy and energy efficiency workforce development programs that include the implementation of the activities described in clause (ii).

"(ii) PARTNERSHIPS.—A State shall use amounts awarded under a grant under this subparagraph to award competitive grants to eligible State Energy Sector Partnerships to enable such Partnerships to coordinate with existing apprenticeship and labor management training programs and implement training programs that lead to the economic self-sufficiency of trainees.

"(iii) ELIGIBILITY.—To be eligible to receive a grant under this subparagraph, a State Energy Sector Partnership shall—

"(I) consist of nonprofit organizations that include equal participation from industry, including public or private nonprofit employers, and labor organizations, including joint labor-management training programs, and may include representatives from local governments, the workforce investment system, including one-stop career centers, community based organizations, qualified service and conservation corps, community colleges, and other post-secondary institutions, small businesses, cooperatives, State and local veterans agencies, and veterans service organizations;

"(II) demonstrate experience in implementing and operating worker skills training and education programs; and

"(III) demonstrate the ability to identify and involve in training programs, target populations of workers who would benefit from training and be actively involved in activities related to energy efficiency and renewable energy industries.

"(iv) PRIORITY.—In awarding grants under this subparagraph, the Secretary shall give priority to States that demonstrate that activities under the grant—

"(I) meet national energy policies associated with energy efficiency, renewable energy, and the reduction of emissions of greenhouse gases;

"(II) meet State energy policies associated with energy efficiency, renewable energy, and the reduction of emissions of greenhouse gases; and

"(III) leverage additional public and private resources to fund training programs, including cash or in-kind matches from participating employers.

"(v) COORDINATION.—A grantee under this subparagraph shall coordinate activities carried out under the grant with existing other appropriate training programs, including apprenticeship and labor management training programs, including such activities referenced in paragraph (3)(A), and implement training programs that lead to the economic self-sufficiency of trainees.

"(E) PATHWAYS OUT OF POVERTY DEMONSTRATION PROGRAM.—

"(i) IN GENERAL.—Under the program established under paragraph (1), the Secretary shall award competitive grants of sufficient size to eligible entities to enable such entities to carry out training that leads to economic self-sufficiency. The Secretary shall give priority to entities that serve individuals in families with income of less than 200 percent of the sufficiency standard for the local areas where the training is conducted that specifies, as defined by the State, or where such standard is not established, the income needs of families, by family size, the number and ages of children in the family, and sub-State geographical considerations. Grants shall be awards to ensure geographic diversity.

"(ii) ELIGIBLE ENTITIES.—To be eligible to receive a grant an entity shall be a partnership that—

"(I) includes community-based nonprofit organizations, educational institutions with expertise in serving low-income adults or youth, public or private employers from the industry sectors described in paragraph (1)(B)(ii), and labor organizations representing workers in such industry sectors;

"(II) demonstrates a record of successful experience in implementing and operating worker skills training and education programs;

"(III) coordinates activities, where appropriate, with the workforce investment system; and

"(IV) demonstrates the ability to recruit individuals for training and to support such individuals to successful completion in training programs carried out under this grant, targeting populations of workers who are or will be engaged in activities related to energy efficiency and renewable energy industries.

"(iii) PRIORITIES.—In awarding grants under this paragraph, the Secretary shall give priority to applicants that—

"(I) target programs to benefit low-income workers, unemployed youth and adults, high school dropouts, or other underserved sectors of the workforce within areas of high poverty;

"(II) ensure that supportive services are integrated with education and training, and delivered by organizations with direct access to and experience with targeted populations;

"(III) leverage additional public and private resources to fund training programs, including cash or in-kind matches from participating employers;

"(IV) involve employers and labor organizations in the determination of relevant skills and competencies and ensure that the certificates or credentials that result from the training are employer-recognized;

"(V) deliver courses at alternative times (such as evening and weekend programs) and locations most convenient and accessible to participants and link adult remedial education with occupational skills training; and

"(VI) demonstrate substantial experience in administering local, municipal, State, Federal, foundation, or private entity grants.

"(iv) DATA COLLECTION.—Grantees shall collect and report the following information:

"(I) The number of participants.

"(II) The demographic characteristics of participants, including race, gender, age, parenting status, participation in other Federal programs, education and literacy level at entry, significant barriers to employment (such as limited English proficiency, criminal record, addiction or mental health problem requiring treatment, or mental disability).

"(III) The services received by participants, including training, education, and supportive services.

"(IV) The amount of program spending per participant.

"(V) Program completion rates.

"(VI) Factors determined as significantly interfering with program participation or completion.

"(VII) The rate of Job placement and the rate of employment retention after 1 year.

"(VIII) The average wage at placement, including any benefits, and the rate of average wage increase after 1 year.

"(IX) Any post-employment supportive services provided.

The Secretary shall assist grantees in the collection of data under this clause by making available, where practicable, low-cost means of tracking the labor market outcomes of participants, and by providing standardized reporting forms, where appropriate.

"(3) ACTIVITIES.—

"(A) IN GENERAL.—Activities to be carried out under a program authorized by subparagraph (B), (D), or (E) of paragraph (2) shall be coordinated with existing systems or providers, as appropriate. Such activities may include—

"(i) occupational skills training, including curriculum development, on-the-job training, and classroom training;

"(ii) safety and health training;

"(iii) the provision of basic skills, literacy, GED, English as a second language, and job readiness training;

"(iv) individual referral and tuition assistance for a community college training program, or any training program leading to an industry-recognized certificate;

"(v) internship programs in fields related to energy efficiency and renewable energy;

"(vi) customized training in conjunction with an existing registered apprenticeship program or labor-management partnership;

"(vii) incumbent worker and career ladder training and skill upgrading and retraining;

"(viii) the implementation of transitional jobs strategies; and

"(ix) the provision of supportive services.

"(B) OUTREACH ACTIVITIES.—In addition to the activities authorized under subparagraph (A), activities authorized for programs under subparagraph (E) of paragraph (2) may include the provision of outreach, recruitment, career guidance, and case management services.

"(4) WORKER PROTECTIONS AND NONDISCRIMINATION REQUIREMENTS.—

"(A) APPLICATION OF WIA.—The provisions of sections 181 and 188 of the Workforce Investment Act of 1998 (29 U.S.C. 2931 and 2938) shall apply to all programs carried out with assistance under this subsection.

"(B) CONSULTATION WITH LABOR ORGANIZATIONS.—If a labor organization represents a substantial number of workers who are engaged in similar work or training in an area that is the same as the area that is proposed to be funded under this Act, the labor organization shall be provided an opportunity to be consulted and to submit comments in regard to such a proposal.

"(5) PERFORMANCE MEASURES.—

"(A) IN GENERAL.—The Secretary shall negotiate and reach agreement with the eligible entities that receive grants and assistance under this section on performance measures for the indicators of performance referred to in subparagraphs (A) and (B) of section 136(b)(2) that will be used to evaluate the performance of the eligible entity in carrying out the activities described in subsection (e)(2). Each performance measure shall consist of such an indicator of performance, and a performance level referred to in subparagraph (B).

"(B) PERFORMANCE LEVELS.—The Secretary shall negotiate and reach agreement with the eligible entity regarding the levels of performance expected to be achieved by the eligible entity on the indicators of performance.

"(6) REPORT.—

"(A) STATUS REPORT.—Not later than 18 months after the date of enactment of the Green Jobs Act of 2007, the Secretary shall transmit a report to the Senate Committee on Energy and Natural Resources, the Senate Committee on Health, Education, Labor, and Pensions, the House Committee on Education and Labor, and the House Committee on Energy and Commerce on the training program established by this subsection. The report shall include a description of the entities receiving funding and the activities carried out by such entities.

"(B) EVALUATION.—Not later than 3 years after the date of enactment of such Act, the Secretary shall transmit to the Senate Committee on Energy and Natural Resources, the Senate Committee on Health, Education, Labor, and Pensions, the House Committee on Education and Labor, and the House Committee on Energy and Commerce an assessment of such program and an evaluation of the activities carried out by entities receiving funding from such program.

"(7) DEFINITION.—As used in this subsection, the term 'renewable energy' has the meaning given such term in section 203(b)(2) of the Energy Policy Act of 2005 (Public Law 109–58).

"(8) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, $125,000,000 for each fiscal years, of which—

"(A) not to exceed 20 percent of the amount appropriated in each such fiscal year shall be made available for, and shall be equally divided between, national labor market research and information under paragraph (2)(A) and State labor market information and labor exchange research under paragraph (2)(C), and not more than 2 percent of such amount shall be for the evaluation and report required under paragraph (4);

"(B) 20 percent shall be dedicated to Pathways Out of Poverty Demonstration Programs under paragraph (2)(E); and

"(C) the remainder shall be divided equally between National Energy Partnership Training Grants under paragraph (2)(B) and State energy training partnership grants under paragraph (2)(D).".

TITLE XI—ENERGY TRANSPORTATION AND INFRASTRUCTURE

Subtitle A—Department of Transportation

SEC. 1101. OFFICE OF CLIMATE CHANGE AND ENVIRONMENT.

(a) IN GENERAL.—Section 102 of title 49, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

"(g) OFFICE OF CLIMATE CHANGE AND ENVIRONMENT.—

"(1) ESTABLISHMENT.—There is established in the Department an Office of Climate Change and Environment to plan, coordinate, and implement—

"(A) department-wide research, strategies, and actions under the Department's statutory authority to reduce transportation-related energy use and mitigate the effects of climate change; and

"(B) department-wide research strategies and actions to address the impacts of climate change on transportation systems and infrastructure.

"(2) CLEARINGHOUSE.—The Office shall establish a clearinghouse of solutions, including cost-effective congestion reduction approaches, to reduce air pollution and transportation-related energy use and mitigate the effects of climate change.".

(b) COORDINATION.—The Office of Climate Change and Environment of the Department of Transportation shall coordinate its activities with the United States Global Change Research Program.

(c) TRANSPORTATION SYSTEM'S IMPACT ON CLIMATE CHANGE AND FUEL EFFICIENCY.—

(1) STUDY.—The Office of Climate Change and Environment, in coordination with the Environmental Protection Agency and in consultation with the United States Global Change Research Program, shall conduct a study to examine the impact of the Nation's transportation system on climate change and the fuel efficiency savings and clean air impacts of major transportation projects, to identify solutions to reduce air pollution and transportation-related energy use and mitigate the effects of climate change, and to examine the potential fuel savings that could result from changes in the current transportation system and through the use of intelligent transportation systems that help businesses and consumers to plan their travel and avoid delays, including Web-based real-time transit information systems, congestion information systems, carpool information systems, parking information systems, freight route management systems, and traffic management systems.

(2) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary of Transportation, in coordination with the Administrator of the Environmental Protection Agency, shall transmit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate a report that contains the results of the study required under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation for the Office of Climate Change and Environment to carry out its duties under section 102(g) of title 49, United States Code (as amended by this Act), such sums as may be necessary for fiscal years 2008 through 2011.

Subtitle B—Railroads

SEC. 1111. ADVANCED TECHNOLOGY LOCOMOTIVE GRANT PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall establish and carry out a pilot program for making grants to railroad carriers (as defined in section 20102 of title 49, United States Code) and State and local governments—

(1) for assistance in purchasing hybrid or other energy-efficient locomotives, including hybrid switch and generator-set locomotives; and

(2) to demonstrate the extent to which such locomotives increase fuel economy, reduce emissions, and lower costs of operation.

(b) LIMITATION.—Notwithstanding subsection (a), no grant under this section may be used to fund the costs of emissions reductions that are mandated under Federal law.

(c) GRANT CRITERIA.—In selecting applicants for grants under this section, the Secretary of Transportation shall consider—

(1) the level of energy efficiency that would be achieved by the proposed project;

(2) the extent to which the proposed project would assist in commercial deployment of hybrid or other energy-efficient locomotive technologies;

(3) the extent to which the proposed project complements other private or governmental partnership efforts to improve air quality or fuel efficiency in a particular area; and

(4) the extent to which the applicant demonstrates innovative strategies and a financial commitment to increasing energy efficiency and reducing greenhouse gas emissions of its railroad operations.

(d) COMPETITIVE GRANT SELECTION PROCESS.—

(1) APPLICATIONS.—A railroad carrier or State or local government seeking a grant under this section shall submit for approval by the Secretary of Transportation an application for the grant containing such information as the Secretary of Transportation may require.

(2) COMPETITIVE SELECTION.—The Secretary of Transportation shall conduct a national solicitation for applications for grants under this section and shall select grantees on a competitive basis.

(e) FEDERAL SHARE.—The Federal share of the cost of a project under this section shall not exceed 80 percent of the project cost.

(f) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary of Transportation shall submit to Congress a report on the results of the pilot program carried out under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Transportation $10,000,000 for each of the fiscal years 2008 through 2011 to carry out this section. Such funds shall remain available until expended.

SEC. 1112. CAPITAL GRANTS FOR CLASS II AND CLASS III RAILROADS.

(a) AMENDMENT.—Chapter 223 of title 49, United States Code, is amended to read as follows:

"CHAPTER 223—CAPITAL GRANTS FOR CLASS II AND CLASS III RAILROADS

"Sec.

"22301. Capital grants for class II and class III railroads.

"§22301. Capital grants for class II and class III railroads

"(a) ESTABLISHMENT OF PROGRAM.—

"(1) ESTABLISHMENT.—The Secretary of Transportation shall establish a program for making capital grants to class II and class III railroads. Such grants shall be for projects in the public interest that—

"(A)(i) rehabilitate, preserve, or improve railroad track (including roadbed, bridges, and related track structures) used primarily for freight transportation;

"(ii) facilitate the continued or greater use of railroad transportation for freight shipments; and

"(iii) reduce the use of less fuel efficient modes of transportation in the transportation of such shipments; and

"(B) demonstrate innovative technologies and advanced research and development that increase fuel economy, reduce greenhouse gas emissions, and lower the costs of operation.

"(2) PROVISION OF GRANTS.—Grants may be provided under this chapter—

"(A) directly to the class II or class III railroad; or

"(B) with the concurrence of the class II or class III railroad, to a State or local government.

"(3) STATE COOPERATION.—Class II and class III railroad applicants for a grant under this chapter are encouraged to utilize the expertise and assistance of State transportation agencies in applying for and administering such grants. State transportation agencies are encouraged to provide such expertise and assistance to such railroads.

"(4) REGULATIONS.—Not later than October 1, 2008, the Secretary shall issue final regulations to implement the program under this section.

"(b) MAXIMUM FEDERAL SHARE.—The maximum Federal share for carrying out a project under this section shall be 80 percent of the project cost. The non-Federal share may be provided by any non-Federal source in cash, equipment, or supplies. Other in-kind contributions may be approved by the Secretary on a case-by-case basis consistent with this chapter.

"(c) USE OF FUNDS.—Grants provided under this section shall be used to implement track capital projects as soon as possible. In no event shall grant funds be contractually obligated for a project later than the end of the third Federal fiscal year following the year in which the grant was awarded. Any funds not so obligated by the end of such fiscal year shall be returned to the Secretary for reallocation.

"(d) EMPLOYEE PROTECTION.—The Secretary shall require as a condition of any grant made under this section that the recipient railroad provide a fair arrangement at least as protective of the interests of employees who are affected by the project to be funded with the grant as the terms imposed under section 11326(a), as in effect on the date of the enactment of this chapter.

"(e) LABOR STANDARDS.—

"(1) PREVAILING WAGES.—The Secretary shall ensure that laborers and mechanics employed by contractors and subcontractors in construction work financed by a grant made under this section will be paid wages not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor under subchapter IV of chapter 31 of title 40 (commonly known as the 'Davis-Bacon Act'). The Secretary shall make a grant under this section only after being assured that required labor standards will be maintained on the construction work.

"(2) WAGE RATES.—Wage rates in a collective bargaining agreement negotiated under the Railway Labor Act (45 U.S.C. 151 et seq.) are deemed for purposes of this subsection to comply with the subchapter IV of chapter 31 of title 40.

"(f) STUDY.—The Secretary shall conduct a study of the projects carried out with grant assistance under this section to determine the extent to which the program helps promote a reduction in fuel use associated with the transportation of freight and demonstrates innovative technologies that increase fuel economy, reduce greenhouse gas emissions, and lower the costs of operation. Not later than March 31, 2009, the Secretary shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the study, including any recommendations the Secretary considers appropriate regarding the program.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $50,000,000 for each of fiscal years 2008 through 2011 for carrying out this section.”.

(b) CLERICAL AMENDMENT.—The item relating to chapter 223 in the table of chapters of subtitle V of title 49, United States Code, is amended to read as follows:

“223. CAPITAL GRANTS FOR CLASS II AND CLASS III RAILROADS .... 22301”.

Subtitle C—Marine Transportation

SEC. 1121. SHORT SEA TRANSPORTATION INITIATIVE.

(a) IN GENERAL.—Title 46, United States Code, is amended by adding after chapter 555 the following:

“CHAPTER 556—SHORT SEA TRANSPORTATION

“Sec. 55601. Short sea transportation program.
“Sec. 55602. Cargo and shippers.
“Sec. 55603. Interagency coordination.
“Sec. 55604. Research on short sea transportation.
“Sec. 55605. Short sea transportation defined.

“§ 55601. Short sea transportation program

“(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a short sea transportation program and designate short sea transportation projects to be conducted under the program to mitigate landside congestion.

“(b) PROGRAM ELEMENTS.—The program shall encourage the use of short sea transportation through the development and expansion of—

“(1) documented vessels;

“(2) shipper utilization;

“(3) port and landside infrastructure; and

“(4) marine transportation strategies by State and local governments.

“(c) SHORT SEA TRANSPORTATION ROUTES.—The Secretary shall designate short sea transportation routes as extensions of the surface transportation system to focus public and private efforts to use the waterways to relieve landside congestion along coastal corridors. The Secretary may collect and disseminate data for the designation and delineation of short sea transportation routes.

“(d) PROJECT DESIGNATION.—The Secretary may designate a project to be a short sea transportation project if the Secretary determines that the project may—

“(1) offer a waterborne alternative to available landside transportation services using documented vessels; and

“(2) provide transportation services for passengers or freight (or both) that may reduce congestion on landside infrastructure using documented vessels.

“(e) ELEMENTS OF PROGRAM.—For a short sea transportation project designated under this section, the Secretary may—

“(1) promote the development of short sea transportation services;

“(2) coordinate, with ports, State departments of transportation, localities, other public agencies, and the private sector and on the development of landside facilities and infrastructure to support short sea transportation services; and

“(3) develop performance measures for the short sea transportation program.

“(f) MULTISTATE, STATE AND REGIONAL TRANSPORTATION PLANNING.—The Secretary, in consultation with Federal entities and State and local governments, shall develop strategies to encourage the use of short sea transportation for transportation of passengers and cargo. The Secretary shall—

“(1) assess the extent to which States and local governments include short sea transportation and other marine transportation solutions in their transportation planning;

“(2) encourage State departments of transportation to develop strategies, where appropriate, to incorporate short sea transportation, ferries, and other marine transportation solutions for regional and interstate transport of freight and passengers in their transportation planning; and

“(3) encourage groups of States and multi-State transportation entities to determine how short sea transportation can address congestion, bottlenecks, and other interstate transportation challenges.

“§ 55602. Cargo and shippers

“(a) MEMORANDUMS OF AGREEMENT.—The Secretary of Transportation shall enter into memorandums of understanding with the heads of other Federal entities to transport federally owned or generated cargo using a short sea transportation project designated under section 55601 when practical or available.

“(b) SHORT-TERM INCENTIVES.—The Secretary shall consult shippers and other participants in transportation logistics and develop proposals for short-term incentives to encourage the use of short sea transportation.

“§ 55603. Interagency coordination

“The Secretary of Transportation shall establish a board to identify and seek solutions to impediments hindering effective use of short sea transportation. The board shall include representatives of the Environmental Protection Agency and other Federal, State, and local governmental entities and private sector entities.

“§ 55604. Research on short sea transportation

“The Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, may conduct research on short sea transportation, regarding—

“(1) the environmental and transportation benefits to be derived from short sea transportation alternatives for other forms of transportation;

“(2) technology, vessel design, and other improvements that would reduce emissions, increase fuel economy, and lower costs of short sea transportation and increase the efficiency of intermodal transfers; and

“(3) solutions to impediments to short sea transportation projects designated under section 55601.

“§ 55605. Short sea transportation defined

“In this chapter, the term ‘short sea transportation’ means the carriage by vessel of cargo—

“(1) that is—

“(A) contained in intermodal cargo containers and loaded by crane on the vessel; or

“(B) loaded on the vessel by means of wheeled technology; and

“(2) that is—

“(A) loaded at a port in the United States and unloaded either at another port in the United States or at a port in Canada located in the Great Lakes Saint Lawrence Seaway System; or

“(B) loaded at a port in Canada located in the Great Lakes Saint Lawrence Seaway System and unloaded at a port in the United States.”.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle V of such title is amended by inserting after the item relating to chapter 555 the following:

“556. Short Sea Transportation .... 55601”.

(c) REGULATIONS.—

(1) INTERIM REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall issue temporary regulations to implement the program under this section. Subchapter II of chapter 5 of title 5, United States Code, does not apply to a temporary regulation issued under this paragraph or to an amendment to such a temporary regulation.

(2) FINAL REGULATIONS.—Not later than October 1, 2008, the Secretary of Transportation shall issue final regulations to implement the program under this section.

SEC. 1122. SHORT SEA SHIPPING ELIGIBILITY FOR CAPITAL CONSTRUCTION FUND.

(a) DEFINITION OF QUALIFIED VESSEL.—Section 53501 of title 46, United States Code, is amended—

(1) in paragraph (5)(A)(iii) by striking “or noncontiguous domestic” and inserting “noncontiguous domestic, or short sea transportation trade”; and

(2) by inserting after paragraph (6) the following:

“(7) SHORT SEA TRANSPORTATION TRADE.—The term ‘short sea transportation trade’ means the carriage by vessel of cargo—

“(A) that is—

“(i) contained in intermodal cargo containers and loaded by crane on the vessel; or

“(ii) loaded on the vessel by means of wheeled technology; and

“(B) that is—

“(i) loaded at a port in the United States and unloaded either at another port in the United States or at a port in Canada located in the Great Lakes Saint Lawrence Seaway System; or

“(ii) loaded at a port in Canada located in the Great Lakes Saint Lawrence Seaway System and unloaded at a port in the United States.”.

(b) ALLOWABLE PURPOSE.—Section 53503(b) of such title is amended by striking “or noncontiguous domestic trade” and inserting “noncontiguous domestic, or short sea transportation trade”.

SEC. 1123. SHORT SEA TRANSPORTATION REPORT.

Not later than one year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the short sea transportation program established under the amendments made by section 1121. The report shall include a description of the activities conducted under the program, and any recommendations for further legislative or administrative action that the Secretary of Transportation considers appropriate.

Subtitle D—Highways

SEC. 1131. INCREASED FEDERAL SHARE FOR CMAQ PROJECTS.

Section 120(c) of title 23, United States Code, is amended—

(1) in the subsection heading by striking "FOR CERTAIN SAFETY PROJECTS";

(2) by striking "The Federal share" and inserting the following:

"(1) CERTAIN SAFETY PROJECTS.—The Federal share"; and

(3) by adding at the end the following:

"(2) CMAQ PROJECTS.—The Federal share payable on account of a project or program carried out under section 149 with funds obligated in fiscal year 2008 or 2009, or both, shall be not less than 80 percent and, at the discretion of the State, may be up to 100 percent of the cost thereof.".

SEC. 1132. DISTRIBUTION OF RESCISSIONS.

(a) IN GENERAL.—Any unobligated balances of amounts that are appropriated from the Highway Trust Fund for a fiscal year, and apportioned under chapter 1 of title 23, United States Code, before, on, or after the date of enactment of this Act and that are rescinded in fiscal year 2008 or fiscal year 2009 shall be distributed by the Secretary of Transportation within each State (as defined in section 101 of such title) among all programs for which funds are apportioned under such chapter for such fiscal year, to the extent sufficient funds remain available for obligation, in the ratio that the amount of funds apportioned for each program under such chapter for such fiscal year, bears to the amount of funds apportioned for all such programs under such chapter for such fiscal year.

(b) ADJUSTMENTS.—A State may make adjustments to the distribution of a rescission within the State for a fiscal year under subsection (a) by transferring the amounts to be rescinded among the programs for which funds are apportioned under chapter 1 of title 23, United States Code, for such fiscal year, except that in making such adjustments the State may not rescind from any such program more than 110 percent of the funds to be rescinded from the program for the fiscal year as determined by the Secretary of Transportation under subsection (a).

(c) TREATMENT OF TRANSPORTATION ENHANCEMENT SET-ASIDE AND FUNDS SUBALLOCATED TO SUBSTATE AREAS.—Funds set aside under sections 133(d)(2) and 133(d)(3) of title 23, United States Code, shall be treated as being apportioned under chapter 1 of such title for purposes of subsection (a).

SEC. 1133. SENSE OF CONGRESS REGARDING USE OF COMPLETE STREETS DESIGN TECHNIQUES.

It is the sense of Congress that in constructing new roadways or rehabilitating existing facilities, State and local governments should consider policies designed to accommodate all users, including motorists, pedestrians, cyclists, transit riders, and people of all ages and abilities, in order to—

(1) serve all surface transportation users by creating a more interconnected and intermodal system;

(2) create more viable transportation options; and

(3) facilitate the use of environmentally friendly options, such as public transportation, walking, and bicycling.

TITLE XII—SMALL BUSINESS ENERGY PROGRAMS

SEC. 1201. EXPRESS LOANS FOR RENEWABLE ENERGY AND ENERGY EFFICIENCY.

Section 7(a)(31) of the Small Business Act (15 U.S.C. 636(a)(31)) is amended by adding at the end the following:

"(F) EXPRESS LOANS FOR RENEWABLE ENERGY AND ENERGY EFFICIENCY.—

"(i) DEFINITIONS.—In this subparagraph—

"(I) the term 'biomass'—

"(aa) means any organic material that is available on a renewable or recurring basis, including—

"(AA) agricultural crops;

"(BB) trees grown for energy production;

"(CC) wood waste and wood residues;

"(DD) plants (including aquatic plants and grasses);

"(EE) residues;

"(FF) fibers;

"(GG) animal wastes and other waste materials; and

"(HH) fats, oils, and greases (including recycled fats, oils, and greases); and

"(bb) does not include—

"(AA) paper that is commonly recycled; or

"(BB) unsegregated solid waste;

"(II) the term 'energy efficiency project' means the installation or upgrading of equipment that results in a significant reduction in energy usage; and

"(III) the term 'renewable energy system' means a system of energy derived from—

"(aa) a wind, solar, biomass (including biodiesel), or geothermal source; or

"(bb) hydrogen derived from biomass or water using an energy source described in item (aa).

"(ii) LOANS.—The Administrator may make a loan under the Express Loan Program for the purpose of—

"(I) purchasing a renewable energy system; or

"(II) carrying out an energy efficiency project for a small business concern.".

SEC. 1202. PILOT PROGRAM FOR REDUCED 7(a) FEES FOR PURCHASE OF ENERGY EFFICIENT TECHNOLOGIES.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

"(32) LOANS FOR ENERGY EFFICIENT TECHNOLOGIES.—

"(A) DEFINITIONS.—In this paragraph—

"(i) the term 'cost' has the meaning given that term in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a);

"(ii) the term 'covered energy efficiency loan' means a loan—

"(I) made under this subsection; and

"(II) the proceeds of which are used to purchase energy efficient designs, equipment, or fixtures, or to reduce the energy consumption of the borrower by 10 percent or more; and

"(iii) the term 'pilot program' means the pilot program established under subparagraph (B)

"(B) ESTABLISHMENT.—The Administrator shall establish and carry out a pilot program under which the Administrator shall reduce the fees for covered energy efficiency loans.

"(C) DURATION.—The pilot program shall terminate at the end of the second full fiscal year after the date that the Administrator establishes the pilot program.

"(D) MAXIMUM PARTICIPATION.—A covered energy efficiency loan shall include the maximum participation levels by the Administrator permitted for loans made under this subsection.

"(E) FEES.—

"(i) IN GENERAL.—The fee on a covered energy efficiency loan shall be equal to 50 percent of the fee otherwise applicable to that loan under paragraph (18).

"(ii) WAIVER.—The Administrator may waive clause (i) for a fiscal year if—

"(I) for the fiscal year before that fiscal year, the annual rate of default of covered energy efficiency loans exceeds that of loans made under this subsection that are not covered energy efficiency loans;

"(II) the cost to the Administration of making loans under this subsection is greater than zero and such cost is directly attributable to the cost of making covered energy efficiency loans; and

"(III) no additional sources of revenue authority are available to reduce the cost of making loans under this subsection to zero.

"(iii) EFFECT OF WAIVER.—If the Administrator waives the reduction of fees under clause (ii), the Administrator—

"(I) shall not assess or collect fees in an amount greater than necessary to ensure that the cost of the program under this subsection is not greater than zero; and

"(II) shall reinstate the fee reductions under clause (i) when the conditions in clause (ii) no longer apply.

"(iv) NO INCREASE OF FEES.—The Administrator shall not increase the fees under paragraph (18) on loans made under this subsection that are not covered energy efficiency loans as a direct result of the pilot program.

"(F) GAO REPORT.—

"(i) IN GENERAL.—Not later than 1 year after the date that the pilot program terminates, the Comptroller General of the United States shall submit to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report on the pilot program.

"(ii) CONTENTS.—The report submitted under clause (i) shall include—

"(I) the number of covered energy efficiency loans for which fees were reduced under the pilot program;

"(II) a description of the energy efficiency savings with the pilot program;

"(III) a description of the impact of the pilot program on the program under this subsection;

"(IV) an evaluation of the efficacy and potential fraud and abuse of the pilot program; and

"(V) recommendations for improving the pilot program.".

SEC. 1203. SMALL BUSINESS ENERGY EFFICIENCY.

(a) DEFINITIONS.—In this section—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term "association" means the association of small business development centers established under section 21(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A));

(3) the term "disability" has the meaning given that term in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102);

(4) the term "Efficiency Program" means the Small Business Energy Efficiency Program established under subsection (c)(1);

(5) the term "electric utility" has the meaning given that term in section 3 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602);

(6) the term "high performance green building" has the meaning given that term in section 401;

(7) the term "on-bill financing" means a low interest or no interest financing agreement between a small business concern and an electric utility for the purchase or installation of equipment, under which the regularly scheduled payment of that small business concern to that electric utility is not reduced by the amount of the reduction in cost attributable to the new equipment and that amount is credited to the electric utility, until the cost of the purchase or installation is repaid;

(8) the term "small business concern" has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632);

(9) the term "small business development center" means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648);

(10) the term "telecommuting" means the use of telecommunications to perform work functions under circumstances which reduce or eliminate the need to commute;

(11) the term "Telecommuting Pilot Program" means the pilot program established under subsection (d)(1)(A); and

(12) the term "veteran" has the meaning given that term in section 101 of title 38, United States Code.

(b) IMPLEMENTATION OF SMALL BUSINESS ENERGY EFFICIENCY PROGRAM.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall promulgate final rules establishing the Government-wide program authorized under subsection (d) of section 337 of the Energy Policy and Conservation Act (42 U.S.C. 6307) that ensure compliance with that subsection by not later than 6 months after such date of enactment.

(2) PROGRAM REQUIRED.—The Administrator shall develop and coordinate a Government-wide program, building on the Energy Star for Small Business program, to assist small business concerns in—

(A) becoming more energy efficient;

(B) understanding the cost savings from improved energy efficiency; and

(C) identifying financing options for energy efficiency upgrades.

(3) CONSULTATION AND COOPERATION.—The program required by paragraph (2) shall be developed and coordinated—

(A) in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency; and

(B) in cooperation with any entities the Administrator considers appropriate, such as industry trade associations, industry members, and energy efficiency organizations.

(4) AVAILABILITY OF INFORMATION.—The Administrator shall make available the information and materials developed under the program required by paragraph (2) to—

(A) small business concerns, including smaller design, engineering, and construction firms; and

(B) other Federal programs for energy efficiency, such as the Energy Star for Small Business program.

(5) STRATEGY AND REPORT.—

(A) STRATEGY REQUIRED.—The Administrator shall develop a strategy to educate, encourage, and assist small business concerns in adopting energy efficient building fixtures and equipment.

(B) REPORT.—Not later than December 31, 2008, the Administrator shall submit to Congress a report containing a plan to implement the strategy developed under subparagraph (A).

(c) SMALL BUSINESS SUSTAINABILITY INITIATIVE.—

(1) AUTHORITY.—The Administrator shall establish a Small Business Energy Efficiency Program to provide energy efficiency assistance to small business concerns through small business development centers.

(2) SMALL BUSINESS DEVELOPMENT CENTERS.—

(A) IN GENERAL.—In carrying out the Efficiency Program, the Administrator shall enter into agreements with small business development centers under which such centers shall—

(i) provide access to information and resources on energy efficiency practices, including on-bill financing options;

(ii) conduct training and educational activities;

(iii) offer confidential, free, one-on-one, in-depth energy audits to the owners and operators of small business concerns regarding energy efficiency practices;

(iv) give referrals to certified professionals and other providers of energy efficiency assistance who meet such standards for educational, technical, and professional competency as the Administrator shall establish;

(v) to the extent not inconsistent with controlling State public utility regulations, act as a facilitator between small business concerns, electric utilities, lenders, and the Administration to facilitate on-bill financing arrangements;

(vi) provide necessary support to small business concerns to—

(I) evaluate energy efficiency opportunities and opportunities to design or construct high performance green buildings;

(II) evaluate renewable energy sources, such as the use of solar and small wind to supplement power consumption;

(III) secure financing to achieve energy efficiency or to design or construct high performance green buildings; and

(IV) implement energy efficiency projects;

(vii) assist owners of small business concerns with the development and commercialization of clean technology products, goods, services, and processes that use renewable energy sources, dramatically reduce the use of natural resources, and cut or eliminate greenhouse gas emissions through—

(I) technology assessment;

(II) intellectual property;

(III) Small Business Innovation Research submissions under section 9 of the Small Business Act (15 U.S.C. 638);

(IV) strategic alliances;

(V) business model development; and

(VI) preparation for investors; and

(viii) help small business concerns improve environmental performance by shifting to less hazardous materials and reducing waste and emissions, including by providing assistance for small business concerns to adapt the materials they use, the processes they operate, and the products and services they produce.

(B) REPORTS.—Each small business development center participating in the Efficiency Program shall submit to the Administrator and the Administrator of the Environmental Protection Agency an annual report that includes—

(i) a summary of the energy efficiency assistance provided by that center under the Efficiency Program;

(ii) the number of small business concerns assisted by that center under the Efficiency Program;

(iii) statistics on the total amount of energy saved as a result of assistance provided by that center under the Efficiency Program; and

(iv) any additional information determined necessary by tne Administrator, in consultation with the association.

(C) REPORTS TO CONGRESS.—Not later than 60 days after the date on which all reports under subparagraph (B) relating to a year are submitted, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report summarizing the information regarding the Efficiency Program submitted by small business development centers participating in that program.

(3) ELIGIBILITY.—A small business development center shall be eligible to participate in the Efficiency Program only if that center is certified under section 21(k)(2) of the Small Business Act (15 U.S.C. 648(k)(2)).

(4) SELECTION OF PARTICIPATING STATE PROGRAMS.—From among small business development centers submitting applications to participate in the Efficiency Program, the Administrator—

(A) shall, to the maximum extent practicable, select small business development centers in such a manner so as to promote a nationwide distribution of centers participating in the Efficiency Program; and

(B) may not select more than 1 small business development center in a State to participate in the Efficiency Program.

(5) MATCHING REQUIREMENT.—Subparagraphs (A) and (B) of section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) shall apply to assistance made available under the Efficiency Program.

(6) GRANT AMOUNTS.—Each small business development center selected to participate in the Efficiency Program under paragraph (4) shall be eligible to receive a grant in an amount equal to—

(A) not less than $100,000 in each fiscal year; and

(B) not more than $300,000 in each fiscal year.

(7) EVALUATION AND REPORT.—The Comptroller General of the United States shall—

(A) not later than 30 months after the date of disbursement of the first grant under the Efficiency Program, initiate an evaluation of that program; and

(B) not later than 6 months after the date of the initiation of the evaluation under subparagraph (A), submit to the Administrator, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives, a report containing—

(i) the results of the evaluation; and

(ii) any recommendations regarding whether the Efficiency Program, with or without modification, should be extended to include the participation of all small business development centers.

(8) GUARANTEE.—To the extent not inconsistent with State law, the Administrator may guarantee the timely payment of a loan made to a small business concern through an on-bill financing agreement on such terms and conditions as the Administrator shall establish through a formal rule making, after providing notice and an opportunity for comment.

(9) IMPLEMENTATION.—Subject to amounts approved in advance in appropriations Acts and separate from amounts approved to carry out section 21(a)(1) of the Small Business Act (15 U.S.C. 648(a)(1)), the Administrator may make grants or enter into cooperative agreements to carry out this subsection.

(10) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to make grants and enter into cooperative agreements to carry out this subsection.

(11) TERMINATION.—The authority under this subsection shall terminate 4 years after the date of disbursement of the first grant under the Efficiency Program.

(d) SMALL BUSINESS TELECOMMUTING.—

(1) PILOT PROGRAM.—

(A) IN GENERAL.—The Administrator shall conduct, in not more than 5 of the regions of the Administration, a pilot program to provide information regarding telecommuting to employers that are small business concerns and to encourage such employers to offer telecommuting options to employees.

(B) SPECIAL OUTREACH TO INDIVIDUALS WITH DISABILITIES.—In carrying out the Telecommuting Pilot Program, the Administrator shall make a concerted effort to provide information to—

(i) small business concerns owned by or employing individuals with disabilities, particularly veterans who are individuals with disabilities;

(ii) Federal, State, and local agencies having knowledge and expertise in assisting individuals with disabilities, including veterans who are individuals with disabilities; and

(iii) any group or organization, the primary purpose of which is to aid individuals with disabilities or veterans who are individuals with disabilities.

(C) PERMISSIBLE ACTIVITIES.—In carrying out the Telecommuting Pilot Program, the Administrator may—

(i) produce educational materials and conduct presentations designed to raise awareness in the small business community of the benefits and the ease of telecommuting;

(ii) conduct outreach—

(I) to small business concerns that are considering offering telecommuting options; and

(II) as provided in subparagraph (B); and

(iii) acquire telecommuting technologies and equipment to be used for demonstration purposes.

(D) SELECTION OF REGIONS.—In determining which regions will participate in the Telecommuting Pilot Program, the Administrator shall give priority consideration to regions in which Federal agencies and private-sector employers have demonstrated a strong regional commitment to telecommuting.

(2) REPORT TO CONGRESS.—Not later than 2 years after the date on which funds are first appropriated to carry out this subsection, the Administrator shall transmit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report containing the results of an evaluation of the Telecommuting Pilot Program and any recommendations regarding whether the pilot program, with or without modification, should be extended to include the participation of all regions of the Administration.

(3) TERMINATION.—The Telecommuting Pilot Program shall terminate 4 years after the date on which funds are first appropriated to carry out this subsection.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administration $5,000,000 to carry out this subsection.

(e) ENCOURAGING INNOVATION IN ENERGY EFFICIENCY.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

"(z) ENCOURAGING INNOVATION IN ENERGY EFFICIENCY.—

"(1) FEDERAL AGENCY ENERGY-RELATED PRIORITY.—In carrying out its duties under this section relating to SBIR and STTR solicitations by Federal departments and agencies, the Administrator shall—

"(A) ensure that such departments and agencies give high priority to small business concerns that participate in or conduct energy efficiency or renewable energy system research and development projects; and

"(B) include in the annual report to Congress under subsection (b)(7) a determination of whether the priority described in subparagraph (A) is being carried out.

"(2) CONSULTATION REQUIRED.—The Administrator shall consult with the heads of other Federal departments and agencies in determining whether priority has been given to small business concerns that participate in or conduct energy efficiency or renewable energy system research and development projects, as required by this subsection.

"(3) GUIDELINES.—The Administrator shall, as soon as is practicable after the date of enactment of this subsection, issue guidelines and directives to assist Federal agencies in meeting the requirements of this subsection.

"(4) DEFINITIONS.—In this subsection—

"(A) the term 'biomass'—

"(i) means any organic material that is available on a renewable or recurring basis, including—

"(I) agricultural crops;

"(II) trees grown for energy production;

"(III) wood waste and wood residues;

"(IV) plants (including aquatic plants and grasses);

"(V) residues;

"(VI) fibers;

"(VII) animal wastes and other waste materials; and

"(VIII) fats, oils, and greases (including recycled fats, oils, and greases); and

"(ii) does not include—

"(I) paper that is commonly recycled; or

"(II) unsegregated solid waste;

"(B) the term 'energy efficiency project' means the installation or upgrading of equipment that results in a significant reduction in energy usage; and

"(C) the term 'renewable energy system' means a system of energy derived from—

"(i) a wind, solar, biomass (including biodiesel), or geothermal source; or

"(ii) hydrogen derived from biomass or water using an energy source described in clause (i).".

SEC. 1204. LARGER 504 LOAN LIMITS TO HELP BUSINESS DEVELOP ENERGY EFFICIENT TECHNOLOGIES AND PURCHASES.

(a) ELIGIBILITY FOR ENERGY EFFICIENCY PROJECTS.—Section 501(d)(3) of the Small Business Investment Act of 1958 (15 U.S.C. 695(d)(3)) is amended—

(1) in subparagraph (G) by striking "or" at the end;

(2) in subparagraph (H) by striking the period at the end and inserting a comma;

(3) by inserting after subparagraph (H) the following:

"(I) reduction of energy consumption by at least 10 percent,

"(J) increased use of sustainable design, including designs that reduce the use of greenhouse gas emitting fossil fuels, or low-impact design to produce buildings that reduce the use of non-renewable resources and minimize environmental impact, or

"(K) plant, equipment and process upgrades of renewable energy sources such as the small-scale production of energy for individual buildings or communities consumption, commonly known as micropower, or renewable fuels producers including biodiesel and ethanol producers."; and

(4) by adding at the end the following: "In subparagraphs (J) and (K), terms have the meanings given those terms under the Leadership in Energy and Environmental Design (LEED) standard for green building certification, as determined by the Administrator.".

(b) LOANS FOR PLANT PROJECTS USED FOR ENERGY-EFFICIENT PURPOSES.—Section 502(2)(A) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)(A)) is amended—

(1) in clause (ii) by striking "and" at the end;

(2) in clause (iii) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(iv) $4,000,000 for each project that reduces the borrower's energy consumption by at least 10 percent; and

"(v) $4,000,000 for each project that generates renewable energy or renewable fuels, such as biodiesel or ethanol production.".

SEC. 1205. ENERGY SAVING DEBENTURES.

(a) IN GENERAL.—Section 303 of the Small Business Investment Act of 1958 (15 U.S.C. 683) is amended by adding at the end the following:

"(k) ENERGY SAVING DEBENTURES.—In addition to any other authority under this Act, a small business investment company licensed in the first fiscal year after the date of enactment of this subsection or any fiscal year thereafter may issue Energy Saving debentures.".

(b) DEFINITIONS.—Section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662) is amended—

(1) in paragraph (16), by striking "and" at the end;

(2) in paragraph (17), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(18) the term 'Energy Saving debenture' means a deferred interest debenture that—

"(A) is issued at a discount;

"(B) has a 5-year maturity or a 10-year maturity;

"(C) requires no interest payment or annual charge for the first 5 years;

"(D) is restricted to Energy Saving qualified investments; and

"(E) is issued at no cost (as defined in section 502 of the Credit Reform Act of 1990) with respect to purchasing and guaranteeing the debenture; and

"(19) the term 'Energy Saving qualified investment' means investment in a small business concern that is primarily engaged in researching, manufacturing, developing, or providing products, goods, or services that reduce the use or consumption of non-renewable energy resources.".

SEC. 1206. INVESTMENTS IN ENERGY SAVING SMALL BUSINESSES.

(a) MAXIMUM LEVERAGE.—Section 303(b)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 303(b)(2)) is amended by adding at the end the following:

"(D) INVESTMENTS IN ENERGY SAVING SMALL BUSINESSES.—

"(i) IN GENERAL.—Subject to clause (ii), in calculating the outstanding leverage of a company for purposes of subparagraph (A), the Administrator shall exclude the amount of the cost basis of any Energy Saving qualified investment in a smaller enterprise made in the first fiscal year after the date of enactment of this subparagraph or any fiscal year thereafter by a company licensed in the applicable fiscal year.

"(ii) LIMITATIONS.—

"(I) AMOUNT OF EXCLUSION.—The amount excluded under clause (i) for a company shall not exceed 33 percent of the private capital of that company.

"(II) MAXIMUM INVESTMENT.—A company shall not make an Energy Saving qualified investment in any one entity in an amount equal to more than 20 percent of the private capital of that company.

"(III) OTHER TERMS.—The exclusion of amounts under clause (i) shall be subject to such terms as the Administrator may impose to ensure that there is no cost (as that term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) with respect to purchasing or guaranteeing any debenture involved.".

(b) MAXIMUM AGGREGATE AMOUNT OF LEVERAGE.—Section 303(b)(4) of the Small Business Investment Act of 1958 (15 U.S.C. 303(b)(4)) is amended by adding at the end the following:

"(E) INVESTMENTS IN ENERGY SAVING SMALL BUSINESSES.—

"(i) IN GENERAL.—Subject to clause (ii), in calculating the aggregate outstanding leverage of a company for purposes of subparagraph (A), the Administrator shall exclude the amount of the cost basis of any Energy Saving qualified investment in a smaller enterprise made in the first fiscal year after the date of enactment of this subparagraph or any fiscal year thereafter by a company licensed in the applicable fiscal year.

"(ii) LIMITATIONS.—

"(I) AMOUNT OF EXCLUSION.—The amount excluded under clause (i) for a company shall not exceed 33 percent of the private capital of that company.

"(II) MAXIMUM INVESTMENT.—A company shall not make an Energy Saving qualified investment in any one entity in an amount equal to more than 20 percent of the private capital of that company.

"(III) OTHER TERMS.—The exclusion of amounts under clause (i) shall be subject to such terms as the Administrator may impose to ensure that there is no cost (as that term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) with respect to purchasing or guaranteeing any debenture involved.".

SEC. 1207. RENEWABLE FUEL CAPITAL INVESTMENT COMPANY.

Title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.) is amended by adding at the end the following:

"PART C—RENEWABLE FUEL CAPITAL INVESTMENT PILOT PROGRAM

"SEC. 381. DEFINITIONS.

"In this part:

"(1) OPERATIONAL ASSISTANCE.—The term 'operational assistance' means management, marketing, and other technical assistance that assists a small business concern with business development.

"(2) PARTICIPATION AGREEMENT.—The term 'participation agreement' means an agreement, between the Administrator and a company granted final approval under section 384(e), that—

"(A) details the operating plan and investment criteria of the company; and

"(B) requires the company to make investments in smaller enterprises primarily engaged in researching, manufacturing, developing, producing, or bringing to market goods, products, or services that generate or support the production of renewable energy.

"(3) RENEWABLE ENERGY.—The term 'renewable energy' means energy derived from resources that are regenerative or that cannot be depleted, including solar, wind, ethanol, and biodiesel fuels.

"(4) RENEWABLE FUEL CAPITAL INVESTMENT COMPANY.—The term 'Renewable Fuel Capital Investment company' means a company—

"(A) that—

"(i) has been granted final approval by the Administrator under section 384(e); and

"(ii) has entered into a participation agreement with the Administrator; or

"(B) that has received conditional approval under section 384(c).

"(5) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States.

"(6) VENTURE CAPITAL.—The term 'venture capital' means capital in the form of equity capital investments, as that term is defined in section 303(g)(4).

"SEC. 382. PURPOSES.

"The purposes of the Renewable Fuel Capital Investment Program established under this part are—

"(1) to promote the research, development, manufacture, production, and bringing to market of goods, products, or services that generate or support the production of renewable energy by encouraging venture capital investments in smaller enterprises primarily engaged such activities; and

"(2) to establish a venture capital program, with the mission of addressing the unmet equity investment needs of smaller enterprises engaged in researching, developing, manufacturing, producing, and bringing to market goods, products, or services that generate or support the production of renewable energy, to be administered by the Administrator—

"(A) to enter into participation agreements with Renewable Fuel Capital Investment companies;

"(B) to guarantee debentures of Renewable Fuel Capital Investment companies to enable each such company to make venture capital investments in smaller enterprises engaged in the research, development, manufacture, production, and bringing to market of goods, products, or services that generate or support the production of renewable energy; and

"(C) to make grants to Renewable Fuel Investment Capital companies, and to other entities, for the purpose of providing operational assistance to smaller enterprises financed, or expected to be financed, by such companies.

"SEC. 383. ESTABLISHMENT.

"The Administrator shall establish a Renewable Fuel Capital Investment Program, under which the Administrator may—

"(1) enter into participation agreements for the purposes described in section 382; and

"(2) guarantee the debentures issued by Renewable Fuel Capital Investment companies as provided in section 385.

"SEC. 384. SELECTION OF RENEWABLE FUEL CAPITAL INVESTMENT COMPANIES.

"(a) ELIGIBILITY.—A company is eligible to apply to be designated as a Renewable Fuel Capital Investment company if the company—

"(1) is a newly formed for-profit entity or a newly formed for-profit subsidiary of an existing entity;

"(2) has a management team with experience in alternative energy financing or relevant venture capital financing; and

"(3) has a primary objective of investment in smaller enterprises that research, manufacture, develop, produce, or bring to market goods, products, or services that generate or support the production of renewable energy.

"(b) APPLICATION.—A company desiring to be designated as a Renewable Fuel Capital Investment company shall submit an application to the Administrator that includes—

"(1) a business plan describing how the company intends to make successful venture capital investments in smaller enterprises primarily engaged in the research, manufacture, development, production, or bringing to market of goods, products, or services that generate or support the production of renewable energy;

"(2) information regarding the relevant venture capital qualifications and general reputation of the management of the company;

"(3) a description of how the company intends to seek to address the unmet capital needs of the smaller enterprises served;

"(4) a proposal describing how the company intends to use the grant funds provided under this part to provide operational assistance to smaller enterprises financed by the company, including information regarding whether the company has employees with appropriate professional licenses or will contract with another entity when the services of such an individual are necessary;

"(5) with respect to binding commitments to be made to the company under this part, an estimate of the ratio of cash to in-kind contributions;

"(6) a description of whether and to what extent the company meets the criteria under subsection (c)(2) and the objectives of the program established under this part;

"(7) information regarding the management and financial strength of any parent firm, affiliated firm, or any other firm essential to the success of the business plan of the company; and

"(8) such other information as the Administrator may require.

"(c) CONDITIONAL APPROVAL.—

"(1) IN GENERAL.—From among companies submitting applications under subsection (b), the Administrator shall conditionally approve companies to operate as Renewable Fuel Capital Investment companies.

"(2) SELECTION CRITERIA.—In conditionally approving companies under paragraph (1), the Administrator shall consider—

"(A) the likelihood that the company will meet the goal of its business plan;

"(B) the experience and background of the management team of the company;

"(C) the need for venture capital investments in the geographic areas in which the company intends to invest;

"(D) the extent to which the company will concentrate its activities on serving the geographic areas in which it intends to invest;

"(E) the likelihood that the company will be able to satisfy the conditions under subsection (d);

"(F) the extent to which the activities proposed by the company will expand economic opportunities in the geographic areas in which the company intends to invest;

"(G) the strength of the proposal by the company to provide operational assistance under this part as the proposal relates to the ability of the company to meet applicable cash requirements and properly use in-kind contributions, including the use of resources for the services of licensed professionals, when necessary, whether provided by employees or contractors; and

"(H) any other factor determined appropriate by the Administrator.

"(3) NATIONWIDE DISTRIBUTION.—From among companies submitting applications under subsection (b), the Administrator shall consider the selection criteria under paragraph (2) and shall, to the maximum extent practicable, approve at least one company from each geographic region of the Administration.

"(d) REQUIREMENTS TO BE MET FOR FINAL APPROVAL.—

"(1) IN GENERAL.—The Administrator shall grant each conditionally approved company 2 years to satisfy the requirements of this subsection.

"(2) CAPITAL REQUIREMENT.—Each conditionally approved company shall raise not less than $3,000,000 of private capital or binding capital commitments from 1 or more investors (which shall not be departments or agencies of the Federal Government) who meet criteria established by the Administrator.

"(3) NONADMINISTRATION RESOURCES FOR OPERATIONAL ASSISTANCE.—

"(A) IN GENERAL.—In order to provide operational assistance to smaller enterprises expected to be financed by the company, each conditionally approved company shall have binding commitments (for contribution in cash or in-kind)—

"(i) from sources other than the Administration that meet criteria established by the Administrator; and

"(ii) payable or available over a multiyear period determined appropriate by the Administrator (not to exceed 10 years).

"(B) EXCEPTION.—The Administrator may, in the discretion of the Administrator and based upon a showing of special circumstances and good cause, consider an applicant to have satisfied the requirements of subparagraph (A) if the applicant has—

"(i) a viable plan that reasonably projects the capacity of the applicant to raise the amount (in cash or in-kind) required under subparagraph (A); and

"(ii) binding commitments in an amount equal to not less than 20 percent of the total amount required under paragraph (A).

"(C) LIMITATION.—The total amount of a in-kind contributions by a company shall be not more than 50 percent of the total contributions by a company.

"(e) FINAL APPROVAL; DESIGNATION.—The Administrator shall, with respect to each applicant conditionally approved under subsection (c)—

"(1) grant final approval to the applicant to operate as a Renewable Fuel Capital Investment company under this part and designate the applicant as such a company, if the applicant—

"(A) satisfies the requirements of subsection (d) on or before the expiration of the time period described in that subsection; and

"(B) enters into a participation agreement with the Administrator; or

"(2) if the applicant fails to satisfy the requirements of subsection (d) on or before the expiration of the time period described in paragraph (1) of that subsection, revoke the conditional approval granted under that subsection.

"SEC. 385. DEBENTURES.

"(a) IN GENERAL.—The Administrator may guarantee the timely payment of principal and interest, as scheduled, on debentures issued by any Renewable Fuel Capital Investment company.

"(b) TERMS AND CONDITIONS.—The Administrator may make guarantees under this section on such terms and conditions as it determines appropriate, except that—

"(1) the term of any debenture guaranteed under this section shall not exceed 15 years; and

"(2) a debenture guaranteed under this section—

"(A) shall carry no front-end or annual fees;

"(B) shall be issued at a discount;

"(C) shall require no interest payments during the 5-year period beginning on the date the debenture is issued;

"(D) shall be prepayable without penalty after the end of the 1-year period beginning on the date the debenture is issued; and

"(E) shall require semiannual interest payments after the period described in subparagraph (C).

"(c) FULL FAITH AND CREDIT OF THE UNITED STATES.—The full faith and credit of the United States is pledged to pay all amounts that may be required to be paid under any guarantee under this part.

"(d) MAXIMUM GUARANTEE.—

"(1) IN GENERAL.—Under this section, the Administrator may guarantee the debentures issued by a Renewable Fuel Capital Investment company only to the extent that the total face amount of outstanding guaranteed debentures of such company does not exceed 150 percent of the private capital of the company, as determined by the Administrator.

"(2) TREATMENT OF CERTAIN FEDERAL FUNDS.—For the purposes of paragraph (1), private capital shall include capital that is considered to be Federal funds, if such capital is contributed by an investor other than a department or agency of the Federal Government.

"SEC. 386. ISSUANCE AND GUARANTEE OF TRUST CERTIFICATES.

"(a) ISSUANCE.—The Administrator may issue trust certificates representing ownership of all or a fractional part of debentures issued by a Renewable Fuel Capital Investment company and guaranteed by the Administrator under this part, if such certificates are based on and backed by a trust or pool approved by the Administrator and composed solely of guaranteed debentures.

"(b) GUARANTEE.—

"(1) IN GENERAL.—The Administrator may, under such terms and conditions as it determines appropriate, guarantee the timely payment of the principal of and interest on trust certificates issued by the Administrator or its agents for purposes of this section.

"(2) LIMITATION.—Each guarantee under this subsection shall be limited to the extent of principal and interest on the guaranteed debentures that compose the trust or pool.

"(3) PREPAYMENT OR DEFAULT.—If a debenture in a trust or pool is prepaid, or in the event of default of such a debenture, the guarantee of timely payment of principal and interest on the trust certificates shall be reduced in proportion to the amount of principal and interest such prepaid debenture represents in the trust or pool. Interest on prepaid or defaulted debentures shall accrue and be guaranteed by the Administrator only through the date of payment of the guarantee. At any time during its term, a trust certificate may be called for redemption due to prepayment or default of all debentures.

"(c) FULL FAITH AND CREDIT OF THE UNITED STATES.—The full faith and credit of the United States is pledged to pay all amounts that may be required to be paid under any guarantee of a trust certificate issued by the Administrator or its agents under this section.

"(d) FEES.—The Administrator shall not collect a fee for any guarantee of a trust certificate under this section, but any agent of the Administrator may collect a fee approved by the Administrator for the functions described in subsection (f)(2).

"(e) SUBROGATION AND OWNERSHIP RIGHTS.—

"(1) SUBROGATION.—If the Administrator pays a claim under a guarantee issued under this section, it shall be subrogated fully to the rights satisfied by such payment.

"(2) OWNERSHIP RIGHTS.—No Federal, State, or local law shall preclude or limit the exercise by the Administrator of its ownership rights in the debentures residing in a trust or pool against which trust certificates are issued under this section.

"(f) MANAGEMENT AND ADMINISTRATION.—

"(1) REGISTRATION.—The Administrator may provide for a central registration of all trust certificates issued under this section.

"(2) CONTRACTING OF FUNCTIONS.—

"(A) IN GENERAL.—The Administrator may contract with an agent or agents to carry out on behalf of the Administrator the pooling and the central registration functions provided for in this section, including, notwithstanding any other provision of law—

"(i) maintenance, on behalf of and under the direction of the Administrator, of such commercial bank accounts or investments in obligations of the United States as may be necessary to facilitate the creation of trusts or pools backed by debentures guaranteed under this part; and

"(ii) the issuance of trust certificates to facilitate the creation of such trusts or pools.

"(B) FIDELITY BOND OR INSURANCE REQUIREMENT.—Any agent performing functions on behalf of the Administrator under this paragraph shall provide a fidelity bond or insurance in such amounts as the Administrator determines to be necessary to fully protect the interests of the United States.

"(3) REGULATION OF BROKERS AND DEALERS.—The Administrator may regulate brokers and dealers in trust certificates issued under this section.

"(4) ELECTRONIC REGISTRATION.—Nothing in this subsection may be construed to prohibit the use of a book-entry or other electronic form of registration for trust certificates issued under this section.

"SEC. 387. FEES.

"(a) IN GENERAL.—Except as provided in section 386(d), the Administrator may charge such fees as it determines appropriate with respect to any guarantee or grant issued under this part, in an amount established annually by the Administrator, as necessary to reduce to zero the cost (as defined in section 502 of the Federal Credit Reform Act of 1990) to the Administration of purchasing and guaranteeing debentures under this part, which amounts shall be paid to and retained by the Administration.

"(b) OFFSET.—The Administrator may, as provided by section 388, offset fees charged and collected under subsection (a).

"SEC. 388. FEE CONTRIBUTION.

"(a) IN GENERAL.—To the extent that amounts are made available to the Administrator for the purpose of fee contributions, the Administrator shall contribute to fees paid by the Renewable Fuel Capital Investment companies under section 387.

"(b) ANNUAL ADJUSTMENT.—Each fee contribution under subsection (a) shall be effective for 1 fiscal year and shall be adjusted as necessary for each fiscal year thereafter to ensure that amounts under subsection (a) are fully used. The fee contribution for a fiscal year shall be based on the outstanding commitments made and the guarantees and grants that the Administrator projects will be made during that fiscal year, given the program level authorized by law for that fiscal year and any other factors that the Administrator determines appropriate.

"SEC. 389. OPERATIONAL ASSISTANCE GRANTS.

"(a) IN GENERAL.—

"(1) AUTHORITY.—The Administrator may make grants to Renewable Fuel Capital Investment companies to provide operational assistance to smaller enterprises financed, or expected to be financed, by such companies or other entities.

"(2) TERMS.—A grant under this subsection shall be made over a multiyear period not to exceed 10 years, under such other terms as the Administrator may require.

"(3) GRANT AMOUNT.—The amount of a grant made under this subsection to a Renewable Fuel Capital Investment company shall be equal to the lesser of—

“(A) 10 percent of the resources (in cash or in kind) raised by the company under section 384(d)(2); or

“(B) $1,000,000.

“(4) PRO RATA REDUCTIONS.—If the amount made available to carry out this section is insufficient for the Administrator to provide grants in the amounts provided for in paragraph (3), the Administrator shall make pro rata reductions in the amounts otherwise payable to each company and entity under such paragraph.

“(5) GRANTS TO CONDITIONALLY APPROVED COMPANIES.—

“(A) IN GENERAL.—Subject to subparagraphs (B) and (C), upon the request of a company conditionally approved under section 384(c), the Administrator shall make a grant to the company under this subsection.

“(B) REPAYMENT BY COMPANIES NOT APPROVED.—If a company receives a grant under this paragraph and does not enter into a participation agreement for final approval, the company shall, subject to controlling Federal law, repay the amount of the grant to the Administrator.

“(C) DEDUCTION OF GRANT TO APPROVED COMPANY.—If a company receives a grant under this paragraph and receives final approval under section 384(e), the Administrator shall deduct the amount of the grant from the total grant amount the company receives for operational assistance.

“(D) AMOUNT OF GRANT.—No company may receive a grant of more than $100,000 under this paragraph.

“(b) SUPPLEMENTAL GRANTS.—

“(1) IN GENERAL.—The Administrator may make supplemental grants to Renewable Fuel Capital Investment companies and to other entities, as authorized by this part, under such terms as the Administrator may require, to provide additional operational assistance to smaller enterprises financed, or expected to be financed, by the companies.

“(2) MATCHING REQUIREMENT.—The Administrator may require, as a condition of any supplemental grant made under this subsection, that the company or entity receiving the grant provide from resources (in a cash or in kind), other then those provided by the Administrator, a matching contribution equal to the amount of the supplemental grant.

“(c) LIMITATION.—None of the assistance made available under this section may be used for any overhead or general and administrative expense of a Renewable Fuel Capital Investment company.

“SEC. 390. BANK PARTICIPATION.

“(a) IN GENERAL.—Except as provided in subsection (b), any national bank, any member bank of the Federal Reserve System, and (to the extent permitted under applicable State law) any insured bank that is not a member of such system, may invest in any Renewable Fuel Capital Investment company, or in any entity established to invest solely in Renewable Fuel Capital Investment companies.

“(b) LIMITATION.—No bank described in subsection (a) may make investments described in such subsection that are greater than 5 percent of the capital and surplus of the bank.

“SEC. 391. FEDERAL FINANCING BANK.

“Notwithstanding section 318, the Federal Financing Bank may acquire a debenture issued by a Renewable Fuel Capital Investment company under this part.

“SEC. 392. REPORTING REQUIREMENT.

“Each Renewable Fuel Capital Investment company that participates in the program established under this part shall provide to the Administrator such information as the Administrator may require, including—

“(1) information related to the measurement criteria that the company proposed in its program application; and

“(2) in each case in which the company makes, under this part, an investment in, or a loan or a grant to, a business that is not primarily engaged in the research, development, manufacture, or bringing to market or renewable energy sources, a report on the nature, origin, and revenues of the business in which investments are made.

“SEC. 393. EXAMINATIONS.

“(a) IN GENERAL.—Each Renewable Fuel Capital Investment company that participates in the program established under this part shall be subject to examinations made at the direction of the Investment Division of the Administration in accordance with this section.

“(b) ASSISTANCE OF PRIVATE SECTOR ENTITIES.—Examinations under this section may be conducted with the assistance of a private sector entity that has both the qualifications and the expertise necessary to conduct such examinations.

“(c) COSTS.—

“(1) ASSESSMENT.—

“(A) IN GENERAL.—The Administrator may assess the cost of examinations under this section, including compensation of the examiners, against the company examined.

“(B) PAYMENT.—Any company against which the Administrator assesses costs under this paragraph shall pay such costs.

“(2) DEPOSIT OF FUNDS.—Funds collected under this section shall be deposited in the account for salaries and expenses of the Administration.

“SEC. 394. MISCELLANEOUS.

“To the extent such procedures are not inconsistent with the requirements of this part, the Administrator may take such action as set forth in sections 309, 311, 312, and 314 and an officer, director, employee, agent, or other participant in the management or conduct of the affairs of a Renewable Fuel Capital Investment company shall be subject to the requirements of such sections.

“SEC. 395. REMOVAL OR SUSPENSION OF DIRECTORS OR OFFICERS.

“Using the procedures for removing or suspending a director or an officer of a licensee set forth in section 313 (to the extent such procedures are not inconsistent with the requirements of this part), the Administrator may remove or suspend any director or officer of any Renewable Fuel Capital Investment company.

“SEC. 396. REGULATIONS.

“The Administrator may issue such regulations as the Administrator determines necessary to carry out the provisions of this part in accordance with its purposes.

“SEC. 397. AUTHORIZATIONS OF APPROPRIATIONS.

“(a) IN GENERAL.—Subject to the availability of appropriations, the Administrator is authorized to make $15,000,000 in operational assistance grants under section 389 for each of fiscal years 2008 and 2009.

“(b) FUNDS COLLECTED FOR EXAMINATIONS.—Funds deposited under section 393(c)(2) are authorized to be appropriated only for the costs of examinations under section 393 and for the costs of other oversight activities with respect to the program established under this part.

“SEC. 398. TERMINATION.

“The program under this part shall terminate at the end of the second full fiscal year after the date that the Administrator establishes the program under this part.”.

SEC. 1208. STUDY AND REPORT.

The Administrator of the Small Business Administration shall conduct a study of the Renewable Fuel Capital Investment Program under part C of title III of the Small Business Investment Act of 1958, as added by this Act. Not later than 3 years after the date of enactment of this Act, the Administrator shall complete the study under this section and submit to Congress a report regarding the results of the study.

TITLE XIII—SMART GRID

SEC. 1301. STATEMENT OF POLICY ON MODERNIZATION OF ELECTRICITY GRID.

It is the policy of the United States to support the modernization of the Nation's electricity transmission and distribution system to maintain a reliable and secure electricity infrastructure that can meet future demand growth and to achieve each of the following, which together characterize a Smart Grid:

(1) Increased use of digital information and controls technology to improve reliability, security, and efficiency of the electric grid.

(2) Dynamic optimization of grid operations and resources, with full cyber-security.

(3) Deployment and integration of distributed resources and generation, including renewable resources.

(4) Development and incorporation of demand response, demand-side resources, and energy-efficiency resources.

(5) Deployment of “smart” technologies (real-time, automated, interactive technologies that optimize the physical operation of appliances and consumer devices) for metering, communications concerning grid operations and status, and distribution automation.

(6) Integration of “smart” appliances and consumer devices.

(7) Deployment and integration of advanced electricity storage and peak-shaving technologies, including plug-in electric and hybrid electric vehicles, and thermal-storage air conditioning.

(8) Provision to consumers of timely information and control options.

(9) Development of standards for communication and interoperability of appliances and equipment connected to the electric grid, including the infrastructure serving the grid.

(10) Identification and lowering of unreasonable or unnecessary barriers to adoption of smart grid technologies, practices, and services.

SEC. 1302. SMART GRID SYSTEM REPORT.

The Secretary, acting through the Assistant Secretary of the Office of Electricity Delivery and Energy Reliability (referred to in this section as the “OEDER”) and through the Smart Grid Task Force established in section 1303, shall, after consulting with any interested individual or entity as appropriate, no later than one year after enactment, and every two years thereafter, report to Congress concerning the status of smart grid deployments nationwide and any regulatory or government barriers to continued deployment. The report shall provide the current status and prospects of smart grid development, including information on technology penetration, communications network capabilities, costs, and obstacles. It may include recommendations for State and Federal policies or actions helpful to facilitate the transition to a smart grid. To the extent appropriate, it should take a regional perspective. In preparing this report, the Secretary shall solicit advice and contributions from the Smart Grid Advisory Committee created in section 1303; from other involved Federal agencies including but not limited to the Federal Energy Regulatory Commission ("Commission"), the National Institute of Standards and Technology ("Institute"), and the Department of Homeland Security; and from other stakeholder groups not already represented on the Smart Grid Advisory Committee.

SEC. 1303. SMART GRID ADVISORY COMMITTEE AND SMART GRID TASK FORCE.

(a) SMART GRID ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—The Secretary shall establish, within 90 days of enactment of this Part, a Smart Grid Advisory Committee (either as an independent entity or as a designated sub-part of a larger advisory committee on electricity matters). The Smart Grid Advisory Committee shall include eight or more members appointed by the Secretary who have sufficient experience and expertise to represent the full range of smart grid technologies and services, to represent both private and non-Federal public sector stakeholders. One member shall be appointed by the Secretary to Chair the Smart Grid Advisory Committee.

(2) MISSION.—The mission of the Smart Grid Advisory Committee shall be to advise the Secretary, the Assistant Secretary, and other relevant Federal officials concerning the development of smart grid technologies, the progress of a national transition to the use of smart-grid technologies and services, the evolution of widely-accepted technical and practical standards and protocols to allow interoperability and inter-communication among smart-grid capable devices, and the optimum means of using Federal incentive authority to encourage such progress.

(3) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Smart Grid Advisory Committee.

(b) SMART GRID TASK FORCE.—

(1) ESTABLISHMENT.—The Assistant Secretary of the Office of Electricity Delivery and Energy Reliability shall establish, within 90 days of enactment of this Part, a Smart Grid Task Force composed of designated employees from the various divisions of that office who have responsibilities related to the transition to smart-grid technologies and practices. The Assistant Secretary or his designee shall be identified as the Director of the Smart Grid Task Force. The Chairman of the Federal Energy Regulatory Commission and the Director of the National Institute of Standards and Technology shall each designate at least one employee to participate on the Smart Grid Task Force. Other members may come from other agencies at the invitation of the Assistant Secretary or the nomination of the head of such other agency. The Smart Grid Task Force shall, without disrupting the work of the Divisions or Offices from which its members are drawn, provide an identifiable Federal entity to embody the Federal role in the national transition toward development and use of smart grid technologies.

(2) MISSION.—The mission of the Smart Grid Task Force shall be to insure awareness, coordination and integration of the diverse activities of the Office and elsewhere in the Federal government related to smart-grid technologies and practices, including but not limited to: smart grid research and development; development of widely accepted smart-grid standards and protocols; the relationship of smart-grid technologies and practices to electric utility regulation; the relationship of smart-grid technologies and practices to infrastructure development, system reliability and security; and the relationship of smart-grid technologies and practices to other facets of electricity supply, demand, transmission, distribution, and policy. The Smart Grid Task Force shall collaborate with the Smart Grid Advisory Committee and other Federal agencies and offices. The Smart Grid Task Force shall meet at the call of its Director as necessary to accomplish its mission.

(c) AUTHORIZATION.—There are authorized to be appropriated for the purposes of this section such sums as are necessary to the Secretary to support the operations of the Smart Grid Advisory Committee and Smart Grid Task Force for each of fiscal years 2008 through 2020.

SEC. 1304. SMART GRID TECHNOLOGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION.

(a) POWER GRID DIGITAL INFORMATION TECHNOLOGY.—The Secretary, in consultation with the Federal Energy Regulatory Commission and other appropriate agencies, electric utilities, the States, and other stakeholders, shall carry out a program—

(1) to develop advanced techniques for measuring peak load reductions and energy-efficiency savings from smart metering, demand response, distributed generation, and electricity storage systems;

(2) to investigate means for demand response, distributed generation, and storage to provide ancillary services;

(3) to conduct research to advance the use of wide-area measurement and control networks, including data mining, visualization, advanced computing, and secure and dependable communications in a highly-distributed environment;

(4) to test new reliability technologies, including those concerning communications network capabilities, in a grid control room environment against a representative set of local outage and wide area blackout scenarios;

(5) to identify communications network capacity needed to implement advanced technologies.

(6) to investigate the feasibility of a transition to time-of-use and real-time electricity pricing;

(7) to develop algorithms for use in electric transmission system software applications;

(8) to promote the use of underutilized electricity generation capacity in any substitution of electricity for liquid fuels in the transportation system of the United States; and

(9) in consultation with the Federal Energy Regulatory Commission, to propose interconnection protocols to enable electric utilities to access electricity stored in vehicles to help meet peak demand loads.

(b) SMART GRID REGIONAL DEMONSTRATION INITIATIVE.—

(1) IN GENERAL.—The Secretary shall establish a smart grid regional demonstration initiative (referred to in this subsection as the "Initiative") composed of demonstration projects specifically focused on advanced technologies for use in power grid sensing, communications, analysis, and power flow control. The Secretary shall seek to leverage existing smart grid deployments.

(2) GOALS.—The goals of the Initiative shall be—

(A) to demonstrate the potential benefits of concentrated investments in advanced grid technologies on a regional grid;

(B) to facilitate the commercial transition from the current power transmission and distribution system technologies to advanced technologies;

(C) to facilitate the integration of advanced technologies in existing electric networks to improve system performance, power flow control, and reliability;

(D) to demonstrate protocols and standards that allow for the measurement and validation of the energy savings and fossil fuel emission reductions associated with the installation and use of energy efficiency and demand response technologies and practices; and

(E) to investigate differences in each region and regulatory environment regarding best practices in implementing smart grid technologies.

(3) DEMONSTRATION PROJECTS.—

(A) IN GENERAL.—In carrying out the initiative, the Secretary shall carry out smart grid demonstration projects in up to 5 electricity control areas, including rural areas and at least 1 area in which the majority of generation and transmission assets are controlled by a tax-exempt entity.

(B) COOPERATION.—A demonstration project under subparagraph (A) shall be carried out in cooperation with the electric utility that owns the grid facilities in the electricity control area in which the demonstration project is carried out.

(C) FEDERAL SHARE OF COST OF TECHNOLOGY INVESTMENTS.—The Secretary shall provide to an electric utility described in subparagraph (B) financial assistance for use in paying an amount equal to not more than 50 percent of the cost of qualifying advanced grid technology investments made by the electric utility to carry out a demonstration project.

(D) INELIGIBILITY FOR GRANTS.—No person or entity participating in any demonstration project conducted under this subsection shall be eligible for grants under section 1306 for otherwise qualifying investments made as part of that demonstration project.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) to carry out subsection (a), such sums as are necessary for each of fiscal years 2008 through 2012; and

(2) to carry out subsection (b), $100,000,000 for each of fiscal years 2008 through 2012.

SEC. 1305. SMART GRID INTEROPERABILITY FRAMEWORK.

(a) INTEROPERABILITY FRAMEWORK.—The Director of the National Institute of Standards and Technology shall have primary responsibility to coordinate the development of a framework that includes protocols and model standards for information management to achieve interoperability of smart grid devices and systems. Such protocols and standards shall further align policy, business, and technology approaches in a manner that would enable all electric resources, including demand-side resources, to contribute to an efficient, reliable electricity network. In developing such protocols and standards—

(1) the Director shall seek input and cooperation from the Commission, OEDER and its Smart Grid Task Force, the Smart Grid Advisory Committee, other relevant Federal and State agencies; and

(2) the Director shall also solicit input and cooperation from private entities interested in such protocols and standards, including but not limited to the Gridwise Architecture Council, the International Electrical and Electronics Engineers, the National Electric Reliability Organization recognized by the Federal Energy Regulatory Commission, and National Electrical Manufacturer's Association.

(b) SCOPE OF FRAMEWORK.—The framework developed under subsection (a) shall be flexible, uniform and technology neutral, including but not limited to technologies for managing smart grid information, and designed—

(1) to accommodate traditional, centralized generation and transmission resources and consumer distributed resources, including distributed generation, renewable generation, energy storage, energy efficiency, and demand response and enabling devices and systems;

(2) to be flexible to incorporate—

(A) regional and organizational differences; and

(B) technological innovations;

(3) to consider the use of voluntary uniform standards for certain classes of mass-produced electric appliances and equipment for homes and businesses that enable customers, at their election and consistent with applicable State and Federal laws, and are manufactured with the ability to respond to electric grid emergencies and demand response signals by curtailing all, or a portion of, the electrical power consumed by the appliances or equipment in response to an emergency or demand response signal, including through—

(A) load reduction to reduce total electrical demand;

(B) adjustment of load to provide grid ancillary services; and

(C) in the event of a reliability crisis that threatens an outage, short-term load shedding to help preserve the stability of the grid; and

(4) such voluntary standards should incorporate appropriate manufacturer lead time.

(c) TIMING OF FRAMEWORK DEVELOPMENT.—The Institute shall begin work pursuant to this section within 60 days of enactment. The Institute shall provide and publish an initial report on progress toward recommended or consensus standards and protocols within one year after enactment, further reports at such times as developments warrant in the judgment of the Institute, and a final report when the Institute determines that the work is completed or that a Federal role is no longer necessary.

(d) STANDARDS FOR INTEROPERABILITY IN FEDERAL JURISDICTION.—At any time after the Institute's work has led to sufficient consensus in the Commission's judgment, the Commission shall institute a rulemaking proceeding to adopt such standards and protocols as may be necessary to insure smart-grid functionality and interoperability in interstate transmission of electric power, and regional and wholesale electricity markets.

(e) AUTHORIZATION.—There are authorized to be appropriated for the purposes of this section $5,000,000 to the Institute to support the activities required by this subsection for each of fiscal years 2008 through 2012.

SEC. 1306. FEDERAL MATCHING FUND FOR SMART GRID INVESTMENT COSTS.

(a) MATCHING FUND.—The Secretary shall establish a Smart Grid Investment Matching Grant Program to provide reimbursement of one-fifth (20 percent) of qualifying Smart Grid investments.

(b) QUALIFYING INVESTMENTS.—Qualifying Smart Grid investments may include any of the following made on or after the date of enactment of this Act:

(1) In the case of appliances covered for purposes of establishing energy conservation standards under part B of title III of the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6291 et seq.), the documented expenditures incurred by a manufacturer of such appliances associated with purchasing or designing, creating the ability to manufacture, and manufacturing and installing for one calendar year, internal devices that allow the appliance to engage in Smart Grid functions.

(2) In the case of specialized electricity-using equipment, including motors and drivers, installed in industrial or commercial applications, the documented expenditures incurred by its owner or its manufacturer of installing devices or modifying that equipment to engage in Smart Grid functions.

(3) In the case of transmission and distribution equipment fitted with monitoring and communications devices to enable smart grid functions, the documented expenditures incurred by the electric utility to purchase and install such monitoring and communications devices.

(4) In the case of metering devices, sensors, control devices, and other devices integrated with and attached to an electric utility system or retail distributor or marketer of electricity that are capable of engaging in Smart Grid functions, the documented expenditures incurred by the electric utility, distributor, or marketer and its customers to purchase and install such devices.

(5) In the case of software that enables devices or computers to engage in Smart Grid functions, the documented purchase costs of the software.

(6) In the case of entities that operate or coordinate operations of regional electric grids, the documented expenditures for purchasing and installing such equipment that allows Smart Grid functions to operate and be combined or coordinated among multiple electric utilities and between that region and other regions.

(7) In the case of persons or entities other than electric utilities owning and operating a distributed electricity generator, the documented expenditures of enabling that generator to be monitored, controlled, or otherwise integrated into grid operations and electricity flows on the grid utilizing Smart Grid functions.

(8) In the case of electric or hybrid-electric vehicles, the documented expenses for devices that allow the vehicle to engage in Smart Grid functions (but not the costs of electricity storage for the vehicle).

(9) The documented expenditures related to purchasing and implementing Smart Grid functions in such other cases as the Secretary shall identify. In making such grants, the Secretary shall seek to reward innovation and early adaptation, even if success is not complete, rather than deployment of proven and commercially viable technologies.

(c) INVESTMENTS NOT INCLUDED.—Qualifying Smart Grid investments do not include any of the following:

(1) Investments or expenditures for Smart Grid technologies, devices, or equipment that are eligible for specific tax credits or deductions under the Internal Revenue Code, as amended.

(2) Expenditures for electricity generation, transmission, or distribution infrastructure or equipment not directly related to enabling Smart Grid functions.

(3) After the final date for State consideration of the Smart Grid Information Standard under section 1307 (paragraph (17) of section 111(d) of the Public Utility Regulatory Policies Act of 1978), an investment that is not in compliance with such standard.

(4) After the development and publication by the Institute of protocols and model standards for interoperability of smart grid devices and technologies, an investment that fails to incorporate any of such protocols or model standards.

(5) Expenditures for physical interconnection of generators or other devices to the grid except those that are directly related to enabling Smart Grid functions.

(6) Expenditures for ongoing salaries, benefits, or personnel costs not incurred in the initial installation, training, or start up of smart grid functions.

(7) Expenditures for travel, lodging, meals or other personal costs.

(8) Ongoing or routine operation, billing, customer relations, security, and maintenance expenditures.

(9) Such other expenditures that the Secretary determines not to be Qualifying Smart Grid Investments by reason of the lack of the ability to perform Smart Grid functions or lack of direct relationship to Smart Grid functions.

(d) SMART GRID FUNCTIONS.—The term "smart grid functions" means any of the following:

(1) The ability to develop, store, send and receive digital information concerning electricity use, costs, prices, time of use, nature of use, storage, or other information relevant to device, grid, or utility operations, to or from or by means of the electric utility system, through one or a combination of devices and technologies.

(2) The ability to develop, store, send and receive digital information concerning electricity use, costs, prices, time of use, nature of use, storage, or other information relevant to device, grid, or utility operations to or from a computer or other control device.

(3) The ability to measure or monitor electricity use as a function of time of day, power quality characteristics such as voltage level, current, cycles per second, or source or type of generation and to store, synthesize or report that information by digital means.

(4) The ability to sense and localize disruptions or changes in power flows on the grid and communicate such information instantaneously and automatically for purposes of enabling automatic protective responses to sustain reliability and security of grid operations.

(5) The ability to detect, prevent, communicate with regard to, respond to, or recover from system security threats, including cyber-security threats and terrorism, using digital information, media, and devices.

(6) The ability of any appliance or machine to respond to such signals, measurements, or communications automatically or in a manner programmed by its owner or operator without independent human intervention.

(7) The ability to use digital information to operate functionalities on the electric utility grid that were previously electro-mechanical or manual.

(8) The ability to use digital controls to manage and modify electricity demand, enable congestion management, assist in voltage control, provide operating reserves, and provide frequency regulation.

(9) Such other functions as the Secretary may identify as being necessary or useful to the operation of a Smart Grid.

(e) The Secretary shall—

(1) establish and publish in the Federal Register, within one year after the enactment of this Act procedures by which applicants who have made qualifying Smart Grid investments can seek and obtain reimbursement of one-fifth of their documented expenditures;

(2) establish procedures to ensure that there is no duplication or multiple reimbursement for the same investment or costs, that the reimbursement goes to the party making the actual expenditures for Qualifying Smart Grid Investments, and that the grants made have significant effect in encouraging and facilitating the development of a smart grid;

(3) maintain public records of reimbursements made, recipients, and qualifying Smart Grid investments which have received reimbursements;

(4) establish procedures to provide, in cases deemed by the Secretary to be warranted, advance payment of moneys up to the full amount of the projected eventual reimbursement, to creditworthy applicants whose ability to make Qualifying Smart Grid Investments may be hindered by lack of initial capital, in lieu of any later reimbursement for which that applicant qualifies, and subject to full return of the advance payment in the event that the Qualifying Smart Grid investment is not made; and

(5) have and exercise the discretion to deny grants for investments that do not qualify in the reasonable judgment of the Secretary.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary for the administration of this section and the grants to be made pursuant to this section for fiscal years 2008 through 2012.

SEC. 1307. STATE CONSIDERATION OF SMART GRID.

(a) Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

"(16) CONSIDERATION OF SMART GRID INVESTMENTS.—

"(A) IN GENERAL.—Each State shall consider requiring that, prior to undertaking investments in nonadvanced grid technologies, an electric utility of the State demonstrate to the State that the electric utility considered an investment in a qualified smart grid system based on appropriate factors, including—

"(i) total costs;

"(ii) cost-effectiveness;

"(iii) improved reliability;

"(iv) security;

"(v) system performance; and

"(vi) societal benefit.

"(B) RATE RECOVERY.—Each State shall consider authorizing each electric utility of the State to recover from ratepayers any capital, operating expenditure, or other costs of the electric utility relating to the deployment of a qualified smart grid system, including a reasonable rate of return on the capital expenditures of the electric utility for the deployment of the qualified smart grid system.

"(C) OBSOLETE EQUIPMENT.—Each State shall consider authorizing any electric utility or other party of the State to deploy a qualified smart grid system to recover in a timely manner the remaining book-value costs of any equipment rendered obsolete by the deployment of the qualified smart grid system, based on the remaining depreciable life of the obsolete equipment.

"(17) SMART GRID INFORMATION.—

"(A) STANDARD.—All electricity purchasers shall be provided direct access, in written or electronic machine-readable form as appropriate, to information from their electricity provider as provided in subparagraph (B).

"(B) INFORMATION.—Information provided under this section, to the extent practicable, shall include:

"(i) PRICES.—Purchasers and other interested persons shall be provided with information on—

"(I) time-based electricity prices in the wholesale electricity market; and

"(II) time-based electricity retail prices or rates that are available to the purchasers.

"(ii) USAGE.—Purchasers shall be provided with the number of electricity units, expressed in kwh, purchased by them.

"(iii) INTERVALS AND PROJECTIONS.—Updates of information on prices and usage shall be offered on not less than a daily basis, shall include hourly price and use information, where available, and shall include a day-ahead projection of such price information to the extent available.

"(iv) SOURCES.—Purchasers and other interested persons shall be provided annually with written information on the sources of the power provided by the utility, to the extent it can be determined, by type of generation, including greenhouse gas emissions associated with each type of generation, for intervals during which such information is available on a cost-effective basis.

"(C) ACCESS.—Purchasers shall be able to access their own information at any time through the internet and on other means of communication elected by that utility for Smart Grid applications. Other interested persons shall be able to access information not specific to any purchaser through the Internet. Information specific to any purchaser shall be provided solely to that purchaser.".

(b) COMPLIANCE.—

(1) TIME LIMITATIONS.—Section 112(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(b)) is amended by adding the following at the end thereof:

"(6)(A) Not later than 1 year after the enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) and each nonregulated utility shall commence the consideration referred to in section 111, or set a hearing date for consideration, with respect to the standards established by paragraphs (17) through (18) of section 111(d).

"(B) Not later than 2 years after the date of the enactment of the this paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority), and each nonregulated electric utility, shall complete the consideration, and shall make the determination, referred to in section 111 with respect to each standard established by paragraphs (17) through (18) of section 111(d).".

(2) FAILURE TO COMPLY.—Section 112(c) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(c)) is amended by adding the following at the end:

"In the case of the standards established by paragraphs (16) through (19) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of such paragraphs.".

(3) PRIOR STATE ACTIONS.—Section 112(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(d)) is amended by inserting "and paragraphs (17) through (18)" before "of section 111(d)".

SEC. 1308. STUDY OF THE EFFECT OF PRIVATE WIRE LAWS ON THE DEVELOPMENT OF COMBINED HEAT AND POWER FACILITIES.

(a) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the States and other appropriate entities, shall conduct a study of the laws (including regulations) affecting the siting of privately owned electric distribution wires on and across public rights-of-way.

(2) REQUIREMENTS.—The study under paragraph (1) shall include—

(A) an evaluation of—

(i) the purposes of the laws; and

(ii) the effect the laws have on the development of combined heat and power facilities;

(B) a determination of whether a change in the laws would have any operating, reliability, cost, or other impacts on electric utilities and the customers of the electric utilities; and

(C) an assessment of—

(i) whether privately owned electric distribution wires would result in duplicative facilities; and

(ii) whether duplicative facilities are necessary or desirable.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the results of the study conducted under subsection (a).

SEC. 1309. DOE STUDY OF SECURITY ATTRIBUTES OF SMART GRID SYSTEMS.

(a) DOE STUDY.—The Secretary shall, within 18 months after the date of enactment of this Act, submit a report to Congress that provides a quantitative assessment and determination of the existing and potential impacts of the deployment of Smart Grid systems on improving the security of the Nation's electricity infrastructure and operating capability. The report shall include but not be limited to specific recommendations on each of the following:

(1) How smart grid systems can help in making the Nation's electricity system less vulnerable to disruptions due to intentional acts against the system.

(2) How smart grid systems can help in restoring the integrity of the Nation's electricity system subsequent to disruptions.

(3) How smart grid systems can facilitate nationwide, interoperable emergency communications and control of the Nation's electricity system during times of localized, regional, or nationwide emergency.

(4) What risks must be taken into account that smart grid systems may, if not carefully created and managed, create vulnerability to security threats of any sort, and how such risks may be mitigated.

(b) CONSULTATION.—The Secretary shall consult with other Federal agencies in the development of the report under this section, including but not limited to the Secretary of Homeland Security, the Federal Energy Regulatory Commission, and the Electric Reliability Organization certified by the Commission under section 215(c) of the Federal Power Act (16 U.S.C. 824o) as added by section 1211 of the Energy Policy Act of 2005 (Public Law 109-58; 119 Stat. 941).

TITLE XIV—POOL AND SPA SAFETY

SEC. 1401. SHORT TITLE.

This title may be cited as the "Virginia Graeme Baker Pool and Spa Safety Act".

SEC. 1402. FINDINGS.

Congress finds the following:

(1) Of injury-related deaths, drowning is the second leading cause of death in children aged 1 to 14 in the United States.

(2) In 2004, 761 children aged 14 and under died as a result of unintentional drowning.

(3) Adult supervision at all aquatic venues is a critical safety factor in preventing children from drowning.

(4) Research studies show that the installation and proper use of barriers or fencing, as well as additional layers of protection, could substantially reduce the number of childhood residential swimming pool drownings and near drownings.

SEC. 1403. DEFINITIONS.

In this title:

(1) ASME/ANSI.—The term "ASME/ANSI" as applied to a safety standard means such a standard that is accredited by the American National Standards Institute and published

by the American Society of Mechanical Engineers.

(2) BARRIER.—The term "barrier" includes a natural or constructed topographical feature that prevents unpermitted access by children to a swimming pool, and, with respect to a hot tub, a lockable cover.

(3) COMMISSION.—The term "Commission" means the Consumer Product Safety Commission.

(4) MAIN DRAIN.—The term "main drain" means a submerged suction outlet typically located at the bottom of a pool or spa to conduct water to a re-circulating pump.

(5) SAFETY VACUUM RELEASE SYSTEM.—The term "safety vacuum release system" means a vacuum release system capable of providing vacuum release at a suction outlet caused by a high vacuum occurrence due to a suction outlet flow blockage.

(6) SWIMMING POOL; SPA.—The term "swimming pool" or "spa" means any outdoor or indoor structure intended for swimming or recreational bathing, including in-ground and above-ground structures, and includes hot tubs, spas, portable spas, and non-portable wading pools.

(7) UNBLOCKABLE DRAIN.—The term "unblockable drain" means a drain of any size and shape that a human body cannot sufficiently block to create a suction entrapment hazard.

SEC. 1404. FEDERAL SWIMMING POOL AND SPA DRAIN COVER STANDARD.

(a) CONSUMER PRODUCT SAFETY RULE.—The requirements described in subsection (b) shall be treated as a consumer product safety rule issued by the Consumer Product Safety Commission under the Consumer Product Safety Act (15 U.S.C. 2051 et seq.).

(b) DRAIN COVER STANDARD.—Effective 1 year after the date of enactment of this title, each swimming pool or spa drain cover manufactured, distributed, or entered into commerce in the United States shall conform to the entrapment protection standards of the ASME/ANSI A112.19.8 performance standard, or any successor standard regulating such swimming pool or drain cover.

(c) PUBLIC POOLS.—

(1) REQUIRED EQUIPMENT.—

(A) IN GENERAL.—Beginning 1 year after the date of enactment of this title—

(i) each public pool and spa in the United States shall be equipped with anti-entrapment devices or systems that comply with the ASME/ANSI A112.19.8 performance standard, or any successor standard; and

(ii) each public pool and spa in the United States with a single main drain other than an unblockable drain shall be equipped, at a minimum, with 1 or more of the following devices or systems designed to prevent entrapment by pool or spa drains that meets the requirements of subparagraph (B):

(I) SAFETY VACUUM RELEASE SYSTEM.—A safety vacuum release system which ceases operation of the pump, reverses the circulation flow, or otherwise provides a vacuum release at a suction outlet when a blockage is detected, that has been tested by an independent third party and found to conform to ASME/ANSI standard A112.19.17 or ASTM standard F2387.

(II) SUCTION-LIMITING VENT SYSTEM.—A suction-limiting vent system with a tamper-resistant atmospheric opening.

(III) GRAVITY DRAINAGE SYSTEM.—A gravity drainage system that utilizes a collector tank.

(IV) AUTOMATIC PUMP SHUT-OFF SYSTEM.—An automatic pump shut-off system.

(V) DRAIN DISABLEMENT.—A device or system that disables the drain.

(VI) OTHER SYSTEMS.—Any other system determined by the Commission to be equally effective as, or better than, the systems described in subclauses (I) through (V) of this clause at preventing or eliminating the risk of injury or death associated with pool drainage systems.

(B) APPLICABLE STANDARDS.—Any device or system described in subparagraph (A)(ii) shall meet the requirements of any ASME/ANSI or ASTM performance standard if there is such a standard for such a device or system, or any applicable consumer product safety standard.

(2) PUBLIC POOL AND SPA DEFINED.—In this subsection, the term "public pool and spa" means a swimming pool or spa that is—

(A) open to the public generally, whether for a fee or free of charge;

(B) open exclusively to—

(i) members of an organization and their guests;

(ii) residents of a multi-unit apartment building, apartment complex, residential real estate development, or other multi-family residential area (other than a municipality, township, or other local government jurisdiction); or

(iii) patrons of a hotel or other public accommodations facility; or

(C) operated by the Federal Government (or by a concessionaire on behalf of the Federal Government) for the benefit of members of the Armed Forces and their dependents or employees of any department or agency and their dependents.

(3) ENFORCEMENT.—Violation of paragraph (1) shall be considered to be a violation of section 19(a)(1) of the Consumer Product Safety Act (15 U.S.C. 2068(a)(1)) and may also be enforced under section 17 of that Act (15 U.S.C. 2066).

SEC. 1405. STATE SWIMMING POOL SAFETY GRANT PROGRAM.

(a) IN GENERAL.—Subject to the availability of appropriations authorized by subsection (e), the Commission shall establish a grant program to provide assistance to eligible States.

(b) ELIGIBILITY.—To be eligible for a grant under the program, a State shall—

(1) demonstrate to the satisfaction of the Commission that it has a State statute, or that, after the date of enactment of this title, it has enacted a statute, or amended an existing statute, and provides for the enforcement of, a law that—

(A) except as provided in section 1406(a)(1)(A)(i), applies to all swimming pools in the State; and

(B) meets the minimum State law requirements of section 1406; and

(2) submit an application to the Commission at such time, in such form, and containing such additional information as the Commission may require.

(c) AMOUNT OF GRANT.—The Commission shall determine the amount of a grant awarded under this title, and shall consider—

(1) the population and relative enforcement needs of each qualifying State; and

(2) allocation of grant funds in a manner designed to provide the maximum benefit from the program in terms of protecting children from drowning or entrapment, and, in making that allocation, shall give priority to States that have not received a grant under this title in a preceding fiscal year.

(d) USE OF GRANT FUNDS.—A State receiving a grant under this section shall use—

(1) at least 50 percent of amounts made available to hire and train enforcement personnel for implementation and enforcement of standards under the State swimming pool and spa safety law; and

(2) the remainder—

(A) to educate pool construction and installation companies and pool service companies about the standards;

(B) to educate pool owners, pool operators, and other members of the public about the standards under the swimming pool and spa safety law and about the prevention of drowning or entrapment of children using swimming pools and spas; and

(C) to defray administrative costs associated with such training and education programs.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission for each of fiscal years 2009 and 2010 $2,000,000 to carry out this section, such sums to remain available until expended. Any amounts appropriated pursuant to this subsection that remain unexpended and unobligated at the end of fiscal year 2010 shall be retained by the Commission and credited to the appropriations account that funds enforcement of the Consumer Product Safety Act.

SEC. 1406. MINIMUM STATE LAW REQUIREMENTS.

(a) IN GENERAL.—

(1) SAFETY STANDARDS.—A State meets the minimum State law requirements of this section if—

(A) the State requires by statute—

(i) the enclosure of all outdoor residential pools and spas by barriers to entry that will effectively prevent small children from gaining unsupervised and unfettered access to the pool or spa;

(ii) that all pools and spas be equipped with devices and systems designed to prevent entrapment by pool or spa drains;

(iii) that pools and spas built more than 1 year after the date of the enactment of such statute have—

(I) more than 1 drain;

(II) 1 or more unblockable drains; or

(III) no main drain;

(iv) every swimming pool and spa that has a main drain, other than an unblockable drain, be equipped with a drain cover that meets the consumer product safety standard established by section 1404; and

(v) that periodic notification is provided to owners of residential swimming pools or spas about compliance with the entrapment protection standards of the ASME/ANSI A112.19.8 performance standard, or any successor standard; and

(B) the State meets such additional State law requirements for pools and spas as the Commission may establish after public notice and a 30-day public comment period.

(2) NO LIABILITY INFERENCE ASSOCIATED WITH STATE NOTIFICATION REQUIREMENT.—The minimum State law notification requirement under paragraph (1)(A)(v) shall not be construed to imply any liability on the part of a State related to that requirement.

(b) STANDARDS.—Nothing in this section prevents the Commission from promulgating standards regulating pool and spa safety or from relying on an applicable national performance standard.

(c) BASIC ACCESS-RELATED SAFETY DEVICES AND EQUIPMENT REQUIREMENTS TO BE CONSIDERED.—In establishing minimum State law requirements for swimming pools and spas under subsection (a)(1), the Commission shall consider the following requirements:

(1) COVERS.—A safety pool cover.

(2) GATES.—A gate with direct access to the swimming pool or spa that is equipped with a self-closing, self-latching device.

(3) DOORS.—Any door with direct access to the swimming pool or spa that is equipped

with an audible alert device or alarm which sounds when the door is opened.

(4) POOL ALARM.—A device designed to provide rapid detection of an entry into the water of a swimming pool or spa.

(d) ENTRAPMENT, ENTANGLEMENT, AND EVISCERATION PREVENTION STANDARDS TO BE REQUIRED.—

(1) IN GENERAL.—In establishing additional minimum State law requirements for swimming pools and spas under subsection (a)(1), the Commission shall require, at a minimum, 1 or more of the following (except for pools constructed without a single main drain):

(A) SAFETY VACUUM RELEASE SYSTEM.—A safety vacuum release system which ceases operation of the pump, reverses the circulation flow, or otherwise provides a vacuum release at a suction outlet when a blockage is detected, that has been tested by an independent third party and found to conform to ASME/ANSI standard A112.19.17 or ASTM standard F2387, or any successor standard.

(B) SUCTION-LIMITING VENT SYSTEM.—A suction-limiting vent system with a tamper-resistant atmospheric opening.

(C) GRAVITY DRAINAGE SYSTEM.—A gravity drainage system that utilizes a collector tank.

(D) AUTOMATIC PUMP SHUT-OFF SYSTEM.—An automatic pump shut-off system.

(E) DRAIN DISABLEMENT.—A device or system that disables the drain.

(F) OTHER SYSTEMS.—Any other system determined by the Commission to be equally effective as, or better than, the systems described in subparagraphs (A) through (E) of this paragraph at preventing or eliminating the risk of injury or death associated with pool drainage systems.

(2) APPLICABLE STANDARDS.—Any device or system described in subparagraphs (B) through (E) of paragraph (1) shall meet the requirements of any ASME/ANSI or ASTM performance standard if there is such a standard for such a device or system, or any applicable consumer product safety standard.

SEC. 1407. EDUCATION PROGRAM.

(a) IN GENERAL.—The Commission shall establish and carry out an education program to inform the public of methods to prevent drowning and entrapment in swimming pools and spas. In carrying out the program, the Commission shall develop—

(1) educational materials designed for pool manufacturers, pool service companies, and pool supply retail outlets;

(2) educational materials designed for pool owners and operators; and

(3) a national media campaign to promote awareness of pool and spa safety.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission for each of the fiscal years 2008 through 2012 $5,000,000 to carry out the education program authorized by subsection (a).

SEC. 1408. CPSC REPORT.

Not later than 1 year after the last day of each fiscal year for which grants are made under section 1405, the Commission shall submit to Congress a report evaluating the implementation of the grant program authorized by that section.

TITLE XV—CLEAN RENEWABLE ENERGY AND CONSERVATION TAX ACT OF 2007

SEC. 1500. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This title may be cited as the "Clean Renewable Energy and Conservation Tax Act of 2007".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Clean Renewable Energy Production Incentives

PART I—PROVISIONS RELATING TO RENEWABLE ENERGY

SEC. 1501. EXTENSION AND MODIFICATION OF RENEWABLE ELECTRICITY AND REFINED COAL PRODUCTION CREDIT.

(a) EXTENSION.—

(1) IN GENERAL.—Section 45(d) (relating to qualified facilities) is amended by striking "January 1, 2009" each place it appears in paragraphs (1), (2), (3), (4), (5), (6), (7), (8), and (9) and inserting "January 1, 2011".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(b) MODIFICATION OF REFINED COAL AS A QUALIFIED ENERGY RESOURCE.—

(1) ELIMINATION OF INCREASED MARKET VALUE TEST.—Section 45(c)(7)(A) (defining refined coal) is amended—

(A) by striking clause (iv),

(B) by adding "and" at the end of clause (ii), and

(C) by striking ", and" at the end of clause (iii) and inserting a period.

(2) INCREASE IN REQUIRED EMISSION REDUCTION.—Section 45(c)(7)(B) (defining qualified emission reduction) is amended by inserting "at least 40 percent of the emissions of" after "nitrogen oxide and".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to coal produced and sold after December 31, 2007.

(c) CREDIT ALLOWED FOR ON-SITE USE OF ELECTRICITY PRODUCED FROM BIOMASS.—

(1) ON-SITE USE.—Section 45(e) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

"(12) CREDIT ALLOWED FOR ON-SITE USE OF ELECTRICITY PRODUCED FROM BIOMASS.—In the case of electricity produced after December 31, 2007, at any facility described in paragraph (2) or (3) which is equipped with net metering to determine electricity consumption or sale (such consumption or sale to be verified by a third party as determined by the Secretary), subsection (a)(2) shall be applied without regard to subparagraph (B) thereof.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the date of the enactment of this Act.

(d) EXPANSION OF RESOURCES TO WAVE, CURRENT, TIDAL, AND OCEAN THERMAL ENERGY.—

(1) IN GENERAL.—Section 45(c)(1) (defining qualified energy resources) is amended by striking "and" at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting ", and", and by adding at the end the following new subparagraph:

"(I) wave, current, tidal, and ocean thermal energy.".

(2) DEFINITION OF RESOURCES.—Section 45(c) is amended by adding at the end the following new paragraph:

"(10) WAVE, CURRENT, TIDAL, AND OCEAN THERMAL ENERGY.—The term 'wave, current, tidal, and ocean thermal energy' means electricity produced from any of the following:

"(A) Free flowing ocean water derived from tidal currents, ocean currents, waves, or estuary currents.

"(B) Ocean thermal energy.".

(3) FACILITIES.—Section 45(d) is amended by adding at the end the following new paragraph:

"(11) WAVE, CURRENT, TIDAL, AND OCEAN THERMAL FACILITY.—In the case of a facility using resources described in subparagraph (A), (B), or (C) of subsection (c)(10) to produce electricity, the term 'qualified facility' means any facility owned by the taxpayer which is originally placed in service after the date of the enactment of this paragraph and before January 1, 2011, but such term shall not include a facility which includes impoundment structures or a small irrigation power facility.".

(4) CREDIT RATE.—Section 45(b)(4)(A) (relating to credit rate) is amended by striking "or (9)" and inserting "(9), or (11)".

(5) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(e) TRASH FACILITY CLARIFICATION.—

(1) IN GENERAL.—Paragraph (7) of section 45(d) is amended—

(A) by striking "facility which burns" and inserting "facility (other than a facility described in paragraph (6)) which uses", and

(B) by striking "COMBUSTION".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to electricity produced and sold before, on, or after December 31, 2007.

SEC. 1502. EXTENSION AND MODIFICATION OF ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—

(1) SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) (relating to energy credit) are each amended by striking "January 1, 2009" and inserting "January 1, 2017".

(2) FUEL CELL PROPERTY.—Subparagraph (E) of section 48(c)(1) (relating to qualified fuel cell property) is amended by striking "December 31, 2008" and inserting "December 31, 2016".

(3) MICROTURBINE PROPERTY.—Subparagraph (E) of section 48(c)(2) (relating to qualified microturbine property) is amended by striking "December 31, 2008" and inserting "December 31, 2016".

(b) ALLOWANCE OF ENERGY CREDIT AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4) (relating to specified credits) is amended by striking "and" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", and", and by adding at the end the following new clause:

"(v) the credit determined under section 46 to the extent that such credit is attributable to the energy credit determined under section 48.".

(c) ENERGY CREDIT FOR COMBINED HEAT AND POWER SYSTEM PROPERTY.—

(1) IN GENERAL.—Section 48(a)(3)(A) (defining energy property) is amended by striking "or" at the end of clause (iii), by inserting "or" at the end of clause (iv), and by adding at the end the following new clause:

"(v) combined heat and power system property,".

(2) COMBINED HEAT AND POWER SYSTEM PROPERTY.—Section 48 (relating to energy credit; reforestation credit) is amended by adding at the end the following new subsection:

"(d) COMBINED HEAT AND POWER SYSTEM PROPERTY.—For purposes of subsection (a)(3)(A)(v)—

"(1) COMBINED HEAT AND POWER SYSTEM PROPERTY.—The term 'combined heat and power system property' means property comprising a system—

"(A) which uses the same energy source for the simultaneous or sequential generation of electrical power, mechanical shaft power, or both, in combination with the generation of steam or other forms of useful thermal energy (including heating and cooling applications),

"(B) which produces—

"(i) at least 20 percent of its total useful energy in the form of thermal energy which is not used to produce electrical or mechanical power (or combination thereof), and

"(ii) at least 20 percent of its total useful energy in the form of electrical or mechanical power (or combination thereof),

"(C) the energy efficiency percentage of which exceeds 60 percent, and

"(D) which is placed in service before January 1, 2017.

"(2) LIMITATION.—

"(A) IN GENERAL.—In the case of combined heat and power system property with an electrical capacity in excess of the applicable capacity placed in service during the taxable year, the credit under subsection (a)(1) (determined without regard to this paragraph) for such year shall be equal to the amount which bears the same ratio to such credit as the applicable capacity bears to the capacity of such property.

"(B) APPLICABLE CAPACITY.—For purposes of subparagraph (A), the term 'applicable capacity' means 15 megawatts or a mechanical energy capacity of more than 20,000 horsepower or an equivalent combination of electrical and mechanical energy capacities.

"(C) MAXIMUM CAPACITY.—The term 'combined heat and power system property' shall not include any property comprising a system if such system has a capacity in excess of 50 megawatts or a mechanical energy capacity in excess of 67,000 horsepower or an equivalent combination of electrical and mechanical energy capacities

"(3) SPECIAL RULES.—

"(A) ENERGY EFFICIENCY PERCENTAGE.—For purposes of this subsection, the energy efficiency percentage of a system is the fraction—

"(i) the numerator of which is the total useful electrical, thermal, and mechanical power produced by the system at normal operating rates, and expected to be consumed in its normal application, and

"(ii) the denominator of which is the lower heating value of the fuel sources for the system.

"(B) DETERMINATIONS MADE ON BTU BASIS.—The energy efficiency percentage and the percentages under paragraph (1)(B) shall be determined on a Btu basis.

"(C) INPUT AND OUTPUT PROPERTY NOT INCLUDED.—The term 'combined heat and power system property' does not include property used to transport the energy source to the facility or to distribute energy produced by the facility.

"(4) SYSTEMS USING BIOMASS.—If a system is designed to use biomass (within the meaning of paragraphs (2) and (3) of section 45(c) without regard to the last sentence of paragraph (3)(A)) for at least 90 percent of the energy source—

"(A) paragraph (1)(C) shall not apply, but

"(B) the amount of credit determined under subsection (a) with respect to such system shall not exceed the amount which bears the same ratio to such amount of credit (determined without regard to this paragraph) as the energy efficiency percentage of such system bears to 60 percent.".

(d) INCREASE OF CREDIT LIMITATION FOR FUEL CELL PROPERTY.—Subparagraph (B) of section 48(c)(1) is amended by striking "$500" and inserting "$1,500".

(e) PUBLIC ELECTRIC UTILITY PROPERTY TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Paragraph (3) of section 48(a) is amended by striking the second sentence thereof.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 48(c) is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(B) Paragraph (2) of section 48(c) is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(f) CLERICAL AMENDMENTS.—Paragraphs (1)(B) and (2)(B) of section 48(c) are each amended by striking "paragraph (1)" and inserting "subsection (a)".

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—The amendments made by subsection (b) shall apply to credits determined under section 46 of the Internal Revenue Code of 1986 in taxable years beginning after the date of the enactment of this Act and to carrybacks of such credits.

(3) COMBINED HEAT AND POWER AND FUEL CELL PROPERTY.—The amendments made by subsections (c) and (d) shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

(4) PUBLIC ELECTRIC UTILITY PROPERTY.—The amendments made by subsection (e) shall apply to periods after June 20, 2007, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 1503. EXTENSION AND MODIFICATION OF CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.

(a) EXTENSION.—Section 25D(g) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2014".

(b) MAXIMUM CREDIT FOR SOLAR ELECTRIC PROPERTY.—

(1) IN GENERAL.—Section 25D(b)(1)(A) (relating to maximum credit) is amended by striking "$2,000" and inserting "$4,000".

(2) CONFORMING AMENDMENT.—Section 25D(e)(4)(A)(i) is amended by striking "$6,667" and inserting "$13,334".

(c) CREDIT FOR RESIDENTIAL WIND PROPERTY.—

(1) IN GENERAL.—Section 25D(a) (relating to allowance of credit) is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by adding at the end the following new paragraph:

"(4) 30 percent of the qualified small wind energy property expenditures made by the taxpayer during such year.".

(2) LIMITATION.—Section 25D(b)(1) (relating to maximum credit) is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ", and", and by adding at the end the following new subparagraph:

"(D) $500 with respect to each half kilowatt of capacity (not to exceed $4,000) of wind turbines for which qualified small wind energy property expenditures are made.".

(3) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURES.—

(A) IN GENERAL.—Section 25D(d) (relating to definitions) is amended by adding at the end the following new paragraph:

"(4) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURE.—The term 'qualified small wind energy property expenditure' means an expenditure for property which uses a wind turbine to generate electricity for use in connection with a dwelling unit located in the United States and used as a residence by the taxpayer.".

(B) NO DOUBLE BENEFIT.—Section 45(d)(1) (relating to wind facility) is amended by adding at the end the following new sentence: "Such term shall not include any facility with respect to which any qualified small wind energy property expenditure (as defined in subsection (d)(4) of section 25D) is taken into account in determining the credit under such section.".

(4) MAXIMUM EXPENDITURES IN CASE OF JOINT OCCUPANCY.—Section 25D(e)(4)(A) (relating to maximum expenditures) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by adding at the end the following new clause:

"(iv) $1,667 in the case of each half kilowatt of capacity (not to exceed $13,333) of wind turbines for which qualified small wind energy property expenditures are made.".

(d) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 25D is amended to read as follows:

"(c) LIMITATION BASED ON AMOUNT OF TAX; CARRYFORWARD OF UNUSED CREDIT.—

"(1) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under this subpart (other than this section) and section 27 for the taxable year.

"(2) CARRYFORWARD OF UNUSED CREDIT.—

"(A) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

"(B) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.".

(2) CONFORMING AMENDMENTS.—

(A) Section 23(b)(4)(B) is amended by inserting "and section 25D" after "this section".

(B) Section 24(b)(3)(B) is amended by striking "and 25B" and inserting ", 25B, and 25D".

(C) Section 25B(g)(2) is amended by striking "section 23" and inserting "sections 23 and 25D".

(D) Section 26(a)(1) is amended by striking "and 25B" and inserting "25B, and 25D".

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to expenditures after December 31, 2007.

(2) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—

(A) IN GENERAL.—The amendments made by subsection (d) shall apply to taxable years beginning after the date of the enactment of this Act.

(B) APPLICATION OF EGTRRA SUNSET.—The amendments made by subparagraphs (A) and (B) of subsection (d)(2) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provisions of such Act to which such amendments relate.

SEC. 1504. EXTENSION AND MODIFICATION OF SPECIAL RULE TO IMPLEMENT FERC AND STATE ELECTRIC RESTRUCTURING POLICY.

(a) EXTENSION FOR QUALIFIED ELECTRIC UTILITIES.—

(1) IN GENERAL.—Paragraph (3) of section 451(i) (relating to special rule for sales or dispositions to implement Federal Energy Regulatory Commission or State electric restructuring policy) is amended by inserting "(before January 1, 2010, in the case of a qualified electric utility)" after "January 1, 2008".

(2) QUALIFIED ELECTRIC UTILITY.—Subsection (i) of section 451 is amended by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively, and by inserting after paragraph (5) the following new paragraph:

"(6) QUALIFIED ELECTRIC UTILITY.—For purposes of this subsection, the term 'qualified electric utility' means a person that, as of the date of the qualifying electric transmission transaction, is vertically integrated, in that it is both—

"(A) a transmitting utility (as defined in section 3(23) of the Federal Power Act (16 U.S.C. 796(23)) with respect to the transmission facilities to which the election under this subsection applies, and

"(B) an electric utility (as defined in section 3(22) of the Federal Power Act (16 U.S.C. 796(22)).".

(b) EXTENSION OF PERIOD FOR TRANSFER OF OPERATIONAL CONTROL AUTHORIZED BY FERC.—Clause (ii) of section 451(i)(4)(B) is amended by striking "December 31, 2007" and inserting "the date which is 4 years after the close of the taxable year in which the transaction occurs".

(c) PROPERTY LOCATED OUTSIDE THE UNITED STATES NOT TREATED AS EXEMPT UTILITY PROPERTY.—Paragraph (5) of section 451(i) is amended by adding at the end the following new subparagraph:

"(C) EXCEPTION FOR PROPERTY LOCATED OUTSIDE THE UNITED STATES.—The term 'exempt utility property' shall not include any property which is located outside the United States.".

(d) EFFECTIVE DATES.—

(1) EXTENSION.—The amendments made by subsection (a) shall apply to transactions after December 31, 2007.

(2) TRANSFERS OF OPERATIONAL CONTROL.—The amendment made by subsection (b) shall take effect as if included in section 909 of the American Jobs Creation Act of 2004.

(3) EXCEPTION FOR PROPERTY LOCATED OUTSIDE THE UNITED STATES.—The amendment made by subsection (c) shall apply to transactions after the date of the enactment of this Act.

SEC. 1505. NEW CLEAN RENEWABLE ENERGY BONDS.

(a) IN GENERAL.—Part IV of subchapter A of chapter 1 (relating to credits against tax) is amended by adding at the end the following new subpart:

"Subpart I—Qualified Tax Credit Bonds

"Sec. 54A. Credit to holders of qualified tax credit bonds.

"Sec. 54B. New clean renewable energy bonds.

"SEC. 54A. CREDIT TO HOLDERS OF QUALIFIED TAX CREDIT BONDS.

"(a) ALLOWANCE OF CREDIT.—If a taxpayer holds a qualified tax credit bond on one or more credit allowance dates of the bond during any taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to such dates.

"(b) AMOUNT OF CREDIT.—

"(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a qualified tax credit bond is 25 percent of the annual credit determined with respect to such bond.

"(2) ANNUAL CREDIT.—The annual credit determined with respect to any qualified tax credit bond is the product of—

"(A) the applicable credit rate, multiplied by

"(B) the outstanding face amount of the bond.

"(3) APPLICABLE CREDIT RATE.—For purposes of paragraph (2), the applicable credit rate is 70 percent of the rate which the Secretary estimates will permit the issuance of qualified tax credit bonds with a specified maturity or redemption date without discount and without interest cost to the qualified issuer. The applicable credit rate with respect to any qualified tax credit bond shall be determined as of the first day on which there is a binding, written contract for the sale or exchange of the bond.

"(4) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed or matures.

"(c) LIMITATION BASED ON AMOUNT OF TAX.—

"(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under this part (other than subpart C and this subpart).

"(2) CARRYOVER OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year (determined before the application of paragraph (1) for such succeeding taxable year).

"(d) QUALIFIED TAX CREDIT BOND.—For purposes of this section—

"(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means a new clean renewable energy bond which is part of an issue that meets the requirements of paragraphs (2), (3), (4), (5), and (6).

"(2) SPECIAL RULES RELATING TO EXPENDITURES.—

"(A) IN GENERAL.—An issue shall be treated as meeting the requirements of this paragraph if, as of the date of issuance, the issuer reasonably expects—

"(i) 100 percent or more of the available project proceeds to be spent for 1 or more qualified purposes within the 3-year period beginning on such date of issuance, and

"(ii) a binding commitment with a third party to spend at least 10 percent of such available project proceeds will be incurred within the 6-month period beginning on such date of issuance.

"(B) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 3 YEARS.—

"(i) IN GENERAL.—To the extent that less than 100 percent of the available project proceeds of the issue are expended by the close of the expenditure period for 1 or more qualified purposes, the issuer shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

"(ii) EXPENDITURE PERIOD.—For purposes of this subpart, the term 'expenditure period' means, with respect to any issue, the 3-year period beginning on the date of issuance. Such term shall include any extension of such period under clause (iii).

"(iii) EXTENSION OF PERIOD.—Upon submission of a request prior to the expiration of the expenditure period (determined without regard to any extension under this clause), the Secretary may extend such period if the issuer establishes that the failure to expend the proceeds within the original expenditure period is due to reasonable cause and the expenditures for qualified purposes will continue to proceed with due diligence.

"(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means a purpose specified in section 54B(a)(1).

"(D) REIMBURSEMENT.—For purposes of this subtitle, available project proceeds of an issue shall be treated as spent for a qualified purpose if such proceeds are used to reimburse the issuer for amounts paid for a qualified purpose after the date that the Secretary makes an allocation of bond limitation with respect to such issue, but only if—

"(i) prior to the payment of the original expenditure, the issuer declared its intent to reimburse such expenditure with the proceeds of a qualified tax credit bond,

"(ii) not later than 60 days after payment of the original expenditure, the issuer adopts an official intent to reimburse the original expenditure with such proceeds, and

"(iii) the reimbursement is made not later than 18 months after the date the original expenditure is paid.

"(3) REPORTING.—An issue shall be treated as meeting the requirements of this paragraph if the issuer of qualified tax credit bonds submits reports similar to the reports required under section 149(e).

"(4) SPECIAL RULES RELATING TO ARBITRAGE.—

"(A) IN GENERAL.—An issue shall be treated as meeting the requirements of this paragraph if the issuer satisfies the requirements of section 148 with respect to the proceeds of the issue.

"(B) SPECIAL RULE FOR INVESTMENTS DURING EXPENDITURE PERIOD.—An issue shall not be treated as failing to meet the requirements of subparagraph (A) by reason of any investment of available project proceeds during the expenditure period.

"(C) SPECIAL RULE FOR RESERVE FUNDS.—An issue shall not be treated as failing to meet the requirements of subparagraph (A) by reason of any fund which is expected to be used to repay such issue if—

"(i) such fund is funded at a rate not more rapid than equal annual installments,

"(ii) such fund is funded in a manner reasonably expected to result in an amount not greater than an amount necessary to repay the issue, and

"(iii) the yield on such fund is not greater than the discount rate determined under paragraph (5)(B) with respect to the issue.

"(5) MATURITY LIMITATION.—

"(A) IN GENERAL.—An issue shall be treated as meeting the requirements of this paragraph if the maturity of any bond which is part of such issue does not exceed the maximum term determined by the Secretary under subparagraph (B).

"(B) MAXIMUM TERM.—During each calendar month, the Secretary shall determine the maximum term permitted under this paragraph for bonds issued during the following calendar month. Such maximum term shall be the term which the Secretary estimates will result in the present value of the obligation to repay the principal on the bond being equal to 50 percent of the face amount of such bond. Such present value shall be determined using as a discount rate the average annual interest rate of tax-exempt obligations having a term of 10 years or more which are issued during the month. If the term as so determined is not a multiple of a whole year, such term shall be rounded to the next highest whole year.

"(6) PROHIBITION ON FINANCIAL CONFLICTS OF INTEREST.—An issue shall be treated as meeting the requirements of this paragraph if the issuer certifies that—

"(A) applicable State and local law requirements governing conflicts of interest are satisfied with respect to such issue, and

"(B) if the Secretary prescribes additional conflicts of interest rules governing the appropriate Members of Congress, Federal, State, and local officials, and their spouses, such additional rules are satisfied with respect to such issue.

"(e) OTHER DEFINITIONS.—For purposes of this subchapter—

"(1) CREDIT ALLOWANCE DATE.—The term 'credit allowance date' means—

"(A) March 15,

"(B) June 15,

"(C) September 15, and

"(D) December 15.

Such term includes the last day on which the bond is outstanding.

"(2) BOND.—The term 'bond' includes any obligation.

"(3) STATE.—The term 'State' includes the District of Columbia and any possession of the United States.

"(4) AVAILABLE PROJECT PROCEEDS.—The term 'available project proceeds' means—

"(A) the excess of—

"(i) the proceeds from the sale of an issue, over

"(ii) the issuance costs financed by the issue (to the extent that such costs do not exceed 2 percent of such proceeds), and

"(B) the proceeds from any investment of the excess described in subparagraph (A).

"(f) CREDIT TREATED AS INTEREST.—For purposes of this subtitle, the credit determined under subsection (a) shall be treated as interest which is includible in gross income.

"(g) S CORPORATIONS AND PARTNERSHIPS.—In the case of a tax credit bond held by an S corporation or partnership, the allocation of the credit allowed by this section to the shareholders of such corporation or partners of such partnership shall be treated as a distribution.

"(h) BONDS HELD BY REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.—If any qualified tax credit bond is held by a regulated investment company or a real estate investment trust, the credit determined under subsection (a) shall be allowed to shareholders of such company or beneficiaries of such trust (and any gross income included under subsection (f) with respect to such credit shall be treated as distributed to such shareholders or beneficiaries) under procedures prescribed by the Secretary.

"(i) CREDITS MAY BE STRIPPED.—Under regulations prescribed by the Secretary—

"(1) IN GENERAL.—There may be a separation (including at issuance) of the ownership of a qualified tax credit bond and the entitlement to the credit under this section with respect to such bond. In case of any such separation, the credit under this section shall be allowed to the person who on the credit allowance date holds the instrument evidencing the entitlement to the credit and not to the holder of the bond.

"(2) CERTAIN RULES TO APPLY.—In the case of a separation described in paragraph (1), the rules of section 1286 shall apply to the qualified tax credit bond as if it were a stripped bond and to the credit under this section as if it were a stripped coupon.

"SEC. 54B. NEW CLEAN RENEWABLE ENERGY BONDS.

"(a) NEW CLEAN RENEWABLE ENERGY BOND.—For purposes of this subpart, the term 'new clean renewable energy bond' means any bond issued as part of an issue if—

"(1) 100 percent of the available project proceeds of such issue are to be used for capital expenditures incurred by public power providers, governmental bodies, or cooperative electric companies for one or more qualified renewable energy facilities,

"(2) the bond is issued by a qualified issuer, and

"(3) the issuer designates such bond for purposes of this section.

"(b) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

"(1) IN GENERAL.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated under this subsection to such issuer.

"(2) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national new clean renewable energy bond limitation of $2,000,000,000 which shall be allocated by the Secretary as provided in paragraph (3), except that—

"(A) not more than 33 ⅓ percent thereof may be allocated to qualified projects of public power providers,

"(B) not more than 33 ⅓ percent thereof may be allocated to qualified projects of governmental bodies, and

"(C) not more than 33 ⅓ percent thereof may be allocated to qualified projects of cooperative electric companies.

"(3) METHOD OF ALLOCATION.—

"(A) ALLOCATION AMONG PUBLIC POWER PROVIDERS.—After the Secretary determines the qualified projects of public power providers which are appropriate for receiving an allocation of the national new clean renewable energy bond limitation, the Secretary shall, to the maximum extent practicable, make allocations among such projects in such manner that the amount allocated to each such project bears the same ratio to the cost of such project as the limitation under paragraph (2)(A) bears to the cost of all such projects.

"(B) ALLOCATION AMONG GOVERNMENTAL BODIES AND COOPERATIVE ELECTRIC COMPANIES.—The Secretary shall make allocations of the amount of the national new clean renewable energy bond limitation described in paragraphs (2)(B) and (2)(C) among qualified projects of governmental bodies and cooperative electric companies, respectively, in such manner as the Secretary determines appropriate.

"(c) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED RENEWABLE ENERGY FACILITY.—The term 'qualified renewable energy facility' means a qualified facility (as determined under section 45(d) without regard to paragraphs (8) and (10) thereof and to any placed in service date) owned by a public power provider, a governmental body, or a cooperative electric company.

"(2) PUBLIC POWER PROVIDER.—The term 'public power provider' means a State utility with a service obligation, as such terms are defined in section 217 of the Federal Power Act (as in effect on the date of the enactment of this paragraph).

"(3) GOVERNMENTAL BODY.—The term 'governmental body' means any State or Indian tribal government, or any political subdivision thereof.

"(4) COOPERATIVE ELECTRIC COMPANY.—The term 'cooperative electric company' means a mutual or cooperative electric company described in section 501(c)(12) or section 1381(a)(2)(C).

"(5) CLEAN RENEWABLE ENERGY BOND LENDER.—The term 'clean renewable energy bond lender' means a lender which is a cooperative which is owned by, or has outstanding loans to, 100 or more cooperative electric companies and is in existence on February 1, 2002, and shall include any affiliated entity which is controlled by such lender.

"(6) QUALIFIED ISSUER.—The term 'qualified issuer' means a public power provider, a governmental body, a cooperative electric company, a clean renewable energy bond lender, or a not-for-profit electric utility which has received a loan or loan guarantee under the Rural Electrification Act.".

(b) REPORTING.—Subsection (d) of section 6049 (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

"(9) REPORTING OF CREDIT ON QUALIFIED TAX CREDIT BONDS.—

"(A) IN GENERAL.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 54A and such amounts shall be treated as paid on the credit allowance date (as defined in section 54A(e)(1)).

"(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A) of this paragraph, subsection (b)(4) of this section shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i).

"(C) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting.".

(c) CONFORMING AMENDMENTS.—

(1) Sections 54(c)(2) and 1400N(l)(3)(B) are each amended by striking "subpart C" and inserting "subparts C and I".

(2) Section 1397E(c)(2) is amended by striking "subpart H" and inserting "subparts H and I".

(3) Section 6401(b)(1) is amended by striking "and H" and inserting "H, and I".

(4) The heading of subpart H of part IV of subchapter A of chapter 1 is amended by striking "**Certain Bonds**" and inserting "**Clean Renewable Energy Bonds**".

(5) The table of subparts for part IV of subchapter A of chapter 1 is amended by striking the item relating to subpart H and inserting the following new items:

"SUBPART H. NONREFUNDABLE CREDIT TO HOLDERS OF CLEAN RENEWABLE ENERGY BONDS.

"SUBPART I. QUALIFIED TAX CREDIT BONDS.".

(d) EFFECTIVE DATES.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

PART II—PROVISIONS RELATING TO CARBON MITIGATION AND COAL

SEC. 1506. EXPANSION AND MODIFICATION OF ADVANCED COAL PROJECT INVESTMENT CREDIT.

(a) MODIFICATION OF CREDIT AMOUNT.—Section 48A(a) (relating to qualifying advanced coal project credit) is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end the following the paragraph:

"(3) 30 percent of the qualified investment for such taxable year in the case of projects described in clauses (iii) or (iv) of subsection (d)(3)(B).".

(b) EXPANSION OF AGGREGATE CREDITS.—Section 48A(d)(3)(A) (relating to aggregate credits) is amended by striking "$1,300,000,000" and inserting "$2,800,000,000".

(c) AUTHORIZATION OF ADDITIONAL PROJECTS.—

(1) IN GENERAL.—Subparagraph (B) of section 48A(d)(3) (relating to aggregate credits) is amended to read as follows:

"(B) PARTICULAR PROJECTS.—Of the dollar amount in subparagraph (A), the Secretary is authorized to certify—

"(i) $800,000,000 for integrated gasification combined cycle projects the application for which is submitted during the period described in paragraph (2)(A)(i),

"(ii) $500,000,000 for projects which use other advanced coal-based generation technologies the application for which is submitted during the period described in paragraph (2)(A)(i),

"(iii) $1,000,000,000 for integrated gasification combined cycle projects the application for which is submitted during the period described in paragraph (2)(A)(ii), and

"(iv) $500,000,000 for other advanced coal-based generation technology projects the application for which is submitted during the period described in paragraph (2)(A)(ii).".

(2) APPLICATION PERIOD FOR ADDITIONAL PROJECTS.—Subparagraph (A) of section 48A(d)(2) (relating to certification) is amended to read as follows:

"(A) APPLICATION PERIOD.—Each applicant for certification under this paragraph shall submit an application meeting the requirements of subparagraph (B). An applicant may only submit an application—

"(i) for an allocation from the dollar amount specified in clause (i) or (ii) of paragraph (3)(A) during the 3-year period beginning on the date the Secretary establishes the program under paragraph (1), and

"(ii) for an allocation from the dollar amount specified in clause (iii) or (iv) of paragraph (3)(A) during the 3-year period beginning at the earlier of the termination of the period described in clause (i) or the date prescribed by the Secretary.".

(3) CAPTURE AND SEQUESTRATION OF CARBON DIOXIDE EMISSIONS REQUIREMENT.—

(A) IN GENERAL.—Section 48A(e)(1) (relating to requirements) is amended by striking "and" at the end of subparagraph (E), by striking the period at the end of subparagraph (F) and inserting "; and", and by adding at the end the following new subparagraph:

"(G) in the case of any project the application for which is submitted during the period described in subsection (d)(2)(A)(ii), the project includes equipment which separates and sequesters at least 65 percent (70 percent in the case of an application for reallocated credits under subsection (d)(4)) of such project's total carbon dioxide emissions.".

(B) HIGHEST PRIORITY FOR PROJECTS WHICH SEQUESTER CARBON DIOXIDE EMISSIONS.—Section 48A(e)(3) is amended by striking "and" at the end of subparagraph (A)(iii), by striking the period at the end of subparagraph (B)(3) and inserting ", and", and by adding at the end the following new subparagraph:

"(C) give highest priority to projects with the greatest separation and sequestration percentage of total carbon dioxide emissions.".

(C) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—Section 48A (relating to qualifying advanced coal project credit) is amended by adding at the end the following new subsection:

"(h) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—The Secretary shall provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any project which fails to attain or maintain the separation and sequestration requirements of subsection (e)(1)(G).".

(4) ADDITIONAL PRIORITY FOR RESEARCH PARTNERSHIPS.—Section 48A(e)(3)(B), as amended by paragraph (3)(B), is amended—

(A) by striking "and" at the end of clause (ii),

(B) by redesignating clause (iii) as clause (iv), and

(C) by inserting after clause (ii) the following new clause:

"(iii) applicant participants who have a research partnership with an eligible educational institution (as defined in section 529(e)(5)), and".

(5) CLERICAL AMENDMENT.—Section 48A(e)(3) is amended by striking "INTEGRATED GASIFICATION COMBINED CYCLE" in the heading and inserting "CERTAIN".

(d) COMPETITIVE CERTIFICATION AWARDS MODIFICATION AUTHORITY.—Section 48A (relating to qualifying advanced coal project credit), as amended by subsection (c)(3), is amended by adding at the end the following new subsection:

"(i) COMPETITIVE CERTIFICATION AWARDS MODIFICATION AUTHORITY.—In implementing this section or section 48B, the Secretary is directed to modify the terms of any competitive certification award and any associated closing agreement where such modification—

"(1) is consistent with the objectives of such section,

"(2) is requested by the recipient of the competitive certification award, and

"(3) involves moving the project site to improve the potential to capture and sequester carbon dioxide emissions, reduce costs of transporting feedstock, and serve a broader customer base,

unless the Secretary determines that the dollar amount of tax credits available to the taxpayer under such section would increase as a result of the modification or such modification would result in such project not being originally certified. In considering any such modification, the Secretary shall consult with other relevant Federal agencies, including the Department of Energy.".

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to credits the application for which is submitted during the period described in section 48A(d)(2)(A)(ii) of the Internal Revenue Code of 1986 and which are allocated or reallocated after the date of the enactment of this Act.

(2) COMPETITIVE CERTIFICATION AWARDS MODIFICATION AUTHORITY.—The amendment made by subsection (d) shall take effect on the date of the enactment of this Act and is applicable to all competitive certification awards entered into under section 48A or 48B of the Internal Revenue Code of 1986, whether such awards were issued before, on, or after such date of enactment.

(3) TECHNICAL AMENDMENT.—The amendment made by subsection (c)(5) shall take effect as if included in the amendment made by section 1307(b) of the Energy Tax Incentives Act of 2005.

SEC. 1507. EXPANSION AND MODIFICATION OF COAL GASIFICATION INVESTMENT CREDIT.

(a) CREDIT RATE.—Section 48B(a) (relating to qualifying gasification project credit) is amended by inserting "(30 percent in the case of credits allocated under subsection (d)(1)(B))" after "20 percent".

(b) EXPANSION OF AGGREGATE CREDITS.—Section 48B(d)(1) (relating to qualifying gasification project program) is amended by striking "shall not exceed $350,000,000" and all that follows and inserting "shall not exceed—

"(A) $350,000,000, plus

"(B) $500,000,000 for qualifying gasification projects that include equipment which separates and sequesters at least 75 percent of such a project's total carbon dioxide emissions,

under rules similar to the rules of section 48A(d)(4).".

(c) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—Section 48B (relating to qualifying gasification project credit) is amended by adding at the end the following new subsection:

"(f) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—The Secretary shall provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any project which fails to attain or maintain the separation and sequestration requirements for such project under subsection (d)(1).".

(d) SELECTION PRIORITIES.—Section 48B(d) (relating to qualifying gasification project program) is amended by adding at the end the following new paragraph:

"(4) SELECTION PRIORITIES.—In determining which qualifying gasification projects to certify under this section, the Secretary shall—

"(A) give highest priority to projects with the greatest separation and sequestration percentage of total carbon dioxide emissions, and

"(B) give high priority to applicant participants who have a research partnership with an eligible educational institution (as defined in section 529(e)(5)).".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to credits described in section 48B(d)(1)(B) of the Internal Revenue Code of 1986 which are allocated or reallocated after the date of the enactment of this Act.

SEC. 1508. SEVEN-YEAR APPLICABLE RECOVERY PERIOD FOR DEPRECIATION OF QUALIFIED CARBON DIOXIDE PIPELINE PROPERTY.

(a) IN GENERAL.—Section 168(e)(3)(C) (defining 7-year property) is amended by striking "and" at the end of clause (iv), by redesignating clause (v) as clause (vi), and by inserting after clause (iv) the following new clause:

"(v) any qualified carbon dioxide pipeline property—

"(I) the original use of which commences with the taxpayer after the date of the enactment of this clause,

"(II) the original purpose of which is to transport carbon dioxide, and

"(III) which is placed in service before January 1, 2011, and".

(b) DEFINITION OF QUALIFIED CARBON DIOXIDE PIPELINE PROPERTY.—Section 168(e) (relating to classification of property) is amended by inserting at the end the following new paragraph:

"(8) QUALIFIED CARBON DIOXIDE PIPELINE PROPERTY.—

"(A) IN GENERAL.—The term 'qualified carbon dioxide pipeline property' means property which is used in the United States solely to transmit qualified carbon dioxide from the point of capture to a secure geological storage or the point at which such qualified carbon dioxide is used as a tertiary injectant.

"(B) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

"(i) QUALIFIED CARBON DIOXIDE.—The term 'qualified carbon dioxide' means carbon dioxide captured from an industrial source which—

"(I) would otherwise be released into the atmosphere as industrial emission of greenhouse gas, and

"(II) is measured at the source of capture and verified at the point of disposal or injection.

"(ii) SECURE GEOLOGICAL STORAGE.—The Secretary, in consultation with the Secretary of the Interior, the Secretary of Energy, and the Administrator of the Environmental Protection Agency, shall establish regulations for determining adequate security measures for the geological storage of carbon dioxide under subparagraph (A) such that the carbon dioxide does not escape into the atmosphere. Such term shall include storage at deep saline formations and unminable coal seems under such conditions as the Secretary may determine under such regulations.

"(iii) TERTIARY INJECTANT.—The term 'tertiary injectant' has the same meaning as when used within section 193(b)(1).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 1509. SPECIAL RULES FOR REFUND OF THE COAL EXCISE TAX TO CERTAIN COAL PRODUCERS AND EXPORTERS.

(a) REFUND.—

(1) COAL PRODUCERS.—

(A) IN GENERAL.—Notwithstanding subsections (a)(1) and (c) of section 6416 and section 6511 of the Internal Revenue Code of 1986, if—

(i) a coal producer establishes that such coal producer, or a party related to such coal producer, exported coal produced by such coal producer to a foreign country or shipped coal produced by such coal producer to a possession of the United States, or caused such coal to be exported or shipped, the export or shipment of which was other than through an exporter who meets the requirements of paragraph (2),

(ii) such coal producer filed a tax return on or after October 1, 1990, and on or before the date of the enactment of this Act, and

(iii) such coal producer files a claim for refund with the Secretary not later than the close of the 30-day period beginning on the date of the enactment of this Act,

then the Secretary shall pay to such coal producer an amount equal to the tax paid under section 4121 of such Code on such coal exported or shipped by the coal producer or a party related to such coal producer, or caused by the coal producer or a party related to such coal producer to be exported or shipped.

(B) SPECIAL RULES FOR CERTAIN TAXPAYERS.—For purposes of this section—

(i) IN GENERAL.—If a coal producer or a party related to a coal producer has received a judgment described in clause (iii) and has provided evidence as provided under clause (iv), such coal producer shall be deemed to have established the export of coal to a foreign country or shipment of coal to a possession of the United States under subparagraph (A)(i).

(ii) AMOUNT OF PAYMENT.—If a taxpayer described in clause (i) is entitled to a payment under subparagraph (A), the amount of such payment shall be reduced by any amount paid pursuant to the judgment described in clause (iii).

(iii) JUDGMENT DESCRIBED.—A judgment is described in this subparagraph if such judgment—

(I) is made by a court of competent jurisdiction within the United States,

(II) relates to the constitutionality of any tax paid on exported coal under section 4121 of the Internal Revenue Code of 1986, and

(III) is in favor of the coal producer or the party related to the coal producer.

(iv) ESTABLISHMENT OF EXPORT.—For purposes of this section, the Secretary shall accept as proof of export or shipment from a coal producer, at the discretion of the coal producer, either—

(I) a copy or the original of a judgment described in clause (iii) regardless of whether it is subsequently overturned, which shall be deemed to establish the export of coal covered by the judgment, or

(II) a copy or the original of any one of 1 the following: a bill of lading, a commercial invoice, or a shipper's export declaration evidencing that such coal was exported or shipped, or caused to be exported or shipped.

(v) RECAPTURE.—In the case any judgment described in clause (iii) is overturned, the coal producer shall pay to the Secretary the amount of any payment received under subparagraph (A) unless the coal producer establishes the export of the coal to a foreign country or shipment of coal to a possession of the United States.

(2) EXPORTERS.—

(A) IN GENERAL.—Notwithstanding subsections (a)(1) and (c) of section 6416 and section 6511 of the Internal Revenue Code of 1986, and a judgment described in paragraph (1)(B)(iii) of this subsection, if—

(i) an exporter establishes that such exporter exported coal to a foreign country or shipped coal to a possession of the United States, or caused such coal to be so exported or shipped,

(ii) such exporter filed a tax return on or after October 1, 1990, and on or before the date of the enactment of this Act, and

(iii) such exporter files a claim for refund with the Secretary not later than the close of the 30-day period beginning on the date of the enactment of this Act,

then the Secretary shall pay to such exporter an amount equal to $0.825 per ton of such coal exported by the exporter or caused to be exported or shipped, or caused to be exported or shipped, by the exporter.

(B) ESTABLISHMENT OF EXPORT.—For purposes of this section, the Secretary shall accept as proof of export or shipment from a coal exporter a copy or the original of any 1 of the following: a copy or the original of any one of 1 the following: a bill of lading, a commercial invoice, or a shipper's export declaration evidencing that such coal was exported or shipped, or caused to be exported or shipped.

(b) LIMITATIONS.—Subsection (a) shall not apply with respect to exported coal if a settlement with the Federal Government has been made with and accepted by, the coal producer, a party related to such coal producer, or the exporter, of such coal, as of the date that the claim is filed under this section with respect to such exported coal. For purposes of this subsection, the term "settlement with the Federal Government" shall not include any settlement or stipulation entered into as of the date of the enactment of this Act, the terms of which contemplate a judgment concerning which any party has reserved the right to file an appeal, or has filed an appeal.

(c) SUBSEQUENT REFUND PROHIBITED.—No refund shall be made under this section to the extent that a credit or refund of such tax on such exported or shipped coal has been paid to any person.

(d) DEFINITIONS.—For purposes of this section—

(1) COAL PRODUCER.—The term "coal producer" means the person in whom is vested ownership of the coal immediately after the coal is severed from the ground, without regard to the existence of any contractual arrangement for the sale or other disposition of the coal or the payment of any royalties between the producer and third parties. The term includes any person who extracts coal from coal waste refuse piles or from the silt waste product which results from the wet washing (or similar processing) of coal.

(2) EXPORTER.—The term "exporter" means a person, other than a coal producer, who does not have a contract, fee arrangement, or any other agreement with a producer or seller of such coal to export or ship such coal to a third party on behalf of the producer or seller of such coal and—

(A) is indicated in the shipper's export declaration or other documentation as the exporter of record, or

(B) actually exported such coal to a foreign country or shipped such coal to a possession of the United States, or caused such coal to be so exported or shipped.

(3) RELATED PARTY.—The term "a party related to such coal producer" means a person who—

(A) is related to such coal producer through any degree of common management, stock ownership, or voting control,

(B) is related (within the meaning of section 144(a)(3) of such Code) to such coal producer, or

(C) has a contract, fee arrangement, or any other agreement with such coal producer to sell such coal to a third party on behalf of such coal producer.

(4) SECRETARY.—The term "Secretary" means the Secretary of Treasury or the Secretary's designee.

(e) TIMING OF REFUND.—With respect to any claim for refund filed pursuant to this section, the Secretary shall determine whether the requirements of this section are met not later than 180 days after such claim is filed. If the Secretary determines that the requirements of this section are met, the claim for refund shall be paid not later than 180 days after the Secretary makes such determination.

(f) INTEREST.—Any refund paid pursuant to this section shall be paid by the Secretary with interest from the date of overpayment determined by using the overpayment rate and method under section 6621 of such Code.

(g) DENIAL OF DOUBLE BENEFIT.—The payment under subsection (a) with respect to any coal shall not exceed—

(1) in the case of a payment to a coal producer, the amount of tax paid under section 4121 of the Internal Revenue Code of 1986 with respect to such coal by such coal producer or a party related to such coal producer, and

(2) in the case of a payment to an exporter, an amount equal to $0.825 per ton with respect to such coal exported by the exporter or caused to be exported by the exporter.

(h) APPLICATION OF SECTION.—This section applies only to claims on coal exported or shipped on or after October 1, 1990, through the date of the enactment of this Act.

(i) STANDING NOT CONFERRED.—

(1) EXPORTERS.—With respect to exporters, this section shall not confer standing upon an exporter to commence, or intervene in, any judicial or administrative proceeding concerning a claim for refund by a coal producer of any Federal or State tax, fee, or royalty paid by the coal producer.

(2) COAL PRODUCERS.—With respect to coal producers, this section shall not confer standing upon a coal producer to commence, or intervene in, any judicial or administrative proceeding concerning a claim for refund by an exporter of any Federal or State tax, fee, or royalty paid by the producer and alleged to have been passed on to an exporter.

SEC. 1510. EXTENSION OF TEMPORARY INCREASE IN COAL EXCISE TAX.

Paragraph (2) of section 4121(e) (relating to temporary increase termination date) is amended—

(1) by striking "January 1, 2014" in clause (i) and inserting "December 31, 2017", and

(2) by striking "January 1 after 1981" in clause (ii) and inserting "December 31 after 2007".

SEC. 1511. CARBON AUDIT OF THE TAX CODE.

(a) STUDY.—The Secretary of the Treasury shall enter into an agreement with the National Academy of Sciences to undertake a comprehensive review of the Internal Revenue Code of 1986 to identify the types of and specific tax provisions that have the largest effects on carbon and other greenhouse gas emissions and to estimate the magnitude of those effects.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the National Academy of Sciences shall submit to Congress a report containing the results of study authorized under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000 for the period of fiscal years 2008 and 2009.

Subtitle B—Transportation and Domestic Fuel Security

PART I—BIOFUELS

SEC. 1521. CREDIT FOR PRODUCTION OF CELLULOSIC BIOMASS ALCOHOL.

(a) IN GENERAL.—Subsection (a) of section 40 (relating to alcohol used as fuel) is amended by striking "plus" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", plus", and by adding at the end the following new paragraph:

"(4) the cellulosic alcohol producer credit.".

(b) CELLULOSIC ALCOHOL PRODUCER CREDIT.—

(1) IN GENERAL.—Subsection (b) of section 40 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) CELLULOSIC ALCOHOL PRODUCER CREDIT.—

"(A) IN GENERAL.—The cellulosic alcohol producer credit for the taxable year is an amount equal to the applicable amount for each gallon of qualified cellulosic alcohol production.

"(B) APPLICABLE AMOUNT.—For purposes of subparagraph (A), the applicable amount means the excess of—

"(i) $1.01, over

"(ii) the amount of the credit in effect for alcohol which is ethanol under subsection (b)(1) (without regard to subsection (b)(3)) at the time of the qualified cellulosic alcohol production.

"(C) LIMITATION.—

"(i) IN GENERAL.—No credit shall be allowed to any taxpayer under subparagraph (A) with respect to any qualified cellulosic alcohol production during the taxable year in excess of 60,000,000 gallons.

"(ii) AGGREGATION RULE.—For purposes of clause (i), all members of the same controlled group of corporations (within the meaning of section 267(f)) and all persons under common control (within the meaning of section 52(b) but determined by treating an interest of more than 50 percent as a controlling interest) shall be treated as 1 person.

"(iii) PARTNERSHIP, S CORPORATIONS, AND OTHER PASS-THRU ENTITIES.—In the case of a partnership, trust, S corporation, or other pass-thru entity, the limitation contained in clause (i) shall be applied at the entity level and at the partner or similar level.

"(D) QUALIFIED CELLULOSIC ALCOHOL PRODUCTION.—For purposes of this section, the term 'qualified cellulosic alcohol production' means any cellulosic biomass alcohol which is produced by the taxpayer and which during the taxable year—

"(i) is sold by the taxpayer to another person—

"(I) for use by such other person in the production of a qualified alcohol mixture in such other person's trade or business (other than casual off-farm production),

"(II) for use by such other person as a fuel in a trade or business, or

"(III) who sells such cellulosic biomass alcohol at retail to another person and places such cellulosic biomass alcohol in the fuel tank of such other person, or

"(ii) is used or sold by the taxpayer for any purpose described in clause (i).

The qualified cellulosic alcohol production of any taxpayer for any taxable year shall not include any alcohol which is purchased by the taxpayer and with respect to which such producer increases the proof of the alcohol by additional distillation.

"(E) CELLULOSIC BIOMASS ALCOHOL.—

"(i) IN GENERAL.—The term 'cellulosic biomass alcohol' has the meaning given such term under section 168(l)(3), but does not include any alcohol with a proof of less than 150.

"(ii) DETERMINATION OF PROOF.—The determination of the proof of any alcohol shall be made without regard to any added denaturants.

"(F) COORDINATION WITH SMALL ETHANOL PRODUCER CREDIT.—No small ethanol producer credit shall be allowed with respect to any qualified cellulosic alcohol production if credit is determined with respect to such production under this paragraph.

"(G) ALLOCATION OF CELLULOSIC PRODUCER CREDIT TO PATRONS OF COOPERATIVE.—Rules similar to the rules under subsection (g)(6) shall apply for purposes of this paragraph.

"(H) APPLICATION OF PARAGRAPH.—This paragraph shall apply with respect to qualified cellulosic alcohol production after December 31, 2007, and before January 1, 2014.".

(2) TERMINATION DATE NOT TO APPLY.—Subsection (e) of section 40 (relating to termination) is amended—

(A) by inserting "or subsection (b)(5)(H)" after "by reason of paragraph (1)" in paragraph (2), and

(B) by adding at the end the following new paragraph:

"(3) EXCEPTION FOR CELLULOSIC ALCOHOL PRODUCER CREDIT.—Paragraph (1) shall not apply to the portion of the credit allowed under this section by reason of subsection (a)(4).".

(c) ALCOHOL NOT USED AS A FUEL, ETC.—

(1) IN GENERAL.—Paragraph (3) of section 40(d) is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

"(D) CELLULOSIC ALCOHOL PRODUCER CREDIT.—If—

"(i) any credit is determined under subsection (a)(4), and

"(ii) any person does not use such fuel for a purpose described in subsection (b)(5)(D),

then there is hereby imposed on such person a tax equal to the applicable amount for each gallon of such cellulosic biomass alcohol.".

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (C) of section 40(d)(3) is amended by striking "PRODUCER" in the heading and inserting "SMALL ETHANOL PRODUCER".

(B) Subparagraph (E) of section 40(d)(3), as redesignated by paragraph (1), is amended by striking "or (C)" and inserting "(C), or (D)".

(d) LIMITATION TO CELLULOSIC ALCOHOL WITH CONNECTION TO THE UNITED STATES.—Subsection (d) of section 40, as amended by this Act, is amended by adding at the end the following new paragraph:

"(7) LIMITATION TO CELLULOSIC ALCOHOL WITH CONNECTION TO THE UNITED STATES.—No cellulosic alcohol producer credit shall be determined under subsection (a) with respect to any alcohol unless such alcohol is produced in the United States.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced after December 31, 2007.

SEC. 1522. EXPANSION OF SPECIAL ALLOWANCE TO CELLULOSIC BIOMASS ALCOHOL FUEL PLANT PROPERTY.

(a) IN GENERAL.—Paragraph (3) of section 168(l) (relating to special allowance for cellulosic biomass ethanol plant property) is amended to read as follows:

"(3) CELLULOSIC BIOMASS ALCOHOL.—For purposes of this subsection, the term 'cellulosic biomass alcohol' means any alcohol produced from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis.".

(b) CONFORMING AMENDMENTS.—

(1) Subsection (l) of section 168 is amended by striking "cellulosic biomass ethanol" each place it appears and inserting "cellulosic biomass alcohol".

(2) The heading of section 168(l) is amended by striking "CELLULOSIC BIOMASS ETHANOL" and inserting "CELLULOSIC BIOMASS ALCOHOL".

(3) The heading of paragraph (2) of section 168(l) is amended by striking "CELLULOSIC BIOMASS ETHANOL" and inserting "CELLULOSIC BIOMASS ALCOHOL".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 1523. MODIFICATION OF ALCOHOL CREDIT.

(a) INCOME TAX CREDIT.—Subsection (h) of section 40 (relating to reduced credit for ethanol blenders) is amended by adding at the end the following new paragraph:

"(3) REDUCED AMOUNT AFTER SALE OF 7,500,000,000 GALLONS.—

"(A) IN GENERAL.—In the case of any calendar year beginning after the calendar year described in subparagraph (B), the last row in the table in paragraph (2) shall be applied by substituting '46 cents' for '51 cents'.

"(B) CALENDAR YEAR DESCRIBED.—The calendar year described in this subparagraph is the first calendar year beginning after 2007 during which 7,500,000,000 gallons of ethanol (including cellulosic ethanol) have been produced in or imported into the United States, as certified by the Secretary, in consultation with the Administrator of the Environmental Protection Agency.".

(b) EXCISE TAX CREDIT.—

(1) IN GENERAL.—Paragraph (2) of section 6426(b) (relating to alcohol fuel mixture credit) is amended by adding at the end the following new subparagraph:

"(C) REDUCED AMOUNT AFTER SALE OF 7,500,000,000 GALLONS.—In the case of any alcohol fuel mixture produced in a calendar year beginning after the calendar year described in section 40(h)(3)(B), subparagraph (A) shall be applied by substituting '46 cents' for '51 cents'.".

(2) CONFORMING AMENDMENT.—Subparagraph (A) of section 6426(b)(2) is amended by striking "subparagraph (B)" and inserting "subparagraphs (B) and (C)".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 1524. EXTENSION AND MODIFICATION OF CREDITS FOR BIODIESEL AND RENEWABLE DIESEL.

(a) IN GENERAL.—Sections 40A(g), 6426(c)(6), and 6427(e)(5)(B) are each amended by striking "December 31, 2008" and inserting "December 31, 2010".

(b) UNIFORM TREATMENT OF DIESEL PRODUCED FROM BIOMASS.—Paragraph (3) of section 40A(f) is amended—

(1) by striking "using a thermal depolymerization process", and

(2) by striking "or D396" in subparagraph (B) and inserting "or other equivalent standard approved by the Secretary for fuels to be used in diesel-powered highway vehicles".

(c) ELIGIBILITY OF CERTAIN AVIATION FUEL.—Paragraph (3) of section 40A(f) (defining renewable diesel) is amended by adding at the end the following new flush sentence: "The term 'renewable diesel' also means fuel derived from biomass which meets the requirements of a Department of Defense specification for military jet fuel or an American Society of Testing and Materials specification for aviation turbine fuel.".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to fuel produced, and sold or used, after the date of the enactment of this Act.

(2) UNIFORM TREATMENT OF DIESEL PRODUCED FROM BIOMASS.—The amendments made by subsection (b) shall apply to fuel produced, and sold or used, after the date which is 30 days after the date of the enactment of this Act.

SEC. 1525. CLARIFICATION OF ELIGIBILITY FOR RENEWABLE DIESEL CREDIT.

(a) COPRODUCTION WITH PETROLEUM FEEDSTOCK.—

(1) IN GENERAL.—Paragraph (3) of section 40A(f) (defining renewable diesel), as amended by this Act, is amended by adding at the end the following sentence: "Such term does not include any fuel derived from coprocessing biomass with a feedstock which is not biomass. For purposes of this paragraph, the term 'biomass' has the meaning given such term by section 45K(c)(3)."

(2) CONFORMING AMENDMENT.—Paragraph (3) of section 40A(f) is amended by striking "(as defined in section 45K(c)(3))".

(b) CLARIFICATION OF ELIGIBILITY FOR ALTERNATIVE FUEL CREDIT.—

(1) IN GENERAL.—Subparagraph (F) of section 6426(d)(2) is amended by striking "hydrocarbons" and inserting "fuel".

(2) CONFORMING AMENDMENT.—Section 6426 is amended by adding at the end the following new subsection:

"(h) DENIAL OF DOUBLE BENEFIT.—No credit shall be determined under subsection (d) or (e) with respect to any fuel with respect to which credit may be determined under subsection (b) or (c) or under section 40 or 40A.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to fuel produced, and sold or used, after December 31, 2007.

(2) CLARIFICATION OF ELIGIBILITY FOR ALTERNATIVE FUEL CREDIT.—The amendment made by subsection (b) shall take effect as if included in section 11113 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

SEC. 1526. PROVISIONS CLARIFYING TREATMENT OF FUELS WITH NO NEXUS TO THE UNITED STATES.

(a) ALCOHOL FUELS CREDIT.—Subsection (d) of section 40 is amended by adding at the end the following new paragraph:

"(6) LIMITATION TO ALCOHOL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any alcohol which is produced outside the United States for use as a fuel outside the United States. For purposes of this paragraph, the term 'United States' includes any possession of the United States.".

(b) BIODIESEL FUELS CREDIT.—Subsection (d) of section 40A is amended by adding at the end the following new paragraph:

"(5) LIMITATION TO BIODIESEL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any biodiesel which is produced outside the United States for use as a fuel outside the United States. For purposes of this paragraph, the term 'United States' includes any possession of the United States.".

(c) EXCISE TAX CREDIT.—

(1) IN GENERAL.—Section 6426, as amended by this Act, is amended by adding at the end the following new subsection:

"(i) LIMITATION TO FUELS WITH CONNECTION TO THE UNITED STATES.—

"(1) ALCOHOL.—No credit shall be determined under this section with respect to any alcohol which is produced outside the United States for use as a fuel outside the United States.

"(2) BIODIESEL AND ALTERNATIVE FUELS.—No credit shall be determined under this section with respect to any biodiesel or alternative fuel which is produced outside the United States for use as a fuel outside the United States.

For purposes of this subsection, the term 'United States' includes any possession of the United States.".

(2) CONFORMING AMENDMENT.—Subsection (e) of section 6427 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) LIMITATION TO FUELS WITH CONNECTION TO THE UNITED STATES.—No amount shall be payable under paragraph (1) or (2) with respect to any mixture or alternative fuel if credit is not allowed with respect to such mixture or alternative fuel by reason of section 6426(i).".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after the date of the enactment of this Act.

SEC. 1527. COMPREHENSIVE STUDY OF BIOFUELS.

(a) STUDY.—The Secretary of the Treasury, in consultation with the Secretary of Agriculture, the Secretary of Energy, and the Administrator of the Environmental Protection Agency, shall enter into an agreement with the National Academy of Sciences to produce an analysis of current scientific findings to determine—

(1) current biofuels production, as well as projections for future production,

(2) the maximum amount of biofuels production capable on United States farmland,

(3) the domestic effects of a dramatic increase in biofuels production on, for example—

(A) the price of fuel,

(B) the price of land in rural and suburban communities,

(C) crop acreage and other land use,

(D) the environment, due to changes in crop acreage, fertilizer use, runoff, water use, emissions from vehicles utilizing biofuels, and other factors,

(E) the price of feed,

(F) the selling price of grain crops,

(G) exports and imports of grains,

(H) taxpayers, through cost or savings to commodity crop payments, and

(I) the expansion of refinery capacity,

(4) the ability to convert corn ethanol plants for other uses, such as cellulosic ethanol or biodiesel,

(5) a comparative analysis of corn ethanol versus other biofuels and renewable energy sources, considering cost, energy output, and ease of implementation, and

(6) the need for additional scientific inquiry, and specific areas of interest for future research.

(b) REPORT.—The National Academy of Sciences shall submit an initial report of the findings of the report required under subsection (a) to the Congress not later than 3 months after the date of the enactment of this Act, and a final report not later than 6 months after such date of enactment.

PART II—ADVANCED TECHNOLOGY MOTOR VEHICLES

SEC. 1528. CREDIT FOR NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 (relating to other credits) is amended by adding at the end the following new section:

"SEC. 30D. NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

"(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credit amounts determined under subsection (b) with respect to each new qualified plug-in electric drive motor vehicle placed in service by the taxpayer during the taxable year.

"(b) Per Vehicle Dollar Limitation.—

"(1) In general.—The amount determined under this subsection with respect to any new qualified plug-in electric drive motor vehicle is the sum of the amounts determined under paragraphs (2) and (3) with respect to such vehicle.

"(2) Base amount.—The amount determined under this paragraph is $3,000.

"(3) Battery capacity.—In the case of a vehicle which draws propulsion energy from a battery with not less than 5 kilowatt hours of capacity, the amount determined under this paragraph is $200, plus $200 for each kilowatt hour of capacity in excess of 5 kilowatt hours. The amount determined under this paragraph shall not exceed $2,000.

"(c) Application With Other Credits.—

"(1) Business credit treated as part of general business credit.—So much of the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) that is attributable to property of a character subject to an allowance for depreciation shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

"(2) Personal credit.—

"(A) In general.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.

"(B) Limitation based on amount of tax.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall not exceed the excess of—

"(i) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(ii) the sum of the credits allowable under subpart A (other than this section and sections 23 and 25D) and section 27 for the taxable year.

"(d) New Qualified Plug-in Electric Drive Motor Vehicle.—For purposes of this section—

"(1) In general.—The term 'new qualified plug-in electric drive motor vehicle' means a motor vehicle (as defined in section 30(c)(2))—

"(A) the original use of which commences with the taxpayer,

"(B) which is acquired for use or lease by the taxpayer and not for resale,

"(C) which is made by a manufacturer,

"(D) which has a gross vehicle weight rating of less than 14,000 pounds,

"(E) which has received a certificate of conformity under the Clean Air Act and meets or exceeds the Bin 5 Tier II emission standard established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle, and

"(F) which is propelled to a significant extent by an electric motor which draws electricity from a battery which—

"(i) has a capacity of not less than 4 kilowatt hours, and

"(ii) is capable of being recharged from an external source of electricity.

"(2) Exception.—The term 'new qualified plug-in electric drive motor vehicle' shall not include any vehicle which is not a passenger automobile or light truck if such vehicle has a gross vehicle weight rating of less than 8,500 pounds.

"(3) Other terms.—The terms 'passenger automobile', 'light truck', and 'manufacturer' have the meanings given such terms in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

"(4) Battery capacity.—The term 'capacity' means, with respect to any battery, the quantity of electricity which the battery is capable of storing, expressed in kilowatt hours, as measured from a 100 percent state of charge to a 0 percent state of charge.

"(e) Limitation on Number of New Qualified Plug-in Electric Drive Motor Vehicles Eligible for Credit.—

"(1) In general.—In the case of a new qualified plug-in electric drive motor vehicle sold during the phaseout period, only the applicable percentage of the credit otherwise allowable under subsection (a) shall be allowed.

"(2) Phaseout period.—For purposes of this subsection, the phaseout period is the period beginning with the second calendar quarter following the calendar quarter which includes the first date on which the number of new qualified plug-in electric drive motor vehicles manufactured by the manufacturer of the vehicle referred to in paragraph (1) sold for use in the United States after the date of the enactment of this section, is at least 60,000.

"(3) Applicable percentage.—For purposes of paragraph (1), the applicable percentage is—

"(A) 50 percent for the first 2 calendar quarters of the phaseout period,

"(B) 25 percent for the 3d and 4th calendar quarters of the phaseout period, and

"(C) 0 percent for each calendar quarter thereafter.

"(4) Controlled groups.—Rules similar to the rules of section 30B(f)(4) shall apply for purposes of this subsection.

"(f) Special Rules.—

"(1) Basis reduction.—The basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit (determined without regard to subsection (c)).

"(2) Recapture.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit.

"(3) Property used outside United States, etc., not qualified.—No credit shall be allowed under subsection (a) with respect to any property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

"(4) Election not to take credit.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects to not have this section apply to such vehicle.

"(5) Property used by tax-exempt entity; interaction with air quality and motor vehicle safety standards.—Rules similar to the rules of paragraphs (6) and (10) of section 30B(h) shall apply for purposes of this section.".

(b) Coordination With Alternative Motor Vehicle Credit.—Section 30B(d)(3) is amended by adding at the end the following new subparagraph:

"(D) Exclusion of plug-in vehicles.—Any vehicle with respect to which a credit is allowable under section 30D (determined without regard to subsection (c) thereof) shall not be taken into account under this section.".

(c) Credit Made Part of General Business Credit.—Section 38(b), as amended by this Act, is amended—

(1) by striking "and" each place it appears at the end of any paragraph,

(2) by striking "plus" each place it appears at the end of any paragraph,

(3) by striking the period at the end of paragraph (31) and inserting ", plus", and

(4) by adding at the end the following new paragraph:

"(32) the portion of the new qualified plug-in electric drive motor vehicle credit to which section 30D(c)(1) applies.".

(d) Conforming Amendments.—

(1)(A) Section 24(b)(3)(B), as amended by this Act, is amended by striking "and 25D" and inserting "25D, and 30D".

(B) Section 25(e)(1)(C)(ii) is amended by inserting "30D," after "25D,".

(C) Section 25B(g)(2), as amended by this Act, is amended by striking "and 25D" and inserting ", 25D, and 30D".

(D) Section 26(a)(1), as amended by this Act, is amended by striking "and 25D" and inserting "25D, and 30D".

(E) Section 1400C(d)(2) is amended by striking "and 25D" and inserting "25D, and 30D".

(2) Section 1016(a) is amended by striking "and" at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting ", and", and by adding at the end the following new paragraph:

"(38) to the extent provided in section 30D(f)(1).".

(3) Section 6501(m) is amended by inserting "30D(f)(4)," after "30C(e)(5),".

(4) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 30D. New qualified plug-in electric drive motor vehicles.".

(e) Treatment of Alternative Motor Vehicle Credit as a Personal Credit.—

(1) In general.—Paragraph (2) of section 30B(g) is amended to read as follows:

"(2) Personal credit.—The credit allowed under subsection (a) for any taxable year (after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.".

(2) Conforming amendments.—

(A) Subparagraph (A) of section 30C(d)(2) is amended by striking "sections 27, 30, and 30B" and inserting "sections 27 and 30".

(B) Paragraph (3) of section 55(c) is amended by striking "30B(g)(2),".

(f) Conversion Kits.—

(1) In general.—Section 30B (relating to alternative motor vehicle credit) is amended by redesignating subsections (i) and (j) as subsections (j) and (k), respectively, and by inserting after subsection (h) the following new subsection:

"(i) Plug-in Conversion Credit.—

"(1) In general.—For purposes of subsection (a), the plug-in conversion credit determined under this subsection with respect to any motor vehicle which is converted to a qualified plug-in electric drive motor vehicle is an amount equal to 20 percent of the cost of the plug-in traction battery module installed in such vehicle as part of such conversion.

"(2) Limitations.—The amount of the credit allowed under this subsection shall not exceed $2,500 with respect to the conversion of any motor vehicle.

"(3) Definitions and special rules.—For purposes of this subsection—

"(A) Qualified plug-in electric drive motor vehicle.—The term 'qualified plug-in electric drive motor vehicle' means any new qualified plug-in electric drive motor vehicle (as defined in section 30D(d)(1), determined without regard to subparagraphs (A) and (C) thereof).

"(B) PLUG-IN TRACTION BATTERY MODULE.—The term 'plug-in traction battery module' means an electro-chemical energy storage device which—

"(i) has a traction battery capacity of not less than 2.5 kilowatt hours,

"(ii) is equipped with an electrical plug by means of which it can be energized and recharged when plugged into an external source of electric power,

"(iii) consists of a standardized configuration and is mass produced,

"(iv) has been tested and approved by the National Highway Transportation Safety Administration as compliant with applicable motor vehicle and motor vehicle equipment safety standards when installed by a mechanic with standardized training in protocols established by the battery manufacturer as part of a nationwide distribution program, and

"(v) is certified by a battery manufacturer as meeting the requirements of clauses (i) through (iv).

"(C) CREDIT ALLOWED TO LESSOR OF BATTERY MODULE.—In the case of a plug-in traction battery module which is leased to the taxpayer, the credit allowed under this subsection shall be allowed to the lessor of the plug-in traction battery module.

"(D) CREDIT ALLOWED IN ADDITION TO OTHER CREDITS.—The credit allowed under this subsection shall be allowed with respect to a motor vehicle notwithstanding whether a credit has been allowed with respect to such motor vehicle under this section (other than this subsection) in any preceding taxable year.

"(4) TERMINATION.—This subsection shall not apply to conversions made after December 31, 2010.".

(2) CREDIT TREATED AS PART OF ALTERNATIVE MOTOR VEHICLE CREDIT.—Section 30B(a) is amended by striking "and" at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting ", and", and by adding at the end the following new paragraph:

"(5) the plug-in conversion credit determined under subsection (i).".

(3) NO RECAPTURE FOR VEHICLES CONVERTED TO QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.—Paragraph (8) of section 30B(h) is amended by adding at the end the following: ", except that no benefit shall be recaptured if such property ceases to be eligible for such credit by reason of conversion to a qualified plug-in electric drive motor vehicle."

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) TREATMENT OF ALTERNATIVE MOTOR VEHICLE CREDIT AS PERSONAL CREDIT.—The amendments made by subsection (e) shall apply to taxable years beginning after December 31, 2006.

(3) CONVERSION KITS.—The amendments made by subsection (f) shall apply to property placed in service after December 31, 2007, in taxable years beginning after such date.

(h) APPLICATION OF EGTRRA SUNSET.—The amendment made by subsection (d)(1)(A) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provision of such Act to which such amendment relates.

SEC. 1529. EXCLUSION FROM HEAVY TRUCK TAX FOR IDLING REDUCTION UNITS AND ADVANCED INSULATION.

(a) IN GENERAL.—Section 4053 (relating to exemptions) is amended by adding at the end the following new paragraphs:

"(9) IDLING REDUCTION DEVICE.—Any device or system of devices which—

"(A) is designed to provide to a vehicle those services (such as heat, air conditioning, or electricity) that would otherwise require the operation of the main drive engine while the vehicle is temporarily parked or remains stationary using either—

"(i) an all electric unit, such as a battery powered unit or from grid-supplied electricity, or

"(ii) a dual fuel unit powered by diesel or other fuels, and capable of providing such services from grid-supplied electricity or on-truck batteries alone, and

"(B) is certified by the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Transportation, to reduce long-duration idling of such vehicle at a motor vehicle rest stop or other location where such vehicles are temporarily parked or remain stationary.

For purposes of subparagraph (B), the term 'long-duration idling' means the operation of a main drive engine, for a period greater than 15 consecutive minutes, where the main drive engine is not engaged in gear. Such term does not apply to routine stoppages associated with traffic movement or congestion.

"(10) ADVANCED INSULATION.—Any insulation that has an R value of not less than R35 per inch.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales or installations after December 31, 2007.

PART III—OTHER TRANSPORTATION PROVISIONS

SEC. 1530. RESTRUCTURING OF NEW YORK LIBERTY ZONE TAX CREDITS.

(a) IN GENERAL.—Part I of subchapter Y of chapter 1 is amended by redesignating section 1400L as section 1400K and by adding at the end the following new section:

"SEC. 1400L. NEW YORK LIBERTY ZONE TAX CREDITS.

"(a) IN GENERAL.—In the case of a New York Liberty Zone governmental unit, there shall be allowed as a credit against any taxes imposed for any payroll period by section 3402 for which such governmental unit is liable under section 3403 an amount equal to so much of the portion of the qualifying project expenditure amount allocated under subsection (b)(3) to such governmental unit for the calendar year as is allocated by such governmental unit to such period under subsection (b)(4).

"(b) QUALIFYING PROJECT EXPENDITURE AMOUNT.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualifying project expenditure amount' means, with respect to any calendar year, the sum of—

"(A) the total expenditures paid or incurred during such calendar year by all New York Liberty Zone governmental units and the Port Authority of New York and New Jersey for any portion of qualifying projects located wholly within the City of New York, New York, and

"(B) any such expenditures—

"(i) paid or incurred in any preceding calendar year which begins after the date of enactment of this section, and

"(ii) not previously allocated under paragraph (3).

"(2) QUALIFYING PROJECT.—The term 'qualifying project' means any transportation infrastructure project, including highways, mass transit systems, railroads, airports, ports, and waterways, in or connecting with the New York Liberty Zone (as defined in section 1400K(h)), which is designated as a qualifying project under this section jointly by the Governor of the State of New York and the Mayor of the City of New York, New York.

"(3) GENERAL ALLOCATION.—

"(A) IN GENERAL.—The Governor of the State of New York and the Mayor of the City of New York, New York, shall jointly allocate to each New York Liberty Zone governmental unit the portion of the qualifying project expenditure amount which may be taken into account by such governmental unit under subsection (a) for any calendar year in the credit period.

"(B) AGGREGATE LIMIT.—The aggregate amount which may be allocated under subparagraph (A) for all calendar years in the credit period shall not exceed $2,000,000,000.

"(C) ANNUAL LIMIT.—The aggregate amount which may be allocated under subparagraph (A) for any calendar year in the credit period shall not exceed the sum of—

"(i) $115,000,000 ($425,000,000 in the case of the last 2 years in the credit period), plus

"(ii) the aggregate amount authorized to be allocated under this paragraph for all preceding calendar years in the credit period which was not so allocated.

"(D) UNALLOCATED AMOUNTS AT END OF CREDIT PERIOD.—If, as of the close of the credit period, the amount under subparagraph (B) exceeds the aggregate amount allocated under subparagraph (A) for all calendar years in the credit period, the Governor of the State of New York and the Mayor of the City of New York, New York, may jointly allocate to New York Liberty Zone governmental units for any calendar year in the 5-year period following the credit period an amount equal to—

"(i) the lesser of—

"(I) such excess, or

"(II) the qualifying project expenditure amount for such calendar year, reduced by

"(ii) the aggregate amount allocated under this subparagraph for all preceding calendar years.

"(4) ALLOCATION TO PAYROLL PERIODS.—Each New York Liberty Zone governmental unit which has been allocated a portion of the qualifying project expenditure amount under paragraph (3) for a calendar year may allocate such portion to payroll periods beginning in such calendar year as such governmental unit determines appropriate.

"(c) CARRYOVER OF UNUSED ALLOCATIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), if the amount allocated under subsection (b)(3) to a New York Liberty Zone governmental unit for any calendar year exceeds the aggregate taxes imposed by section 3402 for which such governmental unit is liable under section 3403 for periods beginning in such year, such excess shall be carried to the succeeding calendar year and added to the allocation of such governmental unit for such succeeding calendar year.

"(2) REALLOCATION.—If a New York Liberty Zone governmental unit does not use an amount allocated to it under subsection (b)(3) within the time prescribed by the Governor of the State of New York and the Mayor of the City of New York, New York, then such amount shall after such time be treated for purposes of subsection (b)(3) in the same manner as if it had never been allocated.

"(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) CREDIT PERIOD.—The term 'credit period' means the 12-year period beginning on January 1, 2008.

"(2) NEW YORK LIBERTY ZONE GOVERNMENTAL UNIT.—The term 'New York Liberty Zone governmental unit' means—

"(A) the State of New York,

"(B) the City of New York, New York, and

"(C) any agency or instrumentality of such State or City.

"(3) TREATMENT OF FUNDS.—Any expenditure for a qualifying project taken into account for purposes of the credit under this section shall be considered State and local funds for the purpose of any Federal program.

"(4) TREATMENT OF CREDIT AMOUNTS FOR PURPOSES OF WITHHOLDING TAXES.—For purposes of this title, a New York Liberty Zone governmental unit shall be treated as having paid to the Secretary, on the day on which wages are paid to employees, an amount equal to the amount of the credit allowed to such entity under subsection (a) with respect to such wages, but only if such governmental unit deducts and withholds wages for such payroll period under section 3401 (relating to wage withholding).

"(e) REPORTING.—The Governor of the State of New York and the Mayor of the City of New York, New York, shall jointly submit to the Secretary an annual report—

"(1) which certifies—

"(A) the qualifying project expenditure amount for the calendar year, and

"(B) the amount allocated to each New York Liberty Zone governmental unit under subsection (b)(3) for the calendar year, and

"(2) includes such other information as the Secretary may require to carry out this section.

"(f) GUIDANCE.—The Secretary may prescribe such guidance as may be necessary or appropriate to ensure compliance with the purposes of this section.".

(b) TERMINATION OF SPECIAL ALLOWANCE AND EXPENSING.—Subparagraph (A) of section 1400K(b)(2), as redesignated by subsection (a), is amended by striking the parenthetical therein and inserting "(in the case of nonresidential real property and residential rental property, the date of the enactment of the Clean Renewable Energy and Conservation Tax Act of 2007 or, if acquired pursuant to a binding contract in effect on such enactment date, December 31, 2009)".

(c) CONFORMING AMENDMENTS.—

(1) Section 38(c)(3)(B) is amended by striking "section 1400L(a)" and inserting "section 1400K(a)".

(2) Section 168(k)(2)(D)(ii) is amended by striking "section 1400L(c)(2)" and inserting "section 1400K(c)(2)".

(3) The table of sections for part I of subchapter Y of chapter 1 is amended by redesignating the item relating to section 1400L as an item relating to section 1400K and by inserting after such item the following new item:

"Sec. 1400L. New York Liberty Zone tax credits.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 1531. EXTENSION OF TRANSPORTATION FRINGE BENEFIT TO BICYCLE COMMUTERS.

(a) IN GENERAL.—Paragraph (1) of section 132(f) of the Internal Revenue Code of 1986 (relating to general rule for qualified transportation fringe) is amended by adding at the end the following:

"(D) Any qualified bicycle commuting reimbursement.".

(b) LIMITATION ON EXCLUSION.—Paragraph (2) of section 132(f) of such Code is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following new subparagraph:

"(C) the applicable annual limitation in the case of any qualified bicycle commuting reimbursement.".

(c) DEFINITIONS.—Paragraph (5) of section 132(f) of such Code (relating to definitions) is amended by adding at the end the following:

"(F) DEFINITIONS RELATED TO BICYCLE COMMUTING REIMBURSEMENT.—

"(i) QUALIFIED BICYCLE COMMUTING REIMBURSEMENT.—The term 'qualified bicycle commuting reimbursement' means, with respect to any calendar year, any employer reimbursement during the 15-month period beginning with the first day of such calendar year for reasonable expenses incurred by the employee during such calendar year for the purchase of a bicycle and bicycle improvements, repair, and storage, if such bicycle is regularly used for travel between the employee's residence and place of employment.

"(ii) APPLICABLE ANNUAL LIMITATION.—The term 'applicable annual limitation' means, with respect to any employee for any calendar year, the product of $20 multiplied by the number of qualified bicycle commuting months during such year.

"(iii) QUALIFIED BICYCLE COMMUTING MONTH.—The term 'qualified bicycle commuting month' means, with respect to any employee, any month during which such employee—

"(I) regularly uses the bicycle for a substantial portion of the travel between the employee's residence and place of employment, and

"(II) does not receive any benefit described in subparagraph (A), (B), or (C) of paragraph (1).".

(d) CONSTRUCTIVE RECEIPT OF BENEFIT.—Paragraph (4) of section 132(f) is amended by inserting "(other than a qualified bicycle commuting reimbursement)" after "qualified transportation fringe".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 1532. EXTENSION AND MODIFICATION OF ELECTION TO EXPENSE CERTAIN REFINERIES.

(a) EXTENSION.—Paragraph (1) of section 179C(c) (relating to qualified refinery property) is amended—

(1) by striking "January 1, 2012" in subparagraph (B) and inserting "January 1, 2014", and

(2) by striking "January 1, 2008" each place it appears in subparagraph (F) and inserting "January 1, 2010".

(b) INCLUSION OF FUEL DERIVED FROM SHALE AND TAR SANDS.—

(1) IN GENERAL.—Subsection (d) of section 179C is amended by inserting ", or directly from shale or tar sands" after "(as defined in section 45K(c))".

(2) CONFORMING AMENDMENT.—Paragraph (2) of section 179C(e) is amended by inserting "shale, tar sands, or" before "qualified fuels".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

Subtitle C—Energy Conservation and Efficiency

PART I—CONSERVATION TAX CREDIT BONDS

SEC. 1541. QUALIFIED ENERGY CONSERVATION BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1, as added by this title, is amended by adding at the end the following new section:

"SEC. 54C. QUALIFIED ENERGY CONSERVATION BONDS.

"(a) QUALIFIED ENERGY CONSERVATION BOND.—For purposes of this subchapter, the term 'qualified energy conservation bond' means any bond issued as part of an issue if—

"(1) 100 percent of the available project proceeds of such issue are to be used for one or more qualified conservation purposes,

"(2) the bond is issued by a State or local government, and

"(3) the issuer designates such bond for purposes of this section.

"(b) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated to such issuer under subsection (d).

"(c) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national qualified energy conservation bond limitation of $3,000,000,000.

"(d) ALLOCATIONS.—

"(1) IN GENERAL.—The limitation applicable under subsection (c) shall be allocated by the Secretary among the States in proportion to the population of the States.

"(2) ALLOCATIONS TO LARGEST LOCAL GOVERNMENTS.—

"(A) IN GENERAL.—In the case of any State in which there is a large local government, each such local government shall be allocated a portion of such State's allocation which bears the same ratio to the State's allocation (determined without regard to this subparagraph) as the population of such large local government bears to the population of such State.

"(B) ALLOCATION OF UNUSED LIMITATION TO STATE.—The amount allocated under this subsection to a large local government may be reallocated by such local government to the State in which such local government is located.

"(C) LARGE LOCAL GOVERNMENT.—For purposes of this section, the term 'large local government' means any municipality or county if such municipality or county has a population of 100,000 or more.

"(3) ALLOCATION TO ISSUERS; RESTRICTION ON PRIVATE ACTIVITY BONDS.—Any allocation under this subsection to a State or large local government shall be allocated by such State or large local government to issuers within the State in a manner that results in not less than 70 percent of the allocation to such State or large local government being used to designate bonds which are not private activity bonds.

"(e) QUALIFIED CONSERVATION PURPOSE.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified conservation purpose' means any of the following:

"(A) Capital expenditures incurred for purposes of—

"(i) reducing energy consumption in publicly-owned buildings by at least 20 percent,

"(ii) implementing green community programs, or

"(iii) rural development involving the production of electricity from renewable energy resources.

"(B) Expenditures with respect to research facilities, and research grants, to support research in—

"(i) development of cellulosic ethanol or other nonfossil fuels,

"(ii) technologies for the capture and sequestration of carbon dioxide produced through the use of fossil fuels,

"(iii) increasing the efficiency of existing technologies for producing nonfossil fuels,

"(iv) automobile battery technologies and other technologies to reduce fossil fuel consumption in transportation, or

"(v) technologies to reduce energy use in buildings.

"(C) Mass commuting facilities and related facilities that reduce the consumption of energy, including expenditures to reduce pollution from vehicles used for mass commuting.

"(D) Demonstration projects designed to promote the commercialization of—

"(i) green building technology,

"(ii) conversion of agricultural waste for use in the production of fuel or otherwise,

"(iii) advanced battery manufacturing technologies,

"(iv) technologies to reduce peak use of electricity, or

"(v) technologies for the capture and sequestration of carbon dioxide emitted from combusting fossil fuels in order to produce electricity.

"(E) Public education campaigns to promote energy efficiency.

"(2) SPECIAL RULES FOR PRIVATE ACTIVITY BONDS.—For purposes of this section, in the case of any private activity bond, the term 'qualified conservation purposes' shall not include any expenditure which is not a capital expenditure.

"(f) POPULATION.—

"(1) IN GENERAL.—The population of any State or local government shall be determined for purposes of this section as provided in section 146(j) for the calendar year which includes the date of the enactment of this section.

"(2) SPECIAL RULE FOR COUNTIES.—In determining the population of any county for purposes of this section, any population of such county which is taken into account in determining the population of any municipality which is a large local government shall not be taken into account in determining the population of such county.

"(g) APPLICATION TO INDIAN TRIBAL GOVERNMENTS.—An Indian tribal government shall be treated for purposes of this section in the same manner as a large local government, except that—

"(1) an Indian tribal government shall be treated for purposes of subsection (d) as located within a State to the extent of so much of the population of such government as resides within such State, and

"(2) any bond issued by an Indian tribal government shall be treated as a qualified energy conservation bond only if issued as part of an issue the available project proceeds of which are used for purposes for which such Indian tribal government could issue bonds to which section 103(a) applies.".

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d), as added by this title, is amended to read as follows:

"(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means—

"(A) a new clean renewable energy bond, or

"(B) a qualified energy conservation bond, which is part of an issue that meets requirements of paragraphs (2), (3), (4), (5), and (6).".

(2) Subparagraph (C) of section 54A(d)(2), as added by this title, is amended to read as follows:

"(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

"(i) in the case of a new clean renewable energy bond, a purpose specified in section 54B(a)(1), and

"(ii) in the case of a qualified energy conservation bond, a purpose specified in section 54C(a)(1).".

(3) The table of sections for subpart I of part IV of subchapter A of chapter 1, as amended by this title, is amended by adding at the end the following new item:

"Sec. 54C. Qualified energy conservation bonds.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 1542. QUALIFIED FORESTRY CONSERVATION BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1, as added by this title, is amended by adding at the end the following new section:

"SEC. 54D. QUALIFIED FORESTRY CONSERVATION BONDS.

"(a) QUALIFIED FORESTRY CONSERVATION BOND.—For purposes of this subchapter, the term 'qualified forestry conservation bond' means any bond issued as part of an issue if—

"(1) 100 percent of the available proceeds of such issue are to be used for one or more qualified forestry conservation projects,

"(2) the bond is issued by a qualified issuer, and

"(3) the issuer designates such bond for purposes of this section.

"(b) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated to such issuer under subsection (d).

"(c) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national qualified forestry conservation bond limitation of $500,000,000.

"(d) ALLOCATIONS.—

"(1) IN GENERAL.—The Secretary shall make allocations of the amount of the national qualified forestry conservation bond limitation described in subsection (c) among qualified forestry conservation projects in such manner as the Secretary determines appropriate so as to ensure that all of such limitation is allocated before the date which is 24 months after the date of the enactment of this section.

"(2) SOLICITATION OF APPLICATIONS.—The Secretary shall solicit applications for allocations of the national qualified forestry conservation bond limitation described in subsection (c) not later than 90 days after the date of the enactment of this section.

"(e) QUALIFIED FORESTRY CONSERVATION PROJECT.—For purposes of this section, the term 'qualified forestry conservation project' means the acquisition by a State or 501(c)(3) organization (as defined in section 150(a)(4)) from an unrelated person of forest and forest land that meets the following qualifications:

"(1) Some portion of the land acquired must be adjacent to United States Forest Service Land.

"(2) At least half of the land acquired must be transferred to the United States Forest Service at no net cost to the United States and not more than half of the land acquired may either remain with or be donated to a State.

"(3) All of the land must be subject to a native fish habitat conservation plan approved by the United States Fish and Wildlife Service.

"(4) The amount of acreage acquired must be at least 40,000 acres.

"(f) QUALIFIED ISSUER.—For purposes of this section, the term 'qualified issuer' means a State or 501(c)(3) organization (as defined in section 150(a)(4)).

"(g) SPECIAL ARBITRAGE RULE.—In the case of any qualified forestry conservation bond issued as part of an issue, section 54A(d)(4)(C) shall be applied to such issue without regard to clause (i).".

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d), as added by this title, is amended to read as follows:

"(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means—

"(A) a new clean renewable energy bond,

"(B) a qualified energy conservation bond, or

"(C) a qualified forestry conservation bond, which is part of an issue that meets requirements of paragraphs (2), (3), (4), (5), and (6).".

(2) Subparagraph (C) of section 54A(d)(2), as added by this title, is amended to read as follows:

"(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

"(i) in the case of a new clean renewable energy bond, a purpose specified in section 54B(a)(1),

"(ii) in the case of a qualified energy conservation bond, a purpose specified in section 54C(a)(1), and

"(iii) in the case of a qualified forestry conservation bond, a purpose specified in section 54D(a)(1).".

(3) The table of sections for subpart I of part IV of subchapter A of chapter 1, as amended by this title, is amended by adding at the end the following new item:

"Sec. 54C. Qualified forestry conservation bonds.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

PART II—EFFICIENCY

SEC. 1543. EXTENSION AND MODIFICATION OF ENERGY EFFICIENT EXISTING HOMES CREDIT.

(a) EXTENSION OF CREDIT.—Section 25C(g) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) QUALIFIED BIOMASS FUEL PROPERTY.—

(1) IN GENERAL.—Section 25C(d)(3) is amended—

(A) by striking "and" at the end of subparagraph (D),

(B) by striking the period at the end of subparagraph (E) and inserting ", and", and

(C) by adding at the end the following new subparagraph:

"(F) a stove which uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and which has a thermal efficiency rating of at least 75 percent.".

(2) BIOMASS FUEL.—Section 25C(d) (relating to residential energy property expenditures) is amended by adding at the end the following new paragraph:

"(6) BIOMASS FUEL.—The term 'biomass fuel' means any plant-derived fuel available on a renewable or recurring basis, including agricultural crops and trees, wood and wood waste and residues (including wood pellets), plants (including aquatic plants), grasses, residues, and fibers.".

(c) EFFECTIVE DATE.—The amendments made this section shall apply to expenditures made after December 31, 2007.

SEC. 1544. EXTENSION AND MODIFICATION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

Subsection (h) of section 179D (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2013".

SEC. 1545. MODIFICATIONS OF ENERGY EFFICIENT APPLIANCE CREDIT FOR APPLIANCES PRODUCED AFTER 2007.

(a) IN GENERAL.—Subsection (b) of section 45M (relating to applicable amount) is amended to read as follows:

"(b) APPLICABLE AMOUNT.—For purposes of subsection (a)—

"(1) DISHWASHERS.—The applicable amount is—

"(A) $45 in the case of a dishwasher which is manufactured in calendar year 2008 or 2009 and which uses no more than 324 kilowatt hours per year and 5.8 gallons per cycle, and

"(B) $75 in the case of a dishwasher which is manufactured in calendar year 2008, 2009, or 2010 and which uses no more than 307 kilowatt hours per year and 5.0 gallons per cycle (5.5 gallons per cycle for dishwashers designed for greater than 12 place settings).

"(2) CLOTHES WASHERS.—The applicable amount is—

"(A) $75 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 which meets or exceeds a 1.72 modified energy factor and does not exceed a 8.0 water consumption factor,

"(B) $125 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 or 2009 which meets or exceeds a 1.8 modified energy factor and does not exceed a 7.5 water consumption factor,

"(C) $150 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009 or 2010 which meets or exceeds 2.0 modified energy factor and does not exceed a 6.0 water consumption factor, and

"(D) $250 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.2 modified energy factor and does not exceed a 4.5 water consumption factor.

"(3) REFRIGERATORS.—The applicable amount is—

"(A) $50 in the case of a refrigerator which is manufactured in calendar year 2008, and consumes at least 20 percent but not more than 22.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

"(B) $75 in the case of a refrigerator which is manufactured in calendar year 2008 or 2009, and consumes at least 23 percent but no more than 24.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

"(C) $100 in the case of a refrigerator which is manufactured in calendar year 2008, 2009, or 2010, and consumes at least 25 percent but not more than 29.9 percent less kilowatt hours per year than the 2001 energy conservation standards, and

"(D) $200 in the case of a refrigerator manufactured in calendar year 2008, 2009, or 2010 and which consumes at least 30 percent less energy than the 2001 energy conservation standards.".

(b) ELIGIBLE PRODUCTION.—

(1) SIMILAR TREATMENT FOR ALL APPLIANCES.—Subsection (c) of section 45M (relating to eligible production) is amended—

(A) by striking paragraph (2),

(B) by striking "(1) IN GENERAL" and all that follows through "the eligible" and inserting "The eligible", and

(C) by moving the text of such subsection in line with the subsection heading and redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(2) MODIFICATION OF BASE PERIOD.—Paragraph (2) of section 45M(c), as amended by paragraph (1) of this section, is amended by striking "3-calendar year" and inserting "2-calendar year".

(c) TYPES OF ENERGY EFFICIENT APPLIANCES.—Subsection (d) of section 45M (defining types of energy efficient appliances) is amended to read as follows:

"(d) TYPES OF ENERGY EFFICIENT APPLIANCE.—For purposes of this section, the types of energy efficient appliances are—

"(1) dishwashers described in subsection (b)(1),

"(2) clothes washers described in subsection (b)(2), and

"(3) refrigerators described in subsection (b)(3)."

(d) AGGREGATE CREDIT AMOUNT ALLOWED.—

(1) INCREASE IN LIMIT.—Paragraph (1) of section 45M(e) (relating to aggregate credit amount allowed) is amended to read as follows:

"(1) AGGREGATE CREDIT AMOUNT ALLOWED.—The aggregate amount of credit allowed under subsection (a) with respect to a taxpayer for any taxable year shall not exceed $75,000,000 reduced by the amount of the credit allowed under subsection (a) to the taxpayer (or any predecessor) for all prior taxable years beginning after December 31, 2007.".

(2) EXCEPTION FOR CERTAIN REFRIGERATOR AND CLOTHES WASHERS.—Paragraph (2) of section 45M(e) is amended to read as follows:

"(2) AMOUNT ALLOWED FOR CERTAIN REFRIGERATORS AND CLOTHES WASHERS.—Refrigerators described in subsection (b)(3)(D) and clothes washers described in subsection (b)(2)(D) shall not be taken into account under paragraph (1).".

(e) QUALIFIED ENERGY EFFICIENT APPLIANCES.—

(1) IN GENERAL.—Paragraph (1) of section 45M(f) (defining qualified energy efficient appliance) is amended to read as follows:

"(1) QUALIFIED ENERGY EFFICIENT APPLIANCE.—The term 'qualified energy efficient appliance' means—

"(A) any dishwasher described in subsection (b)(1),

"(B) any clothes washer described in subsection (b)(2), and

"(C) any refrigerator described in subsection (b)(3).".

(2) CLOTHES WASHER.—Section 45M(f)(3) (defining clothes washer) is amended by inserting "commercial" before "residential" the second place it appears.

(3) TOP-LOADING CLOTHES WASHER.—Subsection (f) of section 45M (relating to definitions) is amended by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively, and by inserting after paragraph (3) the following new paragraph:

"(4) TOP-LOADING CLOTHES WASHER.—The term 'top-loading clothes washer' means a clothes washer which has the clothes container compartment access located on the top of the machine and which operates on a vertical axis.".

(4) REPLACEMENT OF ENERGY FACTOR.—Section 45M(f)(7), as redesignated by paragraph (3), is amended to read as follows:

"(7) MODIFIED ENERGY FACTOR.—The term 'modified energy factor' means the modified energy factor established by the Department of Energy for compliance with the Federal energy conservation standard.".

(5) GALLONS PER CYCLE; WATER CONSUMPTION FACTOR.—Section 45M(f) (relating to definitions) is amended by adding at the end the following:

"(9) GALLONS PER CYCLE.—The term 'gallons per cycle' means, with respect to a dishwasher, the amount of water, expressed in gallons, required to complete a normal cycle of a dishwasher.

"(10) WATER CONSUMPTION FACTOR.—The term 'water consumption factor' means, with respect to a clothes washer, the quotient of the total weighted per-cycle water consumption divided by the cubic foot (or liter) capacity of the clothes washer.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2007.

SEC. 1546. SEVEN-YEAR APPLICABLE RECOVERY PERIOD FOR DEPRECIATION OF QUALIFIED ENERGY MANAGEMENT DEVICES.

(a) IN GENERAL.—Section 168(e)(3)(C) (relating to 7-year property), as amended by this Act, is amended by striking "and" at the end of clause (v), by redesignating clause (vi) as clause (vii), and by inserting after clause (v) the following new clause:

"(vi) any qualified energy management device, and".

(b) DEFINITION OF QUALIFIED ENERGY MANAGEMENT DEVICE.—Section 168(i) (relating to definitions and special rules) is amended by inserting at the end the following new paragraph:

"(18) QUALIFIED ENERGY MANAGEMENT DEVICE.—

"(A) IN GENERAL.—The term 'qualified energy management device' means any energy management device which is installed on real property of a customer of the taxpayer and is placed in service by a taxpayer who—

"(i) is a supplier of electric energy or a provider of electric energy services, and

"(ii) provides all commercial and residential customers of such supplier or provider with net metering upon the request of such customer.

"(B) ENERGY MANAGEMENT DEVICE.—For purposes of subparagraph (A), the term 'energy management device' means any time-based meter and related communication equipment which is capable of being used by the taxpayer as part of a system that—

"(i) measures and records electricity usage data on a time-differentiated basis in at least 24 separate time segments per day,

"(ii) provides for the exchange of information between supplier or provider and the customer's energy management device in support of time-based rates or other forms of demand response, and

"(iii) provides data to such supplier or provider so that the supplier or provider can provide energy usage information to customers electronically.

"(C) NET METERING.—For purposes of subparagraph (A), the term 'net metering' means allowing customers a credit for providing electricity to the supplier or provider.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007.

Subtitle D—Other Provisions

PART I—FORESTRY PROVISIONS

SEC. 1551. DEDUCTION FOR QUALIFIED TIMBER GAIN.

(a) IN GENERAL.—Part I of subchapter P of chapter 1 is amended by adding at the end the following new section:

"SEC. 1203. DEDUCTION FOR QUALIFIED TIMBER GAIN.

"(a) In General.—In the case of a taxpayer which elects the application of this section for a taxable year, there shall be allowed a deduction against gross income in an amount equal to 60 percent of the lesser of—

"(1) the taxpayer's qualified timber gain for such year, or

"(2) the taxpayer's net capital gain for such year.

"(b) Qualified Timber Gain.—For purposes of this section, the term 'qualified timber gain' means, with respect to any taxpayer for any taxable year, the excess (if any) of—

"(1) the sum of the taxpayer's gains described in subsections (a) and (b) of section 631 for such year, over

"(2) the sum of the taxpayer's losses described in such subsections for such year.

"(c) Special Rules for Pass-Thru Entities.—

"(1) In the case of any qualified timber gain of a pass-thru entity (as defined in section 1(h)(10)) other than a real estate investment trust, the election under this section shall be made separately by each taxpayer subject to tax on such gain.

"(2) In the case of any qualified timber gain of a real estate investment trust, the election under this section shall be made by the real estate investment trust.

"(d) Election.—An election under this section may be made only with respect to the first taxable year beginning after the date of the enactment of this section.".

(b) Coordination With Maximum Capital Gains Rates.—

(1) Taxpayers other than corporations.—Paragraph (2) of section 1(h) is amended to read as follows:

"(2) Reduction of net capital gain.—For purposes of this subsection, the net capital gain for any taxable year shall be reduced (but not below zero) by the sum of—

"(A) the amount which the taxpayer takes into account as investment income under section 163(d)(4)(B)(iii), and

"(B) in the case of a taxable year with respect to which an election is in effect under section 1203, the taxpayer's qualified timber gain (as defined in section 1203(b)).".

(2) Corporations.—Section 1201 is amended by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following new subsection:

"(b) Qualified Timber Gain Not Taken Into Account.—For purposes of this section, in the case of a corporation with respect to which an election is in effect under section 1203, the net capital gain for any taxable year shall be reduced (but not below zero) by the corporation's qualified timber gain (as defined in section 1203(b)).".

(c) Deduction Allowed Whether or Not Individual Itemizes Other Deductions.—Subsection (a) of section 62 is amended by inserting before the last sentence the following new paragraph:

"(22) Qualified timber gains.—The deduction allowed by section 1203.".

(d) Deduction Allowed in Computing Adjusted Current Earnings.—Subparagraph (C) of section 56(g)(4) is amended by adding at the end the following new clause:

"(vii) Deduction for qualified timber gain.—Clause (i) shall not apply to any deduction allowed under section 1203.".

(e) Deduction Allowed in Computing Taxable Income of Electing Small Business Trusts.—Subparagraph (C) of section 641(c)(2) is amended by inserting after clause (iv) the following new clause:

"(v) The deduction allowed under section 1203.".

(f) Treatment of Qualified Timber Gain of Real Estate Investment Trusts.—Paragraph (3) of section 857(b) is amended by inserting after subparagraph (F) the following new subparagraph:

"(G) Treatment of qualified timber gain.—For purposes of this part, in the case of a real estate investment trust with respect to which an election is in effect under section 1203—

"(i) Reduction of net capital gain.—The net capital gain of the real estate investment trust for any taxable year shall be reduced (but not below zero) by the real estate investment trust's qualified timber gain (as defined in section 1203(b)).

"(ii) Adjustment to shareholder's basis attributable to deduction for qualified timber gains.—

"(I) In general.—The adjusted basis of shares in the hands of the shareholder shall be increased by the amount of the deduction allowable under section 1203(a) as provided in subclauses (II) and (III).

"(II) Allocation of basis increase for distributions made during taxable year.—For any taxable year of a real estate investment trust for which an election is in effect under section 1203, in the case of a distribution made with respect to shares during such taxable year of amounts attributable to the deduction allowable under section 1203(a), the adjusted basis of such shares shall be increased by the amount of such distributions.

"(III) Allocation of excess.—If the deduction allowable under section 1203(a) for a taxable year exceeds the amount of distributions described in subclause (II), the excess shall be allocated to every shareholder of the real estate investment trust at the close of the trust's taxable year in the same manner as if a distribution of such excess were made with respect to such shares.

"(IV) Designations.—To the extent provided in regulations, a real estate investment trust shall designate the amounts described in subclauses (II) and (III) in a manner similar to the designations provided with respect to capital gains described in subparagraphs (C) and (D).

"(V) Definitions.—As used in this subparagraph, the terms 'share' and 'shareholder' shall include beneficial interests and holders of beneficial interests, respectively.

"(iii) Earnings and profits deduction for qualified timber gains.—The deduction allowable under section 1203(a) for a taxable year shall be allowed as a deduction in computing the earnings and profits of the real estate investment trust for such taxable year. The earnings and profits of any such shareholder which is a corporation shall be appropriately adjusted in accordance with regulations prescribed by the Secretary.".

(g) Loss Attributable to Basis Adjustment for Deduction for Qualified Timber Gain of Real Estate Investment Trusts.—

(1) Section 857(b)(8) is amended by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting after subparagraph (A) the following new subparagraph:

"(B) Loss attributable to basis adjustment for deduction for qualified timber gain.—If—

"(i) a shareholder of a real estate investment trust receives a basis adjustment provided under subsection (b)(3)(G)(ii), and

"(ii) the taxpayer has held such share or interest for 6 months or less,

then any loss on the sale or exchange of such share or interest shall, to the extent of the amount described in clause (i), be disallowed.".

(2) Subparagraph (D) of section 857(b)(8), as redesignated by paragraph (1), is amended by striking "subparagraph (A)" and inserting "subparagraphs (A) and (B)".

(h) Conforming Amendments.—

(1) Subparagraph (B) of section 172(d)(2) is amended to read as follows:

"(B) the exclusion under section 1202, and the deduction under section 1203, shall not be allowed.".

(2) Paragraph (4) of section 642(c) is amended by striking the first sentence and inserting "To the extent that the amount otherwise allowable as a deduction under this subsection consists of gain described in section 1202(a) or qualified timber gain (as defined in section 1203(b)), proper adjustment shall be made for any exclusion allowable to the estate or trust under section 1202 and for any deduction allowable to the estate or trust under section 1203."

(3) Paragraph (3) of section 643(a) is amended by striking the last sentence and inserting "The exclusion under section 1202 and the deduction under section 1203 shall not be taken into account.".

(4) Subparagraph (C) of section 643(a)(6) is amended to read as follows:

"(C) Paragraph (3) shall not apply to a foreign trust. In the case of such a trust—

"(i) there shall be included gains from the sale or exchange of capital assets, reduced by losses from such sales or exchanges to the extent such losses do not exceed gains from such sales or exchanges, and

"(ii) the deduction under section 1203 shall not be taken into account.".

(5) Paragraph (4) of section 691(c) is amended by inserting "1203," after "1202,".

(6) Paragraph (2) of section 871(a) is amended by inserting "or 1203," after "1202,".

(7) The table of sections for part I of subchapter P of chapter 1 is amended by adding at the end the following new item:

"Sec. 1203. Deduction for qualified timber gain.".

(i) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 1552. EXCISE TAX NOT APPLICABLE TO SECTION 1203 DEDUCTION OF REAL ESTATE INVESTMENT TRUSTS.

(a) In General.—

(1) Ordinary income.—Subparagraph (B) of section 4981(e)(1) is amended to read as follows:

"(B) by not taking into account—

"(i) any gain or loss from the sale or exchange of capital assets (determined without regard to any reduction that would be applied for purposes of section 857(b)(3)(G)(i)), and

"(ii) any deduction allowable under section 1203, and".

(2) Capital gain net income.—Section 4981(e)(2) is amended by adding at the end the following new subparagraph:

"(D) Qualified timber gain.—The amount determined under subparagraph (A) shall be determined without regard to any reduction that would be applied for purposes of section 857(b)(3)(G)(i) but shall be reduced for any deduction allowable under section 1203 for such calendar year.".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 1553. TIMBER REIT MODERNIZATION.

(a) In General.—Section 856(c)(5) is amended by adding after subparagraph (G) the following new subparagraph:

"(H) Treatment of timber gains.—

"(i) IN GENERAL.—Gain from the sale of real property described in paragraph (2)(D) and (3)(C) shall include gain which is—

"(I) recognized by an election under section 631(a) from timber owned by the real estate investment trust, the cutting of which is provided by a taxable REIT subsidiary of the real estate investment trust;

"(II) recognized under section 631(b); or

"(III) income which would constitute gain under subclause (I) or (II) but for the failure to meet the 1-year holding period requirement.

"(ii) SPECIAL RULES.—

"(I) For purposes of this subtitle, cut timber, the gain of which is recognized by a real estate investment trust pursuant to an election under section 631(a) described in clause (i)(I) or so much of clause (i)(III) as relates to clause (i)(I), shall be deemed to be sold to the taxable REIT subsidiary of the real estate investment trust on the first day of the taxable year.

"(II) For purposes of this subtitle, income described in this subparagraph shall not be treated as gain from the sale of property described in section 1221(a)(1).

"(iii) TERMINATION.—This subparagraph shall not apply to dispositions after the termination date.".

(b) TERMINATION DATE.—Subsection (c) of section 856 is amended by adding at the end the following new paragraph:

"(8) TERMINATION DATE.—For purposes of this subsection, the term 'termination date' means the last day of the first taxable year beginning after the date of the enactment of this paragraph.".

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to dispositions in taxable years beginning after the date of the enactment of this Act.

SEC. 1554. MINERAL ROYALTY INCOME QUALIFYING INCOME FOR TIMBER REITS.

(a) IN GENERAL.—Section 856(c)(2) is amended by striking "and" at the end of subparagraph (G), by inserting "and" at the end of subparagraph (H), and by adding after subparagraph (H) the following new subparagraph:

"(I) mineral royalty income earned in the first taxable year beginning after the date of the enactment of this subparagraph from real property owned by a timber real estate investment trust held, or once held, in connection with the trade or business of producing timber by such real estate investment trust;".

(b) TIMBER REAL ESTATE INVESTMENT TRUST.—Section 856(c)(5), as amended by this Act, is amended by adding after subparagraph (H) the following new subparagraph:

"(I) TIMBER REAL ESTATE INVESTMENT TRUST.—The term 'timber real estate investment trust' means a real estate investment trust in which more than 50 percent in value of its total assets consists of real property held in connection with the trade or business of producing timber.".

(c) EFFECTIVE DATE.—The amendments by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 1555. MODIFICATION OF TAXABLE REIT SUBSIDIARY ASSET TEST FOR TIMBER REITS.

(a) IN GENERAL.—Section 856(c)(4)(B)(ii) is amended by inserting "(in the case of a quarter which closes on or before the termination date, 25 percent in the case of a timber real estate investment trust)" after "not more than 20 percent of the value of its total assets is represented by securities of one or more taxable REIT subsidiaries".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 1556. SAFE HARBOR FOR TIMBER PROPERTY.

(a) IN GENERAL.—Section 857(b)(6) (relating to income from prohibited transactions) is amended by adding at the end the following new subparagraph:

"(G) SPECIAL RULES FOR SALES TO QUALIFIED ORGANIZATIONS.—

"(i) IN GENERAL.—In the case of sale of a real estate asset (as defined in section 856(c)(5)(B)) to a qualified organization (as defined in section 170(h)(3)) exclusively for conservation purposes (within the meaning of section 170(h)(1)(C)), subparagraph (D) shall be applied—

"(I) by substituting '2 years' for '4 years' in clause (i), and

"(II) by substituting '2-year period' for '4-year period' in clauses (ii) and (iii).

"(ii) TERMINATION.—This subparagraph shall not apply to sales after the termination date.".

(b) PROHIBITED TRANSACTIONS.—Section 857(b)(6)(D)(v) is amended by inserting "or, in the case of a sale on or before the termination date, a taxable REIT subsidiary" after "independent contractor (as defined in section 856(d)(3)) from whom the trust itself does not derive or receive any income".

(c) SALES THAT ARE NOT PROHIBITED TRANSACTIONS.—Section 857(b)(6), as amended by subsection (a), is amended by adding at the end the following new subparagraph:

"(H) SALES OF PROPERTY THAT ARE NOT A PROHIBITED TRANSACTION.—In the case of a sale on or before the termination date, the sale of property which is not a prohibited transaction through application of subparagraph (D) shall be considered property held for investment or for use in a trade or business and not property described in section 1221(a)(1) for all purposes of this subtitle.".

(d) TERMINATION DATE.—Section 857(b)(6), as amended by subsections (a) and (c), is amended by adding at the end the following new subparagraph:

"(I) TERMINATION DATE.—For purposes of this paragraph, the term 'termination date' means the last day of the first taxable year beginning after the date of the enactment of this subparagraph.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to dispositions in taxable years beginning after the date of the enactment of this Act.

PART II—EXXON VALDEZ

SEC. 1557. INCOME AVERAGING FOR AMOUNTS RECEIVED IN CONNECTION WITH THE EXXON VALDEZ LITIGATION.

(a) INCOME AVERAGING OF AMOUNTS RECEIVED FROM THE EXXON VALDEZ LITIGATION.—For purposes of section 1301 of the Internal Revenue Code of 1986—

(1) any qualified taxpayer who receives any qualified settlement income in any taxable year shall be treated as engaged in a fishing business (determined without regard to the commercial nature of the business), and

(2) such qualified settlement income shall be treated as income attributable to such a fishing business for such taxable year.

(b) CONTRIBUTIONS OF AMOUNTS RECEIVED TO RETIREMENT ACCOUNTS.—

(1) IN GENERAL.—Any qualified taxpayer who receives qualified settlement income during the taxable year may, at any time before the end of the taxable year in which such income was received, make one or more contributions to an eligible retirement plan of which such qualified taxpayer is a beneficiary in an aggregate amount not to exceed the lesser of—

(A) $100,000 (reduced by the amount of qualified settlement income contributed to an eligible retirement plan in prior taxable years pursuant to this subsection), or

(B) the amount of qualified settlement income received by the individual during the taxable year.

(2) TIME WHEN CONTRIBUTIONS DEEMED MADE.—For purposes of paragraph (1), a qualified taxpayer shall be deemed to have made a contribution to an eligible retirement plan on the last day of the taxable year in which such income is received if the contribution is made on account of such taxable year and is made not later than the time prescribed by law for filing the return for such taxable year (not including extensions thereof).

(3) TREATMENT OF CONTRIBUTIONS TO ELIGIBLE RETIREMENT PLANS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to qualified settlement income, then—

(A) except as provided in paragraph (4)—

(i) to the extent of such contribution, the qualified settlement income shall not be included in taxable income, and

(ii) for purposes of section 72 of such Code, such contribution shall not be considered to be investment in the contract,

(B) the qualified taxpayer shall, to the extent of the amount of the contribution, be treated—

(i) as having received the qualified settlement income—

(I) in the case of a contribution to an individual retirement plan (as defined under section 7701(a)(37) of such Code), in a distribution described in section 408(d)(3) of such Code, and

(II) in the case of any other eligible retirement plan, in an eligible rollover distribution (as defined under section 402(f)(2) of such Code), and

(ii) as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution,

(C) section 408(d)(3)(B) of the Internal Revenue Code of 1986 shall not apply with respect to amounts treated as a rollover under this paragraph, and

(D) section 408A(c)(3)(B) of the Internal Revenue Code of 1986 shall not apply with respect to amounts contributed to a Roth IRA (as defined under section 408A(b) of such Code) or a designated Roth contribution to an applicable retirement plan (within the meaning of section 402A of such Code) under this paragraph.

(4) SPECIAL RULE FOR ROTH IRAS AND ROTH 401(k)S.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to qualified settlement income to a Roth IRA (as defined under section 408A(b) of such Code) or as a designated Roth contribution to an applicable retirement plan (within the meaning of section 402A of such Code), then—

(A) the qualified settlement income shall be includible in taxable income, and

(B) for purposes of section 72 of such Code, such contribution shall be considered to be investment in the contract.

(5) ELIGIBLE RETIREMENT PLAN.—For purpose of this subsection, the term "eligible retirement plan" has the meaning given such term under section 402(c)(8)(B) of the Internal Revenue Code of 1986.

(c) TREATMENT OF QUALIFIED SETTLEMENT INCOME UNDER EMPLOYMENT TAXES.—

(1) SECA.—For purposes of chapter 2 of the Internal Revenue Code of 1986 and section 211 of the Social Security Act, no portion of qualified settlement income received by a qualified taxpayer shall be treated as self-employment income.

(2) FICA.—For purposes of chapter 21 of the Internal Revenue Code of 1986 and section 209 of the Social Security Act, no portion of qualified settlement income received by a qualified taxpayer shall be treated as wages.

(d) QUALIFIED TAXPAYER.—For purposes of this section, the term "qualified taxpayer" means—

(1) any individual who is a plaintiff in the civil action *In re Exxon Valdez*, No. 89-095-CV (HRH) (Consolidated) (D. Alaska); or

(2) any individual who is a beneficiary of the estate of such a plaintiff who—

(A) acquired the right to receive qualified settlement income from that plaintiff; and

(B) was the spouse or an immediate relative of that plaintiff.

(e) QUALIFIED SETTLEMENT INCOME.—For purposes of this section, the term "qualified settlement income" means any interest and punitive damage awards which are—

(1) otherwise includible in taxable income, and

(2) received (whether as lump sums or periodic payments) in connection with the civil action *In re Exxon Valdez*, No. 89-095-CV (HRH) (Consolidated) (D. Alaska) (whether pre- or post-judgment and whether related to a settlement or judgment).

PART III—ELECTRIC TRANSMISSION FACILITIES

SEC. 1558. TAX-EXEMPT FINANCING OF CERTAIN ELECTRIC TRANSMISSION FACILITIES.

(a) IN GENERAL.—Subsection (a) of section 142 is amended—

(1) by striking "or" at the end of paragraph (14),

(2) by striking the period at the end of paragraph (15) and inserting ", or", and

(3) by inserting at the end the following new paragraph:

"(16) qualified electric transmission facilities.".

(b) DEFINITION.—Section 142 is amended by inserting at the end the following new subsection:

"(n) QUALIFIED ELECTRIC TRANSMISSION FACILITIES.—

"(1) IN GENERAL.—For purposes of subsection (a)(16), the term 'qualified electric transmission facility' means any electric transmission facility which is owned by—

"(A) a State or political subdivision of a State, or any agency, authority, or instrumentality of any of the foregoing, providing electric service, directly or indirectly to the public, or

"(B) a State or political subdivision of a State expressly authorized under State law to finance and own electric transmission facilities.

"(2) TERMINATION.—Subsection (a)(16) shall not apply with respect to any bond issued after December 31, 2012.".

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after December 31, 2009.

Subtitle E—Revenue Provisions

SEC. 1561. DENIAL OF DEDUCTION FOR MAJOR INTEGRATED OIL COMPANIES FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, GAS, OR PRIMARY PRODUCTS THEREOF.

(a) IN GENERAL.—Subparagraph (B) of section 199(c)(4) (relating to exceptions) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", or", and by inserting after clause (iii) the following new clause:

"(iv) in the case of any major integrated oil company (as defined in section 167(h)(5)(B)), the production, refining, processing, transportation, or distribution of oil, gas, or any primary product thereof during any taxable year described in section 167(h)(5)(B).".

(b) PRIMARY PRODUCT.—Section 199(c)(4)(B) is amended by adding at the end the following flush sentence:

"For purposes of clause (iv), the term 'primary product' has the same meaning as when used in section 927(a)(2)(C), as in effect before its repeal.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 1562. ELIMINATION OF THE DIFFERENT TREATMENT OF FOREIGN OIL AND GAS EXTRACTION INCOME AND FOREIGN OIL RELATED INCOME FOR PURPOSES OF THE FOREIGN TAX CREDIT.

(a) IN GENERAL.—Subsections (a) and (b) of section 907 (relating to special rules in case of foreign oil and gas income) are amended to read as follows:

"(a) REDUCTION IN AMOUNT ALLOWED AS FOREIGN TAX UNDER SECTION 901.—In applying section 901, the amount of any foreign oil and gas taxes paid or accrued (or deemed to have been paid) during the taxable year which would (but for this subsection) be taken into account for purposes of section 901 shall be reduced by the amount (if any) by which the amount of such taxes exceeds the product of—

"(1) the amount of the combined foreign oil and gas income for the taxable year,

"(2) multiplied by—

"(A) in the case of a corporation, the percentage which is equal to the highest rate of tax specified under section 11(b), or

"(B) in the case of an individual, a fraction the numerator of which is the tax against which the credit under section 901(a) is taken and the denominator of which is the taxpayer's entire taxable income.

"(b) COMBINED FOREIGN OIL AND GAS INCOME; FOREIGN OIL AND GAS TAXES.—For purposes of this section—

"(1) COMBINED FOREIGN OIL AND GAS INCOME.—The term 'combined foreign oil and gas income' means, with respect to any taxable year, the sum of—

"(A) foreign oil and gas extraction income, and

"(B) foreign oil related income.

"(2) FOREIGN OIL AND GAS TAXES.—The term 'foreign oil and gas taxes' means, with respect to any taxable year, the sum of—

"(A) oil and gas extraction taxes, and

"(B) any income, war profits, and excess profits taxes paid or accrued (or deemed to have been paid or accrued under section 902 or 960) during the taxable year with respect to foreign oil related income (determined without regard to subsection (c)(4)) or loss which would be taken into account for purposes of section 901 without regard to this section.".

(b) RECAPTURE OF FOREIGN OIL AND GAS LOSSES.—Paragraph (4) of section 907(c) (relating to recapture of foreign oil and gas extraction losses by recharacterizing later extraction income) is amended to read as follows:

"(4) RECAPTURE OF FOREIGN OIL AND GAS LOSSES BY RECHARACTERIZING LATER COMBINED FOREIGN OIL AND GAS INCOME.—

"(A) IN GENERAL.—The combined foreign oil and gas income of a taxpayer for a taxable year (determined without regard to this paragraph) shall be reduced—

"(i) first by the amount determined under subparagraph (B), and

"(ii) then by the amount determined under subparagraph (C).

The aggregate amount of such reductions shall be treated as income (from sources without the United States) which is not combined foreign oil and gas income.

"(B) REDUCTION FOR PRE-2008 FOREIGN OIL EXTRACTION LOSSES.—The reduction under this paragraph shall be equal to the lesser of—

"(i) the foreign oil and gas extraction income of the taxpayer for the taxable year (determined without regard to this paragraph), or

"(ii) the excess of—

"(I) the aggregate amount of foreign oil extraction losses for preceding taxable years beginning after December 31, 1982, and before January 1, 2008, over

"(II) so much of such aggregate amount as was recharacterized under this paragraph (as in effect before and after the date of the enactment of the Clean Renewable Energy and Conservation Tax Act of 2007) for preceding taxable years beginning after December 31, 1982.

"(C) REDUCTION FOR POST-2007 FOREIGN OIL AND GAS LOSSES.—The reduction under this paragraph shall be equal to the lesser of—

"(i) the combined foreign oil and gas income of the taxpayer for the taxable year (determined without regard to this paragraph), reduced by an amount equal to the reduction under subparagraph (A) for the taxable year, or

"(ii) the excess of—

"(I) the aggregate amount of foreign oil and gas losses for preceding taxable years beginning after December 31, 2007, over

"(II) so much of such aggregate amount as was recharacterized under this paragraph for preceding taxable years beginning after December 31, 2007.

"(D) FOREIGN OIL AND GAS LOSS DEFINED.—

"(i) IN GENERAL.—For purposes of this paragraph, the term 'foreign oil and gas loss' means the amount by which—

"(I) the gross income for the taxable year from sources without the United States and its possessions (whether or not the taxpayer chooses the benefits of this subpart for such taxable year) taken into account in determining the combined foreign oil and gas income for such year, is exceeded by

"(II) the sum of the deductions properly apportioned or allocated thereto.

"(ii) NET OPERATING LOSS DEDUCTION NOT TAKEN INTO ACCOUNT.—For purposes of clause (i), the net operating loss deduction allowable for the taxable year under section 172(a) shall not be taken into account.

"(iii) EXPROPRIATION AND CASUALTY LOSSES NOT TAKEN INTO ACCOUNT.—For purposes of clause (i), there shall not be taken into account—

"(I) any foreign expropriation loss (as defined in section 172(h) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990)) for the taxable year, or

"(II) any loss for the taxable year which arises from fire, storm, shipwreck, or other casualty, or from theft,

to the extent such loss is not compensated for by insurance or otherwise.

"(iv) FOREIGN OIL EXTRACTION LOSS.—For purposes of subparagraph (B)(ii)(I), foreign oil extraction losses shall be determined under this paragraph as in effect on the day before the date of the enactment of the Clean

Renewable Energy and Conservation Tax Act of 2007.".

(c) CARRYBACK AND CARRYOVER OF DISALLOWED CREDITS.—Section 907(f) (relating to carryback and carryover of disallowed credits) is amended—

(1) by striking "oil and gas extraction taxes" each place it appears and inserting "foreign oil and gas taxes", and

(2) by adding at the end the following new paragraph:

"(4) TRANSITION RULES FOR PRE-2008 AND 2008 DISALLOWED CREDITS.—

"(A) PRE-2008 CREDITS.—In the case of any unused credit year beginning before January 1, 2008, this subsection shall be applied to any unused oil and gas extraction taxes carried from such unused credit year to a year beginning after December 31, 2007—

"(i) by substituting 'oil and gas extraction taxes' for 'foreign oil and gas taxes' each place it appears in paragraphs (1), (2), and (3), and

"(ii) by computing, for purposes of paragraph (2)(A), the limitation under subparagraph (A) for the year to which such taxes are carried by substituting 'foreign oil and gas extraction income' for 'foreign oil and gas income' in subsection (a).

"(B) 2008 CREDITS.—In the case of any unused credit year beginning in 2008, the amendments made to this subsection by the Clean Renewable Energy and Conservation Tax Act of 2007 shall be treated as being in effect for any preceding year beginning before January 1, 2008, solely for purposes of determining how much of the unused foreign oil and gas taxes for such unused credit year may be deemed paid or accrued in such preceding year.".

(d) CONFORMING AMENDMENT.—Section 6501(i) is amended by striking "oil and gas extraction taxes" and inserting "foreign oil and gas taxes".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 1563. SEVEN-YEAR AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES FOR CERTAIN MAJOR INTEGRATED OIL COMPANIES.

(a) IN GENERAL.—Subparagraph (A) of section 167(h)(5) (relating to special rule for major integrated oil companies) is amended by striking "5-year" and inserting "7-year".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act.

SEC. 1564. BROKER REPORTING OF CUSTOMER'S BASIS IN SECURITIES TRANSACTIONS.

(a) IN GENERAL.—

(1) BROKER REPORTING FOR SECURITIES TRANSACTIONS.—Section 6045 (relating to returns of brokers) is amended by adding at the end the following new subsection:

"(g) ADDITIONAL INFORMATION REQUIRED IN THE CASE OF SECURITIES TRANSACTIONS.—

"(1) IN GENERAL.—If a broker is otherwise required to make a return under subsection (a) with respect to the gross proceeds of the sale of a covered security, the broker shall include in such return the information described in paragraph (2).

"(2) ADDITIONAL INFORMATION REQUIRED.—

"(A) IN GENERAL.—The information required under paragraph (1) to be shown on a return with respect to a covered security of a customer shall include the customer's adjusted basis in such security and whether any gain or loss with respect to such security is long-term or short-term (within the meaning of section 1222).

"(B) DETERMINATION OF ADJUSTED BASIS.—For purposes of subparagraph (A)—

"(i) IN GENERAL.—The customer's adjusted basis shall be determined—

"(I) in the case of any stock (other than any stock in an open-end fund), in accordance with the first-in first-out method unless the customer notifies the broker by means of making an adequate identification of the stock sold or transferred,

"(II) in the case of any stock in an open-end fund acquired before January 1, 2011, in accordance with any acceptable method under section 1012 with respect to the account in which such interest is held,

"(III) in the case of any stock in an open-end fund acquired after December 31, 2010, in accordance with the broker's default method unless the customer notifies the broker that he elects another acceptable method under section 1012 with respect to the account in which such interest is held, and

"(IV) in any other case, under the method for making such determination under section 1012.

"(ii) EXCEPTION FOR WASH SALES.—Except as otherwise provided by the Secretary, the customer's adjusted basis shall be determined without regard to section 1091 (relating to loss from wash sales of stock or securities) unless the transactions occur in the same account with respect to identical securities.

"(3) COVERED SECURITY.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'covered security' means any specified security acquired on or after the applicable date if such security—

"(i) was acquired through a transaction in the account in which such security is held, or

"(ii) was transferred to such account from an account in which such security was a covered security, but only if the broker received a statement under section 6045A with respect to the transfer.

"(B) SPECIFIED SECURITY.—The term 'specified security' means—

"(i) any share of stock in a corporation,

"(ii) any note, bond, debenture, or other evidence of indebtedness,

"(iii) any commodity, or contract or derivative with respect to such commodity, if the Secretary determines that adjusted basis reporting is appropriate for purposes of this subsection, and

"(iv) any other financial instrument with respect to which the Secretary determines that adjusted basis reporting is appropriate for purposes of this subsection.

"(C) APPLICABLE DATE.—The term 'applicable date' means—

"(i) January 1, 2009, in the case of any specified security which is stock in a corporation, and

"(ii) January 1, 2011, or such later date determined by the Secretary in the case of any other specified security.

"(4) OPEN-END FUND.—For purposes of this subsection, the term 'open-end fund' means a regulated investment company (as defined in section 851) which is offering for sale or has outstanding any redeemable security of which it is the issuer and the shares of which are not traded on an established securities exchange.

"(5) TREATMENT OF S CORPORATIONS.—In the case of the sale of a covered security acquired by an S corporation (other than a financial institution) after December 31, 2010, such S corporation shall be treated in the same manner as a partnership for purposes of this section.

"(6) SPECIAL RULES FOR SHORT SALES.—

"(A) IN GENERAL.—Notwithstanding subsection (a), in the case of a short sale under section 1233, reporting under this section shall be made for the year in which such sale is closed.

"(B) EXCEPTION FOR CONSTRUCTIVE SALES.—Subparagraph (A) shall not apply to any short sale which results in a constructive sale under section 1259 with respect to property held in the account in which the short sale is entered into.".

(2) BROKER INFORMATION REQUIRED WITH RESPECT TO OPTIONS.—Section 6045, as amended by subsection (a), is amended by adding at the end the following new subsection:

"(h) APPLICATION TO OPTIONS ON SECURITIES.—

"(1) EXERCISE OF OPTION.—For purposes of this section, in the case of any exercise of an option on a covered security where the option was granted or acquired in the same account as the covered security, the amount received or paid with respect to such exercise shall be treated as an adjustment to gross proceeds or as an adjustment to basis, as the case may be.

"(2) LAPSE OR CLOSING TRANSACTION.—For purposes of this section, in the case of the lapse (or closing transaction (as defined in section 1234(b)(2)(A))) of an option on a specified security where the taxpayer is the grantor of the option, this section shall apply as if the premium received for such option were gross proceeds received on the date of the lapse or closing transaction, and the cost (if any) of the closing transaction shall be taken into account as adjusted basis. In the case of an option on a specified security where the taxpayer is the grantee of such option, this section shall apply as if the grantee received gross proceeds of zero on the date of the lapse.

"(3) PROSPECTIVE APPLICATION.—Paragraphs (1) and (2) shall not apply to any option which is granted or acquired before January 1, 2011.

"(4) DEFINITIONS.—For purposes of this subsection, the terms 'covered security' and 'specified security' shall have the meanings given such terms in subsection (g)(3).".

(3) EXTENSION OF PERIOD FOR STATEMENTS SENT TO CUSTOMERS.—

(A) IN GENERAL.—Subsection (b) of section 6045 is amended by striking "January 31" and inserting "February 15 (January 31 in the case of returns for calendar years before 2010)".

(B) STATEMENTS RELATED TO SUBSTITUTE PAYMENTS.—Subsection (d) of section 6045 is amended—

(i) by striking "at such time and", and

(ii) by inserting after "other item." the following new sentence: "In the case of a payment made during any calendar year after 2009, the written statement required under the preceding sentence shall be furnished on or before February 15 of the year following the calendar year in which the payment was made.".

(C) OTHER STATEMENTS.—Subsection (b) of section 6045 is amended by adding at the end the following: "In the case of a consolidated reporting statement (as defined in regulations) with respect to any account which includes the statement required by this subsection, any statement which would otherwise be required to be furnished on or before January 31 of a calendar year after 2010 under section 6042(c), 6049(c)(2)(A), or 6050N(b) with respect to any item in such account shall instead be required to be furnished on or before February 15 of such calendar year if furnished as part of such consolidated reporting statement.".

(b) DETERMINATION OF BASIS OF CERTAIN SECURITIES ON ACCOUNT BY ACCOUNT METHOD.—Section 1012 (relating to basis of property-cost) is amended—

(1) by striking "The basis of property" and inserting the following:

"(a) IN GENERAL.—The basis of property",

(2) by striking "The cost of real property" and inserting the following:

"(b) SPECIAL RULE FOR APPORTIONED REAL ESTATE TAXES.—The cost of real property", and

(3) by adding at the end the following new subsection:

"(c) DETERMINATIONS BY ACCOUNT.—

"(1) IN GENERAL.—In the case of the sale, exchange, or other disposition of a specified security on or after the applicable date, the conventions prescribed by regulations under this section shall be applied on an account by account basis.

"(2) APPLICATION TO OPEN-END FUNDS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), any stock in an open-end fund acquired before January 1, 2009, shall be treated as a separate account from any such stock acquired on or after such date.

"(B) ELECTION BY OPEN-END FUND FOR TREATMENT AS SINGLE ACCOUNT.—If an open-end fund elects (at such time and in such form and manner as the Secretary may prescribe) to have this subparagraph apply with respect to one or more of its stockholders—

"(i) subparagraph (A) shall not apply with respect to any stock in such fund held by such stockholders, and

"(ii) all stock in such fund which is held by such stockholders shall be treated as covered securities described in section 6045(g)(3) without regard to the date of the acquisition of such stock.

A rule similar to the rule of the preceding sentence shall apply with respect to a broker holding stock in an open-end fund as a nominee.

"(3) DEFINITIONS.—For purposes of this section, the terms 'specified security', 'applicable date', and 'open-end fund' shall have the meaning given such terms in section 6045(g).".

(c) INFORMATION BY TRANSFERORS TO AID BROKERS.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by inserting after section 6045 the following new section:

"SEC. 6045A. INFORMATION REQUIRED IN CONNECTION WITH TRANSFERS OF COVERED SECURITIES TO BROKERS.

"(a) FURNISHING OF INFORMATION.—Every applicable person which transfers to a broker (as defined in section 6045(c)(1)) a security which is a covered security (as defined in section 6045(g)(3)) in the hands of such applicable person shall furnish to such broker a written statement in such manner and setting forth such information as the Secretary may by regulations prescribe for purposes of enabling such broker to meet the requirements of section 6045(g).

"(b) APPLICABLE PERSON.—For purposes of subsection (a), the term 'applicable person' means—

"(1) any broker (as defined in section 6045(c)(1)), and

"(2) any other person as provided by the Secretary in regulations.

"(c) TIME FOR FURNISHING STATEMENT.—Any statement required by subsection (a) shall be furnished not later than the earlier of—

"(1) 45 days after the date of the transfer described in subsection (a), or

"(2) January 15 of the year following the calendar year during which such transfer occurred.".

(2) ASSESSABLE PENALTIES.—Paragraph (2) of section 6724(d) (defining payee statement) is amended by redesignating subparagraphs (I) through (CC) as subparagraphs (J) through (DD), respectively, and by inserting after subparagraph (H) the following new subparagraph:

"(I) section 6045A (relating to information required in connection with transfers of covered securities to brokers).".

(3) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6045 the following new item:

"Sec. 6045A. Information required in connection with transfers of covered securities to brokers.".

(d) ADDITIONAL ISSUER INFORMATION TO AID BROKERS.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986, as amended by subsection (b), is amended by inserting after section 6045A the following new section:

"SEC. 6045B. RETURNS RELATING TO ACTIONS AFFECTING BASIS OF SPECIFIED SECURITIES.

"(a) IN GENERAL.—According to the forms or regulations prescribed by the Secretary, any issuer of a specified security shall make a return setting forth—

"(1) a description of any organizational action which affects the basis of such specified security of such issuer,

"(2) the quantitative effect on the basis of such specified security resulting from such action, and

"(3) such other information as the Secretary may prescribe.

"(b) TIME FOR FILING RETURN.—Any return required by subsection (a) shall be filed not later than the earlier of—

"(1) 45 days after the date of the action described in subsection (a), or

"(2) January 15 of the year following the calendar year during which such action occurred.

"(c) STATEMENTS TO BE FURNISHED TO HOLDERS OF SPECIFIED SECURITIES OR THEIR NOMINEES.—According to the forms or regulations prescribed by the Secretary, every person required to make a return under subsection (a) with respect to a specified security shall furnish to the nominee with respect to the specified security (or certificate holder if there is no nominee) a written statement showing—

"(1) the name, address, and phone number of the information contact of the person required to make such return,

"(2) the information required to be shown on such return with respect to such security, and

"(3) such other information as the Secretary may prescribe.

The written statement required under the preceding sentence shall be furnished to the holder on or before January 15 of the year following the calendar year during which the action described in subsection (a) occurred.

"(d) SPECIFIED SECURITY.—For purposes of this section, the term 'specified security' has the meaning given such term by section 6045(g)(3)(B). No return shall be required under this section with respect to actions described in subsection (a) with respect to a specified security which occur before the applicable date (as defined in section 6045(g)(3)(C)) with respect to such security.

"(e) PUBLIC REPORTING IN LIEU OF RETURN.—The Secretary may waive the requirements under subsections (a) and (c) with respect to a specified security, if the person required to make the return under subsection (a) makes publicly available, in such form and manner as the Secretary determines necessary to carry out the purposes of this section—

"(1) the name, address, phone number, and email address of the information contact of such person, and

"(2) the information described in paragraphs (1), (2), and (3) of subsection (a).".

(2) ASSESSABLE PENALTIES.—

(A) Subparagraph (B) of section 6724(d)(1) of such Code (defining information return) is amended by redesignating clauses (iv) through (xix) as clauses (v) through (xx), respectively, and by inserting after clause (iii) the following new clause:

"(iv) section 6045B(a) (relating to returns relating to actions affecting basis of specified securities),".

(B) Paragraph (2) of section 6724(d) of such Code (defining payee statement), as amended by subsection (c)(2), is amended by redesignating subparagraphs (J) through (DD) as subparagraphs (K) through (EE), respectively, and by inserting after subparagraph (I) the following new subparagraph:

"(J) subsections (c) and (e) of section 6045B (relating to returns relating to actions affecting basis of specified securities).".

(3) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 of such Code, as amended by subsection (b)(3), is amended by inserting after the item relating to section 6045A the following new item:

"Sec. 6045B. Returns relating to actions affecting basis of specified securities.".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2009.

(f) STUDY REGARDING INFORMATION RETURNS.—

(1) IN GENERAL.—The Secretary of the Treasury shall study the effect and feasibility of delaying the date for furnishing statements under sections 6042(c), 6045, 6049(c)(2)(A), and 6050N(b) of the Internal Revenue Code of 1986 until February 15 following the year to which such statements relate.

(2) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall report to Congress on the results of the study conducted under paragraph (1). Such report shall include the Secretary's findings regarding—

(A) the effect on tax administration of such delay, and

(B) other administrative or legislative options to improve compliance and ease burdens on taxpayers and brokers with respect to such statements.

SEC. 1565. EXTENSION OF ADDITIONAL 0.2 PERCENT FUTA SURTAX.

(a) IN GENERAL.—Section 3301 (relating to rate of tax) is amended—

(1) by striking "2007" in paragraph (1) and inserting "2008", and

(2) by striking "2008" in paragraph (2) and inserting "2009".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid after December 31, 2007.

SEC. 1566. REPEAL OF SUSPENSION OF CERTAIN PENALTIES AND INTEREST.

(a) IN GENERAL.—Section 6404 is amended by striking subsection (g) and by redesignating subsection (h) as subsection (g).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to notices provided by the Secretary of the Treasury, or his delegate, after December 20, 2007.

SEC. 1567. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 in effect on the date of the enactment of this Act is increased by 6.25 percentage points.

SEC. 1568. MODIFICATION OF PENALTY FOR FAILURE TO FILE PARTNERSHIP RETURNS.

(a) EXTENSION OF TIME LIMITATION.—Section 6698(a) (relating to failure to file partnership returns) is amended by striking "5 months" and inserting "12 months".

(b) INCREASE IN PENALTY AMOUNT.—Paragraph (1) of section 6698(b) is amended by striking "$50" and inserting "$100".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns required to be filed after the date of the enactment of this Act.

SEC. 1569. PARTICIPANTS IN GOVERNMENT SECTION 457 PLANS ALLOWED TO TREAT ELECTIVE DEFERRALS AS ROTH CONTRIBUTIONS.

(a) IN GENERAL.—Section 402A(e)(1) (defining applicable retirement plan) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following:

"(C) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).".

(b) ELECTIVE DEFERRALS.—Section 402A(e)(2) (defining elective deferral) is amended to read as follows:

"(2) ELECTIVE DEFERRAL.—The term 'elective deferral' means—

"(A) any elective deferral described in subparagraph (A) or (C) of section 402(g)(3), and

"(B) any elective deferral of compensation by an individual under an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

Subtitle F—Secure Rural Schools

SEC. 1571. SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION PROGRAM.

(a) REAUTHORIZATION OF THE SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.—The Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106-393) is amended by striking sections 1 through 403 and inserting the following:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Secure Rural Schools and Community Self-Determination Act of 2000'.

"SEC. 2. PURPOSES.

"The purposes of this Act are—

"(1) to stabilize and transition payments to counties to provide funding for schools and roads that supplements other available funds;

"(2) to make additional investments in, and create additional employment opportunities through, projects that—

"(A)(i) improve the maintenance of existing infrastructure;

"(ii) implement stewardship objectives that enhance forest ecosystems; and

"(iii) restore and improve land health and water quality;

"(B) enjoy broad-based support; and

"(C) have objectives that may include—

"(i) road, trail, and infrastructure maintenance or obliteration;

"(ii) soil productivity improvement;

"(iii) improvements in forest ecosystem health;

"(iv) watershed restoration and maintenance;

"(v) the restoration, maintenance, and improvement of wildlife and fish habitat;

"(vi) the control of noxious and exotic weeds; and

"(vii) the reestablishment of native species; and

"(3) to improve cooperative relationships among—

"(A) the people that use and care for Federal land; and

"(B) the agencies that manage the Federal land.

"SEC. 3. DEFINITIONS.

"In this Act:

"(1) ADJUSTED SHARE.—The term 'adjusted share' means the number equal to the quotient obtained by dividing—

"(A) the number equal to the quotient obtained by dividing—

"(i) the base share for the eligible county; by

"(ii) the income adjustment for the eligible county; by

"(B) the number equal to the sum of the quotients obtained under subparagraph (A) and paragraph (8)(A) for all eligible counties.

"(2) BASE SHARE.—The term 'base share' means the number equal to the average of—

"(A) the quotient obtained by dividing—

"(i) the number of acres of Federal land described in paragraph (7)(A) in each eligible county; by

"(ii) the total number acres of Federal land in all eligible counties in all eligible States; and

"(B) the quotient obtained by dividing—

"(i) the amount equal to the average of the 3 highest 25-percent payments and safety net payments made to each eligible State for each eligible county during the eligibility period; by

"(ii) the amount equal to the sum of the amounts calculated under clause (i) and paragraph (9)(B)(i) for all eligible counties in all eligible States during the eligibility period.

"(3) COUNTY PAYMENT.—The term 'county payment' means the payment for an eligible county calculated under section 101(b).

"(4) ELIGIBLE COUNTY.—The term 'eligible county' means any county that—

"(A) contains Federal land (as defined in paragraph (7)); and

"(B) elects to receive a share of the State payment or the county payment under section 102(b).

"(5) ELIGIBILITY PERIOD.—The term 'eligibility period' means fiscal year 1986 through fiscal year 1999.

"(6) ELIGIBLE STATE.—The term 'eligible State' means a State or territory of the United States that received a 25-percent payment for 1 or more fiscal years of the eligibility period.

"(7) FEDERAL LAND.—The term 'Federal land' means—

"(A) land within the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)) exclusive of the National Grasslands and land utilization projects designated as National Grasslands administered pursuant to the Act of July 22, 1937 (7 U.S.C. 1010–1012); and

"(B) such portions of the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant land as are or may hereafter come under the jurisdiction of the Department of the Interior, which have heretofore or may hereafter be classified as timberlands, and power-site land valuable for timber, that shall be managed, except as provided in the former section 3 of the Act of August 28, 1937 (50 Stat. 875; 43 U.S.C. 1181c), for permanent forest production.

"(8) 50-PERCENT ADJUSTED SHARE.—The term '50-percent adjusted share' means the number equal to the quotient obtained by dividing—

"(A) the number equal to the quotient obtained by dividing—

"(i) the 50-percent base share for the eligible county; by

"(ii) the income adjustment for the eligible county; by

"(B) the number equal to the sum of the quotients obtained under subparagraph (A) and paragraph (1)(A) for all eligible counties.

"(9) 50-PERCENT BASE SHARE.—The term '50-percent base share' means the number equal to the average of—

"(A) the quotient obtained by dividing—

"(i) the number of acres of Federal land described in paragraph (7)(B) in each eligible county; by

"(ii) the total number acres of Federal land in all eligible counties in all eligible States; and

"(B) the quotient obtained by dividing—

"(i) the amount equal to the average of the 3 highest 50-percent payments made to each eligible county during the eligibility period; by

"(ii) the amount equal to the sum of the amounts calculated under clause (i) and paragraph (2)(B)(i) for all eligible counties in all eligible States during the eligibility period.

"(10) 50-PERCENT PAYMENT.—The term '50-percent payment' means the payment that is the sum of the 50-percent share otherwise paid to a county pursuant to title II of the Act of August 28, 1937 (chapter 876; 50 Stat. 875; 43 U.S.C. 1181f), and the payment made to a county pursuant to the Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f-1 et seq.).

"(11) FULL FUNDING AMOUNT.—The term 'full funding amount' means—

"(A) $500,000,000 for fiscal year 2008; and

"(B) for fiscal year 2009 and each fiscal year thereafter, the amount that is equal to 85 percent of the full funding amount for the preceding fiscal year.

"(12) INCOME ADJUSTMENT.—The term 'income adjustment' means the square of the quotient obtained by dividing—

"(A) the per capita personal income for each eligible county; by

"(B) the median per capita personal income of all eligible counties.

"(13) PER CAPITA PERSONAL INCOME.—The term 'per capita personal income' means the most recent per capita personal income data, as determined by the Bureau of Economic Analysis.

"(14) SAFETY NET PAYMENTS.—The term 'safety net payments' means the special payment amounts paid to States and counties required by section 13982 or 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note).

"(15) SECRETARY CONCERNED.—The term 'Secretary concerned' means—

"(A) the Secretary of Agriculture or the designee of the Secretary of Agriculture with respect to the Federal land described in paragraph (7)(A); and

"(B) the Secretary of the Interior or the designee of the Secretary of the Interior with respect to the Federal land described in paragraph (7)(B).

"(16) STATE PAYMENT.—The term 'State payment' means the payment for an eligible State calculated under section 101(a).

"(17) 25-PERCENT PAYMENT.—The term '25-percent payment' means the payment to States required by the sixth paragraph under the heading of 'FOREST SERVICE' in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

"TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LAND

"SEC. 101. SECURE PAYMENTS FOR STATES CONTAINING FEDERAL LAND.

"(a) STATE PAYMENT.—For each of fiscal years 2008 through 2011, the Secretary of Agriculture shall calculate for each eligible State an amount equal to the sum of the products obtained by multiplying—

"(1) the adjusted share for each eligible county within the eligible State; by

"(2) the full funding amount for the fiscal year.

"(b) COUNTY PAYMENT.—For each of fiscal years 2008 through 2011, the Secretary of the Interior shall calculate for each eligible county that received a 50-percent payment during the eligibility period an amount equal to the product obtained by multiplying—

"(1) the 50-percent adjusted share for the eligible county; by

"(2) the full funding amount for the fiscal year.

"SEC. 102. PAYMENTS TO STATES AND COUNTIES.

"(a) PAYMENT AMOUNTS.—Except as provided in section 103, the Secretary of the Treasury shall pay to—

"(1) a State or territory of the United States an amount equal to the sum of the amounts elected under subsection (b) by each county within the State or territory for—

"(A) if the county is eligible for the 25-percent payment, the share of the 25-percent payment; or

"(B) the share of the State payment of the eligible county; and

"(2) a county an amount equal to the amount elected under subsection (b) by each county for—

"(A) if the county is eligible for the 50-percent payment, the 50-percent payment; or

"(B) the county payment for the eligible county.

"(b) ELECTION TO RECEIVE PAYMENT AMOUNT.—

"(1) ELECTION; SUBMISSION OF RESULTS.—

"(A) IN GENERAL.—The election to receive a share of the State payment, the county payment, a share of the State payment and the county payment, a share of the 25-percent payment, the 50-percent payment, or a share of the 25-percent payment and the 50-percent payment, as applicable, shall be made at the discretion of each affected county by August 1, 2008, and August 1 of each second fiscal year thereafter, in accordance with paragraph (2), and transmitted to the Secretary concerned by the Governor of each eligible State.

"(B) FAILURE TO TRANSMIT.—If an election for an affected county is not transmitted to the Secretary concerned by the date specified under subparagraph (A), the affected county shall be considered to have elected to receive a share of the State payment, the county payment, or a share of the State payment and the county payment, as applicable.

"(2) DURATION OF ELECTION.—

"(A) IN GENERAL.—A county election to receive a share of the 25-percent payment or 50-percent payment, as applicable, shall be effective for 2 fiscal years.

"(B) FULL FUNDING AMOUNT.—If a county elects to receive a share of the State payment or the county payment, the election shall be effective for all subsequent fiscal years through fiscal year 2011.

"(3) SOURCE OF PAYMENT AMOUNTS.—The payment to an eligible State or eligible county under this section for a fiscal year shall be derived from—

"(A) any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, special account, or permanent operating funds, received by the Federal Government from activities by the Bureau of Land Management or the Forest Service on the applicable Federal land; and

"(B) to the extent of any shortfall, out of any amounts in the Treasury of the United States not otherwise appropriated.

"(c) DISTRIBUTION AND EXPENDITURE OF PAYMENTS.—

"(1) DISTRIBUTION METHOD.—A State that receives a payment under subsection (a) for Federal land described in section 3(7)(A) shall distribute the appropriate payment amount among the appropriate counties in the State in accordance with—

"(A) the Act of May 23, 1908 (16 U.S.C. 500); and

"(B) section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

"(2) EXPENDITURE PURPOSES.—Subject to subsection (d), payments received by a State under subsection (a) and distributed to counties in accordance with paragraph (1) shall be expended as required by the laws referred to in paragraph (1).

"(d) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—

"(1) ALLOCATIONS.—

"(A) USE OF PORTION IN SAME MANNER AS 25-PERCENT PAYMENT OR 50-PERCENT PAYMENT, AS APPLICABLE.—Except as provided in paragraph (3)(B), if an eligible county elects to receive its share of the State payment or the county payment, not less than 80 percent, but not more than 85 percent, of the funds shall be expended in the same manner in which the 25-percent payments or 50-percent payment, as applicable, are required to be expended.

"(B) ELECTION AS TO USE OF BALANCE.—Except as provided in subparagraph (C), an eligible county shall elect to do 1 or more of the following with the balance of any funds not expended pursuant to subparagraph (A):

"(i) Reserve any portion of the balance for projects in accordance with title II.

"(ii) Reserve not more than 7 percent of the total share for the eligible county of the State payment or the county payment for projects in accordance with title III.

"(iii) Return the portion of the balance not reserved under clauses (i) and (ii) to the Treasury of the United States.

"(C) COUNTIES WITH MODEST DISTRIBUTIONS.—In the case of each eligible county to which more than $100,000, but less than $350,000, is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county, with respect to the balance of any funds not expended pursuant to subparagraph (A) for that fiscal year, shall—

"(i) reserve any portion of the balance for—

"(I) carrying out projects under title II;

"(II) carrying out projects under title III; or

"(III) a combination of the purposes described in subclauses (I) and (II); or

"(ii) return the portion of the balance not reserved under clause (i) to the Treasury of the United States.

"(2) DISTRIBUTION OF FUNDS.—

"(A) IN GENERAL.—Funds reserved by an eligible county under subparagraph (B)(i) or (C)(i) of paragraph (1) for carrying out projects under title II shall be deposited in a special account in the Treasury of the United States.

"(B) AVAILABILITY.—Amounts deposited under subparagraph (A) shall—

"(i) be available for expenditure by the Secretary concerned, without further appropriation; and

"(ii) remain available until expended in accordance with title II.

"(3) ELECTION.—

"(A) NOTIFICATION.—

"(i) IN GENERAL.—An eligible county shall notify the Secretary concerned of an election by the eligible county under this subsection not later than September 30 of each fiscal year.

"(ii) FAILURE TO ELECT.—Except as provided in subparagraph (B), if the eligible county fails to make an election by the date specified in clause (i), the eligible county shall—

"(I) be considered to have elected to expend 85 percent of the funds in accordance with paragraph (1)(A); and

"(II) return the balance to the Treasury of the United States.

"(B) COUNTIES WITH MINOR DISTRIBUTIONS.—In the case of each eligible county to which less than $100,000 is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county may elect to expend all the funds in the same manner in which the 25-percent payments or 50-percent payments, as applicable, are required to be expended.

"(e) TIME FOR PAYMENT.—The payments required under this section for a fiscal year shall be made as soon as practicable after the end of that fiscal year.

"SEC. 103. TRANSITION PAYMENTS TO THE STATES OF CALIFORNIA, OREGON, AND WASHINGTON.

"(a) DEFINITIONS.—In this section:

"(1) ADJUSTED AMOUNT.—The term 'adjusted amount' means, with respect to a covered State—

"(A) for fiscal year 2008, 90 percent of—

"(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2008; and

"(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2008;

"(B) for fiscal year 2009, 76 percent of—

"(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2009; and

"(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2009; and

"(C) for fiscal year 2010, 65 percent of—

"(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2010; and "(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2010.

"(2) COVERED STATE.—The term 'covered State' means each of the States of California, Oregon, and Washington.

"(b) TRANSITION PAYMENTS.—For each of fiscal years 2008 through 2010, in lieu of the payment amounts that otherwise would have been made under paragraphs (1)(B) and (2)(B) of section 102(a), the Secretary of the Treasury shall pay the adjusted amount to each covered State and the eligible counties within the covered State, as applicable.

"(c) DISTRIBUTION OF ADJUSTED AMOUNT IN OREGON AND WASHINGTON.—It is the intent of Congress that the method of distributing the payments under subsection (b) among the counties in the States of Oregon and Washington for each of fiscal years 2008 through 2010 be in the same proportion that the payments were distributed to the eligible counties in fiscal year 2006.

"(d) DISTRIBUTION OF PAYMENTS IN CALIFORNIA.—The following payments shall be distributed among the eligible counties in the State of California in the same proportion that payments under section 102(a)(2) (as in effect on September 29, 2006) were distributed to the eligible counties for fiscal year 2006:

"(1) Payments to the State of California under subsection (b).

"(2) The shares of the eligible counties of the State payment for California under section 102 for fiscal year 2011.

"(e) TREATMENT OF PAYMENTS.—For purposes of this Act, any payment made under subsection (b) shall be considered to be a payment made under section 102(a).

"TITLE II—SPECIAL PROJECTS ON FEDERAL LAND

"SEC. 201. DEFINITIONS.

"In this title:

"(1) PARTICIPATING COUNTY.—The term 'participating county' means an eligible county that elects under section 102(d) to expend a portion of the Federal funds received under section 102 in accordance with this title.

"(2) PROJECT FUNDS.—The term 'project funds' means all funds an eligible county elects under section 102(d) to reserve for expenditure in accordance with this title.

"(3) RESOURCE ADVISORY COMMITTEE.—The term 'resource advisory committee' means—

"(A) an advisory committee established by the Secretary concerned under section 205; or

"(B) an advisory committee determined by the Secretary concerned to meet the requirements of section 205.

"(4) RESOURCE MANAGEMENT PLAN.—The term 'resource management plan' means—

"(A) a land use plan prepared by the Bureau of Land Management for units of the Federal land described in section 3(7)(B) pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712); or

"(B) a land and resource management plan prepared by the Forest Service for units of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 19741 (16 U.S.C. 1604).

"SEC. 202. GENERAL LIMITATION ON USE OF PROJECT FUNDS.

"(a) LIMITATION.—Project funds shall be expended solely on projects that meet the requirements of this title.

"(b) AUTHORIZED USES.—Project funds may be used by the Secretary concerned for the purpose of entering into and implementing cooperative agreements with willing Federal agencies, State and local governments, private and nonprofit entities, and landowners for protection, restoration, and enhancement of fish and wildlife habitat, and other resource objectives consistent with the purposes of this Act on Federal land and on non-Federal land where projects would benefit the resources on Federal land.

"SEC. 203. SUBMISSION OF PROJECT PROPOSALS.

"(a) SUBMISSION OF PROJECT PROPOSALS TO SECRETARY CONCERNED.—

"(1) PROJECTS FUNDED USING PROJECT FUNDS.—Not later than September 30 for fiscal year 2008, and each September 30 thereafter for each succeeding fiscal year through fiscal year 2011, each resource advisory committee shall submit to the Secretary concerned a description of any projects that the resource advisory committee proposes the Secretary undertake using any project funds reserved by eligible counties in the area in which the resource advisory committee has geographic jurisdiction.

"(2) PROJECTS FUNDED USING OTHER FUNDS.—A resource advisory committee may submit to the Secretary concerned a description of any projects that the committee proposes the Secretary undertake using funds from State or local governments, or from the private sector, other than project funds and funds appropriated and otherwise available to do similar work.

"(3) JOINT PROJECTS.—Participating counties or other persons may propose to pool project funds or other funds, described in paragraph (2), and jointly propose a project or group of projects to a resource advisory committee established under section 205.

"(b) REQUIRED DESCRIPTION OF PROJECTS.—In submitting proposed projects to the Secretary concerned under subsection (a), a resource advisory committee shall include in the description of each proposed project the following information:

"(1) The purpose of the project and a description of how the project will meet the purposes of this title.

"(2) The anticipated duration of the project.

"(3) The anticipated cost of the project.

"(4) The proposed source of funding for the project, whether project funds or other funds.

"(5)(A) Expected outcomes, including how the project will meet or exceed desired ecological conditions, maintenance objectives, or stewardship objectives.

"(B) An estimate of the amount of any timber, forage, and other commodities and other economic activity, including jobs generated, if any, anticipated as part of the project.

"(6) A detailed monitoring plan, including funding needs and sources, that—

"(A) tracks and identifies the positive or negative impacts of the project, implementation, and provides for validation monitoring; and

"(B) includes an assessment of the following:

"(i) Whether or not the project met or exceeded desired ecological conditions; created local employment or training opportunities, including summer youth jobs programs such as the Youth Conservation Corps where appropriate.

"(ii) Whether the project improved the use of, or added value to, any products removed from land consistent with the purposes of this title.

"(7) An assessment that the project is to be in the public interest.

"(c) AUTHORIZED PROJECTS.—Projects proposed under subsection (a) shall be consistent with section 2.

"SEC. 204. EVALUATION AND APPROVAL OF PROJECTS BY SECRETARY CONCERNED.

"(a) CONDITIONS FOR APPROVAL OF PROPOSED PROJECT.—The Secretary concerned may make a decision to approve a project submitted by a resource advisory committee under section 203 only if the proposed project satisfies each of the following conditions:

"(1) The project complies with all applicable Federal laws (including regulations).

"(2) The project is consistent with the applicable resource management plan and with any watershed or subsequent plan developed pursuant to the resource management plan and approved by the Secretary concerned.

"(3) The project has been approved by the resource advisory committee in accordance with section 205, including the procedures issued under subsection (e) of that section.

"(4) A project description has been submitted by the resource advisory committee to the Secretary concerned in accordance with section 203.

"(5) The project will improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality.

"(b) ENVIRONMENTAL REVIEWS.—

"(1) REQUEST FOR PAYMENT BY COUNTY.—The Secretary concerned may request the resource advisory committee submitting a proposed project to agree to the use of project funds to pay for any environmental review, consultation, or compliance with applicable environmental laws required in connection with the project.

"(2) CONDUCT OF ENVIRONMENTAL REVIEW.—If a payment is requested under paragraph (1) and the resource advisory committee agrees to the expenditure of funds for this purpose, the Secretary concerned shall conduct environmental review, consultation, or other compliance responsibilities in accordance with Federal laws (including regulations).

"(3) EFFECT OF REFUSAL TO PAY.—

"(A) IN GENERAL.—If a resource advisory committee does not agree to the expenditure of funds under paragraph (1), the project shall be deemed withdrawn from further consideration by the Secretary concerned pursuant to this title.

"(B) EFFECT OF WITHDRAWAL.—A withdrawal under subparagraph (A) shall be deemed to be a rejection of the project for purposes of section 207(c).

"(c) DECISIONS OF SECRETARY CONCERNED.—

"(1) REJECTION OF PROJECTS.—

"(A) IN GENERAL.—A decision by the Secretary concerned to reject a proposed project shall be at the sole discretion of the Secretary concerned.

"(B) NO ADMINISTRATIVE APPEAL OR JUDICIAL REVIEW.—Notwithstanding any other provision of law, a decision by the Secretary concerned to reject a proposed project shall not be subject to administrative appeal or judicial review.

"(C) NOTICE OF REJECTION.—Not later than 30 days after the date on which the Secretary concerned makes the rejection decision, the Secretary concerned shall notify in writing the resource advisory committee that submitted the proposed project of the rejection and the reasons for rejection.

"(2) NOTICE OF PROJECT APPROVAL.—The Secretary concerned shall publish in the Federal Register notice of each project approved under subsection (a) if the notice would be required had the project originated with the Secretary.

"(d) SOURCE AND CONDUCT OF PROJECT.—Once the Secretary concerned accepts a project for review under section 203, the acceptance shall be deemed a Federal action for all purposes.

"(e) IMPLEMENTATION OF APPROVED PROJECTS.—

"(1) COOPERATION.—Notwithstanding chapter 63 of title 31, United States Code, using project funds the Secretary concerned may enter into contracts, grants, and cooperative agreements with States and local governments, private and nonprofit entities, and landowners and other persons to assist the Secretary in carrying out an approved project.

"(2) BEST VALUE CONTRACTING.—

"(A) IN GENERAL.—For any project involving a contract authorized by paragraph (1) the Secretary concerned may elect a source for performance of the contract on a best value basis.

"(B) FACTORS.—The Secretary concerned shall determine best value based on such factors as—

"(i) the technical demands and complexity of the work to be done;

"(ii)(I) the ecological objectives of the project; and

"(II) the sensitivity of the resources being treated;

"(iii) the past experience by the contractor with the type of work being done, using the type of equipment proposed for the project, and meeting or exceeding desired ecological conditions; and

"(iv) the commitment of the contractor to hiring highly qualified workers and local residents.

"(3) MERCHANTABLE TIMBER CONTRACTING PILOT PROGRAM.—

"(A) ESTABLISHMENT.—The Secretary concerned shall establish a pilot program to implement a certain percentage of approved projects involving the sale of merchantable timber using separate contracts for—

"(i) the harvesting or collection of merchantable timber; and

"(ii) the sale of the timber.

"(B) ANNUAL PERCENTAGES.—Under the pilot program, the Secretary concerned shall ensure that, on a nationwide basis, not less than the following percentage of all approved projects involving the sale of merchantable timber are implemented using separate contracts:

"(i) For fiscal year 2008, 35 percent.

"(ii) For fiscal year 2009, 45 percent.

"(iii) For each of fiscal years 2010 and 2011, 50 percent.

"(C) INCLUSION IN PILOT PROGRAM.—The decision whether to use separate contracts to implement a project involving the sale of merchantable timber shall be made by the Secretary concerned after the approval of the project under this title.

"(D) ASSISTANCE.—

"(i) IN GENERAL.—The Secretary concerned may use funds from any appropriated account available to the Secretary for the Federal land to assist in the administration of projects conducted under the pilot program.

"(ii) MAXIMUM AMOUNT OF ASSISTANCE.—The total amount obligated under this subparagraph may not exceed $1,000,000 for any fiscal year during which the pilot program is in effect.

"(E) REVIEW AND REPORT.—

"(i) INITIAL REPORT.—Not later than September 30, 2010, the Comptroller General shall submit to the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate and the Committees on Agriculture and Natural Resources of the House of Representatives a report assessing the pilot program.

"(ii) ANNUAL REPORT.—The Secretary concerned shall submit to the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate and the Committees on Agriculture and Natural Resources of the House of Representatives an annual report describing the results of the pilot program.

"(f) REQUIREMENTS FOR PROJECT FUNDS.—The Secretary shall ensure that at least 50 percent of all project funds be used for projects that are primarily dedicated—

"(1) to road maintenance, decommissioning, or obliteration; or

"(2) to restoration of streams and watersheds.

"SEC. 205. RESOURCE ADVISORY COMMITTEES.

"(a) ESTABLISHMENT AND PURPOSE OF RESOURCE ADVISORY COMMITTEES.—

"(1) ESTABLISHMENT.—The Secretary concerned shall establish and maintain resource advisory committees to perform the duties in subsection (b), except as provided in paragraph (4).

"(2) PURPOSE.—The purpose of a resource advisory committee shall be—

"(A) to improve collaborative relationships; and

"(B) to provide advice and recommendations to the land management agencies consistent with the purposes of this title.

"(3) ACCESS TO RESOURCE ADVISORY COMMITTEES.—To ensure that each unit of Federal land has access to a resource advisory committee, and that there is sufficient interest in participation on a committee to ensure that membership can be balanced in terms of the points of view represented and the functions to be performed, the Secretary concerned may, establish resource advisory committees for part of, or 1 or more, units of Federal land.

"(4) EXISTING ADVISORY COMMITTEES.—

"(A) IN GENERAL.—An advisory committee that meets the requirements of this section, a resource advisory committee established before September 29, 2006, or an advisory committee determined by the Secretary concerned before September 29, 2006, to meet the requirements of this section may be deemed by the Secretary concerned to be a resource advisory committee for the purposes of this title.

"(B) CHARTER.—A charter for a committee described in subparagraph (A) that was filed on or before September 29, 2006, shall be considered to be filed for purposes of this Act.

"(C) BUREAU OF LAND MANAGEMENT ADVISORY COMMITTEES.—The Secretary of the Interior may deem a resource advisory committee meeting the requirements of subpart 1784 of part 1780 of title 43, Code of Federal Regulations, as a resource advisory committee for the purposes of this title.

"(b) DUTIES.—A resource advisory committee shall—

"(1) review projects proposed under this title by participating counties and other persons;

"(2) propose projects and funding to the Secretary concerned under section 203;

"(3) provide early and continuous coordination with appropriate land management agency officials in recommending projects consistent with purposes of this Act under this title;

"(4) provide frequent opportunities for citizens, organizations, tribes, land management agencies, and other interested parties to participate openly and meaningfully, beginning at the early stages of the project development process under this title;

"(5)(A) monitor projects that have been approved under section 204; and

"(B) advise the designated Federal official on the progress of the monitoring efforts under subparagraph (A); and

"(6) make recommendations to the Secretary concerned for any appropriate changes or adjustments to the projects being monitored by the resource advisory committee.

"(c) APPOINTMENT BY THE SECRETARY.—

"(1) APPOINTMENT AND TERM.—

"(A) IN GENERAL.—The Secretary concerned, shall appoint the members of resource advisory committees for a term of 4 years beginning on the date of appointment.

"(B) REAPPOINTMENT.—The Secretary concerned may reappoint members to subsequent 4-year terms.

"(2) BASIC REQUIREMENTS.—The Secretary concerned shall ensure that each resource advisory committee established meets the requirements of subsection (d).

"(3) INITIAL APPOINTMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary concerned shall make initial appointments to the resource advisory committees.

"(4) VACANCIES.—The Secretary concerned shall make appointments to fill vacancies on any resource advisory committee as soon as practicable after the vacancy has occurred.

"(5) COMPENSATION.—Members of the resource advisory committees shall not receive any compensation.

"(d) COMPOSITION OF ADVISORY COMMITTEE.—

"(1) NUMBER.—Each resource advisory committee shall be comprised of 15 members.

"(2) COMMUNITY INTERESTS REPRESENTED.—Committee members shall be representative of the interests of the following 3 categories:

"(A) 5 persons that—

"(i) represent organized labor or non-timber forest product harvester groups;

"(ii) represent developed outdoor recreation, off highway vehicle users, or commercial recreation activities;

"(iii) represent—

"(I) energy and mineral development interests; or

"(II) commercial or recreational fishing interests;

"(iv) represent the commercial timber industry; or

"(v) hold Federal grazing or other land use permits, or represent nonindustrial private forest land owners, within the area for which the committee is organized.

"(B) 5 persons that represent—

"(i) nationally recognized environmental organizations;

"(ii) regionally or locally recognized environmental organizations;

"(iii) dispersed recreational activities;

"(iv) archaeological and historical interests; or

"(v) nationally or regionally recognized wild horse and burro interest groups, wildlife or hunting organizations, or watershed associations.

"(C) 5 persons that—

"(i) hold State elected office (or a designee);

"(ii) hold county or local elected office;

"(iii) represent American Indian tribes within or adjacent to the area for which the committee is organized;

"(iv) are school officials or teachers; or

"(v) represent the affected public at large.

"(3) BALANCED REPRESENTATION.—In appointing committee members from the 3 categories in paragraph (2), the Secretary concerned shall provide for balanced and broad representation from within each category.

"(4) GEOGRAPHIC DISTRIBUTION.—The members of a resource advisory committee shall reside within the State in which the committee has jurisdiction and, to extent practicable, the Secretary concerned shall ensure local representation in each category in paragraph (2).

"(5) CHAIRPERSON.—A majority on each resource advisory committee shall select the chairperson of the committee.

"(e) APPROVAL PROCEDURES.—

"(1) IN GENERAL.—Subject to paragraph (3), each resource advisory committee shall establish procedures for proposing projects to the Secretary concerned under this title.

"(2) QUORUM.—A quorum must be present to constitute an official meeting of the committee.

"(3) APPROVAL BY MAJORITY OF MEMBERS.—A project may be proposed by a resource advisory committee to the Secretary concerned under section 203(a), if the project has been approved by a majority of members of the committee from each of the 3 categories in subsection (d)(2).

"(f) OTHER COMMITTEE AUTHORITIES AND REQUIREMENTS.—

"(1) STAFF ASSISTANCE.—A resource advisory committee may submit to the Secretary concerned a request for periodic staff assistance from Federal employees under the jurisdiction of the Secretary.

"(2) MEETINGS.—All meetings of a resource advisory committee shall be announced at least 1 week in advance in a local newspaper of record and shall be open to the public.

"(3) RECORDS.—A resource advisory committee shall maintain records of the meetings of the committee and make the records available for public inspection.

"SEC. 206. USE OF PROJECT FUNDS.

"(a) AGREEMENT REGARDING SCHEDULE AND COST OF PROJECT.—

"(1) AGREEMENT BETWEEN PARTIES.—The Secretary concerned may carry out a project submitted by a resource advisory committee under section 203(a) using project funds or other funds described in section 203(a)(2), if, as soon as practicable after the issuance of a decision document for the project and the exhaustion of all administrative appeals and judicial review of the project decision, the Secretary concerned and the resource advisory committee enter into an agreement addressing, at a minimum, the following:

"(A) The schedule for completing the project.

"(B) The total cost of the project, including the level of agency overhead to be assessed against the project.

"(C) For a multiyear project, the estimated cost of the project for each of the fiscal years in which it will be carried out.

"(D) The remedies for failure of the Secretary concerned to comply with the terms of the agreement consistent with current Federal law.

"(2) LIMITED USE OF FEDERAL FUNDS.—The Secretary concerned may decide, at the sole discretion of the Secretary concerned, to cover the costs of a portion of an approved project using Federal funds appropriated or otherwise available to the Secretary for the same purposes as the project.

"(b) TRANSFER OF PROJECT FUNDS.—

"(1) INITIAL TRANSFER REQUIRED.—As soon as practicable after the agreement is reached under subsection (a) with regard to a project to be funded in whole or in part using project funds, or other funds described in section 203(a)(2), the Secretary concerned shall transfer to the applicable unit of National Forest System land or Bureau of Land Management District an amount of project funds equal to—

"(A) in the case of a project to be completed in a single fiscal year, the total amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2); or

"(B) in the case of a multiyear project, the amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2) for the first fiscal year.

"(2) CONDITION ON PROJECT COMMENCEMENT.—The unit of National Forest System land or Bureau of Land Management District concerned, shall not commence a project until the project funds, or other funds described in section 203(a)(2) required to be transferred under paragraph (1) for the project, have been made available by the Secretary concerned.

"(3) SUBSEQUENT TRANSFERS FOR MULTIYEAR PROJECTS.—

"(A) IN GENERAL.—For the second and subsequent fiscal years of a multiyear project to be funded in whole or in part using project funds, the unit of National Forest System land or Bureau of Land Management District concerned shall use the amount of project funds required to continue the project in that fiscal year according to the agreement entered into under subsection (a).

"(B) SUSPENSION OF WORK.—The Secretary concerned shall suspend work on the project if the project funds required by the agreement in the second and subsequent fiscal years are not available.

"SEC. 207. AVAILABILITY OF PROJECT FUNDS.

"(a) SUBMISSION OF PROPOSED PROJECTS TO OBLIGATE FUNDS.—By September 30 of each fiscal year through fiscal year 2011, a resource advisory committee shall submit to the Secretary concerned pursuant to section 203(a)(1) a sufficient number of project proposals that, if approved, would result in the obligation of at least the full amount of the project funds reserved by the participating county in the preceding fiscal year.

"(b) USE OR TRANSFER OF UNOBLIGATED FUNDS.—Subject to section 208, if a resource advisory committee fails to comply with subsection (a) for a fiscal year, any project funds reserved by the participating county in the preceding fiscal year and remaining unobligated shall be available for use as part of the project submissions in the next fiscal year.

"(c) EFFECT OF REJECTION OF PROJECTS.—Subject to section 208, any project funds reserved by a participating county in the preceding fiscal year that are unobligated at the end of a fiscal year because the Secretary concerned has rejected one or more proposed projects shall be available for use as part of the project submissions in the next fiscal year.

"(d) EFFECT OF COURT ORDERS.—

"(1) IN GENERAL.—If an approved project under this Act is enjoined or prohibited by a Federal court, the Secretary concerned shall return the unobligated project funds related to the project to the participating county or counties that reserved the funds.

"(2) EXPENDITURE OF FUNDS.—The returned funds shall be available for the county to expend in the same manner as the funds reserved by the county under subparagraph (B) or (C)(i) of section 102(d)(1).

"SEC. 208. TERMINATION OF AUTHORITY.

"(a) IN GENERAL.—The authority to initiate projects under this title shall terminate on September 30, 2011.

"(b) DEPOSITS IN TREASURY.—Any project funds not obligated by September 30, 2012, shall be deposited in the Treasury of the United States.

"TITLE III—COUNTY FUNDS

"SEC. 301. DEFINITIONS.

"In this title:

"(1) COUNTY FUNDS.—The term 'county funds' means all funds an eligible county elects under section 102(d) to reserve for expenditure in accordance with this title.

"(2) PARTICIPATING COUNTY.—The term 'participating county' means an eligible county that elects under section 102(d) to expend a portion of the Federal funds received under section 102 in accordance with this title.

"SEC. 302. USE.

"(a) AUTHORIZED USES.—A participating county, including any applicable agencies of the participating county, shall use county funds, in accordance with this title, only—

"(1) to carry out activities under the Firewise Communities program to provide to homeowners in fire-sensitive ecosystems education on, and assistance with implementing, techniques in home siting, home construction, and home landscaping that can increase the protection of people and property from wildfires;

"(2) to reimburse the participating county for search and rescue and other emergency services, including firefighting, that are—

"(A) performed on Federal land after the date on which the use was approved under subsection (b);

"(B) paid for by the participating county; and

"(3) to develop community wildfire protection plans in coordination with the appropriate Secretary concerned.

"(b) PROPOSALS.—A participating county shall use county funds for a use described in subsection (a) only after a 45-day public comment period, at the beginning of which the participating county shall—

"(1) publish in any publications of local record a proposal that describes the proposed use of the county funds; and

"(2) submit the proposal to any resource advisory committee established under section 205 for the participating county.

"SEC. 303. CERTIFICATION.

"(a) IN GENERAL.—Not later than February 1 of the year after the year in which any county funds were expended by a participating county, the appropriate official of the participating county shall submit to the Secretary concerned a certification that the county funds expended in the applicable year have been used for the uses authorized under section 302(a), including a description of the amounts expended and the uses for which the amounts were expended.

"(b) REVIEW.—The Secretary concerned shall review the certifications submitted under subsection (a) as the Secretary concerned determines to be appropriate.

"SEC. 304. TERMINATION OF AUTHORITY.

"(a) IN GENERAL.—The authority to initiate projects under this title terminates on September 30, 2011.

"(b) AVAILABILITY.—Any county funds not obligated by September 30, 2012, shall be returned to the Treasury of the United States.

"TITLE IV—MISCELLANEOUS PROVISIONS

"SEC. 401. REGULATIONS.

"The Secretary of Agriculture and the Secretary of the Interior shall issue regulations to carry out the purposes of this Act.

"SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as are necessary to carry out this Act for each of fiscal years 2008 through 2011.

"SEC. 403. TREATMENT OF FUNDS AND REVENUES.

"(a) RELATION TO OTHER APPROPRIATIONS.—Funds made available under section 402 and funds made available to a Secretary concerned under section 206 shall be in addition to any other annual appropriations for the Forest Service and the Bureau of Land Management.

"(b) DEPOSIT OF REVENUES AND OTHER FUNDS.—All revenues generated from projects pursuant to title II, including any interest accrued from the revenues, shall be deposited in the Treasury of the United States.".

(b) FOREST RECEIPT PAYMENTS TO ELIGIBLE STATES AND COUNTIES.—

(1) ACT OF MAY 23, 1908.—The sixth paragraph under the heading "FOREST SERVICE" in the Act of May 23, 1908 (16 U.S.C. 500) is amended in the first sentence by striking "twenty-five percentum" and all that follows through "shall be paid" and inserting the following: "an amount equal to the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years from each national forest shall be paid".

(2) WEEKS LAW.—Section 13 of the Act of March 1, 1911 (commonly known as the "Weeks Law") (16 U.S.C. 500) is amended in the first sentence by striking "twenty-five percentum" and all that follows through "shall be paid" and inserting the following: "an amount equal to the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years from each national forest shall be paid".

(c) PAYMENTS IN LIEU OF TAXES.—

(1) IN GENERAL.—Section 6906 of title 31, United States Code, is amended to read as follows:

"§ 6906. Funding

"For fiscal year 2009—

"(1) each county or other eligible unit of local government shall be entitled to payment under this chapter; and

"(2) sums shall be made available to the Secretary of the Interior for obligation or expenditure in accordance with this chapter.".

(2) CONFORMING AMENDMENT.—The table of sections for chapter 69 of title 31, United States Code, is amended by striking the item relating to section 6906 and inserting the following:

"6906. Funding.".

(3) BUDGET SCOREKEEPING.—

(A) IN GENERAL.—Notwithstanding the Budget Scorekeeping Guidelines and the accompanying list of programs and accounts set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105-217, the amendment made by paragraph (1) shall be treated in the baseline for purposes of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907) (as in effect before September 30, 2002), by the Chairpersons of the Committee on the Budget of the House of Representatives and the Committee on the Budget of the Senate, as appropriate, for purposes of budget enforcement in the House of Representatives and the Senate, and under the Congressional Budget Act of 1974 (2 U.S.C. 601 et seq.) as if Payment in Lieu of Taxes (14-1114-0-1-806) were an account designated as Appropriated Entitlements and Mandatories for Fiscal Year 1997 in the joint explanatory statement of the committee of conference accompanying Conference Report 105-217.

(B) EFFECTIVE DATE.—This paragraph shall—

(i) be effective beginning on the date of enactment of this Act; and

(ii) remain in effect for any fiscal year for which the entitlement in section 6906 of title 31, United States Code (as amended by paragraph (1)), applies.

TITLE XVI—EFFECTIVE DATE

SEC. 1601. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on the date that is 1 day after the date of enactment of this Act.

SA 3842. Mr. REID proposed an amendment to amendment SA 3841 proposed by Mr. REID to the bill H.R. 6, to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers from price gouging, to increase the energy efficiency of products, buildings, and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes; as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of this bill's enactment.

SA 3843. Mr. FEINGOLD (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, insert the following:

Subtitle H—Flexible State Funds

SEC. 1941. OFFSET.

(a) OFFSET.—

(1) IN GENERAL.—Except as provided in paragraph (3) and notwithstanding any other provision of this Act, for the period beginning on October 1, 2007, and ending on September 30, 2012, the Secretary shall reduce the total amount of payments described in paragraph (2) received by the producers on a farm by 35 percent.

(2) PAYMENT.—A payment described in this paragraph is a payment in an amount of more than $10,000 for the crop year that is—

(A) a direct payment for a covered commodity or peanuts received by the producers on a farm for a crop year under section 1103 or 1303; or

(B) the fixed payment component of an average crop revenue payment for a covered commodity or peanuts received by the producers on a farm for a crop year under section 1401(b)(2).

(3) APPLICATION.—This subsection does not apply to a payment provided under a contract entered into by the Secretary before the date of enactment of this Act.

(b) SAVINGS.—The Secretary shall ensure, to the maximum extent practicable, that any savings resulting from subsection (a) are used—

(1) to provide $15,000,000 for each of fiscal years 2008 through 2012 to carry out section 379F of the Consolidated Farm and Rural Development Act (as added by section 1943);

(2) to provide an additional $35,000,000 for fiscal year 2008 and $40,000,000 for each of fiscal years 2009 through 2012 to carry out section 231 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note; Public Law 106-224) (as amended by section 6401);

(3) to provide an additional $5,000,000 for each of fiscal years 2008 through 2012 to carry out the grassland reserve program established under subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.);

(4) to provide an additional $10,000,000 for each of fiscal years 2008 through 2012 to carry out section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279)) (as amended by section 11052);

(5) to provide an additional $30,000,000 for each of fiscal years 2008 through 2012 to carry out the farmland protection program established under subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838h et seq.) (commonly known as the "Farm and Ranch Lands Protection Program") ;

(6) to provide an additional $5,000,000 for fiscal year 2008 to carry out the Farmers' Market Promotion Program established under section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005);

(7) to carry out sections 4101 and 4013 (and the amendments made by those sections), without regards to paragraphs (1) and (3) of section 4908(b); and

(8) to make any funds that remain available after providing funds under paragraphs (1) through (7) to the Commodity Credit Corporation for use in carrying out section 1942.

SEC. 1942. FLEXIBLE STATE FUNDS.

(a) FUNDING.—

(1) BASE GRANTS.—The Secretary shall make a grant to each State to be used to benefit agricultural producers and rural communities in the State, in the amount of—

(A) for fiscal year 2008, $220,000; and

(B) for the period of fiscal years 2009 through 2017, $2,500,000.

(2) PROPORTIONAL FUNDING.—

(A) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall allocate among the States $220,000,000 for fiscal years 2009 through 2017, with each State receiving a grant in an amount equal to the proportion that—

(i) the amount of the reduction in payments in the State under section 1941(a) ; bears to

(ii) the total amount of reduced payments in all States under that section.

(B) STATE FUNDS.—The Secretary shall maintain a separate account for each State consisting of amounts allocated for the State in accordance with subparagraph (A).

(C) USE OF FUNDS.—The Secretary shall use amounts maintained in a State account described in subparagraph (B) to carry out eligible programs in the appropriate State in accordance with a determination made by a State board under subsection (b)(3).

(b) STATE BOARDS.—

(1) IN GENERAL.—The Secretary shall establish a State board for each State that consists of the State directors of—

(A) the Farm Service Agency;

(B) the Natural Resources Conservation Service; and

(C) USDA-Rural Development.

(2) STAKEHOLDER INPUT.—A State board established under paragraph (1) shall consult with and conduct appropriate outreach activities with respect to relevant State agencies (including State agencies with jurisdiction over agriculture, rural development, energy, telecommunications, public schools,

and nutrition assistance), producers, and local rural and agriculture industry leaders to collect information and provide advice regarding the needs and preferred uses of the funds provided under this section.

(3) DETERMINATION.—

(A) IN GENERAL.—Each State board shall determine the use of funds allocated under subsection (a)(2) among the eligible programs described in subsection (c)(1) based on the State needs and priorities as determined by the board.

(B) REQUIREMENT.—Of the funds allocated under subsection (a)(2) during each 5-year period, at least 20 percent of the funds shall be used to carry out eligible programs described in subparagraphs (M) through (P) of subsection (c)(1).

(4) OUTREACH ACTIVITIES.—Not more than 2 percent of the amounts maintained in a State account established under subsection (a) for a fiscal year may be used to carry out outreach activities described in paragraph (2).

(5) PROHIBITION.—Funds made available under this section may not be used for the administrative expenses of State boards in excess of the amount allowed for program administration under other law, including regulations.

(c) ELIGIBLE PROGRAMS.—

(1) IN GENERAL.—Funds allocated to a State under subsection (b) may be used in the State—

(A) to provide stewardship payments for conservation practices under the conservation security program established under subchapter A of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.);

(B) to provide cost share for projects to reduce pollution under the environmental quality incentives program established under chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.), including manure management;

(C) to assist States and local groups to purchase development rights from farms and slow suburban sprawl under the farmland protection program established under subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838h et seq.) (commonly known as the "Farm and Ranch Lands Protection Program");

(D) the grassland reserve program established under subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.);

(E) to provide loans and loan guarantees to improve broadband access in rural areas in accordance with the program under section 601 of the Rural Electrification Act of 1936 (7 U.S.C. 950bb);

(F) to provide to rural community facilities loans and grants under section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a));

(G) to provide water or waste disposal grants or direct or guaranteed loans under paragraph (1) or (2) of section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a));

(H) to make value-added agricultural product market development grants under section 231 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note; Public Law 106–224);

(I) the rural microenterprise assistance program under section 366 of the Consolidated Farm and Rural Development Act (as added by section 6022);

(J) to provide organic certification cost share or transition funds under the national organic program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.);

(K) to provide grants under the Rural Energy for America Program established under section 9007 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001);

(L) to provide grants under the Farmers' Market Promotion Program established under section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005);

(M) to provide vouchers for the seniors farmers' market nutrition program under section 4402 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3007);

(N) to provide vouchers for the farmers' market nutrition program established under section 17(m) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m));

(O) to provide grants to improve access to local foods and school gardens under section 18(i) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(i)); and

(P) subject to paragraph (2), to provide additional locally or regionally produced commodities for use by the State for any of—

(i) the fresh fruit and vegetable program under section 19 of the Richard B. Russell National School Lunch Act (as added by section 4903);

(ii) the commodity supplemental food program established under section 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93–86);

(iii) the emergency food assistance program established under the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.);

(iv) the child and adult care food program established under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766); and

(v) the food distribution program on Indian reservations established under section 4(b) of the Food and Nutrition Act of 2007 (7 U.S.C. 2013(b)).

(2) WAIVERS.—

(A) IN GENERAL.—The Secretary may waive a local or regional purchase requirement under any program described in clauses (i) through (v) of paragraph (1)(P) if the applicable State board demonstrates to the satisfaction of the Secretary that a sufficient quality or quantity of a local or regional product is not available.

(B) EFFECT.—A product purchased by a State board that receives a waiver under subparagraph (A) in lieu of a local or regional product shall be produced in the United States.

(d) MAINTENANCE OF EFFORT.—Funds made available to a program of a State under this section shall be in addition to, and shall not supplant, any other funds provided to the program under any other Federal, State, or local law (including regulations).

(e) EVALUATION AND REPORT.—Not later than March 1, 2012, the Secretary shall—

(1) evaluate the effectiveness of State funds made available under this section in meeting the unmet needs of agricultural producers, rural communities, and nutrition of school children and low-income individuals;

(2) evaluate whether base grants under subsection (a)(1) and proportional funding under subsection (a)(2) are equitable, based on national needs and the relative needs of each State;

(3) develop recommendations on whether the State flexible accounts described in subsection (a)(2)(B) should be continued and, if so, what changes should be made to the program;

(4) if the Secretary recommends that the State flexible accounts should not be continued, develop recommendations on what additional increases in other programs would be more beneficial to the broadest group of family farmers, rural communities, and the nutrition of school children and low-income individuals; and

(5) submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report containing the evaluation and recommendations required under this subsection.

SEC. 1943. GRANTS TO IMPROVE TECHNICAL INFRASTRUCTURE AND IMPROVE QUALITY OF RURAL HEALTH CARE FACILITIES.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.) (as amended by section 6028) is amended by adding at the end the following:

"SEC. 379F. GRANTS TO IMPROVE TECHNICAL INFRASTRUCTURE AND QUALITY OF RURAL HEALTH CARE FACILITIES.

"(a) DEFINITIONS.—In this section:

"(1) HEALTH INFORMATION TECHNOLOGY.—The term 'health information technology' includes total expenditures incurred for—

"(A) purchasing, leasing, and installing computer software and hardware, including handheld computer technologies, and related services;

"(B) making improvements to computer software and hardware;

"(C) purchasing or leasing communications capabilities necessary for clinical data access, storage, and exchange;

"(D) services associated with acquiring, implementing, operating, or optimizing the use of computer software and hardware and clinical health care informatics systems;

"(E) providing education and training to rural health facility staff on information systems and technology designed to improve patient safety and quality of care; and

"(F) purchasing, leasing, subscribing, or servicing support to establish interoperability that—

"(i) integrates patient-specific clinical data with well-established national treatment guidelines;

"(ii) provides continuous quality improvement functions that allow providers to assess improvement rates over time and against averages for similar providers; and

"(iii) integrates with larger health networks.

"(2) RURAL AREA.—The term 'rural area' means any area of the United States that is not—

"(A) included in the boundaries of any city, town, borough, or village, whether incorporated or unincorporated, with a population of more than 20,000 residents; or

"(B) an urbanized area contiguous and adjacent to such a city, town, borough, or village.

"(3) RURAL HEALTH FACILITY.—The term 'rural health facility' means any of—

"(A) a hospital (as defined in section 1861(e) of the Social Security Act (42 U.S.C. 1395x(e)));

"(B) a critical access hospital (as defined in section 1861(mm) of that Act (42 U.S.C. 1395x(mm)));

"(C) a Federally qualified health center (as defined in section 1861(aa) of that Act (42 U.S.C. 1395x(aa))) that is located in a rural area;

"(D) a rural health clinic (as defined in that section (42 U.S.C. 1395x(aa)));

"(E) a medicare-dependent, small rural hospital (as defined in section 1886(d)(5)(G) of that Act (42 U.S.C. 1395ww(d)(5)(G))); and

"(F) a physician or physician group practice that is located in a rural area.

"(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program under which the Secretary shall provide grants to rural health facilities for the purpose of assisting the rural health facilities in—

"(1) purchasing health information technology to improve the quality of health care or patient safety; or

"(2) otherwise improving the quality of health care or patient safety, including through the development of—

"(A) quality improvement support structures to assist rural health facilities and professionals—

"(i) to increase integration of personal and population health services; and

"(ii) to address safety, effectiveness, patient- or community-centeredness, timeliness, efficiency, and equity; and

"(B) innovative approaches to the financing and delivery of health services to achieve rural health quality goals.

"(c) AMOUNT OF GRANT.—The Secretary shall determine the amount of a grant provided under this section.

"(d) PROVISION OF INFORMATION.—A rural health facility that receives a grant under this section shall provide to the Secretary such information as the Secretary may require—

"(1) to evaluate the project for which the grant is used; and

"(2) to ensure that the grant is expended for the purposes for which the grant was provided.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.".

SA 3844. Mr. HARKIN (for himself, Mr. KENNEDY, and Mr. GREGG) proposed an amendment to amendment SA 3830 proposed by Mr. HARKIN (for himself, Mr. KENNEDY, and Mr. GREGG) to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; as follows:

In lieu of the matter to be inserted insert the following:

Subtitle ___—Public Safety Officers

SEC. ____1. SHORT TITLE.

This subtitle may be cited as the "Public Safety Employer-Employee Cooperation Act of 2007".

SEC. ____2. DECLARATION OF PURPOSE AND POLICY.

The Congress declares that the following is the policy of the United States:

(1) Labor-management relationships and partnerships are based on trust, mutual respect, open communication, bilateral consensual problem solving, and shared accountability. Labor-management cooperation fully utilizes the strengths of both parties to best serve the interests of the public, operating as a team, to carry out the public safety mission in a quality work environment. In many public safety agencies it is the union that provides the institutional stability as elected leaders and appointees come and go.

(2) State and local public safety officers play an essential role in the efforts of the United States to detect, prevent, and respond to terrorist attacks, and to respond to natural disasters, hazardous materials, and other mass casualty incidents. State and local public safety officers, as first responders, are a component of our Nation's National Incident Management System, developed by the Department of Homeland Security to coordinate response to and recovery from terrorism, major natural disasters, and other major emergencies. Public safety employer-employee cooperation is essential in meeting these needs and is, therefore, in the National interest.

(3) The Federal Government needs to encourage conciliation, mediation, and voluntary arbitration to aid and encourage employers and the representatives of their employees to reach and maintain agreements concerning rates of pay, hours, and working conditions, and to make all reasonable efforts through negotiations to settle their differences by mutual agreement reached through collective bargaining or by such methods as may be provided for in any applicable agreement for the settlement of disputes.

(4) The absence of adequate cooperation between public safety employers and employees has implications for the security of employees and can affect interstate and intrastate commerce. The lack of such labor-management cooperation can detrimentally impact the upgrading of police and fire services of local communities, the health and well-being of public safety officers, and the morale of the fire and police departments. Additionally, these factors could have significant commercial repercussions. Moreover, providing minimal standards for collective bargaining negotiations in the public safety sector can prevent industrial strife between labor and management that interferes with the normal flow of commerce.

SEC. ____3. DEFINITIONS.

In this subtitle:

(1) AUTHORITY.—The term "Authority" means the Federal Labor Relations Authority.

(2) EMERGENCY MEDICAL SERVICES PERSONNEL.—The term "emergency medical services personnel" means an individual who provides out-of-hospital emergency medical care, including an emergency medical technician, paramedic, or first responder.

(3) EMPLOYER; PUBLIC SAFETY AGENCY.—The terms "employer" and "public safety agency" mean any State, or political subdivision of a State, that employs public safety officers.

(4) FIREFIGHTER.—The term "firefighter" has the meaning given the term "employee engaged in fire protection activities" in section 3(y) of the Fair Labor Standards Act (29 U.S.C. 203(y)).

(5) LABOR ORGANIZATION.—The term "labor organization" means an organization composed in whole or in part of employees, in which employees participate, and which represents such employees before public safety agencies concerning grievances, conditions of employment, and related matters.

(6) LAW ENFORCEMENT OFFICER.—The term "law enforcement officer" has the meaning given such term in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b).

(7) MANAGEMENT EMPLOYEE.—The term "management employee" has the meaning given such term under applicable State law in effect on the date of enactment of this subtitle. If no such State law is in effect, the term means an individual employed by a public safety employer in a position that requires or authorizes the individual to formulate, determine, or influence the policies of the employer.

(8) PERSON.—The term "person" means an individual or a labor organization.

(9) PUBLIC SAFETY OFFICER.—The term "public safety officer"—

(A) means an employee of a public safety agency who is a law enforcement officer, a firefighter, or an emergency medical services personnel;

(B) includes an individual who is temporarily transferred to a supervisory or management position; and

(C) does not include a permanent supervisory or management employee.

(10) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, and any territory or possession of the United States.

(11) SUBSTANTIALLY PROVIDES.—The term "substantially provides" means compliance with the essential requirements of this subtitle, specifically, the right to form and join a labor organization, the right to bargain over wages, hours, and conditions of employment, the right to sign an enforceable contract, and availability of some form of mechanism to break an impasse, such as arbitration, mediation, or fact-finding.

(12) SUPERVISORY EMPLOYEE.—The term "supervisory employee" has the meaning given such term under applicable State law in effect on the date of enactment of this subtitle. If no such State law is in effect, the term means an individual, employed by a public safety employer, who—

(A) has the authority in the interest of the employer to hire, direct, assign, promote, reward, transfer, furlough, lay off, recall, suspend, discipline, or remove public safety officers, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment; and

(B) devotes a majority of time at work exercising such authority.

SEC. ____4. DETERMINATION OF RIGHTS AND RESPONSIBILITIES.

(a) DETERMINATION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subtitle, the Authority shall make a determination as to whether a State substantially provides for the rights and responsibilities described in subsection (b). In making such determinations, the Authority shall consider and give weight, to the maximum extent practicable, to the opinion of affected parties.

(2) SUBSEQUENT DETERMINATIONS.—

(A) IN GENERAL.—A determination made pursuant to paragraph (1) shall remain in effect unless and until the Authority issues a subsequent determination, in accordance with the procedures set forth in subparagraph (B).

(B) PROCEDURES FOR SUBSEQUENT DETERMINATIONS.—Upon establishing that a material change in State law or its interpretation has occurred, an employer or a labor organization may submit a written request for a subsequent determination. If satisfied that a material change in State law or its interpretation has occurred, the Authority shall issue a subsequent determination not later than 30 days after receipt of such request.

(3) JUDICIAL REVIEW.—Any person or employer aggrieved by a determination of the Authority under this section may, during the 60-day period beginning on the date on which the determination was made, petition any United States Court of Appeals in the circuit in which the person or employer resides or transacts business or in the District of Columbia circuit, for judicial review. In any judicial review of a determination by the

Authority, the procedures contained in subsections (c) and (d) of section 7123 of title 5, United States Code, shall be followed.

(b) RIGHTS AND RESPONSIBILITIES.—In making a determination described in subsection (a), the Authority shall consider whether State law provides rights and responsibilities comparable to or greater than the following:

(1) Granting public safety officers the right to form and join a labor organization, which may exclude management employees and supervisory employees, that is, or seeks to be, recognized as the exclusive bargaining representative of such employees.

(2) Requiring public safety employers to recognize the employees' labor organization (freely chosen by a majority of the employees), to agree to bargain with the labor organization, and to commit any agreements to writing in a contract or memorandum of understanding.

(3) Permitting bargaining over hours, wages, and terms and conditions of employment.

(4) Making available an interest impasse resolution mechanism, such as fact-finding, mediation, arbitration, or comparable procedures.

(5) Requiring enforcement through State courts of—

(A) all rights, responsibilities, and protections provided by State law and enumerated in this section; and

(B) any written contract or memorandum of understanding.

(c) FAILURE TO MEET REQUIREMENTS.—

(1) IN GENERAL.—If the Authority determines, acting pursuant to its authority under subsection (a), that a State does not substantially provide for the rights and responsibilities described in subsection (b), such State shall be subject to the regulations and procedures described in section ____5.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on the date that is 2 years after the date of enactment of this subtitle.

SEC. ____5. ROLE OF FEDERAL LABOR RELATIONS AUTHORITY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this subtitle, the Authority shall issue regulations in accordance with the rights and responsibilities described in section ____4(b) establishing collective bargaining procedures for employers and public safety officers in States which the Authority has determined, acting pursuant to section ____4(a), do not substantially provide for such rights and responsibilities.

(b) ROLE OF THE FEDERAL LABOR RELATIONS AUTHORITY.—The Authority, to the extent provided in this subtitle and in accordance with regulations prescribed by the Authority, shall—

(1) determine the appropriateness of units for labor organization representation;

(2) supervise or conduct elections to determine whether a labor organization has been selected as an exclusive representative by a voting majority of the employees in an appropriate unit;

(3) resolve issues relating to the duty to bargain in good faith;

(4) conduct hearings and resolve complaints of unfair labor practices;

(5) resolve exceptions to the awards of arbitrators;

(6) protect the right of each employee to form, join, or assist any labor organization, or to refrain from any such activity, freely and without fear of penalty or reprisal, and protect each employee in the exercise of such right; and

(7) take such other actions as are necessary and appropriate to effectively administer this subtitle, including issuing subpoenas requiring the attendance and testimony of witnesses and the production of documentary or other evidence from any place in the United States, and administering oaths, taking or ordering the taking of depositions, ordering responses to written interrogatories, and receiving and examining witnesses.

(c) ENFORCEMENT.—

(1) AUTHORITY TO PETITION COURT.—The Authority may petition any United States Court of Appeals with jurisdiction over the parties, or the United States Court of Appeals for the District of Columbia Circuit, to enforce any final orders under this section, and for appropriate temporary relief or a restraining order. Any petition under this section shall be conducted in accordance with subsections (c) and (d) of section 7123 of title 5, United States Code.

(2) PRIVATE RIGHT OF ACTION.—Unless the Authority has filed a petition for enforcement as provided in paragraph (1), any party has the right to file suit in a State court of competent jurisdiction to enforce compliance with the regulations issued by the Authority pursuant to subsection (b), and to enforce compliance with any order issued by the Authority pursuant to this section. The right provided by this subsection to bring a suit to enforce compliance with any order issued by the Authority pursuant to this section shall terminate upon the filing of a petition seeking the same relief by the Authority.

SEC. ____6. STRIKES AND LOCKOUTS PROHIBITED.

(a) PROHIBITION.—An employer, public safety officer, or labor organization may not engage in a lockout, sickout, work slowdown, strike, or any other action that will measurably disrupt the delivery of emergency services and is designed to compel an employer, public safety officer, or labor organization to agree to the terms of a proposed contract.

(b) MANDATORY TERMS AND CONDITIONS.—It shall not be a violation of subsection (a) for a public safety officer or labor organization to refuse to carry out services that are not required under the mandatory terms and conditions of employment applicable to the public safety officer or labor organization.

SEC. ____7. EXISTING COLLECTIVE BARGAINING UNITS AND AGREEMENTS.

A certification, recognition, election-held, collective bargaining agreement or memorandum of understanding which has been issued, approved, or ratified by any public employee relations board or commission or by any State or political subdivision or its agents (management officials) and is in effect on the day before the date of enactment of this subtitle shall not be invalidated by the enactment of this subtitle.

SEC. ____8. CONSTRUCTION AND COMPLIANCE.

(a) CONSTRUCTION.—Nothing in this subtitle shall be construed—

(1) to preempt or limit the remedies, rights, and procedures of any law of any State or political subdivision of any State or jurisdiction that provides greater or comparable rights and responsibilities than the rights and responsibilities described in section ____4(b);

(2) to prevent a State from enforcing a right-to-work law that prohibits employers and labor organizations from negotiating provisions in a labor agreement that require union membership or payment of union fees as a condition of employment;

(3) to preempt or limit any State law in effect on the date of enactment of this subtitle that provides for the rights and responsibilities described in section ____4(b) solely because such State law permits an employee to appear on the employee's own behalf with respect to the employee's employment relations with the public safety agency involved;

(4) to preempt or limit any State law in effect on the date of enactment of this subtitle that provides for the rights and responsibilities described in section ____4(b) solely because such State law excludes from its coverage employees of a State militia or national guard;

(5) to permit parties in States subject to the regulations and procedures described in section ____5 to negotiate provisions that would prohibit an employee from engaging in part-time employment or volunteer activities during off-duty hours;

(6) to prohibit a State from exempting from coverage under this subtitle a political subdivision of the State that has a population of less than 5,000 or that employs less than 25 full-time employees; or

(7) to preempt or limit the laws or ordinances of any State or political subdivision of a State that provide for the rights and responsibilities described in section ____4(b) solely because such law does not require bargaining with respect to pension, retirement, or health benefits.

For purposes of paragraph (6), the term "employee" includes each and every individual employed by the political subdivision except any individual elected by popular vote or appointed to serve on a board or commission.

(b) COMPLIANCE.—

(1) ACTIONS OF STATES.—Nothing in this subtitle or the regulations promulgated under this subtitle shall be construed to require a State to rescind or preempt the laws or ordinances of any of its political subdivisions if such laws provide rights and responsibilities for public safety officers that are comparable to or greater than the rights and responsibilities described in section ____4(b).

(2) ACTIONS OF THE AUTHORITY.—Nothing in this subtitle or the regulations promulgated under this subtitle shall be construed to preempt—

(A) the laws or ordinances of any State or political subdivision of a State, if such laws provide collective bargaining rights for public safety officers that are comparable to or greater than the rights enumerated in section ____4(b);

(B) the laws or ordinance of any State or political subdivision of a State that provide for the rights and responsibilities described in section ____4(b) with respect to certain categories of public safety officers covered by this subtitle solely because such rights and responsibilities have not been extended to other categories of public safety officers covered by this subtitle; or

(C) the laws or ordinances of any State or political subdivision of a State that provides for the rights and responsibilities described in section ____4(b), solely because such laws or ordinances provide that a contract or memorandum of understanding between a public safety employer and a labor organization must be presented to a legislative body as part of the process for approving such contract or memorandum of understanding.

(3) LIMITED ENFORCEMENT POWER.—In the case of a law described in paragraph (2)(B), the Authority shall only exercise the powers provided in section ____5 with respect to those categories of public safety officers who have not been afforded the rights and responsibilities described in section ____4(b).

(4) EXCLUSIVE ENFORCEMENT PROVISION.—Notwithstanding any other provision of this

subtitle, and in the absence of a waiver of a State's sovereign immunity, the Authority shall have the exclusive power to enforce the provisions of this subtitle with respect to employees of a State or political subdivision of a State.

SEC. _____9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subtitle.

This section shall take effect one day after this bill's enactment.

SA 3845. Mr. HARKIN (for Mr. KENNEDY (for himself and Mr. DURBIN)) proposed an amendment to amendment SA 3539 proposed by Mr. DURBIN to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 1170_. ACTION BY PRESIDENT AND CONGRESS BASED ON REPORT.

(a) PRESIDENT.—Not later than 180 days after the date on which the Congressional Bipartisan Food Safety Commission established by section 11060(a)(1)(A) submits to the President and Congress the report required under section 11060(b)(3), the President shall—

(1) review the report; and

(2) submit to Congress proposed legislation based on the recommendations for statutory language contained in the report, together with an explanation of the differences, if any, between the recommendations for statutory language contained in the report and the proposed legislation.

(b) CONGRESS.—On receipt of the proposed legislation described in subsection (a), the appropriate committees of Congress may hold such hearings and carry out such other activities as are necessary for appropriate consideration of the recommendations for statutory language contained in the report and the proposed legislation.

(c) SENSE OF SENATE.—It is the sense of the Senate that—

(1) it is vital for Congress to provide to food safety agencies of the Federal Government, including the Department of Agriculture and the Food and Drug Administration, additional resources, and direction with respect to ensuring the safety of the food supply of the United States;

(2) additional inspectors are required to improve the ability of the Federal Government to safeguard the food supply of the United States;

(3) because of the increasing volume of international trade in food products, the Federal Government should give priority to entering into agreements with trading partners of the United States with respect to food safety; and

(4) based on the report of the Commission referred to in subsection (a) and the proposed legislation referred to in subsection (b), Congress should work toward a comprehensive legislative response to the issue of food safety.

SA 3846. Mr. HARKIN (for Mr. DODD (for himself and Mr. SHELBY)) proposed an amendment to the bill S. 2271, to authorize State and local governments to divest assets in companies that conduct business operations in Sudan, to prohibit United States Government contracts with such companies, and for other purposes; as follows:

On page 5, line 20, insert "parent company," after "subunit,".

On page 7, strike lines 1 through 15.

On page 9, line 18, insert "or" after the semicolon.

On page 9, strike lines 19 through 21.

On page 9, line 22, strike "(G)" and insert "(F)".

On page 10, between lines 8 and 9, insert the following:

(3) APPLICABILITY.—The measure shall not apply to a person that demonstrates to the State or local government that the person does not conduct or have direct investments in business operations described in subsection (d).

(4) SENSE OF CONGRESS ON AVOIDING ERRONEOUS TARGETING.—It is the sense of Congress that a State or local government should not adopt a measure under subsection (b) with respect to a person unless the State or local government has made every effort to avoid erroneously targeting the person and has verified that the person conducts or has direct investments in business operations described in subsection (d).

On page 10, lines 24 and 25, strike ", directly or indirectly,".

On page 16, strike lines 9 through 16.

On page 16, line 17, strike "(d)" and insert "(c)".

On page 17, line 3, strike "(e)" and insert "(d)".

On page 17, line 11, strike "(f)" and insert "(e)".

SA 3847. Mr. HARKIN (for Mr. BAUCUS (for himself and Mr. GRASSLEY)) proposed an amendment to the bill H.R. 3997, to amend the Internal Revenue Code of 1986 to provide tax relief and protections for military personnel, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the "Defenders of Freedom Tax Relief Act of 2007".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; etc.

TITLE I—TAX RELIEF AND PROTECTIONS FOR MILITARY PERSONNEL

Sec. 101. Permanent extension of qualified mortgage bond program rules for veterans.
Sec. 102. Exclusion of certain amounts from income for purposes of eligibility for certain housing provisions.
Sec. 103. Permanent extension of election to treat combat pay as earned income for purposes of earned income credit.
Sec. 104. Extension of statute of limitations to file claims for refunds relating to disability determinations by Department of Veterans Affairs.
Sec. 105. Credit for employer differential wage payments to employees who are active duty members of the uniformed services.
Sec. 106. Permanent extension of penalty-free withdrawals from retirement plans by individual called to active duty.
Sec. 107. State payments to service members treated as qualified military benefits.
Sec. 108. Survivor and disability payments with respect to qualified military service.
Sec. 109. Treatment of differential military pay as wages.
Sec. 110. Disclosure of return information relating to veterans programs made permanent.
Sec. 111. Contributions of military death gratuities to Roth IRAs and Education Savings Accounts.

TITLE II—CERTAIN HOUSING BENEFITS FOR INTELLIGENCE COMMUNITY AND PEACE CORPS VOLUNTEERS

Sec. 201. Permanent exclusion of gain from sale of a principal residence by certain employees of the intelligence community.
Sec. 202. Suspension of 5-year period during service with the Peace Corps.

TITLE III—REVENUE PROVISIONS

Sec. 301. Revision of tax rules on expatriation.
Sec. 302. Special enrollment option by employer health plans for members of uniform services who lose health care coverage.
Sec. 303. Increase in minimum penalty on failure to file a return of tax.

TITLE I—TAX RELIEF AND PROTECTIONS FOR MILITARY PERSONNEL

SEC. 101. PERMANENT EXTENSION OF QUALIFIED MORTGAGE BOND PROGRAM RULES FOR VETERANS.

(a) IN GENERAL.—Section 143(d)(2)(D) (relating to exception) is amended by striking "in the case of bonds issued after the date of the enactment of this subparagraph and before January 1, 2008,".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after December 31, 2007.

SEC. 102. EXCLUSION OF CERTAIN AMOUNTS FROM INCOME FOR PURPOSES OF ELIGIBILITY FOR CERTAIN HOUSING PROVISIONS.

(a) IN GENERAL.—The last sentence of 142(d)(2)(B) (relating to income of individuals; area median gross income) is amended to read as follows "For purposes of determining income under this subparagraph, subsections (g) and (h) of section 7872 shall not apply and any payments to a member of the Armed Forces under section 403 of title 37, United States Code, as a basic pay allowance for housing, shall be disregarded.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) housing credit dollar amounts allocated after the date of the enactment of this Act, and

(2) buildings placed in service after such date to the extent paragraph (1) of section 42(h) of the Internal Revenue Code of 1986 does not apply to such building by reason of paragraph (4) thereof, but only with respect to bonds issued after such date.

SEC. 103. PERMANENT EXTENSION OF ELECTION TO TREAT COMBAT PAY AS EARNED INCOME FOR PURPOSES OF EARNED INCOME CREDIT.

(a) IN GENERAL.—Clause (vi) of section 32(c)(2)(B) (defining earned income) is amended to read as follows:

"(vi) a taxpayer may elect to treat amounts excluded from gross income by reason of section 112 as earned income.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after December 31, 2007.

SEC. 104. EXTENSION OF STATUTE OF LIMITATIONS TO FILE CLAIMS FOR REFUNDS RELATING TO DISABILITY DETERMINATIONS BY DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Subsection (d) of section 6511 (relating to special rules applicable to income taxes) is amended by adding at the end the following new paragraph:

"(8) SPECIAL RULES WHEN UNIFORMED SERVICES RETIRED PAY IS REDUCED AS A RESULT OF AWARD OF DISABILITY COMPENSATION.—

"(A) PERIOD OF LIMITATION ON FILING CLAIM.—If the claim for credit or refund relates to an overpayment of tax imposed by subtitle A on account of—

"(i) the reduction of uniformed services retired pay computed under section 1406 or 1407 of title 10, United States Code, or

"(ii) the waiver of such pay under section 5305 of title 38 of such Code,

as a result of an award of compensation under title 38 of such Code pursuant to a determination by the Secretary of Veterans Affairs, the 3-year period of limitation prescribed in subsection (a) shall be extended, for purposes of permitting a credit or refund based upon the amount of such reduction or waiver, until the end of the 1-year period beginning on the date of such determination.

"(B) LIMITATION TO 5 TAXABLE YEARS.—Subparagraph (A) shall not apply with respect to any taxable year which began more than 5 years before the date of such determination.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to claims for credit or refund filed after the date of the enactment of this Act.

(c) TRANSITION RULES.—In the case of a determination described in paragraph (8) of section 6511(d) of the Internal Revenue Code of 1986 (as added by this section) which is made by the Secretary of Veterans Affairs after December 31, 2000, and on or before the date of the enactment of this Act, such paragraph—

(1) shall not apply with respect to any taxable year which began before January 1, 2001, and

(2) shall be applied by substituting "the date of the enactment of the Defenders of Freedom Tax Relief Act of 2007" for "the date of such determination" in subparagraph (A) thereof.

SEC. 105. CREDIT FOR EMPLOYER DIFFERENTIAL WAGE PAYMENTS TO EMPLOYEES WHO ARE ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business credits) is amended by adding at the end the following new section:

"SEC. 45O. EMPLOYER WAGE CREDIT FOR EMPLOYEES WHO ARE ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.

"(a) GENERAL RULE.—For purposes of section 38, in the case of an eligible small business employer, the differential wage payment credit for any taxable year is an amount equal to 20 percent of the sum of the eligible differential wage payments for each of the qualified employees of the taxpayer during such taxable year.

"(b) DEFINITIONS.—For purposes of this section—

"(1) ELIGIBLE DIFFERENTIAL WAGE PAYMENTS.—The term 'eligible differential wage payments' means, with respect to each qualified employee, so much of the differential wage payments (as defined in section 3401(h)(2)) paid to such employee for the taxable year as does not exceed $20,000.

"(2) QUALIFIED EMPLOYEE.—The term 'qualified employee' means a person who has been an employee of the taxpayer for the 91-day period immediately preceding the period for which any differential wage payment is made.

"(3) ELIGIBLE SMALL BUSINESS EMPLOYER.—

"(A) IN GENERAL.—The term 'eligible small business employer' means, with respect to any taxable year, any employer which—

"(i) employed an average of less that 50 employees on business days during such taxable year, and

"(ii) under a written plan of the employer, provides eligible differential wage payments to every qualified employee of the employer.

"(B) CONTROLLED GROUPS.—For purposes of subparagraph (A), all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as a single employer.

"(c) COORDINATION WITH OTHER CREDITS.—The amount of credit otherwise allowable under this chapter with respect to compensation paid to any employee shall be reduced by the credit determined under this section with respect to such employee.

"(d) DISALLOWANCE FOR FAILURE TO COMPLY WITH EMPLOYMENT OR REEMPLOYMENT RIGHTS OF MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—No credit shall be allowed under subsection (a) to a taxpayer for—

"(1) any taxable year, beginning after the date of the enactment of this section, in which the taxpayer is under a final order, judgment, or other process issued or required by a district court of the United States under section 4323 of title 38 of the United States Code with respect to a violation of chapter 43 of such title, and

"(2) the 2 succeeding taxable years.

"(e) CERTAIN RULES TO APPLY.—For purposes of this section, rules similar to the rules of subsections (c), (d), and (e) of section 52 shall apply.

"(f) TERMINATION.—This section shall not apply to any payments made after December 31, 2009.".

(b) CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b) (relating to general business credit) is amended by striking "plus" at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting ", plus", and by adding at the end of following new paragraph:

"(32) the differential wage payment credit determined under section 45O(a).".

(c) NO DEDUCTION FOR COMPENSATION TAKEN INTO ACCOUNT FOR CREDIT.—Section 280C(a) (relating to rule for employment credits) is amended by inserting "45O(a)," after "45A(a),".

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 45O. Employer wage credit for employees who are active duty members of the uniformed services.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid after the date of the enactment of this Act.

SEC. 106. PERMANENT EXTENSION OF PENALTY-FREE WITHDRAWALS FROM RETIREMENT PLANS BY INDIVIDUAL CALLED TO ACTIVE DUTY.

Clause (iv) of section 72(t)(2)(G) (relating to distributions from retirement plans to individuals called to active duty) is amended by striking all after "September 11, 2001" and inserting a period.

SEC. 107. STATE PAYMENTS TO SERVICE MEMBERS TREATED AS QUALIFIED MILITARY BENEFITS.

(a) IN GENERAL.—Section 134(b) (defining qualified military benefit) is amended by adding at the end the following new paragraph:

"(6) CERTAIN STATE PAYMENTS.—The term 'qualified military benefit' includes any bonus payment by a State or political subdivision thereof to any member or former member of the uniformed services of the United States or any dependent of such member only by reason of such member's service in an combat zone (as defined in section 112(c)(2), determined without regard to the parenthetical).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made before, on, or after the date of the enactment of this Act.

SEC. 108. SURVIVOR AND DISABILITY PAYMENTS WITH RESPECT TO QUALIFIED MILITARY SERVICE.

(a) PLAN QUALIFICATION REQUIREMENT FOR DEATH BENEFITS UNDER USERRA-QUALIFIED ACTIVE MILITARY SERVICE.—Subsection (a) of section 401 (relating to requirements for qualification) is amended by inserting after paragraph (36) the following new paragraph:

"(37) DEATH BENEFITS UNDER USERRA-QUALIFIED ACTIVE MILITARY SERVICE.—A trust shall not constitute a qualified trust unless the plan provides that, in the case of a participant who dies while performing qualified military service (as defined in section 414(u)), the survivors of the participant are entitled to any additional benefits (other than benefit accruals relating to the period of qualified military service) provided under the plan had the participant resumed and then terminated employment on account of death.".

(b) TREATMENT IN THE CASE OF DEATH OR DISABILITY RESULTING FROM ACTIVE MILITARY SERVICE FOR BENEFIT ACCRUAL PURPOSES.—Subsection (u) of section 414 (relating to special rules relating to veterans' reemployment rights under USERRA) is amended by redesignating paragraphs (9) and (10) as paragraphs (10) and (11), respectively, and by inserting after paragraph (8) the following new paragraph:

"(9) TREATMENT IN THE CASE OF DEATH OR DISABILITY RESULTING FROM ACTIVE MILITARY SERVICE.—

"(A) IN GENERAL.—For benefit accrual purposes, an employer sponsoring a retirement plan may treat an individual who dies or becomes disabled (as defined under the terms of the plan) while performing qualified military service with respect to the employer maintaining the plan as if the individual has resumed employment in accordance with the individual's reemployment rights under chapter 43 of title 38, United States Code, on the day preceding death or disability (as the case may be) and terminated employment on the actual date of death or disability. In the case of any such treatment, and subject to subparagraphs (B) and (C), any full or partial compliance by such plan with respect to the benefit accrual requirements of paragraph (8) with respect to such individual shall be treated for purposes of paragraph (1) as if such compliance were required under such chapter 43.

"(B) NONDISCRIMINATION REQUIREMENT.—Subparagraph (A) shall apply only if all individuals performing qualified military service with respect to the employer maintaining the plan (as determined under subsections (b), (c), (m), and (o)) who die or became disabled as a result of performing qualified military service prior to reemployment by the employer are credited with service and benefits on reasonably equivalent terms.

"(C) DETERMINATION OF BENEFITS.—The amount of employee contributions and the amount of elective deferrals of an individual treated as reemployed under subparagraph (A) for purposes of applying paragraph (8)(C) shall be determined on the basis of the individual's average actual employee contributions or elective deferrals for the lesser of—

"(i) the 12-month period of service with the employer immediately prior to qualified military service, or

"(ii) if service with the employer is less than such 12-month period, the actual length of continuous service with the employer.".

(c) CONFORMING AMENDMENTS.—

(1) Section 404(a)(2) is amended by striking "and (31)" and inserting "(31), and (37)".

(2) Section 403(b) is amended by adding at the end the following new paragraph:

"(14) DEATH BENEFITS UNDER USERRA-QUALIFIED ACTIVE MILITARY SERVICE.—This subsection shall not apply to an annuity contract unless such contract meets the requirements of section 401(a)(37).".

(3) Section 457(g) is amended by adding at the end the following new paragraph:

"(4) DEATH BENEFITS UNDER USERRA-QUALIFIED ACTIVE MILITARY SERVICE.—A plan described in paragraph (1) shall not be treated as an eligible deferred compensation plan unless such plan meets the requirements of section 401(a)(37).".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to deaths and disabilities occurring on or after January 1, 2007.

(2) PROVISIONS RELATING TO PLAN AMENDMENTS.—

(A) IN GENERAL.—If this subparagraph applies to any plan or contract amendment, such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subparagraph (B)(iii).

(B) AMENDMENTS TO WHICH SUBPARAGRAPH (A) APPLIES.—

(i) IN GENERAL.—Subparagraph (A) shall apply to any amendment to any plan or annuity contract which is made—

(I) pursuant to the amendments made by subsection (a) or pursuant to any regulation issued by the Secretary of the Treasury under subsection (a), and

(II) on or before the last day of the first plan year beginning on or after January 1, 2009.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), this clause shall be applied by substituting "2011" for "2009" in subclause (II).

(ii) CONDITIONS.—This paragraph shall not apply to any amendment unless—

(I) the plan or contract is operated as if such plan or contract amendment were in effect for the period described in clause (iii), and

(II) such plan or contract amendment applies retroactively for such period.

(iii) PERIOD DESCRIBED.—The period described in this clause is the period—

(I) beginning on the effective date specified by the plan, and

(II) ending on the date described in clause (i)(II) (or, if earlier, the date the plan or contract amendment is adopted).

SEC. 109. TREATMENT OF DIFFERENTIAL MILITARY PAY AS WAGES.

(a) INCOME TAX WITHHOLDING ON DIFFERENTIAL WAGE PAYMENTS.—

(1) IN GENERAL.—Section 3401 (relating to definitions) is amended by adding at the end the following new subsection:

"(h) DIFFERENTIAL WAGE PAYMENTS TO ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.—

"(1) IN GENERAL.—For purposes of subsection (a), any differential wage payment shall be treated as a payment of wages by the employer to the employee.

"(2) DIFFERENTIAL WAGE PAYMENT.—For purposes of paragraph (1), the term 'differential wage payment' means any payment which—

"(A) is made by an employer to an individual with respect to any period during which the individual is performing service in the uniformed services while on active duty for a period of more than 30 days, and

"(B) represents all or a portion of the wages the individual would have received from the employer if the individual were performing service for the employer.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to remuneration paid after December 31, 2007.

(b) TREATMENT OF DIFFERENTIAL WAGE PAYMENTS FOR RETIREMENT PLAN PURPOSES.—

(1) PENSION PLANS.—

(A) IN GENERAL.—Section 414(u) (relating to special rules relating to veterans' reemployment rights under USERRA), as amended by this Act, is amended by redesignating paragraphs (10) and (11) as paragraphs (11) and (12), respectively, and by inserting after paragraph (9) the following new paragraph:

"(10) TREATMENT OF DIFFERENTIAL WAGE PAYMENTS.—

"(A) IN GENERAL.—Except as provided in this paragraph, for purposes of applying this title to a retirement plan to which this subsection applies—

"(i) an individual receiving a differential wage payment shall be treated as an employee of the employer making the payment,

"(ii) the differential wage payment shall be treated as compensation, and

"(iii) the plan shall not be treated as failing to meet the requirements of any provision described in paragraph (1)(C) by reason of any contribution or benefit which is based on the differential wage payment.

"(B) SPECIAL RULE FOR DISTRIBUTIONS.—

"(i) IN GENERAL.—Notwithstanding subparagraph (A)(i), for purposes of section 401(k)(2)(B)(i)(I), 403(b)(7)(A)(ii), 403(b)(11)(A), or 457(d)(1)(A)(ii), an individual shall be treated as having been severed from employment during any period the individual is performing service in the uniformed services described in section 3401(h)(2)(A).

"(ii) LIMITATION.—If an individual elects to receive a distribution by reason of clause (i), the plan shall provide that the individual may not make an elective deferral or employee contribution during the 6-month period beginning on the date of the distribution.

"(C) NONDISCRIMINATION REQUIREMENT.—Subparagraph (A)(iii) shall apply only if all employees of an employer (as determined under subsections (b), (c), (m), and (o)) performing service in the uniformed services described in section 3401(h)(2)(A) are entitled to receive differential wage payments on reasonably equivalent terms and, if eligible to participate in a retirement plan maintained by the employer, to make contributions based on the payments on reasonably equivalent terms. For purposes of applying this subparagraph, the provisions of paragraphs (3), (4), and (5) of section 410(b) shall apply.

"(D) DIFFERENTIAL WAGE PAYMENT.—For purposes of this paragraph, the term 'differential wage payment' has the meaning given such term by section 3401(h)(2).".

(B) CONFORMING AMENDMENT.—The heading for section 414(u) is amended by inserting "AND TO DIFFERENTIAL WAGE PAYMENTS TO MEMBERS ON ACTIVE DUTY" after "USERRA".

(2) DIFFERENTIAL WAGE PAYMENTS TREATED AS COMPENSATION FOR INDIVIDUAL RETIREMENT PLANS.—Section 219(f)(1) (defining compensation) is amended by adding at the end the following new sentence: "The term 'compensation' includes any differential wage payment (as defined in section 3401(h)(2)).".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to years beginning after December 31, 2007.

(c) PROVISIONS RELATING TO PLAN AMENDMENTS.—

(1) IN GENERAL.—If this subsection applies to any plan or annuity contract amendment—

(A) such plan or contract shall be treated as being operated in accordance with the terms of the plan or contract during the period described in paragraph (2)(B)(i), and

(B) except as provided by the Secretary of the Treasury, such plan shall not fail to meet the requirements of the Internal Revenue Code of 1986 or the Employee Retirement Income Security Act of 1974 by reason of such amendment.

(2) AMENDMENTS TO WHICH SECTION APPLIES.—

(A) IN GENERAL.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

(i) pursuant to any amendment made by this section, and

(ii) on or before the last day of the first plan year beginning on or after January 1, 2009.

(B) CONDITIONS.—This subsection shall not apply to any plan or annuity contract amendment unless—

(i) during the period beginning on the date the amendment described in subparagraph (A)(i) takes effect and ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted), the plan or contract is operated as if such plan or contract amendment were in effect, and

(ii) such plan or contract amendment applies retroactively for such period.

SEC. 110. DISCLOSURE OF RETURN INFORMATION RELATING TO VETERANS PROGRAMS MADE PERMANENT.

(a) IN GENERAL.—Subparagraph (D) of section 6103(l)(7) (relating to disclosure of return information to Federal, State, and local agencies administering certain programs under the Social Security Act, the Food Stamp Act of 1977, or title 38, United States Code or certain housing assistance programs) is amended by striking the last sentence.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to requests made after September 30, 2008.

SEC. 111. CONTRIBUTIONS OF MILITARY DEATH GRATUITIES TO ROTH IRAS AND EDUCATION SAVINGS ACCOUNTS.

(a) PROVISION IN EFFECT BEFORE PENSION PROTECTION ACT.—Subsection (e) of section 408A (relating to qualified rollover contribution), as in effect before the amendments made by section 824 of the Pension Protection Act of 2006, is amended to read as follows:

"(e) QUALIFIED ROLLOVER CONTRIBUTION.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified rollover contribution' means a rollover contribution to a Roth IRA from another such account, or from an individual retirement plan, but only if such rollover contribution meets the requirements of section 408(d)(3). Such term includes a rollover contribution described in section 402A(c)(3)(A). For purposes of section 408(d)(3)(B), there shall be disregarded any qualified rollover contribution from an individual retirement plan (other than a Roth IRA) to a Roth IRA.

"(2) MILITARY DEATH GRATUITY.—

"(A) IN GENERAL.—The term 'qualified rollover contribution' includes a contribution to a Roth IRA maintained for the benefit of an individual made before the end of the 1-year period beginning on the date on which such individual receives an amount under section 1477 of title 10, United States Code, or section 1967 of title 38 of such Code, with respect to a person, to the extent that such contribution does not exceed—

"(i) the sum of the amounts received during such period by such individual under such sections with respect to such person, reduced by

"(ii) the amounts so received which were contributed to a Coverdell education savings account under section 530(d)(9).

"(B) ANNUAL LIMIT ON NUMBER OF ROLLOVERS NOT TO APPLY.—Section 408(d)(3)(B) shall not apply with respect to amounts treated as a rollover by subparagraph (A).

"(C) APPLICATION OF SECTION 72.—For purposes of applying section 72 in the case of a distribution which is not a qualified distribution, the amount treated as a rollover by reason of subparagraph (A) shall be treated as investment in the contract.".

(b) PROVISION IN EFFECT AFTER PENSION PROTECTION ACT.—Subsection (e) of section 408A, as in effect after the amendments made by section 824 of the Pension Protection Act of 2006, is amended to read as follows:

"(e) QUALIFIED ROLLOVER CONTRIBUTION.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified rollover contribution' means a rollover contribution—

"(A) to a Roth IRA from another such account,

"(B) from an eligible retirement plan, but only if—

"(i) in the case of an individual retirement plan, such rollover contribution meets the requirements of section 408(d)(3), and

"(ii) in the case of any eligible retirement plan (as defined in section 402(c)(8)(B) other than clauses (i) and (ii) thereof), such rollover contribution meets the requirements of section 402(c), 403(b)(8), or 457(e)(16), as applicable.

For purposes of section 408(d)(3)(B), there shall be disregarded any qualified rollover contribution from an individual retirement plan (other than a Roth IRA) to a Roth IRA.

"(2) MILITARY DEATH GRATUITY.—

"(A) IN GENERAL.—The term 'qualified rollover contribution' includes a contribution to a Roth IRA maintained for the benefit of an individual made before the end of the 1-year period beginning on the date on which such individual receives an amount under section 1477 of title 10, United States Code, or section 1967 of title 38 of such Code, with respect to a person, to the extent that such contribution does not exceed—

"(i) the sum of the amounts received during such period by such individual under such sections with respect to such person, reduced by

"(ii) the amounts so received which were contributed to a Coverdell education savings account under section 530(d)(9).

"(B) ANNUAL LIMIT ON NUMBER OF ROLLOVERS NOT TO APPLY.—Section 408(d)(3)(B) shall not apply with respect to amounts treated as a rollover by the subparagraph (A).

"(C) APPLICATION OF SECTION 72.—For purposes of applying section 72 in the case of a distribution which is not a qualified distribution, the amount treated as a rollover by reason of subparagraph (A) shall be treated as investment in the contract.".

(c) EDUCATION SAVINGS ACCOUNTS.—Subsection (d) of section 530 is amended by adding at the end the following new paragraph:

"(9) MILITARY DEATH GRATUITY.—

"(A) IN GENERAL.—For purposes of this section, the term 'rollover contribution' includes a contribution to a Coverdell education savings account made before the end of the 1-year period beginning on the date on which the contributor receives an amount under section 1477 of title 10, United States Code, or section 1967 of title 38 of such Code, with respect to a person, to the extent that such contribution does not exceed—

"(i) the sum of the amounts received during such period by such contributor under such sections with respect to such person, reduced by

"(ii) the amounts so received which were contributed to a Roth IRA under section 408A(e)(2) or to another Coverdell education savings account.

"(B) ANNUAL LIMIT ON NUMBER OF ROLLOVERS NOT TO APPLY.—The last sentence of paragraph (5) shall not apply with respect to amounts treated as a rollover by the subparagraph (A).

"(C) APPLICATION OF SECTION 72.—For purposes of applying section 72 in the case of a distribution which is includible in gross income under paragraph (1), the amount treated as a rollover by reason of subparagraph (A) shall be treated as investment in the contract.".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided by paragraphs (2) and (3), the amendments made by this section shall apply with respect to deaths from injuries occurring on or after the date of the enactment of this Act.

(2) APPLICATION OF AMENDMENTS TO DEATHS FROM INJURIES OCCURRING ON OR AFTER OCTOBER 7, 2001, AND BEFORE ENACTMENT.—The amendments made by this section shall apply to any contribution made pursuant to section 408A(e)(2) or 530(d)(5) of the Internal Revenue Code of 1986, as amended by this Act, with respect to amounts received under section 1477 of title 10, United States Code, or under section 1967 of title 38 of such Code, for deaths from injuries occurring on or after October 7, 2001, and before the date of the enactment of this Act if such contribution is made not later than 1 year after the date of the enactment of this Act.

(3) PENSION PROTECTION ACT CHANGES.—Section 408A(e)(1) of the Internal Revenue Code of 1986 (as in effect after the amendments made by subsection (b)) shall apply to taxable years beginning after December 31, 2007.

TITLE II—CERTAIN HOUSING BENEFITS FOR INTELLIGENCE COMMUNITY AND PEACE CORPS VOLUNTEERS

SEC. 201. PERMANENT EXCLUSION OF GAIN FROM SALE OF A PRINCIPAL RESIDENCE BY CERTAIN EMPLOYEES OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Section 417(e) of division A of the Tax Relief and Health Care Act of 2006 is amended by striking "and before January 1, 2011".

(b) DUTY STATION MAY BE OUTSIDE UNITED STATES.—Section 121(d)(9)(C) (defining qualified official extended duty) is amended by striking clause (vi).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales or exchanges after December 31, 2010.

SEC. 202. SUSPENSION OF 5-YEAR PERIOD DURING SERVICE WITH THE PEACE CORPS.

(a) IN GENERAL.—Subsection (d) of section 121 (relating to special rules) is amended by adding at the end the following new paragraph:

"(12) PEACE CORPS.—

"(A) IN GENERAL.—At the election of an individual with respect to a property, the running of the 5-year period described in subsections (a) and (c)(1)(B) and paragraph (7) of this subsection with respect to such property shall be suspended during any period that such individual or such individual's spouse is serving outside the United States—

"(i) on qualified official extended duty (as defined in paragraph (9)(C)) as an employee of the Peace Corps, or

"(ii) as an enrolled volunteer or volunteer leader under section 5 or 6 (as the case may be) of the Peace Corps Act (22 U.S.C. 2504, 2505).

"(B) APPLICABLE RULES.—For purposes of subparagraph (A), rules similar to the rules of subparagraphs (B) and (D) shall apply.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

TITLE III—REVENUE PROVISIONS

SEC. 301. REVISION OF TAX RULES ON EXPATRIATION.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

"SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

"(a) GENERAL RULES.—For purposes of this subtitle—

"(1) MARK TO MARKET.—All property of a covered expatriate shall be treated as sold on the day before the expatriation date for its fair market value.

"(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

"(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

"(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence, determined without regard to paragraph (3).

"(3) EXCLUSION FOR CERTAIN GAIN.—

"(A) IN GENERAL.—The amount which would (but for this paragraph) be includible in the gross income of any individual by reason of paragraph (1) shall be reduced (but not below zero) by $600,000.

"(B) ADJUSTMENT FOR INFLATION.—

"(i) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2008, the dollar amount in subparagraph (A) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2007' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING.—If any amount as adjusted under clause (i) is not a multiple of $1,000, such amount shall be rounded to the nearest multiple of $1,000.

"(b) ELECTION TO DEFER TAX.—

"(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the time for payment of the additional tax attributable to such property shall be extended until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

"(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

"(3) TERMINATION OF EXTENSION.—The due date for payment of tax may not be extended under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

"(4) SECURITY.—

"(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided with respect to such property.

"(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

"(i) it is a bond which is furnished to, and accepted by, the Secretary, which is conditioned on the payment of tax (and interest thereon), and which meets the requirements of section 6325, or

"(ii) it is another form of security for such payment (including letters of credit) that meets such requirements as the Secretary may prescribe.

"(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer makes an irrevocable waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

"(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable.

"(7) INTEREST.—For purposes of section 6601, the last date for the payment of tax shall be determined without regard to the election under this subsection.

"(c) EXCEPTION FOR CERTAIN PROPERTY.—Subsection (a) shall not apply to—

"(1) any deferred compensation item (as defined in subsection (d)(4)),

"(2) any specified tax deferred account (as defined in subsection (e)(2)), and

"(3) any interest in a nongrantor trust (as defined in subsection (f)(3)).

"(d) TREATMENT OF DEFERRED COMPENSATION ITEMS.—

"(1) WITHHOLDING ON ELIGIBLE DEFERRED COMPENSATION ITEMS.—

"(A) IN GENERAL.—In the case of any eligible deferred compensation item, the payor shall deduct and withhold from any taxable payment to a covered expatriate with respect to such item a tax equal to 30 percent thereof.

"(B) TAXABLE PAYMENT.—For purposes of subparagraph (A), the term 'taxable payment' means with respect to a covered expatriate any payment to the extent it would be includible in the gross income of the covered expatriate if such expatriate continued to be subject to tax as a citizen or resident of the United States. A deferred compensation item shall be taken into account as a payment under the preceding sentence when such item would be so includible.

"(2) OTHER DEFERRED COMPENSATION ITEMS.—In the case of any deferred compensation item which is not an eligible deferred compensation item—

"(A)(i) with respect to any deferred compensation item to which clause (ii) does not apply, an amount equal to the present value of the covered expatriate's accrued benefit shall be treated as having been received by such individual on the day before the expatriation date as a distribution under the plan, and

"(ii) with respect to any deferred compensation item referred to in paragraph (4)(D), the rights of the covered expatriate to such item shall be treated as becoming transferable and not subject to a substantial risk of forfeiture on the day before the expatriation date,

"(B) no early distribution tax shall apply by reason of such treatment, and

"(C) appropriate adjustments shall be made to subsequent distributions from the plan to reflect such treatment.

"(3) ELIGIBLE DEFERRED COMPENSATION ITEMS.—For purposes of this subsection, the term 'eligible deferred compensation item' means any deferred compensation item with respect to which—

"(A) the payor of such item is—

"(i) a United States person, or

"(ii) a person who is not a United States person but who elects to be treated as a United States person for purposes of paragraph (1) and meets such requirements as the Secretary may provide to ensure that the payor will meet the requirements of paragraph (1), and

"(B) the covered expatriate—

"(i) notifies the payor of his status as a covered expatriate, and

"(ii) makes an irrevocable waiver of any right to claim any reduction under any treaty with the United States in withholding on such item.

"(4) DEFERRED COMPENSATION ITEM.—For purposes of this subsection, the term 'deferred compensation item' means—

"(A) any interest in a plan or arrangement described in section 219(g)(5),

"(B) any interest in a foreign pension plan or similar retirement arrangement or program,

"(C) any item of deferred compensation, and

"(D) any property, or right to property, which the individual is entitled to receive in connection with the performance of services to the extent not previously taken into account under section 83 or in accordance with section 83.

"(5) EXCEPTION.—Paragraphs (1) and (2) shall not apply to any deferred compensation item which is attributable to services performed outside the United States while the covered expatriate was not a citizen or resident of the United States.

"(6) SPECIAL RULES.—

"(A) APPLICATION OF WITHHOLDING RULES.—Rules similar to the rules of subchapter B of chapter 3 shall apply for purposes of this subsection.

"(B) APPLICATION OF TAX.—Any item subject to the withholding tax imposed under paragraph (1) shall be subject to tax under section 871.

"(C) COORDINATION WITH OTHER WITHHOLDING REQUIREMENTS.—Any item subject to withholding under paragraph (1) shall not be subject to withholding under section 1441 or chapter 24.

"(e) TREATMENT OF SPECIFIED TAX DEFERRED ACCOUNTS.—

"(1) ACCOUNT TREATED AS DISTRIBUTED.—In the case of any interest in a specified tax deferred account held by a covered expatriate on the day before the expatriation date—

"(A) the covered expatriate shall be treated as receiving a distribution of his entire interest in such account on the day before the expatriation date,

"(B) no early distribution tax shall apply by reason of such treatment, and

"(C) appropriate adjustments shall be made to subsequent distributions from the account to reflect such treatment.

"(2) SPECIFIED TAX DEFERRED ACCOUNT.—For purposes of paragraph (1), the term 'specified tax deferred account' means an individual retirement plan (as defined in section 7701(a)(37)) other than any arrangement described in subsection (k) or (p) of section 408, a qualified tuition program (as defined in section 529), a Coverdell education savings account (as defined in section 530), a health savings account (as defined in section 223), and an Archer MSA (as defined in section 220).

"(f) SPECIAL RULES FOR NONGRANTOR TRUSTS.—

"(1) IN GENERAL.—In the case of a distribution (directly or indirectly) of any property from a nongrantor trust to a covered expatriate—

"(A) the trustee shall deduct and withhold from such distribution an amount equal to 30 percent of the taxable portion of the distribution, and

"(B) if the fair market value of such property exceeds its adjusted basis in the hands of the trust, gain shall be recognized to the trust as if such property were sold to the expatriate at its fair market value.

"(2) TAXABLE PORTION.—For purposes of this subsection, the term 'taxable portion' means, with respect to any distribution, that portion of the distribution which would be includible in the gross income of the covered expatriate if such expatriate continued to be subject to tax as a citizen or resident of the United States.

"(3) NONGRANTOR TRUST.—For purposes of this subsection, the term 'nongrantor trust' means the portion of any trust that the individual is not considered the owner of under subpart E of part I of subchapter J. The determination under the preceding sentence shall be made immediately before the expatriation date.

"(4) SPECIAL RULES RELATING TO WITHHOLDING.—For purposes of this subsection—

"(A) rules similar to the rules of subsection (d)(6) shall apply, and

"(B) the covered expatriate shall be treated as having waived any right to claim any reduction under any treaty with the United States in withholding on any distribution to which paragraph (1)(A) applies.

"(5) APPLICATION.—This subsection shall apply to a nongrantor trust only if the covered expatriate was a beneficiary of the trust on the day before the expatriation date.

"(g) DEFINITIONS AND SPECIAL RULES RELATING TO EXPATRIATION.—For purposes of this section—

"(1) COVERED EXPATRIATE.—

"(A) IN GENERAL.—The term 'covered expatriate' means an expatriate who meets the requirements of subparagraph (A), (B), or (C) of section 877(a)(2).

"(B) EXCEPTIONS.—An individual shall not be treated as meeting the requirements of subparagraph (A) or (B) of section 877(a)(2) if—

"(i) the individual—

"(I) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

"(II) has been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) for not more than 10 taxable years during the 15-taxable year period ending with the taxable year during which the expatriation date occurs, or

"(ii)(I) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

"(II) the individual has been a resident of the United States (as so defined) for not more than 10 taxable years before the date of relinquishment.

"(C) COVERED EXPATRIATES ALSO SUBJECT TO TAX AS CITIZENS OR RESIDENTS.—In the case of any covered expatriate who is subject to tax as a citizen or resident of the United States for any period beginning after the expatriation date, such individual shall not be treated as a covered expatriate during such period for purposes of subsections (d)(1) and (f) and section 2801.

"(2) EXPATRIATE.—The term 'expatriate' means—

"(A) any United States citizen who relinquishes his citizenship, and

"(B) any long-term resident of the United States who ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)).

"(3) EXPATRIATION DATE.—The term 'expatriation date' means—

"(A) the date an individual relinquishes United States citizenship, or

"(B) in the case of a long-term resident of the United States, the date on which the individual ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)).

"(4) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing his United States citizenship on the earliest of—

"(A) the date the individual renounces his United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

"(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

"(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

"(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

"(5) LONG-TERM RESIDENT.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

"(6) EARLY DISTRIBUTION TAX.—The term 'early distribution tax' means any increase in tax imposed under section 72(t), 220(e)(4), 223(f)(4), 409A(a)(1)(B), 529(c)(6), or 530(d)(4).

"(h) OTHER RULES.—

"(1) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

"(A) any time period for acquiring property which would result in the reduction in the amount of gain recognized with respect to property disposed of by the taxpayer shall terminate on the day before the expatriation date, and

"(B) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

"(2) STEP-UP IN BASIS.—Solely for purposes of determining any tax imposed by reason of subsection (a), property which was held by an individual on the date the individual first became a resident of the United States (within the meaning of section 7701(b)) shall be treated as having a basis on such date of not less than the fair market value of such property on such date. The preceding sentence shall not apply if the individual elects not to have such sentence apply. Such an election, once made, shall be irrevocable.

"(3) COORDINATION WITH SECTION 684.—If the expatriation of any individual would result in the recognition of gain under section 684, this section shall be applied after the application of section 684.

"(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) TAX ON GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—

(1) IN GENERAL.—Subtitle B (relating to estate and gift taxes) is amended by inserting after chapter 14 the following new chapter:

"CHAPTER 15—GIFTS AND BEQUESTS FROM EXPATRIATES

"Sec. 2801. Imposition of tax.

"SEC. 2801. IMPOSITION OF TAX.

"(a) IN GENERAL.—If, during any calendar year, any United States citizen or resident receives any covered gift or bequest, there is hereby imposed a tax equal to the product of—

"(1) the highest rate of tax specified in the table contained in section 2001(c) as in effect on the date of such receipt (or, if greater, the highest rate of tax specified in the table applicable under section 2502(a) as in effect on the date), and

"(2) the value of such covered gift or bequest.

"(b) TAX TO BE PAID BY RECIPIENT.—The tax imposed by subsection (a) on any covered gift or bequest shall be paid by the person receiving such gift or bequest.

"(c) EXCEPTION FOR CERTAIN GIFTS.—Subsection (a) shall apply only to the extent that the value of covered gifts and bequests received by any person during the calendar year exceeds $10,000.

"(d) TAX REDUCED BY FOREIGN GIFT OR ESTATE TAX.—The tax imposed by subsection (a) on any covered gift or bequest shall be reduced by the amount of any gift or estate tax paid to a foreign country with respect to such covered gift or bequest.

"(e) COVERED GIFT OR BEQUEST.—

"(1) IN GENERAL.—For purposes of this chapter, the term 'covered gift or bequest' means—

"(A) any property acquired by gift directly or indirectly from an individual who, at the time of such acquisition, is a covered expatriate, and

"(B) any property acquired directly or indirectly by reason of the death of an individual who, immediately before such death, was a covered expatriate.

"(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Such term shall not include—

"(A) any property shown on a timely filed return of tax imposed by chapter 12 which is a taxable gift by the covered expatriate, and

"(B) any property included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate.

"(3) TRANSFERS IN TRUST.—

"(A) DOMESTIC TRUSTS.—In the case of a covered gift or bequest made to a domestic trust—

"(i) subsection (a) shall apply in the same manner as if such trust were a United States citizen, and

"(ii) the tax imposed by subsection (a) on such gift or bequest shall be paid by such trust.

"(B) FOREIGN TRUSTS.—

"(i) IN GENERAL.—In the case of a covered gift or bequest made to a foreign trust, subsection (a) shall apply to any distribution attributable to such gift or bequest from such trust (whether from income or corpus) to a United States citizen or resident in the same manner as if such distribution were a covered gift or bequest.

"(ii) DEDUCTION FOR TAX PAID BY RECIPIENT.—There shall be allowed as a deduction under section 164 the amount of tax imposed by this section which is paid or accrued by a United States citizen or resident by reason of a distribution from a foreign trust, but only to the extent such tax is imposed on the portion of such distribution which is included in the gross income of such citizen or resident.

"(iii) ELECTION TO BE TREATED AS DOMESTIC TRUST.—Solely for purposes of this section, a foreign trust may elect to be treated as a domestic trust. Such an election may be revoked with the consent of the Secretary.

"(f) COVERED EXPATRIATE.—For purposes of this section, the term 'covered expatriate' has the meaning given to such term by section 877A(g)(1).".

(2) CLERICAL AMENDMENT.—The table of chapters for subtitle B is amended by inserting after the item relating to chapter 14 the following new item:

"CHAPTER 15. GIFTS AND BEQUESTS FROM EXPATRIATES.".

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—

(1) IN GENERAL.—Section 7701(a) is amended by adding at the end the following new paragraph:

"(50) TERMINATION OF UNITED STATES CITIZENSHIP.—

"(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(g)(4).

"(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.".

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 877(e) is amended to read as follows:

"(1) IN GENERAL.—Any long-term resident of the United States who ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)) shall be treated for purposes of this section and sections 2107, 2501, and 6039G in the same manner as if such resident were a citizen of the United States who lost United States citizenship on the date of such cessation or commencement.".

(B) Paragraph (6) of section 7701(b) is amended by adding at the end the following flush sentence:

"An individual shall cease to be treated as a lawful permanent resident of the United States if such individual commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country, does not waive the benefits of such treaty applicable to residents of the foreign country, and notifies the Secretary of the commencement of such treatment.".

(C) Section 7701 is amended by striking subsection (n) and by redesignating subsections (o) and (p) as subsections (n) and (o), respectively.

(d) INFORMATION RETURNS.—Section 6039G is amended—

(1) by inserting "or 877A" after "section 877(b)" in subsection (a), and

(2) by inserting "or 877A" after "section 877(a)" in subsection (d).

(e) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

"Sec. 877A. Tax responsibilities of expatriation.".

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (as defined in section 877A(g) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) is on or after the date of the enactment of this Act.

(2) GIFTS AND BEQUESTS.—Chapter 15 of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to covered gifts and bequests (as defined in section 2801 of such Code, as so added) received on or after the date of the enactment of this Act from transferors whose expatriation date is on or after such date of enactment.

SEC. 302. SPECIAL ENROLLMENT OPTION BY EMPLOYER HEALTH PLANS FOR MEMBERS OF UNIFORM SERVICES WHO LOSE HEALTH CARE COVERAGE.

(a) IN GENERAL.—Section 9801(f) (relating to special enrollment periods) is amended by adding at the end the following new paragraph:

"(3) LOSS OF MILITARY HEALTH COVERAGE.—

"(A) IN GENERAL.—Notwithstanding paragraphs (1) and (2), a group health plan shall permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a dependent of such an employee if the dependent is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if each of the following conditions is met:

"(i) The employee or dependent, by reason of service in the uniformed services (within the meaning of section 4303 of title 38, United States Code), was covered under a Federal health care benefit program (including coverage under the TRICARE program (as that term is defined in section 1072 of title 10, United States Code) or by reason of entitlement to health care benefits under the laws administered by the Secretary of Veterans Affairs or as a member of the uniformed services on active duty), and the employee or dependent loses eligibility for such coverage.

"(ii) The employee or dependent is otherwise eligible to enroll for coverage under the terms of the plan.

"(iii) The employee requests such coverage not later than 90 days after the date on which the coverage described in clause (i) terminated.

"(B) EFFECTIVE DATE OF COVERAGE.—Coverage requested under subparagraph (A)(iii) shall become effective not later than the first day of the first month after the date of such request.".

(b) EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 701(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(f)) is amended by adding at the end the following:

"(3) LOSS OF MILITARY HEALTH COVERAGE.—

"(A) IN GENERAL.—Notwithstanding paragraphs (1) and (2), a group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a dependent of such an employee if the dependent is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if each of the following conditions is met:

"(i) The employee or dependent, by reason of service in the uniformed services (within the meaning of section 4303 of title 38, United States Code), was covered under a Federal health care benefit program (including coverage under the TRICARE program (as that term is defined in section 1072 of title 10, United States Code) or by reason of entitlement to health care benefits under the laws administered by the Secretary of Veterans Affairs or as a member of the uniformed services on active duty), and the employee or dependent loses eligibility for such coverage.

"(ii) The employee or dependent is otherwise eligible to enroll for coverage under the terms of the plan.

"(iii) The employee requests such coverage not later than 90 days after the date on which the coverage described in clause (i) terminated.

"(B) EFFECTIVE DATE OF COVERAGE.—Coverage requested under subparagraph (A)(iii) shall become effective not later than the first day of the first month after the date of such request.".

(c) PUBLIC HEALTH SERVICE ACT.—Section 2701(f) of the Public Health Service Act (42 U.S.C. 300gg(f)) is amended by adding at the end the following:

"(3) LOSS OF MILITARY HEALTH COVERAGE.—

"(A) IN GENERAL.—Notwithstanding paragraphs (1) and (2), a group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a dependent of such an employee if the dependent is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if each of the following conditions is met:

"(i) The employee or dependent, by reason of service in the uniformed services (within the meaning of section 4303 of title 38, United States Code), was covered under a Federal health care benefit program (including coverage under the TRICARE program (as that term is defined in section 1072 of title 10, United States Code) or by reason of entitlement to health care benefits under the laws administered by the Secretary of Veterans Affairs or as a member of the uniformed services on active duty), and the employee or dependent loses eligibility for such coverage.

"(ii) The employee or dependent is otherwise eligible to enroll for coverage under the terms of the plan.

"(iii) The employee requests such coverage not later than 90 days after the date on which the coverage described in clause (i) terminated.

"(B) EFFECTIVE DATE OF COVERAGE.—Coverage requested under subparagraph (A)(iii) shall become effective not later than the first day of the first month after the date of such request.".

(d) REGULATIONS.—The Secretary of the Treasury, the Secretary of Labor, and the Secretary of Health and Human Services, consistent with section 104 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 300gg-92 note), may promulgate such regulations as may be necessary or appropriate to require the notification of individuals (or their dependents) of their rights under the amendment made by this Act.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect 90 days after the date of the enactment of this Act.

SEC. 303. INCREASE IN MINIMUM PENALTY ON FAILURE TO FILE A RETURN OF TAX.

(a) IN GENERAL.—Subsection (a) of section 6651 is amended by striking "$100" in the last sentence and inserting "$225".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to returns the due date for the filing of which (including extensions) is after December 31, 2007.

SA 3848. Mr. HARKIN (for Mr. BAUCUS) proposed an amendment to the bill H.R. 3997, to amend the Internal Revenue Code of 1986 to provide tax relief and protections for military personnel, and for other purposes; as follows:

Amend the title so as to read: "An Act to amend the Internal Revenue Code of 1986 to provide tax relief and protections for military personnel, and for other purposes.".

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to advise that the oversight hearing scheduled before the Senate Committee on Energy and Natural Resources to receive testimony regarding Reform of the Mining Law of 1872, on Thursday, December 13, 2007, at 9:30 a.m., has been postponed. A rescheduled date and time will be announced when it becomes available.

For further information, please contact Patty Beneke at (202) 224-5451, Angela Becker-Dippman at (202) 224-5269 or Gina Weinstock at (202) 224-5684.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the

Senate on Wednesday, December 12, 2007, at 11 a.m. in order to hold a closed briefing on North Korea.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in Executive session during the session of the Senate on Wednesday, December 12, 2007, at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, December 12, 2007, at 10 a.m. in order to consider the nominations of Harvey E. Johnson, Jr., to be Deputy Administrator, Federal Emergency Management Agency, U.S. Department of Homeland Security, and Jeffrey William Runge to be Assistant Secretary for Health Affairs and Chief Medical Officer, U.S. Department of Homeland Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, December 12, 2007, at 10 a.m., in order to hear testimony on the funding challenges and facilities maintenance issues facing the Smithsonian Institution.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. HARKIN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet tomorrow, Wednesday, December 12, 2007 from 10:30 a.m.—12:30 p.m. in room SD–628 of the Dirksen Senate Office Building for the purposes of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on the Constitution, be authorized to meet during the session of the Senate, in order to conduct a hearing entitled "S. 1782, The Arbitration Fairness Act of 2007" on Wednesday, December 12, 2007 at 9:30 a.m. in room SD–226 of the Dirksen Senate Office Building.

Witness list: Richard M. Alderman, Associate Dean, University of Houston Law Center, Houston, Texas; Mark A. de Bernardo, Executive Director and President, Council for Employment Law Equity, Jackson Lewis LLP, Vienna, Virginia; F. Paul Bland, Jr., Staff Attorney, Public Justice, Washington, DC; Fonza Luke, Birmingham, Alabama; Richard Naimark, Senior Vice President, The American Arbitration Association, Washington, DC; Peter B. Rutledge, Associate Professor of Law, Columbus School of Law, The Catholic University of America, Washington, DC; and Tanya Solov, Director, Securities Department, Illinois Secretary of State, Chicago, Illinois.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that a member of my staff, Dave Frederickson, who is my agriculture staff person from Minnesota and former head of the National Farmers Union, be granted floor privileges for the remainder of the farm bill debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 96–114, as amended, appoints the following individual to the Congressional Award Board: Patrick Murphy of Washington, DC, and reappoints the following individual to the Congressional Award Board: Andrew Ortiz of Arizona.

The Chair, on behalf of the majority leader, and after consultation with the ranking members of the Senate Committee on Armed Services and the Senate Committee on Finance, pursuant to Public Law 106–398, appoints the following individual as a member of the United States–China Economic Security Review Commission: Patrick A. Mulloy of Virginia for a term beginning January 1, 2008, and expiring December 31, 2009, vice C. Richard D' Amato of Maryland, and reappoints the following individual to the United States–China Economic Security Review Commission: William A. Reinsch of Maryland for a term beginning January 1, 2008, and expiring December 31, 2009.

CONGRATULATING BOYS TOWN ON ITS 90TH ANNIVERSARY CELEBRATION

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 403, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 403) congratulating Boys Town on its 90th anniversary celebration.

There being no objection, the Senate proceeded to consider the resolution.

Mr. HARKIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 403) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 403

Whereas on Wednesday, December 12, 2007, Boys Town celebrates the 90th anniversary of the date Father Flanagan founded Boys Town to serve hurting children and their families;

Whereas Father Flanagan's legacy, Boys Town, is a beacon of hope to thousands of young people across the Nation;

Whereas in 2006 nearly 450,000 children and families found help through the Boys Town National Hotline, including 34,000 calls from youth where hotline staff intervened to save a life or provide therapeutic counseling, and nearly 1,000,000 more children were assisted through outreach and training programs;

Whereas Boys Town continues to find new ways to bring healing and hope to more children and families;

Whereas new programs at Boys Town seek to increase the number of children assisted and bring resources and expertise to bear on the problems facing our Nation's children; and

Whereas Boys Town's mission is to change the way America cares for children and families by providing and promoting a continuum of care that strengthens them in mind, body, and spirit: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its heartfelt congratulations to the Boys Town family on the historic occasion of its 90th anniversary; and

(2) extends its thanks to the extraordinary Boys Town community for its important work with our Nation's children and families.

REFORMING MUTUAL AID AGREEMENTS FOR THE NATIONAL CAPITAL REGION

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 525, S. 1245.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1245) to reform mutual aid agreements for the National Capital Region.

There being no objection, the Senate proceeded to consider the bill.

Mr. HARKIN. Mr. President, I further ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1245) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1245

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REFORM OF MUTUAL AID AGREEMENTS FOR THE NATIONAL CAPITAL REGION.

Section 7302 of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 5196 note) is amended—

(1) in subsection (a)—

(A) in paragraph (4), by striking ", including its agents or authorized volunteers,"; and

(B) in paragraph (5), by striking "or town" and all that follows and inserting "town, or other governmental agency, governmental authority, or governmental institution with the power to sue or be sued in its own name, within the National Capital Region.";

(2) in subsection (b)(1), in the matter preceding subparagraph (A), by striking ", the Washington Metropolitan Area Transit Authority, the Metropolitan Washington Airports Authority, and any other governmental agency or authority"; and

(3) in subsection (d), by striking "or employees" each place that term appears and inserting ", employees, or agents".

FAIR TREATMENT FOR EXPERIENCED PILOTS ACT

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4343 which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4343) to amend title 49, United States Code, to modify age standards for pilots engaged in commercial aviation operations.

There being no objection, the Senate proceeded to consider the bill.

Mr. HARKIN. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4343) was ordered to a third reading, was read the third time, and passed.

SUDAN ACCOUNTABILITY AND DIVESTMENT ACT OF 2007

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 458, S. 2271.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2271) to authorize State and local governments to divest assets in companies that conduct business operations in Sudan, to prohibit United States Government contracts with such companies, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. DODD. Mr. President, I want to speak about the Sudan Accountability and Divestment Act of 2007. This bill was approved unanimously by the Senate Banking, Housing, and Urban Affairs Committee, and I am pleased to report that, in the same bipartisan spirit, it will soon be approved by the full Senate. I am indebted to Ranking Member SHELBY for his tremendous collaboration on this important measure. And I want to recognize Senator DURBIN, as well—few have been stronger leaders of the divestment effort, or fiercer advocates for the people of Darfur.

This bill is aimed at ending the Darfur genocide. I strongly believe that it is our responsibility to help bring that end about—not simply because genocide, everywhere and always, imposes a grave moral obligation on those with the power to stop it, but because many of us share responsibility for this genocide in a much more concrete way.

Consider this hypothetical: One of our 50 States invests its employees' pension funds in a wide range of stocks. Some of those dollars end up supplying capital to a multinational corporation, one of whose subsidiaries operates in Sudan—mining, say, for copper or gold. That firm pays the Sudanese government for mining rights, and in the fullness of time, money that began in America finds its way into the blood-stained coffers of Omar al-Bashir. What could those dollars become at last? A plane dropping fire on a Darfuri village; a knife held to a woman's throat; weapons of murder and rape.

It is a chain of cause and effect in which American money may finally objectively fund genocide—in which Americans may come to pay, through no fault or intention of their own, for crimes they abhor. If responsibility means anything, it exists at every step of that chain. To be sure, it grows heavier at each step; but just as it is certain at the last step, it is present at the first.

That is why those who have recognized their place in that chain and who have resolved to break it deserve our blessing and our support. Twenty-one states have begun to divest from Sudan, and similar work is underway in about 20 more. At least 55 colleges and universities have divested, and efforts are underway at about 50 more. Many large cities, non-profits, and pension and mutual funds have joined this campaign—a campaign that recognizes that our responsibility for Darfur can go beyond speaking out, to actively depriving the Sudanese government and the Janjaweed militia of some of their means of murder. Along with sanctions, Security Council resolutions, and a combined UN/African Union force, divestment is part of a global movement to cut off funding and end, at long last, the Darfur genocide. Even if it succeeds, it will have come more than 450,000 lives too late; but lost time and lost lives should only fire our urgency.

The Accountability and Divestment Act is Congress's latest step to aid this global movement. It helps Americans to divest from firms whose business props up the Sudanese regime, it gives them the tools to make socially responsible investment decisions, and it ensures that investors who choose to divest will be held harmless for those decisions. The bill has five key provisions.

First, it explicitly authorizes states and localities to divest from companies involved in those economic sectors that, by its own admission, are Khartoum's main sources of foreign investment—petroleum, mining, and power production—along with military production. Investment in these sectors, more than any others, is propping up the Bashir regime and enabling its intransigence.

The divestment standards set by this bill are universal. It allows divestment to take place in a unitary, federally sanctioned manner. That alone should contradict the claim that this bill somehow violates the Constitution's Supremacy Clause by establishing "50 different foreign policies." Moreover, state divestment could hardly be considered unconstitutional when it is explicitly authorized on the federal level. Paul H. Schwartz, legal counsel to the Sudan Divestment Task Force, and former clerk to two Supreme Court Justices, made the case convincingly:

> It is only logical that when a bill authorizing state measures touching on foreign affairs becomes federal law, the federal government has expressed a judgment that the measures do not "intrude" into or "interfere" with federal foreign policy, but rather complement that policy.

That is exactly what this legislation does. It outlines a targeted, federal divestment policy and authorizes states and investors to act consistently with that policy if they so choose. In doing so, the bill protects the investors' right to be guided by conscience; it also allows investors to protect themselves from the financial and reputational risks posed by an affiliation with Khartoum.

Second, this bill allows mutual fund and corporate pension fund managers to cut ties, at their discretion, with companies involved in the 4 key sectors. It also offers limited protection from lawsuits for those choosing to divest, while preserving their normal fiduciary duties.

Third, it establishes the sense of Congress that private pension managers are already authorized to divest their public pension funds from businesses in the 4 sectors, in accordance with existing Department of Labor regulations.

Fourth, it requires federal contractors to certify that they do not do business with firms involved in the 4 sectors, and it provides several punitive options, including debarment, if those contractors are found to be lying. The bill does, however, authorize the President to grant contractors a waiver if their operations in Sudan are found to be in the national interest; and it adds an extra level of accountability by mandating that the President report these exceptions to Congress on a case-by-case basis.

I am aware that some have argued for an additional waiver on the basis of "substantial humanitarian work" in Sudan, but I believe that that criterion would fit within any conception of the national interest, properly understood. In the end, the exposure mandated by the president's case-by-case reports to Congress will be the best deterrent to firms that seek waivers on spurious grounds: They will be exposed to the whole nation and forced to justify their actions to a highly skeptical public.

Fifth, the bill's authorities terminate when the government of Sudan ends its murderous policies and returns to the community of law-abiding nations. The divestment campaign will end when, and only when, Sudan fully accepts the presence of the joint UN/AU peacekeeping force, ceases attacks on civilians, demilitarizes the Janjaweed militia, allows the unfettered delivery of humanitarian relief, and grants the right of return to refugees. Anything short of those targets, divestment must and will continue.

The international divestment campaign exists precisely to pressure Khartoum to meet those goals. It is stunning, Mr. President, that pressure should even be needed to force a sovereign nation to end targeted attacks on civilians. Yet that is the case; that is the radical evil we face.

Even still, some in this administration are urging us to treat Khartoum with kid gloves at this delicate time for peace negotiations, as the Justice Department put it in a letter 2 months ago. That would be the same administration whose Special Envoy to Sudan declared American action on the genocide imminent 11 months ago. That would be the same administration whose president declared the crimes in Darfur "genocide" more than two years ago, and has done next to nothing of substance since.

Ironically, one of those few substantive actions has been to endorse a bill that originated in the Senate, the International Emergency Economic Powers Enhancement Act, which strengthened penalties on companies violating U.S. sanctions. That bill was approved unanimously by the Senate Banking Committee and adopted unanimously by this Congress. That bill, like this one, targets the Khartoum regime's financial supports; that bill, like this one, comes at a "delicate time" for negotiations. As my colleague Senator MENENDEZ asked an official of the State Department at a recent hearing of the Senate Banking Committee:

> What is the difference? You have a sanctions regime that you are all enthusiastically pursuing before the peace conference in Tripoli, and yet you are back-pedaling on this effort.

Honestly, I can't see my way through the contradiction. If the administration endorsed tough measures then, it should do the same now, and if it wants to shirk our responsibility altogether, it should tell us why.

Of course, as the Administration has stalled and insisted that we refrain from approving this critical legislation, talks have broken down. The Tripoli conference that the State Department had been heralding as a great breakthrough at the Banking Committee's October 3rd hearing ended up being canceled.

The truth is that economic pressure has seemed to be the only tool that's proven successful in bringing Khartoum back to the table in the first place. That truth is in keeping with everything the regime has shown us in its 18 years of existence. As John Prendergast, Co-Chair of the ENOUGH Project and former National Security Council and State Department Official, told the Banking Committee during our hearing.

> Four times in 18 years, we have been able to change the policies of the Government of Sudan.

In the mid-1990s, Khartoum renounced its support for international terrorist organizations, including al-Qaeda. Why? International pressure and multilateral sanctions from the United States, its allies, and the Security Council.

In the same decade, Sudan ended its support of the slave trade. Why? Again, multilateral sanctions led by the Security Council.

In 2005, the government signed a peace deal with rebels, ending a civil war that had taken 2 million lives. Why? In large part, because of a coordinated divestment campaign and Congress's passage of the Sudan Peace Act, which condemned the government's human rights record.

Just this year, the government acquiesced in the UN/AU peacekeeping force. Why? Largely because of economic pressure from China.

Four times, the international community has brought some measure of control to Khartoum's criminal behavior, and there is one common thread: sustained pressure. As Prendergast put it, the only way to end the genocide is if "multilateral, targeted pressures are increased." Conversely, "the deadly mistake that has been made for Darfur repeatedly during the last 4½ years is to do precisely as the administration proposes now to reduce pressure, to let up."

After all, it makes perfect sense. What do we expect from those capable of presiding over all this blood? What do we expect from killers who, in the words of one survivor, "are happy when they rape they sing when they rape"?

Do we expect them to listen politely to our objections? Do we expect to change their minds?

No. All of our prayers, no matter how fervent, and all of our words, no matter how eloquent, are only noise to them. They do not speak the language of should or ought. They speak the language of must. To the genocidal killers and their sponsors, this bill is one more word in the only language they know.

And given everything we have learned from history and from simple common sense, all the talk of kid gloves would be hysterical—if it weren't infuriating.

Even if some in this administration haven't learned the lesson, I have learned it in my bones. In 1945, my father, Tom Dodd, was called to Nuremberg, Germany, to help lead the prosecution of Nazi war criminals. He wrote my mother that few things were more painful than being away from his family. I learned to walk and talk in his absence. But he also wrote home: "I will never do anything as worthwhile."

What, today, could be more worthwhile? What could be clearer than the duty we owe to the 2.5 million displaced, the orphaned, the raped, the dead themselves? Even if they cannot fathom the chain linking us to the fire falling on their villages, or the knives against their throats, we can; we can see it and choose to break it. Even if we bear only the smallest fraction of responsibility, we can choose to act as if we bore all of it. Measure by measure and step by step and inch by inch, we can choose to push with all our strength against death's machinery until it cracks at last.

Here is another step. I ask my colleagues to take it with me.

Mr. DURBIN. Mr. President, I have regularly come to the Senate floor to speak about the genocide in Darfur.

For 4 long years, the world has watched this tragedy the killing of hundreds of thousands of innocent civilians, the torching of entire villages, rape, torture, and untold human suffering.

More than 3 years have passed since the UN Commission of Inquiry concluded that:

> crimes against humanity and war crimes have been committed in Darfur and may be no less serious and heinous than genocide.

Many of us on both sides of the aisle and in the international community have repeatedly called for greater U.S. and global action to stem the humanitarian crisis in Darfur.

President Bush, British Prime Minister Gordon Brown, and UN Secretary General Ban Ki-moon have all called for greater action.

Just this week, a group calling itself the Elders including several Nobel Peace Prize Winners and former heads of state spoke forcefully for action in Darfur.

Despite these efforts, the Sudanese government has continued to show its contempt for its own people and the demands of the global community.

The message was loud and clear earlier this year when the UN Security Council voted to deploy a 26,000 member peacekeeping force to Darfur. This hybrid UN-African Union force will help stem the violence and create an atmosphere in which peace talks can move toward a long-term political agreement.

With the peacekeepers set to begin deployment on January 1, we are once again witnessing the same old pattern from Khartoum. The Sudanese government is now denying deployment of non-African peacekeepers, despite their acceptance of this new force only a few months ago.

We have waited long enough for this murderous government to take action, to stop slaughtering its own people, to stop thumbing its nose at the international community.

That is why I commend the Senate for its action today to encourage cooperation by the Sudanese government.

Earlier this year, I introduced 2 bills that would have increased economic pressure on the Sudanese regime. Each bill supported state and local divestment efforts, allowing each of us to do our part to end the madness in Darfur by selling investments that help prop up the Sudanese regime.

I am pleased that Senator DODD, as chairman of the Banking Committee, has adopted ideas from these bills into the Sudan Accountability and Divestment Act of 2007. I thank him, as well as Ranking Member SHELBY and others who have worked on this bill especially Senators CORNYN and BROWNBACK, who joined me as lead sponsors of the legislation I had introduced.

I urge my colleagues to support this critically-important legislation, and I look forward to working with the House to send it to the President for his signature as soon as possible.

Mr. REID. Mr. President, I am proud that the Senate will have taken strong action tonight to help stop the genocide in Darfur. I would like to commend Senator DODD for his hard work to get the Sudan Accountability and Divestment Act of 2007 passed. I would also like to congratulate Senator DURBIN who was the lead cosponsor of the first legislation on this issue.

By passing this bill, the Senate is saying clearly to the government of Sudan that the American people do not want to fund genocide. We already have a wide range of sanctions against Sudan, but this bill closed an important loophole by targeting pension plans. The legislation would make sure that the money we put away each month for our retirement does not go to fund companies which support the genocidal regime in Sudan.

The House has already passed similar legislation with an overwhelming, and bipartisan, vote of 418–1. With Senate passage, we will hopefully be able to move quickly to turn this bill into the law of the land.

As we pass this legislation the crisis in Darfur continues, with nearly 2 million people displaced and an estimated 450,000 people killed. The real hope for the people of Darfur is a strong UN-AU peacekeeping force. But President Bashir is once again keeping that force from moving forward, putting a man indicted by the International Criminal Court for war crimes on the committee overseeing these peacekeepers. He also continues to put other roadblocks in front of the peacekeepers, who should be in place and operating by January 1.

This legislation sends a loud and a clear message to the Sudanese regime that they must stop standing in the way of full implementation of the AU-UN peacekeepers. I hope that President Bashir is listening and that we will see that AU-UN force operational by January 1 of next year. The U.S. Senate will be watching, the United Nations will be watching, and the eyes of the world are on President Bashir. We all have a moral obligation to end the genocide, stop the violence, and relieve the suffering of the people of Darfur.

Mr. HARKIN. I ask unanimous consent that the amendment at the desk be considered and agreed to; the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3846) was agreed to, as follows:

On page 5, line 20, insert "parent company," after "subunit,".

On page 7, strike lines 1 through 15.

On page 9, line 18, insert "or" after the semicolon.

On page 9, strike lines 19 through 21.

On page 9, line 22, strike "(G)" and insert "(F)".

On page 10, between lines 8 and 9, insert the following:

(3) APPLICABILITY.—The measure shall not apply to a person that demonstrates to the State or local government that the person does not conduct or have direct investments in business operations described in subsection (d).

(4) SENSE OF CONGRESS ON AVOIDING ERRONEOUS TARGETING.—It is the sense of Congress that a State or local government should not adopt a measure under subsection (b) with respect to a person unless the State or local government has made every effort to avoid erroneously targeting the person and has verified that the person conducts or has direct investments in business operations described in subsection (d).

On page 10, lines 24 and 25, strike ", directly or indirectly,".

On page 16, strike lines 9 through 16.

On page 16, line 17, strike "(d)" and insert "(c)".

On page 17, line 3, strike "(e)" and insert "(d)".

On page 17, line 11, strike "(f)" and insert "(e)".

The bill (S. 2271), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2271

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sudan Accountability and Divestment Act of 2007".

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Financial Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) BUSINESS OPERATIONS.—The term "business operations" means engaging in commerce in any form in Sudan, including by acquiring, developing, maintaining, owning, selling, possessing, leasing, or operating equipment, facilities, personnel, products, services, personal property, real property, or any other apparatus of business or commerce.

(3) EXECUTIVE AGENCY.—The term "executive agency" has the meaning given the term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(4) GOVERNMENT OF SUDAN.—The term "Government of Sudan"—

(A) means the government in Khartoum, Sudan, which is led by the National Congress Party (formerly known as the National Islamic Front) or any successor government formed on or after October 13, 2006 (including the coalition National Unity Government agreed upon in the Comprehensive Peace Agreement for Sudan); and

(B) does not include the regional government of southern Sudan.

(5) MARGINALIZED POPULATIONS OF SUDAN.—The term "marginalized populations of Sudan" refers to—

(A) adversely affected groups in regions authorized to receive assistance under section 8(c) of the Darfur Peace and Accountability Act (Public Law 109–344; 50 U.S.C. 1701 note); and

(B) marginalized areas in Northern Sudan described in section 4(9) of such Act.

(6) MILITARY EQUIPMENT.—The term "military equipment" means—

(A) weapons, arms, military supplies, and equipment that readily may be used for military purposes, including radar systems or military-grade transport vehicles; or

(B) supplies or services sold or provided directly or indirectly to any force actively participating in armed conflict in Sudan.

(7) MINERAL EXTRACTION ACTIVITIES.—The term "mineral extraction activities" means

exploring, extracting, processing, transporting, or wholesale selling or trading of elemental minerals or associated metal alloys or oxides (ore), including gold, copper, chromium, chromite, diamonds, iron, iron ore, silver, tungsten, uranium, and zinc.

(8) OIL-RELATED ACTIVITIES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term "oil-related activities" means—

(i) exporting, extracting, producing, refining, processing, exploring for, transporting, selling, or trading oil; and

(ii) constructing, maintaining, or operating a pipeline, refinery, or other oilfield infrastructure.

(B) EXCLUSIONS.—A person shall not be considered to be involved in an oil-related activity if—

(i) the person is involved in the retail sale of gasoline or related consumer products in Sudan but is not involved in any other activity described in subparagraph (A); or

(ii) the person is involved in leasing, or owns, rights to an oil block in Sudan but is not involved in any other activity described in subparagraph (A).

(9) PERSON.—The term "person" means—

(A) a natural person, corporation, company, business association, partnership, society, trust, any other nongovernmental entity, organization, or group;

(B) any governmental entity or instrumentality of a government, including a multilateral development institution (as defined in section 1701(c)(3) of the International Financial Institutions Act (22 U.S.C. 262r(c)(3))); and

(C) any successor, subunit, parent company or subsidiary of any entity described in subparagraph (A) or (B).

(10) POWER PRODUCTION ACTIVITIES.—The term "power production activities" means any business operation that involves a project commissioned by the National Electricity Corporation of Sudan or other similar entity of the Government of Sudan whose purpose is to facilitate power generation and delivery, including establishing power-generating plants or hydroelectric dams, selling or installing components for the project, or providing service contracts related to the installation or maintenance of the project.

(11) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(12) STATE OR LOCAL GOVERNMENT.—The term "State or local government" includes—

(A) any State and any agency or instrumentality thereof;

(B) any local government within a State, and any agency or instrumentality thereof;

(C) any other governmental instrumentality; and

(D) any public institution of higher education within the meaning of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

SEC. 3. AUTHORITY OF STATE AND LOCAL GOVERNMENTS TO DIVEST FROM CERTAIN COMPANIES DIRECTLY INVESTED IN CERTAIN SUDANESE SECTORS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should support the decision of any State or local government to divest from, or to prohibit the investment of assets of the State or local government in, a person that the State or local government determines poses a financial or reputational risk.

(b) AUTHORITY TO DIVEST.—Notwithstanding any other provision of law, a State or local government may adopt and enforce measures that meet the requirements of subsection (e) to divest the assets of the State or local government from, or prohibit investment of the assets of the State or local government in, persons that the State or local government determines, using credible information available to the public, are conducting or have direct investments in business operations described in subsection (d).

(c) NOTICE TO DEPARTMENT OF JUSTICE.—Not later than 30 days after adopting a measure pursuant to subsection (b), a State or local government shall submit written notice to the Attorney General describing the measure.

(d) BUSINESS OPERATIONS DESCRIBED.—

(1) IN GENERAL.—Business operations described in this subsection are business operations in Sudan that include power production activities, mineral extraction activities, oil-related activities, or the production of military equipment.

(2) EXCEPTIONS.—Business operations described in this subsection do not include business operations that the person conducting the business operations can demonstrate—

(A) are conducted under contract directly and exclusively with the regional government of southern Sudan;

(B) are conducted under a license from the Office of Foreign Assets Control, or are expressly exempted under Federal law from the requirement to be conducted under such a license;

(C) consist of providing goods or services to marginalized populations of Sudan;

(D) consist of providing goods or services to an internationally recognized peacekeeping force or humanitarian organization;

(E) consist of providing goods or services that are used only to promote health or education; or

(F) have been voluntarily suspended.

(e) REQUIREMENTS.—Any measure taken by a State or local government under subsection (b) shall meet the following requirements:

(1) NOTICE.—The State or local government shall provide written notice and an opportunity to comment in writing to each person to whom a measure is to be applied.

(2) TIMING.—The measure shall apply to a person not earlier than the date that is 90 days after the date on which written notice is provided to the person under paragraph (1).

(3) APPLICABILITY.—The measure shall not apply to a person that demonstrates to the State or local government that the person does not conduct or have direct investments in business operations described in subsection (d).

(4) SENSE OF CONGRESS ON AVOIDING ERRONEOUS TARGETING.—It is the sense of Congress that a State or local government should not adopt a measure under subsection (b) with respect to a person unless the State or local government has made every effort to avoid erroneously targeting the person and has verified that the person conducts or has direct investments in business operations described in subsection (d).

(f) DEFINITIONS.—In this section:

(1) INVESTMENT.—The "investment" of assets, with respect to a State or local government, includes—

(A) a commitment or contribution of assets;

(B) a loan or other extension of credit of assets; and

(C) the entry into or renewal of a contract for goods or services.

(2) ASSETS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term "assets" refers to public monies and includes any pension, retirement, annuity, or endowment fund, or similar instrument, that is controlled by a State or local government.

(B) EXCEPTION.—The term "assets" does not include employee benefit plans covered by title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.).

(g) NONPREEMPTION.—A measure of a State or local government authorized under subsection (b) is not preempted by any Federal law or regulation.

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section applies to measures adopted by a State or local government before, on, or after the date of the enactment of this Act.

(2) NOTICE REQUIREMENTS.—Subsections (c) and (e) apply to measures adopted by a State or local government on or after the date of the enactment of this Act.

SEC. 4. SAFE HARBOR FOR CHANGES OF INVESTMENT POLICIES BY ASSET MANAGERS.

(a) IN GENERAL.—Section 13 of the Investment Company Act of 1940 (15 U.S.C. 80a-13) is amended by adding at the end the following:

"(c) LIMITATION ON ACTIONS.—

"(1) IN GENERAL.—Notwithstanding any other provision of Federal or State law, no person may bring any civil, criminal, or administrative action against any registered investment company, or any employee, officer, director, or investment adviser thereof, based solely upon the investment company divesting from, or avoiding investing in, securities issued by persons that the investment company determines, using credible information that is available to the public, conduct or have direct investments in business operations in Sudan described in section 3(d) of the Sudan Accountability and Divestment Act of 2007.

"(2) APPLICABILITY.—

"(A) ACTIONS FOR BREACHES OF FIDUCIARY DUTIES.—Paragraph (1) does not prevent a person from bringing an action based on a breach of a fiduciary duty owed to that person with respect to a divestment or non-investment decision, other than as described in paragraph (1).

"(B) DISCLOSURES.—Paragraph (1) shall not apply to a registered investment company, or any employee, officer, director, or investment adviser thereof, unless the investment company makes disclosures in accordance with regulations prescribed by the Commission.

"(3) PERSON DEFINED.—For purposes of this subsection the term 'person' includes the Federal Government and any State or political subdivision of a State.".

(b) SEC REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Securities and Exchange Commission shall prescribe regulations, in the public interest and for the protection of investors, to require disclosure by each registered investment company that divests itself of securities in accordance with section 13(c) of the Investment Company Act of 1940. Such rules shall require the disclosure to be included in the next periodic report filed with the Commission under section 30 of such Act (15 U.S.C. 80a-29) following such divestiture.

SEC. 5. SENSE OF CONGRESS REGARDING CERTAIN ERISA PLAN INVESTMENTS.

It is the sense of Congress that a fiduciary of an employee benefit plan, as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(3)), may divest plan assets from, or avoid investing plan assets in, any person the fiduciary determines is conducting or has direct investments in business operations in Sudan described in section 3(d) of this Act, without breaching the responsibilities, obligations, or duties imposed upon the fiduciary by section 404 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104), if—

(1) the fiduciary makes such determination using credible information that is available to the public; and

(2) such divestment or avoidance of investment is conducted in accordance with section 2509.94–1 of title 29, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act).

SEC. 6. PROHIBITION ON UNITED STATES GOVERNMENT CONTRACTS.

(a) CERTIFICATION REQUIREMENT.—The head of each executive agency shall ensure that each contract entered into by such executive agency for the procurement of goods or services includes a clause that requires the contractor to certify to the contracting officer that the contractor does not conduct business operations in Sudan described in section 3(d).

(b) REMEDIES.—

(1) IN GENERAL.—The head of an executive agency may impose remedies as provided in this subsection if the head of the executive agency determines that the contractor has submitted a false certification under subsection (a) after the date the Federal Acquisition Regulation is amended under subsection (e) to implement the requirements of this section.

(2) TERMINATION.—The head of an executive agency may terminate a covered contract upon the determination of a false certification under paragraph (1).

(3) SUSPENSION AND DEBARMENT.—The head of an executive agency may debar or suspend a contractor from eligibility for Federal contracts upon the determination of a false certification under paragraph (1). The debarment period may not exceed 3 years.

(4) INCLUSION ON LIST OF PARTIES EXCLUDED FROM FEDERAL PROCUREMENT AND NONPROCUREMENT PROGRAMS.—The Administrator of General Services shall include on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs maintained by the Administrator under part 9 of the Federal Acquisition Regulation issued under section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421) each contractor that is debarred, suspended, proposed for debarment or suspension, or declared ineligible by the head of an executive agency on the basis of a determination of a false certification under paragraph (1).

(5) RULE OF CONSTRUCTION.—This section shall not be construed to limit the use of other remedies available to the head of an executive agency or any other official of the Federal Government on the basis of a determination of a false certification under paragraph (1).

(c) WAIVER.—

(1) IN GENERAL.—The President may waive the requirement of subsection (a) on a case-by-case basis if the President determines and certifies in writing to the appropriate congressional committees that it is in the national interest to do so.

(2) REPORTING REQUIREMENT.—Not later than April 15, 2008, and semi-annually thereafter, the Administrator for Federal Procurement Policy shall submit to the appropriate congressional committees a report on waivers granted under paragraph (1).

(d) IMPLEMENTATION THROUGH THE FEDERAL ACQUISITION REGULATION.—Not later than 120 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall amend the Federal Acquisition Regulation issued pursuant to section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421) to provide for the implementation of the requirements of this section.

(e) REPORT.—Not later than one year after the date the Federal Acquisition Regulation is amended under subsection (e) to implement the requirements of this section, the Administrator of General Services, with the assistance of other executive agencies, shall submit to the Office of Management and Budget and the appropriate congressional committees a report on the actions taken under this section.

SEC. 7. SENSE OF CONGRESS ON EFFORTS BY OTHER COUNTRIES.

It is the sense of Congress that the governments of all other countries should adopt measures, similar to those contained in this Act, to publicize the activities of all persons that, through their financial dealings, knowingly or unknowingly enable the Government of Sudan to continue to oppress and commit genocide against people in the Darfur region and other regions of Sudan, and to authorize divestment from, and the avoidance of further investment in, such persons.

SEC. 8. SENSE OF CONGRESS ON PEACEKEEPING EFFORTS IN SUDAN.

It is the sense of Congress that the President should—

(1) continue to work with other members of the international community, including the Permanent Members of the United Nations Security Council, the African Union, the European Union, the Arab League, and the Government of Sudan to facilitate the urgent deployment of a peacekeeping force to Sudan; and

(2) bring before the United Nations Security Council, and call for a vote on, a resolution requiring meaningful multilateral sanctions against the Government of Sudan in response to its acts of genocide against the people of Darfur and its continued refusal to allow the implementation of a peacekeeping force in Sudan.

SEC. 9. SENSE OF CONGRESS ON THE INTERNATIONAL OBLIGATIONS OF THE UNITED STATES.

It is the sense of Congress that nothing in this Act—

(1) conflicts with the international obligations or commitments of the United States; or

(2) affects article VI, clause 2, of the Constitution of the United States.

SEC. 10. REPORTS ON SANCTIONS IN SUPPORT OF PEACE IN DARFUR.

(a) IN GENERAL.—The Secretary of State and the Secretary of the Treasury shall submit to the appropriate congressional committees a report assessing the effectiveness of sanctions imposed with respect to Sudan at the time the Secretary of State and the Secretary of the Treasury submits reports required under—

(1) the Sudan Peace Act (Public Law 107–245; 50 U.S.C. 1701 note);

(2) the Comprehensive Peace in Sudan Act of 2004 (Public Law 108–497; 50 U.S.C. 1701 note); and

(3) the Darfur Peace and Accountability Act of 2006 (Public Law 109–344; 50 U.S.C. 1701 note).

(b) ADDITIONAL REPORT BY THE SECRETARY OF THE TREASURY.—The Secretary of the Treasury shall submit to the appropriate congressional committees a report assessing the effectiveness of sanctions imposed with respect to Sudan under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) at the time the President submits the reports required by section 204(c) of such Act (50 U.S.C. 1703(c)) with respect to Executive Order 13,067 (50 U.S.C. 1701 note; relating to blocking property of persons in connection with the conflict in Sudan's region of Darfur).

(c) CONTENTS.—The reports required by subsections (a) and (b) shall include—

(1) a description of each sanction imposed under a law or executive order described in subsection (a) or (b);

(2) the name of the person subject to the sanction, if any; and

(3) whether or not the person subject to the sanction is also subject to sanctions imposed by the United Nations.

SEC. 11. REPEAL OF REPORTING REQUIREMENT.

Section 6305 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28; 121 Stat. 172) is repealed.

SEC. 12. TERMINATION.

The provisions of sections 3, 4, 5, 6, and 10 shall terminate 30 days after the date on which the President has certified to Congress that the Government of Sudan has honored its commitments to—

(1) abide by United Nations Security Council Resolution 1769 (2007);

(2) cease attacks on civilians;

(3) demobilize and demilitarize the Janjaweed and associated militias;

(4) grant free and unfettered access for delivery of humanitarian assistance; and

(5) allow for the safe and voluntary return of refugees and internally displaced persons.

HEROES EARNINGS ASSISTANCE AND RELIEF TAX ACT OF 2007

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 516, H.R. 3997.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3997) to amend the Internal Revenue Code of 1986 to provide earnings assistance and tax relief to members of the uniformed services, volunteer firefighters, and Peace Corps volunteers, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. HARKIN. Mr. President, I ask unanimous consent that the amendments at the desk be considered and agreed to; the bill, as amended, be read the third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3847) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The amendment (No. 3848) was agreed to, as follows:

Amend the title so as to read: "An Act to amend the Internal Revenue Code of 1986 to provide tax relief and protections for military personnel, and for other purposes.".

The bill (H.R. 3997), as amended, was ordered to a third reading, was read the third time, and passed.

UNANIMOUS CONSENT AGREEMENT—H.R. 3997

Mr. HARKIN. Mr. President, I ask unanimous consent that if the Senate receives from the House a message on H.R. 3997 with an amendment that is not germane to the Senate amendment with the underlying bill, that the bill and its amendments be referred to the Finance Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 2461

Mr. HARKIN. Mr. President, I understand there is a bill at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The legislative clerk read as follows:

A bill (S. 2461) to authorize the transfer of certain earmarked funds to accounts for operations and activities in Iraq and Afghanistan.

Mr. HARKIN. Mr. President, I now ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will receive its second reading on the next legislative day.

ORDERS FOR THURSDAY, DECEMBER 13, 2007

Mr. HARKIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 8:30 a.m., Thursday, December 13; that on Thursday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders reserved for their use later in the day, and the Senate then resume consideration of H.R. 2419, with the time until 9:15 a.m. equally divided and controlled between the leaders or their designees for debate only; that at 9:15 a.m., the Senate vote in relation to the Dorgan amendment No. 3695, as modified, as provided for under a previous order; that upon disposition of the Dorgan amendment, there be 2 minutes of debate prior to a cloture vote on the motion to concur with respect to H.R. 6.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 8:30 A.M. TOMORROW

Mr. HARKIN. Mr. President, if there is no further business today, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 9:39 p.m., adjourned until Thursday, December 13, 2007, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

MARCIA STEPHENS BLOOM BERNICAT, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SENEGAL, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUINEA-BISSAU.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

ROBERT F. COHEN, JR., OF WEST VIRGINIA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF SIX YEARS EXPIRING AUGUST 30, 2012, VICE STANLEY C. SUBOLESKI, TERM EXPIRED.

DEPARTMENT OF HOMELAND SECURITY

HARVEY E. JOHNSON, JR., OF VIRGINIA, TO BE DEPUTY ADMINISTRATOR, FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY. (NEW POSITION)

WITHDRAWAL

Executive Message transmitted by the President to the Senate on December 12, 2007 withdrawing from further Senate consideration the following nomination:

HARVEY E. JOHNSON, JR., OF VIRGINIA, TO BE DEPUTY ADMINISTRATOR AND CHIEF OPERATING OFFICER, FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY. (NEW POSITION), WHICH WAS SENT TO THE SENATE ON SEPTEMBER 7, 2007.

HOUSE OF REPRESENTATIVES—*Wednesday, December 12, 2007*

The House met at 10 a.m.

Bishop Earl J. Wright, Sr., Greater Miller Memorial Church of God in Christ, Warren, Michigan, offered the following prayer:

Almighty God, Who hath so lavishly blessed our land, keep us ever aware that the good things we enjoy come from Thee.

We recognize Thee as Lord of our Nation. We thank Thee for a beautiful and bountiful America, for its people of all classes, colors, and creeds.

We are grateful for workers in industry, for farmers, doctors, nurses, teachers, and ministers. We thank Thee for soldiers, sailors, and airmen, who guard and protect us day and night. We thank Thee for all forms and levels of government, local, State, and national, and most especially for this, our United States Congress. We now pray that Thou will give them courage and strength to provide honest government for our Nation, abundant provisions to meet our needs, love towards each other, and peace for one another.

Forgive us our sins and accept our gratitude through Jesus Christ our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Michigan (Mr. WALBERG) come forward and lead the House in the Pledge of Allegiance.

Mr. WALBERG led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

> H.R. 365. An act to provide for a research program for remediation of closed methamphetamine production laboratories, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

> S. 793. An act to provide for the expansion and improvement of traumatic brain injury programs.

WELCOMING BISHOP EARL J. WRIGHT, SR.

The SPEAKER. Without objection, the gentleman from Michigan (Mr. CONYERS) is recognized for 1 minute.

There was no objection.

Mr. CONYERS. Thank you, Madam Speaker.

It is with great pleasure that I introduce Bishop Earl J. Wright, Sr. as the guest chaplain for the day. The bishop is very well known in Detroit, and we have known each other since the 1950s, even before Coleman Young became the first African American mayor of our great city.

He has a number of responsibilities, but the one that I enjoy bringing to the membership's attention is that he is a founding and supporting pastor of Miller Memorial Church of God in Christ Number 2, located in Haiti. And, of course, we are honored to have his lovely and gracious wife, Dr. Robin L. Wright, who is the senior supervisor of the Church of God in Christ's Japanese Jurisdiction. In addition to being an evangelist, she is also a writer and a great help to the bishop.

We have known each other across the years, and I remember coming to him the first time I ran for Congress, and with the late Bishop Bailey, I was able to prevail in my very first election.

The bishop has shown himself as a true disciple of Christ, relying heavily on his favorite scripture, Romans 4:21: "And being fully persuaded that, what he had promised, he was able also to perform." He exemplifies service to his fellow man, allowing his words to always bring grace to the hearer. He constantly speaks words of hope, spreading the good news to all. He practices evangelism that reflects Christ-like compassion to reach the world with the gospel.

Bishop Earl Wright, Sr. is a wonderful man of God, and I'm happy to know him and to welcome him to the floor of the House of Representatives today as guest chaplain.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

DOD AUTHORIZATION CONFERENCE REPORT AND ITS SUPPORT OF OUR WARFIGHTERS

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALZ of Minnesota. Madam Speaker, today the House will consider one of the most important pieces of legislation that we have worked on this year: the Defense authorization conference report. It includes provisions to restore our Nation's military readiness as well as protecting our troops.

This critical bill restores our military readiness by authorizing $1 billion for the Strategic Readiness Fund that will require an in-depth status of our forces, especially our National Guard, and requires a plan to reconstitute that force.

This legislation offers assistance to our most precious and important resource: our warriors and their families who sacrifice so much. It provides a 3.5 percent pay increase for servicemembers and prohibits increased health care fees while improving the health care system. The bill addresses the growing needs of our troops that require care in traumatic brain injury, post-traumatic stress disorder, other mental health conditions, tuition assistance programs, and also authorizes a unique program that was started in my State of Minnesota called Beyond the Yellow Ribbon to reintegrate our forces back to civilian life.

Madam Speaker, I am proud that this Congress will pass legislation this week to provide our troops with the resources and health care benefits they deserve and protect our Nation's readiness.

FUND OUR VETERANS

(Mrs. DRAKE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DRAKE. Madam Speaker, this is day 73. That is 73 days since the start of the new fiscal year. Our veterans still do not have access to the increased funding provided in a bill that passed the House and Senate months ago and the President is waiting to sign.

This bill includes increased funding to improve access to medical services for all veterans, new initiatives for mental health and PTSD, increased funds for improved medical facilities, and increased funding to assist homeless veterans, to name a few.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The Democrats have refused to move the bill forward while our veterans have been operating on an extended shoestring budget since October 1, and 2 days from now the current budget will expire.

If the Democrats are acting in good faith and in the best interest of our Nation's veterans, why have they continued to delay this bill, and why do they now intend to use our veterans to pass an end-of-the-year omnibus spending package?

The veterans bill could be passed and sent to the President and signed today. I am calling on the Speaker to move the bill forward, and I call on all Americans to contact their Representatives to tell the Democratic leadership to send a clean veterans appropriations bill to the President now.

THE STUDENTS OF NORTHPORT HIGH SCHOOL: TEACHING US ABOUT INVESTING IN THE RIGHT PRIORITIES

(Mr. ISRAEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ISRAEL. Madam Speaker, in the closing days of this session, we are going to debate our key priorities, whether we should invest more in researching illness and disease or whether we should cut funding.

I hope we will learn the lessons about the right priorities from a group of high school students in my congressional district at Northport High School. Two of their teachers, Mr. Pendergast and Mr. Deutsch, were afflicted by ALS, Lou Gehrig's disease. ALS strips people of their ability to speak, to swallow, to walk, and in many cases to breathe independently.

Now, these students could have ignored their plight. These students could have said we have other priorities. These students could have said it's not my problem, not our problem. Here's what they did: They raised over $400,000 on their own for ALS research and advocacy. They didn't just turn away from this problem; they became part of the solution. On January 16 they are going to gather at their Midwinter Night's Dream and raise even more money.

These students have become our teachers. I hope that we will learn their lessons about investing in the right priorities, about caring and showing compassion for those who need help. They have taught us a critical lesson, and I hope that we will listen carefully to the students of Northport High School.

FUNDING OUR TROOPS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, the Pentagon said last week that layoff notices for Army employees could start going out the middle of this month.

"Merry Christmas, here's your pink slip" may sound like a harsh way to greet an employee this time of year, but that is what the Defense Department will be forced to do with civilian employees and contractors in the run-up to Christmas.

Because congressional leaders refuse to negotiate with the President to fund our troops in the field, the Department of Defense has been forced to cut spending in other areas in order to pay the bills for continued operations in Iraq and Afghanistan. Even as our troops have made major security gains in Iraq, the Democrat majority wishes to pull the plug by cutting the funding to support their mission.

I believe we're sending exactly the wrong message to the men and women who serve in our Armed Forces: not funding our troops. Each day that goes by without such a bill is a failure of the leadership of this dysfunctional Congress.

☐ 1015

DEMOCRATIC ACCOMPLISHMENTS

(Mr. COSTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COSTA. Madam Speaker, when the Democratic Congress was elected last November, we pledged to enact measures to protect and support our military troops and veterans. Since taking office, we have honored that promise by passing important legislation.

This year, the House has passed the largest increase for veterans health care in the history of the Veterans Administration, has made major improvements in equipment and training, including protecting the mine resistant ambush protected vehicles that reduce the strain on our servicemen and women and protect them in Iraq and Afghanistan.

Today, we continue that commitment by passing the Defense authorization conference report, which includes a much-needed 3.5 percent pay increase for our troops, improves military health care, and requires a report on the current state of readiness for our forces, which are stretched very thin.

Madam Speaker, this Congress has a proud record this year of supporting our troops and veterans. I hope all of our colleagues will join in continuing these efforts by supporting the Department of Defense authorization conference report.

On Veterans Day and Memorial Day, we honor those who have served and given their lives. This vote today honors those who serve us every day. I urge the President to sign this legislation once it has passed the Congress.

AMERICAN FAMILIES NEED REAL LEADERSHIP FROM CONGRESS, NOT MORE POLITICS

(Mr. BOUSTANY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOUSTANY. This week, the Democratic leadership will unveil a half-trillion-dollar spending bill because they are unable to complete their constitutional responsibility. This half-trillion-dollar spending bill follows a failed energy bill that did nothing to increase our domestic supply of energy and failure to come up with a new farm bill.

Families across America are paying higher energy costs, they're bearing the burden of higher costs of living, and they are paying more for their health care. We in Congress have a responsibility to them. Furthermore, the Treasury Department waits now to see if Democrats will tax millions of Americans with the AMT, with their so-called AMT fix.

The American people want results, not politics. Let's finish the farm bill to provide some stability to our food producers and an energy bill to address the uncertainty and fluctuating prices.

Finally, let's be diligent with Americans' hard-earned money with responsible spending. Let's put politics aside, let's get our work done, and let's give American families the results which they can be proud of.

U.S. MINT COMMEMORATIVE COINS

(Mr. SNYDER asked and was given permission to address the House for 1 minute.)

Mr. SNYDER. Madam Speaker, proclamations and commemorations are a wonderful part of the job that we are honored to have. Elevation of certain historic events so that they are remembered and respected, particularly by our young people, is so important.

No one in Arkansas is unaware of the significance of the desegregation of Little Rock Central High School in 1957. No one in America should be unaware of the courage of the Little Rock Nine. That courage is celebrated in one of the two commemorative coins that are part of the U.S. Mint collection this year.

Now, I come here this morning to let you know if you don't have your order in by December 14, which is the end of this week, you won't be able to order the coins from usmint.gov, or call 1-800-USA MINT. For you folks on the Hill, the Mint is having their annual Holiday Hill coin sale in Rayburn 2220, where you can buy this coin, and also the wonderful coin sponsored by the late Representative Jo Ann Davis honoring the 400th anniversary of Jamestown. Usmint.gov, and you, too, can send these as great holiday gifts.

CONGRESS, LET'S GET TO WORK

(Mr. WALBERG asked and was given permission to address the House for 1 minute.)

Mr. WALBERG. Madam Speaker, growing up, my mother taught me that two wrongs don't make a right. For months, Congress has failed to meet its budget deadlines, and now House leadership is trying to make up for the inefficiency with a massive pork-filled spending bill to fund our Federal Government. This is inside-the-beltway political gamesmanship.

Americans want change, and I came to Washington to fight the status quo. House leadership is essentially blackmailing the American people by saying it will only support our troops and veterans if its budget-busting, deficit-spending initiatives are funded. With high gas prices, rising health care costs and economic insecurity, the last thing Michigan families need is more out-of-control government spending. People back home in Michigan know higher spending equals higher taxes, which is the last thing our hardworking families need.

Let's get to work, give our troops fighting the war on terror the resources they need, support our veterans, and show true fiscal restraint with taxpayer dollars by keeping spending in check.

ENERGY INDEPENDENCE AND SECURITY ACT

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Madam Speaker, last week, congressional Republicans refused to join us in supporting energy legislation that will provide real relief to the American consumers. Instead, Republicans once again showed that they have no problems doing the bidding of both Big Oil and the utility companies.

For too long, Washington has dragged its feet, denying that there was actually an energy problem. This new Democratic Congress is taking our Nation in a new direction. Our energy security plan is about producing more clean and renewable sources of energy right here in the United States. Over the next 10 years, this bill will create 10 million new green jobs by investing in renewable energy, with tax incentives for solar, wind, biomass, and geothermal technology. This investment will not only be good for our economy, but it will also help reduce our dependence on foreign oil and will allow us to finally address global warming.

Madam Speaker, this House has acted. Now it's time for the Senate and the White House to acknowledge our energy problems and join us in supporting this important legislation.

EARMARKS

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Madam Speaker, at some point this week, Congress is going to consider a massive omnibus spending bill that rolls the 11 remaining appropriation bills into one enormous bill.

I wish I could take the floor today and talk about what's in the floor bill, but I can't, because I have no idea. I'm far from alone. Save for a few Members of leadership, all of us are in the dark about what could be in this massive bill that we're going to be voting on in just a matter of hours. With the likelihood of thousands and thousands of earmarks in the bill, our constituents deserve a process that, at the very least, Members have an opportunity to read the bill before we vote on it.

Now, the majority argues that such tactics are no more egregious than those that Republicans employed during our years in the majority. That may be true, but I would remind my colleagues that that's one of the reasons we find ourselves in the minority today. This institution deserves far better.

SUBPRIME MORTGAGE FORECLOSURE CRISIS

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today to express concern about the ongoing subprime mortgage foreclosure crisis and the administration's "plan" to address the crisis.

The administration proposed a 5-year interest rate freeze, something that should have angered the investor community. I should know; before I came to Congress, I was an investment advisor. But the investor community was not upset. We ask, why? Well, the reason why is that the voluntary rate freeze will only apply to a small number of the subprime loans that are in danger of default and foreclosure. The Center for Responsible Lending estimates that the administration's plan will affect 7 percent of subprime borrowers.

This plan is based on the unrealistic belief that the subprime market failure will cure itself. Real leadership is needed to help homeowners and the United States economy. The President needs to show support for the House-passed legislation that provides additional options for borrowers in distress and strengthens the regulation of the mortgage lending practices.

MURDER IN THE NAME OF RELIGION—CANADA

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, freedom of expression is under attack in our neighbors to the north, Canada. Yesterday, a 16-year-old girl was strangled to death by her father in Toronto, Canada. The reason for the homicide? The girl refused to wear the traditional Muslim head scarf, the hijab.

Her school friends said that she wanted to be more "western," but her devout Muslim father wouldn't have it. But she would remove her scarf at school and change into western clothes. School officials said that she was an energetic and popular student, but she lived in fear of her father. Her father has been charged now with murder, and her older brother has been charged with accessory to the crime.

This is yet another example of religion gone wrong. In a society that values freedom and tolerance, this kind of behavior in the name of religion is unacceptable. Her father needs to be prosecuted and sent to prison. His actions are not acceptable in our culture. No one has the natural right to murder their children in the name of religion.

And that's just the way it is.

NATURALIZATION APPLICATION BACKLOG

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Madam Speaker, today I rise to discuss the naturalization application backlog at the United States Citizenship and Immigration Services Agency, known as USCIS.

In July 2007, the Bush administration raised the naturalization fee application by 66 percent, from $400 to $675. The fee increase was meant to improve the process of these applications. Yet, recent reports state that the USCIS is months behind in scheduling, so they aren't even beginning to process these applications.

The Department of Homeland Security estimates it will take 16 to 18 months to process these applications that have been filed by June 1, 2007. These delays are going to hinder hundreds of thousands of people from exercising their vote to be a part of history, the Presidential elections that are coming up in November. How abysmal this is for us to give that information to so many people who are playing by the rules, who are waiting in line to become U.S. citizens. These are people from across the world waiting in line. We have to do something. I urge my colleagues to step up to the plate.

ALTERNATIVE MINIMUM TAX IS A LUMP OF COAL

(Mrs. BACHMANN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BACHMANN. Madam Speaker, 'tis the season to be jolly for Americans, unless, of course, you happen to be a tax planner or a taxpayer wondering if your finances are going to throw you into a sea of confusion when you file your tax return in April of 2008. Under the current tax filing mess, because the majority has failed to repeal the alternative minimum tax, the average tax increase for tens of millions of Americans will increase by over $2,000.

Children hope for candy or presents in their stocking and not a lump of coal. But since 1969, the alternative minimum tax has represented a lump of coal for millions of Americans. We should do right by the American people, Madam Speaker, and put an end to the alternative minimum tax once and for all. That's a Christmas present every American can use.

LET'S DO GOD'S WORK ON EARTH

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Madam Speaker, last night I voted with a great majority in this House and every one but one Republican on a resolution to recognize the benefits and honor of Christmas and the Christian religion. I read that resolution and agree that Christianity is a great religion, a lot to be learned from it, and the teachings of Jesus are wonderful.

I would ask my colleagues on the Republican side who voted for this, the Members of the Senate, and the President to remember those teachings and do God's work here on Earth: "There but for the grace of God go I," and "Do unto others as you would have them do unto you."

The President is supposed to be vetoing the CHIP bill today which would give health care to children. That's not in the spirit of St. Nick or, I believe, in the tradition of the Christian religion or the Judeo-Christian religions. Nor is it in that same spirit that we would take away from people that need help with college education, with health care, and with research for diseases, and for responsible fiscal policies and for taking care of God's Earth.

I would ask that we not just pass resolutions in name, but in spirit, and we honor the great religions and do God's work on Earth.

MILITARY FAMILIES ARE TURNING AGAINST THE PRESIDENT'S WAR—IT'S TIME FOR A CHANGE

(Ms. SHEA-PORTER asked and was given permission to address the House for 1 minute.)

Ms. SHEA-PORTER. Madam Speaker, over the last 6 years, more than 1.6 million American troops have been deployed to either Iraq or Afghanistan to implement the Bush administration's military strategy. These troops and their families have really sacrificed, and now the majority of these families believe that the war in Iraq was not worth fighting.

The President won't listen to the generals. Perhaps he will listen to the military families. According to a new poll from the LA Times, nearly six out of 10 military families disapprove of the way the President is running the war in Iraq; 58 percent of military families, in general, think we should withdraw within a year, and 69 percent of those who have been in Iraq, their families would like to begin withdrawal within the year.

These findings come just days after the Pentagon announced a temporary tour of duty extension for all active duty soldiers that will keep them deployed for 15 months rather than 12.

Madam Speaker, our troops and their families deserve much better than this. Let's ask the President to listen to the generals and listen to the military families.

☐ 1030

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 1585, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

Ms. CASTOR. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 860 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 860

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes. All points of order against the conference report and against its consideration are waived.

SEC. 2. The House being in possession of the official papers, the managers on the part of the House at the conference on the disagreeing votes of the two Houses on H.R. 3093 shall be, and they are hereby, discharged to the end that H.R. 3093 and its accompanying papers, be, and they are hereby, laid on the table.

The SPEAKER pro tempore (Ms. DEGETTE). The gentlewoman from Florida is recognized for 1 hour.

Ms. CASTOR. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend and colleague from Washington on the Rules Committee, Mr. HASTINGS. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. CASTOR. I yield myself such time as I may consume.

Madam Speaker, House Resolution 860 provides for consideration of the conference report to accompany H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008, under the standard conference report rule.

Madam Speaker, today the Congress will promote a stronger and safer America by approving the National Defense Authorization conference report and this rule. As a member of the House Armed Services Committee, which is chaired by the distinguished gentleman from Missouri (Mr. SKELTON), I am pleased to report that the committee has worked in a bipartisan manner to ensure that our brave men and women in uniform have the tools they need to keep America safe and strong.

Our military personnel and their families have sacrificed so much in past years and continue to do so. In recognition of their service, this Congress is proud to make important improvements in military pay and benefits. We have raised the pay of our brave men and women in uniform beyond the levels set originally by the President. And when our brave men and women in combat are injured in the line of duty, they deserve top quality medical care. The Walter Reed scandal drew back the curtain on some of the challenges that the military community faces when it comes to serving our brave men and women when they return from the battlefield. Unfortunately, the military health care system was not providing consistent, excellent care for our wounded soldiers. So, Madam Speaker, one of the highlights of this bill are our efforts to improve assistance to wounded warriors. These provisions have been worked on throughout the year in a bipartisan way to improve the health care for our wounded servicemembers because they deserve nothing but the best.

We move beyond the "support our troops" rhetoric and enact substantive improvements that will restore confidence in the quality of care that our brave men and women in uniform deserve when they return from the battlefield. This includes assistance to their very supportive families, because supporting our troops does not simply mean that you salute and send them off to war and then ask them to serve and sacrifice for our great country, but supporting our troops means that we continue to support them when they return home.

This bill improves the screening for traumatic brain injury and post-traumatic stress disorder. I am very proud to recognize the efforts of my hometown VA Medical Center, the James A. Haley Medical Center, which is home to one of the four polytrauma centers in the country where we have so many dedicated doctors, nurses and psychologists and folks in physical therapy. They are so dedicated to these brave men and women that come home with the worst injuries. But we have got to do more. And that is contained in this bill.

This bill also mandates that the Secretaries of Defense and Veterans Affairs establish a standard for rating servicemembers' disabilities that takes into consideration all of their medical conditions.

An important part of improving the health care and mental health care for our wounded warriors is tackling the bureaucracy that has blocked their access to health care. So we require expedited action, provide medical advocates, improve support services for families, elevate the care for traumatic brain injuries and aid the polytrauma centers in VA hospitals across the country that are serving the most critically wounded troops.

This bill also blocks an increase that was proposed by the White House to health insurance premiums for military families and troops under the TRICARE system. It is inexplicable how the White House could propose health insurance premium increases at a time when we are asking so much of our brave American men and women in uniform. So, proudly, the Congress, in a bipartisan way, blocks these health insurance premium increases.

Madam Speaker, we know that because of the multiyear, sometimes seemingly unending war in Iraq, that the readiness, the military readiness of our country has suffered over the years. Well, this bill restores the readiness of our Armed Forces, including equipment repair, so that our soldiers go to battle with the most up-to-date equipment available. In terms of readiness, we have authorized moneys for a new Strategic Readiness Fund and to address equipment deficiencies. We have all heard stories of soldiers, especially the folks in our National Guard and Reserves, who are having problems with equipment shortages and even receiving the necessary training that they need before heading off to war. In some cases, the National Guard has been unable to help in the traditional disaster response roles in their local communities due to this problem. Well, this bill tackles that so we can improve the readiness of the National Guard and Reserves so they can do their jobs safely, efficiently and effectively.

Madam Speaker, this bill also calls for greater accountability over the waste and fraud in Iraq that has been all too prevalent under this administration. This includes the troubles we have had with various contractors. As we see from the fallout of the Blackwater contracting debacles, there has been so much waste and fraud in contracting in Iraq and under this White House that we are not going to put up with it any longer. This bill substantially improves oversight of the multibillion-dollar and sometimes sole-source contracts that have been approved during this war in Iraq.

The Armed Services Committee, under Chairman SKELTON's leadership, also requires additional accountability measures for Afghanistan, including a new Inspector General for Afghanistan reconstruction, as we cannot sanction the waste and fraud that has accompanied the administration's Iraq reconstruction.

Madam Speaker, many believe that because of the White House's preoccupation in Iraq that that preoccupation has shortchanged the focus in Afghanistan where the Taliban allowed al Qaeda to flourish some years ago. And, after all, the ungoverned and dangerous tribal areas of Pakistan are just south of the Afghan border. Indeed, just yesterday, listening to the Defense Secretary and the Chairman of the Joint Chiefs of Staff in the Armed Services Committee, it became apparent that we are not able to do as much as we would like to do in Afghanistan because of the resources that have been overwhelmingly devoted to Iraq. Well, in this bill, we direct more attention to operations in Afghanistan in addition to an Inspector General that will oversee reconstruction efforts. This bill contains a long-term plan to improve stability in Afghanistan.

Madam Speaker, many of the unsung heroes of our Armed Forces whose missions you never hear about are the brave men and women in America's special forces. I am very proud that the headquarters of Special Operations Command is located in my hometown of Tampa, Florida, at MacDill Air Force Base. This defense bill under Democratic leadership not only fully funds our special forces but goes beyond the Bush administration's budget request for these brave men and women, including a number of needs that were not proposed to be funded by the White House at all. Our commitment to special forces recognizes that we cannot rely overwhelmingly any longer on conventional forces in defense of our country. We have got to be smarter. We have got to be more strategic. And this bill authorizes the increases in special forces and also a new emphasis on more strategic action.

Oftentimes, to win a struggle, it is more strategic and smarter not to go in with guns blazing but instead to work with folks on the ground to prevent any terrorist inclinations from ever developing. This bill does that. We will invest additional resources to improve education and analytical intelligence surveillance. We harness the science and technology innovation in this great country by investing in information technology and other technologies to make sure that our troops on the ground have the best technology available across the globe.

Madam Speaker, this Defense authorization bill and this rule charts a new direction for true readiness, accountability and more strategic investments to protect our national security. It improves the health care needs for our wounded warriors and does a better job of helping our families work through the unending maze of benefits and paperwork that come from caring for an injured soldier.

I urge full, bipartisan support.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I want to thank the gentlewoman from Florida (Ms. CASTOR) for yielding me the customary 30 minutes, and I yield myself as much time as I may consume.

Madam Speaker, this rule allows for the consideration of the conference report to accompany the National Defense Authorization Act for Fiscal Year 2008. This conference report is largely bipartisan, as it should be, and is an example of what Democrats and Republicans can accomplish when working together.

This conference report contains important authorizations for increases in force protection and retains provisions of the overdue Wounded Warrior Assistance Act. By passing these provisions, we will help provide the tools needed to protect our men and women currently deployed in the global war on terror. We will be setting up the improvements needed to ensure excellence in our military and veterans care system.

There are also provisions in this conference report that are important to those that I represent in central Washington.

This conference report authorizes $29 million for the Yakima Training Center. This funding will be used to increase the size of the Army's training space, allow for urban operation training, and support the digital systems used by today's Stryker forces. This new range is expected to be completed in August of 2009 and will provide critical training for our active duty and Reserve Army soldiers.

In addition, I am pleased that this conference report extends the operation of the Ombudsman for the Energy Employees Occupation Illness

Compensation Program Act. The Ombudsman's office plays an important role in assisting workers at Hanford and other sites seeking illness compensation that they are due. I might add, Madam Speaker, this issue goes way back to the Second World War when we were involved, obviously, in atomic power. Hanford, which is in my district and a county adjacent to my district, played an important part of that and those workers that worked at those sites in many cases gave the ultimate sacrifice as our men and women overseas did, but in a kind of different setting. This compensation program, I think, is very important for those that worked at the Hanford site and other sites during the Second World War.

Madam Speaker, again, I would like to stress that this conference report was achieved in a bipartisan manner, and I hope to see more bipartisan conference reports brought to the floor as Congress wraps up its business in this first session of the 110th Congress.

As the first session of the 110th Congress comes to a close, I am disappointed that Democrat leaders are still intent on micromanaging the war on terror by blocking the funding requested for all our troops on the battlefield. At a time when both Democrats and Republicans are seeing recent progress in the war on terror, this approach, frankly, Madam Speaker, strikes me as unnecessary, divisive and dangerous.

If a supplemental spending bill is not signed into law soon, some Army civilian employees may get layoff notices before the Christmas holidays, and if this funding continues to be delayed, Department of Defense officials have reported that it could affect as many as 200,000 civilian employees and contractors.

Madam Speaker, I am also concerned that Democrat leaders continue to use delaying tactics to block a vote on a final bipartisan bill to fund veterans services.

□ 1045

This inaction is causing our veterans to lose critical funding each and every day. As I have done in the past, Madam Speaker, I will later be asking my colleagues to defeat the previous question in order to appoint conferees and quickly approve a veterans funding conference report that, again, has strong bipartisan support and which is long overdue.

With that, Madam Speaker, I reserve my time.

Ms. CASTOR. Madam Speaker, I am very pleased to yield 3 minutes to the distinguished chairman of the Armed Services Committee, the gentleman from Missouri, Mr. SKELTON, and congratulate him on his outstanding leadership in shepherding this bipartisan bill through the Congress.

Mr. SKELTON. Madam Speaker, I thank the gentlewoman for yielding to me.

Of course, I rise in support of the rule for this conference report, the National Defense Authorization Act. I will speak more at length on this issue later today after we have the privilege of passing the rule on this floor. But, I must say, Madam Speaker, that in my years of being here in the Congress, this is the most comprehensive, well thought-out and studied authorization bill that we have had. It's excellent for the troops, it's excellent for the families, and their health care. It makes great strides in the area of readiness.

I just feel like bragging on all the members of the House Armed Services Committee on both sides of the aisle. Of course, it couldn't be done without the crackerjack staff that we have, and we are just absolutely blessed with the dedicated staff that we have, Erin Conaton, who's the staff director. We owe all of the members of the staff our great appreciation.

This has been months of hard work. We have a proud tradition in the Armed Services Committee as being bipartisan. It helps with the problems of readiness, including equipment, training and people. It gives an across-the-board 3.5 percent pay raise, protects them from escalating fees for health care. It includes over 100 measures, large and small, for quality of life. We combined the best elements of the Wounded Warrior Act that was passed here in the House by 426–0, as well as a companion bill that passed the Senate.

We have many parts of this bill that are new, which will help us in the area of national security all the more. I will, at length, discuss them when we take the bill up at a later moment today.

Madam Speaker, I rise in support of the rule on the conference report for H.R. 1585, the National Defense Authorization Act for fiscal year 2008. I will speak at more length about this bill later today.

This legislation represents the outcome of months of hard work by the House Armed Services Committee and our colleagues in the other body. It is a good bill and it is a bipartisan bill in the proud tradition of the Armed Services Committee. It is good for our troops and their families. It will help improve the readiness of our Armed Forces, who face dire problems with all elements of readiness including equipment, training, and people. And it will bring significant new oversight to the Department of Defense in areas where oversight is sorely needed.

Let me just mention a few high points.

H.R. 1585 includes a 3.5 percent across-the-board pay raise for the troops, protects them from escalating fees for health care, and includes well over 100 other measures, both large and small, to improve their quality of life. Just as important, it upholds the debt of honor the nation owes to its injured and fallen veterans, by combining the best elements of the Wounded Warrior Act which passed the House 426–0, and a companion bill which passed the Senate.

To address the readiness crisis, it establishes a new, high level board of military officers, the Defense Materiel Readiness Board, to grapple with the growing, dramatic shortfalls confronting the Armed Forces. The committee also made a special effort to authorize the most money possible for readiness accounts.

Critically, this bill will bring much needed oversight to the wars in Iraq and Afghanistan. It follows up on the bipartisan investigation of Iraqi Security Forces by the committee's reinstated Oversight & Investigations Subcommittee by increasing reporting relating to Iraqi Security Forces and requiring real accountability for weapons transferred to that nation. And it institutes, for the first time, regular progress reports to Congress on the war in Afghanistan, where our critical national interests remain deeply challenged by those who attacked us on September 11. The bill also creates a new Special Inspector General for Afghanistan Reconstruction.

Finally, this bill takes significant strides to ensure that the Department of Defense is able to posture itself to address new threats. The bill includes $17.6 billion for mine resistant ambush protected (MRAP) vehicles to protect our troops in Iraq and in future conflicts. It increases funding for shipbuilding by almost a billion dollars. The bill also adds 8 C–17s to help meet the demands for global power projection in today's world.

In closing, I ask my colleagues to support this rule and to support the conference report when we consider it later today.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield 7 minutes to the gentleman from Georgia, Dr. GINGREY, who's a member of the Armed Services Committee and former member of the Rules Committee.

Mr. GINGREY. Madam Speaker, I rise in strong support of this rule and the conference report for Fiscal Year 2008 National Defense Authorization Act, and I would certainly like to commend Chairman SKELTON, Ranking Member HUNTER for standing strong throughout conference negotiations and representing us so well during these proceedings.

Madam Speaker, I think it proves, as my colleague from Washington just stated, Mr. HASTINGS, that we can, when we put our heads together and have that cooperative spirit, we can do things in a bipartisan manner, and I commend Chairman SKELTON and his excellent staff for making that happen. Certainly, I want to thank Subcommittee Chairman NEIL ABERCROMBIE, as well as Ranking Member JIM SAXTON, as well as all the conferees for the hard work in getting this legislation before the floor. The staff of the Armed Services Committee, as I say, deserves our thanks for their tireless efforts in support of our soldiers, sailors, airmen and marines who are bravely defending us both at home and abroad.

Madam Speaker, as we move toward adjournment, it's essential that we pass this legislation, which covers an extensive range of issues that are so vitally important to our Armed Services.

From a 3.5 percent across-the-board pay raise to an additional $17.6 billion for MRAP vehicles, mine resistant ambush protected vehicles, this legislation addresses the most pressing needs of our troops during a most trying time for America. I am further pleased that the bill provides for an increase of 13,000 Army and 9,000 Marine personnel, active duty personnel, and at a time when our Guard and Reserve forces have been so heavily utilized, it appropriately includes Guard empowerment provisions.

Madam Speaker, although I do remain concerned about the overall underfunding of missile defense and the lack of full funding for our European missile defense site, I am thankful that the conferees significantly restored funds for certain critical missile defense programs. I am also proud, as my colleague from Washington State made note, that the Wounded Warrior legislation is included in this conference report, which will help our injured heroes as they face challenges encountered on their long road to recovery.

Additionally, the legislation authorizes $189.4 billion in supplemental funding to support current operations in the global war on terror, and it fittingly recognizes the dangers posed by a precipitous withdrawal from Iraq. By providing increased funding for force protection and for the repair and replacement of battle-worn equipment, this legislation authorizes the necessary supplemental funding to give our deployed soldiers the resources they need to continue taking the fight to the terrorists.

I am further very pleased with the work the committee has done this year to authorize funding of 20 F-22 Raptors, in line with the current multiyear contract. The F-22, Madam Speaker, is the world's most capable fighter, and these funds will go a long way towards providing stability for our forces and ensuring that America does maintain air dominance for the foreseeable future.

Madam Speaker, section 1257 of the conference report affirms the Western Hemisphere Institute for Security Cooperation, acronym WHINSEC, as an invaluable education and training facility which the Department of Defense should continue to utilize in order to promote security cooperation with Latin American countries. I proudly serve, along with my colleague on the House Armed Services Committee, Ms. SANCHEZ from California, we serve on the Board of Visitors for WHINSEC, and have for a number of years, Madam Speaker, and know how important that is, important for my colleagues to remember that WHINSEC may be the only medium we have to engage future military and political leaders of these Latin American countries. If we were not to engage with these nations in this way, the void created would be filled by countries with different values than our own regarding democracy and, yes, human rights, countries such as Venezuela and China, whose influence in the region is growing. Therefore, I am so proud that Congress stands behind WHINSEC.

Finally, Madam Speaker, I would like to take this opportunity to again recognize our fallen soldiers. A brave young man from my district who heroically gave his life for our country, Sergeant Paul Saylor from Bremen, Georgia, his remains were not able to be viewed for a final time upon being returned to his family 2 years ago.

Last year's authorization bill, H.R. 5122, included a provision which requires that all medical personnel be trained in remains preservation to ensure that these fallen heroes get the dignity and respect they deserve. This is the least that we can do for the families as they are grieving so much. I would like to thank my colleagues for following up on this measure by honoring my request for a report on this program in this year's bill, and I want to certainly take an opportunity to thank Paul's parents, Jamie and Patti Saylor, for their help in this regard.

Madam Speaker, there is much to be proud of in this bill. I again commend Chairman SKELTON and Ranking Member HUNTER for their efforts to keep this bill focused on the needs of the warfighter. In this spirit, I urge all my colleagues in these days ahead, let's abandon any defeatist rhetoric and any partisan bickering which only serves to demoralize our troops and, yes, to embolden the enemy. We must stand united in providing our troops every needed resource and send a strong message to these terrorists and our allies that the resolve of our great Nation is stronger than it has ever been.

Madam Speaker, I urge all Members to vote in favor of the rule and the conference report.

Ms. CASTOR. Madam Speaker, I yield 2 minutes to an outspoken advocate for our brave men and women in uniform, Mr. ALTMIRE from Pennsylvania.

Mr. ALTMIRE. Madam Speaker, I thank the gentlewoman from Florida, and I thank the chairman for his leadership, as well as Ranking Member HUNTER.

I wanted to talk specifically for a couple of minutes about two provisions that this bill includes that I introduced. One of them involves a bill, H.R. 1944, dealing with traumatic brain injury, which is the signature injury of the war in Afghanistan and Iraq.

What this legislation that we are voting on today says is that the Department of Veterans Affairs will treat traumatic brain injury and do screenings and treatments in a way that is much more put together than has been done in the past. It is going to create a national registry, it is going to create a long-term system for traumatic brain injury screening and treatment, and it is going to create a coordinated network throughout the Nation that is going to help our brave men and women that are affected by TBI.

Secondly, I also introduced an amendment during consideration of this bill dealing with family and medical leave. What this legislation does is allow family members of our brave men and women serving in the Guard and Reserve to use Family and Medical Leave Act time to see off, to see the deployment, or to see the members return when they come back, and to use that, importantly, to deal with economic issues and get the household economics in order.

This bill is going to dramatically impact people's lives, and I am proud to have played a very small part in it. But I do want to thank the chairman and the ranking member for their leadership.

Madam Speaker, I also thank the gentlewoman from Florida for allowing me the time to speak today.

Mr. HASTINGS of Washington. Madam Speaker, understanding that the gentlewoman is prepared to close, I yield myself the balance of my time.

Madam Speaker, I must ask once again my colleagues to vote "no" on the previous question so that I can amend the rule to allow the House to immediately act to go to conference with the Senate on H.R. 2642, the Military Construction and Veterans Affairs funding bill, and to appoint conferees.

Madam Speaker, I am disappointed that a final veterans funding bill is sitting waiting to be acted on and that the Democrat leaders have bent over backwards to prevent this Congress in this session from passing the final bill. Democrat leaders in the House have refused to name conferees, and instead have chosen to put partisanship and politics ahead of ensuring our veterans' needs are met. They have been stalling since September and have ignored the fact that the new spending bill began October 1 of this year, nearly over 2 months ago.

Since the beginning of the new spending year, our Nation's 8 million veterans have been waiting for their $37 billion in promised veterans benefits. Sadly, each day Democrat leaders choose not to act and move final funding forward, our Nation's veterans lose $18.5 million. Since the fiscal year began 73 days ago, our Nation's veterans are out $1.35 billion.

What is even more disappointing is that this bill has almost unanimous support, unanimous support, from Republicans and Democrats; yet we are not being allowed to pass it into law, and we are getting to the waning days of this session. Meanwhile, our Nation's veterans, who have sacrificed so much on behalf of our country, are left paying the price.

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It is time, Madam Speaker, like in the underlying bill that this rule makes in order, to put partisanship and politics aside and work together to do what is in the best interest of our Nation's veterans. I see no better time than right now. By defeating the previous question, the House will send a strong message to our veterans that they have our commitment to provide them with the funding increase they need, deserve, and were promised.

Once Democrat leaders appoint conferees, the House can move forward and pass a stand-alone veterans funding bill, and it will pass with strong bipartisan support.

I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. With that, Madam Speaker, I urge my colleagues to oppose the previous question, and I yield back the balance of my time.

Ms. CASTOR. Madam Speaker, I urge approval of the National Defense Authorization Act, H.R. 1585, and this rule. This bipartisan bill improves military readiness and demonstrates our commitment to our brave men and women in uniform, including a 3.5 percent pay raise for these brave folks, a commitment to the National Guard and our Reserves, and an expansion and great improvement in the health care provided to wounded warriors who return from the battlefield. The bill also increases oversight and restores accountability over the waste and fraud that has occurred in the war in Iraq.

Madam Speaker, this bill will make America safer and stronger. I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 860 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 3. The House disagrees to the Senate amendment to the bill. H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, and agrees to the conference requested by the Senate thereon. The Speaker shall appoint conferees immediately, but may declare a recess under clause 12(a) of rule I for the purpose of consulting the Minority Leader prior to such appointment. The motion to instruct conferees otherwise in order pending the appointment of conferees instead shall be in order only at a time designated by the Speaker in the legislative schedule within two additional legislative days after adoption of this resolution.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109h Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. CASTOR. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 4351, AMT RELIEF ACT OF 2007

Mr. CARDOZA. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 861 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 861

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4351) to amend the Internal Revenue Code to provide individuals temporary relief from the alternative minimum tax, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions of the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit.

SEC. 2. During consideration of H.R. 4351 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from California is recognized for 1 hour.

Mr. CARDOZA. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on House Resolution 861.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CARDOZA. I yield myself such time as I may consume.

Madam Speaker, House Resolution 861 provides for consideration of H.R. 4351, the Alternative Minimum Tax Relief Act of 2007, under a closed rule. The rule provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The rule waives all points of order against consideration of the bill except for clause 9 and clause 10 of rule XXI. Finally, the rule provides one motion to recommit with or without instructions.

Madam Speaker, the Democratic philosophy is simple: We believe in pay-as-you-go. In other words, we believe that you should live within your financial means. Every family that makes these choices around the kitchen table every month in order to live within its budget understands that simple fact of life. The Federal Government used to understand this, too. In fact, the Clinton administration and the Democratic Congress worked with Republicans on a bipartisan basis and turned decades of exploding budget deficits into 4 straight years of budget surpluses through the use of pay-as-you-go or PAYGO rules in this House.

The use of PAYGO through the 1990s and early 2000s helped lead us to the first Federal budget surpluses in over 30 years at that time, and we saw record economic growth during that period which resulted in the addition of 22 million American jobs. And in that time, America actually began to pay down the national debt to foreign nations. Despite the proven success of PAYGO, President Bush and the Republican Congress abandoned the PAYGO rules in the year 2002, allowing it to expire with no interest in reinstating it.

According to the Bush administration's own numbers, President Bush's policies are on track to increase the Federal debt by over $4 trillion by the year 2008.

It took, Madam Speaker, 41 Presidents combined to accumulate the total of $4 trillion in debt. This means that the debt America incurred over the first 200 plus years of our Nation will be doubled in only 8 years under the Bush administration.

Worse, Madam Speaker, about 80 cents of every dollar of new debt since the year 2001 has been financed by foreign investors, including foreign governments, especially China. This has resulted in 50 percent of our Nation's debt now being owned by the following countries: China, Japan, Saudi Arabia, and Iran.

At the start of the 110th Congress, Democrats provided real choices and a new direction for America. We made good on our commitment to PAYGO and did what 6 years of Republican Congresses before us refused to do: We restored PAYGO rules to make sure that we do not spend more money than we have.

Once again, the Democratic leadership brings to the floor H.R. 4351, the Alternative Minimum Tax Relief Act of 2007, that provides millions of middle-class families with tax cuts to help grow our economy without increasing our national debt. H.R. 4351 prevents 23 million families from being hit by the AMT, and it helps 12 million children by expanding their child tax credit.

The Republicans will surely say that this bill raises taxes, but that is far from the truth. Let me set the record straight right from the beginning. This bill closes tax loopholes that allows a privileged few on Wall Street to pay a lower tax rate on their income than other hardworking Americans, such as school teachers, police officers, firefighters, and our Nation's veterans. This bill stops hedge fund managers from making hundreds of millions of dollars by using offshore tax havens to avoid paying income tax while other middle-class families play by the rules and pay their fair share.

It also prevents multinational companies from shifting their income to offshore entities and from creating sham corporations in tax-friendly jurisdictions to avoid Federal taxation. We would all love not to have to pay our taxes. Why should we allow these big corporations to go offshore to avoid paying their fair share?

It seems only fair that if hardworking American middle-class families play by the rules and pay their fair share that the wealthy and huge multinational corporations that are gaming the system should pay their fair share as well.

Madam Speaker, this Congress has made great strides to get our fiscal house in order. If we want to continue down the path towards fiscal sanity, we must make sure that every piece of legislation that we consider, including this bill, fixing the AMT, complies with the PAYGO rules. The Blue Dogs and the House Democratic leadership are standing strong behind our commitment to fiscal responsibility through PAYGO. I would like to thank Speaker PELOSI, Leader HOYER and Chairman RANGEL for their unwavering commitment to sticking with the PAYGO rules. I would also like to reiterate to the other body that our leadership is committed to abiding by the PAYGO rules and not considering any AMT bill on the House floor that is not fully paid for.

Madam Speaker, the $9.1 trillion debt that our country has irresponsibly racked up, nearly half of which has happened in the last 6 years, must be paid back, and it will be paid back by our children and our grandchildren if not by us. We need to adhere to the old adage that we should provide a better life for our children than the ones that we found ourselves. Quite simply, we should be investing in our children's future and not borrowing from it.

I strongly urge my colleagues on both sides of the aisle to make the right choice today, to stand by PAYGO today, to stand by PAYGO tomorrow, and support this commonsense legislation.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I want to thank my friend from California (Mr. CARDOZA) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Madam Speaker, this rule provides for consideration of a tax bill that would raise taxes permanently to give 1 year's worth of tax relief. Let me repeat that, Madam Speaker. This rule provides for consideration of a tax bill that would raise taxes permanently to give 1 year's worth of tax relief.

The AMT was enacted in 1969 to prevent a small number of wealthy taxpayers from using, at that time, legitimate deductions and credits to avoid paying taxes altogether. Back then, the tax affected only 155 people, the super-rich. The AMT was never adjusted to match inflation. Therefore, the AMT is affecting more and more taxpayers today. Without fixing the AMT problem, millions of taxpayers will be hit by the AMT, costing the average taxpayer about $2,000.

When Republicans gained control of the Congress, we passed legislation to protect American taxpayers from the unintended consequences of the bracket creep of AMT. Unfortunately, this measure was vetoed by President Clinton. So here we are again today trying to temporarily protect taxpayers from the AMT.

The longer we wait to fix the AMT, the longer it will take for the IRS to make the necessary changes in the tax forms and to process tax returns under the changes in the law. That is for this tax year. As of right now, the Democrat majority's failure to pass an AMT fix will force the IRS to delay processing tax refunds until mid-March at the earliest. This is likely to delay returns for over 20 million taxpayers who currently would be subjected to the AMT but who, with the patch, would not have to pay the AMT. This comes out, Madam Speaker, to about a $75 billion interest-free loan to the Federal Government from the taxpayer and paid for by the taxpayer.

I support fixing the AMT trap, but it is a tax that was never intended to occur. It is going to affect millions of Americans. But the Democrat leaders in the House are making it nearly impossible to help these Americans. Let's just pass a bill to eliminate the tax. Stop using this tax relief bill to raise taxes by over $50 billion.

Just as disappointing as the tax increases included in the bill is tax relief that is not included in this bill, and I am talking about a particular loophole in the tax law. I am dismayed that an extension of the sales tax deduction is not in this bill, the sales tax deduction for those States that do not have a

State income tax. It is a matter of fairness. The AMT fix is for 1 year. I think it is only a matter of fairness to extend the sales tax deduction for those States who don't have a State income tax for 1 year.

I attempted to offer an amendment in the Rules Committee last night, to allow me to offer an amendment to close this loophole or adjust this loophole on the floor today to extend the sales tax deduction again to those States that don't have State income taxes.

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It was defeated unfortunately on a party-line vote of 2-8 with every Democrat voting to block allowing this amendment to be made in order, including two Members from Florida, which is one of the eight States affected by this legislation.

But there is another way, Madam Speaker, and the House will vote today on extending the sales tax deduction so it doesn't expire at the end of the year. If you are from Washington, Florida, Texas, Tennessee, Nevada, Wyoming, South Dakota and Alaska, join me in voting "no" on the previous question.

I will then amend the rule so we can vote to extend the deduction and modify this loophole that I was talking about and ensure that our constituents in States that do not have a State income tax are treated fairly.

Madam Speaker, I reserve the balance of my time.

Mr. CARDOZA. Madam Speaker, I would like to inquire how much time remains on either side.

The SPEAKER pro tempore. The gentleman from California has 22½ minutes remaining.

Mr. CARDOZA. Madam Speaker, at this time I would like to yield 2¼ minutes to Mr. COSTA from California, who has been a champion of the PAYGO rules and fiscal responsibility since the day he walked into these hallowed Halls.

Mr. COSTA. Madam Speaker, I thank the gentleman from California (Mr. CARDOZA) for yielding me this time to speak in support of this rule.

What we are really talking about this morning is do we choose the easy road of least resistance to provide tax relief with the alternative minimum tax or do we choose the more difficult road that requires fiscal discipline, that requires us to be honest with the American taxpayers as to how we are plotting our fiscal priorities for our Nation today, tomorrow and for future generations.

We are debating the Alternative Minimum Tax Relief Act of 2007. It is important tax relief for millions of Americans. I support this legislation as it stands now. It is actually the second time in recent months that the House will send a paid-for alternative minimum tax relief to the Senate. It is important that we do this.

According to Secretary Paulson and the Department of the Treasury, unless we fix the AMT, 25 million taxpayers will be subject to it in 2007. That is 21 million more Americans than in 2006.

However, it is important, I believe, and I think many of those in the Blue Dog Caucus feel as well, that we pay as we go, that we provide the PAYGO provision that has been in every measure that has passed this House since January of this year.

PAYGO was implemented by the Democratic Congress actually back in 1990. It was signed into law by the elder President George Bush, and it was part of the rules of the Congress for 11 years. It was a tool that we put in place to rein in deficits that the Federal Government had experienced since the early 1970s.

This Congress pledged to reenact that pledge to the American people, to bring our House back in fiscal order. We have kept that promise since January of this year. Every single bill that we have voted on has complied with the PAYGO rule.

It is important that we note that our current debt is $9 trillion. Enough is enough. Much of that debt is owed by foreign nations. We can pass today the Alternative Minimum Tax Act by not borrowing money from China because of this PAYGO provision. I want to thank the leadership of this House for sticking with PAYGO. I urge my colleagues to vote for this measure, the rule and the underlying bill.

Mr. HASTINGS of Washington. Madam Speaker, I reserve the balance of my time.

Mr. CARDOZA. Madam Speaker, I would like to thank my colleague from California for his eloquent comments and say I agree with him wholeheartedly.

Madam Speaker, at this time I would like to yield 1½ minutes to the gentleman from Oregon (Mr. BLUMENAUER), a member of the Committee on Ways and Means.

Mr. BLUMENAUER. Madam Speaker, I listen to my friend from Washington repeating the same lame line from the talking points of my Republican friends.

They knew this was coming. Yes, President Clinton vetoed a flawed tax measure back in the previous administration. What have they been doing for the last 6 years when they controlled everything?

They decided not to deal with the alternative minimum tax. They made a cynical decision to cut taxes for those who are the most fortunate in this country and be able to use this money in the budget calculations to be able to justify these massive tax reductions. They spent this money and they count on spending this money for years to come. It is in President Bush's budget.

We reject that cynical effort. We implored them time and time again when they were having their tax reductions to deal with the alternative minimum tax, this fiscal tsunami that is going to sweep away middle and upper middle-income Americans. They refused. They bet on the other side.

Now we are coming forward not with a tax increase but with a tax adjustment. The Federal Government will get the same amount of money; it is who are you going to benefit. We are going to save 23 million Americans from paying the alternative minimum tax, making some reasonable tax adjustments and not putting the cost of this patch on the credit card of our children.

Mr. HASTINGS of Washington. Madam Speaker, I yield myself 2 minutes.

I appreciate my friend from Oregon making his remarks. I am glad he acknowledges that President Clinton vetoed the permanent tax relief from the AMT. Let me make my points, and then I will be happy to yield.

Ever since that time, I might point out to my colleague, there has been a 1-year fix. We know that issue is coming. We know that this issue is coming and it needs to be resolved. It hasn't been resolved, and we know that it won't be resolved by raising taxes on other people.

I know my friends on the other side of the aisle can say no; these are adjustments. If they are adjustments, I hope they will acknowledge with me that what I am trying to do on the previous question is to make an adjustment for those States, for the people in States that don't have a State sales tax, to make that adjustment so they can have fairness across the board of being able to deduct sales tax from their Federal income tax. I will be making that motion, Madam Speaker, on the previous question.

I am happy to yield to my friend.

Mr. BLUMENAUER. I thank the gentleman.

I appreciate we are sort of finalizing history here, and I appreciate your referring to that past.

But is it not true that for the last 6 years when you were in control, you made a decision to have other tax cuts that were financed in part by the assumption that we are going to collect this AMT?

Mr. HASTINGS of Washington. No. Reclaiming my time, the gentleman is not correct on that, because in all of the budgets that we put together, there was never a provision that said that this income was something that we would use.

That is, by the way, in your budget. You do it with a mechanism called the reserve fund which says you have to offset.

But I will say this, and I will talk about economic policy and tax policy. Because of the tax policies we have put in place with the tax cuts in 2001 and 2003, we have seen an extraordinarily strong economy in this country. I think that is pretty hard to refute, and so I just want to point that out to my friend.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all Members to address their remarks to the Chair.

Mr. CARDOZA. Madam Speaker, I yield 15 seconds to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. My good friend from Washington talked past the point. Those budgets assumed the alternative minimum tax. President Bush's budget assumes the alternative minimum tax. And I want to make clear that this is something that we are simply not going to do. We do not want to continue their practice of assuming this tax to be able to finance other priorities.

Mr. CARDOZA. Madam Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. COOPER), a former co-chair of the Blue Dog Coalition and a great Member of this House who is committed to fiscal responsibility.

Mr. COOPER. Madam Speaker, there is no reason to make this debate more complicated than it is. It all revolves around a very simple but vitally important principle: whether the United States Government pays its bills. We think that it should. The principle is called PAYGO, pay-as-you-go. I am thankful that 31 Blue Dogs have signed a letter that said they will not vote for anything that means the free lunch mentality of the past. I am thankful that so many of our progressive friends across the caucus have similarly strong feelings. And I am thankful that our Democratic leadership has put in PAYGO, what Alan Greenspan said was the single most important domestic reform we can take.

Let's stand for fiscal responsibility in this House. America must pay its bills.

Mr. HASTINGS of Washington. Madam Speaker, I reserve the balance of my time.

Mr. CARDOZA. Madam Speaker, at this time I would like to yield 2 minutes to the gentleman from Florida (Mr. BOYD), the Chair of the Blue Dog Coalition and someone for the last 11 years who has fought hard on this particular issue to bring fiscal sanity back to our country.

Mr. BOYD of Florida. Madam Speaker, I thank my friend, the gentleman from California (Mr. CARDOZA) for leading this debate.

Let's be very clear. I think it is well understood by the country, the fiscal recklessness of the period, the 6-year period from January 2001 to January 2007, a recklessness which included record spending levels at the same time revenues were being reduced to a level that created record deficits during that period of time which are going to have a serious negative effect on the future of this country, the economy, the kind of life that our children and grandchildren will see if we don't get under control this recklessness that has been demonstrated over the last 6 years since the 2000 Presidential election.

Madam Speaker, you have to fix those problems by, first of all, believing in some principles. And the principle that we believe in is if you are going to have a program, you ought to be able to pay for it. We all understand the serious consequences of the AMT and we want to fix it, but many of us believe if you are going to fix it, you are going to do it in a revenue-neutral way. That is the difference between this leadership and the previous 6 years' leadership, which says just damn the port, torpedoes, full steam ahead; tax cuts and increased spending, it doesn't make any difference, as long as everybody is happy at the moment. Our children and grandchildren are the ones who are going to pay that bill in the end.

And I want to thank Speaker NANCY PELOSI and the majority leader, STENY HOYER, for standing tall with us on this principle of PAYGO and this particular vote on the AMT as we send another AMT, paid-for AMT to the Senate. It is a very critical time in the future of this country and how we are going to handle our fiscal responsibility.

Again, I want to thank our leader, the gentleman from California (Mr. CARDOZA) and the Speaker of the House.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. SESSIONS), a member of the Rules Committee.

Mr. SESSIONS. Madam Speaker, I thank the gentleman from Pasco, Washington.

Madam Speaker, we are sitting here watching our good friends on the other side talk about all this great work that they have done, how fiscal responsibility is so important and all these problems with the country, and yet we are sitting here in the middle of December with 10 out of the 11 spending bills not even done because the Democrat majority is interested in spending record levels of money, more and more and more money and talking about tax increases, taxes that continue and keep going.

□ 1130

And yet they want to stand up and eat both sides of that cake and talk about fiscal responsibility and how NANCY PELOSI, as our Speaker, has done such a great job.

Well, Madam Speaker, I would like to encourage my friends to go home maybe on a weekend sometime and talk to people and find out how well we're doing. How well we're doing is not yet well understood by the American people because we're up here and can't even get our work done, and yet we're up here crowing, trying to take credit for all this great work that has been done, and none of it is passed, not even a negotiation with the President and the White House. No negotiation; bills that show up, 1,700 pages worth of a bill last week that we were given 20 minutes before the Rules Committee went in.

We find out all sorts of earmarks, billions of dollars worth of earmarks, and then we have people that come down here and start crowing about fiscal responsibility. That's malarkey. That is ridiculous. We're trying to get our work done, and we're over here standing up acting like we've just won the race.

The American people know the difference. The Republican Party is here to say we're going to try and get our work done, and we're here to show up and to try and do that work. We're waiting for those other 10 out of the 11 bills to come to the floor. We're waiting to be able to see those bills so that we can know what's in the bills. And then one side stands up and talks about fiscal responsibility. Absolutely ridiculous.

Mr. CARDOZA. Madam Speaker, the gentleman who just spoke talks about malarkey. I would say that his side of the aisle should know about malarkey after they raised the Federal deficit over $4 trillion in the last 6 years.

I would now like to yield 1 minute to the gentlewoman from California (Ms. HARMAN), a member of the Blue Dog Coalition and an absolute fighter on behalf of fiscal responsibility in this House.

Ms. HARMAN. Madam Speaker, as the only grandmother Blue Dog, I rise in support of this rule and the underlying bill. I strongly support AMT relief for 55,000 taxpayers in my congressional district, and 23 million Americans nationwide. But there is a right way and a wrong way to do it. Simply providing relief to this generation while raising taxes on future generations is the wrong way.

Put another way, the $50 billion price tag for this AMT vote can either be paid for responsibly, or we can send the bill to our children and grandchildren.

In my seven terms in Congress, I have always supported fiscal responsibility and have made scores of votes that are faithful to that principle. Among them was a career-risking vote in 1993 for the Clinton budget; my vote in 1994 to cut $100 billion from Federal spending; my vote in 1997 for a balanced budget; my vote against the Bush tax package which provided unnecessary relief for the top tax brackets; and now these AMT votes.

Madam Speaker, I dedicate my vote today to my first grandchild, Lucy, and to her brother and cousin, who will be born early next year.

Mr. HASTINGS of Washington. Madam Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Washington has 21 minutes. The gentleman from California has 14½ minutes.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield as much time as he may consume to the distinguished ranking member of the Rules Committee, Mr. DREIER from California.

Mr. DREIER. Madam Speaker, I just don't get it. I just can't figure this thing out. Under the Democrats' logic, they're saying that we have to increase taxes to avoid a tax increase. We have to increase taxes to avoid a tax increase. That's what the fiscally responsible thing is for us to do.

Madam Speaker, last Saturday morning I had the privilege of riding in the Glendora Christmas parade. Glendora, California, beautiful, "pride of the foothills" they call this city. As I arrived, I happened to run into a guy called Marshall Mouw, who is a former city council member in that great city. He worked for the U.S. Postal Service for many years. The first thing he said when he looked at me is, what are you going to do to make sure that we're not victimized by the alternative minimum tax? And I told him, we have tried time and time again to do at least what's called a 1-year patch, a 1-year patch, which would ensure that 23 million Americans aren't going to be saddled with this unfair tax. And personally, I would like to flat out repeal completely the alternative minimum tax.

Now, let's remember what the alternative minimum tax is. Back in 1969, the Democratic Congress found that there were 155 Americans who were millionaires, and they weren't paying their fair share of taxes. They, of course, were doing things legally. They had all kinds of investments. They were creating jobs. But they weren't paying their fair share of taxes, so-called. And so the alternative minimum tax was put into place to go after those 155 Americans who many believed were cheating somehow and not paying their fair share.

What has happened? Well, due to bracket creep, we now see 23 million Americans. I would like to describe this, Madam Speaker, as unintended consequences. It's one of the things that we often don't think about in this institution when we try to pass sweeping legislation, well-intentioned but sweeping legislation. And that's one of the reasons that the framers of our Constitution, James Madison especially, wanted the process of law-making to be very, very hard; very, very difficult.

I see my friend, the distinguished chairman of the Committee on Appropriations here, Mr. OBEY, and I will say that it's very clear that Madison's vision, I guess, is working now, when you look at how hard it is for us to get our work done, how hard it is for us to get through this appropriations process. I'm very, very relieved that many of the things that this new majority would like to put through, which I believe in many ways undermine what the American people want, like putting into place a massive tax increase to avoid a tax increase, can't happen, and they're not going to happen.

As the distinguished ranking minority member of the Committee on Ways and Means, Mr. MCCRERY, said yesterday, all we need to do is take the last debate that we had on AMT, paste that thing in, and then we'll see exactly what happens.

We know that our colleagues on the other side of the Capitol are not going to accept this. And so what we need to do if we in fact are going to ensure that the American people are going to get that much needed relief from the alternative minimum tax, it's very important for us to do everything that we can to try and come to an agreement as quickly as possible. We know what that agreement is. We know what we're going to agree to. We're going to agree to what we've done in the past, a 1-year patch to ensure that these 23 million Americans don't get this massive tax increase.

Madam Speaker, as I listened to my colleague, I was just told by one of our staff members that they've been talking about how horrible the last 6 years have been, how awful the last 6 years have been. I would like to remind our colleagues of the fact that we got a report 2 weeks ago of the third quarter gross domestic product growth rate that we've had in this country. It's 4.9 percent. I would like to remind our colleagues who continue to wring their hands over the deficit, yes, I'd like to see the deficit lower, but as a percentage of our gross domestic product, the deficit today is $81 billion lower than had been projected in February of this year, putting it at $164 billion.

Now, people don't often think about the fact that the United States of America has a $13.3 trillion economy, clearly the strongest, most dynamic economy that the world has ever known.

Do we have problems? Of course we do. I mentioned at the outset one of the communities I represent in Southern California, the subprime issue is something with which we're trying to contend and to work through. If you look at the value of the currency, if you look at lots of other issues out there, we do have problems. But this notion of claiming that the last 6 years have been a living hell for all Americans is preposterous.

What we need to do is we need to make sure that we do everything that we possibly can to rein in wasteful Federal spending, make sure that we pursue opportunities to open up markets around the world for U.S. workers to be able to export into those markets, and we need to make sure that we continue cutting taxes so that we can see the kind of economic growth that we've been enjoying in the past. That's why it's silly for us to be sitting around wasting our time, wasting our time doing exactly what we did last week on this so-called alternative minimum tax when we know exactly what is going to happen here.

At the end of the day, we're going to have, Madam Speaker, a 1-year patch to ensure that 23 million Americans don't face a massive tax increase. Let's reject this crazy notion that we've got before us and move ahead with what we know can be agreed to in a bipartisan way.

Mr. CARDOZA. Madam Speaker, at this time I would like to yield 2 minutes to the gentleman from Wisconsin, the distinguished chairman of the Appropriations Committee, and an absolute champion on this issue, Mr. OBEY.

Mr. OBEY. Madam Speaker, I would just like to respond briefly to some of the assertions made a few minutes ago under which the Clinton administration was attacked for supposedly not correcting the alternative minimum tax problem.

I want to read from the administration's statement when the President vetoed the budget reconciliation bill, which contained the so-called AMT fix. The President pointed out at the time that in addition to supposedly dealing with the alternative minimum tax, that that bill would have cut Medicare by $270 billion, it would have cut Federal Medicaid payments to States by $163 billion, it would have virtually eliminated the direct student loan program, it would have provided huge tax cuts, over 47 percent of the benefits would have gone to the top 12 percent of earners in the country. I think that's enough said.

If you want to understand why the Clinton administration vetoed the bill, it was not because they were against an alternative minimum tax fix. In fact, the President specifically supported it in his comments. What he objected to was using the alternative minimum tax proposal as a Trojan horse to bring in huge gifts for the most well off people in this society paid for by huge funding cuts for those in our society who were the most vulnerable. The President didn't apologize for his action at the time, and we shouldn't, either. It was the right thing to do.

Mr. HASTINGS of Washington. I yield myself 2 minutes, Madam Speaker.

Madam Speaker, I have a great deal of respect for the previous speaker, the chairman of the Appropriations Committee. He has always been one that believes that this House ought to do their work, and he has worked extraordinarily hard to make sure that this House does their work on the appropriation process.

But I find it ironic that in the gentleman's remarks talking about what happened with a bill that President Clinton vetoed is because, at least the inference is there's a lot of extraneous stuff on that bill.

My goodness, how history repeats itself, because here we are in the closing days of the first session of this 110th Congress, and what are we contemplating? There are so many rumors around here about an omnibus bill. And we know what omnibus bills are. There are so many things that are stuck in there to extract votes, generally they come out after the fact, embarrasses the institution, and yet we seem to be going down exactly the same path.

I appreciate the gentleman for acknowledging that President Clinton did veto a permanent repeal of the AMT, which was simply the point that I made in the outset of my remarks.

But I would just say, Madam Speaker, it seems to me we're going, that there will be a speech maybe later on this week, probably next week, about everything put into one package. And maybe we should take my friend from Wisconsin's remarks and just repeat them again, because history does repeat itself.

With that, I will reserve my time.

Mr. CARDOZA. Madam Speaker, at this time I would like to inquire how much time either side has remaining.

The SPEAKER pro tempore. The gentleman from California has 12½ minutes. The gentleman from Washington has 13 minutes.

Mr. CARDOZA. Madam Speaker, at this time I would like to yield 1½ minutes to my friend, the gentlelady from Connecticut, Ms. ROSA DELAURO.

Ms. DELAURO. Madam Speaker, I rise today in strong support of the rule we are considering and the bill, the AMT relief bill.

Last month, this Congress stepped up. We passed responsible legislation providing millions of hardworking middle-class families with the tax cuts they need and they deserve. And we're back today, working once again to protect over 23 million middle-class families from the encroaching alternative minimum tax.

In my home State, Connecticut, failing to act on the AMT would mean new taxes on 358,842 households, including almost 67,000 in my district. This is must-pass legislation for our families and for our changing economy.

I commend Chairman RANGEL for leading the way for providing relief in a way that allows us to get our fiscal house in order by sticking to the PAYGO rules that this Congress adopted.

□ 1145

This legislation also includes a long overdue expansion of the child tax credit. Last year, because of the way the laws were written, 7 million children, most of them infants and toddlers, in working families across the country remained ineligible for even a partial credit.

This year we do better. We return to the original intent of the child tax credit. By lowering the earnings threshold to $8,500, we will capture additional millions of children who will be eligible for the tax credit, and the families of 10 million others will receive larger refunds.

With this bill, we have an opportunity to help these kids. I urge my colleagues to vote for this rule and to pass this legislation.

Mr. HASTINGS of Washington. Madam Speaker, I'm pleased to yield 2 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Madam Speaker, you know, we've had probably close to 1,100 votes this session. We've been here since January. In fact, January we had more work scheduled than I've seen in a long, long time because January is usually a light month. But we had all those votes, and here we are with just a few days left in this session and we haven't done a darn thing.

In my opinion, the accomplishments of this Congress under the Democrat leadership has been a big zero. The appropriation bills that the President wanted to sign and get through this process have not been given to him, and now you're going to come up with an omnibus spending bill right here at the end with a lot of pork in it that nobody knows what's in it, and you're going to present that to the American people as a job well done.

Well, it is not a job well done. That omnibus spending bill, if it has all that pork in it that we've heard of, the President's likely to veto, and then we're going to have to come back with a continuing resolution to get us through the end of the year into the middle of January.

So I'd just like to say to my colleagues, whom I respect a great deal, the promises that you made at the beginning of the year when you took charge of this House have not been met. We have not gotten anything done of substance, and we're going to leave here with an omnibus spending bill that may or may not be vetoed, and the American people are going to wonder what in the world's in that bill.

So I'd just like to say to my colleagues, I'd like to say a job well done, but I can't. It's been a total zero this year.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will again remind Members to address their comments to the Chair.

Mr. CARDOZA. Madam Speaker, I have the distinct honor to yield 1 minute to a member of the Rules Committee and a member of the Blue Dog Coalition, the gentleman from New York (Mr. ARCURI).

Mr. ARCURI. Madam Speaker, I thank my friend and colleague for yielding.

Madam Speaker, I stand today in strong support of this rule, a rule that supports a very important bill, a fix for the AMT, that does it in a way that is fiscally responsible, which is extremely important.

When I look at the things that this House has done this year, things like appropriating money so that student loans are increased, Pell Grants are increased so that our children who go to college leave college with less debt, less saddled for the future; when I think of the sacrifices that parents make so that they can help their children through college, so that when their children finish college they're not saddled with debt; those are the kind of considerations that we need to take into consideration today in fixing the AMT so that we don't saddle our children with incredible debt in the future, that we fix the AMT and we do it in a responsible way.

So I am proud to support this rule.

Mr. HASTINGS of Washington. I reserve my time, Madam Speaker.

Mr. CARDOZA. Madam Speaker, I yield 2 minutes to the gentleman from Texas, a member of the Committee on Ways and Means and the Budget Committee, a distinguished member of this body, Mr. DOGGETT.

Mr. DOGGETT. Madam Speaker, I thank the gentleman.

Responsible, pay-as-you-go government is a significant part of the new direction to which this Congress committed our country last January. Now is hardly the time to abandon that important commitment.

For 7 years, spend-and-borrow Republicans have seldom met a problem in this country that they didn't address by borrowing more money and incurring more public debt. Now, when America faces a credit crunch, they say "get more credit." They insist on borrowing even more money to finance another tax cut.

Admittedly, under Republican rule, the AMT, the Alternative Minimum Tax, turned into the "Aggressive Middle-income Tax." Republicans were so busy treating the Federal Treasury like an ATM to finance tax cuts for the wealthy few that they largely forgot about the need to permanently fix the AMT affecting the middle class.

We need that permanent fix that President Bush continues to refuse to support, but correcting and reducing the AMT can be accomplished in a fiscally responsible manner. We Democrats understand that discipline is required for fiscal responsibility. You simply cannot make a mountain of debt disappear, say, the way they erased the CIA torture video.

This bill pays for the AMT fix in part by adopting most of the Abusive Tax Shelter Shutdown Act that I first authored in June of 1999, but which year after year House Republicans have blocked. Indeed, they blocked it even after Senate Republicans approved the measure.

Today, we can stop corporate tax dodgers from shifting the tax burden to middle-class families, ensuring both tax fairness and fiscal responsibility.

Mr. CARDOZA. Madam Speaker, how much time do we have available to us?

The SPEAKER pro tempore. The gentleman from California (Mr. CARDOZA) has 8 minutes remaining.

Mr. CARDOZA. Madam Speaker, I yield 1 minute to the gentlewoman from Arizona (Ms. GIFFORDS).

Ms. GIFFORDS. Madam Speaker, I rise today in support of this rule and to support fixing the Alternative Minimum Tax.

In my southern Arizona district, over 40,000 families are going to be directly impacted if Congress and our President do not take action.

The AMT was never intended to impact middle-class families. That is why we must fix this tax and allow families instead to make decisions about investing into their futures.

This is a critical, critical priority. As a Blue Dog Member, I'm pleased that this bill also respects what Americans respect, what Arizonans respect, which is fiscal accountability. And that is why this bill is offset by closing a tax loophole.

Congress has to play by the same rules that our families in America play by, balancing budgets and being fiscally responsible. This is a priority that we're going to continue to push and push and push.

Today, we're standing strong for tax policies that help middle-class families, the backbone of America, and I urge Members to support the rule and support fixing the AMT.

Mr. CARDOZA. Madam Speaker, I yield 4 minutes to the gentleman from Tennessee, a member of the Ways and Means Committee, a founding member of the Blue Dog Coalition and absolute champion on the issue of fiscal responsibility and making sure that this House returns to fiscal sanity, Mr. TANNER.

Mr. TANNER. Madam Speaker, this rule embodies a fundamental principle of responsible stewardship of this country, and that is to live within our means and pay our bills.

There are some folks around here who apparently don't believe the laws of arithmetic apply past the steps of the Capitol or the front door of the White House. Well, they do. And there's some who've said deficits don't matter. Well, if that was true, we'd just borrow what we need to get along and forget about it, not have any Tax Code at all. Everybody knows that that is ludicrous.

What we have witnessed over the last 72 months is something that has not occurred in the history of this country since 1776, and that is the willful and knowing plunge into debt by our continued refusal to pay our bills.

When they say we can pass the AMT fix and we don't have to pay for it because it was never intended on these folks, and therefore, it doesn't exist, if I said that in Tennessee, they would say that fellow's been in Washington too long; we've got to get him home. That is absurd.

The arguments to justify borrowing more money right now for all future generations plus us, to me, are the worst of political rhetoric.

Somebody's going to pay this bill. We have asked the CBO, and they say if we don't pay for it, instead of $50 billion, with the interest carry, it will be $80 billion. And so it's not unlike a credit card, and we have a Nation's credit card here.

I think we are looking at warning signs all over the world. When people begin to talk about the dollar, when the dollar has fallen to where it is, to when people say maybe the euro is a better alternative for us right now than the dollar, these are warning signs that this country cannot and must not continue down this fiscal path.

All of us took an oath to uphold the Constitution against all enemies, foreign and domestic. I think there's financial vulnerability that has been created and in a way that has never been done before.

Go to the U.S. Treasury Web site. This administration and this Congress over the last 6 years, before last year when we started trying to pay the bills, borrowed more money from foreign sources than all 42 administrations before it put together. That's not a political argument; that was the numbers. And the more we do, the more the interest is. We have transferred over $700 billion in interest payments to people around the world. This year we have removed, basically from the tax base that we had in the summer of 2001, $131 billion, by CBO's calculations, every year.

When we don't pay the bills when we pass these measures, when we don't pay for them, what we are basically doing is enacting a tax on the American people in the form of interest payments that cannot be repealed. That is wrong. It is, I think, a violation of our oath of office to continue to argue that we can pass bills without paying for them.

I thank Mr. CARDOZA and the Rules Committee for bringing another bill here, and I hope our colleagues here in the House and the Senate will understand what we're trying to say.

Mr. HASTINGS of Washington. Mr. Speaker, I'm pleased to yield 3 minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL of California. Mr. Speaker, you know, I find this whole debate rather perplexing. What the majority party is saying is that in order to leave people's taxes the same, in order to leave them where they are now, they have to raise taxes on somebody else. They have to pay for leaving your taxes alone by raising taxes on somebody else. Now, that's just warped logic. But let's just accept that warped logic for a minute and let's say that somehow leaving taxes alone required being paid for.

What about reducing spending to pay for it? Where in this rule is the ability to have an amendment to do that? What about reducing spending instead of raising taxes?

Now, later this week, we are likely to see a gigantic budget bill that will spend $50 billion more than last year. Where is the pay-for for that? Now, that's pretty clear. If you spend $50 billion, nearly $50 billion more than last year, that's a clear increase in spending for which you would think someone would want to pay for it. But instead, here you're going to leave people's taxes alone, the same as last year, and somehow that's a tax cut that has to be paid for? The logic is so distorted here, and the rationale is so distorted.

Let's go ahead and spend all this extra money and not pay for it. You know that if you held the line on spending and didn't increase that spending this year and you looked at what that did over a 10-year period, you could almost pay for repealing the alternative minimum tax completely.

□ 1200

But, no, that is not what the majority party is doing. That is not what this rule talks about. That is not what this rule allows. This rule continues this distorted logic that says that spending more money is okay and doesn't have to be paid for but leaving people's taxes alone is not okay.

This rule and this proposal should both lose.

Mr. CARDOZA. Mr. Speaker, I would like to inquire from the gentleman from Washington if he has any remaining speakers.

Mr. HASTINGS of Washington. Mr. Speaker, I have no more requests for time and I am prepared to close if the gentleman from California is prepared to close.

Mr. CARDOZA. Mr. Speaker, I am the last speaker on my side and so I would like to yield to the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, let's put this thing in perspective. This Democrat tax plan essentially allows the State sales tax deduction for those States that don't have a State income tax to expire.

Residents of States with no income tax deserve to be allowed to deduct their State sales tax from their Federal income tax bill. To me, Mr. Speaker, it's a matter of fairness, which is why the Republican Congress acted in 2004 to restore the State and local sales tax deduction. This law provided tax fairness to Washingtonians and those who live in other non-income tax States for the first time in nearly 20 years.

Now, this deduction, Mr. Speaker, expires in just days, at the end of this year. But this House will have the chance to vote today, Mr. Speaker, to extend the State sales tax deduction by joining me in voting "no" on the previous question. I will then amend the rule to allow an amendment to be offered on the underlying bill to extend the State and local sales tax deduction for 1 year, just for 1 year, as a matter of fairness.

To all the Members from Washington, Florida, Texas, Tennessee, Nevada, Wyoming, South Dakota and Alaska, vote "no" on the previous question so that we can give State sales tax deduction fairness for our constituents. This is a bipartisan issue, and we can achieve an extension today with a bipartisan vote against the previous question. Our constituents deserve fair treatment; so let's give this to them. The underlying bill that this rule makes in order is going to raise taxes by $50 billion. The very least we can do is to extend the sales tax deduction out of fairness.

Now, Mr. Speaker, let me be very clear because there has been a great deal of discussion on the floor today about PAYGO. I think PAYGO has a lot of merit. I happen to disagree as it relates to this particular tax plan in the underlying bill, but there has been a great deal of discussion about PAYGO. So let me make perfectly clear this previous question vote does not waive the PAYGO rule. If the previous question is defeated and my amendment is made in order, the PAYGO rule is not waived. If a Member then wants to raise, when the issue is on the floor, a point of order against that amendment, they are perfectly able to do that. So my amendment does not waive the PAYGO rule.

With that, Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous material in the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. SERRANO). Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time.

Mr. CARDOZA. Mr. Speaker, the Republicans have said that this bill raises taxes, but that's far from the truth. Let me again, as I did in my opening, set the record straight. This bill closes tax loopholes that allow a privileged few on Wall Street to pay a lower tax rate on their income than the average hardworking American does on their income. That includes school teachers, police officers, firefighters, our Nation's veterans, and, frankly, even us privileged that are able to serve here as Members of Congress.

Mr. Speaker, the Republicans need to make a choice today. Are they going to stand with tax cheats and hedge fund managers, or are they going to stand with the 23 million hardworking Americans who will be affected by this policy?

Mr. Speaker, the House of Representatives is united in our commitment to fiscal discipline and ensuring that government lives within its means. The Democratic Congress pledged to exercise spending restraint and to stop shouldering our country's needs on the backs of our children and grandchildren. We strongly urge the other body, Democrats and Republicans, to have the courage and good sense to keep the promise they made to the American people to be good stewards of their taxpayer dollars. We can't pick and choose when we comply with PAYGO rules if we want to reverse the irresponsible fiscal policy of the Bush administration and the prior Republican Congresses.

By restoring budget discipline and getting back on the path to budget surpluses, we ensure America is economically strong and that we are not beholden to foreign nations such as China, Japan, Iran and Saudi Arabia whom we are borrowing this money from; that we are protecting our Social Security and Medicare programs; and that paying down the national debt is not a burden that we are going to put on the backs of our children and generations to come.

With this, Mr. Speaker, I urge a "yes" vote on the rule and a "yes" vote on the previous question.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENTS TO H. RES. 861 OFFERED BY MR. HASTINGS OF WASHINGTON

(1) In section 1, insert "and any amendment thereto" after "ordered on the bill".

(2) In section 1. strike "and (2) one motion to recommit", and insert:

"(2) the amendment printed in section 3, if offered by Representative Hastings of Washington or his designee, which shall he in order without intervention of an point of order (except those arising under clause 10 of rule XXI) or demand for division of the question, shall he considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions".

(3) At the end of the resolution, add the following:

SEC. 3. The amendment referred to in section 1 is as follows:

"At the end of the bill add the following new section:

SEC. . DEDUCTION FOR STATE AND LOCAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) of the Internal Revenue Code of 1986 is amended by striking "January 1, 2008" and inserting January 1, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply, to taxable years beginning after December 31, 2007."

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information form Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. CARDOZA. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 4299, TERRORISM RISK INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007

Mr. ARCURI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 862 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 862

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4299) to extend the Terrorism Insurance Program of the Department of the Treasury, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions of the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services; and (2) one motion to recommit.

SEC. 2. During consideration of H.R. 4299 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from New York is recognized for 1 hour.

Mr. ARCURI. Mr. Speaker, for purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only. I yield myself such time as I may consume. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 862.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ARCURI. Mr. Speaker, House Resolution 862 provides for consideration of H.R. 4299, the Terrorism Risk Insurance Program Reauthorization Act of 2007. The rule waives all points of order against consideration of H.R. 4299 except those arising under clause 9 and clause 10 of rule XXI. The rule provides 1 hour of general debate controlled by the chairman and ranking minority member of the Committee on Financial Services.

Mr. Speaker, I will make my remarks brief. We have debated the substance of this bill before, and the House passed a similar version in September with the support of 312 Members of this body. The measure we will consider today contains many needed revisions to the terrorism risk insurance program to ensure our national and economic security.

The terrorism risk insurance program was originally enacted as a short-term backstop for an insurance industry hard hit by the terrorist attacks that occurred on September 11 of 2001. In the years since, we have seen that the private insurance market is unable to cover the risk of both domestic and foreign acts of terrorism without assistance.

Experience has shown that there is a true need for government involvement in terrorism insurance. The exposure for private companies is just too great. In the wake of September 11, 2001, many companies opted to exclude terrorism risks from private insurance policies, leaving no coverage in the event of another attack. TRIA requires primary insurers to make terrorism insurance available to commercial clients that wish to purchase it while at the same time helping those insurers manage their exposure to risk of loss.

The legislation this rule provides for consideration of would extend TRIA for 7 more years. This is a shorter extension than the 15-year extension that the House originally passed but still far longer than the 2-year extension that was enacted in 2005. A 7-year extension will provide greater certainty and stability to the insurance and real estate markets than presently exists, and that is good for business.

The legislation would also make several other critical changes to the terrorism risk insurance program. It would change the definition of terrorism under TRIA to include domestic terrorism and reset the program trigger level, where the government backstop kicks in, to $50 million, where it was in 2006. It would expand the program to provide for group life insurance coverage; would decrease deductibles for terrorist attacks costing over $1 billion; and reduce the trigger level in the years following such an attack.

The TRIA bill which the House approved in September would have required insurers to include coverage for nuclear, biological, chemical, and radiological attacks in policies they offer. However, this provision has been removed from the bill because some insurers, particularly the smaller insurers, raised concerns regarding their ability to cover the additional risk when private reinsurance does not exist.

To address these concerns, the legislation will mandate a study by the Government Accountability Office on the availability and the affordability of private insurance coverage for nuclear, biological, chemical, and radiological attacks. This provision represents a commonsense first step in addressing the economic fallout of such an attack.

Mr. Speaker, this legislation is critical in protecting our national and economic security in the fight against terrorism. It will also help many of the small- and medium-sized insurance companies located in my congressional district provide coverage in this ever-changing 21st century.

I commend Financial Services Committee Chairman FRANK and Ranking Member BACHUS for their bipartisan effort to bring this vital, time-sensitive piece of legislation to the floor.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

I rise in opposition to this rule, despite my long-term support for TRIA, because passing a bill that has already been pronounced dead on arrival in the Senate foolishly puts the reauthorization of this important program in jeopardy as its expiration date at the end of the year draws ever closer because the Democrat House leadership has decided to continue to play political games on this issue.

By engaging in this game of what I call "legislative chicken" with the Senate, the House is setting itself up for potentially allowing this important program to expire, an outcome that I believe is bad for continued growth of the American economy and is an outcome that I strongly oppose.

But even if the Senate were somehow to miraculously pass this legislation, the Statement of Administration Policy regarding this legislation that was released by the Office of Management and Budget on Tuesday makes it clear that President Bush will veto this bill in its current form and that any extension of the TRIA program must be temporary and short term, include no program expansion and must increase private sector retentions.

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At this time, I will submit a copy of the Statement of Administrative Policy for substantially similar legislation explaining the futility of today's legislative exercise in the CONGRESSIONAL RECORD.

Executive Office of the President, Office of Management and Budget,
Washington, DC, December 11, 2007.

Statement of Administration Policy

H.R. 2761—TERRORISM RISK INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007

The Administration believes that the Terrorism Risk Insurance Act (TRIA) should be phased out in favor of a private market for terrorism insurance. The most efficient, lowest-cost, and most innovative methods of providing terrorism risk insurance will come from the private sector. Therefore, the Administration has set forth three key elements for an acceptable extension of TRIA: (1) the Program should be temporary and short-term; (2) there should be no expansion of the Program; and (3) private sector retentions should be increased.

The Administration continues to believe that any TRIA reauthorization should satisfy these three key elements. However, the Administration will not oppose the version of H.R. 2761 passed by the Senate on November 16, 2007. The Administration strongly opposes any amendments that move the Senate-passed version of the bill away from the Administration's key elements. Accordingly, if H.R. 2761 were presented to the President in the form to be considered by the House, his senior advisors would recommend that he veto the bill.

Mr. Speaker, the Senate version of this legislation is not perfect. However, I do believe that on behalf of terrorism insurance policyholders, American workers and businesses, the health of our insurance marketplace and the continued growth of the American economy, it is important for the House to stop playing games with TRIA and to pass a bill that can advance through the Senate and be signed into law by President Bush.

Mr. Speaker, I encourage all of my colleagues to reject this exercise in legislative futility so that the Rules Committee can instead bring to the floor a rule that would provide for consideration of the Senate compromise bill that the House has already received.

It's time to stop playing games on this important issue and for the majority to finally grow up and lead to protect the American economy from the threat of terrorism.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCURI. Mr. Speaker, as a representative from New York, I can say that there is no nonsense about this. This is a critically important piece of legislation, something that is necessary not only for New York but for the entire country.

With that, Mr. Speaker, I would yield 6 minutes to the gentleman from New York, who has been a champion of this legislation, Mr. Ackerman.

Mr. ACKERMAN. Mr. Speaker, I thank the gentleman from New York.

I rise in strong support of this rule and the underlying legislation, H.R. 4299, which would extend the Terrorism Risk Insurance Act, or TRIA, for 7 years.

TRIA is a vital program that has made effective terrorism insurance coverage available across this Nation by creating a Federal backstop to share with the insurance industry the burdens of losses caused by catastrophic acts of terrorism upon our country.

The certainty and stability that TRIA has provided over the past 6 years has allowed large-scale developers to plan, to secure financing and insurance and, ultimately, to build the types of multimillion- or multibillion-dollar real estate development projects in our capitalistic system, projects that shape our cities and invigorate the American economy.

With TRIA set to expire at the end of the month, I am particularly grateful that our leadership and Chairman Frank and our friends on the minority side are insisting that Congress renew this vital program before we run out of time and insurers are forced, in an act of self-preservation, to abandon our Nation's largest projects.

This rule will allow the House to consider legislation to reauthorize TRIA for the second time in 3 months. My colleagues may recall passing H.R. 2761, the Terrorism Risk Insurance Revision and Extension Act. H.R. 2761 was a triumph for bipartisanship, regular order, good-faith bargaining and effective government. It sought to extend TRIA for another 15 years, added group life insurance to the program, lowered the program trigger, provided for nuclear, biological, chemical and radiological, the so-called NBCR coverage.

And most importantly, Mr. Speaker, H.R. 2761 included the so-called "reset mechanism," which, in the wake of a catastrophic terrorist attack, lowered the nationwide program trigger and decreased the deductibles for any insurer that paid out losses after an attack on our country. This provision was and is absolutely critical to meeting the demand for terrorism insurance across our Nation, and especially in our high-risk areas.

On September 19, the House overwhelmingly passed H.R. 2761 with a bipartisan vote of 312-110. And with the clock ticking toward the program's expiration date, we waited for the Senate to act. And we kept waiting and we kept waiting, and we waited some more. Then, once the House had adjourned for Thanksgiving, and only once the House had adjourned for Thanksgiving, the Senate quickly passed, by unanimous consent, a shell of a bill that simply extended the program to 7 years, stripping out the key provisions that were vital and put in there on a bipartisan House-passed bill.

We believed that we would have had the opportunity to negotiate on many of the issues in a conference with the Senate, but the Senate unacceptably and irresponsibly has refused again and again to conference with the House on the Senate bill, leaving us with few, but not zero, options.

Mr. Speaker, this rule will allow the House to consider a compromised bill that accepts the Senate's position on the extension period, as well as the Senate's opposition to protecting us with NBCR coverage. This compromised bill, however, does stand firm on the House's key priorities, the reset mechanism, group life insurance, and lower program triggers.

Passage of this rule will allow the House to reaffirm its equality in the legislative process and reject the Senate's take-it-or-leave-it attitude. I urge all of our colleagues to support the rule and the underlying legislation.

Mr. SESSIONS. Mr. Speaker, we urge the legislation to be passed, also. And that's why we're encouraging for the House to agree to the Senate version so we can get this done before the expiration at the end of the year.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCURI. Mr. Speaker, I yield 1 minute to my colleague from the Rules Committee, the gentleman from Vermont (Mr. Welch).

Mr. WELCH of Vermont. Mr. Speaker, I am here to say thank you to the good work of the committee, Republicans and Democrats, but also for making an adjustment in the bill that is going to make a real difference to small Vermont insurers.

This bill calls for a study instead of an imposition of an obligation for the NBCR. That's the right thing to do. Second, it lowers the trigger when the TRIA program will kick in from $100 million to $50 million. That is enormously helpful to cash-strapped companies that are on the small size.

So, I thank the chairman, I thank the members of the committee, Republican and Democrat, on behalf of small businesses and small insurance companies.

Mr. ARCURI. Mr. Speaker, I yield 7 minutes to the distinguished gentleman from Massachusetts, the chairman of the Committee on Financial Services, Mr. Frank.

Mr. FRANK of Massachusetts. Mr. Speaker, there are times when we will have arguments across the aisle. I don't think there is any need for us to engage in that now because our differences are across the building, not across the aisle.

Let me begin by saying to the gentleman from Texas, we agree, we will not let this program die. And as the gentleman from Texas knows, he has had to sit through this on the Rules Committee three times this year, twice this past week, because we did originally think about taking the bill the Senate had passed, amending it, and sending it back. I am disappointed to say that we heard from all points that if that happened, the Senate might be so unable to function as to kill the program.

The United States Senate has perfected something I call "the strength of weakness." They labor to do anything whatsoever, and having done it, tell people that if we ask them to change one bit of it they will collapse in a heap. It's like the song from "MacArthur Park," someone left the bill out in the rain, and they won't be able to remake it because they will never have the recipe again. That's what we keep hearing.

But, on the other hand, and here's where I do disagree with my friend from Texas, I know we've had some disagreements here about the role of preemptive strikes in foreign policy. Here our disagreement is on the role of preemptive surrender in interbranch negotiations.

I agree that if all else fails and the Senate does not act on this bill, we will have to acquiesce. I regret that. I think it would be much less good public policy than we could do if we had the normal legislative process. But I have spoken to the Senators from New York. They report to me that the Governor of New York and the mayor of New York, and New York is not the only entity covered by this, and indeed, some of these things, they're all universal. But people are concerned, and so we have reluctantly agreed not to endanger the chances of this if the Senate is unable to act.

On the other hand, and here's where I differ, I am unwilling at this point to let it end without the Senate once again being given a chance to function on several issues. The gentleman from Vermont just talked about the smaller companies. The reduction of the trigger from $100 to $50 million was done unanimously, I believe, or overwhelmingly, by our committee at the request of small insurance companies who wanted to be able to insure. The argument is, if they do not have the smaller trigger, many of them would not feel able to bid on insurance for these building projects. So, I think that's important.

We had the inclusion of group life insurance. I am afraid that in the Senate version, this is kind of the analog of the old neutron bomb. Remember the neutron bomb; it killed people and left the buildings standing. The Senate would have us have a provision that ensures buildings but ignores people. Well, people die in these terrorist attacks. We all remember that this Congress, in 2001 or 2002, passed a program that cost us billions of dollars to compensate those who lost their lives. Why should we not allow that to be done to the insurance system? That's another thing we would like to have in there.

And as part of the life insurance, as has been noted by a colleague, there is a provision that was not contested in our committee that would prevent discrimination against people who are traveling to places that some companies might think inappropriate to travel, particularly Israel. There is a provision in here that says you're not going to be penalized for, and this was brought to our attention by some of our colleagues from Florida. Now, all of those are in the bill we want to send back.

Also, a reset mechanism that, obviously it applies to New York where they've already had a terrorist attack, would apply nationally so that you don't get only one bite at the apple if the terrorists choose to strike again. And I think the major reason for doing TRIA is to neutralize the effect that murderous thugs who wish this country and its people ill can have on our policies. That's why we want terrorism insurance. This is part of national defense. This is to make it a government program as part of our defense against this activity.

But there are other parts of this where we have accepted this. Frankly, this looks like what a conference would look like if we were in a rational world where we could have a conference. We said 15 years, they said 7. We've accepted 7. By the way, I will say that in the prior Congress, we only had 2.

The reason for a longer term is that this is important if people are to be able to build in our large cities and other areas which are threatened by terrorism. Because you cannot get the building without a loan, you cannot get the loan without insurance, and a 2-year timeline is obviously too short for major building projects. We accepted that. We wanted protection against nuclear, biological, chemical, radiological attacks. No one thinks that's out of the picture. The Senate said no to it. We accepted that. So, we compromised with them.

And finally, a PAYGO issue arose at the last minute. We didn't do it well here, and the Senate did it well, and I congratulate them for that. It was good legislating. So we accept their term of 7 years. We accept their version of PAYGO. We accept their jettisoning of nuclear, biological, chemical and radiological. But we would like to include group life, and we would like to accommodate the smaller companies, and we would like to have the reset mechanism.

In the end, as I said, we understand we can't compel them, but we believe it is worth another try. Passing this bill will in no way jeopardize our ability in the end, if nothing else fails, to accept the 7 years that the Senate sent us.

But I appeal to the Members here out of an institutional concern. Let's understand that in the end, if the Senate refuses to do certain things, they may have an advantage. But let's not make it easy. Let's not continue a process by which Senators can avoid tough issues. Maybe some Senator will raise some of these issues. Maybe, I know it's "maybe" in a land of fantasy, the Senate would vote on some of them and Senators would have to decide if they wanted to say no, it's okay if you can't travel to Israel with your life insurance, it's okay if the smaller companies are kept out, it's okay to insure buildings but not people. Maybe it won't work, but no harm will be done.

I would also add this: In terms of the rule, nothing in the bill that we are proposing today is new except for the Senate PAYGO, and the Senate PAYGO, we all agree, I believe, is superior, given the need to do a PAYGO.

This is a bill that was voted on in subcommittee and in committee and came to the floor. It was amended in various ways. It was a bipartisan product. In the end, the vote was something like 300-plus to 100-plus when the bill passed here in the House; not unanimous, obviously, but with a lot of bipartisanship.

Everything in the bill today, with the exception of the Senate PAYGO, has already been through subcommittee and committee and the floor. But we are saying to the Senate there are important issues here, on group life, on the reset, on travel, on smaller companies. And we are simply, I hope, not ready to say to them we roll over and play dead without giving them another chance to address these issues.

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Mr. SESSIONS. Mr. Speaker, I have great respect and admiration for the chairman of the committee, and I think that virtually everything the chairman said I agree with. I think the question is of timing. The fact of the matter is that the majority has chosen to not have a conference. They have chosen to negotiate among themselves, and they have chosen to wait until the last minute. With great respect to the gentleman, these are lots of arguments I could have been making or our chairman could have made just several years ago for a number of years.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. SESSIONS. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I would only ask to amend one thing. It is not the majority. Here we wanted a conference, and in the Senate, it was both parties that refused. It was not the majority. Indeed, there was objection more from the minority side. So I would only differ with the notion that it was somehow a majority decision. We asked for a conference, and we were told on a bipartisan basis over there they wouldn't give us one.

Mr. SESSIONS. Reclaiming my time, we are not negotiating with the Senate, we are negotiating with ourselves, and I believe that what we need to do is get it done.

Now, there are reasons why the gentleman has chosen to do what he has done. I really can't disagree with him. I really don't. From an institutional perspective, for making the bill better, I think every one of these are great arguments. I think my point would be similar to what we are trying to make on our side: Let's get our work done so the rest of the world and the rest of the marketplace can get their work done. It's pretty late. We are now moving on to the middle of December and this expires at the end of December. There are lots of paperwork issues, there are lots of legal issues, there are lots of contract issues. There are lots of things that need to be done, and it takes some period of time. We are doing the same thing with the AMT. We are trying to say, why don't we not rock the boat because what you are going to do is put in jeopardy the ability this next year for the IRS to even get their work done. So the wake-up call, the head snap is, today it's darn near the middle of December. I could have completely bought off on everything the chairman said, every single word, every single philosophy, everything he said if this were November 15. It is not. It is 1 month later. It is time that we get our work done so that the marketplace can get their work done so that investors can know that they are taken care of, so that we can have certainty in the marketplace and so that we know what we are going to pass. And that is the only disagreement.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. SESSIONS. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentleman.

If it were up to me, obviously, we would have done this earlier. The only thing I can say is, and I appreciate the spirit of cooperation, I only regret that he cannot love me in December as he did in May.

Mr. SESSIONS. Retrieving my time, I would say to the gentleman that we believe we should not continue doing what the gentleman is doing. We should do what the agreement should be and get it done, because we believe that there are overriding considerations, Mr. Speaker, in the marketplace, with people who need an answer today to be able to get their work done. And waiting until the end, whatever that means, does not help the marketplace.

We are not the start-all and end-all of the world by being the United States Congress. There is a marketplace out there. There are people who need things done. New York City is a fine example of where the business community and those that own property need TRIA. Let's get the thing done. I would have agreed completely with what the gentleman said 1 month ago. It is now time. We are asking, please, let's get this thing done. Let's come to an agreement.

I reserve the balance of my time.

Mr. ARCURI. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, there is probably, timing-wise, no greater, no more important piece of legislation for the protection of this country than this TRIA risk insurance program. It is very important that I just start my remarks by responding to some of the concerns that the gentleman raised.

First of all, in our Financial Services Committee, this is indeed a bipartisan product. Republicans and Democrats worked on this together. This is also a bicameral institution. It is important for the House to have its input. It is important for the Senate to have its input.

As a timing matter, it is critically important for us to make sure that we have incorporated into this legislation important issues that the Senate has left out. So what we have before us, Mr. Speaker, is simply a joint product. We asked for the conference. The conference was not permitted. So we have no other choice except to take what the Senate has offered, and we are accepting that. But there are some other important points of this legislation that need to be incorporated into this bill. And so this revised bill is not a repudiation of what the Senate has done. It is an acceptance of what the Senate has done. And it is also recognizing and acquiescing to some of the issues that they raised that we agreed with. The nuclear, biological, chemical and radiological we agreed with that we would not include.

So what do we have here? And I think it is important for the American people to know exactly this product that we have that we are putting forward at this point. This revised bill would extend TRIA for 7 years just as the Senate favors. Now, we in the House asked for a 15-year renewal for this. You talk about stability. You talk about making sure that we are responding. This is a heavy, heavy issue with the terrorist attack.

We also feel genuinely that if we are going to offer this insurance protection for property, for buildings, my Lord, the most valuable commodity that we lose in a terrorist attack is human life. Group life insurance should be included in this. We are just simply taking what the Senate has offered and again extending back and saying group life insurance must be offered in this bill. The reset mechanism and lowering of the trigger, the Senate wants $100 million. We say $50 million to increase the capacity by encouraging smaller insurers to provide coverage. This is very important as well. And as Chairman FRANK just mentioned, life insurance for foreign travel. Why shouldn't people who decide they want to go to a somewhat dangerous destination as Israel have that life insurance covered? So we are certainly adding the reset mechanism for significant terrorist attacks, over $1 billion, to lower the deductibles and triggers to rebuild market capacity and then gradually increase private sector obligations over time.

We took a lot of time, my colleague. I am on the Financial Services Committee. We have worked very hard. We had hearings on it. We heard from every factor of the community in the financial services, and this product that we offer reflected that. All we are simply saying is, timing is important. But why not allow the House, which has just as much right as the Senate, to perfect this important legislation? We are taking what they want, we have accepted some of the things that they felt were excesses, and we are simply adding these four major components back to the bill, reset mechanism, group life insurance, lowering the trigger and life insurance coverage for foreign travel.

Mr. SESSIONS. Mr. Speaker, will the gentleman yield?

Mr. SCOTT of Georgia. I yield to the gentleman from Texas.

Mr. SESSIONS. The question that I would have for the gentleman is, whom are you negotiating with in the Senate? You talked about these negotiations. Whom is the negotiation with?

Mr. SCOTT of Georgia. We are negotiating with whoever would present themselves to negotiate on the Senate side. But, unfortunately, that has not been successful.

Mr. ARCURI. I yield 1 minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. I would just say on this, and I didn't want to make it in any way partisan, but what we have been told is that the senior Republican on the committee, the gentleman from Alabama, has said this is all he will accept. I have talked to the chairman of the committee, the Senator from Connecticut, I've talked to the Senator from New York, and they were ready to discuss it. But they said that given Senate rules, they could not get the Senator from Alabama to do anything else, and they didn't feel they could change that.

There were also concerns that even if we were to send back exactly the bill that he had wanted, another Senator might object, because that is a volatile place. But we did talk to the Senator from Connecticut, we talked to the Senator from New York. The Senator from Alabama, the ranking minority member, was the major opponent.

I would yield to my friend.

Mr. SESSIONS. I thank the gentleman. So we are going to keep playing ping pong?

Mr. FRANK. No, this is not ping pong. This is ping. We're keeping pong over here. That is, we are going to send them and give them one more chance. But we are keeping their version over here if all else fails.

Mr. SCOTT of Georgia. In conclusion, I would just simply say that I urge that we support this rule. It is very important and timely.

Mr. SESSIONS. Mr. Speaker, I appreciate both the gentlemen from the Financial Services Committee offering their explanation about this process. I would once again remind my friends in this great body that there is a lot of work that needs to be done after this bill leaves both of these bodies, including a signature of the President of the United States. What we do does matter and is important. But it is time we get our work done to allow the people who really do matter, and that is the people who are in the marketplace to be able to buy the insurance, to make it available and to get it ready days from now. It is time to put aside our differences. It is time to enter the real negotiation, and that is either to have a real conference where we know where people are to get it done, or to find a way to cut a deal. And, instead, to come back to this body and to once again change the rechange of the change I think is a bad deal.

So we're going to vote "no." We would like to get the deal done, but not to continue to deal.

You see, Mr. Speaker, in the world where I come from, it is results that matter, not just reworking the work to rework the work, just like what this body has gotten used to this year with 10 out of 11 spending bills not being done. I would remind the majority, you got a lot of work to do there, too, so that we can have the confidence of the American people that we can not only run the railroad on time, but we can make wise decisions.

I reserve the balance of my time.

Mr. ARCURI. Mr. Speaker, I would inquire from the gentleman from Texas if he has any additional speakers.

Mr. SESSIONS. I thank the gentleman, and responding to the gentleman, I have no additional speakers.

Mr. ARCURI. All of our speakers have spoken, so I would reserve the balance of my time and ask my colleague if he wishes to close.

Mr. SESSIONS. I thank the gentleman.

Mr. Speaker, the conversation that has taken place today is one that was important. The Republican Party does support and thinks what the gentleman is doing is of a worthy nature. The gentleman, Mr. FRANK, has, for a number of years, not only spoken about this issue but has worked hard for its resolution. We know that if we continue to work together on issues like this, we can get things done. But getting things done is also important, and we think that a bill should have been done, an agreement should have been reached before now and negotiations should have ended because it is now time to give to the President, it is now time to give to the marketplace.

But I also recognize that this is the 44th closed rule of this session, that somebody is not really interested in what we think. That's why we have 44 closed rules this year. So we come to the floor, once again, the Republican Party, saying, you can have it your way, we know you have the votes, 44th closed rule this year. But let's get our work done. Let's not have the American people waiting on the House of Representatives.

I know the Speaker of the House wants to do things in the way that she sees fit. But let's get our work done. The American people are waiting. They are waiting not just on AMT. They are not just waiting on this bill that we have today. They are waiting on, like the rest of the government, the other 10 out of the 11 spending bills. And I do think that the American people don't confuse a lot of work that is being done with progress. Progress is the end result where you get something done and then say, We're proud of our effort. All I have heard all today, notwithstanding the prior arguments, and these arguments, that everybody is trying to take credit for everything. We are far short of the runway. We are far short of the runway because what we do here must be done right, but must be finished and done so that the American people and the economy can move forward.

I know this is a closed rule. If it had been an open rule, and that is okay, we understand. If it had been an open rule, we would have said, let's get this thing done. Let's close it. I offered an amendment in the Rules Committee the other day that said, let's take the Senate language, let's decide we will just accept what they have done so that we can get it done in proper timing. On a party-line vote that was defeated. So there is a reason why the Speaker wants to continue this dialogue. There's a reason why the Speaker wants to wait and to hold this out. I don't understand it. But the Republican Party once again today is saying, we think we ought to get our work done. We think we should do what we said we were going to do, and we should then let the American public see what we have done and not hide things in secret.

□ 1245

Let's get this done, let's get TRIA done, let's get our AMT done, let's get the 10 out of 11 spending bills done, and let's show the American people we can do the work which we were sent here to do. That is the position of the Republican Party.

Mr. Speaker, we yield back the balance of our time.

Mr. ARCURI. Mr. Speaker, I yield myself such time as I may consume.

Frankly, all we have heard lately, especially in the Rules Committee debate, is that this bill is not going to pass the Senate, this bill is going to get vetoed by the President, and therefore the House should follow what the Senate is going to do and the House should follow what the President suggests. That is not the reason 435 Members of this House were elected. We were elected to do what we think is best for this country, and not what the Senate thinks is best, and not what the President thinks is best, but what the House of Representatives thinks is best. That is what this bill is attempting to do, give what the House of Representatives thinks is best in this important piece of legislation.

Protecting the safety and security of America is, without question, a top priority of this institution. The horrific terrorist attacks of September 11, 2001, had a devastating effect on many people in this country. The attacks also had a devastating economic effect on the commercial insurance market. TRIA has been a success. Primary insurers are able to write policies and business owners are able to obtain coverage. Stability was restored to this vital market.

If we do not act now to extend TRIA, this program will expire at the end of the month and we will be back where we started after the September 11 attacks. We have debated this bill before and the House passed a similar version in September, with the support of 312 Members. I hope that the TRIA legislation we will consider here today will enjoy the same overwhelming bipartisan support. We must not allow the threat of future terrorist attacks to endanger or close valuable businesses because they cannot afford insurance. This is not an exercise in futility, as my colleague said in his opening, but rather an exercise in necessity.

Mr. Speaker, I urge a "yes" vote on the rule and on the previous question.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of House Resolution 862 will be followed by 5-minute votes on ordering the previous question on House Resolution 860; adoption of House Resolution 860, if ordered; ordering the previous question on House Resolution 861; and adoption of House Resolution 861, if ordered.

The vote was taken by electronic device, and there were—yeas 223, nays 189, not voting 19, as follows:

[Roll No. 1145]

YEAS—223

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
King (NY)
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—189

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Myrick
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Carson
Cubin
Gutierrez
Hinojosa
Hooley
Hunter
Jindal
Johnson (IL)
Jones (OH)
Kind
Linder
Matheson
Miller, Gary
Musgrave
Neugebauer
Paul
Salazar
Scott (VA)
Tancredo

☐ 1311

Mr. BROUN of Georgia, Mrs. BACHMANN, and Messrs. BILIRAKIS and BURGESS changed their vote from "yea" to "nay."

Ms. DEGETTE and Mr. RODRIGUEZ changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 1585, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 860, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 226, nays 191, not voting 14, as follows:

[Roll No. 1146]

YEAS—226

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—191

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis

Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Carson
Cubin
Hooley
Hunter
Jindal
Johnson (IL)
Kind
Matheson
Miller, Gary
Neugebauer
Paul
Salazar
Scott (VA)
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain.

□ 1319

So the previous question was ordered.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. JOHNSON of Illinois. Mr. Speaker, on rollcall Nos. 1145 and 1146, had I been present, I would have voted "nay."

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution 860, the managers on the part of the House on H.R. 3093 are discharged and the bill is laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 4351, AMT RELIEF ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 861, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 222, nays 193, not voting 16, as follows:

[Roll No. 1147]

YEAS—222

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—193

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Carson
Cubin
Hirono
Hooley
Hunter
Jindal
Kaptur
Kind
Matheson
Miller, Gary
Neugebauer
Paul
Salazar
Scott (VA)
Shuster
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain.

□ 1326

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 225, nays 191, not voting 15, as follows:

[Roll No. 1148]

YEAS—225

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—191

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Carson
Cubin
Culberson
Hooley
Hunter
Jindal
Kind
Matheson
Miller, Gary
Neugebauer
Paul
Radanovich
Salazar
Scott (VA)
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1333

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RESIGNATION AS MEMBER OF PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Permanent Select Committee on Intelligence:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 12, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: I hereby tender my resignation from the House Permanent Select Committee on Intelligence effective at the close of business today.

Sincerely,

ALCEE L. HASTINGS,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

CONFERENCE REPORT ON H.R. 1585, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

Mr. SKELTON. Mr. Speaker, pursuant to House Resolution 860, I call up the conference report on the bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to rule XXII, the conference report is considered read.

(For conference report and statement, see proceedings of the House of December 6, 2007, at page 32514.)

The SPEAKER pro tempore. The gentleman from Missouri (Mr. SKELTON) and the gentleman from New Jersey (Mr. SAXTON) each will control 30 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this conference report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of the conference report on H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008.

I must tell you, Mr. Speaker, that I'm so extremely proud of the members of the Armed Services Committee, of all of those who worked hard in and out of the Armed Services Committee to make this happen. And a special thanks to the fantastic staff that we have supporting us, Erin Conaton, Bob Simmons, who is the leader of those on the other side of the aisle regarding the staff, and everyone just pitched in so very, very well.

Mr. Speaker, this is a good bill. As a matter of fact, I think it's the best bill in decades that this Congress has put forward. It's good for our troops, good for our families, it will help improve readiness of our Armed Forces, and it will bring new significant oversight to the Department of Defense in areas where oversight was sorely needed in the past.

Let me begin by saying that the Armed Services Committee has remained committed to a tradition of bipartisanship, and we appreciate that, and we have all throughout the year.

Special thanks to our ranking member, the gentleman from California (Mr. HUNTER) and today to the gentleman from New Jersey (Mr. SAXTON) who's been such a great help through the years.

When the 110th Congress began, we laid out, from the Armed Services Committee, six strategic priorities, and we have met them in this legislation. The bill before us is the culmination of our efforts. It addresses strategic priorities in important ways. It includes a 3.5 percent across-the-board pay raise, it protects the troops and their families from escalating health care fees, and includes well over 100 other measures, both large and small, regarding quality of life. It is especially important because it adopts the elements of the Wounded Warrior Act which passed this House earlier in the year 426–0. And I think that that, in and of itself, is a major victory for those in uniform.

It addresses readiness. It establishes a new, high level board of military officers, the Defense Materiel Readiness Board, to grapple with the growing shortfalls confronting the Armed Forces. The bill allocates $1 billion to a Strategic Readiness Fund.

The bill will bring much needed oversight to the wars in Iraq and Afghanistan. It does so by instituting new reporting requirements developed on a bipartisan basis.

The bill builds on the successful passage of H.R. 1, which fully implemented the recommendations of the 9/11 Commission. H.R. 1585 authorizes the funding required to carry forward that act by continuing, and this is important, and expanding the Department of Defense's cooperative threat reduction program and the Department of Energy's nuclear nonproliferation programs. Mr. Speaker, these programs address perhaps the single largest threat to the American homeland, the threat of nuclear terrorism and other weapons of mass destruction, and we address that very carefully in this bill.

We also include $17.6 billion for the mine resistant ambush vehicle, which is known as MRAP, to protect our troops in Iraq and in future conflicts. It does a great deal in the area of funding for our various ships, including production of two *Virginia*-class submarines per year by 2010, and adds eight C–17s to meet the needs of the demands of global power projection.

One of the most important elements of this bill, in addition to the money and the hardware, is a requirement that the Department of Defense perform a quadrennial review of its roles and missions. The first time this was addressed, and the last time it was addressed thoroughly, was back in 1948 at the behest of President Harry Truman and his then Secretary of Defense, James Forestal. The review we require in this bill causes a full examination as to whether the Department of Defense is truly developing the core competencies and capabilities to perform the missions assigned to it and whether those capabilities are being developed in the most joint and efficient way by the military services. Much has changed since 1948. Technology has changed and has blossomed and mushroomed, and that's why it's important that we update, by way of the Joint Chiefs of Staff and the Secretary of Defense, the Key West agreement that was met back in that year of 1948.

I am very, very pleased with this bill, Mr. Speaker. I think that history will say that this one was a comprehensive, if not the most comprehensive, Defense authorization bill that our Congress has passed in decades.

Mr. Speaker, I include in the RECORD, regarding the Key West agreement of 1948, a statement by Sam Rushie, who is the supervisory archivist of the Truman Library in Independence, Missouri.

On December 19, 1945—3 months after the end of the Second World War—President Truman recommended to Congress that the War and Navy Departments be unified in a new Department of National Defense. In his statement to Congress, Truman declared, "One of the lessons which have most clearly come from the costly and dangerous experience of this war is that there must be unified direction of land, sea and air forces at home as well as in all other parts of the world where our Armed Forces are serving. "We did not have that kind of direction when we were attacked four years ago—and we certainly paid a high price for not having it."

On May 13, 1946, Truman met with Secretary of War Patterson and Secretary of the Navy Forrestal, and he urged that the Army and the Navy reach a compromise on the problem of unification.

The President's proposals were finally enacted on July 26, 1947, as the National Security Act, the main feature of which was the establishment of a unified Department of Defense. That same day, the President issued Executive Order 9877, an attempt to define the functions of the Army, the Navy, and the newly created Air Force within the unified National Military Establishment. However, bickering between the services continued, especially over issues that the Executive Order had failed to address specifically. Many of these issues concerned the functions of the Navy. The Army regarded the Navy's Marine Corps as a rival for control of combat operations on land; similarly, the Air Force viewed Naval Aviation as an infringement on its jurisdiction over air operations.

In an effort to resolve these conflicts, Secretary of Defense James Forrestal summoned the Joint Chiefs of Staff to a meeting at Key West, Florida in March 1948. Following suggestions made by Forrestal, the Joint Chiefs drafted a directive entitled "Functions of the Armed Forces and the Joint Chiefs of Staff," popularly known as the "Key West Agreement." Forrestal submitted this proposal to the President in late March. On April 21, 1948, the President issued Executive Order 9950, revoking his earlier executive order. This cleared the way for the Secretary of Defense to issue the new directive that same day.

With modifications, the Key West Agreement continues to govern responsibilities within the armed forces to this day. In contrast to the broad language of the earlier executive order, Forrestal's directive specified the primary and secondary responsibilities of each branch of the service. In a tenuous compromise, it was agreed that the Navy would not establish a strategic air component, but would be permitted to have aircraft carriers and use its aircraft against inland targets. (This was interpreted by the Navy as an endorsement of the projected new supercarrier, the USS *United States*.) The Air Force would retain primary responsibility for strategic air operations and air defense. At the same time, it was agreed that the Marine Corps would be preserved, but would be limited in size to four divisions, and would cooperate with the Army in planning amphibious operations.

Mr. Speaker, I reserve the balance of my time.

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to begin by very, very sincerely thanking my good friend from Missouri, Chairman SKELTON, for the great leadership that he has provided in the months past in writing the original version and then shaping the bill and then using his steady hand to guide us through the conference, of course with the help of my good friend, Ranking Member DUNCAN HUNTER. Both of these leaders provided great direction for us, and I might say that the product of their work is here today. I agree with the chairman, that this is a very, very good bill, and I am very fortunate to be able to stand here today to say how important I think it is that we all support it.

□ 1345

Unfortunately, Ranking Member HUNTER could not be here today, but I know he is very proud of this conference report as well. I'd like to thank all of the subcommittee chairmen and their ranking members for their hard work and leadership. It is responsible for almost 1,500 pages that this bill contains. And the staff that helped make this a reality, obviously Members would not have been able to be here today if it were not for them either.

This is a good, bipartisan bill. Last Thursday, the House Armed Services Committee filed this conference report after an overwhelming majority of conferees signed the report. Seldom in my career here have I seen this kind of agreement among Members on the bill. Our subcommittee chairmen and their ranking members will provide a detailed summary of the bill, so I will only highlight a few key areas.

Most importantly, this bipartisan bill takes care of the brave men and women serving our country at home and abroad. It authorizes $506.9 billion in budgetary authority for the Department of Defense and the national security programs of the Department of Energy. Additionally, it supports current operations in Iraq, Afghanistan and elsewhere in the global war on terrorism by authorizing $189.4 billion in supplemental funding for operational costs, personnel expenses and procurement of new equipment for fiscal year 2008.

This amount provides for end-strength growth in both the Army and the Marine Corps, continuing initiatives started several years ago by the Armed Services Committee, by authorizing increases of 13,000 Army and 9,000 Marine Corps active duty personnel to sustain our required missions.

Additionally, this conference report authorizes a 3.5 percent pay increase, as the chairman remarked earlier. These pay raises for all members of the Armed Forces for 2008 are extremely important.

We talk a lot about quality of life and here we're doing something about it. Some of the initiatives in this legislation continue successful, practical programs such as the Commander's Emergency Response Program, which is working well in battlefields in Iraq and Afghanistan. Other initiatives reinforce good legislation that the House has already passed, such as the Wounded Warrior legislation to address the challenges that face our recovering servicemembers and their families. Still others modify existing authorities or establish promising new programs and new policies.

Some of the new programs and policies include these:

Providing $17.6 billion for the mine resistant ambush protected vehicle, an armored vehicle which will save lives going forward; setting guidelines for all private security contractors operating in Iraq and Afghanistan and other areas where we have combat operations. And we know from recent news reports how important this provision is.

We also authorize eight additional C–17s to support the intratheater lift requirements and meet the airlift needs for the increased end strength in the Army and Marine Corps.

We added major acquisition reform initiatives, such as establishing new responsibilities for the Joint Requirements Oversight Council and mandating that new acquisition programs be aligned with the missions of the Department and the competency and capability of the service proposing the program.

And finally, we acted to elevate the chief of the National Guard bureau to a four-star general and adopted many of the recommendations of the Commission on National Guard and Reserve Corps.

Just as importantly, this legislation avoids contentious language, such as the hate crimes provision, which would have put our bill at risk of a Presidential veto. I want to acknowledge the leadership of Chairman IKE SKELTON, whose hard work in shepherding this vital legislation through the conference has guaranteed that our servicemen and women will get what they need, and they will get it when they need it.

Mr. Speaker, I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to my friend and colleague, the gentleman from Texas (Mr. ORTIZ), who is the chairman of the Subcommittee on Readiness.

Mr. ORTIZ. Mr. Speaker, I rise in support of this conference report on the National Defense Authorization Act for Fiscal Year 2008, and I want to thank Chairman SKELTON and Ranking Member HUNTER and the members of the full committee and the staff for doing a great job.

The bill before us begins to address our growing concerns about the readiness posture of our Armed Forces; yet the breadth and the scope of our readiness has been deeply damaged by virtue of operations and many years of ignoring this problem. Our troops and their equipment have been stretched by extended combat operations, and the strain is evident in declining readiness, shortfalls in training and difficulties in equipping our forces.

These problems have grown to immense proportions, and this bill is a significant step to reverse the decline and to rebuild our military. Included in the bill are some significant readiness policy initiatives and investments that will help restore the readiness posture of our military.

First, this bill establishes a Defense Readiness Production Board to identify critical readiness requirements and to mobilize the defense industrial base to speed up the production of military equipment. This board will bridge the gap between readiness needs and resources to help repair our worn-out equipment.

The bill also creates a $1 billion Strategic Readiness Fund to give the board and the Department of Defense the ability to rapidly attend to pressing readiness needs.

This bill begins to address other shortfalls in maintenance and training by providing $250 million for unfunded training requirements and an additional $150 million to restore aviation maintenance shortfalls.

And we're very concerned about the readiness of our National Guard. Our bill requires the Department of Defense to begin measuring the readiness of National Guard units to support emergencies in their home States, such as the recent tragic tornadoes in Kansas. These readiness reports will allow the Congress and each State's Governor to evaluate the needs of each State and address problems before a disaster occurs. To help restore the shortfalls, the bill includes a $1 billion investment in National Guard equipment.

We also include provisions that require plans and reports to Congress on reconstituting our prepositioned war stocks. We also authorized more than $21 billion for military construction, family housing and to implement base realignment and closure. These funds include money to support grow-the-force initiatives for the Army and Marine Corps and to provide facilities to accommodate new recruits and missions.

Other significant provisions include proposed changes to the National Security Personnel System, depot initiatives and numerous important policy initiatives by the Department of Defense.

This is a good bill, and I am pleased to have helped in some way in shaping this bill. It reflects our bipartisan desire to improve readiness and to provide for the men and women in uniform.

I ask my colleagues to support this bill.

Mr. SAXTON. Mr. Speaker, I yield 3 minutes to the gentleman from Chesapeake, Virginia (Mr. FORBES), the ranking member of the Readiness Subcommittee.

Mr. FORBES. Mr. Speaker, I thank the gentleman from New Jersey for yielding and for his leadership on the Armed Services Committee throughout the years.

I rise today in strong support of the conference agreement for the 2008 National Defense Authorization Act. I also want to take a moment to thank Chairman SKELTON and Mr. HUNTER for their leadership and hard work in getting us to this point.

This conference report is the culmination of 102 House Armed Services Committee hearings, a comparable number of informational briefings and untold hours of debate and discussion with our friends in the Senate. This bill reflects our strong and continued support for the brave men and women of the United States armed services, and I thank both of these gentlemen for moving forward a robust, bipartisan Defense authorization bill.

I also want to thank Mr. ORTIZ, my subcommittee chairman and good friend, for his outstanding leadership of the Readiness Subcommittee.

This conference report provides funding authorization and support for our military and civilian personnel serving in the global war on terrorism while at the same time seeking to reverse declining trends in readiness.

Major highlights include: It provides $18.4 billion for the Army and $8.6 billion for the Marine Corps to address equipment reset requirements. It provides $980 million for critical National Guard equipment. It authorizes $1 billion for the Strategic Readiness Fund. It establishes the Defense Materiel Readiness Board. It requires quarterly rating and reporting of National Guard readiness for homeland defense missions. It provides a 3.5 percent pay increase to our men and women in uniform. It increases the end strength in the Army and the Marine Corps to improve readiness and meet the threats of the 21st century. It authorizes $2.8 billion in military construction funding to support these end-strength increases. And it authorizes funding to examine the national security interagency process. As many of you know, this is an issue that is overdue for reform, and many of us are pleased to see this begin to be examined more closely.

Mr. Speaker, we are all very aware that our continued global presence and ongoing combat operations are taxing current readiness levels. We also know that all of the military services are facing aging equipment inventories and are in need of recapitalization and modernization funding. Striking the balance between sustaining readiness today and ensuring a healthy, ready force tomorrow is a vast and complex challenge. This conference report strikes a good balance between sustaining what we've got while ensuring a well-trained, all-volunteer force with modern equipment will be available in the future.

This conference report deserves your support.

Mr. SKELTON. Mr. Speaker, it gives me pleasure to yield 4 minutes to the gentleman from Mississippi (Mr. TAYLOR), my friend who is the chairman of the Subcommittee on Seapower and Expeditionary Forces.

Mr. TAYLOR. Mr. Speaker, I want to begin by thanking our chairman, IKE SKELTON, for the phenomenal job he's done for looking out for the men and women in uniform this year.

I want to thank my ranking member, ROSCOE BARTLETT, for his incredible cooperation, and I want to thank all the members of the Seapower Subcommittee.

I also want to thank the other committee chairmen who, to a man or a woman, transferred funds from their jurisdiction to try to help in our efforts to rebuild America's fleet.

Of all the services, I think it is fair to say that the Bush administration has been the least favorable to the United States Navy. It has shrunk by about 50 ships on George Bush's watch. We're trying to turn that around.

With this year's bill, we're very proud of several things we've done. We've funded one *Virginia* class submarine and advanced funding for a second. We've funded one Littoral combat ship, one amphibious assault ship, a dry cargo vessel, a high speed vessel. We've completed funding for two Arleigh Burke destroyers, one amphibious assault ship, and we have started the full funding of an additional carrier.

We have long lead funding for three TAKE cargo ships, and Mr. Speaker, again with the great help of ROSCOE BARTLETT, we have in here language that says the next generation of warships, surface combatants, will be nuclear-powered to lessen our Nation's dependence on foreign oil.

I would encourage every American to read a great book on the New York Times best sellers list called "Halseys Typhoon," and it talks about the Christmas typhoon that hit the fleet off of the Philippines in 1944, the needless loss of vessels. But the event that triggered the fleet's sailing into that typhoon was the need for the fleet to refuel their destroyers when the destroyers were caught low on fuel. The destroyers got caught in this storm. Three of them foundered needlessly, and had those vessels been nuclear-powered with a 30-year supply of fuel on board, that never would have happened.

To this day, we have only five oilers in the Pacific. Any clever, future foe of the United States, the first thing they're going to do is try to sink those oilers. And the Department of Defense strategy of wishful thinking that this isn't going to happen isn't good enough.

So because of future combat needs, things like rail guns, the growth in power, demand for things like electronics, and above all, to have the ships that guard our carriers to have the capacity to stay with the carriers for 30 years, as far as their fuel needs, we're very, very proud of that.

We're very happy that the Guard Empowerment Act will become law, and I want to thank my colleague TOM DAVIS for encouraging me to sponsor that, and I want to thank him for cosponsoring it. It will raise the chief of the National Guard bureau to four stars. It will see to it that either the commander or the deputy commander of the northern command will be either a Guardsman or Reservist.

And I can tell you, having worked with General Steven Blom in the aftermath of Hurricane Katrina, I cannot think of a finer human being to be the first person as a National Guardsman to wear four stars.

□ 1400

I want to thank the subcommittee for their work on the fielding of mine resistant ambush protected vehicles. A year ago right now, the administration had only asked for 400 of those vehicles. Because of the work of the subcommittee, because of the case that was made to the American people, there will now be 15,000 of them built, and it will from the day it's fielded save lives and save limbs. There are young people in Mississippi graveyards who would be alive today if we had fielded them sooner, but at least it's getting done now.

So, Mr. Chairman, thank you for the great work you've done. I want to thank my fellow subcommittee chairman. And above all, I want to encourage the House to support this very important measure.

Mr. SAXTON. Mr. Speaker, I yield 3½ minutes to the gentleman from Hagerstown, Maryland (Mr. BARTLETT), who is the ranking member of the Seapower Subcommittee.

Mr. BARTLETT of Maryland. Mr. Speaker, I rise in strong support of the National Defense Authorization Act for Fiscal Year 2008. As ranking member of the Subcommittee on Seapower and Expeditionary Forces, I would like to thank the gentleman from Mississippi (Mr. TAYLOR), chairman of our subcommittee, for his wisdom and profound concern for the safety of our servicemembers and the security of the United States.

Further, I would like to recognize our chairman, IKE SKELTON, and our ranking member, DUNCAN HUNTER, for their continued leadership and support. This bill contains farsighted provisions which I believe are critical to this Nation's future security, none of which would have been possible without the steadfast advocacy of these visionary leaders. Thank you.

I also want to recognize the superb staff without whom this bill would not be possible.

There are a handful of provisions in every annual defense policy bill that stand apart in terms of their impact. This conference report is no different. This year the Congress has clearly established that it is the policy of the United States to utilize nuclear propulsion for all future major naval combatants. It is a vital step to secure our Nation's national and energy security.

Nuclear propulsion for naval ships is the right thing to do from economic, combat effectiveness, homeland defense, and energy policy perspectives. Without congressional action, budgetary pressures would forever prevent the Navy from making this farsighted commitment to its future.

Studies have consistently shown that life-cycle and operational costs are lower for nuclear propulsion in large combat vessels, such as cruisers. The most recent naval study shows that the break-even cost for a nuclear fueled cruiser is $60 per barrel of oil. It's now about $90. What's more, the National Petroleum Council projects future shortfalls in the supply of oil clear through 2030.

Last spring, a DOD Office of Force Transformation and Resources commissioned report found that the risks associated with oil will make the U.S. military's ability to rapidly deploy on demand "unsustainable in the long run." It said it is "imperative" that DOD "apply new energy technologies that address alternative supply sources and efficient consumption across all aspects of military operations."

Congress has responded. As recently as last year's Defense bill, Congress found that the Nation's dependence upon foreign oil is a threat to national security and that other energy sources must be seriously considered. It noted the advantages of nuclear power, such as virtually unlimited high-speed endurance, elimination of vulnerable refueling, and a reduction in the requirement for replenishment vessels and the need to protect those vessels. Congress directed the Secretary of the Navy to evaluate integrated power systems, fuel cells, and nuclear power as propulsion alternatives within the analysis of alternatives for future major surface combatants.

The Navy is conducting such an analysis for the next generation cruiser. However, in hearings this year, our subcommittee saw no evidence that the Department of Defense was seriously willing to consider making the investments required to enable that future. Quite simply, the conferees decided that we could waste no further time because these investments must begin to be made next year for the CG(X) next generation cruiser. Therefore, this conference report requires integrated nuclear propulsion for future major combatants.

This conference report reflects a fair and balanced treatment of the remaining issues facing the United States Navy and Marine Corps, and I respectfully ask full support for this very important bill.

Mr. TAYLOR. Mr. Speaker, I would like to ask unanimous consent to thank Captain Will Ebbs and Ms. Jenness Simler for the outstanding job they did in helping the Seapower Subcommittee this year and have them reflected in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. SKELTON. Mr. Speaker, first let me thank my friend from Mississippi for the historical reference back to 1944 regarding the fuel situation, and I think that the subcommittee is making a substantial contribution in requiring the nuclear ships that it does.

Mr. Speaker, I yield 3 minutes to my friend and colleague, the chairman of the Subcommittee on Oversight and Investigations, the gentleman from Arkansas, Dr. SNYDER.

Mr. SNYDER. Mr. Speaker, prayers and praise for our men and women in uniform do not fulfill our responsibilities to provide for the common defense. Every military family deserves the support of every American, and we act today in this Defense bill to provide that support.

No Defense bill is perfect. No Defense bill finishes the work. But this Congress comes together today in a bipartisan manner with a good bill.

Three quick points. First of all, I want to thank Mr. SKELTON and Mr. HUNTER for their leadership and the work that they have done on this year's Defense bill. I also want to acknowledge the presence of Mr. SAXTON, who has announced his retirement and is in his last term and is providing leadership today, as he often does, of this committee.

Second, I am very pleased to see the improvements in the GI Bill for our Reserve component members. It has been grossly unfair that some of our Reserve component members have not been able to get GI Bill benefits when they have left the service.

And, third, thanks to Mr. MCHUGH and Mrs. DAVIS and others, we have very good provisions in this bill, the so-called Wounded Warrior provisions, that will make life easier for those of our men and women in uniform who are hurt or become ill overseas.

Mr. SAXTON. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. I appreciate the gentleman's yielding.

Mr. Speaker, I rise in support of this conference report. It is one of the few examples of bipartisan work that has been produced so far in this Congress, and I think it is worthy of every Member's support.

I want to specifically mention some of the provisions within the jurisdiction of the Terrorism and Unconventional Warfare Subcommittee, which has been very ably led by the gentleman from Washington (Mr. SMITH), following in the tradition of the gentleman from New Jersey (Mr. SAXTON). Both of them ask tough questions, but they always put the interests of the country first.

The cutting edge of our battle against terrorists are the folks of the Special Operations Command, and this bill fully authorizes the requested funding for those assigned to our toughest missions. The bill also improves SOCOM's acquisition and contracting authority.

SOCOM is a unique entity set up specifically by Congress with unique authorities, including the ability to buy its own equipment. Now, that is resented by some, and this provision in this bill is intended to make that explicitly clear. But I think all of us on the subcommittee agree that if it is not made clear by this provision, then we will come back and do more next year.

This bill continues the authority to fund projects in our work with others. It is an important part of this war against terrorists to work with and through other forces, other individuals, and the funding authority that allows that to happen is continued here.

I especially want to express my appreciation to the subcommittee chairman, Mr. SMITH, that this subcommittee has again continued in Mr. SAXTON's work to develop a deep understanding of the ideology that drives radical Islamic terrorism and how best we can counter it. As much money, time, and effort has been put into that issue since 9/11/2001, I don't think we're to the bottom of it yet.

In addition, this portion of the bill provides more strategic direction and efficiency to our research and development efforts. For example, it adopts the Defense Science Board recommendation that requires Strategic Plan for Manufacturing Technology program to try to make sure that equipment goes from the laboratory to the field where the soldiers can use it in an efficient and effective way. And in IT, it makes acquisition more responsive to the pace of technological change. I believe we have a lot more work yet to go in that area, but we have also worked in that most unconventional of warfare areas, and that is through cyberwarfare where this country is being attacked every day by folks over the Internet. Our military and the rest of our government, I think, is just beginning to come to grips with the significance of that issue and how best to deal with it.

Mr. Speaker, this is not a perfect bill, but I think it is a good bill and it should be supported by all Members.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to my friend the gentleman from Washington (Mr. SMITH), who is also the chairman of the Subcommittee on Terrorism and Unconventional Threats and Capabilities.

Mr. SMITH of Washington. I thank the chairman for yielding.

Mr. Speaker, I want to begin by echoing the comments of my colleague from Texas (Mr. THORNBERRY) and also thanking him for his outstanding leadership on our subcommittee. It's been great to work in a bipartisan fashion with Mr. THORNBERRY; with Mr. SAXTON, the former chairman; and the other members of the committee. And I will not repeat all that Mr. THORNBERRY just said because I agree with it completely. The priorities that he laid out of our subcommittee, focusing on supporting the Special Operations Command in their lead in the fight against al Qaeda and terrorism; focusing on science, technology, and all the issues that he raised are exactly what we are trying to confront. I have enjoyed working with him on those issues and look forward to continuing to do so because, as he mentioned, we have certainly made progress but there is a lot more work to do. Our Special Operations Command needs all the support we can give it in its effort to fight al Qaeda, to understand that enemy and then use its forces to the best of its ability to combat it. And I think understanding those issues is enormously important. It has been a huge priority of our subcommittee.

I also want to thank the chairman of the full committee, Mr. SKELTON. It is a great honor to have worked with him during my 11 years in Congress and certainly a great honor to work with him as the Chair, and I think he has produced an outstanding bill, in particular the focus on the troops. I have traveled with the chairman before, and I know that this is always at the top of his priority list, how we are taking care of the troops and their families. This bill does that. It protects them, active duty, Guard and Reserve. It makes it a priority to make sure that we are meeting their needs, and I know that is primarily because of his leadership, and I thank him for that. I also thank the other subcommittees who were directly involved in that.

Lastly, I want to point out how important it is that this bill also recognizes the fight we are currently engaged in in Iraq and Afghanistan. It goes to the issues that are most important to those troops. Funding the MRAPs, trying to come up with ways to combat IEDs, making sure they have the body armor and the up-armored Humvees they need to confront those threats. It has been a huge priority of this committee, and particularly Mr. TAYLOR and Mr. ABERCROMBIE, to make sure that we fund our troops that are in the field right now with the priorities that they most need because they are the ones facing the most direct threat right now.

I have always been proud to be a member of this committee, and I'm very proud of the bill that we have created. I urge every Member in this body to support it. I think it's an excellent piece of legislation.

Mr. SAXTON. Mr. Speaker, I yield 4½ minutes to the gentleman from Rehoboth, Alabama (Mr. EVERETT), the ranking member of the Strategic Forces Subcommittee.

Mr. EVERETT. Mr. Speaker, I want to start by recognizing the gentleman from Missouri (Mr. SKELTON) and my great friend from California (Mr. HUNTER) for their work on this bill. I also want to recognize the fact that the gentleman from Missouri, this is not his first bill but it's his first Defense bill as chairman of the committee, and I congratulate him.

I rise in support of this conference report to accompany the Fiscal Year 2008 National Defense Authorization Act.

The bill includes funds for European missile defense interceptors and radars and encourages the administration to seek a reprogramming request once agreements with host countries are reached.

The bill establishes policy to defend against Iranian ballistic missile threats and seeks greater missile defense cooperation with Israel. It also authorizes an increase of $65 million for the Aegis Ballistic Missile Defense. The bill authorizes GMD, THAAD, and KEI at the budget request, and airborne laser funding is increased to just $35 million below the budget request.

□ 1415

In the area of military space, the bill requires the Secretary of Defense and the Director of National Intelligence to develop a space protection strategy. The importance of space to the economy and to modern-day warfighting is often overlooked. In light of the Chinese antisatellite test last January and other threats to space, we must place a greater priority on the protection of our Nation's space capabilities.

Within the area of atomic energy defense activities, the bill reflects general bipartisan agreement, particularly in its authorization of the Reliable Replacement Warhead Program cost and design activities.

And finally, Mr. Speaker, I would be remiss if I didn't recognize the gentlelady from California, who chairs the Strategic Forces Subcommittee. She demonstrates skillful leadership in her first year as chairman, and I want to congratulate her. This bill would not be what it is without her leadership.

I also must recognize my fellow subcommittee chairmen, Members on both sides of the aisle, and their staffs. I think this subcommittee handles some of the most difficult policy decisions in the House Armed Services Committee, and I want to express my appreciation for their hard work in protecting our Nation's security.

At this time, Mr. Speaker, I would like to have a colloquy between myself and Chairman SKELTON.

Mr. Speaker, as you know, the government has eliminated the use of non-GSA-approved lock bar file cabinets and outdated mechanical locks for storage of classified information in accordance with national security policy. However, under current Federal regulations, contractors are not required to phase out this old equipment until 2012. This results in less robust security and more government spending to protect classified information handled by contractors.

Although the Department of Defense has taken measures to meet these requirements internally, it is evident that the defense contractor community is behind the implementation of the required locks and safes. The committee has taken an interest in this matter of securing classified information now for several years. Rather than wait another 5 years, I believe DOD should have a plan in place to ensure that contractors are in full compliance with the regulations.

Mr. SKELTON. Will the gentleman from Alabama yield, please?

Mr. EVERETT. I yield to the gentleman from Missouri.

Mr. SKELTON. I thank the gentleman, and I do appreciate his concern on this issue. Protecting classified material of course is the utmost importance, and the standards for protecting this material should be consistent across government as well as industry. In that regard, I intend to work very closely with my friend, the gentleman from Alabama, on the issue, starting with the request of the Department of Defense to obtain their plans for meeting the 2012 deadline for phasing out containers used by defense contractors that have not been approved by the GSA.

Mr. EVERETT. Mr. Speaker, if the gentleman would yield further, I thank him for his commitment to work with me on the matter.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to my good friend, the gentlelady from California, who is also the chairwoman of the Subcommittee on Strategic Forces, Mrs. TAUSCHER.

Mrs. TAUSCHER. Mr. Speaker, I rise today in strong support of the conference report on H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008.

I want to thank Chairman SKELTON and Ranking Member HUNTER. I especially want to thank the Strategic Forces Subcommittee ranking member, Mr. EVERETT, the distinguished gentleman from Alabama. Many of the very fine initiatives that we produced in this bill were started by Mr. EVERETT when he was chairman, and I thank him for his cooperation and for his leadership.

I want to especially thank our excellent staff for all of their hard work for what is, I think, one of the finest Defense bills that we have been able to produce.

Mr. Speaker, as chairman of the Strategic Forces Subcommittee, I have worked with my colleagues over the course of this year to incorporate four priorities into the conference agreement before the House today.

First, this bill aims to foster and frame a crucial discussion about nuclear weapons by establishing a congressionally appointed bipartisan commission designed to reevaluate the United States' strategic posture. The commission will provide valuable recommendations to Congress regarding the proper mix of conventional and nuclear weapons needed to meet new and emerging threats.

Second, the bill takes a prudent step to slow key Department of Energy nuclear weapons initiatives, including the development of the Reliable Replacement Warhead. The conference agreement limits RRW activity in fiscal year 2008 to a design and cost study and reduces RRW funding by $38 million out of a total request of $119 million, more than a 30 percent reduction.

The conference agreement also rejects the proposal for a new plutonium pit production facility, or consolidated plutonium center, in the President's budget request. None of the $24.9 million proposed for the CPC is authorized.

Third, the bill funds ballistic missile defense systems that will protect the American people, our deployed troops and allies against real threats while shifting resources away from longer term, high-risk efforts. The bill authorizes $8.4 billion for ballistic missile defense programs of the Missile Defense Agency, a reduction of $450 million from the President's request.

The conference agreement reduces funding for the proposed European missile defense site by $85 million, and requires final approval by the Governments of Poland and the Czech Republic and an independent study on alternative missile defense options for Europe before construction may begin.

The conference agreement also charts a path forward to provide the President with options for a conventional prompt global strike, consolidating funds requested for the Conventional Trident Modification into a new, defense-wide research line for prompt global strike.

Finally, we are boosting funding for space capabilities that deliver near-term benefits to the warfighter and improves space situational awareness and survivability.

Mr. Speaker, this bill strikes a balance between near-term needs and long-term investment, and it creates the means to help bring our nuclear weapons policy into the 21st century.

I urge my colleagues' strong support on this legislation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will note that the gentleman from New Jersey has 10½ minutes remaining, the gentleman from Missouri has 9½ minutes.

Mr. SAXTON. Mr. Speaker, I yield 3 minutes to the gentleman from New York, the ranking member of the Military Personnel Subcommittee, Mr. McHUGH.

Mr. McHUGH. I thank the gentleman for yielding.

Mr. Speaker, I've said on occasions in the past in similar situations that it's always a source of great pride for those of us who have the honor and the opportunity to serve on the Personnel Subcommittee that when many Members come to the floor in support of both this and past authorization bills, one of the things that they cite most often are those initiatives emanating out of the Personnel Subcommittee, and I think that's for a very good reason. Because all of us, certainly in this Congress, but particularly in the House Armed Services Committee, recognize that for all of the things that make this Nation great, particularly for all of those things that make our military the greatest that has ever walked the face of the Earth, the one irreplaceable component is those who wear the uniform and those who, of course, love and support them, their spouses, their children, their families. And in that regard, I want to add my words of thanks to, of course, the distinguished chairman, the gentleman from Missouri, our ranking member, Congressman HUNTER, but also to Dr. SNYDER, who started the year off as the chairman of the Personnel Subcommittee, who went on to other challenges and, fortunately for all of us, turned the reins over to the very able hands of the gentlelady from California (Mrs. Davis).

As in years past, Mr. Speaker, this bill is rich in provisions that recognize the value of our military men and women in service and the need to support them, and to enrich the quality of lives of both those individuals and, of course, their families. And I suspect you have heard today, and rightfully will continue to hear, Mr. Speaker, of all of those good things; 3.5 percent pay raise, one-half percent above what the President requested, and more importantly, over the past 9 years, the continuation of our effort to reduce that gap between civilian pay and military that started at 13.5 percent. And with this 3.5 percent, it will move it down to 3.4 percent. More needs to be done, but good progress.

It critically increases end strength, which is such an important component in the high pace of operations and personnel tempos. It increases the Army by 13,000, the Marine Corps by 9,000; again, work that needs to be continued, but a good step on such an important problem.

The report also contains important provisions of the bill that Dr. SNYDER and I had the honor of helping to initiate, that was later picked up by the committee and so many others to round it into a great provision to respond to the disgraceful conditions that we all learned about at Walter Reed and end the frustration that exists between the DOD and veterans retirement and disabilities systems. And it includes as well several recommendations from the President's Commission on Care of America's Returning Wounded Warriors, better known as the Dole-Shalala Commission.

From active to Reserve, this is a great bill and it deserves all of our support.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to my good friend and colleague from California, who is the chairwoman on the Subcommittee on Personnel, Mrs. DAVIS.

Mrs. DAVIS of California. I want to thank my distinguished chairman for his leadership.

Mr. Speaker, while the holiday season is a time of joy for most Americans, it can be a very difficult period for our servicemembers and their families. When I sit down with members of our all-volunteer force, whether it's in my district or in the mess halls in Iraq, I'm very aware of the stress military service can have on our servicemembers and, of course quite specifically, on all of their family members as well. The stress of being deployed over the holidays can only be more difficult.

Mr. Speaker, a vital component of our strong national defense is the ability to care for members of our force, as well as recruit and retain men and women to serve in the military. To quote the first Commander in Chief, "The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional to how they perceive the veterans of earlier wars were treated and appreciated by their Nation." With this bill, current and future generations of servicemembers will know that their Nation cares for their sacrifice.

Mr. Speaker, why is this bill important to men and women in uniform? It provides a 3 percent across-the-board pay raise for our troops. The compensation we provide our servicemembers must remain competitive with the private sector.

We were also successful in making major improvements to the Reserve Montgomery GI Bill. For the first time there is a 10-year portability in benefits for Reservists so they can continue to receive educational assistance after they separate.

Additionally, this bill will help services recruit and retain desperately needed health care professionals by prohibiting any further conversion of military medical professionals to civilian positions.

Mr. Speaker, most importantly, the mental health needs of our troops continue to grow, and this bill includes a number of provisions that will improve access to quality care for members and their families. The creation of Centers of Excellence on TBI and PTSD is just one example.

This report also includes a number of the recommendations from the Dole-Shalala Commission, including an expansion of the Family and Medical Leave Act to cover family members of those on active duty so they can care for wounded servicemembers on extended leave for up to 26 workweeks. Family members will no longer have to choose between keeping their jobs and caring for a wounded loved one.

This bill addresses one of the concerns Members have heard from their constituent Reservists, early retirement. The bill would reduce the age at which a member of the Ready Reserve can draw retired pay below the age of 60 by 3 months for every aggregate 90 days of active duty performed under specified circumstances.

Mr. Speaker, there is so much more I wish we could do for our men and women who serve, but I feel that this bill represents the best efforts of this body to provide for our Nation's Armed Forces and their families.

I would like to thank my predecessor, Representative SNYDER, and ranking member, Representative MCHUGH, and the Personnel Subcommittee staff for all of their hard work on this conference report.

Mr. SAXTON. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota, a retired U.S. Marine Corps colonel, Mr. KLINE.

□ 1430

Mr. KLINE of Minnesota. I thank the gentleman for yielding.

Mr. Speaker, I rise today along with my colleagues in strong support of this legislation. At a time when our Nation is at war on multiple fronts, we must maintain a strong commitment to these brave men and women in uniform who stand in defense of our Nation. This legislation takes a responsible, forward-looking approach to the funding of our current operations and provides for the needs of our American heroes.

In addition to the things already mentioned by my colleagues, such as an increase in end strength and the very important pay raise, I am particularly pleased at the inclusion of two important legislative provisions that I introduced earlier this year, the Yellow Ribbon Reintegration Program and authorization for assignment incentive pay for National Guardsmen unfairly denied this benefit.

The Yellow Ribbon Reintegration Program nationalizes a program created by the Minnesota National Guard. Through experiences drawn from the deployments of smaller units to Iraq and Afghanistan, the Minnesota Guard developed a unique combat veteran reintegration program with a focus on supporting servicemembers and their families throughout the entire deployment cycle.

With this focus, the Minnesota Yellow Ribbon program has proven an effective means to prepare every combat veteran and their family for a safe, healthy and successful reintegration. This multifaceted program includes workshops and training events at 30-day, 60-day and 90-day intervals for servicemembers following their demobilization.

This bill also moves us toward fixing a major disparity among Minnesota National Guardsmen. Congress created assignment incentive pay to recognize the hardship of prolonged mobilization periods for Reservists and Guardsmen called up under partial mobilization authority. The military services, however, deploy Guardsmen and Reservists under other mobilization authorities.

Through no fault of their own, many Minnesota National Guardsmen who served in Bosnia and Kosovo were mobilized using different authorities. When these same soldiers, many of them senior non-commissioned officers, were asked to deploy with their fellow Guardsmen to Iraq in 2006, those who had served in Kosovo were given $1,000 a month in assignment incentive pay while those who had served in Bosnia were not. Clearly this is not fair. I am very pleased that this legislation recognizes that and rectifies this disparity.

Mr. Speaker, I would encourage all of my colleagues to join me today in voting for this important legislation that supports our troops.

Mrs. TAUSCHER. Mr. Speaker, I am happy to yield 1 minute to my friend and colleague the gentleman from New Jersey (Mr. ANDREWS), a particularly articulate and thoughtful member of the Armed Services Committee.

Mr. ANDREWS. I thank my friend for yielding, and I congratulate our Chairman SKELTON on his great job in getting this bill done and our ranking member, Mr. HUNTER.

People criticize the Congress, I think justifiably, because they think we don't get anything done and we can't ever agree with each other. Well, this bill shows that we can get things done and we can agree with each other. There are many strongly held opinions about the war in Iraq, pro and con. But I think there is unanimity. We should show the people who wear the uniform of this country our appreciation by raising their pay. And this bill does that 3.5 percent across the board. I think there is unanimity that when we send our young men and women into harm's way, they should have the best protection. And this bill puts $17.6 billion, the highest ever, into up-armored vehicles and protective gear for the troops in the field. I think there is unanimity that says that when someone is wounded in the service of this country, he or she should never be forgotten, ever, when they are in the VA health care system. So there is unanimity here for the Wounded Warrior Act.

This bill is well worth supporting because it shows the broad support in this Congress for the men and women who serve this country, and I urge a "yes" vote.

Mr. SAXTON. I yield 1 minute to my friend, the gentleman from Ohio (Mr. TURNER).

Mr. TURNER. Thank you, Mr. Speaker.

I would like to thank Chairman SKELTON and Ranking Member HUNTER for their leadership in completing the conference report for FY08 National Defense Authorization Act.

On December 6, Chairman SKELTON announced that an agreement had been reached on the conference report stating that "this bill supports the troops, restores readiness, and improves accountability."

I would like to point out that this bill includes a key policy provision that directly supports our troops. This bill will amend the Service Members Civil Relief Act to protect the children and custody arrangements of servicemembers deployed in a contingency operation. This provision is important because it protects our deployed troops from courts that have been overturning established custody arrangements while a servicemember is serving our country in a contingency operation such as Iraq or Afghanistan.

Today, I urge my colleagues to vote in favor of this bill because it provides the child custody protection that our deployed troops deserve. Much is asked of our servicemembers, and mobilization can disrupt and strain relationships at home. This additional protection is needed to provide them peace of mind that the courts will not undertake judicial proceedings considering their established custody rights without them. This amendment protects them, and it protects their children.

Mrs. TAUSCHER. Mr. Speaker, I yield 1 minute to my friend and colleague the gentlewoman from Arizona (Ms. GIFFORDS), a member of the Armed Services Committee and a conferee on this bill from the Committee on Small Business.

Ms. GIFFORDS. Mr. Speaker, I rise today in strong support of the Fiscal Year 2008 National Defense Authorization Act. As a member of the Armed Services Committee, led by Chairman SKELTON, I am pleased to vote for a comprehensive bill that bolsters military readiness, supports our military families, and makes sure that we have strong national security.

In southern Arizona, I represent two major military installations and thousands of military personnel. Having visited with troops both at home and abroad, I am well aware of the challenges our men and women in uniform face. New recruits at Davis-Monthan Air Force Base and Fort Huachuca currently earn just $18,000 a year. Many of them have families. This bill recognizes their commitment and gives them a 3.5 percent pay increase.

Our military is facing a retention crisis. In this time of war, our armed services must have the best and brightest. We must retain those men and women by providing them the best training, equipment, and support possible. From southern Arizona to Afghanistan, we have to ensure that our men and women are ready to face any challenge.

I urge my colleagues on both sides of the aisle to support our troops and our national security by voting for this essential legislation.

Mr. SAXTON. Mr. Speaker, I yield myself 3 minutes.

I want to say a word on behalf of the Air Land Subcommittee. I want to first thank our great subcommittee chairman, Mr. ABERCROMBIE, the gentleman from Hawaii, for his outstanding work and for his great cooperation on our subcommittee.

The major highlights of the Air Land Subcommittee's portion of this bill provide aircraft providing multiyear procurement authority for the CH–47 helicopter program; ensures continued development of two options for the propulsion system for the Joint Strike Fighter; authorizes $2.3 billion for eight badly needed C–17 aircraft; and allows the Air Force to proceed with their request to divest 24 C–130E and 85 KC–135E aircraft. These retirements will greatly help the Air Force. The aircraft are grounded or are unable to be used in combat operations.

The land forces under our subcommittee benefited from several areas of upgraded armor: the mine resistant ambush protected MRAP vehicles; the up-armored Humvees; the body armor that we provide in the IED fragment armor kits are very important elements of the bill. We also authorized $3.4 billion for the Army's future combat systems.

Mr. Speaker, the Department of Defense continues to have acquisition directives that are rarely followed. This is not a good thing. Requirements for advancement through research and development to procurement, these provisions are routinely waived by the Department of Defense. It is hard to know if acquisition policies actually work if we rarely follow them.

Mr. Speaker, the conference report takes steps to address some of these issues, and I am encouraged by some of the things that I have recently seen and heard coming from the Office of the Under Secretary of Defense for Acquisition, Technology and Logistics.

Mr. Speaker, this conference report supports our military men and women and provides them with the equipment they need while at the same time taking steps to redress acquisition concerns of Congress. This conference report certainly in this regard deserves all of our support.

Mrs. TAUSCHER. Mr. Speaker, I am happy to yield 1 minute to my friend and colleague the gentleman from Pennsylvania (Mr. CARNEY), a conferee on this bill from the Committee on Homeland Security.

Mr. CARNEY. Mr. Speaker, I do rise today in support of the 2008 Defense authorization bill, H.R. 1585. This bill addresses many of the problems facing our military, as we have seen today.

As we know, the bill has many strong provisions. I would like to take a moment to address one in particular, increasing education benefits to our National Guard and Reservists. The GI Bill has provided education to many of our Nation's fine and honorable men and women. Indeed, in my own family, I grew up knowing what a difference it could make. Unfortunately, the GI Bill has a provision which excludes our National Guard and Reservists from receiving their GI Bill benefits after they have left the military.

One of my first actions in Congress was to introduce bipartisan legislation to give the National Guard and Reserve members up to 10 years to take advantage of their GI education benefits. This proposal is similar to the benefits extended to active duty members of the military.

Under current law, a Guardsman or Reservist loses their benefit when they decide to leave the service or shortly thereafter. The National Guard and Reserve are becoming indistinguishable from active duty now, and these men and women serve their country only to return to realize their education benefits are set to expire. This legislation fixes that, and I am proud to be a sponsor.

Mr. SAXTON. Mr. Speaker, may I inquire of the Chair as to how much time is remaining on each side.

The SPEAKER pro tempore (Mr. ROSS). The gentleman from New Jersey has 2½ minutes remaining and the gentlewoman from California has 3½ minutes remaining.

Mr. SAXTON. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Speaker, the authorization bill that is in front of us here today stands in some contrast to other pieces of work of this last year. It stands in contrast because it isn't dolled up with all kinds of partisan and very controversial kinds of things. It's a bill that is just quietly getting the job done.

I think the Members of the House, both Republican and Democrat, should be pleased with the quality of what has been put together. It does the job. It funds our troops. It lays out the proper kinds of equipment and spending priorities that are absolutely necessary for the defense of our country. I'm thankful that we were able to reject the hate crimes legislation that had no part on this bill, that was done also by this House for standing strong, and what was just the simple accomplishment of the job of funding Defense and providing for the defense of our country, so hats off to the staff, and hats off to the different people that were able to put this together.

Mrs. TAUSCHER. Mr. Speaker, I am very happy to yield 1 minute to my friend and colleague the gentleman from Minnesota (Mr. WALZ).

Mr. WALZ of Minnesota. Mr. Speaker, I thank Chairman SKELTON and Ranking Member HUNTER for bringing this good piece of legislation to the floor.

This bill, H.R. 1585, fulfills our basic duty in this Congress to provide for the national defense. There are several important pieces of this legislation that are particularly meaningful to me as a 24-year veteran of our Army National Guard. There is an amendment in here to address the issue of the Federal tuition assistance program that too many of our returning servicemembers are unable to use. It also includes an important provision that we worked on in the VA Committee on making sure the electronic medical records between DOD and VA truly do become seamless. Finally, there is a very important repeal of changes that were made to a 200-year-old piece of legislation, the Insurrection Act, that Mr. DAVIS from Virginia and I worked on with our Nation's Governors that will restore individual State control over their National Guard units.

These provisions are only a small part of this bill. There's a needed pay raise and expanded care and research into TBI for our returning warriors. This legislation is packed with provisions to make good on this Congress' promise that we will keep every single promise to our veterans and make them a priority.

Our most precious resource in our national defense are those servicemembers who are willing to risk everything to defend this Nation.

I urge my colleagues to support this.

Mr. SAXTON. Mr. Speaker, I reserve the balance of my time.

Mrs. TAUSCHER. Mr. Speaker, I am happy to yield 1 minute to my friend and colleague the gentleman from Pennsylvania (Mr. ALTMIRE), a conferee on this bill from the Committee on Small Business.

Mr. ALTMIRE. Mr. Speaker, I want to highlight two specific provisions that are included in this landmark legislation that we are discussing today.

This bill contains legislation that I, along with Congressman TOM UDALL, offered as an amendment during initial House consideration of this bill. It will allow military families to use family and medical leave time to manage issues such as child care and financial planning that arise as a result of the deployment of an immediate family member.

This bill also contains the language from my bill, H.R. 1944, that requires the VA to operate a comprehensive program of long-term care for rehabilitation of traumatic brain injury, which has become the signature injury of the wars in Afghanistan and Iraq. It also creates and maintains a TBI veterans health registry.

These provisions will directly impact and improve the lives of our brave men and women in uniform and their families. I am proud that they have been included in this bill.

Mr. SAXTON. Mr. Speaker, may I inquire of the chairman as to how many additional speakers he has.

Mr. SKELTON. It appears we have no additional speakers except myself.

Mr. SAXTON. Thank you very much, Mr. Chairman.

Mr. Speaker, I yield myself the balance of my time. First let me, again, sincerely thank Chairman SKELTON for the great job that he has done here bringing us to the floor with this bill today.

Mr. Speaker, President Ronald Reagan used to say that all of the things that Congress does are important and all the programs that we fund are great programs and important programs. But then he would say, "But none of that really matters much if we don't have a good system to protect the American people and our national security." I have kept that in mind ever since I was a freshman here, because that was when I heard him say that.

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I believe that this bill today carries on that same kind of tradition, because we work together as Republicans and Democrats, understanding that we have a finite amount of money and resources to put toward our national security, and therefore it's incumbent upon us to do it the best way we can.

We do face a multitude of threats to our way of life and our national security interests, and as legislators, we therefore must accept that it is our responsibility to ensure that our brave men and women in uniform have the best available tools at their disposal to combat those threats and protect those interests.

The provisions of this bill go a considerable way in demonstrating that kind of support. And so I urge all Members to support this bill, and I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, before I make my closing remarks, I would yield 1 minute to my friend from Iowa, a member of the Armed Services Committee, Mr. LOEBSACK.

Mr. LOEBSACK. Mr. Speaker, I would like to thank especially Chairman SKELTON for yielding 1 minute. I want to thank Chairman SKELTON and Ranking Member HUNTER for their bipartisan leadership on this bill. I am proud to work with them to restore the readiness of our military, support our deployed troops and their families, and increase the oversight of our ongoing presence in Iraq.

Our National Guard and active duty forces are stretched to the breaking point. This bill takes great strides to address this critical issue to ensure our Guard are properly trained and equipped to respond to threats both home and abroad. Moreover, this legislation includes an amendment that I offered with Representative CUMMINGS of Maryland which requires General Petraeus and Ambassador Crocker to report to Congress every three months on the status of military operations and political reconciliation in Iraq. Such oversight is crucial to our ability to find a new way forward in Iraq.

I urge my colleagues to support this vital legislation, and I thank Chairman SKELTON once again for allowing me to speak for 1 minute.

Mr. SKELTON. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Missouri is recognized for 30 seconds.

Mr. SKELTON. Mr. Speaker, we have a good number of provisions that have not been fully discussed today, including contracting reform and acquisition reform. We did speak of roles and missions. But I wish to stress, Mr. Speaker, of the years I have had the privilege of serving in this body, this has to be the best, most comprehensive, troop-friendly, family-friendly and readiness-friendly bill that we have ever had.

When it first came to the House before we had our conference, it had a very, very strong vote here, and, Mr. Speaker, I hope we have as strong a vote when we seek the final passage on this bill today.

Mr. OBERSTAR. Mr. Speaker, I commend the gentleman from Missouri, Mr. SKELTON, chairman of the Committee on Armed Services, for his leadership in bringing the Conference Report on H.R. 1585, the "National Defense Authorization Act for Fiscal Year 2008," expeditiously to the House floor. This legislation includes critical program and funding authorizations for the men and women in our Nation's armed forces.

This Conference Report contains several provisions that fall under the jurisdiction of the Committee on Transportation and Infrastructure, including provisions that affect the Federal Aviation Administration, the United States Coast Guard, the Environmental Protection Agency, and the General Services Administration. I have no objection to the inclusion of most of these provisions.

I rise today in opposition to one provision in the final Conference Report that significantly affects the responsibility of the U.S. Army Corps of Engineers, "Corps." Section 2875 rewards the city of Woonsocket, RI, for failing its statutory obligation to operate and maintain its local levee by shifting responsibility for this now-failing levee to the Federal government. Current law provides that operation and maintenance responsibility for flood control projects is a non-Federal responsibility. However, this section requires the Corps to conduct any repairs or rehabilitation of the existing structure, including its replacement.

This provision is bad policy, because it establishes the precedent that the Federal government will assume responsibility for failing flood control systems, which according to the Corps, may include an inventory of roughly 15,000 miles of levees and other flood control structures, nationwide.

This provision also creates the false impression that communities that sign contractual obligations with the United States, through the Corps, can have these contracts overturned by congressional action if the community can convince one Member of Congress that the community lacks sufficient resources to meet their operation and maintenance responsibilities.

The Corps is often called upon to construct flood control projects, in partnership with a non-Federal interest under a normal cost-sharing agreement. Once the project is completed, the responsibility for long-term operation and maintenance is transferred to the non-Federal interest. With the exception of the projects along the Mississippi River that are part of the Mississippi River and Tributaries project (MRT), the Corps is typically not responsible for operation and maintenance of flood control projects.

The Corps currently has responsibility for operation and maintenance of navigation projects. For these projects, the backlog for operation and maintenance of existing Federal responsibilities is roughly $4 billion annually, but appropriations for operation and maintenance have hovered around $2 billion. The result is that roughly 50 percent of vitally needed operation and maintenance responsibilities of the Corps are not being met, and are deferred to future appropriations. To shift additional operation and maintenance responsibilities to the Corps is unwise and is likely to impair the ability of the Corps to carry out its existing obligations for operation and maintenance.

During pre-conference negotiations, I proposed to provide the city of Woonsocket with some flexibility related to the cost of operation and maintenance of this project, but not a permanent blanket waiver of operation and maintenance.

I proposed two solutions, which I believe would have addressed the concerns of the city of Woonsocket. Unfortunately, the Senate was unwilling to compromise, and both proposals were rejected.

Both proposals would have authorized the Corps of Engineers to assume greater responsibility for the reconstruction of the failing levee system, but would have continued the long-term operation and maintenance responsibilities for the city of Woonsocket. I believe that both offers were made in the spirit of compromise without violating fundamental statutory and contractual responsibilities of the non-Federal sponsor. Both offers would have allowed the city of Woonsocket to start fresh with a structurally sound flood control system, provided that the city retained its obligation to operate and maintain the levee system.

I continue to believe that this shift of operation and maintenance responsibility is bad policy that will worsen the backlog of deferred operation and maintenance responsibility for the Corps and set a poor precedent of shifting responsibilities for other projects in the future.

I opposed a similar provision in last year's Defense Authorization bill that changed operation and maintenance responsibility from the local sponsor to the Federal government for another project in Rhode Island.

As chairman of the Committee on Transportation and Infrastructure, I will continue to explore the implications of these changes in operation and maintenance responsibilities in the formulation of the Water Resources Development Act of 2008.

Mr. UDALL of Colorado. Mr. Speaker, I rise in strong support of this conference report.

I applaud Chairman SKELTON for his leadership in guiding this conference report to the floor today. He and Ranking Member HUNTER have done a tremendous Job, and they have been ably supported by the expert staff of our committee.

I'm particularly grateful to Chairman SKELTON for working with me to include things important for Colorado, including: a provision to keep the cleanup of the Pueblo Chemical Depot on track and fully funded; a review of DOD's training requirements for helicopter operations in high-altitude conditions, a provision that will help the High-Altitude Army National Guard Training Site in my district to establish its need for additional training helicopters; language requiring the Army to make its case for expansion at the Pinon Canyon Maneuver Site; an agreement between the Air Force and the city of Pueblo about flight operations at the Pueblo airport; a report on opportunities for leveraging Defense Department funds with States' funds to prevent disruption in the event of electric grid or pipeline failures; and restrictions on the move of key NORAD functions from Cheyenne Mountain to Peterson Air Force Base until security implications and promised cost savings are analyzed.

I am also pleased that the final bill includes two amendments I offered in committee, including one to repeal a provision adopted last year that makes it easier for the president to federalize the National Guard for domestic law enforcement purposes during emergencies. By repealing this, my amendment restores the role of the Governors with regard to this subject. My other amendment extends for 5 years the Office of the Ombudsman that assists people claiming benefits under the Energy Employees Occupational Illness Compensation Program Act, EEOICPA, which is so important for affected workers from the Rocky Flats site in my district.

Mr. Speaker, this bill rightly focuses on our military's readiness needs.

After 5 years at war, both the active duty and reserve forces are stretched to their limits. The bill will provide what's needed to respond, including a substantial Strategic Readiness Fund, adding funds for National Guard equipment and training, requiring a plan for rebuilding our prepositioned stocks, and establishing a Defense Readiness Production Board to mobilize the industrial base to address equipment shortfalls.

It also provides important funds for the Base Realignment and Closure process, including additional funds to assist communities expected to absorb large numbers of personnel as a result of the BRAC decision. This funding is especially important to Colorado, given that Fort Carson in Colorado Springs will add 10,000 soldiers and will be home to 25,000 troops by 2009.

The bill provides substantial resources to improve protection of our troops, including additional funds for Mine Resistant Ambush Protected Vehicles, body armor, IED jammers, and up-armored Humvees for our troops in the field. Consistent with the Tauscher-Udall Army expansion bill in the last Congress, the bill enlarges the Army and Marine Corps to help ease the strain on our troops and provides for an increase in National Guard personnel. And it will provide for a 3.5 percent across-the-board pay raise for servicemembers, boost funding for the Defense Health Program, and prohibit increasing TRICARE and pharmacy user fee increases.

The bill incorporates provisions from the Wounded Warrior Assistance Act, which passed the House earlier this year and was driven by the revelations of mistreatment and mismanagement at Walter Reed Army Medical Center. These provisions establish new requirements to provide the people, training, and oversight needed to ensure high-quality care and efficient administrative processing at Walter Reed and throughout the active duty military services. The bill also establishes a Military Mental Health Initiative to coordinate all mental health research and development within the Defense Department, and establishes a Traumatic Brain Injury Initiative to allow emerging technologies and treatments to compete for funding.

Given the increased use of the National Guard and Reserves in recent years, the bill gives important new authorities to the National Guard to fulfill its expanded role, including authorizing a fourth star for the Chief of the National Guard Bureau, making the National Guard Bureau a joint activity of the Department of Defense, and requiring that at least one deputy of Northern Command be a National Guard officer.

The final bill also addresses ongoing problems of contracting fraud by tightening controls on managing contracts and improving whistleblower protections, as well as improving accountability in contracting by requiring public justification of the use of procedures that prevent full and open competition.

I'm pleased that the conference report fully supports the goals of the Department of Energy nonproliferation programs and the Department of Defense Cooperative Threat Reduction program, consistent with the 9–11 Commission recommendations. The bill also slows development of a Reliable Replacement Warhead and establishes a bipartisan commission to evaluate U.S. strategic posture for the future, including the role that nuclear weapons should play in our national security strategy.

Mr. Speaker, the conference report we are considering today does an excellent job of balancing the need to sustain our current warfighting abilities with the need to prepare for the next threat to our national security. It is critical that we are able to meet the operational demands of today even as we continue to prepare our men and women in uniform to be the best trained and equipped force in the world.

This is a good bill, a carefully drafted and bipartisan bill, and I urge its passage.

Mr. LANTOS. Mr. Speaker, I rise in strong support of the conference agreement on H.R. 1585 and would like to thank my distinguished colleague, Chairman IKE SKELTON, for his hard work and leadership on this important legislation. I am grateful for his partnership on critical matters of national security.

The struggle against terrorism requires a global campaign centered on engagement with the Muslim world. It also requires us to strengthen our partners' capabilities to fight terror and to maintain our own military capabilities in this area.

I welcome the efforts by the Committee on Armed Services to adjust the Department of Defense's legal authorities to meet this challenge. To its credit, the Department recognizes that "soft" power makes the use of military force more effective by fostering stability among vulnerable populations. To that end, the Pentagon has sought a variety of foreign assistance-related authorities traditionally implemented by the State Department.

I particularly welcome the Defense Department's efforts to address shortcomings in our national security bureaucracy. In the arena of stability operations, I, more than anyone, am aware of the budget shortfalls confronting the State Department, and I am fully aware that the men and women in uniform do not at times receive the expanded support that they need during stabilization operations.

I am also pleased that the Defense authorization bill follows the lead of H.R. 885, the Lantos-Hobson "International Nuclear Fuel for Peace and Nonproliferation Act, passed by the House in June, to designate $50 million to support the establishment of an international nuclear fuel bank, under multilateral control and direction, to remove any rational incentive for countries to build their own uranium enrichment plants—facilities that can make fuel for both civil power reactors and nuclear weapons. It also supports international efforts to build international pressure on Iran by addressing Tehran's claims that it must build a massive enrichment facility because there is no international assurance of supply of reactor fuel.

Notwithstanding these gains, there are a few aspects of this legislation which require continued vigilant oversight by the Foreign Affairs and Defense committees. First, we must ensure that the administration and the Congress work together to develop appropriate nonproliferation safeguards for implementation of the fuel bank. In particular, I look forward to working with the executive branch on criteria for access by foreign countries to any fuel bank established by the IAEA with materials or funds provided by the United States.

Second, to the extent that core functions of the State Department are being duplicated by the Department of Defense, both the Defense and Foreign Relations committees must ensure that the national instruments of soft power remain coherent, coordinated and sufficiently authorized and funded. In the words of Secretary Robert Gates:

> If we are to meet the myriad challenges around the world in the coming decades, this country must strengthen other important elements of national power both institutionally and financially, and create the capability to integrate and apply all of the elements of national power to problems and challenges abroad.

We must ensure that the State Department in particular is adequately resourced to maximize its role in the fight against terror. Our oversight must also ensure that assistance is carried out both by the Defense and State departments in a coordinated, unified fashion. In that spirit, I look forward to reviewing the report required by Section 1209 of this bill, which will require the Department of Defense to provide a global snapshot of the foreign assistance activities it currently undertakes.

I again applaud the work of my colleagues in producing a bill that is a tribute to our men and women in uniform and advances American security.

Mr. CUMMINGS. Mr. Speaker, I rise today in support of H.R. 1585, the National Defense Authorization Act, NDAA, for Fiscal Year 2008. This legislation is vital to preventing terrorism and suppressing potential rogue states by updating our defense systems, which will in turn protect the future of our Nation and our men and women at home.

The ill-advised war in Iraq has put historic strains on our armed services.

Our readiness is at an all-time low not witnessed since the 1970s. The Army National Guard is operating with only 56 percent of its overall equipment needs.

Therefore, Mr. Speaker, the funding and enactment of this bill is crucial. By authorizing $692.3 billion for defense and energy-defense related initiatives in 2008, this bill will strengthen our military. It will also honor our veterans with the efficient and cutting edge health care they more than deserve.

I am proud to say that an amendment that I introduced during the consideration of the NDAA before the House Committee on Armed Services makes certain that the voices of veterans are heard by vesting the Secretary of Veterans' Affairs with the power to appoint two members to the oversight board that will evaluate the current system and care provided to our veterans and active servicemembers.

Working diligently with the House Armed Services Committee, many of my recommendations to the NDAA bill regarding Operation Iraqi Freedom are included in the baseline text of this bill.

Namely, these recommendations address the need for proper oversight of the reconstruction efforts, putting an end to slanted no-bid contracts, along with the sharing and distribution of oil revenue resources to the Iraqi people so as to foster adequate reconstruction and facilitate national reconciliation.

Moreover, I am proud to have worked with my friend and colleague on the House Armed Services Committee, Congressman LOEBSACK, in the adoption of our joint amendment at full committee, which requires Secretary Gates, General Petraeus and Ambassador Crocker to provide perpetual reports to Congress on the status and implementation of the Joint Campaign Plan, JCP, and the Iraqi Government's efforts to implement political reform until the end of U.S. combat operations in Iraq.

As such this amendment ensures that Congress is supplied with (1) the information necessary to provide proper and constructive oversight of our progress in Iraq, (2) sheds light on the conditions faced by our troops on the ground, and (3) supplies Congress with the crucial information needed to determine a responsible and timely troop redeployment.

While violence has dropped in Iraq, there is a window of opportunity for the Iraqi Government to make serious strides to achieve political reform and in doing so strategically bring our troops home. Therefore, while we continue to urge this administration to shift policy in Iraq to one that is driven by multilateral and bilateral diplomatic initiatives, we must also ensure that our remaining troops in Iraq are supplied with the support that they need. This bill provides over $17.6 billion for Mine Resistant Ambush Protected vehicles and $8 billion to buy medium and heavy tactical trucks fast enough to replace battle losses and to meet National Guard requirements, which are currently at dangerously low levels.

Mr. Speaker, while we may be divided on the war in Iraq, we, must be united in guaranteeing that our brave men and women in uniform are well rested, well trained and well equipped—and that our veterans receive the services they deserve. We must also be united in ensuring that taxpayer dollars are spent as effectively and efficiently as possible. Therefore, I urge my colleagues to vote in favor of this critical defense bill.

Mr. KING of Iowa. Mr. Speaker, I oppose the provisions in this conference report, unilaterally added by the Senate, that provide immigration benefits to certain Iraqi refugees. As Ranking Member of the House "Subcommittee on Immigration, Citizenship, Refugees, Border Security and International Law," these provisions should have been discussed in their proper place, the House Judiciary Committee. However, I along with Ranking Member SMITH, were basically excluded from negotiations. There is no bipartisan support for these provisions in the House Judiciary Committee.

This bill grants special immigrant visas each year for the next 5 years to 5,000 Iraqi nationals and their families. The State Department has estimated that for every Iraqi national granted a visa, they will bring over at least four family members. Therefore, the number of special immigrant visas granted under this bill will reach 25,000 per year, or 125,000 total after 5 years.

Mr. Speaker, 125,000 Iraqis that support the United States would be a tremendous asset to Iraq and the United States in the Middle East. These Iraqis should remain in their home country to rebuild it and encourage the spread of liberty. If we remove every Iraqi that is supportive of the U.S. from Iraq, terrorists will have the upper hand. Iraq and the United States need these patriotic Iraqis to remain in Iraq and rebuild.

While I sympathize with the Iraqi nationals who have been victims of this War on Terror, conditions within the country are improving. I encourage the Iraqis to stay and fight for their homeland and freedom alongside American troops. That's how we win this War on Terror.

For these reasons I oppose the provisions in the Conference Report to H.R. 1585 that provide U.S. immigration benefits to certain Iraqi refugees, and I urge my colleagues to do the same. Vote "no" on the Rule.

Ms. WOOLSEY. Mr. Speaker, while I cannot support H.R. 1585, this legislation does contain the provisions of H.R. 3481, the "Support for Injured Servicemembers Act," a bill that I introduced in the House and which amends the Family and Medical Leave Act to provide 6 months of leave for spouses, children, parents and other "next of kin" to care for injured service members. H.R. 3481 implements one of the recommendations of the President's Commission on Care for America's Returning Wounded Warriors, chaired by Secretary Shalala and Senator DOLE.

The Family and Medical Leave Act is intended to help individuals balance their family and work obligations. Ninety million working people are now eligible for unpaid job protected leave for up to 12 weeks a year. When the Act was passed in 1993, it was a giant step and is of great importance to working families.

Since a majority of military spouses work, they too must balance work and family. They work to put food on the table and support their families, just like the rest of us. But they face additional challenges because their lives are disrupted by multiple deployments, involving not only active service members but those in the National Guard and reserves as well.

The conflicts in Iraq and Afghanistan have resulted in over 30,000 casualties with many servicemembers being seriously wounded. These injured warriors need substantial support and care from their families, often for long periods of time, and some permanently.

The Workforce Protections Subcommittee, which I chair, held a hearing in September on H.R. 3481. We heard from several witnesses about the need for extended family and medical leave in these instances.

Unfortunately, this Administration has let down our returning service members and their families. Therefore, I introduced H.R. 3481, so no matter where we come down on the merits of these conflicts, we can help families who support loved ones who put their lives on the line in Iraq and Afghanistan. The provisions of H.R. 3481 will certainly help.

Mr. BERMAN. Mr. Speaker, I rise today in strong support of language in this conference report that includes several critical provisions to aid the resettlement of Iraqi refugees and internally displaced persons.

First, I offer my sincere thanks to Chairman SKELTON and Senator KENNEDY for working to include this language in the conference report before us today.

Since our invasion, well over 4 million Iraqis have fled their homes as a result of political instability, economic catastrophe, and ethnic and sectarian strife.

Unable to legally find employment in their host countries, living in substandard housing with inadequate medical and educational facilities, many refugees simply have no place to turn.

While neighboring countries have struggled to cope with the strain of hosting millions of these refugees, our track record on refugee resettlement has been nothing short of an embarrassment.

As the refugee crisis unfolded in Iraq and its neighboring countries in the aftermath of our invasion, the Departments of State and Homeland Security stood by while a backlog of refugees referred by the United Nations for resettlement languished in the slums of Amman and other cities in the region.

This legislation will help make up for the administration's inexcusably lethargic pace by setting out clear refugee processing priorities, mandating the centralization of Iraq refugee efforts in the State Department, requiring greater cooperation with those allies in the region who are hosting many of these refugees, and increasing congressional oversight of refugee assistance and resettlement programs.

In addition, the language which we have worked together in great bipartisan fashion to include in this conference report also strengthens the Special Immigrant Visa program, for

Iraqis who have worked for our Government and military in Iraq.

Many of these Iraqis who served bravely besides our troops and diplomats need our immediate assistance. Singled out as collaborators, they have been targeted by death squads, militias, and al-Qaeda.

Clearly, we owe them more than just a debt of gratitude. We owe them a safe haven and a fresh start.

While this legislation represents an important step forward in our commitment to these refugees, it cannot be the last word on the matter.

I look forward to working with my colleagues in the future to help us live up to our commitments to these refugees.

Ms. BORDALLO. Mr. Speaker, I rise today in strong support of H.R. 1585, the National Defense Authorization Act for the Fiscal Year 2008. I urge my colleagues to pass the conference report because the bill improves the readiness of our men and women in uniform and takes necessary steps toward ensuring that our wounded warriors get the care they deserve. I want to applaud the leadership of Chairman IKE SKELTON for working closely with Members on both sides of the aisle and across the Capitol to ensure that the legislation before the House of Representatives today will truly help our servicemembers in the field.

I am especially pleased with section 374 of the bill, which provides for priority transportation on Department of Defense aircraft for military retirees residing in the United States territories who require specialty care that is not available in that territory. Specifically, a military retiree who requires specialty care and is under the age of 65 will be considered under category 4 priority instead of the current category 6 for space-available seats aboard Department of Defense aircraft. Section 374 also requires the Department of Defense to submit a report to Congress indicating how it will internally address the issue of improved TRICARE coverage in the territories. I worked with the Department of Defense over the past several years to address the specialty care travel dilemma but no satisfactory resolution ever emerged. The provision that I sponsored that is contained in this bill begins to address the concerns that have been raised by military retirees on Guam regarding their access to space-available seats on Department of Defense aircraft. This provision represents an improvement over the current situation but more work remains to strengthen TRICARE benefits for retirees in the territories. I thank the professional staff of the House Armed Services Committee who worked diligently with me and my staff to include this provision in the final version of the legislation.

The bill also includes language that allows the U.S. Army to remain as the program management executive for the joint cargo aircraft program. The provision requires several reports to be submitted to Congress before appropriated funds can be expended by the U.S. Army or the U.S. Air Force for procurement of additional aircraft. The joint cargo aircraft program is critical to replacing aging C–23 Sherpa aircraft that are operated by the Army National Guard. It is also critical so that certain Air National Guard units do not lose their flying missions. The joint cargo aircraft program provides critical intra-theater lift capabilities delivering supplies to servicemembers in the field. I thank my colleagues, Mr. COURTNEY of Connecticut and Mr. HAYES of North Carolina, for their support and leadership on this matter.

As I stated earlier, this piece of legislation helps to improve the readiness of our forces. In particular for Guam, the bill authorizes just over $290 million for military construction on our island. This funding will provide continued economic opportunities for businesses on Guam and begin to fund improvements to critical infrastructure that is needed before the realignment of military personnel begins. In particular, I requested a project be added to the bill to build a technical training facility at Northwest Field on Andersen Air Force Base. This project is a needed training facility for emerging missions at Andersen Air Force Base. As the 607th Training Flight "Commando Warrior" Unit moves from Osan Air Base, Korea they will need this facility to ensure optimal readiness for missions at Andersen Air Force Base.

Finally, I am encouraged to see portions of the National Guard Empowerment Act included within H.R. 1585. We will finally give the National Guard the recognition and tools that they need to continue operating as a dual-hatted force responding to crises at home and abroad. As a former lieutenant governor, I know first-hand, how brave, valiant and essential the National Guard is to the safety and security of our Nation. Elevating the Chief of the National Guard Bureau to a four-star general helps to give the Guard the priority in decisionmaking that it deserves. The provision making the National Guard Bureau become a joint activity within the Department of Defense is even more important. Now that the National Guard Bureau is a joint activity I hope that the Department of Defense will give very serious consideration to giving State Adjutants General joint credit for their service to the State or territory. The National Guard is truly a joint force and the work of their general officers should be recognized as such.

Mr. Speaker, I strongly urge my colleagues to adopt H.R. 1585.

Mr. BLUMENAUER. Mr. Speaker, for years I have spoken out and voted against wasteful Defense spending that often serves to make us less safe and takes money from more useful programs. I am concerned that there is still too much money in this legislation for unnecessary weapons systems and other outdated holdovers from the cold war and too little to deal with the challenges of today. However, I am pleased that this bill takes some steps in the direction of reform, and I hope that it provides a platform for further progress.

I support this bill because it includes provisions from the "Responsibility to Iraqi Refugees Act," which I introduced in May and which were added in the Senate as an amendment by Senator KENNEDY. This bill will provide 5,000 special immigrant visas for each of the next 5 years to Iraqis at risk because they helped the United States, require the Secretary of State to establish refugee processing in Iraq and other countries in the region, and direct the Secretary of State to designate a special coordinator at the Embassy in Baghdad.

We need a wholesale change in attitude that puts the needs of Iraqis at the forefront of our Iraq policy, rather than using them as pawns in political games. It is ironic, to be generous, to hear President Bush repeatedly talk about the humanitarian crisis and massive out-flows that would follow what he called a "precipitous" withdrawal. This only illustrates the state of denial over the humanitarian crisis currently happening.

This is one area where our moral responsibility to these unfortunate people can be used to bring together those of disparate viewpoints in a cooperative effort that might serve as a template for how we solve greater problems associated with the war. One of the burdens of those who would be world leaders and the responsibility of those who make war is to deal with the consequences of their decisions. Innocent victims of war and civil strife are too often the invisible and forgotten casualties.

Mr. ETHERIDGE. Mr. Speaker, I rise in strong support of this important legislation, and I commend my friend, Chairman IKE SKELTON for his leadership in crafting this bipartisan product.

I support this conference report because it focuses on the readiness crisis of the United States military and puts our men and women in uniform first and foremost. It will provide our soldiers in harm's way with the best gear and force protection possible. As a veteran of the U.S. Army and as the Representative for Fort Bragg, I support this bill that will provide our troops better health care, better pay, and the benefits they have earned.

America has the finest military in the world. Unfortunately, the current Administration's policies in Iraq have depleted our great military and put tremendous strain on our troops. Army readiness has dropped to unprecedented levels, and Army National Guard units have, on average, only 40 percent of the required equipment. And many stateside units are not fully equipped and would not be considered ready if called upon to respond during an emergency such as a hurricane.

This conference report helps restore our nation's military readiness by creating a $1 billion Strategic Readiness Fund to address equipment shortfalls, fully funding the Army's and Marine Corps' equipment reset requirements and authorizing $980 million to provide the National Guard and Reserve critically needed equipment.

This bill protects our troops in harm's way by authorizing $17.6 billion, an increase of $865 million, for additional MRAPs vehicle armor, $4.8 billion for anti-IED road-side bomb efforts, $3.3 billion for up-armored Humvees, $1.5 billion for add-on armor for other vehicles and $1.2 billion for body armor.

The measure supports our troops and their families, by giving the military a pay raise larger than requested by the President, prohibiting fee increases in TRICARE and the TRICARE pharmacy program, and strengthening benefits for the troops and their families, as promised in the GI Bill of Rights for the 21st Century.

It includes the Wounded Warrior Act, which responds to the Walter Reed Army Medical Center scandal by improving the care of injured soldiers returning from Iraq and Afghanistan—addressing many of the issues raised by the Dole-Shalala Commission and implementing several of its recommendations.

It improves accountability and cracks down on waste, fraud and abuse in contracting including requiring new steps to manage and oversee contracts in Iraq and Afghanistan and requiring detailed new regulations for private security contractors, such as Blackwater employees, mandating the appropriate use of force.

The bill also includes new bipartisan reporting requirements under which DOD will regularly brief Congress on the planning taking place to responsibly redeploy U.S. forces from Iraq. It incorporates the National Guard Empowerment Act, which gives the National Guard enhanced authorities to fulfill its expanded role in the Nation's defense, including authorizing a fourth star for the Chief of the National Guard Bureau, requiring at least one deputy of the Northern Command to be a National Guard Officer, and making the National Guard Bureau a joint activity of the DOD. And it requires the Pentagon to include in its quarterly readiness reports the state-by-state capability of the National Guard to achieve its homeland and civil support missions, such as disaster response. The bill increases end strength by authorizing 13,000 additional soldiers for the Army and 9,000 additional Marines in FY 2008.

Significantly, this legislation provides all service members a pay raise of 3.5 percent, which is 0.5 percent more than the President's budget request, and increases monthly hardship duty pay to a maximum of $1,500 (up from $150 per month), and provides special pays and bonuses.

The bill will also upgrade military health care for our troops, veterans and military retirees. It preserves health benefits by prohibiting fee increases in TRICARE and the TRICARE pharmacy services for military personnel and retirees. It prohibits cuts in military medical personnel and fully funds the Defense Health program facility maintenance, particularly at Walter Reed. It extends VA health insurance for service members who served in combat in the Persian Gulf War or future hostilities for five years instead of two years. And the conference report enhances benefits specifically for reservists.

I commend my North Carolina colleague Congressman DAVID PRICE for his work on contractor accountability, and I support the inclusion in this conference report of his legislation to crack down on waste, fraud and abuse in contracting.

Mr. Speaker, there are many more provisions of this important legislation worthy of support, and I urge my colleagues to join me in voting to pass it.

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of this final, bipartisan Defense Authorization agreement for the critical investments it makes in our military readiness, troop protection and wounded warrior care. I am also proud that this conference report cracks down on contractor fraud, provides a 3.5 percent pay increase and improves health care benefits for our military families and restores workplace fairness for the Defense Department's hardworking civilian employees. Finally, consistent with this Congress' commitment to chart a new direction on the war in Iraq, this legislation requires the DOD to regularly brief Congress on its planning to responsibly redeploy our forces out of that misguided conflict.

To help restore our nation's military readiness, this bill creates a $1 billion Strategic Readiness Fund to address equipment shortfalls and provides an additional $980 million to properly equip our National Guard and Reserve.

We authorize $17.6 billion—an increase of $865 million—for the Mine Resistant Ambush Protected (MRAP) vehicles that have been so successful protecting our men and women serving in Iraq and Afghanistan. We commit $4.8 billion for anti-IED efforts. And we allocate a total of $6 billion to up-armor our Humvees, add armor to other combat vehicles and provide body armor for our troops.

Because we must never force those who have been wounded abroad to battle bureaucratic red tape in order to get the care they need when they come home, this legislation includes the Wounded Warrior Act, designed to correct the disgraceful conditions uncovered at the Walter Reed Army Medical Center and ensure seamless, high-quality care that our returning veterans have earned and deserve.

Improving accountability through more regular and vigorous oversight is a consistent and recurring theme of the new Congress. Consistent with that commitment, this bill requires the DoD and Department of State to issue detailed regulations governing the conduct of private security contractors employed by the federal government. Additionally, to enhance our accountability efforts, we strengthen whistleblower protections for those willing to bring waste, fraud and abuse to the public's attention.

I am particularly pleased that this legislation prohibits fee increases in the TRICARE program, and the 3.5 percent pay increase provided to our military families—while larger than the President's request—is really the least we can do. Moreover, I am gratified that the NDAA conferees saw fit to include important contracting out and workplace protections for DoD's civilian employees in this final report. They go to work every day to serve their country, and it is only appropriate that the nation treat them with the dignity and respect they deserve.

Finally, having worked for several years to reconstitute the core functions of the Armed Forces Institute of Pathology, AFIP, in the aftermath of the 2005 Base Realignment and Closure, BRAC, Commission, I am delighted by the establishment of a Joint Pathology Center mandated by this report. Furthermore, I believe the expanded nursing program housed at the Uniformed Services University of the Health Sciences, USUHS, will be a valuable resource to military medicine, and I welcome the program to my district.

Ms. SCHAKOWSKY. Mr. Speaker, I rise in opposition to H.R. 1585, the National Defense Authorization Act. Although this bill includes some very important provisions, like the private security contracting language I fought so hard to include, I am unable to support this legislation because it authorizes $41.8 billion to continue the war in Iraq. It is unfortunate that this funding was part of this bill because otherwise I would have been proud to vote for this legislation. Nevertheless, I am very proud of the provisions to increase oversight and transparency over private security contractors, which Representative PRICE, Senator OBAMA and I worked so hard to include in this bill.

This bill contains important provisions to regulate private security contractors, including nearly all of the provisions from H.R. 897, the Iraq and Afghanistan Contractor Sunshine Act, which I introduced in February to give Congress access to the basic information necessary for us to do our job of providing gravely needed oversight of private contractors. The Defense Authorization Act would give Congress access to information about contractors in Iraq and Afghanistan including a description of each contract, the value of each contract, the total number of personnel employed on contracts and the total number of contractors killed or wounded. I am happy to see these provisions from my legislation included in today's bill.

The series of lethal incidents involving private security contractors in Iraq over the past 2 months have made it crystal clear that we must provide oversight of private contractors. This National Defense Authorization Act would increase oversight by the Department of Defense and the Department of State by mandating that they create clear regulations to govern contractor conduct, investigate any violent incidents like the September 16th Blackwater shooting, and clarify contractors' use of force.

Further, any new contract signed 180 days after the bill is enacted would have to contain a clause saying that contractors must comply with the new regulations and that all contract personnel performing private security contracts understand that they must comply with U.S. laws and the laws of the host country, orders issued by the combatant command, rules on the use of force, and any investigation into violent incidents conducted by DOD. If they do not comply, their contract could be terminated. This will create a powerful tool that the United States could use to ensure that private security contractors follow the law and are held responsible for their actions.

The National Defense Authorization bill also goes a long way toward restoring troop readiness. It includes a badly needed 3.5 percent pay raise for servicemembers and prohibits increases in TRICARE and pharmacy user fees. The bill also includes the Wounded Warrior Act to address the problems experienced by wounded and injured servicemembers that became apparent earlier this year at Walter Reed.

I also support the increase in the number of visas for the brave Iraqis who have worked with the United States and have been targeted for their efforts.

While I cannot vote for the bill because it includes $41.8 billion for the war in Iraq without a withdrawal deadline, I would like to thank Chairman SKELTON for addressing so many of my concerns about bringing accountability to private contracting and to the wars in Iraq and Afghanistan.

Mr. BACA. Mr. Speaker, I rise today in support of H.R. 1585, the Conference Report on Defense Authorization Bill.

As we approach the Holiday Season and we go back to our families, we cannot forget that not everyone is so fortunate.

Our loyal soldiers are serving proudly and not all will be with their loved ones.

I want to speak directly to them and to their families in my District because these are the true faces of the war.

This bill supports our service members by increasing military pay across the board, because the empty stomachs of a family hurt no matter where you are.

This bill protects our soldiers by providing the equipment needed, because today—our soldiers deserve the best there is.

This bill includes the Wounded Warrior Act which reinforces the fact that the tragic conditions at Walter Reed must end.

I ask my colleagues to not ignore the realities of the war and review their priorities—we must give our troops on the frontline what they need and rightfully deserve.

Mr. SKELTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SKELTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

DIRECTING THE CLERK OF THE HOUSE OF REPRESENTATIVES TO CORRECT THE ENROLLMENT OF THE BILL H.R. 1585

Mr. SKELTON. Mr. Speaker, I send to the desk a concurrent resolution (H. Con. Res. 269) and ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 269

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill H.R. 1585, the Clerk of the House of Representatives shall make the following corrections:

(1) In the table in section 2201(a)—

(A) strike "Alaska" in the State column and insert "Alabama"; and

(B) in the item relating to Naval Station, Bremerton, Washington, strike "$119,760,000" in the amount column and insert "$190,960,000".

(2) In section 2204(b)—

(A) in paragraph (2), strike "Hawaii" and insert "Hawaii)";

(B) in paragraph (3), strike "Guam" and insert "Guam)"; and

(C) add at the end the following new paragraph:

"(4) $71,200,000 (the balance of the amount authorized under section 2201(a) for a nuclear aircraft carrier maintenance pier at Naval Station Bremerton, Washington).".

(3) In section 2703—

(A) insert "(a) AUTHORIZATION OF APPROPRIATIONS.—" before "Funds";

(B) in paragraph (4), strike "$2,107,148,000" and insert "$2,241,062,000"; and

(C) add at the end the following new subsection:

"(b) GENERAL REDUCTION.—The amount otherwise authorized to be appropriated by subsection (a) is reduced by $133,914,000.".

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

TERRORISM RISK INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007

Mr. FRANK of Massachusetts. Mr. Speaker, pursuant to House Resolution 862, I call up the bill (H.R. 4299) to extend the Terrorism Insurance Program of the Department of the Treasury, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4299

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Terrorism Risk Insurance Program Reauthorization Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definition of act of terrorism.
Sec. 3. Reauthorization of the program.
Sec. 4. Annual liability cap.
Sec. 5. Enhanced reports to Congress.
Sec. 6. Coverage of group life insurance.
Sec. 7. Large event reset.
Sec. 8. Availability of life insurance without regard to lawful foreign travel.
Sec. 9. Program trigger.
Sec. 10. Applicability.

SEC. 2. DEFINITION OF ACT OF TERRORISM.

Section 102(1)(A)(iv) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended by striking "acting on behalf of any foreign person or foreign interest".

SEC. 3. REAUTHORIZATION OF THE PROGRAM.

(a) TERMINATION DATE.—Section 108(a) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended by striking "2007" and inserting "2014".

(b) ADDITIONAL PROGRAM YEARS.—Section 102(11) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended by adding at the end the following:

"(G) ADDITIONAL PROGRAM YEARS.—Except when used as provided in subparagraphs (B) through (F), the term 'Program Year' means, as the context requires, any of Program Year 1, Program Year 2, Program Year 3, Program Year 4, Program Year 5, or any of calendar years 2008 through 2014.".

(c) CONFORMING AMENDMENTS.—The Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

(1) in section 102(7)(F)—

(A) by inserting "and each Program Year thereafter" before ", the value"; and

(B) by striking "preceding Program Year 5" and inserting "preceding that Program Year";

(2) in section 103(e)(1)(A), by inserting "and each Program Year thereafter" after "Year 5";

(3) in section 103(e)(1)(B)(ii), by inserting before the period at the end "and any Program Year thereafter";

(4) in section 103(e)(2)(A), by striking "of Program Years 2 through 5" and inserting "Program Year thereafter";

(5) in section 103(e)(3), by striking "of Program Years 2 through 5," and inserting "other Program Year"; and

(6) in section 103(e)(6)(E), by inserting "and any Program Year thereafter" after "Year 5".

SEC. 4. ANNUAL LIABILITY CAP.

(a) IN GENERAL.—Section 103(e)(2) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

(1) in subparagraph (A)—

(A) by striking "(until such time as the Congress may act otherwise with respect to such losses)"; and

(B) in clause (ii), by striking "that amount" and inserting "the amount of such losses"; and

(2) in subparagraph (B), by inserting before the period at the end ", except that, notwithstanding paragraph (1) or any other provision of Federal or State law, no insurer may be required to make any payment for insured losses in excess of its deductible under section 102(7) combined with its share of insured losses under paragraph (1)(A) of this subsection".

(b) NOTICE TO CONGRESS.—Section 103(e)(3) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

(1) by adding at the end the following: "The Secretary shall provide an initial notice to Congress not later than 15 days after the date of an act of terrorism, stating whether the Secretary estimates that aggregate insured losses will exceed $100,000,000,000."; and

(2) by striking "and the Congress shall" and all that follows through the end of the paragraph and inserting a period.

(c) REGULATIONS FOR PRO RATA PAYMENTS; REPORT TO CONGRESS.—Section 103(e)(2)(B) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

(1) by striking "For purposes" and inserting the following:

"(i) IN GENERAL.—For purposes"; and

(2) by adding at the end the following:

"(ii) REGULATIONS.—Not later than 240 days after the date of enactment of the Terrorism Risk Insurance Program Reauthorization Act of 2007, the Secretary shall issue final regulations for determining the pro rata share of insured losses under the Program when insured losses exceed $100,000,000,000, in accordance with clause (i).

. "(iii) REPORT TO CONGRESS.—Not later than 120 days after the date of enactment of the Terrorism Risk Insurance Program Reauthorization Act of 2007, the Secretary shall provide a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives describing the process to be used by the Secretary for determining the allocation of pro rata payments for insured losses under the Program when such losses exceed $100,000,000,000.".

(d) DISCLOSURE.—Section 103(b) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following:

"(3) in the case of any policy that is issued after the date of enactment of the Terrorism Risk Insurance Program Reauthorization Act of 2007, the insurer provides clear and conspicuous disclosure to the policyholder of the existence of the $100,000,000,000 cap under subsection (e)(2), at the time of offer, purchase, and renewal of the policy;".

(e) SURCHARGES.—Section 103(e) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

(1) in paragraph (7)—

(A) in subparagraph (C), by inserting "133 percent of' before "any mandatory recoupment"; and

(B) by adding at the end the following:

"(E) TIMING OF MANDATORY RECOUPMENT.—

"(i) IN GENERAL.—If the Secretary is required to collect terrorism loss risk-spreading premiums under subparagraph (C)—

"(I) for any act of terrorism that occurs on or before December 31, 2010, the Secretary shall collect all required premiums by September 30, 2012;

"(II) for any act of terrorism that occurs between January 1 and December 31, 2011, the Secretary shall collect 35 percent of any required premiums by September 30, 2012, and the remainder by September 30, 2017; and

"(III) for any act of terrorism that occurs on or after January 1, 2012, the Secretary shall collect all required premiums by September 30, 2017.

"(ii) REGULATIONS REQUIRED.—Not later than 180 days after the date of enactment of this subparagraph, the Secretary shall issue regulations describing the procedures to be used for collecting the required premiums in the time periods referred to in clause (i).

"(F) NOTICE OF ESTIMATED LOSSES.—Not later than 90 days after the date of an act of terrorism, the Secretary shall publish an estimate of aggregate insured losses, which shall be used as the basis for determining whether mandatory recoupment will be required under this paragraph. Such estimate shall be updated as appropriate, and at least annually."; and

(2) in paragraph (8)—

(A) in subparagraph (C)—

(i) by striking "(including any additional amount included in such premium" and inserting "collected"; and

(ii) by striking "(D))" and inserting "(D)"; and

(B) in subparagraph (D)(ii), by inserting before the period at the end ", in accordance with the timing requirements of paragraph (7)(E)".

SEC. 5. ENHANCED REPORTS TO CONGRESS.

(a) STUDY AND REPORT ON INSURANCE FOR NUCLEAR, BIOLOGICAL, CHEMICAL, AND RADIOLOGICAL TERRORIST EVENTS.—Section 108 of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended by adding at the end the following:

"(f) INSURANCE FOR NUCLEAR, BIOLOGICAL, CHEMICAL, AND RADIOLOGICAL TERRORIST EVENTS.—

"(1) STUDY.—The Comptroller General of the United States shall examine—

"(A) the availability and affordability of insurance coverage for losses caused by terrorist attacks involving nuclear, biological, chemical, or radiological materials;

"(B) the outlook for such coverage in the future; and

"(C) the capacity of private insurers and State workers compensation funds to manage risk associated with nuclear, biological, chemical, and radiological terrorist events.

"(2) REPORT.—Not later than 1 year after the date of enactment of the Terrorism Risk Insurance Program Reauthorization Act of 2007, the Comptroller General shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report containing a detailed statement of the findings under paragraph (1), and recommendations for any legislative, regulatory, administrative, or other actions at the Federal, State, or local levels that the Comptroller General considers appropriate to expand the availability and affordability of insurance for nuclear, biological, chemical, or radiological terrorist events.".

(b) STUDY AND REPORT ON AVAILABILITY AND AFFORDABILITY OF TERRORISM INSURANCE IN SPECIFIC MARKETS.—Section 108 of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended by adding at the end the following:

"(g) AVAILABILITY AND AFFORDABILITY OF TERRORISM INSURANCE IN SPECIFIC MARKETS.—

"(1) STUDY.—The Comptroller General of the United States shall conduct a study to determine whether there are specific markets in the United States where there are unique capacity constraints on the amount of terrorism risk insurance available.

"(2) ELEMENTS OF STUDY.—The study required by paragraph (1) shall contain—

"(A) an analysis of both insurance and reinsurance capacity in specific markets, including pricing and coverage limits in existing policies;

"(B) an assessment of the factors contributing to any capacity constraints that are identified; and

"(C) recommendations for addressing those capacity constraints.

"(3) REPORT.—Not later than 180 days after the date of enactment of the Terrorism Risk Insurance Program Reauthorization Act of 2007, the Comptroller General shall submit a report on the study required by paragraph (1) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.".

(c) ONGOING REPORTS.—Section 108(e) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

(1) in paragraph (1)—

(A) by inserting "ongoing" before "analysis"; and

(B) by striking ", including" and all that follows through the end of the paragraph, and inserting a period; and

(2) in paragraph (2)—

(A) by inserting "and thereafter in 2010 and 2013," after "2006,"; and

(B) by striking "subsection (a)" and inserting "paragraph (1)".

SEC. 6. COVERAGE OF GROUP LIFE INSURANCE.

(a) FINDINGS AND PURPOSE.—Section 101 of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

(1) in subsection (a)—

(A) in paragraph (5), by striking "and" at the end;

(B) by redesignating paragraph (6) as paragraph (8); and

(C) by inserting after paragraph (5) the following new paragraphs:

"(6) group life insurance companies are important financial institutions whose products make life insurance coverage affordable for millions of Americans and often serve as their only life insurance benefit;

"(7) the group life insurance industry, in the event of a severe act of terrorism, is vulnerable to insolvency because high concentrations of covered employees work in the same locations, because primary group life insurers do not exclude terrorism risks while most catastrophic reinsurance does exclude such risks, and because a large-scale loss of life would fall outside of actuarial expectations of death; and"; and

(2) in subsection (b)(1), by inserting "and group life insurance" after "property and casualty insurance".

(b) DEFINITIONS.—Section 102 of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note), as amended by the preceding provisions of this Act, is further amended—

(1) in paragraph (1)(B)(ii), by inserting "and group life insurance" before "losses";

(2) in paragraph (5), in the matter preceding subparagraph (A)—

(A) by inserting ", or group life insurance to the extent of the amount at risk," after "property and casualty insurance";

(B) by inserting a comma after "insurer"; and

(C) by adding after and below subparagraph (B) the following:

"Such term shall not include any losses of an insurer resulting from coverage of any single certificate holder under any group life insurance coverages of the insurer to the extent such losses are not compensated under the Program by reason of section 103(e)(1)(D).";

(3) in paragraph (6)—

(A) in subparagraph (A)(i), by inserting ", or group life insurance," after "excess insurance"; and

(B) in subparagraph (B), by inserting "or, in the case of group life insurance, that receives direct premiums," after "insurance coverage,";

(4) in paragraph (7)—

(A) in subparagraph (F)—

(i) by striking the first comma and inserting "(i) with respect to property and casualty insurance,"; and

(ii) by inserting before the semicolon the following: "(ii) with respect to group life insurance, the value of an insurer's amount at risk for a covered line of insurance over the calendar year immediately preceding such Program Year, multiplied by 0.0351 percent";

(B) in subparagraph (G)—

(i) by inserting "with respect to property and casualty insurance, and such portion of the amounts at risk with respect to group life insurance," after "such portion of the direct earned premiums"; and

(ii) by inserting "and amounts at risk" after "such direct earned premiums";

(5) by redesignating paragraph (16) as paragraph (18); and

(6) by inserting after paragraph (15) the following new paragraphs:

"(16) GROUP LIFE INSURANCE.—The term 'group life insurance' means an insurance contract that provides life insurance coverage, including term life insurance coverage, universal life insurance coverage, variable universal life insurance coverage, and accidental death coverage, or a combination thereof, for a number of individuals under a single contract, on the basis of a group selection of risks, but does not include 'Corporate Owned Life Insurance' or 'Business Owned Life Insurance,' each as defined under the Internal Revenue Code of 1986, or any similar product, or group life reinsurance or retrocessional reinsurance.

"(17) AMOUNT AT RISK.—The term 'amount at risk' means face amount less statutory policy reserves for group life insurance issued by any insurer for insurance against losses occurring at the locations described in subparagraph (A) of paragraph (5).".

(c) MANDATORY AVAILABILITY.—Section 103(c) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended by striking "During each Program Year" and all that follows through "property and casualty insurance" in paragraph (2) and inserting the following:

"(1) AVAILABILITY OF COVERAGE FOR INSURED LOSSES.—During each Program Year, each entity that meets the definition of an insurer under section 102 shall make available, in all of its insurance policies for property and casualty insurance and in all of its insurance policies for group life insurance,".

(d) FEDERAL SHARE OF COMPENSATION.—Section 103(e)(1) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended by adding at the end the following new subparagraph:

"(D) LIMITATION ON COMPENSATION FOR GROUP LIFE INSURANCE.—Notwithstanding any other provision of this Act, the Federal share of compensation under the Program paid by the Secretary for insured losses of an insurer resulting from coverage of any single certificate holder under any group life insurance coverages of the insurer may not during any Program Year exceed $1,000,000.".

(e) SEPARATE RETENTION POOL.—Section 103(e)(6)(E) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended by striking clauses (i) and (ii) and inserting the following new clauses:

"(i) for property and casualty insurance, the lesser of—

"(I) $27,500,000,000; and

"(II) the aggregate amount, for all such insurance, of insured losses during such Program Year; and

"(ii) for group life insurance, the lesser of—

"(I) $5,000,000,000; and

"(II) the aggregate amount, for all such insurance, of insured losses during such Program Year.".

(f) SEPARATE RECOUPMENT.—Section 103(e)(7) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note), as amended by the preceding provisions of this Act, is further amended—

(1) in subparagraph (A)—

(A) in clause (i), by inserting "applicable" before "insurance"; and

(B) in clause (ii), by striking "all insurers" and inserting "all applicable insurers (pursuant to subparagraph (G))";

(2) in subparagraph (B)—

(A) in the heading, by inserting "APPLICABLE" before "INSURANCE"; and

(B) by inserting "applicable" before "insurance"; and

(3) by adding at the end the following new subparagraph:

"(G) SEPARATE RECOUPMENT.—"The Secretary shall provide that—

"(i) any recoupment under this paragraph of amounts paid for Federal financial assistance for insured losses for property and casualty insurance shall be applied to property and casualty insurance policies; and

"(ii) any recoupment under this paragraph of amounts paid for Federal financial assistance for insured losses for group life insurance shall be applied to group life insurance policies.".

(g) POLICY SURCHARGE FOR TERRORISM LOSS RISK-SPREADING PREMIUMS.—Section 103(e)(8) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking "Any" and inserting "Subject to paragraph (7)(G), any";

(B) in clause (i), by inserting "and group life insurance policies" after "policies"; and

(C) by striking clause (iii) and inserting the following new clause:

"(iii) be based on—

"(I) a percentage of the premium amount charged for property and casualty insurance coverage under the policy; and

"(II) a percentage of the amount at risk for group life insurance coverage under the policy."; and

(2) in subparagraph (C)—

(A) by inserting "with respect to property and casualty insurance," after "annual basis,"; and

(B) by inserting before the period at the end the following: "and, with respect to group life insurance, the amount equal to 0.0053 percent of the amount at risk for covered lines under the policy".

SEC. 7. LARGE EVENT RESET.

The Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

(1) in section 102(7)—

(A) in subparagraph (F), by striking "and" at the end;

(B) in subparagraph (G), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(H) notwithstanding subparagraph (F)(i), if aggregate industry insured losses resulting from a certified act of terrorism exceed $1,000,000,000, for any insurer that sustains insured losses resulting from such act of terrorism, the value of such insurer's direct earned premiums over the calendar year immediately preceding the Program Year, multiplied by a percentage, which—

"(i) for the Program Year consisting of calendar year 2008 shall be 5 percent; and

"(ii) for each Program Year thereafter, shall be 50 basis points greater than the percentage applicable to the preceding Program Year, except that if an act of terrorism occurs during any such Program Year that results in aggregate industry insured losses exceeding $1,000,000,000, the percentage for the succeeding Program Year shall be 5 percent and the increase under this clause shall apply to Program Years thereafter;

except that for purposes of determining under this subparagraph whether aggregate industry insured losses exceed $1,000,000,000, the Secretary may combine insured losses resulting from two or more certified acts of terrorism occurring during such Program Year in the same geographic area (with such area determined by the Secretary), in which case such insurer shall be permitted to combine insured losses resulting from such acts of terrorism for purposes of satisfying its insurer deductible under this subparagraph; and except that the insurer deductible under this subparagraph shall apply only with respect to compensation of insured losses resulting from such certified act, or combined certified acts, and that for purposes of compensation of any other insured losses occurring in the same Program Year, the insurer deductible determined under subparagraph (F)(i) shall apply."; and

(2) in section 103(e)(1)(B)—

(A) in clause (ii), by striking the period at the end and inserting a semicolon; and

(B) by adding after and below clause (ii) the following:

"except that if a certified act of terrorism occurs for which resulting aggregate industry insured losses exceed $1,000,000,000, the applicable amount for any subsequent certified act of terrorism shall be the amount specified in section 102(1)(B)(ii).".

SEC. 8. AVAILABILITY OF LIFE INSURANCE WITHOUT REGARD TO LAWFUL FOREIGN TRAVEL.

Section 103(c) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new paragraph:

"(2) AVAILABILITY OF LIFE INSURANCE WITHOUT REGARD TO LAWFUL FOREIGN TRAVEL.—During each Program Year, each entity that meets the definition of an insurer under section 102 and any other entity that issues insurance contracts that provide life insurance coverage shall make available, in all of its life insurance policies issued after the date of the enactment of the Terrorism Risk Insurance Program Reauthorization Act of 2007 under which the insured person is a citizen of the United States or an alien lawfully admitted for permanent residence in the United States, coverage that neither considers past, nor precludes future, lawful foreign travel by the person insured, and shall not decline such coverage based on past or future, lawful foreign travel by the person insured or charge a premium for such coverage that is excessive and not based on a good faith actuarial analysis, except that an insurer may decline or, upon inception or renewal of a policy, limit the amount of coverage provided under any life insurance policy based on plans to engage in future lawful foreign travel to occur within 12 months of such inception or renewal of the policy but only if, at time of application—

"(A) such declination is based on, or such limitation applies only with respect to, travel to a foreign destination—

"(i) for which the Director of the Centers for Disease Control and Prevention of the Department of Health and Human Services has issued a highest level alert or warning, including a recommendation against non-essential travel, due to a serious health-related condition;

"(ii) in which there is an ongoing military conflict involving the armed forces of a sovereign nation other than the foreign destination to which the insured person is traveling; or

"(iii)(I) that the insurer has specifically designated in the terms of the life insurance policy at the inception of the policy or at renewal, as applicable; and

"(II) with respect to which the insurer has made a good-faith determination that—

"(aa) a serious fraudulent situation exists which is ongoing; and

"(bb) the credibility of information by which the insurer can verify the death of the insured person is substantially compromised; and

"(B) in the case of any limitation of coverage, such limitation is specifically stated in the terms of the life insurance policy at the inception of the policy or at renewal, as applicable.".

SEC. 9. PROGRAM TRIGGER.

Section 103(e)(1)(B)(ii) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended by striking "$100,000,000" and inserting "$50,000,000".

SEC. 10. APPLICABILITY.

The amendments made by this Act shall apply beginning on January 1, 2008. The provisions of the Terrorism Risk Insurance Act of 2002, as in effect on the day before the date of the enactment of this Act, shall apply through the end of December 31, 2007.

The SPEAKER pro tempore (Mr. ISRAEL). Pursuant to House Resolution 862, the gentleman from Massachusetts (Mr. FRANK) and the gentleman from Alabama (Mr. BACHUS) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and insert extraneous material on the pending legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FRANK of Massachusetts. I yield myself such time as I may consume.

Mr. Speaker, the House passed a version of the terrorism risk insurance program by a large vote, 300-something to 100-something, earlier this year. It happened after a very open process at the subcommittee and committee level. We had a very good set of meetings. There were concerns raised. I think there was general agreement that terrorism insurance had to go forward, but there were some very legitimate debates about how to do it. Not all of them, obviously, have been resolved.

□ 1500

We had, unusual for our committee and I think maybe for other committees, a full markup in subcommittee followed by a full markup in committee. The bill that emerged was much closer to a consensus product, although obviously not unanimous. There were amendments offered by both sides. There were bipartisan compromises worked out. We came to the floor. It wasn't as open a process as I would have hoped, but it still represented, we thought, a fairly good piece of legislation, and, of course, it got well over 70 percent of the House Members voting for it. Then it went to the Senate and nothing happened for a very long time, and I regret that. We had hoped that we could continue this process and in fact have a conference. The Senate did not act.

Finally, the Senate acted and sent us a bill which was an extension of the current program, better in my view than the current program, not as comprehensive as the bill we passed. And we were told by the Senate, as we have been from time to time this year: This is all we can do. Take it or leave it. That seemed to me to be a problem and, now, not so much for substance as for institutional concerns. Members have asked, well, in the end we may just have to accept what the Senate sent us. That is possible, and we have preserved the option to do that.

Let me be very clear, Mr. Speaker. We are here dealing with a new bill that we introduced. The Senate bill still sits at the desk. It will be available if the Senate continues to refuse to act in any kind of a bicameral manner. But I am not ready to give up yet, Mr. Speaker, on some important issues, the most important of which is the institutional one. It is simply not in the spirit of the United States Constitution for one of the Houses to say, this is it, take it or leave it, especially when you contrast the way in which the two Houses acted. We had subcommittee and committee markup and debate on the floor. The Senate had one of their not very open processes. The bill emerged from some quiet conversations among the senior members of both parties and went to the floor, no amendments, no votes, here it is. As I said, I regret that. We may not be able to prevent it from happening in this instance. I do think it is important for us to send the message that we do not want to see this sort of procedure repeated.

So what we did was to in effect have a virtual conference. We looked at the Senate bill, we looked at our bill, and we came up with what I think might well have resulted had there been a conference. The bill we passed had a 15-year extension. The reason for a long extension is that we are talking here about building projects. We are talking about the need for terrorism risk insurance if we are to get large commercial buildings, or residential, but especially commercial buildings built in our big cities. You can't get those buildings obviously without bank loans and you can't get the bank loans without insurance. That is why the Chamber of Commerce scores this as an important bill, why the real estate industry, the cities, a whole range of business and urban interests tell us this is important. And you need to have some assurance of a timeframe in which to build. We thought 15 years. The Senate said 7 years. We didn't here come with a split-the-difference. We have accepted the Senate's 7 years. We were told at the last minute that there was a PAYGO problem in a calculation by the Congressional Budget Office that I still do not understand, but we have no option but to abide by it. We came up with a PAYGO solution which was not a very good one. The Senate came up with, and I give them credit here, a much better PAYGO solution. They had more time to work on it, but they did it well. We have accepted the Senate PAYGO solution. So we accept that term of years, we accept that PAYGO solution.

We had also broadened this from simply being in case a building was destroyed to include group life insurance and protection against what sadly we cannot rule out, nuclear, biological, chemical, or radiological attacks. The Senate rejected both of those. We split the difference. We accepted their rejection of nuclear, biological, chemical and radiological attacks. We did feel that group life insurance should be in. I should say that including the group life provision is something that was called to our attention on a bipartisan basis from Members from Florida which says that you should not have your life insurance cancelled if you go to Israel. That is basically what we are talking about, or maybe some other areas where the insurance companies think there is a problem when there isn't one. And we checked, and the number of payoffs they have had to make of people who died going to Israel or other countries on their list is negligible, zero, from what we could tell. So we included a provision in our bill that was overwhelmingly supported by both sides, to say that there were rules; not that you couldn't deny someone life insurance if they were going to a hazardous area, but that you had to have a rational process by which you defined that.

We put group life back in. Members will remember that after the 2001 mass murders of so many innocent Americans by vicious thugs, we adopted a very expensive program to compensate people. A better way to do that would be to have this group life insurance as part of the terrorism risk insurance.

And at the request of smaller insurance companies, we lowered the trigger from $100 million to $50 million per incident, because small insurance companies said to us: We would like to be able to insure some of these buildings. Our colleagues from some of the smaller States brought this to our attention. But if it is $100 million that you have to absorb before this kicks in, we can't do it; we can do it at $50 million.

So we accept the Senate version on 7 years versus our 15. We accept their version of PAYGO. We accept their rejection of nuclear, biological, chemical, and radiological weapons. We do ask that group life insurance be kept in with the travel provision I mentioned, and that the trigger go from $100 million to $50 million.

Finally, there is the reset provision, which says that if you have once been attacked and you have to deal with it, should that same area be attacked again, the clock starts again. That is, you would not be in a position where, having been attacked once by these vicious murderers, you would be unable to get full insurance if they did it a second time.

Those are the differences. As I said, we have no guarantee that the Senate will do this or pay even serious attention. We have retained a vehicle in case they don't. But I don't want, and I said this earlier, we are not debating preemptive strikes here. We are debating preemptive surrender. I don't want to have a situation where the United States Senate passes legislation, sends it to us and says, You may not even think about changing things.

We are prepared to compromise. But I think inclusion of group life and that travel protection is important. We think that the smaller insurance companies had a legitimate concern. We think the reset provision is legitimate.

We are asking the Senate again to consider them. We can't compel that. But I think it would be a mistake for us to set the precedent that, when they confront us with these ultimata, that we simply cave in.

Let me repeat, because I got it right now. I was quoting before the lyric from "MacArthur Park." What the Senate tells us is, Look, we were able to do this, but we can't do it again. You just have to accept it as it is. And the theme song apparently is, if people will remember; I will say it because I sing something awful.

"Someone left the cake out in the rain.
I don't think that I can take it
'Cause it took so long to bake it
And I'll never have the recipe again."

If someone in the Senate tells us, we left the bill out in the rain, or at least they are telling us that if we were to try to get them to change it, it would be leaving the bill out in the rain, and they couldn't remake it because they don't have the recipe.

Mr. Speaker, I think it's time to send the Senate back to their recipe books and ask them to keep track. I understand in the end we may not be able to change things, but I do not want this House simply at this point to say, Okay, you gave us an ultimatum, we accept it.

I would hope, and we are going to be here obviously next week, that the small life insurance companies, people interested in the ability to travel to Israel and others would then at least go to Senators and say, Can't we at least even have a vote on this? Can't you even consider this?

And that is why I ask that today we send this bill back over. We retain a vehicle if the Senate remains impervious, but I think it's worth a try.

I reserve the balance of my time.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

Members of the body, first let me address the practicalities of where we are. I am going to talk about the policies in a few minutes after others have had an opportunity to speak, but let's just talk about where we are.

The chairman has talked about the Senate this, the House this. But the truth is that the present legislation expires December 31. That is in 19 days. Businesses across the country are trying to arrange their insurance coverages for next year, and they have no certainty as to whether or how much there will be a Federal safety net in place. Nineteen days.

Even if Congress were to act today, there is hardly time enough for insurance companies to develop new policy forms, to obtain approval from 50 State regulators, to get them in the marketplace for review by the brokers, and to finish negotiating coverage with their policyholders. There is just not time.

Now, it can be the Senate problem. The House passed a bill earlier this year. That is all true, but that doesn't change the facts. Nineteen days. Nineteen days. Each additional day that we fail to get a bill on the President's desk means less ability in the marketplace to adjust and to respond to the new mandates in this program, or the Senate program, particularly the mandates on domestic terrorism. Policies are going to have to be rewritten. And both the House and the Senate bill does that, so it doesn't really matter which bill ultimately passes.

Mr. Speaker, I share Chairman FRANK's frustration with the Senate. He described this ping pong, back and forth. A House-Senate conference would have been nice to work out our differences, although in a minute I will say why I personally believe the Senate bill is more in keeping with our original intention. The chairman of the full committee and I were two of the authors of the original legislation. And it says in that legislation it was intended as a very temporary Federal backstop until the private market could fill in, and I will talk about that and why I support the Senate bill later.

But as a practical matter, whether I supported the Senate or the House bill, there is only one bill that is going to pass. I think the chairman knows that, I know that, Members of this body know that. That's the Senate bill.

The administration has indicated they are going to veto anything but the Senate bill. If we pass this bill, they will veto it. The Senate has agreed unanimously to their bill. They came together unanimously. I regret we weren't able to do that. But it was, at that time, a 15-year permanent bill. So we didn't come together. But we have got to put this behind us and adopt legislation that has a realistic possibility of becoming law, and to do it right now. We need to do that on the alternate minimum tax. It is staring us in the face.

I don't think the American people, the taxpayers, I don't think the accounting industry care whether or not the Senate did this to the House or the House did this to the Senate. On terrorist insurance, I don't think the insurance companies, the developers, the policyholders, I am not sure they care about all the internal fights between this body and that body. They are caught in the middle, and you do have a bill available. It's a Senate bill that will go to the President to be signed and take away this uncertainty.

The Senate has made it clear that they are not going to pass the legislation that the chairman is offering. It is not me; that is the Senate. The White House has issued a Statement of Administrative Policy indicating that if presented with the bill we are going to vote on today, the President will veto it. That's with less. The Senate is not going to take it up, so it won't ever get to the President. So that is just theoretical because the Senate said they are not going to pass it. And we have got 3 weeks left before the program expires.

Now, some of our Members think that the private market, that the TRIA 5 years after 9/11, a 3-year bill and a 2-year extension, that TRIA has served its purpose. And in a few minutes I am going to talk about the Treasury and that they believe that it has fulfilled its purpose and from now on it just retards the private market.

But we can vote this bill down, we can bring up the Senate bill, and we can put a bipartisan TRIA extension on the President's desk. We can do it this week. The time for further deliberation or argument has passed. Time has run out on us.

With all due respect to the chairman of the House Financial Services Committee, I recommend we vote down this legislation, we bring up the Senate legislation, we do it in a motion to recommit, we do it in a unanimous consent, we do it in a suspension. We move it, we pass it over to the Senate, and we end the uncertainty.

If it is such a vital program that many Members think it is, why don't we need it in place? Why would we wait until a week or two or even after it expires to reauthorize it?

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, first of all, there is no chance of waiting until after it expires. I don't know why the gentleman would have said that. He knows there is zero chance of that.

Now, I agree it has waited too long. But I would have been more impressed with the urgency if I had had people joining us in trying to get the Senate to act. We passed the bill months ago. We would have liked to have seen an act. But I didn't hear all this passion trying to force the Senate to act, and it was partly the minority in the Senate that was blocking it, that is, block the ability to have a conference.

□ 1515

Here is the point. I think telling the life insurance companies that they should not be restricting people's ability to travel unfairly is important. We think group life is important. We think that not allowing your community to be disadvantaged if it has been attacked once is important. And we may not be able to accomplish them this year, but we think it is important not simply to cave in and say those aren't even worth fighting for.

We are going to send a message, I hope, by voting for those principles because we pass the bill this year, and we may have to accept a minimal position, but we will be back here in a month or two and we hope to renew some of these things.

So I just reject the notion that the Senate can achieve this by waiting and waiting and waiting and then saying, Oh, well, there isn't enough time. There is not enough time because they held it up. No one can seriously argue that having seen this delay of many months, and again I didn't hear all this passion trying to make the Senate act for all of those months, nobody can argue that another day or two is going to make a difference. And that's what we're talking about.

So I reiterate, there is no chance of this expiring. Everybody knows that. We have preserved our ability at any point simply to accept this bill. The question is do we give up now or do we send them the message that the ability to travel to Israel, the concern for the small insurance companies being able to insure commercial properties and the concern for group life and not just property, that those are important issues.

We can take that vote today and send that message. And if we have to, we will accommodate reality. But we will have sent that message, and it gives us a basis upon which to act next year.

I yield now 6 minutes to the gentleman from New York (Mr. ACKERMAN).

Mr. ACKERMAN. Mr. Speaker, it has been almost a year since the Committee on Financial Services began the process of reauthorizing the terrorism risk insurance program. It has been 9 months since our committee held a field hearing in New York at which we heard experts, insurers, developers and reinsurers testify about the private market for terrorism insurance which has not grown enough since 9/11 to sufficiently meet the demand in many of our Nation's so-called high-risk areas.

It has been over 4 months since we held a subcommittee and a full committee markup and almost 3 months since the House overwhelmingly approved H.R. 2761, a strong reauthorization that would have extended TRIA for 15 years, provided group life insurance as well as nuclear, chemical, biological and radiological coverage, and significantly lowered the program's trigger level.

Most importantly of all, and after constructive negotiations and compromise with the minority, the House bill included a reset mechanism to address increased capacity shortages following major terrorist attacks such as those that may occur anywhere in our country.

And yet despite a proactive bipartisan effort in the House spearheaded by Chairman FRANK and Ranking Member BACHUS, we find ourselves in the 11th hour with TRIA set to expire at the end of the month, and we are faced with a weak Senate bill that was deliberately sent to us only after we had recessed for Thanksgiving, effectively stalling the negotiation process between the two Chambers.

The Senate bill, a 7-year reauthorization that only amends the TRIA program by eliminating the distinction between foreign and domestic acts of terrorism simply does not provide developers, insurers, and reinsurers with enough of the stability they need in our free-market economy to plan, finance, insure and build our Nation's major development projects.

Mr. Speaker, for TRIA to be truly effective in addressing the shortages in the terrorism insurance market, we must recognize that the market is dynamic. The terrorism insurance market behaves much differently in the wake of a terrorist attack than it does before an attack. The reset contained in this compromise bill is identical to the reset provision that was included in the House-passed TRIA extension in September, on which I and Mr. BAKER of the minority came to a mutually acceptable agreement. Under those terms, which are in this compromise bill, in the event of a terrorist attack with losses of a billion dollars or greater, the deductibles for any insurance company that pays out losses due to the event immediately lower to 5 percent while the nationwide trigger for any insurer for future events drops to $5 million.

Mr. BAKER and I also reached agreement on my proposal to enable the Secretary of the Treasury to aggregate the total losses of two or more attacks that occur in the same geographic area in the same year so if the total insured losses of those events are over a billion dollars, the reset mechanism would be triggered. The inclusion of this language is absolutely vital to every high-risk area across the country, and many of us consider this to be the most essential, must-be-included aspect of the legislation.

My colleagues may recall that the TRIA extension passed by the House in September was subject to PAYGO concerns because the CBO had assessed its cost at roughly $10 billion over 10 years. With this CBO score, some of our friends on the other side of the aisle argued that even though no funds would have been appropriated unless the country was attacked, our bill would have been too much of a burden on the American taxpayer. Not knowing who else to bill for an attack on America, I disagreed with that view and with the CBO scoring; but I, too, am committed to a fiscally responsible bill.

I am pleased to say that my fiscally conservative friends on both sides of the aisle can now vote for this bill without any hesitation thanks to the inclusion of language from the Senate bill, and more significantly, because the reset language, this compromise legislation has been assessed to a positive CBO score of $200 million. Let me say that again. This compromise bill that we are debating today will result in a net gain of $200 million. Legislation that protects developers and the insurance industry from terrorist attacks and provides taxpayers with a return on their dime is something that I believe we should all support.

Mr. Speaker, the next terrorist attack against the United States, like the one on 9/11, is going to damage more than just buildings. We must acknowledge that the structural losses associated with a terrorist incident will be accompanied by the loss of human life. The legislation before the House today recognizes this fact and includes group life insurance coverage because this Congress is concerned not only with the value of buildings but the people inside of them as well.

Our bill lowers the program trigger in the Senate bill from $100 million to $50 million. Our lower trigger would prevent smaller insurance companies from being priced out of the terrorism insurance market. And, with a greater supply of insurance, we can expect a higher degree of stability for large-scale developers all over America.

Mr. Speaker, in the absence of a formal conference which most of us in this body would have preferred, we have taken it upon ourselves to consider this legislation in which we have compromised with the Senate on many of their issues but hold firm on those provisions that we believe must be included in TRIA: the reset mechanism, group life coverage, and lower triggers.

I urge all of our colleagues to support this important compromise legislation and, as the clock strikes 11:59, to place the burden of responsibility back on the broad shoulders of the United States Senate.

Mr. BACHUS. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, I thank the gentleman for yielding.

I am reminded of a quote from late President Reagan, and perhaps I can paraphrase: The closest thing to eternal life on Earth is a Federal program.

Indeed, we have had speaker after speaker come before in this debate to tell us how TRIA was going to be a temporary program. And I see the able gentlelady from New York, the chairwoman of our Financial Institutions Subcommittee. I wasn't here in this body when TRIA was originally passed, but I took the time to review the record of the debate. At that time she said, "We are simply working to keep our economy on track with a short-term program that addresses the new terrorist threat."

The gentleman from Pennsylvania, the chairman of our Capital Markets Subcommittee said, "We wisely design the TRIA Act as a temporary backstop to get our Nation through a period of economic uncertainty until the private sector can develop models."

And if you look at the RECORD, Mr. Speaker, of those who proposed TRIA in the first place, all said it would be a temporary program. Perhaps temporary is in the eye of the beholder. What started out as a 3-year program has since become a 5-year program. The House attempted to extend it 15 years. I think we are now looking at a 7-year extension. I believe for all intents and purposes, we are looking at giving birth de facto to a new Federal permanent insurance program to go along with the scores of others, few of which are financially sound.

So again, what was meant to be temporary, and I hope had I been in this body at that time I would have voted for it. I was here for the vote on the first extension, and I supported that extension. I believe there was, indeed, a great calamity in this marketplace. I believe that people in the marketplace needed time to react, to plan, to model. But again, is this something that is going to go on in perpetuity?

The question again is begged, and that is, Who can do a better job in the reinsurance market, the Federal Government or private industry? I have no doubt that private industry would love to have the subsidies that are represented by TRIA. Any time the government is going to hand out something free or at a subsidized rate versus the market rate, who wouldn't accept it? Such a deal. I certainly understand that they might be favoring this.

Now, I haven't heard in this debate, but in previous iterations of the debate I have heard many come and talk about the great tragedy of 9/11, and I want to let it be known again, we are talking about terrorism reinsurance. It does nothing to prevent terrorism in the first place. We are talking about coming in after the fact and providing this Federal backstop, which many of us don't believe is any longer necessary, putting the taxpayer on the hook at a time when markets could develop.

I would take the argument more serious if more people on the other side of the aisle would vote to strengthen, for example, the FISA legislation. Unfortunately, many of them are voting to make it even more difficult for our Federal Government to listen in on the conversations of known terrorists. Most of the Democrats, most of my colleagues on the other side of the aisle, Mr. Speaker, in May voted against the Hoekstra amendment to the Intelligence Authorization Act which would have eliminated that section of the bill requiring the Director of National Intelligence to use resources, and I paraphrase him, to study bugs and bunnies instead of suspected terrorists. They have supported expanding the legal rights of terrorist detainees, holding up passage of the 9/11 Commission Recommendation Implementation bill to give union bargaining advantages to TSA screeners, and the list goes on and on.

So if we want to talk about terrorism, let's talk about what we can do to prevent it in the first place as opposed to what we can do to subsidize large insurance companies after the fact.

Another point I would like to make, and everybody is certainly entitled to their own opinion, and I have looked very carefully at the President's working group position on this, and they have observed what I have observed, and that is the availability and affordability of terrorism risk insurance has improved since the initial terrorist attacks. And despite increases in risk retentions under TRIA, insurers have allocated additional capacity to terrorism risk. Prices have declined. Take-up rates have increased.

I simply don't buy into the argument, Mr. Speaker, that we have a market failure here that somehow, some way the market can't create this particular insurance product.

□ 1530

I mean, how are we ever going to know, once again, if we're going to hand out something free or at a subsidized rate, as opposed to people having to buy it at the market rate?

And let me quote from the President's working group: "The presence of subsidized Federal reinsurance through TRIA appears to negatively affect the emergence of private reinsurance capacity because it dilutes demand for private sector reinsurance."

Now, some have said, well, again, that terrorism is a very unique risk. Well, of course it is. But our reinsurance industry has faced these challenges in the past. At one point they had to figure out how to model for the risk of loss of electronic data. At one time in our history they had to figure out how to model for airline crashes.

Many say that we will never have major construction in the United States unless we have a government, Federal reinsurance backstop for acts of terrorism. I simply don't observe that in real life.

And how, Mr. Speaker, during the Cold War, when thousands of nuclear weapons were poised, aimed at our Nation, how did construction take place during that time in our history? Yet there are those who will maintain that somehow it cannot take place today.

Again, I'm not saying that reinsurance is not an important aspect of our market. It is. But I disagree with those on the other side of the aisle who say that even after 5 years that the market is simply incapable of creating a product that those who wish it can pay for at an affordable rate.

Another point I would make is that even if this were a valuable program to the Nation, what are we going to do to pay for it, and what are the long-term implications?

Again, as I mentioned earlier, Uncle Sam does not have a particularly stellar track record when it comes to running insurance programs.

Social Security, according to the latest report of the trustees of the Social Security and Medicare trust funds, owes $6.8 trillion, trillion with a T, more in benefits than it's receiving in taxes, and has a long-term deficit of almost $9 trillion, not a particularly good track record there.

The Pension Benefit Guaranty Corporation is currently running a deficit of $18.1 billion, with an additional off-balance sheet liability of $73.3 billion.

The National Flood Insurance Program has a shortfall of $1.3 billion a year over the long term and, according to the Congressional Budget Office, its current financial situation is unsustainable.

Medicaid, $317 billion a year. The National Governors Association says, "The growth of a program that is unsustainable in its current form."

The Federal crop insurance program requires Federal subsidies. The list goes on and on and on and on. As history is my guide, Mr. Speaker, forgive me if I don't share the enthusiasm and optimism of those on the other side of the aisle who say that somehow this is not going to prove painful for future taxpaying generations. I believe it will be.

I believe the private market can handle this. I think they will handle this if we give them the opportunity. I do not think the private insurance companies need this huge subsidy.

And when, Mr. Speaker, are we finally going to do something about the long-term financial implications of entitlement spending in these insurance programs?

Now, something's got to give. The Comptroller General has said that we're on the verge of being the first generation in America's history to leave the next generation with a lower standard of living because of out-of-control spending. Instead, we add burden on top of burden on top of burden.

Because of all those reasons, Mr. Speaker, I oppose this legislation, I oppose this report and would urge the House to oppose it as well.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY), a representative from the city who is Chair of the Financial Institution Subcommittee and has been very active on this issue.

Mrs. MALONEY of New York. I thank the gentleman for his extraordinary leadership and for yielding.

I would like to respond to some of the comments of my good friend on the other side of the aisle and to remind my colleagues that New York, and he mentioned it several times in his statement, was attacked not as a city, and our State was not attacked as a State. This was a national attack against our country, at our Pentagon, a symbol of our military strength, and New York, one of the symbols of our economic strength. And after that attack, this body was united and determined, and I thank all of my colleagues for your aid and support.

But the most important act by this body to get New York moving again and our other economic centers was voting for TRIA, the anti-terrorism risk insurance plan.

My good friend stated that construction can go forward without it. After 9/11 you could not even build a hot dog stand. Nothing moved until we got the anti-terrorism risk insurance in place.

I am told by the businesses in New York and other large cities in our country that they cannot get insurance now. They get insurance up to the date that TRIA expires, and they are not given insurance unless there is agreement or a condition that TRIA will continue.

He argued that TRIA was not homeland security. I will say very strongly that part of our homeland security is our economic security, and a very important part of our economic security is having a Federal support system for terrorism risk insurance.

The TRIA bill was a top priority of the Financial Services Committee. It was one of the first bills reported out, and I thank Chairman FRANK for his continued support for a long-term TRIA, including a reset provision to increase the availability of terrorism insurance for areas that have been targets of terror acts like my city of New York.

The reset language in this bill, though, treats equally everyone across this country. We are including in this bill absolutely everything that was in the Senate-passed bill. The only change is we come from the 15 years down to the 7 years of the Senate. But the other key provisions that were dropped, we are putting back in, such as the lower trigger level so that more insurers can be part of this program. This is very important. Group life insurance. Life insurance for fairness for travelers, and the very important reset mechanism for the anti-terrorism risk insurance.

We need this bill and we need it promptly to avoid interruptions in coverage and the disruptions that that will cause in our economy.

I would say that TRIA has created jobs and helped America's economy grow despite the continuing terrorist threat. I thank the chairman and this body on both sides for supporting it.

I appreciate the opportunity to speak in support of this bill.

I would like to thank Chairman FRANK for his continued strong support for a long term renewal of TRIA including the reset provisions to increase the availability of terrorism insurance for areas that have been targets of terror attacks like my city of New York.

I appreciate the chairman's insistence on having the House debate and vote on a bill that includes four key provisions from the original House-passed bill.

Most important of these, in my view, is the reset provision. To encourage companies to write insurance in an area that has been a target of terrorism, after a significant terrorist attack, that is, an attack causing over $1 billion in damages, the bill would lower both the deductible and the trigger for terrorism insurance policies in the targeted area, to rebuild market capacity and then gradually increase private sector obligations over time.

This reset mechanism applies equally for everyone across the country. For example, the lower deductible would apply to all the insurers that were affected by the significant terrorist attack, regardless of where the attack occurred.

Also, the bill lowers the "trigger" level—the size of an attack at which the Federal Government would provide aid to insurers—back to the $50 million in the original House bill. The TRIA extension enacted in 2005 set the limit at $50 million in 2006 and $100 million in 2007. The Senate bill provides a trigger of $100 million. A lower trigger will allow more insurers to participate in the program and thereby increase the availability of terrorism insurance, and will also address a serious concern of the small insurers who fear they will be driven out of business by terrorist attacks that cause less than $100 million in insured losses that would not trigger the protection provided by TRIA.

The bill includes the provision from the House bill putting group life insurance in TRIA. TRIA should cover not only buildings but also the people who work in them. Group life carriers face insolvency if a terrorist event affects a large group of people. It is important to the economic security of America's workers and their families that group life carriers remain solvent and capable of paying claims after a terrorist attack.

Finally, like the original House bill, the bill prohibits life insurance companies from denying or reducing coverage to an individual based on their foreign travel.

It is critical that these provisions be included in the bill we send back to the Senate. We need to send a strong message that these provision are important, and that this body will not be cowed by the White House's foolish threat to veto this legislation.

I could not more strongly disagree with the White House when they insist the program should be short term and temporary. That will exacerbate market disarray and harm our economy—exactly what the terrorists want.

The administration's continued opposition to this bill is another example of the stubborn wrongheadedness for which this White House has become renowned.

On a bipartisan basis, business leaders, law enforcement, and the American people strongly support a long term TRIA bill that protects our economy and our security.

Recognizing the significant benefits that TRIA has for our entire economy, the US Chamber of Commerce said, and I quote:

> The Terrorism Risk Insurance Act has promoted long-term availability of terrorism risk insurance for catastrophic terror events and has provided a standard of stability for financial markets and recovery after such an attack. [TRIA] has created jobs and helped America's economy grow despite the continuing terrorist threats against the United States. . . . It is essential that Congress not allow this vital law to expire.

There are few issues so important to our Nation's economy as a stable long term federal support system for terrorism risk insurance.

We need a new TRIA bill and we need it promptly, to avoid interruptions in coverage and the disruptions that will cause.

We all fervently hope there will be no more terrorist attacks on our soil. But we must recognize that insuring against that dreadful contingency is a fundamental part of making our country safer. It is a part of homeland security that we cannot afford to ignore. I urge my colleagues to support this bill.

Mr. BACHUS. Mr. Speaker, I yield to myself such time as I may consume.

Mr. Speaker, the Terrorism Risk Insurance Act, TRIA, provides a free Federal backstop to private insurers to protect them against acts of terrorism in the United States so they can have insurance. It was enacted, as all of us recall, right after 9/11 for 3 years as a very temporary measure. It was intended to give the insurance industry developers a 3-year period of transition to a private market, allow them to stabilize, to price terrorism insurance, and the third goal was to rebuild capacity.

Now, in 2005, Republicans agreed. We came together bipartisanly and extended it for 2 years. However, that same year, the Treasury did a study on TRIA, and here's what they said. They said, by 2005, 2 years ago, the program had achieved all its purposes. The insurance market had stabilized. They were pricing terrorism insurance, and they were rebuilding capacity.

I will submit for the RECORD the Treasury Department study that they found had achieved all its goals. Now, let me read from the Treasury study of 2 years ago: "The availability and affordability of terrorism risk insurance has improved since the terrorist attacks of September 11. Despite increases in risk retentions under TRIA, insurers have allocated additional capacity to terrorism risk, prices have declined, and take-up (purchase) rates have increased." But we extended it.

And then we passed the legislation that the chairman has talked about today, and it went over to the Senate. And the Senate, unanimously, passed a TRIA bill. One hundred Republicans and Democrats came together and passed that legislation, and the President said he would sign it.

Now, there are things about this bill that some of my colleagues on this side support. The gentlelady from Florida has a provision that I think would be beneficial. But it deals with group life. I'm sure she's going to talk about that provision in a minute.

But let me say this. The Senate has said they're not going to include group life. So why put a provision in about group life when the Senate has already said they're not going to include group life?

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. BACHUS. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. The gentleman said why put the provision in if the Senate said it's not going to talk about group life? Because I don't think that we should have a de facto amendment to the House rules that puts the Senate in charge of what we can discuss.

Mr. BACHUS. Well, as I said a few minutes ago to the chairman, with all respect to the chairman, we have 19 days. We've talked about the importance, particularly on that side of the aisle, and many Members on our side, the importance, if we are going to have a bill, let's have a bill. If the program is important, let's have the program. Let's not let it expire.

If terrorist risk insurance will shut down New York, if in the absence of this bill you can't build a hotdog stand in New York, why would we let a bill expire that will, quote, shut down the economy of New York? We have an alternative. The alternative is to pass a bill that passed unanimously in the Senate.

EXECUTIVE SUMMARY

The Terrorism Risk Insurance Extension Act of 2005 requires the President's Working Group on Financial Markets (PWG) to perform an analysis regarding the long-term availability and affordability of insurance for terrorism risk, including group life coverage; and coverage for chemical, nuclear, biological, and radiological events; and to submit a report of its findings to Congress by September 30, 2006.

In conducting this analysis, the PWG was assisted by staff of the member agencies who reviewed academic and industry studies on terrorism risk insurance, and sought additional information and consultation through a Request for Comment published in the Federal Register. Staff also met with insurance regulators, policyholder groups, insurers, reinsurers, modelers, and other governmental agencies to gather further information.

The key findings of the PWG's analysis are set forth below. The findings are presented under three main areas: the general availability and affordability of terrorism risk insurance; coverage for group life insurance; and coverage for chemical, nuclear, biological, and radiological events. Further detail on each finding is provided in the body of the report.

KEY FINDINGS

Long-Term Overall Availability and Affordability of Terrorism Risk Insurance

The availability and affordability of terrorism risk insurance have improved since the terrorist attacks of September 11, 2001. Despite increases in risk retentions under TRIA, insurers have allocated additional capacity to terrorism risk, prices have declined, and take-up (purchase) rates have increased. The take-up rate—or the percentage of companies buying terrorism coverage—has reportedly increased from 27 percent in 2003 to 58 percent in 2005, while the cost of coverage has generally fallen to roughly 3 to 5 percent of total property insurance costs. These improvements have transpired in a marketplace that has had access to a Federal backstop that has gradually contracted through the life of the temporary TRIA Program. Insurers' retention of risk has steadily increased under the TRIA Program: deductibles have increased from 7 percent of direct earned premium in 2003 to 17.5 percent in 2006, and other changes made to TRIA in 2005 have also increased insurer retentions. The general trend observed in the market has been that as insurer retentions have increased under TRIA and policyholder surpluses have risen, prices for terrorism risk have fallen and take-up rates have increased.

The improvement in the terrorism risk insurance market is due to several important factors, including better risk measurement and management, improved modeling of terrorism risk, greater reinsurance capacity, and a recovery in the financial health of property and casualty insurers. State regulation does not appear to have had a significant impact on capacity, and a significant number of policyholders are still not purchasing terrorism coverage. How these factors continue to evolve will importantly affect further developments in the long-term availability and price of terrorism risk insurance.

Insurers have made great strides in measuring and managing their risk accumulations. The amount of capital an individual insurance company is willing to allocate to a particular risk in a given location depends on its understanding of its maximum loss under different scenarios. Since September 11, insurers have made greater use of sophisticated models that allow them to identify and manage concentrations of risk in order to avoid accumulating too much risk in any given location. This improvement in risk accumulation management has allowed insurers to better diversify and control their terrorism risk exposures, which has enhanced their ability to underwrite terrorism risk.

A significant effort has been made by the insurance industry in modeling the potential frequency and severity of terrorist attacks, which helps insurers to assess their potential loss exposures. An understanding of the potential frequency and severity of terrorist attacks is important for insurers to properly evaluate their risk exposures. Improvements in probability modeling of terrorist attacks have likely had a positive impact on insurers' willingness to provide coverage for terrorism risk following the re-evaluation of terrorism risk that took place after September 11. However, unlike other catastrophic exposures (e.g., natural disasters) where there are more refined methods of modeling frequency, modeling terrorism risk frequency relies largely on analysis of terrorist behavior. Given the uncertainty of terrorism in general and, in particular, the uncertainty associated with these modeling efforts, insurers appear to have limited confidence in these models for evaluating their risk exposures.

The quantity of terrorism risk reinsurance capacity has increased since the period following September 11. Reinsurance for terrorism risk all but vanished after September 11 as reinsurers withdrew from the market. The market has since improved and reinsurers have gradually allocated more capital to terrorism risk. The key determinants in the capital allocation decisions of reinsurers include pricing, which is influenced largely by demand, loss experience, underwriting performance, and probability of loss for a given risk at a given location. These determinants also factor into the willingness of other capital providers (e.g., through catastrophe bonds or other mechanisms) to allocate capital to terrorism risk. The presence of subsidized Federal reinsurance through TRIA appears to negatively affect the emergence of private reinsurance capacity because it dilutes demand for private sector reinsurance.

The financial health and capacity of insurers has recovered since September 11. There has been improvement in the financial health of the insurance industry, which plays a role in how much capacity an insurer is willing to expose to terrorism risk. Since September 11, policyholder surpluses in the property and casualty industry have risen, as the industry has remained profitable (even with the 2005 hurricane season losses) and has benefited from increased rates of return on assets. As a result, insurers have more available capital to allocate, and they apparently have chosen to allocate additional capacity to terrorism risk as demonstrated by the increased provision of terrorism risk insurance coverage over the past few years.

States require that some types of terrorism risk insurance be provided and otherwise regulate aspects of the terrorism risk insurance market. However, it is unclear whether these requirements have reduced capacity significantly. State laws and regulations govern various aspects of the insurance marketplace (e.g., mandating certain types of coverage, approving forms and rates, and monitoring financial solvency), and the provision of terrorism risk insurance falls within this general structure. In terms of pricing, although states regulate commercial insurance rates to various degrees (to a larger extent with workers' compensation insurance), commercial terrorism risk insurance for large property risks may be exempt from state price regulation or not subject to state price regulation (or other state mandates) when purchased from non-admitted surplus lines insurers. In addition, some insurers do not even charge for the terrorism coverage that is included in their policies. In lines of insurance with the greatest amount of price regulation and coverage mandates (such as workers' compensation insurance), insurers have generally remained in the market, even as their TRIA retentions have increased, despite not having the flexibility to fully price for terrorism risk. Therefore, while state regulations have the potential to significantly interfere with the operation of the insurance markets, it does not appear that such restrictions have had a significant impact in the market for terrorism risk insurance in the post-TRIA environment.

While take-up rates have increased as prices have fallen, a significant number of policyholders are still not purchasing coverage. The willingness of consumers to pay for terrorism risk insurance is a determinant of how much capital insurers will allocate. It is unclear why approximately 40 percent of all policyholders do not purchase coverage, although the Treasury's 2005 study and others have found that the primary reasons were price and assessment of their individual risk to terrorist attack. Individual perceptions of low risk are likely related to the lack of a successful terrorist attack within the U.S. since 2001, and perhaps to some degree an expectation that Federal aid might be available if a significant attack occurs.

Further improvements in insurers' ability to model and manage terrorism risk will likely contribute to the long-term development of the terrorism risk insurance market. However, the high level of uncertainty currently associated with predicting the frequency of terrorist attacks, along with what appears to be a general unwillingness of some insurance policyholders to purchase insurance coverage, makes any prediction of the potential degree of long-term development of the terrorism risk insurance market somewhat difficult. The post-September 11 terrorism insurance market has developed in the presence of a Federal backstop (albeit a progressively less generous one over time), which creates inherent difficulties in evaluating the long-term development of the terrorism risk insurance market.

Group Life Insurance

Coverage for terrorism risk insurance in group life insurance policies has remained generally available and prices have declined, even though group life insurance is not part of TRIA. Given these market signals, there is no reason to expect negative developments in the group life insurance market. Group life insurance is generally sold to employers as part of employee benefit packages along with other benefits, such as medical, dental, vision, and disability. In some cases group life insurers partner with other providers of employee benefit services. The group life insurance market is highly competitive and insurers appear to be unwilling in the face of such competition to raise prices (states do not regulate group life insurance rates), or to decline to provide terrorism coverage. Even though group life insurance has not had access to the Federal backstop under TRIA, private market forces (high competitiveness and extreme price sensitivity) have ensured the continued availability and affordability of group life insurance to employers and their participating employees.

As in the market for property and casualty reinsurance, there have also been improvements in the availability of catastrophic life reinsurance, and there is the potential for continued market development. Just as with the property and casualty reinsurance, catastrophic life reinsurance all but disappeared after September 11, even though by most industry metrics, September 11 was not a catastrophe in terms of either individual or group life insurance losses. Still, the lack or limited availability of catastrophic life reinsurance following September 11 had no disruptive effect on the availability and affordability of group life insurance to consumers largely due to competitive market forces. Since then, some catastrophic life reinsurance has again become available in the marketplace, albeit at higher cost when compared to pre-September 11 pricing. Today, group life insurers are deciding whether to purchase reinsurance, or to forgo and retain most of the risk—a decision that has not had any impact on the availability and cost of group life insurance to consumers.

Similar to the situation with property and casualty insurers, group life insurers have developed an increased ability to measure and manage their accumulation of terrorism exposure through the use of modeling, and there appears to be potential for additional improvements. While group life insurers face aggregation exposure (the risk of multiple losses from a terrorist-related mass casualty event due to concentrations of insured lives), they are capable of managing this risk to some degree by managing risk accumulations. Property and casualty insurers have made great strides in modeling techniques, but it is unclear to what extent group life insurers have made use of these tools. The highly competitive environment in the group life market, the general wider dispersion of overall life insurance risks (for companies that sell both group and individual life), and some institutional arrangements regarding how policies are sold, may all influence how group life insurers view their need and ability to manage accumulation risk.

Chemical, Nuclear, Biological and Radiological ("CNBR") Coverage

Historically, insurance coverage for losses associated with chemical, nuclear, biological, and radiological risks has generally not been widely available unless it was mandated. Insurers generally did not provide CNBR coverage even before September 11, and for the most part they do not provide such terrorism coverage even with a Federal backstop in place. Given the general reluctance of insurance companies to provide coverage for these types of risks, there may be little potential for future market development. The factors determining the availability and affordability of CNBR coverage in the marketplace have more to do with the nature, scale, and uncertainty of the damage and losses from CNBR events—however caused—and less to do with terrorism specifically. What coverage exists today is mostly tied to state mandates, most prominently workers' compensation insurance, as well as some aspects of fire insurance through the Standard Fire Policy. In addition, a Federal mandate requires some nuclear coverage for reactor operators and some specialty coverage exists. There is virtually no CNBR reinsurance available, and the modeling issues both for exposure and probability become even more complicated for CNBR.

Some insurance consumers have expressed an interest in purchasing CNBR coverage, but due to limited capacity and relatively high prices, many have decided to forgo such purchases. Policyholder expectations regarding their own potential terrorism exposure and likelihood of post-disaster Federal aid are probably higher for CNBR risks than for relatively smaller-scale conventional terrorist attacks. The 2005 Treasury study found that the number of policyholders that purchased CNBR terrorism coverage was relatively small (except in the case of workers' compensation insurance where coverage is mandated). Among the main reasons for not purchasing CNBR terrorism coverage were that policyholders believed either that they were not at risk or that the premiums were too high. Most commercial policyholders remain generally uninsured (except where coverage is mandated, such as with workers' compensation). Some consumers may equate CNBR coverage with other coverages that are not generally available (e.g., war risk).

Finally, there may be an even greater market expectation that the Federal government would respond post-loss to a CNBR event through Federal disaster aid than would be the case for a smaller-scale conventional terrorist attack.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 30 seconds.

The gentleman has raised a red herring. There is no chance of it expiring, and the fact that he would talk about a nonexistent threat of expiration seems to me to be an indication that there's nothing substantive to talk about.

In the end, we would retain the vehicle to pass this bill. But we will not give up talking about issues prematurely, and that's why we will not allow the Senate's unanimous consent agreement, very hastily done, to shut off debate here. But there is no chance of this expiring and the gentleman from Alabama knows that.

I yield now 3 minutes to the gentleman from Georgia (Mr. SCOTT), a member of the committee.

Mr. SCOTT of Georgia. Mr. Speaker, it baffles me when, on this floor, we, who are Members of the House of Representatives, so quickly, so easily want to abdicate our responsibilities to the Senate. No wonder the Senate does what it does.

Well, Mr. Speaker, we're not going to abdicate our responsibilities to the Senate. The Founders of this Constitution and this country dedicated two Houses, one, the Senate, that runs every 6 years, and they made a distinct decision to have the Members of the House of Representatives run every other year because the power of the House closest to the people is that House that the people look to to be most responsive to the day-to-day delicacies of their needs. This is what we're doing here. And the day-to-day delicacies says we've got to pass the most significant, the most meaningful terrorism risk insurance program possible. There's no greater threat we face.

My colleagues on the other side have said, well, why can't the private sector do this? The private sector has come to us. We don't know how catastrophic these events may be. But one thing is for certain, Mr. Speaker, we must not allow the terrorists to shut down and destroy our economy. And unless we have this backstop, the insurers have said they cannot rebuild.

Not only that, the insurers have come to us, who we've got to listen to, to say we need this backstop so that the economy will be stable. Perhaps we may not need to use it. Let us hope and let us pray that we will not have to.

□ 1545

But, Mr. Speaker, an ounce of prevention is worth a pound of cure, and we must prepare for the storm before the hurricane is raging.

This is not a giveaway program. This is not a subsidy program. This is an insurance program, insurance that we hope and we pray that we will not need. But if we do, it is the House of Representatives who are responding to say, We need to insure life, not just property. You ask the American people. Property you can get again and again. Buildings you can rebuild. But a life, a life is gone like that and must be insured.

This is the House of Representatives speaking, and I urge passage of this bill.

Mr. BACHUS. Mr. Speaker, we have 19 days till this program expires. Now, if, as you have said, this is such an essential program, we need to pass a bill today. The industry needed 6 months. They've only got 19 days. Policies have to be written. We can continue to talk about not letting the Senate run over the House. We can continue to say we're going to stand up for our version of the bill, but ask yourself this question: How could 100 Senators, both Republicans and Democrats, come up with a unanimous bill, which many of us in this bill support, and the President said he will take it up and sign it, why are we here today delaying the extension of what many of you have argued on the floor today is a very important bill?

I'm going to say it again. Even if Congress were to act today, there's not enough time for insurance companies to develop new policy forms. There's not enough time for 50 State regulators to approve those forms. There's not time to get the finished product to the marketplace. There's not time to negotiate with policyholders.

So this idea that we don't have to pass it today, no, we don't have to pass it today. No, we don't have to pass it tomorrow. We should have passed it 6 months ago. We did. The Senate passed a different version, and we are arguing at the end of this session, 19 days before this program expires, as to differences between the Senate and the House version.

And quite frankly, as I have said, the Senate version, which is the version the Treasury Department urged on the House, the version the President has said he will sign, the insurance industry's happy with. It extends the TRIA program. Why are we here delaying? As I said, we're delaying this. We're putting this program at jeopardy. We're postponing a decision on AMT. The IRS is not going to have time to react to that, and here we are as if we have all the time in the world.

The American people are not interested in differences between the House and the Senate bill. I believe the American people, you know, if a bill can pass unanimously out of the Senate, which it did, and the President take it up, why does this House continue to debate long after the time to act and pass legislation? It should have happened 6 months ago. It can happen today. It should happen today.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I would just say the gentleman from Alabama appears to have the Senate's preference for conflict avoidance confused with genuine consensus.

There weren't 100 votes for that. They didn't have a roll call vote. They're barely able to act, and so a couple of Members worked out a deal and the rest of them waved it good-bye. But the notion that that comes with some great significance clearly misunderstands what's happening, and it certainly shouldn't keep us from legislating.

Mr. Speaker, I yield 2½ minutes to the gentleman from New Jersey (Mr. SIRES).

Mr. SIRES. Mr. Speaker, I rise today in support of H.R. 4299, the revised terrorist insurance act reauthorization. We've heard a lot today about how important this legislation is for New York, but it's also just as important for my home State of New Jersey, the region and this Nation.

I have said before on this floor that I represent the two most dangerous miles in this country. I represent the tunnels, the Lincoln and the Holland Tunnels. I represent the ports, and I also represent the region which also has the largest repository of fuel on the east coast of this country. I represent part of Newark and Jersey City, which are both considered high threat areas. I know firsthand what it is like to have a district that deals with the threat of terrorism every day. That is why it's so important for my district, my State and the entire Nation that we extend TRIA in a way that ensures stabilization for all businesses across this country, as well as those in high-risk areas.

Last year, New York City created some 50,000 jobs. It is thought that in the next 10 years New York City could possibly create another 500,000 jobs. That is one of the reasons New Jersey and New York are talking about a new tunnel to bring people to fill some of those jobs, and they need this stability to know that these businesses can come into this city so those people can fill those jobs. And that's the engine not just for New York City or New Jersey but for the region and this country, quite frankly.

And I want to thank, at this time, Chairman FRANK for his hard work on trying to form a compromise on this bill while holding true to important aspects of the TRIA legislation already passed by this House. It is important that any TRIA reauthorization legislation include reasonable trigger levels, group life insurance and a reset mechanism.

I urge my colleagues to support this bill, and I just want to end by saying I came to this Congress not to follow in lockstep with the Senate. I came in to represent my district, not knowing that I would have to bow to the Senate.

This is important legislation today, and I urge my colleagues to support this legislation.

Mr. BACHUS. Mr. Speaker, I yield to myself such time as I may consume.

It's all come down to this. We can continue to debate the Senate, we can continue to try to change this bill, or we can pass a bill, send it to the President, which extends this vitally important program as so many speakers on the majority side have said. Let's be honest with ourselves. We know that this bill should have passed 6 months ago. We know it probably should have passed 9 months ago. We know that it will not pass in time for new coverage to be written January 1. We know that.

So here we are, arguing differences with the Senate, but I think the first thing we ought to acknowledge is the Senate unanimously passed this bill. Now, the chairman says that two people got together, agreed on everything and the other 98 waved good-bye. Well, let me say this. We, the majority of this body, almost all the Members on your side, if not all, and a good number of the Members on our side have said we need to extend this program and we needed to do it 6 months ago. It's time for us to pass the Senate language, send this bill to the President. You know, there comes a time when if what the Senate did is wave this bill good-bye, it's time for us to wave this bill good-bye.

We have engaged in a debate. The Senate has been unfair to us. Quite frankly, policyholders don't care whether the Senate's unfair to the House. They don't care whether the House didn't get its way and the Senate did. The bill the Senate passed, I'm not supporting it because it's not only the only thing available today, although it is. Let me again read to you what the statement of the administration is.

The administration continues to believe that any TRIA reauthorization should satisfy these three key elements: The program should be temporary and short-term, there should be no expansion of the program, and private sector retention should be increased. That was the original policies and the original bill we passed. However, the administration will not oppose the version of H.R. 2761 passed by the Senate on November 16, but the administration strongly opposes any amendments to the Senate-passed version of the bill away from the administration's key elements.

And the only thing underlined in this statement to us is, accordingly, if H.R. 2761 passes, that's the bill before us, if it's presented to the President to be considered, his senior advisers will recommend him veto the bill. A very important program.

It's already too late for insurance companies and policyholders to adopt the provisions as of January 1. State regulators don't have time to print the forms. It's time for us to pass the bill. It's time for us to say, Okay, we didn't settle all our differences with the Senate, and we can do that. And, quite frankly, I am very happy that it is the Senate bill we'll be passing, because the Senate bill is very, very close to what we Republicans some year ago proposed. And we've gone through a year.

Provisions, the House has not gotten its way on certain provisions. It's time to act. It's past time to act, and we're going to have that opportunity today. We're going to have the opportunity to extend what you say is a vital program, what some of us say, well, actually we're not getting what we want because we believe that this program continues to be a free Federal backstop for private insurers and developers, and that's okay.

We want development, just like you do. We don't believe, as the Treasury does, many of us, that the program has served its purpose and it is actually impeding the private market, but we don't have to get there. We have compromised our beliefs and are willing to vote for a 7-year extension. The Senate unanimously came together and compromised their various differences and voted unanimously for a version the President has said he will sign.

The only thing that remains is on this side, the House side, that some in the majority have not gotten their way on certain provisions. And listen, I'm all for advocating a House position, but we've done that, and in the interests of the American people, in the interests of getting legislation, in the interests of closure, let's vote for the Senate version.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. FRANK of Massachusetts. How much time remains?

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. FRANK) has 3½ minutes remaining.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I thank Chairman FRANK for your hard work on the legislation, and with all due respect to the gentleman from Alabama, I can appreciate what you are saying about the Senate and our negotiations with them, but the Congress of the United States is not a unicameral institution.

☐ 1600

The Founding Fathers created two Chambers, two bodies, and the opinions of this body are just as important as the opinions of the other body. And sending a strong message about the reset provisions and about the group life provisions for the policyholders that you say don't care about those provisions is why we have a bicameral Congress.

The other issue that I want to raise is that the life insurance fairness provision in this legislation, which you have strongly supported consistently, can stand on its own. It is not dependent upon group life being included in this legislation overall and it has no ties to that provision.

In the 109th Congress, we passed a bipartisan version of TRIA that included a provision that says that individuals will not be denied life insurance coverage based solely on where they might lawfully travel, and that is included in this provision again. Too often life insurance companies deny the applications of people who express the intent to travel internationally. That's particularly true when people say that they plan to travel to Israel because Israel and 26 other countries appear on the State Department's travel warning list. The life insurance industry is using the State Department's travel warning list as an underwriting tool. It was never intended to be an underwriting tool. Countries don't make that list based on an actuarial analysis. There are political and diplomatic considerations for those appearing on that list. Travel fairness language will protect consumers from unfair life insurance discrimination on the basis of past or future lawful travel, and this provision allows the insurers to price for risk according to an actuarial analysis. It's also fair to the insurance companies because it allows for denial based on war, serious health conditions in the country the person is traveling to, or fraud.

The freedom to travel is a right that we cherish, and no American should have to choose between their children's financial security and having the right to travel freely. And that is what we are forcing Americans to do if we don't pass this travel fairness language as a part of the reauthorization of TRIA. If we allow insurance companies to deny coverage based on the notion of where a person might travel, we are giving in to the terrorists who wish to change our way of life.

Life insurance companies have been using the State Department warning list as an underwriting tool. It was never meant to be utilized that way. I urge the Members to support the House-passed version of TRIA.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield the balance of my time to the gentleman from New York (Mr. CROWLEY).

The SPEAKER pro tempore (Mr. ISRAEL). The gentleman from New York is recognized for 1 minute.

Mr. CROWLEY. I thank my friend and colleague from Massachusetts.

I had a wonderful speech I was prepared to read to you today, but, quite frankly, I'm outraged by the discussion that has taken place here.

There is the discussion of 19 days left to get this legislation passed as though a gun is put to our heads that either we pass the Senate bill or this does not get extended. That's hogwash. That's not the way in which we should make legislation. The notion that 100 Senators came to the floor and passed this bill is hogwash. They hot-lined this bill. It went to the floor without debate. The only debate that has taken place on this issue has taken place here on the floor of the House of Representatives.

Chairman FRANK in cooperation with the ranking member on the minority have worked diligently to get a qualified bill to this floor, that New York wants, that our country wants and deserves. We should not allow a hole in the middle of Manhattan to lie as a monument to Osama bin Laden, because that's what we're doing by not allowing for a reset provision in this legislation. This is not about New York City. That provision is the Osama bin Laden protection provision.

We should pass the House version of this bill and reject the Senate bill. Pass the House version. I would also note that not one Republican Member from New York State has been to the floor to defend your position on this issue.

During negotiations on providing appropriations for Fiscal Year 2008, the Republicans have opposed providing the emergency service workers who are sick from the pollution they were exposed to at Ground Zero with the care they need.

And today, many are expected to oppose this legislation, which would enable New York City to rebuild at Ground Zero.

But I hope that does not happen.

Because Americans believe that those who served on the frontlines at Ground Zero, and are sick due to their service, should be cared for.

Because Americans believe that New York City must be rebuilt—stronger, prouder and better protected.

Because Americans believe that in doing so we will send a message to al-qaeda that we won't back down.

And that's what today's legislation is about—letting every terrorist organization know that you cannot break us. And if you try, we will only grow stronger. .

Let us take note, it was Chairman FRANK's work on the terrorism risk insurance act that has moved the Bush Administration from an absolute position of opposition to being supportive of extending this program for 7 years.

He successfully moved a bi-partisan bill earlier this year, in light of many Republicans ready to acquiesce to the President to kill this terrorism Insurance program.

I welcome the new positions of the White House and many Republicans in this chamber today to finally support a real terrorism insurance bill, it is a welcome change.

Now, let's talk some basic facts.

We all know the Government will step in if there is another large scale attack like 9–11 on our country again.

What TRIA does is actually put the private insurance markets on the hook to pay part of the damages, meaning TRIA is a cost savings to the taxpayer and ensure that the insurance industry does what it is suppose to do—insure.

TRIA saves taxpayers money.

Now onto a specific provision of to day's bill that I want to highlight.

Part of today's bill includes a provision to honor those who were killed on 9–11, and protect the memories of others who, God forbid, may be killed in future attacks on our soil.

This new language, language that was included in the House-passed TRIA bill, creates a re-assurance to insurers and developers to rebuild on previously hit sites.

This is important because we all know al-Qaeda returns to the scene of their crime; they hit the Twin Towers in 1993, and they returned in 2001. And knowing their mentality, they will try to return again.

Those that ignore that, ignore history and fact.

The impacted site in Lower Manhattan cannot continue to be a hole in the ground, or a sick tribute or trophy to Osama bin Laden—wherever he may be.

Rather, we need to rebuild there, letting the terrorists know they can knock us down, but we will always pick ourselves up stronger.

We need to pass this bill and get the Senate working on a strong compromise bill to ensure a real TRIA, one that won't let Osama bin Laden continue to use the pictures at Ground Zero as a recruiting tool against our soldiers in Afghanistan or for attacks against Americans in this country or anywhere in the world.

We have seen the White House veto threat against this bill as it is "expanding" the terrorism insurance program.

Rebuilding at previously hit sites is not expanding the terrorism insurance program—it is the reason for the terrorism insurance program.

If you are serious about supporting TRIA, vote for this bill and ensure Osama bin Laden and his evil partners view September 11, 2001 as the worst day in their lives, not the best.

Mr. TERRY. Mr Speaker, I rise today in support of H.R. 4299, the Terrorism Risk Insurance Program Reauthorization Act of 2007. This legislation revises and extends the Terrorism Risk Insurance program established under the Terrorism Risk Insurance Act of 2002 (TRIA). TRIA has been a cornerstone of our Nation's comprehensive response to the events of September 11, 2001, providing a vital and necessary backstop for our insurance industry and its policyholders.

I am pleased that H.R. 4299 does not reduce TRIA's complete coverage for nuclear, chemical, biological, and radiological events. It should be noted that workers' compensation insurers are uniquely obligated by state law to provide coverage for these events to their policyholders; for them, especially, it is critical that TRIA provide a backstop for these events as well as for conventional acts of terrorism.

It is important that TRIA serve the industry and its policyholders equally. Over the course of TRIA's life, the "trigger level," or threshold of losses insurers must suffer from an act of terrorism before TRIA can kick in, has been raised from $5 million to $100 million. For small- and medium-sized insurers—the majority of the industry—a trigger level of $100 million is too high. As a result, I support the provision which has survived in the House version in H.R. 4299 which returns the trigger level to the 2006 level of $50 million.

While I support H.R. 4299, it is important to note a significant omission which also affects our small- and medium-sized insurers and their policyholders. The deductible insurers' must pay under TRIA is potentially cost-prohibitive for these companies. Additionally, this deductible is calculated based on the amount of an insurer's direct earned premium over the previous year. Insurers' deductibles under TRIA should be tied to their capital, not the amount of their liabilities. As a result, I encourage the House to reexamine TRIA in the future to address this issue.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H.R. 4299, which revises and extends the Terrorism Risk Insurance Act (TRIA) for 15 years. I commend Chairman FRANK and Congressman CAPUANO for their fine work in shepherding this critical legislation to the House floor. This act reminds us that the true measure of our homeland's preparedness against terrorist attack is our ability to prepare for such an attack comprehensively and that includes the insurance industry which is an essential part of our economic landscape.

Mr. Speaker, the horrendous events of September 11, 2001, tested our nation's ability to defend itself in many ways. Along with the human and emotional toll these events took on all Americans, we noticed that not only our government but also our private industries were not sufficiently prepared to deal with the implications of a terrorist attack. Terrorist activity since September 1, 2001, has come to prove that our enemies are becoming more agile and technologically sophisticated. There is no doubt in my mind that terrorists are targeting not only our fellow citizens but also our critical infrastructure including our financial services sector, since they are determined to undermine the United States in the most fundamental of ways.

History has shown that Al Qaeda and other extremist organizations will explicitly direct their efforts against American citizens and property in an effort to inflict economic harm. According to a RAND policy brief, "there is reason to believe that al Qaeda is interested in continuing its efforts to disrupt the fiscal base of the United States by attacking its borders." If al Qaeda and others are determined to strike our financial targets, public policymakers need to examine possible financial mechanisms to mitigate these effects.

Mr. Speaker, H.R. 4299 is a critical and timely legislative response to the fact that after the terrorist attacks of September 11, many insurance companies excluded terrorism events from their policies. After the 9/11 terrorist attacks, many insurance companies excluded terrorism events from their insurance policies. As a result, Congress passed the Terrorism Risk Insurance Act as a three year temporary program in 2002. The act created a federal backstop to protect against terrorism related losses. In 2005, the measure was extended until 2007. TRIA is now set to expire at the end of this year, unless we today extend the law.

Since its enactment, TRIA has ensured the availability of affordable terrorism risk insurance in the marketplace and thereby fostered continued urban development and real estate development in the United States. While the TRIA program has successfully kept terrorism insurance affordable, the President's Working Group on Financial Markets' most recent report concluded that a private market for terrorism reinsurance is virtually nonexistent—especially with regard to nuclear biological chemical and radiological (NBCR) acts of terrorism.

Mr. Speaker, I support H.R. 4299 because it provides federal backstop for private terrorism insurance. One of the strongest features of the bill is that it comes at no cost to the American taxpayer unless there is a terrorist attack.

The security of our country can not be ensured unless we make certain that the U.S government works hand-in-hand with the private sector to confront terrorist threats. H.R. 4299 exemplifies this idea.

The bill before us is based on the idea that it is in the best interest of our country that the federal government coordinate with insurers to provide financial compensation to insured parties for losses from acts of terrorism. It will contribute to the stabilization of the United States economy at a time of national crisis.

Mr. Speaker, I also support this bill because I believe that extending TRIA for 15 years will contribute to the long-term stability of two critical American industries, the construction and real estate industries. The long-term stability it provides will allow both industries to engage in large-scale building projects in areas considered high-risk for terrorism.

Mr. Speaker, terrorist attacks target our country as a whole and not individual cities or states. I support the bill because it also exemplifies the critical idea that the risk from such attacks should be dealt at national level. H.R. 4299 should be seen as part of our broader efforts to confront and defeat the terrorist enemy.

No legislative initiative, especially in such a critical field related to the security of our country, can become really effective unless it enjoys the support of the private industry it affects.

Mr. Speaker, I understand that H.R. 4299 is broadly supported by insurance companies, insurance agents and brokers, policyholders, commercial developers, and construction companies.

Another important provision in the bill is that it extends TRIA to cover both foreign and domestic terrorism. Currently it covers only foreign terrorism. It also adds group life insurance to the types of insurance for which terrorism insurance coverage must be made available by insurers. It also sets the "trigger" level—the size of an attack at which the federal government would provide aid to insurers—at $50 million. Current law (P.L. 109–44), enacted in 2005, sets the level at $50 million in 2006 and $100 million in 2007. Yet another strong feature of the bill is it requires continuation of studies of the development of a private market for terrorism and risk insurance.

Mr. Speaker, I support the passage of H.R. 4299 and call on my colleagues to do like wise because I strongly believe that it will strengthen our nation's efforts to confront the terrorist threat in a more comprehensive way and will provide long-term stability for critical American industries.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 862, the bill is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BACHUS

Mr. BACHUS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BACHUS. In its current form, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Bachus moves to recommit the bill, H.R. 4299, to the Committee on Financial Services with instructions to report the same back to the House forthwith with the following amendment:

Strike sections 6 through 10.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alabama is recognized for 5 minutes in support of his motion.

Mr. BACHUS. Mr. Speaker, the chairman of the Financial Services Committee, whom I have great respect for, indicated several times that we are here today because of the Senate's inaction and intransigence. Now, I'm not going to argue that point. The Senate, what they didn't do is they didn't take action on our bill, but what they did do is they came together and they unanimously passed legislation, and that legislation is very close to what House Republicans advocated from day one. They did take action. They passed legislation. The President said he'll sign it. It's legislation that Treasury said is consistent with the original declarations of the TRIA bill.

I share the chairman's frustration on the predicament we find ourselves in. I wish the Senate had been willing to engage in a conference to allow Members the opportunity to work out their differences on the extension of this program. However, I will tell the chairman this: The House Republicans, many of us on that conference committee, would have voted to adopt the Senate language. So the Senate bill, in my opinion, had we conferenced, we would have still passed the Senate bill.

Now, the chairman has expressed his frustration with the Senate that they are holding a gun to our head. I'm not going to characterize it in that regard. Whether it is or isn't, I wish it wasn't so. But the clock has run out on this Congress and the opportunity to get anything done on TRIA has, as a practical matter, gone by. But if it is so important, and most Members of this body believe it is, it's important to pass legislation today, and that's the Senate legislation.

The motion to recommit removes additions in the bill offered by the majority and returns the TRIA language to that passed by the Senate last month by unanimous consent. The Senate bill reflects a bipartisan compromise with the administration. It extends the TRIA program for 7 years, the same amount of time that we advocated in a bipartisan bill in the House. We didn't get a bipartisan bill in the House. It wasn't a bad bill. It wasn't a bad bill. But that bill when it passed and the bill today, the bill that was just offered, is not going to become law.

The Senate bill includes coverage for domestic terrorism. Many in this body felt like it ought to include that. It imposes a liability cap for the marketplace. That's good. I think it's a responsible, measured approach to extending a vital program, as many have characterized it. Not all on this side agree. But the majority on this side will come together, the majority of the minority, and pass what you say is a vital program and we'll do it today. The administration has said they will veto the House bill. Both sides of the aisle and the Senate have indicated that the Senate is unwilling to consider it. We have a gripe against the Senate, but let's take that up with the Senate. A large number of Members in the House may continue to oppose the Senate bill. You have an opportunity to vote on it in just a minute.

The only TRIA extension that can get enacted is the Senate compromise. Many say I wish it wasn't so. It is. The only responsible course for this House to take is to accept the Senate bill and move on. My motion is the Senate compromise.

We have 19 days until TRIA expires. Let me say it again. That's not a practical time left for the industry to comply with legislation. In a reasoned society, a deliberative body would never pass a bill and ask the American people to adopt all that in 5 days.

Mr. Speaker, we cannot risk TRIA's expiration. We need to get the job done now. A vote for this motion to recommit is a vote to promote economic vitality in this country.

Mr. FRANK of Massachusetts. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, I want to begin with the schizophrenic attitude towards the Senate. The gentleman said a number of times that the Senate passed this unanimously. Yes, by avoiding conference, by making a deal.

But he also continually said, correctly, that this bill was passed way too late. Why are we here now? The answer as to why we're here now, Mr. Speaker, it's the Senate that he was so admiring of. Yes, the Senate passed it without a vote, on November 16. We passed the bill on September 19. The House passed the bill with 3½ months left to go in the year. The Senate passed the bill less than a month ago. The Senate passed the bill, by the way, a different bill than ours, after we had adjourned for the recess.

So the Senate, whom he extols for having managed to put everything under the rug and make one of their deals where nobody gets fingerprinted for anything, they sent us this bill, and the earliest we could have passed it was last week. So all this rhetoric about 6 months, et cetera, well, that's, Mr. Speaker, his friends in the Senate who caused that problem. If they had worked with us, we would have had several months.

Now, we are going to pass a bill. We understand that. And we may well be able to pass only the Senate bill early next week. We have preserved our ability to do that. There is no chance of this expiring. The question is this: Should we acquiesce in a procedure by which the United States Senate waits until after we have adjourned for the Thanksgiving recess and sends us a bill and says, this is it, take it or leave it, or do we say, no, we don't like that and we're going to at least try to make you vote on things.

Now, I know the gentleman from Alabama likes the Senate version apparently where you just have unanimity so-called. I prefer democracy. I prefer letting things get voted on. Maybe the Senate won't vote, but let's at least give them one more option. It may take us another 3 or 4 days. So the notion that we are somehow delaying this for 3 or 4 days, no. We waited from our bill in September to theirs in November. Two months later they passed it. Three days or 4 days isn't going to make any difference and we'll get the bill through.

Here's what we want to do. We want to say that the point that the gentlewoman from Florida made that you should not arbitrarily cancel people's life insurance because they're traveling to a country that's on the State Department watch list, whether it's the nation of Israel or others that Americans want to travel to. Yes, if you can show that there's danger there, you can cut off their insurance. But don't say that we're just going to give up on that. Maybe we can't do it this year. Let's take the motion to recommit, then, because we're going to pass this bill soon, anyway, and we may have to pass the Senate version. Let's have a referendum on the freedom to travel provision. Let's have a referendum on whether or not we include group life or say that we insure buildings in this country but not life. Let's have a referendum on whether smaller insurance companies should be able to participate. Under our bill they can. Under the Senate bill they can't. And let's have that reset mechanism that the gentleman from Queens, New York, talked about so eloquently, which says we're going to rebuild and any place that's hit, we will rebuild them again.

Let me say, we have a referendum on those issues. We may not be able to win this year, but I want to be able, as chairman of the committee, to go back early next year and say to our friends in the Senate, okay, your rope-a-dope tactics may have worked, but they didn't work on the merits.

□ 1615

And we want to go back at you on small insurance companies and on group life and on the question of freedom to travel, and we want to bring it up again.

And the last point, when we're talking about why is this being done now, it's supposed to be temporary? I never thought it would be temporary. Here's the point: If you go through the private market, it is paid for by the insured, ultimately. I do not think that those people who are choosing to do business in areas that may be singled out by the terrorists ought to have to pay the higher cost of insuring themselves for that. Against fire, against theft, against liability for someone falling down, sure, that's their responsibility. But defending ourselves against terrorism is not a market matter; it's a matter of national security. And the whole country ought to come together in a unified way and say you may not threaten New York or Chicago or Atlanta or Miami, or any other part of America, or Los Angeles, as they threatened the airport. You may not threaten us and make us pay more. You cannot make it more expensive to do business in one part of this country than another. We will come together as one Nation in this program and say, yes, you are responsible for insuring yourself against various dangers. But for insuring yourself against murderous thugs seeking to do harm to this country, this country will come together as one in a national program and rebut that, and we will not allow them to intrude.

Now, again, it may be that in the end the best we can get is the Senate bill. But at this point, I urge the Members not to vote down, in principle, a reset mechanism that says, okay, you only get hit once and then you're gone, or the freedom to travel, or group life, or smaller companies.

I hope the motion to recommit is defeated and that we let the Senate know that we will continue to engage in democracy in this part of the Capitol.

The SPEAKER pro tempore. All time has expired.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. BACHUS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 4299, if ordered, and adoption of the conference report to accompany H.R. 1585.

The vote was taken by electronic device, and there were—yeas 173, nays 246, not voting 12, as follows:

[Roll No. 1149]

YEAS—173

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Turner
Upton
Walberg
Walden (OR)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—246

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Reynolds
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—12

Carson
Cubin
Hooley
Hunter
Jindal
Kind
Matheson
Miller, Gary
Neugebauer
Paul
Spratt
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

☐ 1638

Messrs. SAXTON, DENT, RUSH, GERLACH, LINCOLN DAVIS of Tennessee and Ms. SOLIS changed their vote from "yea" to "nay."

Messrs. SULLIVAN, CAMP of Michigan, LATHAM, WICKER and Ms. GINNY BROWN-WAITE of Florida changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FERGUSON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 303, noes 116, not voting 12, as follows:

[Roll No. 1150]

AYES—303

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Calvert
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pickering
Platts
Pomeroy
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOES—116

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Berry
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boustany
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Castle
Chabot
Cole (OK)
Conaway
Costello
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Goode
Granger
Hastings (WA)
Heller
Hensarling
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
King (IA)
Kingston
Kline (MN)
Lamborn
Lewis (CA)
Lewis (KY)
Linder
Lucas
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCrery
McKeon
McMorris Rodgers
Mica
Miller (FL)
Musgrave
Myrick
Pearce
Pence
Peterson (PA)
Petri
Pitts
Poe
Porter
Price (GA)
Radanovich
Rehberg
Rogers (AL)
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Sensenbrenner
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Wicker
Wilson (SC)
Young (AK)

NOT VOTING—12

Carson
Cubin
Gohmert
Hooley
Hunter
Jindal
Matheson
Miller, Gary
Neugebauer
Paul
Spratt
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1647

Mr. MARCHANT changed his vote from "aye" to "no."

Mr. GOODLATTE changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 1585, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The SPEAKER pro tempore. The unfinished business is on agreeing to the conference report on the bill (H.R. 1585), on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 370, nays 49, not voting 12, as follows:

[Roll No. 1151]

YEAS—370

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clay
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Ortiz
Pascrell
Pearce
Pence

Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watt
Waxman
Weiner
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—49

Baldwin
Capuano
Clarke
Cleaver
Conyers
Davis (IL)
DeFazio
Doggett
Duncan
Ellison
Fattah
Filner
Frank (MA)
Goode
Grijalva
Gutierrez
Hinchey
Jackson (IL)
Jackson-Lee (TX)
Jones (OH)
Kucinich
Lee
Lewis (GA)
Markey
McDermott
McGovern
Meeks (NY)
Michaud
Miller, George
Moore (WI)
Olver
Pallone
Pastor
Payne
Petri
Schakowsky
Sensenbrenner
Serrano
Stark
Tierney
Towns
Velázquez
Waters
Watson
Welch (VT)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—12

Carson
Cubin
Hooley
Hunter
Jindal
Marshall
Matheson
Miller, Gary
Neugebauer
Paul
Spratt
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1655

Messrs. DAVIS of Illinois, FATTAH, GEORGE MILLER of California and DEFAZIO changed their vote from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MARSHALL. Mr. Speaker, on rollcall No. 1151, H.R. 1585, The National Defense Authorization Act for Fiscal Year 2008, I inadvertently failed to record my vote. But for this oversight, I would have voted "yea."

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

AMT RELIEF ACT OF 2007

Mr. RANGEL. Mr. Speaker, pursuant to House Resolution 861, I call up the bill (H.R. 4351) to amend the Internal Revenue Code of 1986 to provide individuals temporary relief from the alternative minimum tax, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4351

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the "AMT Relief Act of 2007".

(b) REFERENCE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title, etc.

TITLE I—INDIVIDUAL TAX RELIEF

Sec. 101. Extension of alternative minimum tax relief for nonrefundable personal credits.
Sec. 102. Extension of increased alternative minimum tax exemption amount.
Sec. 103. Increase of AMT refundable credit amount for individuals with long-term unused credits for prior year minimum tax liability, etc.
Sec. 104. Refundable child credit.

TITLE II—REVENUE PROVISIONS

Subtitle A—Nonqualified Deferred Compensation From Certain Tax Indifferent Parties

Sec. 201. Nonqualified deferred compensation from certain tax indifferent parties.

Subtitle B—Codification of Economic Substance Doctrine

Sec. 211. Codification of economic substance doctrine.
Sec. 212. Penalties for underpayments.

Subtitle C—Other Provisions

Sec. 221. Delay in application of worldwide allocation of interest.
Sec. 222. Modification of penalty for failure to file partnership returns.
Sec. 223. Penalty for failure to file S corporation returns.
Sec. 224. Increase in minimum penalty on failure to file a return of tax.
Sec. 225. Time for payment of corporate estimated taxes.

TITLE I—INDIVIDUAL TAX RELIEF

SEC. 101. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) (relating to special rule for taxable years 2000 through 2006) is amended—

(1) by striking "or 2006" and inserting "2006, or 2007", and

(2) by striking "2006" in the heading thereof and inserting "2007".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 102. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) (relating to exemption amount) is amended—

(1) by striking "($62,550 in the case of taxable years beginning in 2006)" in subparagraph (A) and inserting "($66,250 in the case of taxable years beginning in 2007)", and

(2) by striking "($42,500 in the case of taxable years beginning in 2006)" in subparagraph (B) and inserting "($44,350 in the case of taxable years beginning in 2007)".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 103. INCREASE OF AMT REFUNDABLE CREDIT AMOUNT FOR INDIVIDUALS WITH LONG-TERM UNUSED CREDITS FOR PRIOR YEAR MINIMUM TAX LIABILITY, ETC.

(a) IN GENERAL.—Paragraph (2) of section 53(e) is amended to read as follows:

"(2) AMT REFUNDABLE CREDIT AMOUNT.—For purposes of paragraph (1), the term 'AMT refundable credit amount' means, with respect to any taxable year, the amount (not in excess of the long-term unused minimum tax credit for such taxable year) equal to the greater of—

"(A) 50 percent of the long-term unused minimum tax credit for such taxable year, or

"(B) the amount (if any) of the AMT refundable credit amount determined under this paragraph for the taxpayer's preceding taxable year.".

(b) TREATMENT OF CERTAIN UNDERPAYMENTS, INTEREST, AND PENALTIES ATTRIBUTABLE TO THE TREATMENT OF INCENTIVE STOCK OPTIONS.—Section 53 is amended by adding at the end the following new subsection:

"(f) TREATMENT OF CERTAIN UNDERPAYMENTS, INTEREST, AND PENALTIES ATTRIBUTABLE TO THE TREATMENT OF INCENTIVE STOCK OPTIONS.—

"(1) ABATEMENT.—Any underpayment of tax outstanding on the date of the enactment of this subsection which is attributable to the application of section 56(b)(3) for any taxable year ending before January 1, 2007 (and any interest or penalty with respect to such underpayment which is outstanding on such date of enactment), is hereby abated. No credit shall be allowed under this section with respect to any amount abated under this paragraph.

"(2) INCREASE IN CREDIT FOR CERTAIN INTEREST AND PENALTIES ALREADY PAID.—Any interest or penalty paid before the date of the enactment of this subsection which would (but for such payment) have been abated under paragraph (1) shall be treated for purposes of this section as an amount of adjusted net minimum tax imposed for the taxable year of the underpayment to which such interest or penalty relates.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2006.

(2) ABATEMENT.—Section 53(f)(1) of the Internal Revenue Code of 1986, as added by subsection (b), shall take effect on the date of the enactment of this Act.

SEC. 104. REFUNDABLE CHILD CREDIT.

(a) MODIFICATION OF THRESHOLD AMOUNT.—Clause (i) of section 24(d)(1)(B) is amended by inserting "($8,500 in the case of taxable years beginning in 2008)" after "$10,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

TITLE II—REVENUE PROVISIONS

Subtitle A—Nonqualified Deferred Compensation From Certain Tax Indifferent Parties

SEC. 201. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.

(a) IN GENERAL.—Subpart B of part II of subchapter E of chapter 1 (relating to taxable year for which items of gross income included) is amended by inserting after section 457 the following new section:

"SEC. 457A. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.

"(a) IN GENERAL.—Any compensation which is deferred under a nonqualified deferred compensation plan of a nonqualified entity shall be taken into account for purposes of this chapter when there is no substantial risk of forfeiture of the rights to such compensation.

"(b) NONQUALIFIED ENTITY.—For purposes of this section, the term 'nonqualified entity' means—

"(1) any foreign corporation unless substantially all of its income is—

"(A) effectively connected with the conduct of a trade or business in the United States, or

"(B) subject to a comprehensive foreign income tax, and

"(2) any partnership unless substantially all of its income is allocated to persons other than—

"(A) foreign persons with respect to whom such income is not subject to a comprehensive foreign income tax, and

"(B) organizations which are exempt from tax under this title.

"(c) ASCERTAINABILITY OF AMOUNTS OF COMPENSATION.—

"(1) IN GENERAL.—If the amount of any compensation is not ascertainable at the time that such compensation is otherwise to be taken into account under subsection (a)—

"(A) such amount shall be so taken into account when ascertainable, and

"(B) the tax imposed under this chapter for the taxable year in which such compensation is taken into account under subparagraph (A) shall be increased by the sum of—

"(i) the amount of interest determined under paragraph (2), and

"(ii) an amount equal to 20 percent of the amount of such compensation.

"(2) INTEREST.—For purposes of paragraph (1)(B)(i), the interest determined under this paragraph for any taxable year is the amount of interest at the underpayment rate under section 6621 plus 1 percentage point on the underpayments that would have occurred had the deferred compensation been includible in gross income for the taxable year in which first deferred or, if later, the first taxable year in which such deferred compensation is not subject to a substantial risk of forfeiture.

"(d) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) SUBSTANTIAL RISK OF FORFEITURE.—

"(A) IN GENERAL.—The rights of a person to compensation shall be treated as subject to a substantial risk of forfeiture only if such person's rights to such compensation are conditioned upon the future performance of substantial services by any individual.

"(B) EXCEPTION FOR COMPENSATION BASED ON GAIN RECOGNIZED ON AN INVESTMENT ASSET.—

"(i) IN GENERAL.—To the extent provided in regulations prescribed by the Secretary, if compensation is determined solely by reference to the amount of gain recognized on the disposition of an investment asset, such compensation shall be treated as subject to a substantial risk of forfeiture until the date of such disposition.

"(ii) INVESTMENT ASSET.—For purposes of clause (i), the term 'investment asset' means any single asset (other than an investment fund or similar entity)—

"(I) acquired directly by an investment fund or similar entity,

"(II) with respect to which such entity does not (nor does any person related to such entity) participate in the active management of such asset (or if such asset is an interest in an entity, in the active management of the activities of such entity), and

"(III) substantially all of any gain on the disposition of which (other than such deferred compensation) is allocated to investors in such entity.

"(iii) COORDINATION WITH SPECIAL RULE FOR SHORT-TERM DEFERRALS OF COMPENSATION.—Paragraph (3)(B) shall not apply to any compensation to which clause (i) applies.

"(2) COMPREHENSIVE FOREIGN INCOME TAX.—The term 'comprehensive foreign income tax' means, with respect to any foreign person, the income tax of a foreign country if—

"(A) such person is eligible for the benefits of a comprehensive income tax treaty between such foreign country and the United States, or

"(B) such person demonstrates to the satisfaction of the Secretary that such foreign country has a comprehensive income tax.

Such term shall not include any tax unless such tax includes rules for the deductibility of deferred compensation which are similar to the rules of this title.

"(3) NONQUALIFIED DEFERRED COMPENSATION PLAN.—

"(A) IN GENERAL.—The term 'nonqualified deferred compensation plan' has the meaning given such term under section 409A(d), except that such term shall include any plan that provides a right to compensation based on the appreciation in value of a specified number of equity units of the service recipient.

"(B) EXCEPTION FOR SHORT-TERM DEFERRALS.—Compensation shall not be treated as deferred for purposes of this section if the service provider receives payment of such compensation not later than 12 months after the end of the taxable year of the service recipient during which the right to the payment of such compensation is no longer subject to a substantial risk of forfeiture.

"(4) EXCEPTION FOR CERTAIN COMPENSATION WITH RESPECT TO EFFECTIVELY CONNECTED INCOME.—In the case a foreign corporation with income which is taxable under section 882, this section shall not apply to compensation which, had such compensation had been paid in cash on the date that such compensation ceased to be subject to a substantial risk of forfeiture, would have been deductible by such foreign corporation against such income.

"(5) APPLICATION OF RULES.—Rules similar to the rules of paragraphs (5) and (6) of section 409A(d) shall apply.

"(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations disregarding a substantial risk of forfeiture in cases where necessary to carry out the purposes of this section.".

(b) CONFORMING AMENDMENT.—Section 26(b)(2) is amended by striking "and" at the end of subparagraph (S), by striking the period at the end of subparagraph (T) and inserting ", and", and by adding at the end the following new subparagraph:

"(U) section 457A(c)(1)(B) (relating to ascertainability of amounts of compensation).".

(c) CLERICAL AMENDMENT.—The table of sections of subpart B of part II of subchapter E of chapter 1 is amended by inserting after the item relating to section 457 the following new item:

"Sec. 457A. Nonqualified deferred compensation from certain tax indifferent parties.".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to amounts deferred which are attributable to services performed after December 31, 2007.

(2) APPLICATION TO EXISTING DEFERRALS.—In the case of any amount deferred to which the amendments made by this section do not apply solely by reason of the fact that the amount is attributable to services performed before January 1, 2008, to the extent such amount is not includible in gross income in a taxable year beginning before 2017, such amounts shall be includible in gross income in the later of—

(A) the last taxable year beginning before 2017, or

(B) the taxable year in which there is no substantial risk of forfeiture of the rights to such compensation (determined in the same manner as determined for purposes of section 457A of the Internal Revenue Code of 1986, as added by this section).

(3) ACCELERATED PAYMENTS.—No later than 60 days after the date of the enactment of this Act, the Secretary shall issue guidance providing a limited period of time during which a nonqualified deferred compensation arrangement attributable to services performed on or before December 31, 2007, may, without violating the requirements of section 409A(a) of the Internal Revenue Code of 1986, be amended to conform the date of distribution to the date the amounts are required to be included in income.

(4) CERTAIN BACK-TO-BACK ARRANGEMENTS.—If the taxpayer is also a service recipient and maintains one or more nonqualified deferred compensation arrangements for its service providers under which any amount is attributable to services performed on or before December 31, 2007, the guidance issued under paragraph (3) shall permit such arrangements to be amended to conform the dates of distribution under such arrangement to the date amounts are required to be included in the income of such taxpayer under this subsection.

(5) ACCELERATED PAYMENT NOT TREATED AS MATERIAL MODIFICATION.—Any amendment to a nonqualified deferred compensation arrangement made pursuant to paragraph (3) or (4) shall not be treated as a material modification of the arrangement for purposes of section 409A of the Internal Revenue Code of 1986.

Subtitle B—Codification of Economic Substance Doctrine

SEC. 211. CODIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.

(a) IN GENERAL.—Section 7701 is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

"(p) CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.—

"(1) APPLICATION OF DOCTRINE.—In the case of any transaction to which the economic substance doctrine is relevant, such transaction shall be treated as having economic substance only if—

"(A) the transaction changes in a meaningful way (apart from Federal income tax effects) the taxpayer's economic position, and

"(B) the taxpayer has a substantial purpose (apart from Federal income tax effects) for entering into such transaction.

"(2) SPECIAL RULE WHERE TAXPAYER RELIES ON PROFIT POTENTIAL.—

"(A) IN GENERAL.—The potential for profit of a transaction shall be taken into account in determining whether the requirements of subparagraphs (A) and (B) of paragraph (1) are met with respect to the transaction only if the present value of the reasonably expected pre-tax profit from the transaction is substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected.

"(B) TREATMENT OF FEES AND FOREIGN TAXES.—Fees and other transaction expenses and foreign taxes shall be taken into account as expenses in determining pre-tax profit under subparagraph (A).

"(3) STATE AND LOCAL TAX BENEFITS.—For purposes of paragraph (1), any State or local income tax effect which is related to a Federal income tax effect shall be treated in the same manner as a Federal income tax effect.

"(4) FINANCIAL ACCOUNTING BENEFITS.—For purposes of paragraph (1)(B), achieving a financial accounting benefit shall not be taken into account as a purpose for entering into a transaction if such transaction results in a Federal income tax benefit.

"(5) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

"(A) ECONOMIC SUBSTANCE DOCTRINE.—The term 'economic substance doctrine' means the common law doctrine under which tax benefits under subtitle A with respect to a transaction are not allowable if the transaction does not have economic substance or lacks a business purpose.

"(B) EXCEPTION FOR PERSONAL TRANSACTIONS OF INDIVIDUALS.—In the case of an individual, paragraph (1) shall apply only to transactions entered into in connection with a trade or business or an activity engaged in for the production of income.

"(C) OTHER COMMON LAW DOCTRINES NOT AFFECTED.—Except as specifically provided in this subsection, the provisions of this subsection shall not be construed as altering or supplanting any other rule of law, and the requirements of this subsection shall be construed as being in addition to any such other rule of law.

"(D) DETERMINATION OF APPLICATION OF DOCTRINE NOT AFFECTED.—The determination of whether the economic substance doctrine is relevant to a transaction shall be made in the same manner as if this subsection had never been enacted.

"(6) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection. Such regulations may include exemptions from the application of this subsection.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 212. PENALTIES FOR UNDERPAYMENTS.

(a) PENALTY FOR UNDERPAYMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE.—

(1) IN GENERAL.—Subsection (b) of section 6662 is amended by inserting after paragraph (5) the following new paragraph:

"(6) Any disallowance of claimed tax benefits by reason of a transaction lacking economic substance (within the meaning of section 7701(p)) or failing to meet the requirements of any similar rule of law.".

(2) INCREASED PENALTY FOR NONDISCLOSED TRANSACTIONS.—Section 6662 is amended by adding at the end the following new subsection:

"(i) INCREASE IN PENALTY IN CASE OF NONDISCLOSED NONECONOMIC SUBSTANCE TRANSACTIONS.—

"(1) IN GENERAL.—To the extent that a portion of the underpayment to which this section applies is attributable to one or more nondisclosed noneconomic substance transactions, subsection (a) shall be applied with respect to such portion by substituting '40 percent' for '20 percent'.

"(2) NONDISCLOSED NONECONOMIC SUBSTANCE TRANSACTIONS.—For purposes of this subsection, the term 'nondisclosed noneconomic substance transaction' means any portion of a transaction described in subsection (b)(6) with respect to which the relevant facts affecting the tax treatment are not adequately disclosed in the return nor in a statement attached to the return.

"(3) SPECIAL RULE FOR AMENDED RETURNS.—Except as provided in regulations, in no event shall any amendment or supplement to a return of tax be taken into account for purposes of this subsection if the amendment or supplement is filed after the earlier of the date the taxpayer is first contacted by the Secretary regarding the examination of the return or such other date as is specified by the Secretary.".

(3) CONFORMING AMENDMENT.—Subparagraph (B) of section 6662A(e)(2) is amended—

(A) by striking "section 6662(h)" and inserting "subsection (h) or (i) of section 6662", and

(B) by striking "GROSS VALUATION MISSTATEMENT PENALTY" in the heading and inserting "CERTAIN INCREASED UNDERPAYMENT PENALTIES".

(b) REASONABLE CAUSE EXCEPTION NOT APPLICABLE TO NONECONOMIC SUBSTANCE TRANSACTIONS, TAX SHELTERS, AND CERTAIN LARGE CORPORATIONS.—Subsection (c) of section 6664 is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively,

(2) by striking "paragraph (2)" in paragraph (4), as so redesignated, and inserting "paragraph (3)", and

(3) by inserting after paragraph (1) the following new paragraph:

"(2) EXCEPTION FOR NONECONOMIC SUBSTANCE TRANSACTIONS, TAX SHELTERS, AND CERTAIN LARGE CORPORATIONS.—Paragraph (1) shall not apply—

"(A) to any portion of an underpayment which is attributable to one or more tax shelters (as defined in section 6662(d)(2)(C)) or transactions described in section 6662(b)(6), and

"(B) to any taxpayer if such taxpayer is a specified large corporation (as defined in section 6662(d)(2)(D)(ii)).".

(c) APPLICATION OF PENALTY FOR ERRONEOUS CLAIM FOR REFUND OR CREDIT TO NONECONOMIC SUBSTANCE TRANSACTIONS.—Section 6676 is amended by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection:

"(c) NONECONOMIC SUBSTANCE TRANSACTIONS TREATED AS LACKING REASONABLE BASIS.—For purposes of this section, any excessive amount which is attributable to any transaction described in section 6662(b)(6) shall not be treated as having a reasonable basis.".

(d) SPECIAL UNDERSTATEMENT REDUCTION RULE FOR CERTAIN LARGE CORPORATIONS.—

(1) IN GENERAL.—Paragraph (2) of section 6662(d) is amended by adding at the end the following new subparagraph:

"(D) SPECIAL REDUCTION RULE FOR CERTAIN LARGE CORPORATIONS.—

"(i) IN GENERAL.—In the case of any specified large corporation—

"(I) subparagraph (B) shall not apply, and

"(II) the amount of the understatement under subparagraph (A) shall be reduced by that portion of the understatement which is attributable to any item with respect to which the taxpayer has a reasonable belief that the tax treatment of such item by the taxpayer is more likely than not the proper tax treatment of such item.

"(ii) SPECIFIED LARGE CORPORATION.—

"(I) IN GENERAL.—For purposes of this subparagraph, the term 'specified large corporation' means any corporation with gross receipts in excess of $100,000,000 for the taxable year involved.

"(II) AGGREGATION RULE.—All persons treated as a single employer under section 52(a) shall be treated as one person for purposes of subclause (I).".

(2) CONFORMING AMENDMENT.—Subparagraph (C) of section 6662(d)(2) is amended by striking "Subparagraph (B)" and inserting "Subparagraphs (B) and (D)(i)(II)".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

Subtitle C—Other Provisions

SEC. 221. DELAY IN APPLICATION OF WORLDWIDE ALLOCATION OF INTEREST.

(a) IN GENERAL.—Paragraphs (5)(D) and (6) of section 864(f) are each amended by striking "December 31, 2008" and inserting "December 31, 2017".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 222. MODIFICATION OF PENALTY FOR FAILURE TO FILE PARTNERSHIP RETURNS.

(a) EXTENSION OF TIME LIMITATION.—Subsection (a) of section 6698 (relating to general rule) is amended by striking "5 months" and inserting "12 months".

(b) INCREASE IN PENALTY AMOUNT.—Paragraph (1) of section 6698(b) is amended by striking "$50" and inserting "$100".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns required to be filed after the date of the enactment of this Act.

SEC. 223. PENALTY FOR FAILURE TO FILE S CORPORATION RETURNS.

(a) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by adding at the end the following new section:

"SEC. 6699A. FAILURE TO FILE S CORPORATION RETURN.

"(a) GENERAL RULE.—In addition to the penalty imposed by section 7203 (relating to willful failure to file return, supply information, or pay tax), if any S corporation required to file a return under section 6037 for any taxable year—

"(1) fails to file such return at the time prescribed therefor (determined with regard to any extension of time for filing), or

"(2) files a return which fails to show the information required under section 6037,

such S corporation shall be liable for a penalty determined under subsection (b) for each month (or fraction thereof) during which such failure continues (but not to exceed 12 months), unless it is shown that such failure is due to reasonable cause.

"(b) AMOUNT PER MONTH.—For purposes of subsection (a), the amount determined under this subsection for any month is the product of—

"(1) $100, multiplied by

"(2) the number of persons who were shareholders in the S corporation during any part of the taxable year.

"(c) ASSESSMENT OF PENALTY.—The penalty imposed by subsection (a) shall be assessed against the S corporation.

"(d) DEFICIENCY PROCEDURES NOT TO APPLY.—Subchapter B of chapter 63 (relating to deficiency procedures for income, estate, gift, and certain excise taxes) shall not apply in respect of the assessment or collection of any penalty imposed by subsection (a).".

(b) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by adding at the end the following new item:

"Sec. 6699A. Failure to file S corporation return.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns required to be filed after the date of the enactment of this Act.

SEC. 224. INCREASE IN MINIMUM PENALTY ON FAILURE TO FILE A RETURN OF TAX.

(a) IN GENERAL.—Subsection (a) of section 6651 is amended by striking "$100" in the last sentence and inserting "$150".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to returns the due date for the filing of which (including extensions) is after December 31, 2007.

SEC. 225. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 in effect on the date of the enactment of this Act is increased by 52.5 percentage points.

The SPEAKER pro tempore. Pursuant to House Resolution 861, the gentleman from New York (Mr. RANGEL) and the gentleman from Louisiana (Mr. McCRERY) each will control 30 minutes.

The Chair recognizes the gentleman from New York.

Mr. RANGEL. Mr. Speaker, after my speaking, I ask unanimous consent that the balance of my time be controlled by the gentleman from Massachusetts (Mr. NEAL), and that he be allowed to assign it to speakers on behalf of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

I am so proud to have the opportunity to say once again that fulfilling our constitutional responsibility, the Ways and Means Committee has reported out a bill to provide relief to upward of some 25 million people from being hit by a $50 billion tax increase, which it was never thought could happen to these people.

□ 1700

By the same token, almost separate and apart from this, we have an opportunity to close a very unfair provision that we find in our Tax Code, that certainly no one has come to me to defend, which prevents a handful of people from having unlimited funds being shipped overseas under deferred compensation and escaping liability. It is just plain wrong if we were talking about this by itself. But we are not doing that. We are talking about bringing something together that I don't see how anyone can be opposed.

So let's talk about the things that we all agree on. Nobody, Republican or Democrat, liberal or conservative, believes that these taxpayers should be hit by a tax that we didn't intend.

Two, no one has the guts to defend the offshore deferred compensation. You may have some feelings about it because of a couple of friends, but we know it's indecent and immoral.

So what is the problem? We raise the money and we hope that, through this and others, we will be able to pay for the loss of revenue that is enacted by the patch. That is the $50 billion. I wish that I could yield all of our time to the Republicans to explain once again, as eloquent as my dear friend Mr. McCRERY is, as to why this is not borrowing.

Mr. DREIER yesterday in the Rules Committee says it's not borrowing because we never intended for this to happen. Well, if it works for you guys, I'm going to try it when I get home with my creditors and say, hey, it wasn't meant for me to be broke and so it's not borrowing; just ignore it.

But it doesn't work that way on pencil and paper. Either you have got to cut programs by $50 billion, raise the revenue by $50 billion, or mumble for $50 billion. Enough of the mumbling. Can't we unite on this, and at least let them know in the Senate that the House of Representatives is the House of the People, that we believe in what we're doing? And let's remember this; that we know the President, when he is closing things that he wants to be closed on to raise revenue, it's not a tax increase. He and Secretary Paulson call it, what, a loophole closing. That's all we're trying to do in paying for this.

And so, remember, the President won't be with you in November, but I will be, trying to help all of us to understand that we did the best we could for the Congress and for the country. So we are giving the other body another opportunity. Hopefully this time they will not be irresponsible but they will join with us in doing two things: Reform the system for a provision that only benefits a handful of people at the expense of the United States Treasurer; and, two, prevent this burden from falling on 25 million innocent, hardworking American people.

At this time I would like to yield the balance of my time to Chairman RICHARD NEAL.

The SPEAKER pro tempore. Without objection, the gentleman from Massachusetts will control the balance of the time.

There was no objection.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield myself such time as I might consume.

I rise in support of the AMT Relief Act of 2007. We are here again in an effort to protect 23 million American taxpayers from higher taxes on April 15. Almost 19 million of those taxpayers have never paid AMT before, and some indeed have not even heard of AMT. With this bill, we can ensure that it stays that way.

My district alone will see an increase from 7,300 families hit by AMT to 67,000 people hit by AMT. We have individuals across this country, including Maggie Rauh from my district who is a CPA and who testified that her family income is at $75,000. She takes the standard deduction. They have three children. She is going to pay AMT. That family trip to Disneyland next year is on hold.

Joel Campbell of Loudoun County, Virginia told the committee that his family had to choose between saving more for retirement or paying for college. Higher taxes because of AMT are forcing middle- and upper middle-income families to make these difficult choices.

So we all agree that AMT should not be affecting these working families, but we cannot agree on how to do it. And that is the point: Everybody agrees that it has got to be fixed. The Republicans propose to borrow $50 billion; we intend to proceed with paying for this issue. When I hear the argument that we should forget about it because it was never intended to hit middle-income people, as Mr. RANGEL noted, I would like to try that on my creditors.

The Republicans believe that we should not offset this tax increase for middle-income people. Indeed, the President's budgets for the last few years have all counted on this revenue, and he projects next year precisely the same thing.

We made a pledge earlier this year to the American taxpayer that we would do no harm to the Federal budget. So if we lower tax revenues, we have to make up for that loss and not add to the deficit. That PAYGO pledge is difficult and painful, but most sensible.

The bill that we bring before the House today is a smaller package than before. The expiring provisions and the carried interest revenue raisers are gone. In the face of opposition to our offsets, we cannot retain this package because of the expiring tax provisions. It is my hope that we can turn to these provisions again in the near future and perhaps, if necessary, make them retroactive, indeed.

This bill provides that offshore hedge fund managers not enjoy unlimited deferral from any taxation on their compensation. We have all seen the news reports of these hedge fund people deferring hundreds of millions of dollars in compensation offshore because of a tax loophole. This bill closes that loophole, and it gives tax relief to 23 million families.

The bill also provides that a corporate tax shelter abuser be subject to new rules requiring economic substance in transactions. Let me interpret. It has to be for real. By cracking down on tax shelter abusers, we are able to provide tax relief to the families of 13 million children in minimum wage households who get little or no refundable child tax credits.

The bill is simple. The bill is straightforward. Despite some opposition, we are going to persevere in our path to responsible tax cuts. Ecclesiastes teaches us that the race is not always to the swift nor the battle to the strong. That does not affect our conviction here that we intend to persevere on the right path. We stand by our pledge to the American taxpayer and hope to convince others to join our battle today.

Mr. Speaker, I reserve the balance of my time.

Mr. McCRERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong opposition to the bill before us today, just as I did the last time this bill was on the floor. It is not exactly the same, but basically it is a bill that would patch, so to speak, the AMT, and then increase other taxes to the same amount as the baseline says the patch costs.

Let me make one thing clear. Republicans are for patching the AMT, a 1-year patch on the AMT. We are for, in other words, freezing the AMT in place just as it is today or just as it was for the last tax year. Where we differ with the majority, at least so far, is over the question of whether we need to, quote, pay for the patch by raising other taxes. We have had this debate before on this floor. We know where this debate is headed.

The President's budget, by the way, includes a 1-year patch on the AMT without a pay-for. So that should be made clear to everyone, and that is what we have been proposing for quite some time. That is what the Senate passed by a rather large vote very recently. In fact, 88-5 I believe was the vote that the Senate passed a 1-year patch without tax increases. I applaud that action of the Senate. It does what the chairman of the Ways and Means Committee and I as the ranking member of the Ways and Means Committee, and the chairman and ranking member of the Senate Finance Committee wrote in a letter to the President several weeks ago saying that we promised to pass a 1-year patch on the AMT in a manner that the President would sign. The Senate bill represents that promise. This President has said he will sign that bill. The President has said he won't sign the bill that is before us today. In fact, the distinguished majority leader of the Senate is so intent on not paying for the AMT that he is refusing to send the bill to the House right now so as not to give the majority here another opportunity to load it up with doomed tax increases. Yet our friends on the majority are once again pulling on their helmets and fastening their chin straps, ready to run into the brick wall of using tax hikes to prevent other tax increases. The whole thing would be comical if the implications were not so serious.

In recent weeks, the Treasury Secretary, the Acting Commissioner of the IRS, and the chairman of the IRS oversight board have all written to Congress to urge prompt action on the AMT and warned that continued delay on the patch will result in delayed refunds, confusion, and higher costs to the Treasury. In a recent letter, Secretary Paulson cautioned that "enactment of a patch in mid to late December could delay issuance of approximately $75 billion in refunds to taxpayers who are likely to file their returns before March 31, 2008. Millions of taxpayers filing returns after that date may also have their refunds delayed." Well, here we are now in mid-December and, unfortunately, the majority in the House continues to play a dangerous game of chicken with the American taxpayer and the clock is winding down.

When the House debated H.R. 3996 last month, Republicans argued against applying PAYGO to the AMT patch. We pointed out that if Congress has to increase taxes to prevent a tax increase, then the majority's baseline has baked in trillions of dollars of tax increases over the next decade as the 2001 and 2003 tax cuts reach their current expiration dates at the end of 2010.

The majority's logic seems to go like this: To prevent a tax increase, we must enact a tax increase. Either way it's a tax increase, unless you do as we're suggesting, which is to prevent the tax increase by just patching and freezing the AMT in place as we did last year and the year before.

The House Democrats' version of PAYGO forces Congress to decide whether we will let those tax increases take place or replace them with other tax hikes. But no matter how Congress chooses to raise taxes, if we follow that, we will face the largest tax increase in American history both in nominal and real terms. Moreover, in many ways PAYGO has shown itself to be a farce.

In January, when the new majority instituted PAYGO, the Congressional Budget Office estimated that revenues in fiscal year 2007 would total $2.542 trillion. Actual revenues for 2007 turned out to be $26 billion higher than that. Does the majority plan to return these excess receipts to the taxpayer? No. It's just soaked up by more spending.

Similarly, in January of 2007, the CBO estimated that revenues in fiscal year 2008 would be $2.72 trillion but recently revised that figure upwards by just over $50 billion, almost exactly the same amount that this "AMT" costs. Does the majority plan to return this money to the taxpayers, or maybe even credit that against the higher revenues envisioned by the baseline? No. How about crediting it to the AMT patch? No. They are going to pay for it all over again.

□ 1715

As Monday's Wall Street Journal editorial points out, "PAYGO has been nothing but a confidence game from the very start. PAYGO doesn't apply to domestic discretionary spending. It doesn't restrain spending increases under current law in entitlements like Medicare and Medicaid. Its main goals are to make tax cutting all but impossible while letting Democrats pretend to favor fiscal discipline. The 2003 tax cuts expire in 2010 and PAYGO will make them all but impossible to extend."

The President and the Senate have made clear that they do not intend to raise taxes to prevent a tax increase. The bill we are considering today only further delays final resolution of this issue, increasing cost to the treasury and increasing confusion for taxpayers and the IRS. I urge defeat of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. NEAL of Massachusetts. Mr. Speaker, let me clarify what the gentleman just said. He came the same day that I did. He is one of the better Members to serve here, and I personally and professionally am going to miss him.

Let me clear up what he just said. He said let's borrow the money to pay for this issue. We are saying let's pay the bill now.

Mr. Speaker, with that, I would like to introduce the Speaker of the House of Representatives for a long 1 minute.

Ms. PELOSI. Mr. Speaker, I thank the distinguished gentleman, Mr. NEAL, chairman of the subcommittee for yielding and also for his great leadership on issues that regard strengthening the middle class and growing the middle class in our country.

I also want to associate myself with the remarks of Mr. NEAL when he extended his compliments to Mr. MCCRERY. He is a wonderful Member of Congress, and I am sorry to hear of his announced retirement. He will be missed here.

I listened attentively to Mr. MCCRERY's comments and want to speak to them because I think they pose the question that this House has to decide upon this evening very clearly. Mr. RANGEL and Mr. NEAL have given us the opportunity here tonight to send a clear message to the American people that the leverage in this country has changed to the middle class now instead of protecting the assets of the top 1 percent in our country.

Mr. MCCRERY says to give a tax cut, to prevent a tax increase we are going to increase taxes. Hello? He said, Hello? Hello, Mr. MCCRERY; yes, we are going to give tax relief to 23 million Americans, 23 million Americans, and approximately 5,000 to 10,000 Americans will be paying the tab. And they will be paying the tab because this legislation closes a loophole. We are closing a loophole.

These hedge fund CEOs who have taken their profits offshore to avoid taxes, this is called tax evasion, and this loophole closes that. So yes, tax relief for 23 million families, 10,000 or fewer people paying the price.

What is the alternative? As Mr. NEAL mentioned, to borrow. Happily, my colleagues, for those of you who may not know, I got my seventh grandchild this weekend. And as it is with grandchildren, you always think of the world in which they will live and what we are doing, the fiscal soundness, in the country in which they will live.

So what we are saying to this newborn baby, we have a choice here tonight. We can either close the loophole of tax evasion for the wealthiest people in America in order to give tax relief to 23 million families in America, 5,000 to 10,000 get an increase, 23 million get tax relief, or we can say to the little baby and all little babies born across America and all their children, you are going to pay the tab because this money will be borrowed, probably from a foreign government, possibly from China, $50 billion. Fifty billion dollars. Put that on your tab, little baby, because you are going to be paying that price for a long time.

So it is either the American taxpayer, future generations, suffering if we go the Republican route, or it will be fairness, fairness, a new principle in tax policy in our country. The choice is clear. We choose tax relief for 23 million families with 10,000 or fewer people paying the tab. The wealthiest people, producing billions of dollars, billions of dollars once their loopholes are closed in order to foot the bill or passing this on to our children.

I wonder if our colleagues would be willing, when we talk about AMT, the alternative minimum tax and paying for it, or any other issue when we try to pay for it, if they would be interested when they suggest that we not pay for it, if they would be willing in the same vote to vote to increase the debt ceiling, because that is exactly what you are proposing. Let us not pay for this. Let us increase the national debt in order to give comfort to people who are evading their taxes by going offshore to the tune of billions of dollars.

So I think what the Ways and Means Committee has done is masterful. It is a mystery to me why it isn't bipartisan, and I hope that the bright light that we can shine on it tonight of fairness will encourage the Senate to support this legislation.

Not to pay for the AMT middle-class tax relief is really a hoax on the American people. I know that in the course of the debate my colleagues will make that clear. I thank you.

We have had many proud days in this Congress, when we passed SCHIP, the health insurance for 10 million American children, when we passed many pieces of legislation that related to our children, their health and education and the economic security of their families, the environment in which they live, a world at peace in which they can survive, but none of them has been as proud a day for me as when the Democrats stood tall for the middle class giving them tax relief, having it paid for so that those little children do not have to inherit the debt.

Once again, let's make this the children's Congress and vote for this important legislation.

Mr. MCCRERY. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from California (Mr. HERGER), the ranking member of the Trade Subcommittee of the Ways and Means Committee.

Mr. HERGER. Mr. Speaker, this bill is the wrong policy for tax-paying families. PAYGO budgeting has put Congress in a straitjacket even on this temporary fix to the alternative minimum tax which was never intended to ensnare 23 million middle-income workers.

In reality, PAYGO fails to rein in out-of-control spending and results in permanent tax increases making tax relief next to impossible.

The other body agrees, going so far as to call this nonoffset AMT patch the "Tax Increase Prevention Act." Insisting on PAYGO brings us down the path of massive tax increases over the next decade. We need to stop this PAYGO charade and pass AMT relief without burdensome new taxes on the American people.

Mr. NEAL of Massachusetts. Mr. Speaker, there are only two ways to respond: Either you borrow the money or you ask people who are hiding money in offshore accounts to pay for it, and that is what we are doing. People who are hiding money in island communities are being asked to give tax relief to 23 million people.

And with that, I yield to the gentleman from Michigan (Mr. LEVIN), the chairman of the Trade Subcommittee of Ways and Means.

Mr. LEVIN. Mr. Speaker, I have been listening, as I hope everybody has, and I think the comments from the minority are the height of fiscal irresponsibility and fiscal irrationality. Both.

You simply say because it was unintended. But no, in 2002 and 2001 when you passed the tax bill, you knew that the AMT was going to take away some of the effect. You knew that. You've known all along that this was coming down the track. And essentially what you said was borrow, borrow, borrow.

And now you are carrying that to a ridiculous extreme by saying don't act and pay for it by closing a loophole that gives people in our country who try to escape taxation by going overseas, don't act. That's irrational as well as irresponsible.

So what we are saying to the Senate is we are giving you another chance. It has been blocked in the Senate by the Republican minority and by the President of the United States. We have to act on the AMT. You have to act at long last responsibly, and so do Senate Republicans and so does the President of the United States of America.

Vote for this bill.

Mr. MCCRERY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. CAMP), the ranking member of the Health Subcommittee of the Ways and Means Committee.

Mr. CAMP of Michigan. Mr. Speaker, the bill we are debating today appears to be an exercise in futility. Not only has the President said he will veto it, but it has virtually no chance of passing the Senate. So why has a bill been brought to the floor that virtually is going nowhere?

Instead of this bill, the House should be voting on the bill the Senate passed last week. I wouldn't call it Senate blockage. It passed 88–5. The Senate prevents 23 million Americans from being hit by the onerous alternative minimum tax and does it without permanently increasing taxes. The bill before us includes $50 billion in tax increases. That is $50 billion in taxes the American public was never intended to pay and should never pay.

Last May when the Republicans were in the majority, we passed legislation to prevent the AMT from hitting middle-income taxpayers. We finished our work early and responsibly so the IRS had time to reprogram its computers and print accurate tax forms which prevented unnecessary confusion for taxpayers.

But here we are in December and the Democrats still have not finished their work on the temporary AMT patch. Unfortunately, because of their inaction, millions of taxpayer refunds will be delayed for months. Unfortunately, because of their actions here today, those refunds will be further delayed.

The IRS has warned the majority party that failure to act will result in

$75 billion in refunds being delayed for taxpayers who file their returns before March 31 of next year. Millions more will be delayed to taxpayers filing after that date. Rather than take up the Senate bill which the President has signaled his intent to sign, the majority party in the House is wasting time by bringing up a bill that includes unacceptable tax increases. People are already paying high enough taxes. They are already paying enough in taxes. I urge my colleagues to vote against H.R. 4351.

Mr. NEAL of Massachusetts. Mr. Speaker, we cannot predicate our actions in the House of Representatives on the basis of what the President might or might not do. Article I of the Constitution mentions Congress as the first branch of government for good reason, to keep a check on the executive, not vice versa.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, today Americans believe that our Nation's leaders have forgotten the middle class. They believe that Big Business gets whatever it wants any time it wants it in Washington, DC, and they feel that way because what they see is that the top Americans in income have seen their incomes skyrocket. Meanwhile, most Americans have seen their wages stagnate for the last 5 years.

Americans have watched as 3 million manufacturing jobs have left this country, and today, outsourcing to China and India threaten millions more. We see pensions and health insurance becoming too expensive for too many Americans to afford. We have seen the costs double for those pensions and that health insurance over the last 5 years, and we have seen gasoline prices triple.

□ 1730

What we need is an economy that works for everyone and makes America stronger. So what we propose in this bill is to show the American people that we do hear them.

This bill is responsive. It provides tax relief to 23 million middle-class families, and it helps 12 million children by expanding the child tax credit. And this bill is responsible because, rather than just borrow the money to provide the tax relief, we pay for it up front. And the Speaker already said it. We're giving it to tens of millions of people, the tax relief, and only asking thousands to pay for that.

This is responsible because we will not add to the already big $9 trillion debt. We won't add to the fact that today alone, $2 billion will have been spent by this country in deficit spending. Each and every American in this country, including the child that is born today, begins a birth tax now of a $29,000 bill because of the size of the debt.

We want to do this responsibly. This is a different day in this Congress. We told America we would change direction, because we want to be responsible and help all Americans, but be responsible and pay for what we do.

Mr. McCRERY. Mr. Speaker, at this time I yield 3 minutes to the distinguished gentleman from Wisconsin, a member of the Ways and Means Committee, Mr. RYAN.

Mr. RYAN of Wisconsin. Let me put this in context. Mr. Speaker, the distinguished Speaker of the House came to the floor and said, we're providing tax relief for people. No, we're not. This isn't tax relief. What this bill attempts to do is prevent a tax increase, so nobody is seeing their taxes lowered under this bill. That's point number one.

But point number two is this is a new precedent that is being established here. What is this new precedent? This tax, the alternative minimum tax, is a mistake. It was never intended to be. Everybody acknowledges that. It was designed to get 155 really rich people in 1969, to make them pay taxes. It was never designed to tax 23 million people in the middle class this year. So we agree in Congress this shouldn't exist. Let's get rid of it. In all preceding Congresses we've said, let's not get new people caught up into this trap, and just be done with it.

The new precedent that is occurring here today is, the majority says, while we may not like this tax itself, we want that money. We may not like this way of taxing it, but we sure want this money coming into the Federal Government. And that's the new precedent that is occurring today which is an endorsement of this tax increase, an endorsement in acceptance, a wanting of this new and higher tax revenue.

What does that do? That brings us to a whole new size of government. What we have had in the last 40 years is the Federal Government has taxed the U.S. economy at 18.3 percent. That's the 40-year average. That's how much Washington takes out of the U.S. economy.

With this tax in place, with this new alternative minimum tax, that takes us up to an unprecedented level of government spending and taxing to 24 percent. What the majority is doing is putting us on this path of ever higher levels of taxation, even higher than during World War II. Why are they doing this? To spend more money.

There is a difference in philosophy here, Mr. Speaker. There's a basic philosophical difference. My good friend, who's a good man from Massachusetts will say, well, they're just borrowing to do this. We say, let's address entitlements. Let's focus on spending and keep taxes low.

They say, we don't want this tax but we want this money so we're going to raise some other permanent tax to get it into the government.

Here's the difference. Our priority is the taxpayer comes first, government second. Their priority is government comes first, the taxpayer is second. The government's in the front of the line. The taxpayer gets stuck with the tab.

We're saying the American families are taxed enough. They're paying enough in taxes. Because, you know what, we've got to watch it. We've got to make sure that we're competitive in the 21st century. We've got to make sure that we can keep jobs in America. And if we put ourselves on this path of unprecedented levels of taxation, we will lose our greatness in this century. We will sever that legacy of giving the next generation a higher standard of living, and we will be unable to compete with the likes of China and India if we buy into this notion of ever higher taxes. That's why we should oppose this bill.

Mr. NEAL of Massachusetts. Mr. Speaker, what my friend, Mr. RYAN, just said, he's really a good guy here. He simply said that our priority was a bit confused. Our priority is clear. Cut taxes for 23 million Americans and close an offshore account.

With that, I would like to yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. After having run the national debt up sky high, these Republicans clamor for another loan. "Just give us another $50 billion for one more tax cut." And we Democrats are saying "No, your debt addiction must stop today. You're way over your credit limit."

The Republican borrow-and-spend approach that we've had for the last 7 years may be easy politics, but it's mighty hard on an economy where the dollar keeps falling so that it's worth even less today than a Canadian looney.

In this bill, one way that we stop this Republican credit card borrowing spree is by adopting much of the Abusive Tax Shelter Shutdown Act, which I first introduced in June 1999. It combats tax shelters by denying a deduction for transactions that lack what is called "economic substance." What that means is no more tax evasion by corporations that rely on what one professor described as "deals done by very smart people that, absent tax considerations, would be very stupid." And it is very stupid to allow them to continue doing that.

When the corporate tax dodgers are made to pay their fair share, as this bill does today, everybody else who plays by the rules can pay less. And that's what this bill does. We stop corporate tax evasion; we stop corporate tax dodgers from shifting the tax burden to middle-class families, ensuring today both tax fairness and fiscal responsibility.

Mr. McCRERY. Mr. Speaker, may I inquire as to the time remaining for each side.

The SPEAKER pro tempore. The gentleman from Louisiana has 17 minutes remaining. The gentleman from Massachusetts has 14 minutes remaining.

Mr. McCRERY. Mr. Speaker, at this time I would yield 3 minutes to the distinguished gentleman from Texas (Mr. BRADY), a member of the Ways and Means Committee.

Mr. BRADY of Texas. Mr. Speaker, it's sort of hard to listen to lectures about fiscal responsibility. For years Democrats have claimed that it is time to pay for this war; it's fiscally irresponsible not to pay for this war; it ought to be part of the budget. Have they paid for the war? No, not a dime.

For years they said it's irresponsible to raise the debt limit; it's all your fault; we cannot raise the debt limit. What did they do the first 2 months of this session? Raise the public debt limit.

For years they've said we need to pay for all our spending, pay for all our taxes. So what have they done?

I have a list of 27 different pay-fors that have been used multiple times already in this session. It's like using your home as collateral 27 different times. In the real world we call that fraud.

It's unfortunate we are here today. I honestly don't believe when Democrats created this tax in the 1960s that they intended ever to cover this many middle-class Americans. But it has happened. Republicans, to their credit, had killed the AMT in 1999, but President Clinton unfortunately vetoed it. Today it has gotten bigger and badder and worse than ever. It is appropriate that we move to both freeze and then to repeal the alternative minimum tax. But there are real serious problems with this bill.

Paying for a temporary tax of 1 year with a permanent tax is just, again, fiscally irresponsible. It is like taking a loan out to pay for a cheeseburger.

This bill ignores the need to continue tax relief for States that have State and local sales tax deductions, for college tuition tax credits, for research and development tax credits, even for teachers who take classroom supplies and pay for them out of their pockets, we're not addressing their needs. And those all expire at the end of this year.

Finally, I think it is a mistake to raise taxes in order to prevent a tax increase. What we ought to be doing is we ought to be sitting down together, Republicans and Democrats, figuring out a way to thoughtfully and carefully trim this budget, this big, fat, bloated, obese budget up here so we don't increase taxes. Before Washington asks families to tighten their belt, we ought to sit down and tighten our belt first.

This is a bad bill, a fiscally irresponsible bill, and I urge opposition.

Mr. NEAL of Massachusetts. Mr. Speaker, I need to quickly correct the record. In 1969 when the alternative minimum tax was put in place, it was not a Democratic scheme. The vote was 389-2 in this House of Representatives.

With that, I would like to yield 1 minute to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. NEAL, I want to thank you and Chairman RANGEL for your leadership on this extremely important bill.

There are several points I would like to make. First of all, my good friends, my Republicans on the other side of the aisle, it must be clear. There's no question about it. What the Republicans want to do is borrow the money to pay for this tax from China, from Japan, and have our children and grandchildren pay for it. But they don't want to just stop there. They also want to protect those wealthy 1 percent who are using tax loopholes to hide their money away from taxation in offshore accounts. That is what our Republican colleagues want to do.

We, on the Democratic side, want to look at this in the responsible way, as the American people expect. We have to provide tax relief for 23 million American families. How to do that is most assuredly to pay for it. And we're doing it by closing these offshore loopholes.

Mr. McCRERY. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Virginia, a respected member of the Ways and Means Committee, Mr. CANTOR.

Mr. CANTOR. Mr. Speaker, just as she did this evening, on November 9 of this year, Speaker PELOSI stood on the floor of this House and told the American people that the middle class was long overdue for tax relief. She said that an AMT bill had to be about tax fairness, fiscal responsibility and keeping America competitive.

Yet, once again, Mr. Speaker, the current attempt at patching the AMT rings hollow. As the ranking member indicated, we know where this debate is going; and, frankly, we know where this bill is going: nowhere. This attempt, just as others that have failed, illustrates to me the disconnect between this majority in this House and the American people. In fact, it echoes what's been going on in this House over the last several weeks, if not months. Here we are a week and a half before Christmas and we've not finished the work that the American people sent us here to do.

But, in fact, it is the disconnect between the majority leadership and middle-class American families that troubles me most. If you look at what's going on out there, families are worried about the flagging economy which has fueled alarming levels of anxiety. In spite of a weak dollar, skyrocketing gas prices, falling home values, and other mounting concerns, the Democrat majority in this House refuses to accept the reality of a $2,000 plus tax hike facing millions of middle-class families.

Let's get to work. Let's realize that this bill isn't going anywhere.

The House majority refuses to cut taxes or sustain expiring growth, progrowth tax cuts without first raising other taxes. Their dogged adherence to this policy as it applies to AMT puts them at odds with the American people.

The overwhelmingly bipartisan Senate bill, as has been said, rightly abandoned the misguided idea of raising taxes to cut taxes just so Washington can spend more. In this tax fight the stakes for everyday families are high, and the potential consequences are severe.

Mr. Speaker, just 4 weeks ago Speaker PELOSI stood here and promised the middle class tax fairness and fiscal responsibility. In light of this attempt, I wonder why we can't just come together, stop the political games, and support real tax relief for 23 million American families.

Mr. NEAL of Massachusetts. Mr. Speaker, without this bill passing, there are 74,000 people in Mr. CANTOR's district that will pay alternative minimum tax next year.

With that, I would like to yield 2 minutes to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Speaker, today we're debating legislation that will provide middle-class families with tax relief from the AMT tax, 23 million taxpayers. We'll pass this legislation, offering AMT relief to middle-class families without increasing the Federal deficit.

My good friend from Wisconsin said earlier that this sets a new precedent. Yes, it does. We're going to be paying for this tax relief. That is precedent setting. To do otherwise would be an abdication of our responsibilities, both as legislators, and as stewards of our Nation's finances.

This administration has presided over 7 years of fiscal mismanagement. Spending has skyrocketed. Entitlements have expanded. Taxes have been cut without any regard to the bottom line.

□ 1745

As a result, our budgets haven't balanced, our surpluses turned into deficits, our national debt exploded, and our borrowing from other countries more than doubled.

If there was ever a time when fiscal discipline was necessary, it's today.

From day one, this Democratic majority has pledged our commitment to budget enforcement. One of our first acts as a new majority was to implement PAYGO rules. The position of this House and this majority has not changed. Congress must pay as we go, and we pay for this tax relief today by closing loopholes which allows tax avoidance for wealthy folks who move their money offshore, and we take what we gain from closing that loophole and in turn we pay for middle-class tax relief. Twenty-three million people will be hit with a tax increase if we don't pass this.

This legislation provides responsible tax relief. It does not increase the deficit and it deserves our vote.

Mr. McCRERY. Mr. Speaker, several of the speakers on the majority side have said that this bill provides tax relief for 23 million middle-class taxpayers. That is simply not correct, at least not in the common sense of that term.

If you ask somebody on the street, a taxpayer, if you pay the same amount in taxes this year as you paid last year, is that tax relief? No. They're paying the same in taxes. That's all this bill does. Doesn't give them any relief. If you ask that person on the street, if you pay more in taxes this year than you paid last year, is that a tax increase? Yes. We're trying to prevent 23 million taxpayers from getting a tax increase. We're not giving them tax relief. We're preventing a tax increase.

So why on Earth, to prevent that tax increase, should we increase taxes on somebody else? It just doesn't make sense, Mr. Speaker.

Mr. Speaker, at this time, to further elucidate that point and others, I yield 2 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, I thank the gentleman for yielding, and he makes a very important point. As hard as I look at this bill, I can't find any tax relief in it. People who somehow think that by preventing a massive tax increase on the American people, that that's tantamount to relief, they need to talk to the schoolteacher in Mesquite, Texas. They need to talk to the rancher in Murchison, Texas.

Again, if you make the same amount of money next year that you made last year and you're paying the same amount of taxes, where's the tax relief?

This bill is misnamed. The AMT is misnamed. It ought to be called the alternative massive tax increase because it's a massive tax increase on the American people of $55.7 billion. The only thing that's alternative about it is who has the great honor and pleasure of paying for this tax.

Now, I've heard many speakers on the other side of the aisle come and say, well, we pay for it. Well, that will certainly come as a great relief to the teachers and the ranchers and the small business people of the 5th District of Texas to know that you're not going to increase their taxes because somehow you've paid for it.

You haven't paid for anything. You've put a massive tax increase on the American people, and in this particular case, you are putting it on investment. You're putting it on small businesses. You're putting it on the capital of capitalism, and you are threatening the paychecks of the American people.

Now, I've heard many people come here to the floor and say, well, we have to be fiscally responsible; this needs to be revenue neutral. Well, I agree with my friends on the other side of the aisle. It does need to be revenue neutral. It ought to be revenue neutral to the taxpayer, not the Federal Government. That's the revenue neutrality that we should attempt to achieve here.

I heard my friend, the gentleman from Massachusetts, say, well, we have to pay this or there's going to be this tax increase. Well, there's another alternative. There's several alternatives. One's the Taxpayer Choice Act, which would get rid of the AMT once and for all.

There's a clear choice before us. Who's going to get the $55.7 billion, Federal Government bureaucrats or American families? We vote for the American family.

Mr. NEAL of Massachusetts. Mr. Speaker, one of the reasons I like Mr. McCRERY is because I think he's one of the smartest guys that serves here in this institution, and let me just say this.

I agree with what he said. If you stop 23 million people from getting a tax increase, that is tax relief. There are 33,000 people tonight in Mr. HENSARLING's district that are going to pay alternative minimum tax if we don't pass this legislation.

Mr. Speaker, with that, I yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding.

This has been a very curious discussion, and statements made have no relation whatsoever to either reality or to history.

We just heard the pay-for in this bill described as a massive tax increase that will affect teachers in Texas. This bill goes after hedge fund managers, parking income in Bermuda bank accounts, exploiting tax loopholes and not paying what they owe.

The alternative is to do what the minority is suggesting, and that is just to borrow the money, borrow the money and let the kids worry about how they're going to pay it back in their day. Well, at least we have agreement we need to address the alternative minimum tax, but let me tell you why we're worried about borrowing the money.

Since President Bush took office, the gross national debt has increased nearly $3.5 trillion. At that rate of borrowing, do you know something? We will borrow an additional $57 million in the course of this debate. It is truly astounding the red ink that they've run this country into, and all we hear from them today is more borrowing, please.

You know, they had a chance during their tenure here to fix the alternative minimum tax. They say we shouldn't have to pay for it because it was never intended to act this way. Well, they had 7 years to fix this alternative minimum tax, and instead, you know what they did? They counted the revenue that was projected to come in on the alternative minimum tax to justify those tax cuts, those budget-busting tax cuts passed in 2001 and 2003 that have put us in this deficit ditch that we find ourselves in.

It's time for fiscal responsibility. Pass this bill. Pay for AMT relief.

Mr. McCRERY. Mr. Speaker, I yield myself so much time as I may consume.

Mr. Speaker, some of the Members of the majority who seem to be so sincere about not borrowing any more money are the same people that are voting for appropriations bills that exceed what we spent last year plus inflation. So they don't seem to be worried about borrowing more money to spend on goodness knows what. And they're not suggesting yet that we just wipe out all the deficit and thereby prevent any more borrowing by raising taxes totally to do away with the deficit. So we're just talking about a degree of adding to the debt, little here, little there. If we do it by spending, it's okay. If we let a tax increase take place to get the deficit down, that's okay.

Well, I think that pretty well defines one of the differences between the two parties in this House. We don't want to increase taxes to balance the budget. We'd rather reduce spending. We'd rather hold the line on spending, nondefense discretionary at least and nonhomeland security discretionary. We don't want to solve the deficit by increasing taxes; whereas, the majority is content to raise spending to increase the debt, and then the only way they want to address the debt is to increase taxes.

That's a pretty clear demarcation, Mr. Speaker, of the philosophies of the two parties, and it's become quite apparent as this year has progressed.

Fortunately, the majority, which was then the minority, voted with us the last time we had a freestanding AMT patch, with no pay-for. The now-majority who was there then voted overwhelming with us to do exactly what we're suggesting we now do and what the other body has already passed.

Mr. Speaker, that's the clear resolution of this problem. I beg the majority, let's don't delay this anymore. Don't cost the taxpayers anymore. Don't make the IRS send another set of forms to the printer. Don't delay the refunds of millions, maybe as many as

50 million taxpayers. That wouldn't be right for our inaction.

So let's get this off the floor. I don't have any more speakers. Let's vote, get this done, and then we can get on to really solving the problem.

Mr. Speaker, I reserve the balance of my time.

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman for clarifying the issue of why we should borrow the money. With that, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I understand after what the gentleman just said that he would like to stop debate and move on because, with all due respect, that's turning it on its head.

He's right. When they were in charge, they did offer up a fix that President Clinton mercifully vetoed because if it had been in place in 1999, their proposal would have required almost $800 billion more in deficit spending. But when they were entirely in charge for the last 6 years, they ignored this all together. In fact, they have used every dime that was projected by CBO to fuel their massive spending increases.

Go back and look at the record. Your record for increased spending has been far above the rate of inflation, far above the Clinton administration. It embarrassed your fiscal conservatives. Even Mr. RYAN on the Budget Committee kind of gets embarrassed about your performance for the last 6 years.

That's why you have increased in the Bush——

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman will suspend. The gentleman will address his remarks to the Chair. The gentleman may proceed.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the admonition.

That's why we've had a $3.4 billion increase in the national debt in the first six years of the Bush administration as opposed to a surplus, budget surplus from the Clinton administration, which I think the majority leader will be talking about.

This is not a tax increase. The Federal Government will collect exactly the same taxation over the next 10 years under our proposal as under the Bush budget proposal right now. The difference is they're spending 23 million taxpayers' alternative minimum tax for the next 10 years. That's how they deal with the budget. We stop that.

Mr. MCCRERY. Mr. Speaker, I appreciate the gentleman from Oregon bringing up the fact that President Clinton vetoed the repeal of the AMT back in 1999 when we were in the majority. We did indeed repeal the AMT, only to have that vetoed by President Clinton.

However, the gentleman went on to say that for the last few years we did nothing and accepted all the revenues. That's simply not the case. We put a patch on the AMT every year, just like we're proposing to do this year. The President's budget does not assume the revenues from the AMT increase in this fiscal year. His budget proposes a 1-year patch with no pay-for.

Mr. BLUMENAUER. Mr. Speaker, will the gentleman yield?

Mr. MCCRERY. I yield to the gentleman from Oregon.

Mr. BLUMENAUER. Doesn't the Bush administration budget assume the CBO numbers that include the alternative minimum tax for the next 10 years?

Mr. MCCRERY. Not for the year 2007, which is the object of the legislation before us.

Reclaiming my time, yes, this legislation deals with tax year 2007. If we do nothing, the AMT goes into effect for tax year 2007. The President's budget says for tax year 2007 there should be a patch, a freeze on the AMT so that it doesn't affect additional taxpayers, and he does not call for the revenues in his budget.

Mr. Speaker, I reserve the balance of my time.

Mr. NEAL of Massachusetts. Mr. Speaker, might I inquire as to how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. NEAL) has 6¼ minutes remaining. The gentleman from Louisiana (Mr. MCCRERY) has 4½ minutes remaining.

□ 1800

Mr. NEAL of Massachusetts. With that, I would like to yield 2 minutes to the gentleman from New Jersey, who has been a longtime advocate of repealing the AMT, Mr. PASCRELL.

Mr. PASCRELL. Mr. Speaker, I'm glad we had that last exchange because that's the heart of the issue. It's disingenuous. It's almost bordering on hypocritical because from 2008 to 2017 the administration, the same administration that got us into this mess, assumes the revenue that we will be accepting from AMT every year. This is disingenuous. Tell the American people what the whole story is, not just half the story.

What we want to do, Democrats, we want to prevent millions of working families, 100,000 in my own district, from seeing their taxes increase substantially. We're talking $3,000, $4,000. We're not talking chicken feed here. It pays for the lost revenue by stopping hedge fund managers and corporate CEOs from escaping income taxes by using offshore tax havens.

I can only conclude from what I have heard this evening that the minority wants to protect tax evaders. That's what you want to do. Tell the American people straight up what you want to do. You don't want to protect the fireman, the police officer, the doctor, the lawyer. You want to protect that small group of people, you heard the Speaker talk about it, 5,000 to 10,000 people. That's what this protection scheme of yours is all about.

Most Americans think what we're trying to do is fair and decent and reasonable because it is. But in the warped reality of Washington, there are Members of Congress who believe otherwise. There are actually Members who would rather see working families bear the burden of tax hikes than even a minor adjustment in the Tax Code to ensure that the richest among us pay their fair share. This is what this is all about. Fairness. You kicked the can down the street further. It's our children and our grandchildren that will have the burden.

Speak up tonight in one voice. You have an opportunity. The barometer is not Wall Street; it's Main Street.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISRAEL). Members are reminded to address their remarks to the Chair.

Mr. MCCRERY. Mr. Speaker, I yield myself such time as I may consume.

The gentleman on the Ways and Means Committee who just spoke claimed that I was being disingenuous. I'm sorry if my remarks were interpreted as being disingenuous. I don't mean to be. I was simply trying to stick to the substance of the legislation before us, which deals with the AMT as it applies to tax year 2007. And with respect to that tax year, the President's budget simply does not, as has been suggested by some Members on the other side, assume revenues from an increase in the AMT. It simply doesn't.

Now, the gentleman is correct, and I would love to debate this at the appropriate time, but the gentleman from New Jersey is certainly correct that from 2008 to 2017, the President's budget does, indeed, assume revenues from an increase in the AMT. However, the President's budget also assumes making permanent the tax cuts of 2001 and 2003. So you have to weigh all that together, and when you do, you get a fairly level percent of GDP, around 18.5 percent of GDP, coming into the government in the form of revenues. Under the majority's PAYGO rules, if continued to be applied, and I hope they're not, we would see revenues as a percent of GDP rise by 2017 to 20.1 percent of GDP. So there's a big difference between the PAYGO rules of the majority and what the President has proposed.

Mr. Speaker, I reserve the balance of my time.

Mr. NEAL of Massachusetts. Mr. Speaker, I would like at this time to yield 1 minute to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I rise today in strong support of the AMT Relief Act, a bill that's going to provide tax relief to millions of middle-income Americans.

If this legislation is not passed, more than 128,000 Nevada taxpayers will see their taxes increase by the AMT. This includes more than 30,000 people in my district who were never intended to pay this tax, and they elected me to make sure that they don't.

Now, I believe the alternative minimum tax should be eliminated, but until it is, this bill provides the necessary temporary solution to protect 23 million Americans who would be hit cruelly by an increase in the AMT in 2007.

This bill also ensures that more working parents will be able to benefit from a refundable child tax credit. Currently, some of the families who would benefit the most from the $1,000 refundable credit actually make too little to qualify. This bill lowers the income barrier, allowing all eligible families earning more than $8,500 to benefit.

It's also important to note that the tax relief in this bill is fully paid for and will not add a single dollar to the national debt. That's fiscal responsibility.

Mr. McCRERY. Mr. Speaker, I reserve the balance of my time.

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to yield 1 minute to the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ. I want to thank Chairman NEAL for his leadership on this issue and for his dedication to tax relief for middle-income Americans.

Why are we again talking about the AMT? We are here because Republicans have made it clear that they prefer political expediency over fiscal responsibility. They have decided that it is fine to pile debt onto the shoulders of future generations. They say so what if we add $50 billion next year to our national debt? So what if we add $1 trillion to our national debt over 10 years?

My Republican colleagues have said there is no need to pay for AMT relief because this tax was never intended to hit these people. Did they forget that in 2001 the Republican Congress knew that the first round of Bush tax cuts for the wealthy would be paid partly by pushing 24 million middle-income American taxpayers into the AMT in 2007? Did they forget that for the past 6 years their budgets anticipated tax revenues from these middle-income taxpayers to mask their failed fiscal policies of the last 6 years?

No, they didn't forget. They just didn't want to act responsibly. We will not act so recklessly. We will provide tax relief and we will pay for it.

Mr. McCRERY. Mr. Speaker, I reserve the balance of my time.

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to recognize the gentleman from New York (Mr. CROWLEY) for 1 minute.

Mr. CROWLEY. Mr. Speaker, there are a few key numbers to remember today: 25 million, the number of American families who will be hit by the AMT this year without any action; $2,000, the minimum increase in income taxes for those 25 million Americans hit by the AMT; $9 trillion, our national debt today; $30,000, the share of the national debt by every man, woman, and child in America due to the reckless fiscal policies of President Bush; $0, the cost of this Democratic tax cut to the American public as Democrats are weaning this country off credit card-onomics; four, the number of votes so far this year on legislation to fix the AMT in 2007; zero, the number of votes Republicans in the House have taken to provide tax relief to those 25 million Americans.

The game is up. The American people are watching. Either we are going to stand together today to provide 25 million middle-class Americans a tax cut while not adding to the share of the deficit owned by our children and grandchildren, or we can stick with the failed policy of the past and continue to stall and do nothing.

The choice is easy. America can no longer live off credit card-onomics. We need to manage our House like we expect our constituents to manage their homes. Support this bill. It is tax relief without tax recklessness.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of this legislation, which will provide relief to over 100,000 of my constituents.

This week, the House will once again restate our commitment to fiscal responsibility and pass legislation to provide millions of middle-class families with tax cuts to grow our economy without increasing the national debt.

The AMT Relief Act contains must-pass provisions that will provide $50 billion in immediate tax relief for working families by preventing 23 million middle class families from paying higher taxes this April.

Without this legislation, these 23 million families will be subjected to the alternative minimum tax, including almost 111,000 of my constituents.

When the AMT was enacted, it was meant to ensure the wealthiest among us paid their fair share of a tax that was never designed to hit the pocketbooks of middle-class families.

While this is only a temporary fix, I want to be clear that I hope we can move forward in the near future to provide a long-term solution to this problem.

I am proud that Chairman RANGEL and Speaker PELOSI have brought this fix to the floor today while still adhering to the pay-as-you-go promise this Democratic controlled Congress has promised the American people.

Their leadership have truly brought our country in a new direction.

On the other hand, President Bush has threatened to veto and Senate Republicans voted against the earlier House-passed AMT bill because it adhered to our pay-as-you-go promise.

The stubborn fiscal irresponsibility of President Bush and Senate Republicans has delayed getting middle-class tax relief approved in a timely fashion and resulted in the Senate passing AMT relief legislation that is not paid for—passing debt instead of prosperity onto our children and grandchildren.

We are trying every possible alternative to adhere to pay-as-you-go budget rules—reversing the years of failed Republican policies that have mortgaged our grandchildren's future with additional foreign-owned debt—giving the Senate one more chance to do the right thing.

While fixing the AMT is of outmost importance, we cannot afford to mortgage our children's and grandchildren's future to pay for this tax relief.

Our country is currently burdened with over $9 trillion of national debt, with each American's share at nearly $30,000.

We simply cannot afford to keep adding to this.

Mr. Speaker, the Democrats in Congress are providing common sense tax relief for middle-class American families, and we are doing it in a fiscally responsible way.

I urge this bill's adoption.

Mr. NEAL of Massachusetts. I would like to call upon at this time the majority leader of the House of Representatives, my friend, Mr. HOYER, to close the debate on our side.

Mr. HOYER. I thank my friend from Massachusetts (Mr. NEAL).

I want to say at the outset that I am pleased that Mr. McCRERY is on the floor. There will be other times to say this, but Mr. McCRERY is one of the respected Members of this House. I think he serves us well as ranking member of the Ways and Means. I know he'd rather be chairman of the Ways and Means, but we like him as ranking member. He has indicated he is not going to be with us in the next Congress. That's regrettable because he is one of the good Members of this Congress, and I want to say that to my friend.

Now, let me talk about the question at hand. Mr. Speaker, we debate here in the House, and many Americans have the opportunity to see this debate. This debate is a relatively simple debate. It's not just about the alternative minimum tax or the consequences of not putting a so-called patch, and nobody in America knows what that means but simply it means saying that the alternative minimum tax won't affect 25 or so million people in America. None of us on either side of the aisle want that to happen. The issue is not whether or not any of us feel that ought to happen. It is do you pay for it? Do you provide for the revenue fix that will be necessary if we cut that revenue?

Let me say to my friend from Louisiana, he has said a number of times on this floor that the President didn't count the revenue for this year from the AMT. He didn't provide the money to pay for it. He simply didn't anticipate the revenue. What he did not say, however, is that the President did anticipate the revenue for the next 9 years. Furthermore, the President anticipated in 2006 that we would have the revenue generated by the AMT in the year we're going to so-called fix, so that the administration sent us a budget counting on this revenue that we are about to say we won't receive.

So I tell my friend from Louisiana, it is somewhat misleading, I think, not intentionally, I understand, to say that the President didn't rely on the revenue for this budget. That's true. He relied on it last year and the year before that and the year before that and the year before that and the year before that and in 2001. And he relied on it, I tell my friend, to offset your tax cuts because, as you recall, in your 2003 tax cut, part of the revenue that was anticipated was this revenue that the gentleman says he does not want to collect and that the President is not relying on for 2007. He's accurate but in a very narrow sense, because the President has relied upon it every other year.

Mr. McCRERY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to my friend.

Mr. McCRERY. I thank the gentleman. The gentleman likewise is accurate in his remarks, very cleverly so.

Mr. HOYER. Is that a compliment or not?

Mr. McCRERY. Yes, sir, it is. But the fact is the most recent budget submitted by the President for this taxable year, 2007, does not, in fact, assume the revenues from an increase in the AMT.

Mr. HOYER. Reclaiming my time, Mr. Speaker, the gentleman is absolutely correct and that's my point. But in previous years the President has told us in his budget this revenue would be available, and he has relied on that to offset what would otherwise be larger deficits either as a result of tax cuts or of spending. He has relied on this money.

So what we are saying on this side of the aisle is let's pay for the revenue that the President anticipated if we're not going to take it, and none of us want to take the revenue that is generated by the alternative minimum tax in this fiscal year.

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So, ladies and gentlemen, if we don't pay for it, what do we do? Because the President relied upon it in previous budgets, and, frankly, the Congress did as well on both sides of the aisle. If that revenue does not come in and we don't pay for it, there is only one thing to do: borrow. And this administration has borrowed more money from foreigners than any administration in history all together. From Washington to Clinton, all together they didn't borrow as much money as this President has borrowed from foreign governments and put our country at risk. We're saying let's stop that. And in the 1990s, ladies and gentlemen of this House, we said let's stop that. Who's "we"? President Bush, the Democratic House and the Democratic Senate said let's stop that, and we adopted PAYGO. And in 1997 we had another agreement, and a Democratic President and a Republican Congress said let's continue that policy because we believe it's a good policy.

And just a few years ago, the former chairman of the Budget Committee, Jim Nussle, who is now the Director of the Office of Management and Budget, said PAYGO is a policy that has worked, and we ought to pursue it. But as my friend knows, in 2001, we simply abandoned PAYGO. Why did we abandon PAYGO? Because demonstratively it had worked. For the previous 4 years we had, for the first time in the lifetime of anybody in this House of Representatives, had 4 budget years in a row that produced a surplus. Four. Why? Because we had a PAYGO in place. Why? Because when we wanted to take actions, we had to have the consequences of our actions and tell the American public it was not a free lunch. We would have to pay for it.

That's simply what this bill does. It pursues the policy of fiscal responsibility. It abandons the policy of fiscal irresponsibility and the pretense that there is a free lunch that we have been pursuing for the last 7 years and incurred that $1.6 trillion, give or take $100 billion, in the last 7 years.

Ladies and gentlemen of this House, no one wants to have a tax increase for these 25 million people. It was never intended. But some of my Republican colleagues say we didn't intend this, so we ought not to pay for it. That's like saying I didn't intend to run the stop sign and have an accident, and therefore, we don't have to pay for the consequences. We have relied on this money, the President has relied on this money. But we're saying we're not going to collect it, but we will responsibly pay for it.

In closing, let me say that CHARLIE RANGEL likes to quote Russell Long, who said, "Don't tax me. Don't tax thee. Tax the man behind the tree." Unfortunately, ladies and gentlemen of the House, the policies that we pursue are not taxing me and not taxing thee, but taxing the children and the grandchildren behind the tree.

It takes courage to pay for things. The largest expansion in entitlement programs in the last 25 years was done with hardly any Democratic votes and all Republican votes, and it wasn't paid for. We were told that it was within the budget. It wasn't. It wasn't paid for. Our children and grandchildren will pay that bill.

Have the courage, the wisdom, and the good common sense to adopt this legislation, and urge our colleagues in the other body to share that courage, to share that common sense to morally step up to the plate and have this generation pay for what it buys. Pass this important bill and pay for it.

GENERAL LEAVE

Mr. NEAL of Massachusetts. Mr. Speaker, I would ask unanimous consent that all Members have 5 days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mrs. JONES of Ohio. Mr. Speaker, I am pleased to see that once again we have a responsible solution to the alternative minimum tax from a broad, policy-oriented perspective.

The alternative minimum tax is a critical issue for the American middle class taxpayer who does not get to take advantage of sophisticated tax planning and legal loopholes in the tax code. It is time that we addressed this issue once and for all to relieve the American taxpayer from the agony of dealing with the AMT. A permanent fix is what we really need, but today we have to plug the dike once again.

It is particularly ironic that a tax that was meant for 155 wealthy individuals has become the bane of existence for millions of American taxpayers. Indeed the AMT has become a menace. Over seven thousand hardworking Ohioans in my district had the grim task of filing a return with AMT implications in the 2005 tax year. Those are families with children, healthcare costs, unemployment issues, housing costs and the other money matters with which American taxpayers must cope. Tax relief is due.

As I mentioned after the introduction of H.R. 2834, we must continue to laud the efforts of American capitalists and the strides that they make in enhancing and creating liquidity in our capital markets, and helping our economy grow into the dynamic force that it is today. I am also aware of the critical role that offshore hedge funds play in asset management. But we must also have responsible budget offsets.

The tenets of sound tax policy begin with the notions of equity, efficiency and simplicity. Relying on that traditional framework I am sure that we have come to a rational consensus that will ensure 21 million Americans will not be hit with the AMT.

"Taxes are what we pay to live in civilized society," but dealing with the AMT has become a bit uncivil.

Mr. ENGEL. Mr. Speaker, I rise to address H.R. 4351, the Alternative Minimum Tax Relief Act.

Mr. Speaker, the original idea behind the alternative minimum tax, AMT, was to prevent people with very high incomes from using special tax benefits to pay little or no income tax. The AMT's reach, however, has expanded beyond just the wealthy to threaten millions in the middle class. And when the AMT applies, its costs are often substantial.

One reason for the AMT's expansion is that, unlike the regular income tax system, the AMT is not indexed for inflation. Another reason is that individual income tax cuts enacted since 2001 have provided higher credits and deductions and lowered tax rates, thereby leading to more taxpayers owing tax under the AMT.

Last year, 4.2 million Americans were affected by the AMT. The Joint Committee on Taxation estimates that, if Congress does not act, 23 million taxpayers will be affected this year. That will include over 54,000 families in my district—many of whom do not have very high income, and do not receive many special tax benefits. We need to protect these Americans from the AMT.

Further, according to the New York City Independent Budget Office, the percentage of New York City taxpayers currently hit by the AMT far exceeds the comparable national estimate: 6.7 percent versus 4.0 percent.

The bill before us today provides a much needed 1-year patch for the AMT. It is a necessary step in the right direction on this issue; and we completely pay for it.

Mr. Speaker, I urge my colleagues to vote "yes" on H.R. 4351.

Mr. DINGELL. Mr. Speaker, I rise today in support of H.R. 4351, legislation that will provide critical tax relief to millions of middle class Americans. I support the Democratic majority's commitment to passing sensible legislation that will provide a solution to the looming Alternative Minimum Tax crisis. I am disappointed that President Bush and the Republican minority are opposing our efforts to pass this legislation. If this bill is not passed by the Senate and signed by the President, more than 60,000 families which I have the honor of representing here in the House will be required to pay the AMT when filing their 2007 return—an increase of almost 1000 percent since 2005.

I also support the Democratic majority's continuing commitment to responsible fiscal policies. The relief provided in this bill is paid for by closing tax loopholes that allow hedge fund managers and corporate CEOs to use offshore tax havens as unlimited retirement accounts. That the President and his party would side with a few of the wealthiest individuals over millions of middle class American families speaks volumes about their misplaced priorities.

Mr. UDALL of Colorado. Mr. Speaker, I will vote for this bill—as I did for a similar measure last month—because of the urgent need to protect middle-income families from a massive tax increase that will hit them if we do not act to adjust the Alternative Minimum Tax, or AMT.

The bill is not quite the same as H.R. 3996, which I voted for and which the House passed on November 9th. But it resembles that bill—and differs from the version passed by the Senate—in one very important respect: it is fiscally responsible.

The Senate has voted for a bill that does not even attempt to offset the costs of changing the AMT.

I think that should not be our first choice, because for too long the Bush Administration and its allies in Congress have followed that course—their view, in the words of Vice President CHENEY, has been that "deficits don't matter."

I disagree. I think deficits do matter, because they result in one of the worst taxes—the "debt tax," the big national debt that must be repaid, with interest, by future generations. I think to ignore that is irresponsible and falls short of the standard to which we, as trustees for future generations, should hold ourselves.

So, I think that the House pass this bill and give the Senate a second chance to reach that standard.

It may be that our colleagues at the other end of the Capitol will not take advantage of that opportunity, and it may be that in the end the urgency of protecting middle-income families from the AMT will take priority over correcting the mistaken policies of the last 7 years.

But at least for today, we should not give up hope that better judgment will prevail and so we should vote for this bill as it stands.

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong support of the AMT Relief Act of 2007, which will provide middle class tax relief to over 23 million hard-working families who would otherwise be hit by the Alternative Minimum Tax next year.

For six years, the White House and the Republican congressional leadership failed to dismantle the Alternative Minimum Tax. As a result of their inaction, a huge middle class tax increase is now hanging over the heads of millions of unsuspecting Americans. This Republican tax tsunami will come crashing down on middle America next year if we fail to take action today.

On the Republicans' watch, the wealthiest 1 percent of Americans got over half the benefit of the Bush tax cuts—while the Nation's debt soared past $9 trillion. Make no mistake: There are consequences to this kind of borrow and spend mentality. Every year, each taxpayer must pay a $3,300 "debt tax" just to cover the cost of financing the debt. This legislation takes a different approach. Rather than digging ourselves deeper into debt, this bill pays for our actions today by closing a loophole in current law that permits a minuscule number of hedge fund managers to defer billions of dollars in compensation in offshore accounts.

To those who say Congress should not pay its bills, this legislation says "there is another choice." We can provide fiscally responsible tax relief without running up the national debt. We can take responsibility for our expenses today, without placing the burden of our choices on future generations.

I urge my colleagues to make the right choice. Let's pass fiscally responsible AMT relief and give our citizens the government they deserve.

Mr. TIAHRT. Mr. Speaker, I rise today in support of extending Alternative Minimum Tax relief to millions of American taxpayers. Congress never intended for the AMT to hit so many people. The Senate has already passed a clean bill to provide a one-year AMT patch for the 2007 tax year. I urge my colleagues in the House to do the same and pass AMT relief for the nearly 20 million new taxpayers who will otherwise be subjected to this tax increase if Congress fails to act.

While I rise in strong support of extending AMT relief, I rise in opposition to the AMT bill being considered on the House floor today. H.R. 4351 would not just provide a one-year AMT patch; it would also permanently raise billions of dollars in new taxes on other citizens. Rather than provide a stand-alone patch or offset the costs by reducing federal spending, the Democrat leadership solution is to pay for the AMT fix by raising taxes on other taxpayers.

Instead of debating a bill that will never be signed into law, we should be working together in a bipartisan way to take actions similar to what the Senate has done. Because of the ineffectiveness of Democrat leadership decisions, millions of American taxpayers will either be forced to pay an average of $2,000 more or have their tax refunds delayed next year. A delay in tax refunds could have been avoided by earlier congressional action, and we must act swiftly to ensure the tax increase does not become a reality for millions of American families.

The AMT tax was created nearly 40 years ago to ensure a small number of very wealthy taxpayers would pay a fair portion of taxes. Because the AMT was not indexed for inflation, millions of Americans are now being threatened by the higher AMT tax, which effectively takes back tax cuts enacted in 2001, 2003 and 2004 for those taxpayers.

The Federal Government should be finding ways to lower the burden on American taxpayers. Instead, H.R. 4351 would permanently raise taxes. This proposal to address the government's shortsightedness to index the AMT for inflation should be soundly rejected in favor of a permanent AMT fix or a patch that does not raise taxes on others.

I urge my colleagues to join me in voting against H.R. 4351 so we can begin consideration of a real solution that we can send to the President for his signature. Providing a one-year AMT fix is the least we can do as an alternative to a permanent solution. The time for partisan tax-shifting games has concluded. Let's put the American people first and defeat this massive tax increase bill.

Mr. McCRERY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 861, the bill is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MC CRERY

Mr. McCRERY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. McCRERY. I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. McCrery moves to recommit the bill H.R. 4351 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tax Increase Prevention Act of 2007".

SEC. 2. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) of the Internal Revenue Code of 1986 (relating to exemption amount) is amended—

(1) by striking "($62,550 in the case of taxable years beginning in 2006)" in subparagraph (A) and inserting "($66,250 in the case of taxable years beginning in 2007)", and

(2) by striking "($42,500 in the case of taxable years beginning in 2006)" in subparagraph (B) and inserting "($44,350 in the case of taxable years beginning in 2007)".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 3. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) of the Internal Revenue Code of 1986 (relating to special rule for taxable years 2000 through 2006) is amended—

(1) by striking "or 2006" and inserting "2006, or 2007", and

(2) by striking "2006" in the heading thereof and inserting "2007".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

Mr. McCRERY (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

POINT OF ORDER

Mr. NEAL of Massachusetts. Mr. Speaker, I make a point of order that the motion to recommit violates clause 10 of rule XXI because the provisions of the measure have the net effect of increasing the deficit over the requisite time period. The cost of 1 year of AMT relief is $50 billion, and the motion contains no provisions to pay for that relief.

The SPEAKER pro tempore. Does any Member wish to be heard on the point of order?

Mr. McCRERY. Mr. Speaker, I do not believe it is the intent of clause 10 of rule XXI to require tax increases to pay for preventing scheduled tax increases. That is precisely what we are debating on this point of order.

If the Chair determines that this motion violates rule XXI and the House sustains this ruling, then the House is endorsing more than $3 trillion of tax increases over the next 10 years.

PAYGO, as a budget enforcement law between 1990 and 2002, as the majority leader referred to, required automatic spending reductions across the government when budget targets were not met. Rule XXI, should it apply to this motion, is a very, very different PAYGO. It would prevent any Member from offering an amendment that prevents a tax increase without another tax increase. I would understand, and even strongly support, an interpretation of rule XXI that had the effect of requiring spending reductions to offset increases in spending.

Further, while I would not necessarily endorse it, I could understand a PAYGO interpretation that requires a spending cut or tax increase to offset any reduction in current tax rates, or an increase in any current tax deductions or credits; but that is not what we're dealing with here today, Mr. Speaker. Today, with my motion, we are simply maintaining the Federal Government's current take, so to speak, from the people.

Current individual tax rates and policies have largely been in place as they are since 2003 and have led to sustained increases in revenue to the Federal Government. In fact, the annualized increases over the last 3 years have been 14.6 percent, 11.7 percent and 6.7 percent.

Even if my motion passes and is eventually enacted, we will again see increased revenue, it is projected, to the Federal Government next year. Those who wish to apply PAYGO to my motion, those who wish to object to my motion, are advocating very clearly that they want to lock in not only the largest revenue take in history, but also the largest tax increase in history. These tax increases will lead the government to collect more than 20 percent of GDP from its citizens by the end of the decade, and far higher in the years that follow. These tax increases will be of such a dramatic magnitude that they threaten to bring our economy to its knees and render it uncompetitive in the global marketplace.

The motion I have offered contains no new spending, no new tax cuts. Instead, it simply prevents a tax increase. That, I submit, is not what rule XXI was designed to prevent. And I urge the speaker to reject the point of order.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

Mr. NEAL of Massachusetts. Mr. Speaker, I insist on my point of order.

The SPEAKER pro tempore. The gentleman from Massachusetts makes a point of order that the amendment proposed in the motion violates clause 10 of rule XXI by increasing the deficit.

Pursuant to clause 10 of rule XXI, the Chair is authoritatively guided by estimates from the Committee on the Budget that the net effect of the provisions in the amendment affecting revenues would increase the deficit for a relevant period.

Accordingly, the point of order is sustained and the motion is not in order.

Mr. McCRERY. Since that was an awfully quick ruling, Mr. Speaker, I most respectfully do appeal the ruling of the Chair because this may be the only opportunity we have to veer from this tax increase interpretation so that we can clear a bill that the Senate will pass and the President will sign.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. NEAL OF MASSACHUSETTS

Mr. NEAL of Massachusetts. Mr. Speaker, I move to table the motion to appeal.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McCRERY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to table will be followed by a 5-minute vote on the passage of the bill, if ordered, and if arising without further debate or proceedings in recommittal.

The vote was taken by electronic device, and there were—yeas 225, nays 191, not voting 15, as follows:

[Roll No. 1152]

YEAS—225

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall

Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wynn
Yarmuth

NAYS—191

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Becerra
Carson
Cubin
Ferguson
Gordon
Hinojosa
Hooley
Hunter
Jindal
Matheson
Miller, Gary
Neugebauer
Paul
Tancredo
Wu

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes left in this vote.

□ 1848

Mrs. BLACKBURN, Ms. GRANGER, Ms. ROS-LEHTINEN, and Messrs. ROGERS of Alabama, PICKERING, HERGER, and EHLERS changed their vote from "yea" to "nay."

Mrs. MALONEY of New York, Ms. SCHWARTZ, and Messrs. ROTHMAN, TIERNEY, CLYBURN, ORTIZ, and HARE changed their vote from "nay" to "yea."

So the motion to table was agreed to.

The motion to reconsider was laid on the table.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HULSHOF. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 226, nays 193, not voting 13, as follows:

[Roll No. 1153]

YEAS—226

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—193

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield

Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Carson
Cubin
Duncan
Ferguson
Hinojosa
Hooley
Hunter
Jindal
Matheson
Miller, Gary
Neugebauer
Paul
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes left in this vote.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there is 1 minute left in this vote.

□ 1856

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 69, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2008

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 110–492) on the resolution (H. Res. 869) providing for consideration of the joint resolution (H.J. Res. 69) making further continuing appropriations for the fiscal year 2008, and for other purposes, which was referred to the House Calendar and ordered to be printed.

CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–80)

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.R. 3963, the "Children's Health Insurance Program Reauthorization Act of 2007." Like its predecessor, H.R. 976, this bill does not put poor children first and it moves our country's health care system in the wrong direction. Ultimately, our Nation's goal should be to move children who have no health insurance to private coverage—not to move children who already have private health insurance to government coverage. As a result, I cannot sign this legislation.

The purpose of the State Children's Health Insurance Program (SCHIP) was to help low-income children whose families were struggling, but did not qualify for Medicaid, to get the health care coverage that they needed. My Administration strongly supports reauthorization of SCHIP. That is why in February of this year I proposed a 5-year reauthorization of SCHIP and a 20 percent increase in funding for the program.

Some in the Congress have sought to spend more on SCHIP than my budget proposal. In response, I told the Congress that I was willing to work with its leadership to find any additional funds necessary to put poor children first, without raising taxes.

The leadership in the Congress has refused to meet with my Administration's representatives. Although they claim to have made "substantial changes" to the legislation, H.R. 3963 is essentially identical to the legislation that I vetoed in October. The legislation would still shift SCHIP away from its original purpose by covering adults. It would still include coverage of many individuals with incomes higher than the median income in the United States. It would still result in government health care for approximately 2 million children who already have private health care coverage. The new bill, like the old bill, does not responsibly offset its new and unnecessary spending, and it still raises taxes on working Americans.

Because the Congress has chosen to send me an essentially identical bill that has the same problems as the flawed bill I previously vetoed, I must veto this legislation, too. I continue to stand ready to work with the leaders of the Congress, on a bipartisan basis, to reauthorize the SCHIP program in a way that puts poor children first; moves adults out of a program meant for children; and does not abandon the bipartisan tradition that marked the original enactment of the SCHIP program. In the interim, I call on the Congress to extend funding under the current program to ensure no disruption of services to needy children.

GEORGE W. BUSH.

THE WHITE HOUSE, *December 12, 2007.*

□ 1900

The SPEAKER pro tempore (Mrs. TAUSCHER). The objections of the President will be spread at large upon the Journal, and the veto message and the bill will be printed as a House document.

MOTION OFFERED BY MR. HOYER

Mr. HOYER. Madam Speaker, I have a privileged motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. HOYER moves that further consideration of the veto message and the bill, H.R. 3963, be postponed until January 23, 2008.

The SPEAKER tempore. The gentleman from Maryland (Mr. HOYER) is recognized for 1 hour.

Mr. HOYER. Madam Speaker, for the purposes of debate only, I yield 30 minutes to the gentleman from Texas (Mr. BARTON).

I ask unanimous consent that the gentleman from New Jersey (Mr. PALLONE) and the gentleman from California (Mr. BECERRA) each be allowed to control 15 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. BARTON of Texas. Madam Speaker, I would ask unanimous consent that we shorten the debate to 15 minutes on each side. We don't have that many speakers and the hour is late. I have a feeling people's minds are not going to be swayed by the eloquence on either side on this debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. HOYER. Reserving the right to object, I thank the gentleman for his comments. I think perhaps we may not need to have a vote on this, I would agree, but there are some number of speakers on our side who would like to speak. I don't know whether we will have 10, maybe 15 speakers cumulatively. If the gentleman might prevail on his side, maybe we wouldn't ask people to come back for a vote, but we do have Members on our side who want to speak.

Madam Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The Chair recognizes the gentleman from California.

Mr. BECERRA. Madam Speaker, I yield 1 minute to the distinguished Speaker of the House.

Ms. PELOSI. I thank the gentleman for yielding.

I thank Mr. HOYER for his leadership on this very important legislation. He has worked very hard to try to achieve a level of bipartisanship on this legislation that could override the President's veto. In the United States Senate, there is a substantial bipartisan majority large enough to override the President's veto. I hope that we could achieve that in this House. We are not going to take up that vote tonight, as has been indicated by Mr. HOYER. That debate and that vote will take place on January 23.

It is just very interesting to hear the reasons why the President of the United States said veto to the children of America. Veto in Latin: I forbid. I forbid the children of America, the children of working families who play by the rules and want the best for their children, who are struggling to make ends meet and who need health care and the health care that keeps them in the workforce and off of welfare and off of Medicaid.

Madam Speaker, it is particularly interesting to hear in this debate on the omnibus bill where there is talk of hundreds of billions of dollars more for the war in Iraq. For 40 days in Iraq, we can insure 10 million children in America; 40 days in Iraq, 10 million children in America. This is not an issue. This is a value. This is an ethic of the American people. The Democrats and Republicans, people of no party affiliation, everybody cares about the children of America. Over 80 percent of the American people support the SCHIP expansion that we want to do to double the number of children.

So when the President says we have not met his objections, he is moving the goal post. In his first veto message, he said he is concerned about the fact that people making $80,000 would be eligible for SCHIP. Not so. The only way they could be eligible is if the President of the United States himself gave them a waiver. The President has given waivers to families making 300 percent of poverty. The President himself has given that waiver. And now he is complaining about that level of income for families, hardworking families to receive SCHIP.

The President said he is concerned that there are still adults in the program. The Democratic response, bipartisan, strong, with 45 Republican votes, said that the adults would be phased out. The reason some of them are in there in the first place is that in order to get the children into the program, Governors had thought that it would be important to bring families into the program, and the President of the United States, President Bush's policy allowed that to happen. So he is turning his back on his own policy. He is turning his back on these children by saying their families should be off of SCHIP.

So when the President says he is opposed to the bill because it raises taxes, then we get to the heart of the matter. This bill is paid by an increase in the cigarette tax, and this is really why the President is vetoing the bill. The President is saying that rather than raise the cigarette tax, he would prefer to prevent an additional 5 million children in our country from getting access to quality health care.

The President has also said in other comments about this legislation, everyone in America has access to health care; they can just go to the emergency room. That was probably one of the most ill-informed, with stiff competition for that honor, but nonetheless probably one of the most ill-informed statements that could ever be made by anyone dealing with public policy and access to health care.

So again, I think all the Members of Congress who voted for this in a very strong bipartisan way in the House and the Senate can take great pride in setting a high watermark for what this Congress should be doing for children of working families in America.

I salute Mr. HOYER, Mr. DINGELL, Mr. RANGEL, Mr. PALLONE, Mr. STARK for their exceptional leadership. I also salute Mr. LAHOOD for what he tried to do to bring bipartisanship to all of this. I commend Senator GRASSLEY and Senator HATCH for their courageous leadership in the Senate, in leading the way to a veto-proof majority of Democrats and Republicans in the United States Senate.

Whether you are talking about Easter Seals or the March of Dimes, the Association of Catholic Hospitals, AARP, AMA to YWCA, to everything alphabetically in between, everyone supports SCHIP except the President of the United States and those in this body who will side with him on this vote.

What a sad day. What a sad day that the President would say, rather than insuring 5 million children, I don't want to raise the cigarette tax. What a sad day when we would spend in 40 days in Iraq what it takes to insure 10 million children in America for 1 year. But we are not going to let this veto stand. We will act upon it and we will continue to fight the fight until 10 million children at a minimum in America have access to quality health care under the SCHIP program. It is the wish of the Governors.

Mr. BARTON of Texas. Madam Speaker, I yield 1 minute to the distinguished minority leader from the great State of Ohio (Mr. BOEHNER).

Mr. BOEHNER. Let me thank my colleague for yielding.

On the opening day of this Congress, the Speaker of the House said, let's have partnership, not partisanship. And over the course of this year, I have been looking for that partnership to occur. There is probably no better example that the partnership has never occurred over the course of this year than this bill.

On this bill, there were no hearings in the relevant committees. There was no markup through the regular legislative process in the Energy and Commerce Committee. And then the bill was brought to the floor in what I would describe as a very partisan way. The majority prevailed, but there was a significant number of people opposed to the bill.

And we are talking about the Children's Health Insurance Program. We are talking about a program that was developed by Republicans and Democrats together to go out and serve the needs of the working poor in America. And yet over the course of the 10 years, I think the program has gone astray. We are starting to put more adults in a program than we did children. And what Republicans and I think Democrats want to do is reauthorize this program in a way that meets the needs of poor children first. That hasn't been happening, and I think all the Members know it hasn't been happening.

And so after this veto the first time was upheld, we began some bipartisan talks trying to find common ground to see if we couldn't reauthorize this program in a way that the American people expect of us. They expect us to come here, work together, and find a way to get this program reauthorized.

We had Members locked in a room for 2 months, a lot of conversation, a lot of very descriptive things that had to happen. We weren't expecting miracles. And at the end of the day, my Members looked up and said, there is no movement. No movement at all. And I think that this deadlock that we find ourselves in is unfortunate, because there is a population in America that need this program. We could have resolved the differences in this program in 10 minutes if the majority wanted to resolve the differences.

But as we see again tonight, there is no attempt to resolve the differences. This has become a partisan political game that we are involved in. The motion that we are debating here is to move the vote on overriding the President's veto until January 23. Hello. And this happens to be about 6 days before the President is going to come and give the State of the Union address.

We can have this vote right now and the outcome is certain. But no, no, we can't have an outcome that is certain; we have got to continue to play political games. That is exactly what the American people are disgusted with when they look at this Congress and we see the approval ratings where they are.

I think it is time for us to resolve our differences in a bipartisan way and reauthorize this program and make sure that poor children in America have the kind of health insurance that they deserve.

Mr. PALLONE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, let me say it really pains me to listen to the minority leader say that no attempt has been made to resolve the differences on this legislation. I can't think of a single bill in this Congress where the Democratic leadership has been reaching out to the Republican side of the aisle on a daily basis. There have been so many meetings. I mean, there have literally been hundreds of meetings trying to reach out to the Republican side in the House to try to reconcile differences on this bill and come up with a consensus piece of legislation. The Republicans in the Senate have always been willing. They have been out there to meet. Some Republicans here in the House have been as well. But the leadership on the Republican side has not been. So I think it is very unfortunate that, as stated today, that that has not been the case. We have been reaching out constantly, and I defy anyone to say differently.

Madam Speaker, today for the second time this year President Bush turned his back on the health care needs of 10 million children. It was just 2 months ago when the President vetoed the Children's Health Insurance Program Reauthorization Act, which had passed both the House and the Senate with overwhelmingly bipartisan support.

After that first veto we came together once again, Democrats and Republicans, and wrote a different bill that addresses many of the President's concerns, including enrolling lower income children first. Today, President Bush vetoed the second effort, saying that it was almost identical to the first bill. And I would say it was not, and the President knows better.

□ 1915

The President's second veto of CHIP legislation is a slap in the face not only to this Congress but to the millions of children who, without this bill, continue to be uninsured, or worse, basically lose the insurance they currently have.

Every day the parents of more than 9 million children worry when their kids have an earache, toothache, asthma, all this before they finally have to take them to the hospital emergency room. And the President seems satisfied with the status quo. In fact, in the past he has stated that every American has access to health care because they can always go to the emergency room.

Let me tell my colleagues, this fall I visited an emergency room in my district and it was not a great place for a kid to visit. It is the scene of trauma. Children are forced to share space with people who have overdosed on alcohol or drugs. Most emergency rooms are overwhelmed with real emergencies and have few resources to treat people who need regular family care.

The beauty of CHIP is that children get to see a doctor on a regular basis. And the President is deluding himself if he doesn't think this veto is going to hurt millions of children. And those Members voting to sustain the President's veto are just as guilty of turning their backs on millions of children who will be denied regular visits to see a doctor.

I urge my Republican colleagues to vote their conscience. Let's override the President's veto so that we can ensure that 10 million children receive the health care they need to grow up healthy and strong. This is the right thing to do for our country.

Madam Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, everybody has said all that needs to be said on this debate; we just haven't said it this third or fourth time that we are here on the House floor.

As the minority leader pointed out, at some point in time it still may be possible to reach a consensus on reauthorizing the SCHIP program because people on both sides of the aisle want to keep the program moving forward. The problem that most Republicans have is that we support the base program for near low-income children between 100 and 200 percent of poverty. We don't think that the SCHIP program, which was a children's health program, should be for adults. We don't think it should be for illegal aliens. We think it should be for children between 100 percent to 200 percent of poverty, and perhaps slightly higher than that if a good-faith effort has been made to cover children in that income bracket.

My friends on the other side of the aisle appear to want to use this as a surrogate for universal health care. In some versions, the original version that came out in the CHAMP bill, they wanted to go as high as 300 and 400 percent of poverty. They continue, although they say they don't want to cover noncitizens, they won't agree to enforcement measures that make that possible. And they don't want adults on the program to have to exit the program in some reasonable time period, so we have the impasse that we have today.

There haven't been many times in our Nation's history that we have postponed a veto override. I think less than 10 percent of the time, maybe even less than 5 percent of the time, but we have done it twice in a row on this particular bill. So we will postpone the bill until the week of the President's State of the Union so there can be more political posturing on the majority side right before the President comes before a joint session of Congress.

This majority is right to try to postpone that vote to that time. It would be better if we went ahead and voted on it tonight, sustained the President's veto tonight so we could then hopefully continue work or start working in a bipartisan way to actually get an SCHIP reauthorization extension that was more than a 1-month extension at a time.

If we have the vote tonight, the President's veto will be sustained. When we have the vote in January, the President's veto will be sustained. At some point in time we may yet get together and try to work out a compromise that both sides can agree to and have a 435-Member vote. Apparently that will not be any time in the near future.

Mr. BECERRA. Madam Speaker, I yield 1¼ minutes to the distinguished gentleman from Texas (Mr. DOGGETT), a member of the Ways and Means Committee.

Mr. DOGGETT. Let's be very clear about what is being postponed and who is doing the postponing. When this President exercised his second veto, he postponed our desire to see that children get the health care that they need. And tonight, when Republicans in this House and their nicotine-peddler allies stand in the way of the door at the doctor's office, millions of children are denied the care that they deserve.

This President's holiday season veto of our efforts to aid these ailing children is neither sound fiscal policy nor good medicine. And for the President to make the incredible statement that the children of the working poor should "just go to the emergency room," that is neither compassionate nor conservative. With his ideological blinders, he just doesn't seem to see the children of the working poor who are up all night with an aching ear, an abscessed tooth, or can't get antibiotics for strep throat. Those are the challenges working families face who do not have access to health care.

A healthy body, like an educated mind, is an opportunity that all of our children should be permitted to share. For as long as the President and a minority of this House stand between children and the lifesaving, pain-reducing care that they need, we will work to overcome their intransigence, whether it takes one time in January or another time thereafter. We cannot yield to those who would block our children from the care they need.

Mr. BARTON of Texas. I yield 3 minutes to the gentleman from Georgia (Mr. DEAL), a member of the Health Subcommittee.

Mr. DEAL of Georgia. Madam Speaker, well, here we are again. When the bill came up the first time, we had not had a chance to mark it up in the committee. We were not allowed amendments on the floor. And the process has been a take-it-or-leave-it because it appears that the issue is let's talk about children going to emergency rooms rather than doing something about extending the SCHIP program.

And here we are again saying we don't want to do anything tonight; we want to reserve the time to talk about it in January.

Well, there is an old saying that we ought to mean what we say and say what we mean.

If the Democrats really want an SCHIP program, which I think they do, and Republicans do as well, then there ought to be some principles which have been on the table all along that should be able to be agreed to. One is that this is children's health insurance plan, and there ought not to be either a continuation of nor an expansion of the addition of adults into that program. And yet that continues to be one of the issues on which there is no agreement.

Another issue is that it was intended to be for children at the below 200 percent of poverty level. We have said we should have been a saturation below 200 percent of poverty at 90 or 95 percent of those children before States start moving up the ladder, not to the working poor, but in some cases by many States' standards to the very rich or at least the middle income when you get to 300 and 350 and 400 percent of poverty. There has never been an agreement to say let's saturate the low-income children and cover them first as a prerequisite.

And lastly, it is a program for American children and the continued efforts to create loopholes so that people who are not citizens, who are not legally in our country, who are not entitled to be covered under this plan which is for American citizens, they continue to insist that that loophole should not only be continued but also expanded.

I would urge us to go ahead and vote now. Let's don't just talk about it. Let's do and say what we mean.

Mr. PALLONE. Madam Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. KAGEN).

Mr. KAGEN. Madam Speaker, I thank our leadership for offering an opportunity, not just this evening, but during this next month for our Nation to begin to answer the question of our time, and that question is this: What kind of Nation are we when we turn our back on our children on whose future we all depend? And what kind of President would turn more towards saving the profits of a corporation than the lives of our children?

The SCHIP bill is good for our Nation's health. It is good for our children. It is far more economical to have children be seen by their physicians in their doctor's offices than in the emergency room. It just makes sense. But sometimes I am coming to find here, if it makes sense, it may not happen while we have the President that we do.

I have been witnessing a great deal of misinformation about this bill. I have read every single page of the SCHIP bill, and I have heard the opposition in the minority speak up regarding with what I call misinformation. The fact is that this bill provides for children who are 19 years and under, and yet I have heard them say age 25.

I have read the bill and it says it is two times poverty, $41,000 of annual income, and yet I have heard them stand up and claim that it will cover people up to $83,000. That is misinformation.

I have heard them claim it is not really private health care but the slippery slope to socialized medicine. Well, we don't need socialized medicine in America. This is private health care. It is private doctors, private clinics and insurance companies, private hospitals providing the care that these children require.

It does not cover any illegal immigrants. It covers people who are here legally. So no more misinformation, no more lies. SCHIP is good for our children. It is good for our economy. It is good for our Nation's soul.

Madam Speaker, I ask everyone to understand that the people of Wisconsin sent me here because they feel the same as we all do. We want our country back. People all across Wisconsin are saying the same thing, they want their country back. They want a country that has a border they can see and defend, and they want a country that believes in providing access to affordable health care for all of our children, no matter their economic means. We must have this time to discuss SCHIP all across the Nation and answer the question: Whose side are we on and what kind of Nation are we?

Mr. BARTON of Texas. Madam Speaker, I want to yield 3 minutes to the gentlewoman from Illinois (Mrs. BIGGERT) who has been one of the Republican negotiators on this issue in the informal talks that have been occurring at various times over the last month.

Mrs. BIGGERT. Madam Speaker, as many of my colleagues know and as the gentleman from Texas has said, I have been part of a group of Members from both sides of the aisle and from both Chambers who have been meeting actually over the past few months to try to find common ground on SCHIP legislation.

I am afraid that some of the facts that the gentleman from Wisconsin stated, he made some statements that I would hope he would join our group and we could go over those facts, such as the $83,000.

For my colleagues who have taken part, they know very well that these discussions that we have been having were productive at times and less productive at other times. But despite our disagreements and the bumps in the road, I think we persisted and continued to meet because we believe this is one of the most important issues that Congress will address.

The genesis of these meetings originated from a letter that 38 House Republicans sent to the President on October 18, and in that letter we laid out principles that we believed would be necessary to secure our votes on the legislation and make this truly a bipartisan reauthorization of SCHIP. These basic principles included covering low-income children first, SCHIP for kids only, SCHIP should not force children out of private health insurance, SCHIP is for American children, and the funding should be stable and equitable.

It is important to note that the letter did not mention the tax increase or the $35 billion in additional spending, two significant concerns for many Members on this side of the aisle.

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Democrats also had their principles for the reauthorization. With these principles, we agreed to discuss how we could change the bill in a way that would gather the support of a significant number of House Republicans and still have the support of the Members on the other side of the aisle. After weeks of negotiations, we came to a point where I think both sides realized that if a deal was going to be possible, we both had to give some ground for the benefit of a bill.

I think that we are and were very close to agreement in principle and a framework that both sides can support. To be frank, the agreement isn't a bill that I would write if I had the choice. I am sure that my friends on the other side of the aisle feel the same way. But this is how a negotiation works. I think if we both came away with a little bit of feeling like we hadn't won, then that's a true negotiation and both sides have compromised.

Unfortunately, I think we've run out of time for this year, and given that the current reauthorization ends on the 14th and there are a number of States projected to run out of SCHIP funding next year, I hope we can agree to an 18-month extension with additional funding to ensure that States will not have to drop children from the program.

But I would also ask that we continue working on a final bill when we return in January. I have spoken with the leadership on both sides and expressed my desire to do so. We need to put partisanship aside, and I would hope that we can continue to discuss this issue.

Mr. BECERRA. Madam Speaker, at this point I yield 1½ minutes to the chairman of the Democratic Caucus, a member of the Ways and Means Committee, the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Madam Speaker, the President and the Republican leadership in Congress never miss an opportunity to not miss an opportunity. There was a bipartisan consensus for 10 million children to have health care, and because the President didn't agree with it, he vetoed it.

Now, some people here say that we could have this vote now. We can have this vote in January.

The truth is the real vote will be in November of 2008. Some of us disagreed with the President of the United States on stem cell research. There was an election, and now we have a new Senator from Missouri, we have a new Congressman from Arizona, all because of that issue.

And the real vote, and people don't want to talk about it, say it's political, that's what a democracy is about. And there will be a vote about this, and the American people will vote on this. And those Members of Congress that are happy about denying 10 million children health care will get a chance and an opportunity to explain that vote. Those of us who think it's important will get that.

My own view, I wouldn't want to mix politics with policy, if there's going to be a few less Members who vote against 10 million children because the American people will make a judgment about that. And we shouldn't deny that.

And so I give you credit. You never miss an opportunity to miss an opportunity. So, remember, some have talked about for 40 days in Iraq you could fund 10 million children's health care. Forty days in Iraq.

President Kennedy once said, "To govern is to choose." Well, you've made your choice. We've made our choice. And the American people in November are going to make their choice.

Mr. BARTON of Texas. Madam Speaker, I'm going to yield myself 2 minutes.

I want to thank my friend from Illinois for being honest. This is all about politics. It's not about policy. It's not about the children. It's about politics. So I commend him.

Mr. EMANUEL. Will my good friend yield?

Mr. BARTON of Texas. I'll yield for 30 seconds, sure.

Mr. EMANUEL. Okay. I come from a family. I believe politics is a good thing, because we have differences, and you work them out on election day and the American people make a decision, except for when you do special redistricting. But usually you let it out on election day. And I believe in that. I don't have a problem with that.

It's not about scoring points. There's differences. You don't support this. And I won't go through this. I was in the room when we negotiated this in 1997. When President Clinton proposed this, the Republican leadership at the time, and he said there will be no balanced budget without a children's health insurance program that had eye, dental and pediatric. The Republican leadership said at that point it was welfare. President Clinton said there will be no balanced budget agreement without this. Finally, you guys offered pediatric care but no eye and dental. And then the deal we cut was the SCHIP we have today. And the very flexibility that you oppose that our Governors are exploring was what you demanded back in 1997. But the original children health proposal wasn't a bipartisan agreement. It was President Clinton saying there will be no balanced budget agreement without 6 million children getting their health care. I believe that politics is a good thing, and that's what it proved.

Mr. BARTON of Texas. I respect the gentleman from Illinois. I think we should do more of this, quite frankly.

Madam Speaker, I'm going to yield myself such time as I may consume now to respond to my good friend from Illinois. I was in the House when SCHIP was passed. I was not in the leadership, but I was on the committee. My recollection is a little bit different than my friend from Illinois.

There were some Republicans, I think Senator HATCH was one of the ones in the Senate; Congressman Archer, who was the chairman of the Ways and Means Committee. This did come out of the effort to reform welfare as it was then. There was a concern that as we tried to move primarily women who were single head of households off of welfare, if they didn't have a job that had health care, their children, in order for them to work, transition to work, that they needed health care. And President Clinton and the Republican leadership in the House and the Senate did agree that SCHIP was the answer. And it was a bipartisan agreement. I would give the President credit for supporting it, but I would also give the Republican leadership in the House and the Senate credit for supporting it also at that time.

The bill that is before us tonight is not the bill that passed in 1997. We have over 600,000 adults on SCHIP, a children's health insurance program. Rhetorically, my friends on the majority side say they really don't want adults to be covered. But nothing in this bill moves those adults off of SCHIP.

We don't know how many hundreds of thousands of noncitizens are covered. But most people agree that there are hundreds of thousands, if not millions. Nothing in this bill has an enforcement mechanism to move children who are not U.S. citizens off the rolls. Not one thing moves that. And the 200 percent of poverty, the original SCHIP bill was between 100 and 200 percent of poverty. That's still a good principle. There are not 10 million children in America between 100 and 200 percent of poverty that qualify for SCHIP. The most authoritative number is that there may be an additional 800,000.

Now, the current SCHIP bill covers about 6 million children. In order to get to the 10 million number, you have to go way above 200 percent, probably above 300 percent and maybe even as high as 400 percent. So this 10 million number, there are about 80 million children in America. Most of those children, luckily, have health insurance through some sort of a private sector employee-sponsored health insurance program. Six million have it under SCHIP, and then there are several million that have it under Medicaid. But there are not 10 million between 100 and 200 percent of poverty.

Those of us on the Republican side, we support SCHIP. We support the original program. We may even support something expanding it beyond the original program. But we don't support some of the ideas that take it up to as high as 300 to 350 percent of poverty, that cover noncitizens and that cover adults. That's what this debate is all about.

So we hope that we have an opportunity. We hope that we have a veto vote and that we sustain the President's veto, and then maybe my friend from Illinois and myself can actually enter into a bipartisan negotiation that does exactly what he wants to do and what people like myself want to do.

Mr. EMANUEL. Can I ask the ranking member to yield?

Mr. BARTON of Texas. I would yield for 30 seconds.

Mr. EMANUEL. First of all, it wasn't part of welfare reform. Welfare reform had a 1-year transitional for Medicaid. It wasn't part of that, which is a point you made.

Second is, SCHIP was so successful, while the rest of the population actually had an increase in uninsured, the only group in America for the last 7 years that had actually a decrease in the uninsured was children until last year. This is a product of answering the shortcomings between Medicaid and private insurance.

Mr. BARTON of Texas. We support that.

Mr. EMANUEL. The fact is there have been a million additional children in the last year and a half whose parents work full-time who don't have health care and this would cover.

And to the other point you said, actually there have been Democratic and Republican Governors and principally signed by this President where the adults have come from. This President signed those waivers for Democratic and Republican Governors.

Mr. BARTON of Texas. That doesn't mean that we need to continue those waivers.

With that, I would reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. MURPHY).

Mr. MURPHY of Connecticut. Madam Speaker, I'm a new Member of this Chamber, and so I don't know all the history of SCHIP. I don't know all of the reasons why the bill was written, why it was, the history of negotiations, and with all due respect to my friends who were here, I don't really care, because what I know is that right now there are millions of children throughout this country who go to bed each night ill, simply because they can't afford to see a doctor. And let me tell you why I think it's a good thing that we should wait a couple of weeks in order to take this vote. Because, frankly, I'm a hopeless romantic when it comes to this House, the people's House's ability to impose the will of the vast majority of Americans. Call me crazy, but I think that when 80 percent of Americans, as the CBS News poll told us some weeks ago, support advancing children's health care, then maybe, maybe, this House should do something about it. I'm also unapologetically idealistic about our moral obligation as a society and as a Congress, because I know every single one of us, if we were walking down the road and we saw a sick child on the side, we would stop everything we were doing and try to help that child. And I don't understand why that argument isn't extrapolated to those children throughout this country who are sick only because they can't afford health care. We have a moral obligation to help those kids. And we have a fiscal obligation as well, because that system of universal coverage that extends only to people that go to emergency rooms when they get so sick that that's the only place that they can go, that costs us money. As moral and fiscal custodians of this great Nation, we have an obligation to pass this bill, to override this President's veto and to give all the time in the world to your constituents and our constituents to make that case over the next 4 weeks.

Mr. BARTON of Texas. Let me inquire how much time I have remaining, Madam Speaker.

The SPEAKER pro tempore. The gentleman from Texas has 14 minutes remaining.

Mr. BARTON of Texas. I want to yield 4 minutes to a member of the committee and also a member of the ad hoc negotiation team, Mr. WALDEN of Oregon.

Mr. WALDEN of Oregon. Madam Speaker, I think it is important to start by noting there is not, I don't think, a Member on either side of the aisle that doesn't support continuing the existing SCHIP program, continuing providing insurance coverage for 4.04 million American children. What we're debating is how you pay for an expansion beyond that, how you go from 200 percent of poverty level to a family of four that would be at 300 percent of poverty level. For the record, that's $61,950. Some of us believe that before you expand to 300 percent of poverty, or a family of four making nearly $62,000 a year, we should make sure that those kids who are in families that make enough that they don't qualify for Medicaid, that those from there on up to 200 or 250 percent of poverty actually are being insured by the States to whom we send this money back to.

There has been discussion that 10 million kids will be covered under the bill that the President vetoed. I wish somebody would give me a Congressional Budget Office summary that says that, because what CBO found when they analyzed this bill was that by 2012 there would be a total of 7.4 million kids insured under SCHIP under the bill we're debating tonight. If you've got a different document from CBO, I'd love see it. I've not seen it.

Further, CBO claims that the way this bill is structured, there would be 2 million children in America, 2 million of this 7.4 that either already have health insurance or have access to health insurance through their families or their families' employers. Two million. This is Congressional Budget Office data.

The effect of the way this bill is structured, those 2 million kids would probably be shifted onto a government plan. We ought to be trying to get kids who don't have access to health insurance first, and we should be trying to get the kids who are at the lower end of the economic scale insured first. Those are principles that we're fighting for in this.

Finally, two other points. I don't think it's asking too much that when a parent brings in their children and their children don't have ID, that the parent simply present ID, a driver's license, something that proves who they are when they certify these are their kids. That's something we're asking for.

The third and final point, this program, the way it's crafted under this legislation, even with the tax that's proposed, by the next 10 years, the end of 10 years, you have borrowed forward $80 billion, with a B, that has been borrowed, and in 2013, the program's out of money.

□ 1945

We have got enough of those Federal programs today. I mean Members on both sides of the aisle would have to agree that we haven't fixed the Medicare fix yet for docs. Their funding is going to be cut. I've got seniors in my district who can't get access to a physician.

Why would we enact a program today that we know, based on independent analysis, comes up $80 billion short? You take the money for 10 years and you spend it in the first 5. What happens after that? Isn't it better to create a program that takes care of kids who are on the lowest end of the economic scale but whose parents make too much to be in Medicaid, make sure they're covered first, make sure we're not crowding out people who have access to health insurance for their kids through their employer or some other way, and that they don't shift to save money for themselves from a government-run program?

At the end of the day, I think we all want to take care of kids' health needs. We want to do it in a responsible way, fiscally responsible, that can be sustainable so that we don't end up with kids on a cliff in 5 years because you spent the money that was allocated over 10 in the first 5 because you borrowed. That doesn't make sense.

I never knowingly in 21 years in small business entered into a contract that I knew I couldn't fulfill. This is a contract that can't be fulfilled the way it is crafted. We can do better than this. It doesn't have to be a campaign and political issue. It can be a policy issue that works.

Mr. BECERRA. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. THOMPSON), a member of the Ways and Means Committee.

Mr. THOMPSON of California. Madam Speaker, this is about health care for kids. It's an important and humane bill that's illustrative of who we are as Americans. It's paid for, and moreover, it saves us money. It saves us money by keeping kids out of the emergency room, and anytime that you can prevent or cure an illness before it becomes acute, that saves us money as well.

It's bipartisan, not only in the House and the Senate, but 43 Governors have endorsed this measure. Over 80 percent of the American people support the SCHIP program.

We should not let the President deny health care to 10 million kids of working moms and dads. We're better than that. We need to override this veto.

Mr. BARTON of Texas. Madam Speaker, I believe we only have two more speakers, so I'm going to reserve my time at this point.

Mr. PALLONE. Madam Speaker, I yield 2 minutes to the gentlewoman from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. Madam Speaker, a while ago the President of the United States looked out in front of a very elite crowd and said to all of them: Some people call you the elite. I call you my base.

You know, we should have listened a little more carefully because he really wasn't kidding. They were his base. The President has said "yes" to them ever since. Yes to Big Oil. Yes to Big Pharmacy. Yes to anything they want. Yes to tobacco companies. Yes to their tax cuts. And no to the middle class and no to the poor except for one yes. Yes, you can pay for them.

And so the President of the United States, with his helpers on the other side, have made it extremely difficult for the middle class and the poor not only to pay for their energy bills, not only to pay for all the other essentials, but now to take their children to the doctor or to the hospital.

What is wrong with us that we are having an argument about whether children should be insured and how many children should be insured?

I'm a former social worker. Every single day of my life I had stories, tragic stories, stories that should embarrass all of you that you're standing here fighting against these children, and how hard it was for these families to get their prescriptions, how hard it was for them and how they had to decide exactly at what temperature do you take a child to the doctor, at 101, 102 or 103 degrees, because we don't have the money, and so we're not going to take our child to the doctor unless we absolutely must.

And yet we stand here tonight and the President tells us that he is going to not allow this program. Why? Why? Because we put a tax on the tobacco company. Shame on all of us that are standing in the way of the children of this country. There's just no excuse for it.

And how many children are we talking about? Somebody on the other side said there really aren't that many children, maybe 1 million. Well, the Congressional Budget Office said to the Senate Finance Committee in July or August that there are about 5 to 6 million children.

The Democrats are dead on target with this, and the American public knows that and stands with us.

Mr. BARTON of Texas. Madam Speaker, I continue to reserve.

Mr. BECERRA. Madam Speaker, may I inquire as to the time remaining on both sides?

The SPEAKER pro tempore. The gentleman from California (Mr. BECERRA) has 10¼ minutes remaining. The gentleman from New Jersey (Mr. PALLONE) has 5½ minutes remaining.

Mr. BECERRA. Madam Speaker, at this time I yield 1½ minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Madam Speaker, this issue boils down to a practicality of ideology. The Republicans and the Bush administration has repeatedly shown that they really quite honestly do not get it when it comes down to health care, and particularly for those who need the health care the most. This is not just the beginning of this. This argument started back during the winter when there were 17 States who came up short, and we fought and we fought to try to get that shortage fixed. But there was no help until I drafted an amendment, went to the gentleman from Pennsylvania (Mr. MURTHA), and we attached it to the Iraq war supplemental. That is the only way President Bush and the administration signed it.

Now, let me just point out two important points. There are scare tactics being used here. Anytime the Republicans and those on the other side want to score a point, they bring up the bogeyman of illegal immigration; these people are going to be illegal aliens. There's nothing in this bill. As a matter of fact, there's express language that prohibits in this bill any illegal immigrant or undocumented person from being eligible for this children's health program.

You talk about there are adults on the bill. There are no adults on this bill except an adult who happens to be pregnant with child for prenatal care. Should they not have that care? That strikes at the heart of this bill.

I urge everyone to not go with this sad argument and let's sustain and override this veto coming up on January 23.

Mr. BARTON of Texas. Madam Speaker, I yield myself 1 minute.

I appreciate the gentleman that just spoke, but let's be factually accurate. There are over 600,000 adults under current law on SCHIP right now. They're not all pregnant women. Now, some of them may be, but not all 600,000, and nothing in this bill moves any adult off of SCHIP. Nothing.

Madam Speaker, with that, I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. SESTAK).

Mr. SESTAK. Madam Speaker, when I heard that the President vetoed this bill today, I asked to speak.

After about three-and-a-half decades in the U.S. military, I owe both Republicans and Democrats a lot. About 2, 2½ years, little over 2 years ago, my daughter, 4 years old, was struck with a malignant brain tumor. I'd never had a personal challenge in my entire life, having only gotten married 9 years ago. I'd had a lot of professional ones, but after three brain operations, chemotherapy and radiation, she's here today. I thank you all for that because I had the best health care plan in America.

We took a pathology slice at Johns Hopkins, Mass General's Hospital. We took it everywhere. We took it to the ends of the Earth, and you gave me that health care plan.

But I will never forget living in Children's Hospital oncology ward down the street, and there was a young 2½-year-old boy the day my daughter started chemotherapy after her brain operations, and for 6 hours my wife and I could not help but overhear, because you all have been in those hospital rooms, social workers come and go to talk to the parents of the young 2½-year-old boy from Washington, DC, who had been diagnosed with acute leukemia that morning, to see whether that young boy could stay and have the same opportunity my daughter had because of you.

So this is the reason I got into the race for Congress a little less than 2 years ago. I owed you. I owed this Nation. You gave me an opportunity to have my daughter be here today. I didn't get in for Iraq. I got in for this bill. While it may not be perfect, neither was TRICARE, and I would just ask everyone to truly think about the opportunity to give our children, every child, this young boy, the same opportunity you gave me and my daughter.

Mr. BARTON of Texas. Madam Speaker, I yield 2½ minutes to the distinguished gentleman from the 5th District of the Garden State of New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Madam Speaker, "I forbid," the Speaker, Democrat Speaker of the House, came to the floor and gave a translation of the Latin "veto" and explained to us that it means "I forbid."

Well, I can tell you the only veto that is occurring with regard to children's health care and care for the indigent poor is occurring here tonight at the hands of the Democrat majority.

The Democrat majority is vetoing. They are saying I forbid to move forward on this legislation. Republicans have expressed the desire to move forward and reached out and said in willingness to work together.

Just a moment ago, a freshman of the Democrat side of the aisle came to that podium and cited a figure that 80 percent of the American public, as he said, quote, wishes to advance children's health care for indigent poor children. The word "advance" means to move forward.

But Speaker PELOSI came to the floor and said, I forbid. I will veto moving forward tonight. Instead, put it on abeyance, put it on hold and say we have to put it off for another month.

What are they putting off? Well, they are trying to move forward later on on a bill that brings us socialized health care for illegal aliens, for adults, for children, for adults. No one has denied that it's for adults. It is for childless couples and, by definition, is not for the poor. It is for middle class because, as we know, the median income in this country is $42,000. This bill will allow people upwards to $62,000 or $70,000 to be eligible for this program. By definition, therefore, it will provide for a middle-class program for universal health care.

Now, in conclusion, the Democrat conference leader explains why they are saying that they are forbidding moving forward and is very clear. He said, I enjoy politics, and that's what this bill is all about. It is about politics.

So to those who come to the floor tonight from the other side of the aisle and with a heartfelt passion that I believe is in their heart that they wish to move forward on moving advanced care for our children, I would ask your rank-and-file Members of that side of the aisle to talk to your leadership and say, Do not veto this effort. Do not say I forbid moving forward, and allow us to move forward on providing health care for indigent, poor children in this country tonight and vote "no" on this motion.

Mr. BECERRA. Madam Speaker, I yield 1 minute to the majority leader, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Madam Speaker, I thank the gentleman for yielding.

I was not going to participate in this debate, but the gentleman from New Jersey doesn't fully understand what we've been about for the last 2 months. He talked about the rank and file. Mr. DINGELL, the senior Member of this House, myself, Senator BAUCUS, Senator HATCH, Senator GRASSLEY, Members of the rank and file on your side of the aisle who had not voted for this bill and didn't vote to override the veto. Mr. BARTON was in some of those meetings. Mr. DEAL was in some of those meetings. We met for almost 100 hours with rank-and-file Members on your side because we felt so strongly we wanted to address some of the issues of concern.

We haven't gotten there yet, but I want to tell the gentleman, first of all, he says this bill is not for indigent children.

□ 2000

Medicaid is for indigent children. This is for children of hardworking Americans who are not making enough because either their employer doesn't provide insurance or they can't afford the insurance to cover their children. We tried very, very hard. I defy you, and you haven't been here that long, I understand that, but I defy you to find another instance where that many hours has been put in by such senior Members, including two of the most senior Republicans in the United States Senate who voted for this bill, as did 18 of their colleagues in the United States Senate, and 44 of your colleagues here voted for this bill, and 45 for the previous bill. This is a very significant bipartisan bill.

And this bill responded to some of the concerns raised by the President. You continue to talk about adults. There are parents on here at the States' choice, as you know. Your State's choice, my State's choice. However, we precluded, as you know, in this bill nonparents, and rather than a 2-year phaseout, we did a 1-year phaseout. We responded to the President's concern about $83,000. We capped it at 300 percent. We responded to the question of trying to identify and to make sure that we add people who are authorized to be in this country.

So I think the gentleman's comments about the Democratic Party, or Democrat, as he likes to refer to us, is totally inaccurate, I will tell my friend. We've worked very hard. Why have we worked very hard? Because we think that 4 million children who the President of the United States in 2004 got on the Republican National Convention floor seeking the votes of all of his fellow citizens to be re-elected as President of the United States, said, I want to add millions of children currently eligible to this program who are not yet served. I tell my friend that's what this bill does. That's why we are so surprised and disappointed that the President rejected this bill and vetoed it and said, as the Speaker said, I forbid this bill going into effect and adding those 4 million children.

Mr. GARRETT of New Jersey. Madam Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from New Jersey.

Mr. GARRETT of New Jersey. I thank the gentleman.

I appreciate that, and as I said in my remarks, I believe that there is heartfelt desire on the other side of the aisle to provide for, and I may have said indigent, poor children in this country. I do honestly believe that, from both sides of the aisle that the goal is the same thing, to try to provide care for that particular class of individuals.

What I disagree with the gentleman with is on a couple points you said. One specifically as far as the issue of a good, fair effort of negotiations on moving forward in this legislation.

Mr. HOYER. Reclaiming my time, I suggest that the gentleman refer to Mrs. BIGGERT to see whether or not she thought they were good-faith or extensive negotiations and discussions.

I yield to my friend.

Mr. GARRETT of New Jersey. I thank the gentleman.

I am informed that our side of the aisle, whether through Mrs. BIGGERT or otherwise, has presented to you or through your staff or otherwise a proposal back on November 15 of five pages of recommendations or suggestions as far as positions that could be done in this bill to move us both together. And here we are on December 12 and we have yet to receive a response from that.

Mr. HOYER. Reclaiming my time, and I am not going to get into further debate on this, I refer the gentleman to Senator HATCH and Senator GRASSLEY and ask them whether they thought good-faith negotiations were pursued and whether or not they thought that we had gone as far as we possibly could in order to accommodate the adding of 4 million children.

Mr. BARTON of Texas. Madam Speaker, what is the order of closing?

The SPEAKER pro tempore. It will be the Members in reverse order: Mr. PALLONE, Mr. BARTON, and Mr. BECERRA.

Mr. BARTON of Texas. I am ready to close after Mr. PALLONE.

Mr. PALLONE. Madam Speaker, I just want to reiterate and contradict some of the things that the President said in his veto message today.

He said that this is the same bill that we sent him that he previously vetoed. And it's simply not true. We made substantial changes to it to allay concerns about higher income families enrolling, adults being enrolled, or even undocumented immigrants being enrolled. I just want to point out some of the flaws with the President's message in closing.

First, the President says that our goal should be to move kids into private coverage and not into public programs. That is exactly what the CHIP program does, Mr. President. CHIP provides money to States, which in turn contract with private insurance companies to provide insurance coverage to kids. It's not socialized medicine, it's not government-run health care, and the President should know that.

Second, the President says his proposal to reauthorize CHIP would increase funding by 20 percent. What he doesn't tell you is that his plan would not help provide coverage to the 6 million kids who are uninsured and eligible to enroll in either CHIP or Medicaid. I would point out that the Senate Finance Committee in July received a letter from the CBO where they said that they estimate between 5 million and 6 million children who are uninsured are eligible for Medicaid or SCHIP. So there are a lot of kids out there, almost twice as many that are in the program now, that could be insured.

And then the President said that we allow adult coverage. Well, let me say our bill phases out adult coverage faster than the President would do by just disapproving his waiver renewals.

Fourth, the President says we don't focus on the lowest income kids, and that's not true. We provide financial resources for States to go out and find the lowest income kids first.

Finally, the President has said he's been willing to work with us to reauthorize SCHIP, and the Republicans in the House said the same thing. Well, the fact of the matter is that, as our majority leader said, we have reached out. We have had hundreds of hours of meetings. We have reached out to the President. It's simply not true that we haven't reach out, and the fact of the matter is that the President has been unwilling to budge even 1 inch from where he wants to go with the SCHIP legislation. Instead of working with us to provide health insurance to 10 million kids, he's given us two vetoes now.

All I can say, Mr. President, the holiday season is upon us, but you are basically becoming the Grinch who stole Christmas from these 10 million kids, in this case at least 5 or 6 million, that don't have health insurance. It's a shame that we have come to this position today, and I would urge my colleagues to cast a vote to override the President's veto.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

Mr. BARTON of Texas. Madam Speaker, there's a great movie from the sixties or maybe the seventies called "Cool Hand Luke." Paul Newman is Cool Hand Luke, and he gets imprisoned for some minor infraction and he just doesn't conform with the regulations of the prison. And finally in exasperation the prison warden is talking to him in front of the chain gang and utters the famous line, "What we have here is a failure to communicate."

Well, what we have here tonight apparently is another failure to communicate. The Republicans in the House of Representatives want to reauthorize SCHIP. Some of the Republicans in the House of Representatives even want to expand SCHIP. But what we don't want to do is make SCHIP the surrogate for universal health care for children that are not in low-income or moderate-income families. We don't want to do that. And the bill before us would do that.

It would cover children up to 300 percent of poverty, explicitly, which is above the median income in this country. And it would not have any substantial reform on what are called "income disregards." An income disregard is, some States have said, well, we're going to disregard this amount of income or we're going to disregard that particular expense. So for all practical purposes if a State chooses to disregard income, then there is no cap, and the bill before us doesn't have reforms in that measure.

The bill before us, in terms of illegal aliens, does have a paragraph that says no illegal alien can receive the benefit. It has that. But it has no enforcement. It's toothless. It's like saying don't go over 55 miles an hour or 60 miles an hour but you don't have a radar policeman to enforce the speed limit.

So what we are saying and what the President of the United States is saying in his veto message is pretty straightforward. Let's continue the SCHIP program. Let's find the children that are below 200 percent of poverty, and let's get them enrolled in the program and perhaps even go as high as 250 percent or 275 percent. Let's find some way to have a real enforcement to make sure that SCHIP is for children and for children of citizens. And then let's find a way to get the adults on the program off the program.

There are some States that cover more adults than children. And, again, my friends on the majority agree that that's not an appropriate thing, but they don't do anything in the bill to reform that.

So when my friend from New Jersey, the distinguished subcommittee chairman, talks about there may be as many as 6 million additional children that could be covered, I very carefully listened to what he said, and I would agree with what he said because he used the words "Medicaid" and "SCHIP." Well there are 25 million children covered under Medicaid right now. There may well be another 5 or 6 million children that are eligible for Medicaid that we need to work with on a bipartisan basis to get in Medicaid. But according to HHS, there are only 800,000 eligible for SCHIP. Even according to the CBO, there are only an additional maybe 1.3 million that would be eligible for SCHIP under the bill that the majority is putting on the floor.

So I wish we wouldn't postpone this veto. I wish we would go ahead and have the veto override tonight because we will sustain the veto. And then I wish my good friend JOHN DINGELL from Michigan and Mr. RANGEL from New York would work with Mr. MCCRERY and myself and other Members to really come together on a bipartisan basis.

I would like to point out that these negotiations that Mr. HOYER alluded to did, in fact, happen, but those negotiations were not a conference. This bill is not the result of a conference committee between the House and the Senate. The bill before us is the result of some backroom negotiations and then an effort on an ad hoc basis of some of the senior Members of the majority in this House and some Members of the other body to work with some of our junior Members who had really no official standing but did negotiate in good faith to come up with a compromise. And as Mr. GARRETT pointed out, the written proposal the Republicans put forward, I think, to this day has never been answered. Now, I could be wrong on that, but I don't think it has ever been formally addressed.

So I sat in on those negotiations for several days, and what we got was a lot of good feeling talk. But when it came time to put it on paper, the majority wouldn't put it on paper.

So let's not postpone this override. Let's vote down the motion to postpone, and let's have the veto override tonight. And then in the next week or so if we are still in session, let's really start a bipartisan process that is based on the formal processes of the House and the Senate.

With that, I would yield back my time, Madam Speaker.

☐ 2015

Mr. BECERRA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, let's remember why we're here. Less than 2 weeks before Christmas, and we're talking about whether or not 10 million children, the children of hardworking American families, when we know that the cost of health care has increased, we're talking about whether or not 10 million children, 2 weeks before Christmas, will have access to health care.

Madam Speaker, the bill we're attempting to override is a responsible bill. It does not increase the deficit in providing health care access to our children. It is completely paid for.

Madam Speaker, this bill speaks for itself. Regardless of what's been said by either side, read the bill, it speaks for itself. This is about children's health care. And it's only for children who are citizens, who are legally in this country. And it is for modest-income Americans who are in this country.

Madam Speaker, let some numbers speak for themselves: 43, 100, 10 million. Forty-three, that is the number of our Republican colleagues who voted on a bipartisan basis to override President Bush's veto of this children's health care bill. One hundred, we have been in the process of talking to our Republican colleagues and trying to resolve our differences for over 100 days, as the gentlelady from Illinois (Mrs. BIGGERT) herself stated. Ten million, that's the price. Ten million children in this country who will not have access to health care if we don't do anything. They simply want to have the same access to health care, to a doctor, to a clinic or to a hospital the way the children of every Member of this Congress has access to health care.

No Member of Congress stands up and complains that, at taxpayer expense, we are making available to each and every one of us a health care policy which today and on Christmas Day will ensure that our children will be insured if something should happen and they need to go to a doctor or to a hospital. Is there any reason why hardworking Americans who just don't earn enough money to pay for the full cost of that health insurance shouldn't have the same access as each and every Member of Congress has for his and her children today?

Madam Speaker, I hope we all keep our eye on the prize; 10 million children, 10 million children who we're trying to make sure have access to health care. If Members of Congress can guarantee our children health care, then we should be prepared to guarantee that anyone who works in this country can provide health care to their children. That's what this is about.

We're going to return to the people of this country the Congress that they feel they've lost. We said a while ago that this Congress would take a new direction. That's what we mean when we mean to override the President's veto.

I urge my colleagues to vote today, to think about 10 million kids right before Christmas and say to the President, We will override your veto.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to postpone.

There was no objection.

The SPEAKER pro tempore. The question is on the motion.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BARTON of Texas. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to postpone will be followed by a 5-minute vote on suspending the rules on H.R. 3985.

The vote was taken by electronic device, and there were—yeas 211, nays 180, not voting 40, as follows:

[Roll No. 1154]

YEAS—211

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Etheridge
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—180

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Cole (OK)
Conaway
Crenshaw
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—40

Bean
Berry
Boehner
Carson
Coble
Cubin
Culberson
Davis, Tom
DeLauro
Dicks
Doolittle
Eshoo
Farr
Ferguson
Fossella
Hinojosa
Hooley
Hunter
Jindal
Kirk
Lantos
Lewis (CA)
Matheson
McCrery
McDermott
Miller, Gary
Miller, George
Moran (VA)
Neugebauer
Paul
Reynolds
Ryan (OH)
Sanchez, Loretta
Saxton
Shadegg
Skelton
Space
Tancredo
Waxman
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

☐ 2039

Mr. EHLERS changed his vote from "yea" to "nay."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

OVER-THE-ROAD BUS TRANSPORTATION ACCESSIBILITY ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3985, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and pass the bill, H.R. 3985.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 374, nays 0, not voting 57, as follows:

[Roll No. 1155]

YEAS—374

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
DeFazio
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Etheridge
Everett
Fallin
Fattah
Feeney
Filner
Flake
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matsui
McCarthy (CA)
McCaul (TX)
McCollum (MN)
McCotter
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Payne
Pearce
Pence

Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—57

Abercrombie
Baker
Berry
Boehner
Calvert
Capps
Carson
Coble
Cubin
Culberson
Davis, Lincoln
Davis, Tom
Deal (GA)
DeGette
DeLauro
Dicks
Doolittle
Eshoo
Farr
Ferguson
Fossella
Gingrey
Gohmert
Hinojosa
Hooley
Hunter
Jindal
Kirk
Lantos
LaTourette
Lewis (CA)
Lungren, Daniel E.
Matheson
McCarthy (NY)
McCrery
McDermott
Miller, Gary
Miller, George
Moran (VA)
Murtha
Neal (MA)
Neugebauer
Pascrell
Paul
Reynolds
Sanchez, Loretta
Saxton
Shadegg
Shuster
Skelton
Solis
Stark
Tancredo
Waxman
Weldon (FL)
Wexler
Wynn

☐ 2047

Ms. PRYCE of Ohio changed her vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF MEMBER TO BOARD OF TRUSTEES OF THE CONGRESSIONAL HUNGER FELLOWS PROGRAM

The SPEAKER pro tempore. Pursuant to section 4404(c)(2) of the Congressional Hunger Fellows Act of 2002 (2 U.S.C. 1161), and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following member to the Board of Trustees of the Congressional Hunger Fellows Program for a term of 4 years:

Mr. James P. McGovern, Worcester, Massachusetts

COMMUNICATION FROM THE HONORABLE JOHN A. BOEHNER, REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 29, 2007.

Hon. NANCY PELOSI,
Speaker, U.S. Capitol,
Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to section 4404(e)(2) of the Congressional Hunger Fellows Act of 2002 (2 U.S.C. 1161) I am pleased to re-appoint the Honorable Jo Ann Emerson of Cape Girardeau, Missouri to the Board of Trustees of the Congressional Hunger Fellows Program.

Mrs. Emerson has expressed interest in serving in this capacity and I am pleased to fulfill her request.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE HOSTAGE OF BAGHDAD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Madam Speaker, in the deserts of Iraq a war is going on against the enemies of America. In the heat and dust of the summer of 2005, a young American went to fight, not against al Qaeda, but for her own survival. She became the "Hostage of Baghdad," held against her will by villains of the desert, thousands of miles away from home in Texas. This is her story.

Madam Speaker, Jamie Leigh Jones was a 20-year-old woman who worked for Halliburton KBR. She was sent to Iraq as part of her employment. She was sent to Baghdad to a place, ironically, called Camp Hope, in the supposed Green Zone that was supposed to be safe.

After being in Iraq only a few days, she said she was held against her will, drugged, gang-raped by Halliburton KBR firefighters, and the people in charge of her held her hostage in a ship cargo container for 24 hours without any food or water. She became an American hostage, held hostage by fellow Americans.

She convinced one of the people guarding her to let her borrow his cell phone. After obtaining the cell phone, Jamie called her dad in Texas and pleaded for help and begged to be rescued. She was scared, she was hurt, she was half a world away from home, and she was alone.

Jamie's dad called me because I represent him in Congress. Her father relayed the tragic assault and crime, and of course needed immediate assistance. My staff and I were able to contact the right people in the United States State Department, and within 48 hours two agents from the embassy in Baghdad found and rescued Jamie, made sure she received appropriate medical attention, and brought her home.

Jamie had been seen by Army doctors in Baghdad and had been given, apparently, good medical care while being treated in Baghdad. A forensic sexual assault examination was performed on her. This examination is commonly called a rape kit. Doctors take forensic samples from a sexual assault victim and then they are preserved as evidence for trial in this rape kit.

But, Madam Speaker, for some unknown reason, the Army doctors turned this rape kit over to Jamie's employer, Halliburton KBR. KBR then lost the rape kit. The rape kit was later found, but it had been tampered with. The photographs are now missing, and the Army doctor's cover sheet with the medical findings are not there. These are critical for prosecution of the rapists.

Madam Speaker, Jamie's brutal injuries were severe. She has had to have reconstructive surgery because of the extent of these injuries by these rapists in Iraq. Once she was home, we pressured the State Department to find out who these villains of Baghdad were; where are they, and why haven't they been prosecuted. After so much time, there is little progress on the investigation. We need to know also if KBR had knowledge of the crime and if they are involved to any extent.

Jamie has decided to go public with her case. This case, like all such cases, remains confidential in our congressional office. Congressional offices do not divulge the content of personal case files like this because they are considered privileged communication and they are private.

My tremendous case worker, Patti Chapman, worked with Jamie since her rescue and has helped her in this most tragic way, and helped her in a compassionate way. Patti Chapman, like many congressional caseworkers, are angels to the people in our communities. Jamie has had the courage to publicly tell about this most personal crime against her. So my office and now Chairman CONYERS of the House Judiciary Committee have contacted the Attorney General and the State Department and we want answers about this case and the investigation.

Specifically, what is going on over there in Iraq? American citizens have civil rights overseas as well. Crimes committed against them must be investigated. Criminals must be held accountable. Our government has the legal and moral duty to capture these villains of Baghdad. Also, hundreds of American civilians like Jamie are in Iraq working in support of America's military mission. When these American civilians become victims of crimes by other Americans, it is unclear who's enforcing the law. Our government must clear up this confusion, because currently there seems to be an environment of lawlessness. These criminals must be held accountable.

Madam Speaker, let me tell you about sexual assault. I was a former judge and saw these victims and their perpetrators in court, and these demons that do these dastardly acts against victims don't commit these crimes for sexual pleasure, but, Madam Speaker, they do it to destroy the inner soul of these victims. Jamie Leigh Jones survived and has been rescued, but the outlaws still roam the deserts of Iraq like the outlaws in the days of the Old West. We need justice. We need the law to intervene and round up these outlaws for their day in court. Let justice be swift, let it be severe, let it be serious, because justice is what we do in America.

And that's just the way it is.

TRIBUTE TO SYLVIA PRESSLEY WOODS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. CLYBURN) is recognized for 5 minutes.

Mr. CLYBURN. Madam Speaker, I rise today to honor one of South Carolina's own, Sylvia Pressley Woods, affectionately known as the "Queen of Soul Food." In August of 1962, Sylvia put her charismatic personality to the test by purchasing a restaurant, which at the time was only a small luncheonette, from her boss.

Almost 50 years later, Sylvia's, as she named it, has become a landmark at 126th Street and Lenox Avenue, and a place where everyone knows they can get a taste of authentic southern soul food cuisine. The restaurant also serves to remind the community's residents that hard work, determination, and love of family can lead to success.

Madam Speaker, Woods herself has a remarkable story that encapsulates much of the 20th century African-American history. She was born Sylvia Pressley on February 2, 1926, in Hemingway, South Carolina, a small rural town which I proudly represent in this august body. On December 22, next week, many of her friends will gather at Sanders Point near Santee, South Carolina, to celebrate the holidays with Sylvia. Tonight, I am being joined by members of the New York delegation in honoring a loving mother, an astute restaurateur, an enterprising businesswoman, and an outstanding South Carolinian, Mrs. Sylvia Pressley Woods.

With that, Madam Speaker, I would like to yield to the dean of the New York delegation, the Honorable CHARLES RANGEL.

Mr. RANGEL. Madam Speaker, a special thanks to JIM CLYBURN, our Whip and leader, for reaching back to pay tribute to an American that so often people forget what one can accomplish in this great country if they are willing to work hard.

You know, Mr. CLYBURN, I knew the world famous owner of Sylvia's when she was a waitress at a restaurant just one block away where she anchored her success, and she and her husband came together and went to South Carolina, two friends, in order to get the money necessary for her to start her own future. Mr. Woods, and we just lost him a few years back, would be up at 3 and 4 o'clock in the morning with that truck, going to the produce markets, picking the best vegetables, and then she would have her children and now her grandchildren, all a part of this wonderful family, and now that she's reached a point that her products are sold in supermarkets and throughout the world and that she has acclaimed a great deal of attention from tourists all over the world as these tourist buses are lined up, it doesn't surprise anybody to see Sylvia there asking these customers that she probably will never see again in life, How did you enjoy the meal and what can we do to help?

So let me thank you on behalf of all of Harlemites, even Congressman GREGORY MEEKS from the borough of Queens, who has to admit that coming from Harlem means a special thing to us, because he was one of us before he lost his way. And so when I heard that you were doing this on behalf of Harlem, who cherishes the rise of Sylvia's late husband, her children and her wonderful grandchildren, who still bring people from all over the world into the village of Harlem, let me thank you, JIM CLYBURN, for reminding us that we have so many heroes and "sheroes" in our country, and they deserve what you're doing for them in South Carolina. I thank you.

Mr. CLYBURN. Madam Speaker, I would like to now yield to one who has lost his way and will refind it tonight, the Honorable GREGORY MEEKS from the Sixth District of New York.

Mr. MEEKS of New York. Thank you, Mr. Whip, and I thank you also for bringing this recognition to Sylvia; because as a former Harlemite, I can recall going to Sylvia's. It was a place that brought families together. I can recall my parents bringing me to Sylvia's to have a family dinner or having breakfast in the morning. And it united people and it made us proud because it did say just what the chairman said, talking about African Americans owning their own business and feeding the masses as she did. And it was affordable.

So it was a family place. And, for me, I can remember those breakfasts. Those grits and salmon cakes were just delicious and fantastic. As I am here now standing and looking, and we are talking about trade all over the world. You talk about reducing the trade deficit for the United States? Sylvia is helping to reduce the trade deficit as she now cans her food and sends it all across the world so they all can enjoy the delicious food.

Thank you for honoring Sylvia Woods today because she is truly a shero, one that I can recall as a young child looking up to and saying that one day that we could be prosperous like her. Thank you for never forgetting her roots and where we come from, Mr. Whip.

Mr. CLYBURN. Thank you, Mr. MEEKS.

Let me close my 5 minutes, Madam Speaker, by reiterating something that I think all of us ought to think about. Sylvia Pressley Woods' father died when she was 3 days old. He died from the effects of chemical weapons that he had encountered in World War I. Her grandfather was hanged when her mother was a little child. But all of that experience helped to toughen her and make her the outstanding entrepreneur that she is today. On February 2, she turns 82 years old, but she gets up every morning and still goes to that restaurant. She is a great woman.

Mr. TOWNS. Madam Speaker, Sylvia's Restaurant of Harlem is known as one of this country's greatest restaurants which has a selection of mouth-watering dishes that each time will leave you wanting more. This is one of the best-known restaurants in New York and serves its patrons good southern cooking with a dash of Sylvia's secret seasoning.

Sylvia Woods worked at Johnson's Luncheonette as a waitress. Her opportunity came when the owner offered to sell her the business. She purchased the original luncheonette by borrowing $20,000 from her mother who had to mortgage her farm in Hemingway, SC.

The establishment, which consists of not only the restaurant but catering and banquet facilities, was started in July of 1962. back then the menu consisted of very simple things; pigtails, lima beans, hamhocks, and neck bones. There was only one cook on staff and they picked their food up in the trunk of a car.

In 1981, they bought an adjoining building on Lenox Avenue, renovated it and turned it into a dining room. In 1992, Sylvia's son, Van Woods, launched a line of Sylvia's Soul Food Proucts. The line consists of Sylvia's world famous all-purpose sauces, pre-seasoned vegetables, spices, syrup, cornbread, pancake mixes, and several other items that can be found on the shelves at any grocery store.

With the help of some great investors, Sylvia's was able to open its second restaurant in

Atlanta, Georgia in 1997. Sylvia's of Atlanta is located right across from City Hall. Plans are in the works to open additional Sylvia's restaurants in Texas, Kansas, Illinois, California, South Carolina, and Paris, France.

This well-known restaurant attracts a clientele that ranges from harlem locals to visiting celebrities including President Bill Clinton, Nelson Mandela, and Magic Johnson.

However, Sylvia's success is not based solely on her restaurants and food product line. Recently, the family launched a line of beauty products for hair and skin. Sylvia's beauty products consist of two brands: Sylvia's Beauty and Soul Products; and African Vision Products.

Sylvia and her husband Herbert will tell you the secret of their success is love, family and hard work, love of God, love of family, love of friends, customers, and love of work.

Sylvia and Herbert met in a bean field when they were 11 and 12 years old, respectively. They attended the same school and church and have now been married for nearly 65 years.

I would like to honor Sylvia's Soul Food Restaurant where I have eaten on many occasions and where I plan to eat again.

☐ 2100

THANKING MR. BEN SOLOMON FOR HIS SERVICE TO THE HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. LAHOOD) is recognized for 5 minutes.

Mr. LAHOOD. Madam Speaker, I rise today on behalf of a grateful House to say farewell to Ben Solomon. Ben is the manager of the Longworth convenience store, and we want to thank him for his 4 years of outstanding service to the United States House of Representatives.

Employed for over 19 years by Guest Services, Incorporated, Ben's assignment to run the Longworth convenience store began on December 15, 2003. Since that time, he has endeared himself to Members, House staff, and visitors.

Ben has been nicknamed Mr. Mayor of Longworth Main Street because of his unwavering commitment to serve the needs of every customer to the fullest extent possible no matter who they are or their political affiliation. To Ben, all politics was local. He always greeted every customer warmly with his ever present smile and a kind word. Most of the 1,000 or so customers who pass through the store daily are greeted by name. His positive outlook never fails to make even strangers feel welcome.

Ben can be proud of the level of service he provided to his customers each and every day. He viewed his work as a sacred duty, and felt no job was too small for him to do. He could be seen in the hallway working alongside his employees unpacking boxes of merchandise. At the same time, Ben would take the time to pause and say hello to any number of many familiar customers as they passed by the store. Ben brought a unique brand of sincerity and dedication to his job every single day. It is marvelous to look at each nook and cranny of the store shelves at the many unique and interesting things Ben would stock because one of his customers asked for it at an earlier visit.

On behalf of the entire House community, we bid a fond farewell to our friend, Ben Solomon, and extend our deepest appreciation for his dedication and outstanding contributions to the House of Representatives. We wish him well. We wish him success in his future endeavors. He will sincerely be missed by all.

We are also grateful to all those who serve in this great House, service to many of us in so many different ways, and especially honor Ben this evening.

GENERAL LEAVE

Mr. TOWNS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the subject matter of Mr. CLYBURN's Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

LEE'S SUMMIT WEST HIGH SCHOOL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. CLEAVER) is recognized for 5 minutes.

Mr. CLEAVER. Madam Speaker, normally we come to this floor to debate, and quite often in our Special Orders we have the opportunity to speak in positive tones about positive things that are going on in our district or in our Nation.

I am very proud to represent Missouri's Fifth Congressional District. It is the district that encompasses Independence, Missouri, and the home of Harry Truman. In this Fifth District, I am proud that the fastest growing city in the State of Missouri is not the two largest cities, Kansas City being the largest, St. Louis being the second largest, but it is a city that many people have not even heard of. It is called Lee's Summit.

Lee's Summit, Missouri is exploding with growth. Its mayor, Karen Messerli, is doing a fantastic job. The downtown area is being redeveloped. But what I want to zero in on this evening is Lee's Summit West High School.

Madam Speaker, this high school has achieved something that I don't believe can be matched by any other congressional district. So far this year, from September to December, they have won three State 4A championships. The girls volleyball team won the State championship coached by Mark Rice. The girls cross country won the 4A State championship coached by Dave Denny. And then, just recently the Titans football team coached by Royce Boehm won the 4A Missouri State championship and went through the entire season undefeated.

I was listening to Judge POE earlier talk about some tragedies in Iraq. And I sat here, and it caused me to tremble to think about what that young woman must have gone through; and it also caused me to renew my commitment to focus on the positive attributes of our young people. If you visit Lee's Summit High School, which has been in existence only 4 years, 4 years, and it has already become one of the most prominent schools in the State of Missouri, not just for athletics, but because this school is well organized. Their population, 1,300 students, is constantly growing. The principal of that school, Cindy Bateman, is doing a fabulous job. They are achieving academically. And I am so proud to be able to stand on this floor tonight and speak without qualification about how fabulously this school is performing.

Most of the time, girls' athletics are ignored. And so in the Missouri 4A volleyball championship, probably there are people even around in Lee's Summit who are unaware of the fact that that State championship has been won. The cross country club normally would be ignored, but they have achieved something positive. They brought some positive attention to that school.

And so, on this night, I would not only like to lift them up and express how proud I am to represent that particular area, but I would also encourage any Member of the United States Congress who serves a district where a school has won three State championships thus far this year to let me know it, and I will give them a huge box of Gates barbecue. Kansas City, of course, is the barbecue capital of the galaxy, and I will gladly bring that barbecue in from Gates Barbecue in Kansas City. But I am not even worried, because I am absolutely certain that there is no school in the United States that has won three State championships in 4 months.

I know that there are other people who are proud of their districts, and I am pleased that they are proud of their district, they are proud of their schools. And some people stand up and brag about their districts, and some people are actually telling the truth. But I want to go on record tonight as saying that the entire country can be proud of what has happened in this community, because the entire community has rallied to build this magnificent physical structure that is the school, and I appreciate very much the opportunity to share this with the Congress.

COMMITTEE ADJUSTMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Madam Speaker, under section 310 of S. Con. Res. 21, the Concurrent Resolution on the Budget for fiscal year 2008, I hereby submit for printing in the CONGRESSIONAL RECORD a revision to the budget allocations and aggregates for certain House committees for fiscal year 2008 and the period of 2008 through 2012. This revision represents an adjustment to certain House committee budget allocation and aggregates for the purposes of sections 302 and 311 of the Congressional Budget Act of 1974, as amended, and in response to H.R. 4299 (Terrorism Risk Insurance Program Reauthorization Act of 2007), which was made in order by the Committee on Rules. Corresponding tables are attached.

Under section 211 of S. Con. Res. 21, this adjustment to the budget allocations and aggregates applies while the measure is under consideration. The adjustments will take effect upon enactment of the measure. For purposes of the Congressional Budget Act of 1974, as amended, a revised allocation made under section 211 of S. Con. Res. 21 is to be considered as an allocation included in the resolution.

DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES

[Fiscal Years, in millions of dollars]

	2007		2008		2008–2012 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
House Committee						
Current allocation:						
Financial Services	0	0	0	0	0	0
Change in the Terrorism Risk Insurance Program Reauthorization Act (H.R. 4299):						
Financial Services	0	0	300	300	4,200	4,200
Revised allocation:						
Financial Services	0	0	300	300	4,200	4,200

BUDGET AGGREGATES

[On-budget amounts, in millions of dollars]

	Fiscal year 2007	Fiscal year 2008[1]	Fiscal years 2008–2012
Current Aggregates:[2]			
Budget Authority	2,250,680	2,350,996	[3]
Outlays	2,263,759	2,353,954	[3]
Revenues	1,900,340	2,015,841	11,137,671
Change in the Terrorism Risk Insurance Program Reauthorization Act (H.R. 4299):			
Budget Authority	0	300	[3]
Outlays	0	300	[3]
Revenues	0	0	4,400
Revised Aggregates:			
Budget Authority	2,250,680	2,351,296	[3]
Outlays	2,263,759	2,354,254	[3]
Revenues	1,900,340	2,015,841	11,142,071

[1] Pending action by the House Appropriations Committee on spending covered by section 207(d)(1)(E) (overseas deployments and related activities), resolution assumptions are not included in the current aggregates.

[2] Excludes emergency amounts exempt from enforcement in the budget resolution.

[3] Not applicable because annual appropriations Acts for fiscal years 2009 through 2012 will not be considered until future sessions of Congress.

Madam Speaker, also under section 302 of S. Con. Res. 21, the Concurrent Resolution on the Budget for fiscal year 2008, I hereby submit for printing in the CONGRESSIONAL RECORD a revision to the budget allocations and aggregates for certain House committees for fiscal year 2008 and the period of 2008 through 2012. This revision represents an adjustment to certain House committee budget allocation and aggregates for the purposes of sections 302 and 311 of the Congressional Budget Act of 1974, as amended, and in response to the conference report to accompany H.R. 1585 (National Defense Authorization Act for Fiscal Year 2008). Corresponding tables are attached.

Under section 211 of S. Con. Res. 21, this adjustment to the budget allocations and aggregates applies while the measure is under consideration. The adjustments will take effect upon enactment of the measure. For purposes of the Congressional Budget Act of 1974, as amended, a revised allocation made under section 211 of S. Con. Res. 21 is to be considered as an allocation included in the resolution.

BUDGET AGGREGATES

[On-budget amounts, in millions of dollars]

	Fiscal year 2007	Fiscal year 2008[1]	Fiscal years 2008–2012
Current Aggregates:[2]			
Budget Authority	2,250,680	2,350,996	(3)
Outlays	2,263,759	2,353,954	(3)
Revenues	1,900,340	2,015,841	11,137,671
Change in the National Defense Authorization Act (H.R. 1585):			
Budget Authority	0	−15	(3)
Outlays	0	−112	(3)
Revenues	0	2	−13
Revised Aggregates:			
Budget Authority	2,250,680	2,350,981	(3)
Outlays	2,263,759	2,353,842	(3)
Revenues	1,900,340	2,015,843	11,137,658

[1] Pending action by the House Appropriations Committee on spending covered by section 207(d)(1)(E) (overseas deployments and related activities), resolution assumptions are not included in the current aggregates.

[2] Excludes emergency amounts exempt from enforcement in the budget resolution.

[3] Not applicable because annual appropriations Acts for fiscal years 2009 through 2012 will not be considered until future sessions of Congress.

DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES

[Fiscal years, in millions of dollars]

	2007		2008		2008–2012 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
House Committee:						
Current allocation:						
Armed Services	0	0	−50	−50	−410	−410
Change in the National Defense Authorization Act (H.R. 1585):						
Armed Services	0	0	−15	−112	258	−22
Revised allocation:						
Armed Services	0	0	−65	−162	−152	−432

Madam Speaker, also under section 303(b) of S. Con. Res. 21, the Concurrent Resolution on the Budget for fiscal year 2008, I hereby submit for printing in the CONGRESSIONAL RECORD a revision to the budget allocations and aggregates for certain House committees for fiscal year 2008 and the period of 2008 through 2012. This revision represents an adjustment to certain House committee budget allocation and aggregates for the purposes of sections 302 and 311 of the Congressional Budget Act of 1974, as amended, and in response to H.R. 4351 (AMT Relief Act of 2007), which was made in order by the Committee on Rules. Corresponding tables are attached.

Under section 211 of S. Con. Res. 21, this adjustment to the budget allocations and aggregates applies while the measure is under consideration. The adjustments will take effect upon enactment of the measure. For purposes of the Congressional Budget Act of 1974, as amended, a revised allocation made under section 211 of S. Con. Res. 21 is to be considered as an allocation included in the resolution.

BUDGET AGGREGATES

[On-budget amounts, in millions of dollars]

	Fiscal year 2007	Fiscal year 2008[1]	Fiscal years 2008–2012
Current Aggregates:[2]			
Budget Authority	2,250,680	2,350,996	(3)
Outlays	2,263,759	2,353,954	(3)
Revenues	1,900,340	2,015,841	11,137,671
Change in the Alternative Minimum Tax Relief Act (H.R. 4351):			
Budget Authority	0	65	(3)
Outlays	0	65	(3)
Revenues	0	−14,951	2,914
Revised Aggregates:			
Budget Authority	2,250,680	2,351,061	(3)
Outlays	2,263,759	2,354,019	(3)

BUDGET AGGREGATES—Continued

[On-budget amounts, in millions of dollars]

	Fiscal year 2007	Fiscal year 2008[1]	Fiscal years 2008–2012
Revenues	1,900,340	2,000,890	11,140,585

[1] Pending action by the House Appropriations Committee on spending covered by section 207(d)(1)(E) (overseas deployments and related activities), resolution assumptions are not included in the current aggregates.

[2] Excludes emergency amounts exempt from enforcement in the budget resolution.

[3] Not applicable because annual appropriations Acts for fiscal years 2009 through 2012 will not be considered until future sessions of Congress.

DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES

[Fiscal years, in millions of dollars]

	2007		2008		2008–2012 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
House Committee:						
Current allocation:						
Ways and Means	0	0	532	532	37	37
Change in the Alternative Minimum Tax Relief Act (H.R. 4351):						
Ways and Means	0	0	65	65	2,891	2,891
Revised allocation:						
Ways and Means	0	0	597	597	2,928	2,928

☐ 2115

SUPPORT FOR THE INDEPENDENCE OF KOSOVO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Madam Speaker, I rise today to once again express my support for the independence of Kosovo, which is a nation in the Balkans, 90 percent ethnic Albanian country that has struggled a great deal and is now on the verge of independence.

I would like to put a little history in perspective. The former Yugoslavia has broken up, and much of the components of the former Yugoslavia have become independent nations. I have long argued that so, too, the people of Kosovo deserve to be an independent country.

There have recently been negotiations in which the United States and Russia and the European Union, called the Troika, have taken part, negotiations between Serbia and the Kosovar Albanians. And just 2 days ago, on December 10, after 120 days of negotiations, it has been found that no agreement could be reached. So now the question remains that, since no agreement was reached, what should happen?

I say that Kosovo should very soon declare its independence, and that the United States and the European Union and other freedom-loving countries should recognize the new nation of Kosovo. There is a plan called the Atasari plan which was put together by the Scandinavian diplomat that has been blocked in the United Nations because of Russian threats and intransigence. The Atasari plan, which grants supervised independence to Kosovo, should be immediately implemented.

And when the people of Kosovo declare their independence, that Attasari plan should be implemented again with the European Union and the United States recognizing the newly formed nation.

This should come soon after the first of the year, perhaps a few weeks or months into the new year, and I intend to be in Pristina, the capital of Kosovo, when independence is finally declared and accepted.

I rise because I think that the United States plays a very vital role and does play and has played a very vital role, and the people of Kosovo trust the United States to be there and be their friends. I want to say to the people of Kosovo that the United States has always been your friend and will continue to be your friend.

The long and troubled history of the Balkans we all know; wars started there, world wars started there, and I think perhaps a little history to where we got to where we are now.

In 1999, basically every Kosovar Albanian, 2 million were driven out by the then-dictator of Serbia, Slobodan Milosevic, and the United States came to the rescue and bombed and helped prevent ethnic cleansing in the area. So when the Kosovar Albanians came back, they found that virtually every one of their homes were burned, some to the ground and beyond recognition.

The country has been building itself up since then, but only independence can get the country on the right track. Since that time, the United Nations and the UNMIK forces of the United Nations have been governing Kosovo sort of as an international governance. But the time for that is over. The people of Kosovo need to know that there is a future and they need to know that they, like other peoples in the world, can lead their own nation to freedom and democracy.

So, again, I rise here to once again offer my support for the people of Kosovo, for the independence of Kosovo, to tell them that the United States will stand behind them, and I hope that shortly after the first of the year again the U.S. will be among the first countries to recognize the new independent nation of Kosovo. They are going to need our help and we will continue to give it to them.

VACATING 5 MINUTE SPECIAL ORDER SPEECH

The SPEAKER pro tempore (Ms. JACKSON-LEE of Texas). Without objection, the 5 minute Special Order of the gentleman from Michigan (Mr. MCCOTTER) is vacated.

There was no objection.

LET IT BLEED: RESTORING THE REPUBLICAN PARTY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Michigan (Mr. MCCOTTER) is recognized for 60 minutes as the designee of the minority leader.

Mr. MCCOTTER. Madam Speaker, as my Republican Party completes its first year in the minority since 1994, we find ourselves held in historically low regard by the sovereign American people.

To end this trend, Republicans must accurately assess our party's past and present failings; and its future prospects of again providing Americans a meaningful choice between the major parties. This remain, after all, a party's duty to the citizenry.

For my GOP to fulfill it, first we must bury our ideological dead. Safely on this side of the cleansing mists of memory, it is chic to eulogize the late Republican majority. From the chattering class few insights emerge, for in the aftermath, only poetry is an apt epitaph.

"The world is too much with us; late and soon; getting and spending we lay waste our powers; little we see in nature that is ours. We have given our hearts away. A sordid boon."

Such was the Republican bathos: A transformational majority sinned and slipped into a transactional "cashocracy." Promises, policies, principles, all bartered, even honor. The majority now is of the ages. May it rest in peace. And be redeemed.

Once, George Santayana cautioned: "Those who do not learn the lessons of history are condemned to repeat them." If our current Republican minority guilefully refutes or gutlessly refuses to admit, accept and atone for the bitter fruits of its lapsed majority, it will continue to decline in the eyes of the American electorate. Thus, for the sake of our Nation in this time of transformation, we must fully and frankly examine and understand the cardinal causes of the Republican majority's recent demise, and, sadder but wiser, commence our Republican minority's restoration as a transformation political movement serving the sovereign citizens of our free republic.

To begin, we must retrace our steps down a broken alley of broken hopes to glean the essence of our party's headier times, big hits and fazed cookies.

Though many of its legislative leaders may moot the point, two Presidents caused the 1994 Republican revolution: Ronald Reagan and Bill Clinton.

The members of 1995's new Republican majority were Ronald Reagan's political children. From President Reagan, Republican congressional revolutionaries inherited a philosophy of politics as the art of the possible: Cogently expressed by conservative intellectuals ranging from Edmund Burke to Russell Kirk, this philosophy's central tenet held:

Men and women are transcendent children of God endowed by their Creator with inalienable rights.

Government was instituted to defend citizens' inalienable rights and facilitate citizens' pursuit of the good and of true happiness.

Over the generations, Divine Providence has established and revealed through tradition prescriptive rights and custom within communities how order, justice, and freedom, each essential, coequal and mutually reinforcing, are best arranged and nurtured for humanity to pursue the good and true happiness.

Finally, human happiness is endangered by every political ideology, for each is premised upon abstract ideas; each claims a superior insight into human nature not revealed through historical experience; each proffers a secular utopia unobtainable by an imperfect humanity; and, each demands an omnipotent, centralized government to forcefully impose its vision upon an "unenlightened" and unwilling population.

This is the political philosophy and resulting public policies a once-impoverished youth from Dixon, Illinois, Ronald Reagan, engagingly articulated to America throughout his Presidency in the 1980s. By 1994, the American people who have taken Ronald Reagan at Russell Kirk's word that "conservatism is the negation of ideology," and remembering its beneficent impact upon their daily lives, yearned for its return. For self-described congressional Republican revolutionaries, this formed fertile electoral ground, one shaped as well, it must be admitted, by a host of unheralded and immensely talented GOP redistricting attorneys. But like all revolutions, the peace required a villain.

Enter Bill Clinton.

Exuberant at having defeated an incumbent President George H.W. Bush, Clinton mistook a mandate against his predecessor as a mandate for his own craftily concealed liberalism. In his first 2 years in the Oval Office, this mistake led Clinton to overreach on "kitchen table" issues, such as raising taxes and socializing medicine.

Daily, the four-decade old Democratic congressional majority abetted Clinton's radical policies, and across the political spectrum, voters seethed.

Congressional Republicans bided their time, planned their revolution and seized their moment. Led by their spellbinding and abrasive guru from Georgia, congressional Republicans unveiled their "Contract With America" to much popular, if not pundit, acclaim.

Though much mythologized, if it is to prove instructive for the present Republican minority, this contract can and must be placed in its proper perspective. A musical analogy is most elucidating.

When a reporter once praised the Beatles for producing rock's first concept album, Sergeant Pepper's Lonely Heart's Club Band, John Lennon curtly corrected him: "It was a concept album because we said it was." Lennon's point was this: Yes, the Beatles had originally set out to produce a concept album, but early in their sessions the band dropped any conceits to creating a "concept album" and recorded whatever songs were on hand. Recognizing their failure, the Beatles tacked on a final song, Sergeant Pepper's Lonely Heart's Club Band (Reprise), to engender the illusion they had, after all, created a concept album. Importantly, when the band later tried to produce a true "concept album" and accompanying film, Magical Mystery Tour, the lackluster result was one of the Beatles' few failed artistic ventures.

Similarly, congressional Republicans' "Contract with America" was a collection of specific policy proposals and concrete grievances against the incumbent Democratic President and his legislative allies. It possessed merely an implicit philosophy, one obviously harkening back to Reagan. Even less than Sergeant Pepper, the individual tracks of which have mostly stood the test of time, today many of the Contract's specific proposals sound dated. But like Sergeant Pepper, what endures about the contract is the fact that it was marketed as a revolutionary concept in governance. Of course, it is not. The contract was a suitable period piece which served its purpose—the election of congressional Republicans in sufficient numbers to attain our party's first majority in 40 years. Nevertheless the contract's lack of a clearly enunciated political philosophy sowed the seeds of the subsequent Republican devolution.

Therefore, if the current Republican minority buys into the myth and makes the contract the basis of a derivative "concept" agenda, the GOP will be condemned to another 40-year Magical Mystery Tour through the political wilderness.

This is not to say the members of 1995's new Republican majority lacked a political philosophy or immutable principles. Quite the contrary: These Members were steeped in the Reagan tradition. But after an initial rush of laudable accomplishments, the Members found themselves trapped by the contract's inherent pragmatism and particularity. Absent a philosophical anchor in the contract, Members drifted into the grind of governance, which distorted Reagan's philosophical principles for public policy into nonbinding precedents for political popularity. Exacerbating this process, the new majority's leaders, exuberant at having defeated an incumbent Democratic congressional majority, mistook a mandate against their predecessors as a mandate for their own finitely posited conservatism. In its first 2 years in control of the House, this led the majority's leaders to erroneously conclude it could govern as a parliament rather than as a congressional equivalent in power to the executive branch; and they over-reached on key issues, most notably in the shutdown of the United States Government over the issue of spending. Artfully framed by President Clinton with sufficient plausibility as an irresponsible Republican ideological attack on good government, this moment marked the beginning of the Republican majority's end. In point of fact, from the government shutdown to the present, the House GOP conference has never had as many Members as it did in 1995.

Some persist in too facilely dismissing this Republican debacle as being due to Clinton's superior messaging of the issue from his bully pulpit. This analysis is errant. The reason Clinton succeeded is the kernel of truth he wielded on this issue: House Republican leaders had stopped governing prudently in accordance with Reagan's political philosophy of politics being the art of the possible and, instead, started acting belligerently in an ideological manner against the public's interest. It is not an accident this battle fundamentally affected Clinton's thinking and spurred his reinvention from a liberal ideologue into a pragmatic problem-solver and proponent of "good government." Unfortunately, Clinton's publicly applauded posturing as a centrist incensed the Republican majority and accelerated their efforts to differentiate themselves from an unprincipled President by being increasingly ideological, which they confuted with being principled.

As this ideological fever progressed through 1996, too late did the new majority's members intuit the political cost to candidates considered "ideologues." The Republicans' majority did survive the partisan carnage of Clinton's overwhelming 1996 reelection, but the cycle's cumulative effect was lasting and damning. Without gawking at the gruesome minutia of each ensuing GOP ideological purge and internal coup instigated by this election, we can note it spawned the unseemly political perversion of the House Republicans' transformational majority into a transactional "cashocracy."

Hubristically deemed by its leading denizens as a "permanent majority," the GOP "cashocracy" was a beggars' banquet at taxpayers' expense. The cashocracy's sole goal was its own perpetuation; and its cashocrats and high priests of money-theism myopically chased the same through pragmatic corporatism and political machinations.

Obviously, the cashocracy's cardinal vice was its conviction to survive for its own sake. Curiously, this was not the height of arrogance; it was the height of insecurity. Aware it stood for nothing but election, the cashocracy knew anything could topple it. This fear cancerously compelled the poll-driven cashocrats to grope for ephemeral popularity by abandoning immutable principles. Materialistic to their core and devoid of empathy, the cashocrats routinely ignored the centrality to governmental policies of transcendent human beings.

This cashocracy's first cardinal error facilitated its second: Pragmatic corporatism. Ensconced in insular power, the cashocrats lived the lives of the rich and famous, despite their middling personal means, due to their newfound friends in the corporate and lobbying community. Cut off from Main Street, these cashocrats embraced K Street. The desire was mutual, and the corporatists' influence grew gradually but ineluctably. Closed within a corporatist echo chamber, the cashocrats became deadened to the tribulations and aspirations of real Americans, and came to measure the "success" of its pragmatic policies by their reception on K Street. Reams of measures spewed forth prioritizing the interests of multinational corporations over the needs of middle-class Americans.

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In fairness, even without the Cashocrats' incessant inducements, blandishments and bullying, the majority of GOP members truly did feel they were promoting the interests of their constituents. This belief was insidiously sustained by the Cashocrats grafting their pragmatic corporatism onto the philosophy of economic determinism. It was not an unforeseeable development. Akin to their conservative brethren who after the fall of the Soviet Union proclaimed the "End of History," House Republicans convinced themselves the ideology of democratic capitalism was an unstoppable deterministic force predestined to conquer the world; and on their part, they viewed their job as hastening its triumph and preparing Americans to cope with its consequences. Combined with the Cashocracy's insatiable need of corporate contributions for its sustenance, this adherence to ideological democratic capitalism reveals how the Republican House majority helped President Clinton (whom they had unknowingly come to emulate and likely loathe ever more because of it) grant the permanent normalization of trade relations to Communist China. With the enactment of this legislation, the Cashocracy reached its political zenith and moral nadir, for it did not shape globalization to suit Americans' interests; it had shaped Americans' interests to suit globalization.

The handsome rewards for such "courageous" legislation fueled the Cashocracy's third vice, avarice. The process was both seductive and simple, especially in a materialistic town forsaking the qualitative measurement of virtue for the quantitative measurement of money. While this temptation is to be expected in a city where politicians "prove" their moral superiority by spending other people's money, it was equally to be expected Republicans would collectively resist it.

They didn't.

Earmarks, which began as a cost-saving reform to prevent Federal bureaucrats from controlling and wasting taxpayers' money in contravention of express Congressional intent, spiraled out of control once the Cashocrats and their K-Street cronies realized the process could be manipulated to direct any appropriation, however undeserving, to any client, however questionable. In turn, political contributions materialized from the recipients of these earmarks for the Members on both sides of the aisle who dropped them into legislation, oftentimes without the knowledge of or the appropriate review by their peers. The passage of policy bills, too, increasingly mirrored the earmark process, as special interest provisions were slipped into the dimmer recesses of bills in the dead of night. The outcome of this fiscal chicanery was an escalation of the K-Street contributions the Cashocracy required to attain its aim of perpetuating itself in power; and of the illegal perks required to sate the more venal tastes of some morally challenged members who are now paying their debts to society.

Cumulatively, in addition to rendering it morally bankrupt, these three vices left the Cashocracy intellectually impotent. Tellingly, within this less than subtle and manifestly sinister system of earmarks and contributions, the Cashocrats greased the skids for their legislative "favors" by relegating the majority's younger Members to voting rather than legislating; ignoring these Members' qualitative virtues, ideals and talents; measuring these Members by the quantitative standard of how much money they raised; and, thereby, condemning these Members to the status of highly paid telemarketers. Having squandered this infusion of youthful energy and insight, the Cashocrats hailed the election of Republican President George W. Bush and handed him the Nation's legislative agenda.

At first, the Cashocrats' subordination of their separate, equal branch of government to the executive branch bore dividends. But by 2006, when the failures of the Iraq war's reconstruction policy and Hurricane Katrina's emergency relief torpedoed Bush's popularity, the latent danger to the Cashocrats of hitching their SUVs to the fortunes of a President was evident. Precluded from tying its vicarious popularity to Bush's coat tails, the Cashocracy teetered beneath the gale force invective of the Democrats' campaign mantra the Congressional Republican majority was a "culture of corruption" slothfully fully content to rubber stamp the failed policies of an unpopular President. Panic stricken, the politically tone-deaf Cashocrats urged GOP members to tout America's "robust economy" and attack Democrats on national security issues. The innately materialist economic argument was doomed to fail because the "robust" economy was not to be found in regions like the Northeast and Midwest. The latter argument proved unconvincing to an electorate convinced Iraq and New Orleans were GOP national security fiascoes. And, finally, nothing could persuade an outraged electorate to return a Republican majority which, in the interests of perpetuating itself in power, failed to protect House pages from predatory Members of Congress.

By election day the public had concluded the Republican majority cared more about corporations than Americans; and when the tsunami hit, the Cashocracy crumbled down upon many now former GOP members who became the last, blameless victims of its stolid cupidity.

In hindsight, the Cashocracy would best have heeded President Theodore

Roosevelt's warning: "The things that will destroy America are prosperity at any price, peace at any price, safety first instead of duty first, the love of soft living, and the get rich quick theory of life."

Straggling back to Washington for the Republican revolution's death vigil, the 2006 election's surviving GOP members bid anguished goodbyes to defeated friends and struggled to make sense of it all. Dazed and confused, some Members managed to grasp the reality of their newly minted minority, while some still grapple with it. Out of this former group, a distinct vision has emerged concerning how House Republicans can revitalize and redeem themselves in the estimation of their fellow Americans.

"Restoration Republicans" are best considered Reagan's grandchildren. Like their Reagan-Democratic parents, Restoration Republicans were attracted to our party by the intellectual, cultural, and moral components and proven practical benefits of philosophical conservatism. Transcending talking points and political cant, these Restoration Republicans are devoted to restoring the human soul's centrality to public policy decisions; and focusing these policies on preserving and perpetuating the permanent things of our evanescent earthly existence which surpass all politics in importance.

The enduring ideals of Restoration Republicans are succinctly enumerated by Russell Kirk in his book, The Politics of Prudence:

One, conservatives believe that there exists an enduring moral order. Two, conservatives adhere to custom, convention and continuity. Three, conservatives believe in what may be called the principle of prescription, that is, of things established by immemorial usage. Four, conservatives are guided by the principle of prudence. Five, conservatives pay attention to the principle of variety. Six, conservatives are chastened by their principle of imperfectability. Seven, conservatives are persuaded that freedom and property are closely linked. Eight, conservatives uphold voluntary community, quite as they oppose involuntarily collectivism. Nine, the conservative perceives the need for prudent restraints upon power and upon human passion. And finally, 10, the thinking conservative understands that permanence and change must be recognized and reconciled in a vigorous society.

Given how the Cashocracy repeatedly violated these principles during its descent into oblivion, and how the Democrats' 2006 rallying cry was "change," this 10th ideal merits deeper contemplation. For to understand it fully is to fully understand why Restoration Republicans, who are convinced we live amidst a crucible of liberty, proclaim our minority must emulate and implement the philosophical conservatism of Ronald Reagan and the fiery integrity of Theodore Roosevelt in the cause of empowering Americans and strengthening their eternal institutions of faith, family, community and country. Again, I quote from Kirk: "Therefore, the intelligent conservative endeavors to reconcile the claims of permanence and the claims of progression. He or she thinks that the liberal and the radical, blind to the just claims of permanence, would endanger the heritage bequeathed to us, in an endeavor to hurry us into some dubious terrestrial paradise. The conservative, in short, favors reasoned and tempered progress. He or she is opposed to the cult of progress whose votaries believe that everything new necessarily is superior to everything old.

"Change is essential to the body social, the conservative reasons, just as it is essential to the human body. A body that has ceased to renew itself has begun to die. But if that body is to be vigorous, the change must occur in a regular manner, harmonizing with the form and nature of that body; otherwise change produces a monstrous growth, a cancer, which devours its host. The conservative takes care that nothing in a society should ever be wholly old and that nothing should ever be wholly new. This is the means of the conservation of a nation, quite as it is the means of conservation of a living organism. Just how much change a society requires and what sort of change depend upon the circumstances of an age and a nation."

Kirk's words compelled Restoration Republicans to empathetically assess our Nation's age and circumstances, and ponder the direction and scope of the changes our American community requires. In making these determinations, Restoration Republicans draw parallels between, and inspiration from, America's greatest generation. Our greatest generation faced and surmounted a quartet of generational challenges born of industrialization: Economic, social and political upheavals; a Second World War against abject evil; the rise of the Soviet super-state as a strategic threat and rival model of governance; and the civil rights movement's moral struggle to equally ensure the God-given and constitutionally recognized rights of all Americans.

Today, our generation of Americans must confront and transcend a quartet of generational challenges born of globalization: Economic, social and political upheavals; a third world war against abject evil; the rise of the Communist Chinese super-state as a strategic threat and rival model of governance; and moral relativism's erosion of our Nation's foundational, self-evident truths.

The critical difference between the challenges conquered by the greatest generation and the challenges confronting our generation of Americans is this: They faced their challenges consecutively; we face our challenges simultaneously.

In response to these generational challenges to our free republic, Restoration Republicans have drawn upon the roots of their philosophical conservatism to affirm the truth America does not exist to emulate others, America exists to inspire the world, and to advance the policy paradigm of American excellence, which rests upon a foundation of liberty, and the four cornerstones of sovereignty, security, prosperity and verities.

Individually and collectively, American excellence's foundation and four cornerstones are reinforced by these policy principals: Our liberty is granted not by the pen of a government bureaucrat, but is authored by the hand of Almighty God. Our sovereignty rests not in our soil but in our souls. Our security is guaranteed not by the thin hopes of appeasement, but by the moral and physical courage of our troops defending us in hours of maximum danger. Our prosperity is produced not by the tax hikes and spending sprees of politicians, but by the innovation and perspiration of free people engaged in free enterprise. Our cherished truths and communal virtues are preserved and observed not by a coerced political correctness but by our reverent citizenry's voluntary celebration of the culture of life. Restoration Republicans conclude, therefore, that we must be champions of American freedom in this challenging new millennium to keep our America a community of destiny inspired and guided by the virtuous genius of our free people, and forever blessed by the unfathomable grace of God.

It will not be easy, given the root public policy question of our times. In the age of industrialization, President Theodore Roosevelt empathized with Americans' feelings of powerlessness in the face of economic, social and political forces radically altering or terminating their traditional, typically agrarian lives. Writing years later in his book A Humane Economy, the economist Wilhelm Ropke examined the impacts upon human beings by these forces, which he collectively termed "mass society":

"The disintegration of the social structure generates a profound upheaval in the outward conditions of each individual's life, thought and work. Independence is smothered; men are uprooted and taken out of the close-woven social texture in which they were secure; true communities are broken up in favor of more universal but impersonal collectivities in which the individual is no longer a person in his own right; the inward, spontaneous social fabric is loosened in favor of mechanical, soulless organization, with its outward compulsion; all individuality is reduced to one plane of uniform normality; the area of individual action, decision and responsibility shrinks in favor of collective planning and decision; the whole of life becomes uniform and standard mass life, ever more subject to party politics, nationalization and socialization.''

In that industrial epoch, the root public policy question was how to protect Americans' traditional rights to order, justice and freedom from being usurped by corporate or governmental centralization.

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The advent of virtual corporations and transient international capital has ended the old industrial welfare state model of governance, wherein solutions to Americans' economic and social anxieties were the shared burdens of centralized corporations and government. The stark choice is now between increasing the centralized power of the Federal Government or decentralization of power into the hands of individuals, families and communities.

In their urgency to replace their lost or slashed corporate benefits, Americans will be sorely tempted to further centralize the Federal Government to do it. But expanding the authority and compulsory powers of the Federal Government will be injurious to the American people. Big Government doesn't stop chaos; Big Government is chaos.

By usurping the rightful powers of individuals between its bureaucracy's steel wheels, highly centralized government alienates individuals and atomizes communities. Once more, Ropke speaks to the heart of the matter:

"The temptation of centrism has been great at all time, as regards both theory and political action. It is the temptation of mechanical perfection and of uniformity at the expense of freedom. Perhaps Montesquieu was right when he said that it is the small minds, above all, which succumb to this temptation. Once the mania of uniformity and centralization spreads and once the centrists begin to lay down the law of the land, then we are in the presence of one of the most serious dangerous signals warning us of the impending loss of freedom, humanity, and the health of society.''

Only liberty unleashes Americans to establish the true roots of a holistic American, the voluntary and virtuous individual, familial, and communal associations which invigorate and instruct a free people conquering challenges. In contrast, centralized and, thus, inherently unaccountable government suffocates liberty, order and justice by smothering and severing citizens' voluntary bonds within mediating, nongovernmental institutions, and so doing, stifles our free people's individual and collective solutions to challenges. In consequence, the temptation for more centralized government must be fought to prevent turning sovereign Americans from the masters of their destiny into the serfs of governmental dependency.

Fully versed in this verity, restoration Republicans have made their decision: power to the people. Thus, in this age of globalization, restoration Republicans vow to empower the sovereign American people to protect and promote their God-given and constitutionally recognized and protected rights; promote the decentralization of Federal Governmental powers to the American people or to their most appropriate and closest unit of government; defend Americans' enduring moral order of faith, family, and community and country from all enemies; foster a dynamic market economy of entrepreneurial opportunity for all Americans; and honor and nurture a humanity of scale in Americans' relations and endeavors.

Further, while these restoration Republicans will be releasing a more detailed program in the future, the above will form the basis of any concrete proposals brought forth.

Madam Speaker, my constituents are honest, hard-working and intelligent people who are bearing the brunt of the generational challenges facing our Nation. They have lost manufacturing and every manner of jobs due to globalization and, especially, the predatory trade practices of Communist China. Throughout these economically anxious times, they spend sleepless nights wondering if they will be able to afford to keep their jobs, their houses, their health care, their hopes for their children.

In the war for freedom, they have buried, mourned and honored their loved ones lost in battle against our Nation and all of civilization's barbaric enemies. And every day, they struggle to make sense of an increasingly perverse culture that's disdainful of and destructive to faith, truths, virtue and beauty, if the existence of these permanent things is even admitted.

True, my constituents differ on specific solutions to their pressing problems, but they do agree Washington isn't serving their concerns. They agree this storied representative institution is increasingly detached from the daily realities of their lives. And they remind me that when we enter this House, their House, we enter as guests who must honor the leap of faith they took in letting us in and allowing us to serve them.

With my constituents, I utterly agree. While it is not my purpose here to discuss the majority party, let me be clear as to my own. House Republicans have no business practicing business as usual. My constituents, our country and this Congress deserve better, and we will provide it.

Our Republican minority has Members who know America isn't an economy; America is a country. Our Republican minority has Members who know the only thing worth measuring in money is greed. Our Republican minority has Members with the heart to put individuals ahead of abstractions, people ahead of politics, and souls ahead of systems. Our Republican minority has Members who have seen sorrow seep down a widow's cheek and joy shine from a child's eye.

Yes, Madam Speaker, my Republican minority has Members who know our deeds on behalf of our sovereign constituents must accord with Wordsworth's poetic prayer: "And then a wish: my best and favored aspiration mounts with yearning for some higher song of philosophic truth which cherishes our daily lives.''

It is these Republicans whose service in this Congress will redeem our party by honoring the sacred trust of the majestic American people who, in their virtuous genius, will transcend these transformational times and strengthen our exceptional Nation's revolutionary experiment in human freedom.

With these Republicans, I hereby throw in my lot and pledge my best efforts on behalf of my constituents and our country.

May God continue to grace, guard, guide and bless our community of destiny, the United States of America.

HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes.

Mr. BURGESS. Madam Speaker, I come to the floor tonight to talk, as I often do, a little bit about health care, the state of health care in this country, where we are, where we've been, where we're going.

Tonight, I do want to focus on one particular issue that is before this Congress. It's a critical issue facing our doctors in this country who provide care for Medicare patients, because if this Congress does not act before midnight on December 31, those physicians are facing a rather significant reimbursement reduction, and that would have an adverse affect on their ability to see patients, to care for patients and, indeed, would have an adverse effect upon access.

So I do want to spend some time talking about that, why that is the case and what we in this Congress can do about it and what we need to do about it. And again, that action has to take place prior to December 31 of this year. It's not something we can punt into next year and then come back and try to collect our thoughts and make another run at it. We have to fix it with the time we have remaining in this first half of this Congress.

Another issue that I want to address is the issue of the physicians workforce. Of course, the Medicare reimbursement rates directly affect the physician workforce, but we can't forget physicians who are at the very beginning of their training, physicians in residency, and we certainly can't forget those individuals who might even be contemplating a career in health care and how can we help them make the correct decisions.

I do want to talk a little bit and focus a little bit on medical liability reform because that does play an integral role in the overall quality and makeup of the physician workforce.

I'd like to talk a little bit about the history of medicine, some of the things that have happened in the last 100 years and some of the things I see just happening and just over the horizon as we begin the dawn of the 21st century.

And finally, I do think we need to talk a little bit about the status of the uninsured and, again, some of the other current events that surround health care in this Congress.

Madam Speaker, we pay doctors in our Medicare system under a formula known as the sustainable growth rate formula, and this has been the case for the past several years, and it has led to problems, certainly every year that I have been in this Congress, and I took office in January of 2003, and the problems actually predate that for some time.

The difficulty with that formula is it ties physician reimbursement rates to a number based upon the gross domestic product which, in fact, has no bearing on the cost of delivery and the volume and intensity of medical services delivered.

And Medicare, of course, many people know Medicare is supposed to be an integrated program but, in fact, in many ways it is high load. You have part A that's paid for with a payroll deduction just much the same as Social Security. Part A, of course, covers hospitalization expenses.

Part B covers physician expenses. That is paid for out of member premiums that citizens purchase every year, and it is paid for out of, 25 percent by law by the premium dollar and 75 percent comes out of general revenue.

Part C, the recently enacted Medicare prescription drug benefit, had money budgeted for that purpose. Remember that was all the fight of November of 2003 when we enacted that law, but money was actually on the budget and dedicated for that purpose. And those moneys exist and, indeed, are appropriated automatically year over year. I beg your pardon, part C is the Medicare HMO. Part D is Medicare prescription drug. Part C is funded again, likewise, out of the general Treasury.

Part A, part C and part D each have essentially a cost-of-living adjustment that's made every year. So that the cost of delivering the care doesn't exactly keep up, but it more or less keeps up with the costs and with medical inflation, but not so part B, which pays the physician. And the part B part of Medicare is governed under this sustainable growth rate formula.

And really, Madam Speaker, I know I'm not supposed to talk to Members directly, only supposed to address the Chair, and I will confine my remarks to the Chair, but just talking to the Chair, if I were able to talk to people directly, I know I run some risk of people turning off their televisions, but I do want to take you through what is known as the sustainable growth rate formula because I think it's instructive. Even though not every person can understand every nuance of the formula, I think it's instructive to actually look how the formula is constructed and how we come up with the dollar figure every year.

Madam Speaker, I know people who are particularly astute will notice there is a typographical error on this graphic. I would point out that the typographical error was actually made by the Congressional Research Service and not by my crack staff. Again, the very gifted will be able to pick that up right away, but we'll get to that in just a moment.

Here's the calculation of the payment formula under the physician's fee schedule. Here we see payment equals and here's a whole bunch of letters that follow along, and the explanations are given underneath the formula. The relative value unit for work versus, rather multiplied by a geographic index; a relative value unit for practice expenses, again multiplied by another fudge factor for geographical location and geographical practice expenses; a relative value unit for the cost of medical liability insurance, again also adjusted for geographic location; all multiplied then by what's called the conversion factor, CF, at the end. And this CV down here actually should say CF, and that would stand for "conversion factor."

Well, that's all very interesting, and obviously the conversion factor plays a big role in this, so let's just dig a little bit deeper into how that conversion factor or that adjustment factor is calculated. And here we see a sample calculation for the formula for the year 2007, and again, we won't get into all of the nuances of this formula, but you see the update adjustment factor, UAF, the prior year adjustment component plus a cumulative adjustment component, and the formula for 2007 is calculated as follows, where the target 2006 minus the actual spending in 2006 divided by actual spending in 2006 multiplied again by conversion factor.

I want to draw your attention, Madam Speaker, though, to the fact that every year the prior adjustment component, and then added into that is the cumulative adjustment component, that's significant, because every year for the past 5 years that I have been here the United States Congress has come in at the last minute, at the last minute with some way to prevent these physician cuts from going into effect.

But as the Congressional Budget Office calculates this number year over year, this cumulative adjustment component grows over time such that we are told in order to repeal the cost of repeal of the sustainable growth rate formula, when I first came to Congress in 2003 was around $118 billion over 10 years.

□ 2200

A pretty significant amount of money, no question about it. But that number has increased with every year that we have postponed the cut, that we have come in at the last minute, the last of December and prevented the cuts from happening. Those moneys actually don't just go away. The moneys that were to be saved in that cut don't just disappear. The Congressional Budget Office adds them onto the total expense of the repeal of the sustainable growth rate formula such that the price tag for repeal of the sustainable growth rate formula last year, the last session of Congress, when I introduced a bill to repeal the sustainable growth rate formula, was $218 billion. It increased almost $100 billion over 3 or 4 years' time, and this year is calculated to be $268 billion. If we do manage to get something done before the end of the year, those moneys again the Congressional Budget Office will add on with that cumulative adjustment component.

One last graphic on this issue is the calculation of the update of the conversion factor, where, again, we see the current year is equal to the prior year plus the conversion factor update. And the conversion factor update is calculated as being 1 plus the Medicare economic index increase divided by 100, multiplied by 1 plus the updated adjustment factor.

You can see this is pretty complicated stuff, and for that reason many Members, when you try to talk to them about changes in the sustainable growth rate formula, will just simply tune you out because we all have a little place where we put in our minds things that are too hard to deal with. And the SGR formula is one of those things that most Members will put into the too hard box. It's something that I have got to come back to later because I really don't understand it. And it is an understandable human reaction to a situation that's terribly complex.

But, Mr. Speaker, let me just illustrate for you what will happen if Congress does not do its duty and does not do something to prevent the physician cuts, the Medicare payment cuts, that are already on line to occur January 1 unless Congress acts legislatively prior to that time. The Center for Medicare and Medicaid Services on November 1 of this year, after running through the formula, they said, okay, this year based on what we budgeted for and what the actual spending was, we are going to have to downwardly adjust physician payment rates by 10.1 percent. That's 10.1 percent, a pretty significant amount of money. If we don't do something, that's what is going to hit January 1.

You say, well, okay, Medicare payments aren't that great anyway and a lot of physicians' offices don't rely just strictly on the Medicare reimbursement they get to keep their doors open; so it won't really affect my doctor's practice. But one of the things that we forget in this House of Representatives, one of the things that we just conveniently again stash away in that part of our brains where we put things that are too hard, almost every commercial insurance company in the United States pegs their reimbursement rates to Medicare. So what happens when Congress or the Center for Medicare and Medicaid Services mandates a 10 percent physician fee cut in Medicare and we don't do anything to correct it before the end of the year? That has an extremely deleterious effect on almost every practicing physician's office in this country. There are very few who will be absolutely isolated from that. I realize some in academic medicine may not actually feel it. Some doctors who practice in federally qualified health centers may not see that or may not feel it. But the bulk of the practicing physicians, the men and women who are out there every day seeing us when we get sick, seeing our kids when they get sick, those are the ones who are going to feel the brunt of this inactivity by this Congress.

I bring this up tonight not because we were inherently any better at doing it when the Republicans were in charge, but it's so important to get this work done and to get it done in the limited time that we have left this year.

I introduced just this week a resolution in the House of Representatives, House Resolution 863 for those who are keeping score at home, and House Resolution 863 is a pretty simple bit of legislative language. I will be honest. It doesn't do a whole lot. It doesn't really save any money. It doesn't spend any money. It's more or less like sending a get well card to the doctors who participate in our Medicare system and take care of our seniors. But the sentiment, just like when you send a get well card, the sentiment is important. And for Members who feel they could sign onto this bill, I think it would send a powerful message to House leadership over the next several days if we could, in fact, put a number of names with this House Resolution because I think that would get the attention of leadership. Even though leadership is of the other party than myself, I think they would have to pay attention if the bulk of the Members of House of Representatives sign onto this resolution.

And the resolution, as most go, is multiple whereases followed by a "resolved." And the resolved says that it is the sense of the United States House of Representatives to immediately address this issue, the physician pay cuts under SGR, and halt any scheduled cuts to Medicare physician payments and immediately begin working on a long-term solution, and implement it by 2010, that pays physicians a fair and stable way and ensures Medicare patients have access to the doctor of their choice.

Fairly simple language. What does it mean? It means stop the cuts, repeal the SGR. We know we can't repeal the SGR straight up right now, that it will take a time line in order to do that, and that is why I suggest 2010. I would be open to other suggestions. But that seems like a good time line for us to follow. It gives us a little over 2 years to get that done.

When we face a problem as complicated as the formula that I put up in front of you tonight, some of those things are just too difficult to tackle head-on all at once. So you need a near-term, a mid-term, and a long-term strategy to deal with these very complicated problems, and I have outlined it here tonight. The near-term, the short-term strategy, stop the cut. Find some money. There's plenty of money. In a $3 trillion budget, you tell me we can't find someplace to save some money in a $3 trillion budget to pay the doctors what they are fairly owed for taking care of the patients we have asked them to take care of.

So the near-term solution is stop the cuts. The mid-term solution is we sit down and work together with the common goal of the long-term solution, which is the repeal of the sustainable growth rate formula, and begin to pay physicians on the same sort of schedule that we pay our hospitals, that we pay our HMOs, that we pay our drug companies. Put them on a cost-of-living-type adjustment. It's called the Medicare economic index. It's not something that is unique to me. I didn't make it up. I didn't make up the term of how it is calculated. But this is a known number put out by the Medicare Payment Advisory Committee, and year over year it suggests a modest update in physician reimbursement to keep up with the cost of delivering care.

Let's be honest. From a Federal Government standpoint, Medicare reimbursement rates were never meant to match private insurance rates. Someone explained to me one time if you practice medicine and do a lot of Medicare, you're going to go broke. You'll just go broke a little more slowly because we bleed you to death more slowly. Not a pleasant analogy, but Medicare never has been designed to completely cover the cost of delivering the care. The problem is we have now ratcheted that number down so far that physicians across the country are honestly looking at the situation and saying I don't think that this is something that I can legitimately continue to do. I've got to find other ways to make a living.

It's House Resolution 863, and I do urge Members to look that up on-line. It's up on Thomas. Have a look at it and see if it is not something that you can't support because, again, I think it would send a powerful message to House leadership. If over the next several days prior to the time that we are slated to adjourn for this year, I think it would send a powerful message that Members of the House want this fixed. And I know they do because every time I talk to a Member of the House, whether it be on my side of the aisle or the Democratic side of the aisle, if you just ask a simple, straightforward question: Do you ever hear from your doctors? Do your doctors ever talk to you about what is happening to them in Medicare reimbursement? And the answer is almost immediately, Oh, yes, I hear it all the time. Do you have something that will fix that? And the answer is, Yes, sort of. I've got something that will focus our attention, I hope, on getting this problem resolved.

It's a shame we didn't take this up earlier in the year. I introduced several pieces of legislation to try to do that both in the last Congress and in this Congress. It's a shame we didn't take it up this year. It seems like many times this year we'd rather fight about almost anything we can think of to fight about and not solve the problems that the American people sent us here to solve. Well, here's one we can work on, and cosponsoring House Resolution 863 would go a long way toward moving us in that direction.

Let me just put up another slide, and this one is a little bit dated. This slide is a year old, and I should update it for the current year except that I don't know what is going to happen in the current year. But this is illustrative. This is demonstrative of what happens to physician reimbursement rates under the sustainable growth rate formula for physicians. And this is a comparative payment analysis of the various updates that have gone on since 2002, the year before I came to Congress. And this particular graph goes up through an estimated fiscal year 2007. And, again, actually it needs to be updated for this year.

But as you can see, Medicare Advantage plans, they're doing pretty good. Hospitals, it's up and down a little bit, but generally their market basket update that they receive every year is hitting about 3.6 to 3.8 percent, and all in all the hospitals are doing generally well under that scenario. Nursing homes, a little less generous. And, again, it does bounce up and down a little bit. But as you can see, year over year a positive update, certainly a positive update that's in excess of 2 percent. And many times for nursing homes it approaches 3 percent.

But look over here at the doctors in 2002, and this was the last year I was practicing medicine. And sure enough, we got a 5.4 percent pay cut just right across the board for any Medicare procedure that we performed.

Now, for the next several years, 2003, 2004, and 2005, we did manage to find the money to provide a little bit of a positive update. Notice even in these years when physician practices were flush with cash from Medicare payments, they really never even approached what nursing homes were receiving in updates and certainly were nowhere near what hospitals and Medicare Advantage plans received. Medicare Advantage plans, I would point out, did not exist prior to 2004. That's why they start with that darker line there.

Then in 2006 there is nothing recorded on the physicians. We euphemistically termed that a zero percent update. Anything else that we do in the Federal Government, if we say we are going to hold you at level funding for this fiscal year, people would be coming out of the woodwork crying that's a cut, that's a cut because you're not keeping up with the cost of living. It didn't seem to bother us a bit to do that to America's physicians. But at least a zero percent update is a whole lot better than that what was originally proposed in 2007, which was, again, about a 5 percent negative update. We actually were able to stave this one off and keep that again at a zero percent update for 2007. And now for this next year, 2008, whatever color we decide to put on the bar for that will dip down to almost the bottom of the chart because a 10.1 percent negative update is going to have a significant deleterious effect, a significant pernicious effect on our practicing physicians. Again, our physicians that we have asked to take on the burden of seeing our Medicare patients.

Now, I do spend a lot of time on the floor of this House talking about physicians workforce issues. This is the cover of the March 2007 periodical that is put out by my State medical society, the Texas Medical Association, appropriately titled "Texas Medicine." And the cover story last March was "Running Out of Doctors." And this was a fairly significant graphic for me when I saw that at the time.

□ 2215

About a year before this publication came out, Alan Greenspan, in one of his last trips around the Capitol right as he was retiring as Chairman of the Federal Reserve Board, Chairman Greenspan came and talked with a group of us one morning. And the inevitable question came up, how are we ever going to find the funding for the unfunded obligations that Congress has taken on? How are we going to pay for Medicare when the baby boomers retire? And the Chairman thought about it for a moment and he said, you know, "when the time comes, I trust that Congress will make the correct decisions, and that the Medicare program will continue." He stopped for a moment, thought some more, and then added to that, "What concerns me more is, will there be anyone there to deliver the services when you want them?" And that is one of the critical issues facing us today.

And of course it's this inequity in supply and demand, supply and distribution of the physician workforce that's driving a lot of the problems that we find in health care today. And no question it has some effect of elevating prices, and just the fact that it takes so long to get in to see some types of physicians. There was a very compelling article here in the Washington area a few months ago about the travails and toils a reporter had with trying to get their child in to see a pediatric neurologist. You hear these sorts of stories. I travel, not a lot, but some around the country to visit with medical groups in the country, and you will hear all those stories from all over the country. It's not unique to one geographic location.

Three bills that were introduced earlier this year to deal with physician workforce issues, H.R. 2583, H.R. 2584 and H.R. 2585. Now, H.R. 2585 deals with what I like to term "the mature physician." So, it deals a lot with the sustainable growth rate formula and the inequities of the sustainable growth rate formula as it pertains to how the Federal Government compensates its medical workforce.

The thrust behind 2585 was to, again, take that short-term, mid-term and long-term approach to the problem such that we would fix the problem, we would stop the cuts in 2008 and 2009 and 2010. We would gear towards absolute repeal of the SGR formula. Again, remember I said that it's going to cost money when that time comes. And that has always been the difficulty when trying to talk to Members about, I want you to help me repeal the SGR. The next question always is, Well, how much does it cost? You tell them, and, oh, my gosh, it's a bridge too far. We've got other priorities and we just can't get there. Well, let me tell you a little secret. That money that we have to come up with to repeal the sustainable growth rate formula, guess what? We've already spent that money. We've already sent that money to physicians' offices across this country and they've already spent it.

So, it is merely a bookkeeping adjustment that the Congressional Budget Office has to make to reconcile its books to compensate for, remember, that cumulative index that I showed you, one of those earlier poster boards. That is the difficulty. It's essentially a bookkeeping entry that has not yet been made. The money has been spent, it's gone. It's not sitting somewhere in the Federal Treasury drawing interest. It is a bookkeeping entry that has yet to be made.

We have to take this on. We have to do this. It's the moral thing to do; it's the right thing to do. We want our Medicare patients taken care of. They are arguably some of the most complex clinical situations that a doctor encounters on a daily basis, and we ought to do the right thing.

Now, how do you do that and be able to encourage Members to look at this seriously when the published price tag is so large? When I initially tried to do this in the last Congress, a bill I introduced called 5866, when, remember the cost of repeal was $216 billion, I thought at that time perhaps the correct way to go about this was just to work on the repeal straight up, maybe look for the pay-fors later as we got toward the conclusion of the process. And I was hopeful that hospitals, nursing homes, other medical entities that draw on Medicare funding would perhaps come forward with their own suggestions of where savings could be made because I don't think there is a single person in this Congress who doesn't feel that there are some inefficient ways that the Federal Government spends money in the Medicare system, and perhaps if we collected those together, we could find the monies to help cushion the offset expense of repealing the sustainable growth rate formula. But I was wrong, no one was willing to come forward. And as a consequence, I never really got the traction or the momentum that I needed on 5866. And again, the 109th Congress ran out before we could get anything done.

So, early in this Congress I thought, I need to get something out there quickly. I need to get people to understand this problem. We certainly don't need to leave it until the last minute this year, but unfortunately that's what has transpired. So, the idea behind 2585, introduced earlier this year, was to get that concept out there earlier, get Members talking about it.

How was I going to approach it? Well, 2008 and 2009, remember, we don't repeal the SGR. So, many doctors looked at that and said, Well, if you don't repeal the SGR formula in 2008 and 2009, I'm going to take significant hits those years, and I can't afford to do that. But actually, there is another bookkeeping entry you can do; it's called readjusting or resetting the baseline on the

SGR formula. And by doing that, you actually then can score a modest positive update for 2008 and 2009 for physicians who participate in this program. In fact, interestingly enough, in 2008, it's almost equal to the Medicare Economic Index update. In 2009, it's a little bit less than that, but still a positive update, a fairly generous positive update of just under 1 percent for 2009.

During those 2 years' time, the run-up to the repeal of the sustainable growth rate formula, we recognize that we are saving money, we are doing things better in medicine today than we did yesterday. And how do I know this? What is a metric that I can use? Well, the Medicare Trustees Report that came out in June of this year pointed out that the bad news is Medicare is still going broke, but the good news is it's going to go broke a year later than what we told you the year before. So in other words, somewhere along the line there had been some savings in the Medicare system. And where did that savings occur? Well, one of the places it occurred, as identified in the Trustees Report, was 600,000 hospital beds weren't filled in the year 2005 that were expected to be filled. Why weren't they filled? They weren't filled because, again, the doctors were doing things on a more timely basis, more accurate diagnoses, the whole ability to timely treat disease with the prescription drug benefit now available for seniors in the Medicare program. All of these things had a bearing, and as a consequence, more patients were treated as outpatients, treated in the doctor's office, perhaps treated in an ambulatory surgery center, perhaps treated in a day surgery center, but these patients were kept out of the hospitals, and so those hospitalizations were avoided.

Remember when I talked about the funding silos for Medicare. Although we will talk about Medicare as an integrated program, part A, which pays for the hospital expense, is funded out of a payroll deduction just like the FICA tax, just like Social Security. Part B is funded out of member premiums and general revenue. By law, only 75 percent of it can be funded out of general revenue; 25 percent of that number has to come from member premiums.

So, if we're saving money on the hospital side, we're saving money for part A. But why are we saving the money? We're saving the money because we're working better, smarter, faster in part B. So it would only make sense to have CMS identify those savings that right now are going on the books as savings for part A, identify those savings, aggregate those savings, collect those savings, and use them to offset the cost of repealing the sustainable growth rate formula in part B.

You know, remember, Madam Speaker, the lock box from the year 2000, in the Presidential race everyone was talking about a lock box and they were going to put Social Security in a lock box, and with all the discussion of whose lock box was bigger than whose? But we've still got the lock box. We can put these savings that we're creating in part A, put them in a lock box, 2 years later open it up, and we offset some of the cost of paying down the so-called debt in repealing the SGR formula.

There were some other things that I identified in the bill as other ways to perhaps enhance savings. Certainly we asked CMS to try to identify the 10 diagnoses where most of the money was spent, and let's really focus our efforts on those 10 diagnoses and see if we can't create greater and greater efficiencies in treating those 10 conditions that lead to the greatest expenditures in the Medicare system. And let's look honestly at what we can do on the preventive side. Remember what our mothers always taught us, an ounce of prevention is worth a pound of cure. If we want that pound of cure, let's go ahead and spend a little bit for that ounce of prevention on the front end so we don't have to spend so much for that pound of cure on the out end. And then let's take that pound of cure that we've saved and use it to offset the cost of repealing the sustainable growth rate formula.

Well, another way we could save some money is, any of the monies that are recovered by the Department of Justice, the Inspector General for Health and Human Services, and the so-called Medicare audits, money that is fraudulently taken from Medicare and then recovered, again, that's money that's stolen from part B. Let's not just put that money into the coffers of somewhere else. Let's let that accrue as part of the savings that we put in that lock box that we use to offset the cost of repealing the sustainable growth rate formula.

Two other things that I did in the bill, which I think are important as far as gaining some overall efficiency in the system, was added some voluntary positive updates for physicians who were willing to voluntarily participate in quality reporting exercises, and physicians' offices who were willing to voluntarily participate in improvements of health information technology.

We don't have, and certainly in Congress, certainly the Federal Government does not have all the answers as to what creates the perfect health information technology platform. In many ways, private industry is light years ahead of where the Federal Government is. And maybe, you know, Madam Speaker, some days, honestly, I just wonder if we should get out of the way with some of our regulatory burdens, some or our stark laws and let private industry develop these platforms, because clearly, in the last 5 years that I've been here, we've had a lot of talk, we've had a lot of bills introduced, we've had a lot of debate, we've even passed some bills in the House during the last Congress, but we are no closer to having any sort of a national standard for health information today than we were when I first got here 5 years ago. I believe the individual's name was William Brailer who was in charge of that project. He is now, unfortunately, no longer with Health and Human Services.

The project has, for all intents and purposes in my mind, been a disappointment, but it doesn't mean that health information technology has just been stagnant. Other stakeholders, other participants in the health care system in the United States have created and drafted and are working on their individual platforms. And at some point they will reach critical mass in the private sector where there will be general acknowledgement that, yes, this is the health information technology platform of the future and the one to which we all should subscribe. It would have been a useful function of the Federal Government had we been able to do that, but honestly, I don't see us there yet, and I don't see us there in the foreseeable future. You would think the Federal Government would have had a significant role to play in that because if you look at health care expenditures in this country, almost 50 cents out of every health care dollar that's spent in this country has its origin right here on the floor of the House of Representatives.

When you consider what we spend in Medicare, what we spend in Medicaid, what we spend in the VA system, what we spend in Indian health service, the Federal prison system, a lot of health care dollars are generated through the authorization, the appropriation process in this Congress. And as a consequence, Congress has a big stake in trying to get some efficiencies and some improvements. But in this instance, in developing the health information technology platform of the future, I almost think that we need to get out of the way and let the entrepreneurs, let the bright folks who can do these tasks, let them proceed with that.

Let me just talk about a couple of things that will illustrate that.

□ 2230

I will just tell you, Mr. Speaker, I did practice medicine for 25 years. In fact, I started medical school 30 years ago this year in 1974. I can't tell you that I was a big acolyte of electronic medical records when I was a practicing physician. I dabbled in it some. I would listen to people talk who came to sell us various packages.

We had to buy a new computer right before the Y2K scare where all of our computers were going to lock up at midnight and we wouldn't be able to get anything done the next day. So like everyone else, I went out and bought a new computer system. I asked what it would cost to add an electronic medical records package on to the basic computer system that I purchased for my five-physician office. The basic computer system itself cost about $60,000 or $70,000. Some other contracts we had to sign for maintenance and upkeep were not cheap. Adding a medical records package to that was 30 to $40,000 for a five-physician practice. Quite honestly, at the time, it seemed way too expensive for a small group such as mine to participate in. So I really wasn't sold on the concept of electronic medical records. Then in the end of August 2005, we saw probably the worst hurricane to hit the United States that certainly has happened in recorded history, Hurricane Katrina that hit New Orleans, and then the subsequent flooding after the levees broke. Touring New Orleans 5 months later with the Energy and Commerce Subcommittee on Oversight and Investigations, we were permitted to go into the basement of Charity Hospital into their records room. This was the basement of Charity Hospital. You can see the temporary lighting that they have got strung along the ceiling. There is actually still, it doesn't show in this photograph, there is still water on the floor 5 months into this process. And you can see the paper medical records. There was shelf after shelf after shelf.

Remember that Charity Hospital was one of the venerable old institutions in this country. It was one of the hospitals that has trained many of the premier physicians in this country. Charity Hospital had been there for a long time. They had multiple racks and stacks of medical records. But look at these things. This isn't smoke damage. This isn't fire damage. This is black mold that is growing on the paper, on the manila folders and on the paper in the medical records. Clearly, these are medical records that in all likelihood now are lost to the ages. I don't know. The water was up to the top shelf when the building was underwater. A lot of the ink and writing may well have washed off. But you honestly could not ask someone to go in here and pull a record and provide you some of the medical information that might been contained therein, because clearly it would simply be too hazardous to ask anyone to go in there and retrieve it.

Well, when I visited the basement of Charity Hospital that day, I became a convert for recognizing that medicine does need to come into the 21st century. It is going to be expensive. There is going to be a learning curve for, again, mature physicians like myself to have to learn this new technology and to have to learn how to use a keyboard. But it would be an investment that we would have to make.

I think we have to pay for it. I don't think we can simply say to a doctor's practice, you are going to have to just do this. It is part of the cost of doing business. And although you can't attribute any direct revenue increase to the fact you are making this $100,000 expenditure for a five-physician practice, you are just going to have to spend the money. Well, we are probably going to have to help that. Number one, we are not paying doctors enough, anyway, and number two, if we ask them to go out and do this, there will be a lot of resistance, and a lot of practices just simply won't do it. They will drop out of Medicare and whatever insurance company requires electronic medical records.

If we pay for it, if we allow an increase in reimbursement for physicians who voluntarily undertake this kind of training and upgrade, I think that's a very reasonable return on investment. So included in the bill that I introduced to initially repeal the sustainable growth rate formula was a 3 percent positive update for physicians who voluntarily undertake to modernize their recordkeeping and to embark upon the 21st century sojourn of creating electronic medical records.

But I think that is the way we have to do it. It has to be voluntary. You can't force people to do these things. You can't force them to learn these techniques. You can't force them to devote the time necessary to learn these techniques. It does have to be done on a voluntary basis. That is the correct way to learn things, not through mandates, but through creating programs that people actually want and getting their participation voluntarily, not because the Federal Government has said thou shalt.

Now, it stands to reason that after a certain period of time, part of that funding for that infrastructure will be completed. And this positive update does go away after a period of time, but it does provide a bridge for physicians who are using paper records today. It provides them a bridge, an opportunity to go into a electronic medical record system.

The reason I spend so much time on this is we had introduced in the Senate last week a bill that would require electronic prescriptions. Well, it's a good idea. The theory is a sound one, electronic prescriptions. The Institute of Medicine says that doctors' handwriting is terrible. I am here to tell you mine is. The ability, though, to whip off a written prescription takes about 10 seconds. The time involved for filling out an electronic prescription, even on a little handheld is going to be somewhat longer than that, particularly at the beginning of the learning curve.

Well, the average physician practice as I had back in 2002, you would have to see between 30 and 40 patients a day in order to pay the overhead and have something to take home at the end of the day. You add a minute or 2 on to every patient's encounter, and that is going to be adding about an hour a day on to that physician's practice time, an hour that they are simply going to be filling out an electronic form for E-prescribing. Clearly, again, they have to be compensated for that time.

The bill that was introduced I think recognized that and said there would be a 1 percent update for doctors, a 1 percent bonus for doctors who indeed undertook that. Well, just doing a little bit of the math, a moderately complicated Medicare patient return visit probably didn't pay as much as $50 a visit, but let's say for the sake of argument that is what it paid. Well, a 1 percent bonus for that patient's encounter if you use an electronic prescription will be, what, 50 cents. So you can see about four of those patients in an hour's time, so that is an additional $2 an hour that we are paying for that. It doesn't seem like a lot. I say that, too, because you look at all of the various stakeholders and interest groups, the insurance companies, the pharmacy benefit managers, the community pharmacists who want this done see value in it, and they see the potential for deriving great value, particularly the vendors who are selling the electronic prescribing modules. There is going to be significant financial return for them.

So why are we low-balling it at the doctor's end with simply a 1 percent bonus? And then the other part of that concept that I found disturbing was, it was kind of billed as a carrot and stick approach, the carrot was the 1 percent bonus, the stick was when 5 years, 4 years or 5 years, I forget which, Doctor, if you're not doing this, we're going to penalize you 10 percent. So wait a minute. I go from if I do this, I am going to make an extra 50 cents on that patient encounter or $2 an hour additional if I do this. If I don't do it in a few years, I am going to be down $20 an hour for not participating. The inequity of that just strikes me as being, again, "disturbing" is probably the kindest word that I can use in this context. I honestly think while, again, I will agree with the theory, the application is flawed, and we have to think of a better way to do that. That is why when I was crafting 2585 it was a voluntary participation. It stayed voluntary.

I think if you show physicians that you are able to deliver something of value, eventually, we are a very competitive lot. That is why we become doctors. And we will want to have the practice that has the newest and latest and greatest, and if other physicians' offices, hey, they are doing this e-prescribing and it is great, by the time I get to the pharmacy after my doctor's visit, the order has already been e-mailed to the pharmacist, it's been filled, it is sitting there waiting for me, and the insurance stuff is already filled out, patients are going to see value in that, and they will begin to ask that of their doctors. But to do this in a terribly punitive way, I think we are going to drive more doctors out of taking care of our Medicare patients, and that really should not be our goal.

The two other bills I introduced dealing with the physicians workforce dealt with physicians who might be contemplating a career in health professions and dealt with physicians who were in their residencies. We recognize that we are facing a shortage of primary care doctors, a shortage of general surgeons, OB-GYNs, gerontologists. And these bills were geared toward getting more of those doctors to consider medical school, getting more of those newly minted doctors into residency programs near their homes. Because doctors do possess a lot of inertia, and if you train those doctors in the places where they are needed, they are likely to stay within a 50-mile, 100-mile radius of where they have undergone that training. That is one of the thrusts of the article from the Texas Medicine piece, that doctors do tend to locate close to where they are trained, so if we can expand the number of primary care residencies in medically underserved areas with high-need residencies, we will find that we actually attract more physicians to those areas. That is a vastly preferable way of dealing with some of the manpower shortages than just simply telling people where they have to go.

Under the issue of medical liability reform, let me just share briefly some of the experiences we have had in the State of Texas because it has been a good story. The State of Texas in 2003 passed some reforms that were based off of the 1975 law that was passed in the State of California called the Medical Injury Compensation Reform Act of 1975, you see the acronym for Medical Injury Compensation Reform Act, and this has been an astounding success in the State of Texas. Medical liability insurers were leaving the State in droves. We were down to two liability insurers my last active year of practice 2002, and let me tell you, you don't get much price competition when you have only got two liability insurers in your State. By invoking this bill and passing a constitutional amendment that allowed the bill to stand placing a cap on noneconomic damages, $250,000 for the doctor, $250,000 for the hospital, $250,000 for a second hospital or nursing home, if one is involved, by trifurcating that cap for noneconomic damages, we really feel that we have a system in place that does adequately compensate patients who are injured, and at the same time provide some stability in the medical liability insurance market that they needed to be able to look to Texas as a place where they wanted to do business. And they have. They have come back to the State. We have got many more insurers now than we, in fact, had before the exodus started in the early 2000s.

Most importantly, they have come back into the State without an increase in premiums. Texas Medical Liability Trust, my old insurer of record, the premium reductions and the dividends paid back to their shareholders aggregate to about a 22 percent reduction in medical liability insurance. And mind you, my last year of practice, I recall medical liability premiums going up by significant amounts year over year over year, and now we have seen an aggregate 22 percent reduction since passage of this bill in 2003.

A lot of times when I talk about medicine, I talk about the fact that I am optimistic. I think medicine is on the cusp of a significant transformation. When you look at the last century, and there was kind of some instructive periods, the period of 1910 when, boy, we are really coming out of the dark ages of medicine. Prior to that time, the accepted methods of practice, blistering, burning and bleeding were what were practiced by physicians, and everyone thought you were a good doctor if you did those things. We were leaving those days behind. We were coming into the time of anesthesia, we were coming into the time of modern blood banking, vaccinations had become available, new ways of looking at public health and public sanitation. And at the same time, all those advances happening in the science of medicine, we had some social change that was occurring as well, and part of it occurred up here at the United States Congress with the commissioning of a group called the Flexner Commission. Ultimately they produced what was called the Flexner Report that directly addressed the discrepancies in medical training and in medical schools across the country. It was the standardization of medical school curricula as a result of the Flexner Report, and albeit that function was then taken over by States, but it was that standardization of medical curricula that allowed for medicine to capitalize on all those good things that were happening around that time.

Well, jump ahead to the middle of the 1940s, we are in the middle of the Second World War, penicillin had been discovered a few decades before, but it wasn't really commercially available because no one had really perfected the process.

During the war, an American company working in this country was able to produce penicillin on a scale never before imagined. It was cheaply commercially produced for the first time in 1943 or 1944 and, in fact, was available to treat our soldiers who were injured at the landing of Normandy, and many lives and limbs that otherwise would have been lost as a consequence of infection following those wartime injuries were, in fact, saved because of the introduction of penicillin. It went from being a laboratory curiosity to something that was readily available, inexpensive and available to almost any doctor practicing.

At the same time, cortisone, again introduced many years ago before but a commercial process developed by Percy Julian, a Ph.D. biochemist, an African-American that we honored in this House during the last Congress because of his contributions to medicine. He developed a way to mass-produce cortisone using a soybean as a precursor.

So suddenly you had an antibiotic and you had a potent anti-inflammatory. These two powerful medical tools placed into the hands of our practitioners in this country, and, again, at the same time you had a significant social change because of the Second World War and wage and price controls that President Roosevelt put into place to prevent inflation, those wage and price controls were putting a damper on employers being able to keep their employees satisfied and happy. So they said, look, can we offer benefits like retirement plans and health insurance. The Supreme Court weighed in and said yes, you can, and not only that, you can provide those as a pretax expense.

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Well, suddenly you go just almost overnight to the era of employer-derived health insurance. And it was extremely popular, extremely popular. It persisted after the war was over and wage and price controls were removed. But, again, it was a time when the science of medicine was changing rapidly and the social structure around medicine was changing rapidly.

The same can be said for the middle 1960s. For the first time we had antipsychotic medications available. Prior to that, we had only restraints to treat people who were badly mentally ill. We also had the introduction of antidepressants.

We had the introduction of newer hypertensive drugs. Remember, just a generation before we lost our President, Franklin Roosevelt, to the ravages of unchecked hypertension. In the 1960s we could treat that.

At the same time, we had the introduction of Medicare and then subsequently Medicaid. Suddenly the Federal Government had a large and profound footprint and a profound influence over the practice of medicine.

Mr. Speaker, I think we are on the cusp of just such a transformational time right now. I think the changes occurring in information technology, the speed with which we learn things, is now unlike any time in this country's past.

Think of this: People are going to be able to go and with a relatively inexpensive test have their human genomes sequenced. They will be able to know, as more and more is found out about the human genome, what diseases may pose a risk for them in the future, what things they are not at risk for, powerful information that is going to be in the hands of our patients.

They are going to come to the office with this information in hand. It won't be a test that we order them to take or that we request them to take, but think of the difference in the practice of medicine. In the 1980s, I would tell someone a diagnosis. They would ask me what I was going to do about it. In the 1990s, I would give a diagnosis. They would go home, look it up on the Internet and come back and tell me what I was supposed to be doing about it. Now patients are going to come in with genetic information in hand say, this is what I am at risk for. What are you going to do to prevent it, doctor?

It will be an entirely different way, an entirely new paradigm, an entirely different way of approaching the practice of medicine, a transformational time. Yet, at the same time, if Congress does not, does not invoke the right policies, Congress is inherently a transactional body. We heard the House Policy Chairman talking about that in the last hour. Congress is inherently transactional. We redistribute income. We take things from one group and give it to another. The transactional can become the enemy of the transformational.

Our former Speaker, Newt Gingrich, is famous for saying "real change requires real change." I believe that to be true. I think that is his second principle of transformation. And, more to the point, this is a time of real change, and medicine is really changing under our feet. Whether we like it or not, whether we think we can control it or not, it doesn't matter. Medicine is changing. That real change requires us to change how we think about and how we approach these problems. The old ways, the SGR formulas of the 20th century, aren't going to work in the 21st century. They cannot be allowed to impede the incredible transformation that stretches before us.

Mr. Speaker, before I wrap up, I do want to mention one additional bill that I introduced recently, and Members may want to consider adding themselves as cosponsors. It is H.R. 4190.

This is an interesting bill, because we talk in this House about what are we going to do about the uninsured. And we all sit back and think big thoughts about what we are going to do about the uninsured. Well, H.R. 4190 actually moves that process along in kind of a different way.

H.R. 4190 would take health insurance benefits away from Members of Congress. Yes, it would provide a voucher to Members of Congress to buy health insurance, but we would no longer be participants in the Federal Employee Health Benefits Plan. We would become uninsured, and it would force us to look at the market, what is available for someone who doesn't have insurance.

It might cause us to be a little more clever about some of the things we do in our Tax Code, and perhaps we wouldn't be so punitive toward people who want to individually own their insurance policy as opposed to someone who wants to get it from their employer. So it would be an entirely different way for Members of Congress to approach this problem. Quite honestly, I don't expect a long line of cosponsors when I get back to my office later tonight, but I would like for Members to think about this.

It is terribly difficult for us to come up with solutions when we are sitting back in a situation where we are insulated, we are anesthetized, where we are never going to have to face those types of decisions and those types of problems that our constituents face on a daily basis.

We also need to be more careful about how we talk about people who are uninsured. We toss around numbers and basically use them as political bludgeons or political wedges. We need to be more specific when we talk about the specific demographic groups that are contained within that large number of people who are labeled "the uninsured."

A significant number, 10 percent in some estimates, are people who are university students or just graduated from the university. These are people who are generally healthy and relatively inexpensive to insure. We ought to find a way to make that happen. We ought to find a way to at least allow the possibility and ability for that demographic group to purchase insurance. Twenty percent of the number actually earn enough money to buy health insurance. They just don't see the reason or necessity in doing so.

A lot of that is cost driven. It is price driven. We have done things to insurance policies to make them so expensive. We are unequal in our tax treatment for individuals who want to individually own their policies.

We need to look at those things, because, again, if we made the product affordable, if we made it desirable, again, if we put products out there that people would actually want, then they are more likely to participate. I think that is vastly, vastly superior to simply saying there is going to be an individual mandate or a State mandate or an employer mandate where people will be required to line up and file into these programs.

Let's approach it differently. Let's create the programs so that people want them, rather than creating the condition that forces people into programs that maybe they want and maybe they don't want, but we will never know because we never ask.

But we can be more insightful. In fact, we can be more valuable to the American people if we will think about things in terms of who is involved in the demographics of that large group of the number of uninsured, and how can we best approach that in a way that we are producing or providing the environment for them to be able to have that insurance coverage that they desire.

Well, there is a lot left unsaid at this point. I do appreciate the indulgence of the Chair.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CLEAVER) to revise and extend their remarks and include extraneous material:)

Mr. CLYBURN, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

Mr. CLEAVER, for 5 minutes, today.

Mr. LARSON of Connecticut, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, December 19.

Mr. JONES of North Carolina, for 5 minutes, December 19.

Mr. LAHOOD, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. ENGEL, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 793. An act to provide for the expansion and improvement of traumatic brain injury programs; to the Committee on Energy and Commerce.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 365. An act to provide for a research program for remediation of closed methamphetamine production laboratories, and for other purposes.

H.R. 4252. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through May 23, 2008, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on December 11, 2007 she presented to the President of the United States, for his approval, the following bills.

H.R. 710. To amend the National Organ Transplant Act to provide that criminal penalties do not apply to paired donations of human kidneys, and for other purposes.

H.R. 3315. To provide that the great hall of the Capitol Visitor Center shall be known as Emancipation Hall.

H.R. 3688. To implement the United States-Peru Trade Promotion Agreement.

H.R. 4118. To exclude from gross income payments from the Hokie Spirit Memorial Fund to the victims of the tragic event at Virginia Polytechnic Institute & State University.

ADJOURNMENT

Mr. BURGESS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 53 minutes p.m.), the House adjourned until tomorrow, Thursday, December 13, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4522. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Watermelon Research and Promotion Plan; Assessment Increase [Doc. No. AMS-FV-07-0038; FV-07-701] received December 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4523. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Mango Promotion, Research, and Information Order; Amendment to Term of Office Provision [Docket No. AMS-FV-07-0042; FV-07-702FR] received November 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4524. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Citrus Canker; Movement of Fruit From Quarantined Areas [Docket No. APHIS-2007-0022-3] (RIN: 0579-AC34) received November 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4525. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Indian Tribal Land Acquisition Program Loan Writedowns (RIN: 0560-AG87) received October 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4526. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Bacillus Thuringiensis Vip3Aa19 Protein in Cotton; Extension of a Temporary Exemption From the Requirement of a Tolerance [EPA-HQ-OPP-2007-0575; FRL-8340-4] received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4527. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Ethalfluralin; Pesticide Tolerance [EPA-HQ-OPP-2005-0195; FRL-8342-2] received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4528. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pesticide Tolerance Crop Grouping Program [EPA-HQ-OPP-2007-0766; FRL-8343-1] (RIN: 2070-AJ28) received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4529. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Department's final rule — Spinosad; Pesticide Tolerance [EPA-HQ-OPP-2007-0310; FRL-8339-8] received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4530. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Sethoxydim; Pesticide Tolerance Technical Amendment [EPA-HQ-OPP-2006-0321; FRL-8153-5] received November 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4531. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pendimethalin; Pesticide Tolerance Technical Amendment [EPA-HQ-OPP-2006-0995; FRL-8134-6] received November 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4532. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Isoxadifen-ethyl; Pesticide Tolerance [EPA-HQ-OPP-2005-0305; FRL-8156-6] received November 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4533. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Cyprodinil; Time-Limited Pesticide Tolerance [EPA-HQ-OPP-2005-0119; FRL-8156-8] received November 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4534. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — HUD Acquisition Regulation (HUDAR) Debarment and Suspension Procedures [Docket No. FR-5098-F-02] (RIN: 2535-AA28) received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4535. A letter from the Chief Counsel, Bureau of Public Debt, Department of the Treasury, transmitting the Department's final rule — Offering and Governing Regulations for Series EE and Series I Savings Bonds, TreasuryDirect. — received November 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4536. A letter from the Director, Office of Legislative Affairs, Department of the Treasury, transmitting the Department's final rule — Expanded Examination Cycle for Certain Small Insured Depository Institutions and U.S. Branches and Agencies of Foreign Banks [Docket ID OCC-2007-00014] (RIN: 1557-AD02) received October 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4537. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Extension of Time Period for Quarterly Reporting of Bank Officers' and Certain Employees' Personal Securities Transactions (RIN: 3064-AD20) received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4538. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Federal Student Aid Programs [Docket ID ED-2007-OPE-0134] (RIN: 1840-AC91) received November 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4539. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Federal Perkins Loan Program, Federal Family Education Loan Program, and William D. Ford Federal Direct Loan Program (RIN: 1840-AC88) received October 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4540. A letter from the Deputy Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received November 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4541. A letter from the Deputy Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received September 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4542. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Applications for Food and Drug Administration Application Approval to Market a New Drug; Revision of Postmarketing Reporting Requirements [Docket No. 2000N-1545 (formerly 00N-1545)] received November 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4543. A letter from the Director, OSHA Directorate of Standards and Guidance, Department of Labor, transmitting the Department's final rule — Employer Payment for Personal Protective Equipment [Dockets S-042 (OSHA docket office) and OSHA-S042-2006-0667 (regulations.gov)] (RIN No.: 1218-AB77) received November 9, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4544. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland, Pennsylvania, Virginia, West Virginia; Redesignation of 8-Hour Ozone Nonattainment Areas to Attainment and Approval of the Areas' Maintenance Plans and 2002 Base-Year Inventories; Correction [EPA-R03-OAR-2006-0353; EPA-R03-OAR-2007-0476; EPA-R03-OAR-2005-VA-0007; EPA-R03-OAR-2005-VA-0013; EPA-R03-OAR-2005-0548; EPA-R03-OAR-2006-0485; EPA-R03-OAR-2006-0682; EPA-R03-OAR-2006-0692; EPA-R03-OAR-2006-0817; FRL-8500-8] Received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4545. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Amendments to the Control of VOC Emissions from Consumer Products [EPA-R03-OAR-2007-0794; FRL-8500-6] received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4546. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Minnesota; [EPA-R05-OAR-2006-1021; FRL-8501-3] received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4547. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Amendments Extending the Applicability of Four Consumer and Commercial Product Regulations to the Fredericksburg Volatile Organic Compound (VOC) Emissions Control Area [EPA-R03-OAR-2007-0479; FRL-8500-9] received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4548. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans Georgia: Enhanced Inspection and Maintenance Plan [EPA-R04-OAR-2007-1059-200748a; FRL-8503-1] received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4549. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri; General Conformity [EPA-R07-OAR-2007-1055; FRL-8502-2] received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4550. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Saint Regis Mohawk's Tribal Implementation Plan; [EPA-R02-OAR-2004-TR-0001; FRL-8488-9] received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4551. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Change in Deadline for Rulemaking to Address the Control of Emissions from New Marine Compression-Ignition Engines at or Above 30 Liters per Cylinder [EPA-HQ-OAR-2007-0120; FRL-8502-6] (RIN: 2060-A026) received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4552. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Interpretation of the National Ambient Air Quality Standards for PM2.5 — Correcting and Simplifying Amendment [EPA-HQ-OAR-2001-0017; FRL-8502-3] (RIN: 2060-A059) received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4553. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Outer Continental Shelf Air Regulations Consistency Update for California [OAR-2004-0091; FRL-8479-6] received October 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4554. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Mohegan Tribe of Indians of Connecticut [EPA-R01-OAR-2005-TR-0001; A-1-FRL-8491-7] received November 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4555. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District [EPA-R09-OAR-2007-1013; FRL-8496-7] received November 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4556. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Scranton/Wilkes-Barre 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan and 2002 Base Year Inventory [EPA-R03-OAR-2007-0605; FRL-8697-1] received November 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4557. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maine; Emission Statements Reporting and Definitions [EPA-R01-OAR-2006-0704; A-1-FRL-8492-1] received November 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4558. A letter from the Associate Managing Director, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Comprehensive Review of the Universal Service Fund Management, Administration, and Oversight Federal-State Joint Board on Universal Service Schools and Libraries Universal Service Support Mechanism Rural Health Care Support Mechanism Lifeline and Link-Up Changes to the Board of Directors for the National Exchange Carrier Association, Inc. [WC Docket No. 05-195 CC Docket No. 96-45 CC Docket No. 02-6 WC Docket No. 02-60 WC Docket No. 03-109 CC Docket No. 97-21] Received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4559. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-13, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to United Kingdom for defense articles and services; to the Committee on Foreign Affairs.

4560. A letter from the Administrator, Agency for International Development, transmitting the semiannual report on the activities of the Inspector General for the period ending September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

4561. A letter from the Staff Director, Commission on Civil Rights, transmitting the Commission's Performance and Accountability Report for fiscal year 2007, pursuant to the Government Performance and Results Act of 1993 and the Office of Management and Budget Memorandum M-04-20; to the Committee on Oversight and Government Reform.

4562. A letter from the Chief Executive Officer, Corporation for National & Community Service, transmitting the Corporation's Report on Final Action as a result of Audits in respect to the semiannual report of the Office of the Inspector General for the period from April 1, 2007 through September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

4563. A letter from the Secretary, Department of Homeland Security, transmitting the semiannual report of the Inspector General for the period April 1, 2007 through September 30, 2007, pursuant to Public Law 95-452, section 5; to the Committee on Oversight and Government Reform.

4564. A letter from the Attorney General, Department of Justice, transmitting the Semiannual Management Report to Congress for April 1, 2007 through September 1, 2007 and the Inspector General's Semiannual Report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

4565. A letter from the Acting Secretary, Department of Veterans Affairs, transmitting the semiannual report on activities of the Inspector General for the period April 1, 2007, through September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

4566. A letter from the Chairman, National Endowment for the Humanities, transmitting the Performance and Accountability Report for fiscal year 2007, as required by OMB Circular Number A-11; to the Committee on Oversight and Government Reform.

4567. A letter from the Chairman, Securities and Exchange Commission, transmitting the semiannual report on activities of the Inspector General for the period of April 1, 2007 through September 30, 2007 and the Management Response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

4568. A letter from the Assistant Director, Fisheries & Habitat Conservation, Department of the Interior, transmitting the Department's final rule — Injurious Wildlife Species; Black Carp (Mylopharyngodon piceus) (RIN: 1018-AG70) received October 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4569. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries (RIN: 0648-XD44) received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4570. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Trawl Gear in the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XD59) received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4571. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Department's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod Allocations in the Bering Sea and Aleutian Islands Management Area; Correction [Docket No. 0612242903-7445-03; I.D. 112006I] (RIN: 0648-AU48) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4572. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XC26) received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4573. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Correction [Docket No. 070830493-7496-01; I.D. 082806B] (RIN: 0648-AV95) received October 9, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4574. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Pacific Cod in the Bering Sea and Aleutian Islands [Docket No. 070213033-7033-01] (RIN: 0648-XD14) received October 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4575. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processor Vessels Using Hook-and-line Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01] (RIN: 0648-XD11) received October 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4576. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfer [Docket No. 061109296-7009-02] (RIN: 0648-XC67) received October 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4577. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Modifications of the West Coast Commercial Salmon Fishery; Inseason Action #8 and #9 [Docket No. 070430095-7095-01] (RIN: 0648-XC71) received October 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4578. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Modifications of the West Coast Commercial Salmon Fishery; Inseason Action #10 and #11 [Docket No. 070430095-7095-01] (RIN: 0648-XC77) received October 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4579. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Modifications of the West Coast Commercial Salmon Fishery; Inseason Action #5, #6 and #7 [Docket No. 070430095-7095-01] (RIN: 0648-XC69) received October 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4580. A letter from tne Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Modifications of the West Coast Commercial Salmon Fishery; Inseason Action #3 and #4 [Docket No. 070430095-7095-01] (RIN: 0648-XB09) received October 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4581. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Trawl Gear in the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XD41) received November 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4582. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Highly Migratory Species Fisheries [Docket No. 0612243162-7541-02; I.D. 032607A] (RIN: 0648-AU77) received November 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4583. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; Total Allowable Catch Harvested for Management Area 1A [Docket No. 061228342-7068-02] (RIN: 0648-XD55) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4584. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries in the Western Pacific; Precious Corals Fisheries [Docket No. 0612242929-7490-02] (RIN: 0648-AT93) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4585. A letter from the Under Secretary and Director, Department of Commerce, transmitting the Department's final rule — April 2007 Revision of Patent Cooperation Treaty Procedures [Docket No. PTO-C-2006-0057] (RIN: 0651-AC09) received September 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4586. A letter from the Chief, Regulatory Management Division, Office of the Executive Secretariat, Department of Homeland Security, transmitting the Department's final rule — New Classification for Victims of Criminal Activity; Eligibility for "U" Nonimmigrant Status [CIS No. 2170-05; DHS Docket No. USCIS-2006-0069] (RIN: 1615-AA67) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4587. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's feasibility report and environmental assessment of the Flood Damage Reduction Project for the Roseau River, Roseau, Minnesota; to the Committee on Transportation and Infrastructure.

4588. A letter from the Assistant Chief Counsel for Hazardous Materials Safety, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Revision and Reformatting of Requirements for the Authorization to Use International Transport Standards and Regulations; Correction [Docket No. PHMSA-2005-23141(HM-215F)] (RIN: 2137-AE01) received October 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4589. A letter from the FMSCA Regulatory Ombudsman, Department of Transportation, transmitting the Department's final rule — Fees for Unified Carrier Registration Plan and Agreement [Docket No. FMSCA-2007-27871] (RIN: 2126-AB09) received October 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4590. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30521 Amdt. No. 3192] received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4591. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30519 Amdt. No. 3190] received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4592. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Recording of Major Repairs and Major Alternatives [Docket No. FAA-2007-2863 1; Amdt. No. 43-41] (RIN: 2120-AJ11) received October 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4593. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No. 30564; Amdt. No. 469] received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4594. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30568; Amdt. No. 3234] received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4595. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30567; Amdt. 3233] received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4596. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30566; Amdt. No. 3232] received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4597. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30565; Amdt. No. 3231] received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4598. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30563; Amdt. No. 3230] received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4599. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30562, Amdt. 3299] received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4600. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30560, Amdt. 3227] received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4601. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pacific Aerospace Corporation, Ltd/ Model 750XL Airplanes [Docket No. FAA-2007-27865 Directorate Identifier 2007-CE-039-AD; Amendment 39-15191; AD 2007-19-01] (RIN: 2120-AA64) received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4602. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model 717-200 Airplanes [Docket No. FAA-2006-26043; Directorate Identifier 2005-NM-010-AD] (RIN: 2120-AA64) received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4603. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF6-80E1 Series Turbofan Engines [Docket No. FAA-2007-28726; Directorate Identifier 2007-NE-32-AD] (RIN: 2120-AA64) received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4604. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes [Docket No. FAA-2007-27776; Directorate Identifier 2006-NM-170-AD] (RIN: 2120-AA64) received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4605. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Avions Marcel Dassault-Breguet Model Falcon 10 Airplanes [Docket No. FAA-2007-27983; Directorate Identifier 2006-NM-192-AD; Amendment 39-15188; AD 2007-18-08] (RIN: 2120-AA64) received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4606. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Piaggio Aero Industries S.p.A Model P-180 Airplanes [Docket No. FAA-2007-27975 Directorate Identifier 2007-CE-041-AD; Amendment 39-15187; AD 2007-18-07] (RIN: 2120-AA64) received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4607. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney JT9D-7R4 Turbofan Engines [Docket No. FAA-2005-23072; Directorate Identifier 2005-NE-38-AD; Amendment 39-15186; AD 2007-18-06] (RIN: 2120-AA64) received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4608. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 and A340 Airplanes [Docket No. FAA-2007-29073; Directorate Identifier 2007-NM-179-AD; Amendment 39-15184; AD 2007-18-04] (RIN: 2120-AA64) received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4609. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF34-1A, -3A, -3A1, -3A2, -3B, and -3B1 Turbofan Engines [Docket No. FAA-2007-27687; Directorate Identifier 2000-NE-42-AD; Amendment 39-15179; AD 2007-07-07R1] (RIN: 2120-AA64) received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4610. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Enstrom Helicopter Corporation Model F-28A, F-28C, F-28F, TH-28, 280, 280C, 280F, 280FX, 480, and 480B Helicopters [Docket No. FAA-2006-26771; Directorate Identifier 2005-SW-07-AD; Amendment 39-15059; AD 2007-11-02] (RIN: 2120-AA64) received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4611. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Canada (P&WC PW535A Turbofan Engines; Correction [Docket No. FAA-2006-26112; Directorate Identifier 2006-NE-35-AD; Amendment 39-14837; AD 2006-24-08] (RIN: 2120-AA64) received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4612. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-300, 747-400, 747-400D, 747SR, and 747SP Series Airplanes [Docket No. FAA-2077-27525; Directorate Identifier 2006-NM-159-AD; Amendment 39-15089; AD 2007-12-11] (RIN: 2120-AA64) received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4613. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airplace; Beaver, UT [Docket No. FAA-2006-26364; Airspace Docket No. 06-ANM-12] received October 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4614. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Restricted Areas R-3702A and R-3702B; Fort Campbell, KY [Docket No. FAA-2007-27850; Airspace Docket No. 07-ASO-5] (RIN: 2120-AA66) received October 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4615. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Ruby, AK [Docket No. FAA-2007-28148; Airspace Docket No. 07-AAL-09] received October 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4616. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Noatak, AK [Docket No. FAA-2007-28147; Airspace Docket No. 07-AAL-08] received October 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4617. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Transfer of Duties of Former VA Board of Contract Appeals (RIN: 2900-AM73) received November 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4618. A letter from the Deputy Assistant Secretary Textiles and Apparel, Department of Commerce, transmitting the Department's final rule — Imports of Certain Cotton Shifting Fabric: Implementation of Tariff Rate Quota Established Under the Tax Relief and Health Care Act of 2006 [Docket Number: 070712324-7325-01] (RIN: 0625-AA74) received December 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4619. A letter from the Federal Register Certifying Officer, Department of the Treasury, transmitting the Department's final rule — Payment of Federal Taxes and the Treasury Tax and Loan Program (RIN: 1510-AB01) received October 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4620. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Payments Made by Reason of a Salary Reduction Agreement [TD 9367] (RIN: 1545-BH00) received November 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4621. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.201: Rulings and determination letters. (Rev. Proc. 2008-7) received November 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4622. A letter from the Branch Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 45H. —Credit for Production of Low Sulfur Diesel Fuel (Rev. Proc. 2007-69) received November 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4623. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Department's final rule — Returns Required on Magnetic Media [TD 9363] (RIN: 1545-BD65) received November 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4624. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 995.-Taxation of DISC Income to Shareholders (Rev. Rul. 2007-64) received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4625. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Trust Arrangements Purporting to Provide Nondiscriminatory Post-Retirement Medical and Life Insurance Benefits [Notice 2007-84] received October 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4626. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 419.-Treatment of Funded Welfare Benefit Plans 26 CFR 1.419-1T: Treatment of welfare benefit funds. (Also, 264, 7805; 301.7805-1.) (Rev. Rul. 2007-65) received October 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4627. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Abusive Trust Arrangements Utilizing Cash Value Life Insurance Policies Purportedly to Provide Welfare Benefits [Notice 2007-83] received October 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4628. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.105: Examination of returns and claims for refund, credit or abatement; determination of correct tax liability. (Rev. Proc. 2007-62) received October 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4629. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Railroad Track Maintenance Credit [TD 9365] (RIN: 1545-BE90) received November 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4630. A letter from the Branch Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 61. -Gross Income Defined 26 CFR 1.61-1: Gross income. (Also 134, 140; 1.6041-1.) (Rev. Rul. 2007-69) received November 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4631. A letter from the Branch Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Payments from the Presidential Election Campaign Fund [Notice 2007-96] received November 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4632. A letter from the Branch Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Notification Requirement for Tax-Exempt Entities Not Currently Required to File [TD 9366] (RIN: 1545-BG38) received November 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4633. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Information Reporting on Employer-Owned Life Insurance Contracts [TD 9364] (RIN: 1545-BG59) received November 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4634. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Payments from the Presidential Election Campaign Fund [Notice 2007-96] received November 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4635. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 42.—Low-Income Housing Credit (Rev. Rul. 2007-62) received October 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 2537. A bill to amend the Federal Water Pollution Control Act relating to beach monitoring, and for other purposes; with an amendment (Rept. 110–491). Referred to the Committee of the Whole House on the State of the Union.

Ms. SLAUGHTER: Committee on Rules. House Resolution 869. Resolution providing for consideration of the joint resolution (H.J. Res. 69) making further continuing appropriations for the fiscal year 2008, and for other purposes (Rept. 110–492). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. THOMPSON of Mississippi (for himself and Mr. WICKER):

H.R. 4457. A bill to establish the Mississippi Delta National Heritage Area and the Mississippi Hills National Heritage Area, and for other purposes; to the Committee on Natural Resources.

By Mr. ELLSWORTH (for himself, Ms. VELÁZQUEZ, Ms. CLARKE, Mr. CUELLAR, Mr. HIGGINS, Ms. HIRONO, Mr. JOHNSON of Georgia, Ms. MOORE of Wisconsin, Mr. SESTAK, and Mr. SHULER):

H.R. 4458. A bill to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHADEGG:

H.R. 4459. A bill to amend section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to allow public institutions of higher education to use the employment eligibility confirmation system established under that section to verify immigration status for purposes of determining eligibility for in-State tuition; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHADEGG (for himself, Mrs. MUSGRAVE, Mr. AKIN, Mr. DAVID DAVIS of Tennessee, Mr. FEENEY, Mr. PENCE, Mr. GINGREY, Mr. FORTUÑO, Mr. RYAN of Wisconsin, Mr. WELDON of Florida, Mr. MARCHANT, Mr. CAMPBELL of California, Ms. FOXX, Mr. KINGSTON, Mr. WILSON of South Carolina, Ms. FALLIN, Mr. ISSA, Mr. FRANKS of Arizona, Mr. PITTS, Mr. BROWN of South Carolina, Mr. DANIEL E. LUNGREN of California, Mr. BARTLETT of Maryland, Mr. WAMP, Mrs. BLACKBURN, Mr. PRICE of Georgia, Mr. PUTNAM, Mr. SMITH of Nebraska, Mr. PAUL, Mr. BOUSTANY, Mrs. CUBIN, Mr. MILLER of Florida, Mr. SOUDER, Mr. RENZI, Mr. SESSIONS, Mr. HOEKSTRA, Mr. BURTON of Indiana, Mr. CANNON, Mr. HERGER, Mr. PLATTS, Mrs. MCMORRIS RODGERS, Mr. HENSARLING, Mrs. BACHMANN, and Mr. FLAKE):

H.R. 4460. A bill to amend the Public Health Service Act to provide for cooperative governing of individual health insurance coverage offered in interstate commerce; to the Committee on Energy and Commerce.

By Mr. MOORE of Kansas (for himself, Mr. BLUMENAUER, Mr. BISHOP of New York, Ms. GINNY BROWN-WAITE of Florida, Mr. KLEIN of Florida, Mr. HINOJOSA, Mr. MURPHY of Connecticut, Ms. BEAN, and Ms. MATSUI):

H.R. 4461. A bill to promote and enhance the operation of local building code enforcement administration across the country by establishing a competitive Federal matching grant program; to the Committee on Financial Services.

By Ms. GRANGER (for herself, Mr. KIND, Mr. WOLF, and Mr. KENNEDY):

H.R. 4462. A bill to authorize the award of a Congressional Gold Medal on behalf of the Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th Century in recognition of their heroic and dramatic contributions to the Nation, and for other purposes; to the Committee on Financial Services.

By Mr. COSTELLO (for himself, Mr. MITCHELL, Mr. SHIMKUS, and Mr. WHITFIELD):

H.R. 4463. A bill to amend title 38, United States Code, to improve the quality of care provided to veterans in Department of Veterans Affairs medical facilities, to encourage highly qualified doctors to serve in hard-to-fill positions in such medical facilities, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PRICE of Georgia (for himself, Mr. BOEHNER, Mr. CANTOR, Mr. MCKEON, Mrs. BLACKBURN, Mr. AKIN, Mr. BAKER, Mrs. BIGGERT, Mr. BURTON of Indiana, Mr. CAMPBELL of California, Mr. DAVID DAVIS of Tennessee, Mr. DOOLITTLE, Mr. FEENEY, Ms. FOXX, Mr. GINGREY, Mr. GOHMERT, Mr. GOODE, Mr. HELLER, Mr. HERGER, Mr. HUNTER, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. MARCHANT, Mrs. MCMORRIS RODGERS, Mr. PAUL, Mr. PETRI, Mr. PLATTS, Mr. ROGERS of Kentucky, Mr. ROHRABACHER, Mr. SIMPSON, Mr. TANCREDO, Mr. WALBERG, Mr. WESTMORELAND, and Mr. YOUNG of Alaska):

H.R. 4464. A bill to ensure that an employer may require employees to speak English while engaged in work; to the Committee on Education and Labor.

By Mr. BISHOP of Georgia (for himself, Mr. KINGSTON, and Mr. SHULER):

H.R. 4465. A bill to reduce temporarily the duty on certain acrylic synthetic staple fiber; to the Committee on Ways and Means.

By Mr. BISHOP of Georgia:

H.R. 4466. A bill to extend the temporary suspension of duty on formulated product KROVAR IDF; to the Committee on Ways and Means.

By Mr. BISHOP of Georgia:

H.R. 4467. A bill to extend the temporary suspension of duty on diuron; to the Committee on Ways and Means.

By Mr. BISHOP of Georgia:

H.R. 4468. A bill to extend the temporary suspension of duty on N,N-dimethylpiperidinium chloride; to the Committee on Ways and Means.

By Mr. BISHOP of Georgia:

H.R. 4469. A bill to extend the temporary suspension of duty on linuron; to the Committee on Ways and Means.

By Mr. BISHOP of Georgia (for himself, Mr. KINGSTON, and Mr. SHULER):

H.R. 4470. A bill to suspend temporarily the duty on certain acrylic synthetic staple fiber; to the Committee on Ways and Means.

By Mr. BISHOP of Georgia (for himself, Mr. KINGSTON, and Mr. SHULER):

H.R. 4471. A bill to suspend temporarily the duty on certain acrylic synthetic staple fiber; to the Committee on Ways and Means.

By Mr. BISHOP of Georgia (for himself, Mr. KINGSTON, and Mr. SHULER):

H.R. 4472. A bill to suspend temporarily the duty on certain acrylic synthetic staple fiber; to the Committee on Ways and Means.

By Mr. BISHOP of Georgia (for himself, Mr. KINGSTON, and Mr. SHULER):

H.R. 4473. A bill to suspend temporarily the duty on certain acrylic synthetic staple fiber; to the Committee on Ways and Means.

By Mr. COURTNEY:

H.R. 4474. A bill to suspend temporarily the duty on yarn of carded cashmere yarn coarser than 19.35 metric; to the Committee on Ways and Means.

By Mr. COURTNEY:

H.R. 4475. A bill to suspend temporarily the duty on yarn of carded camel hair yarn; to the Committee on Ways and Means.

By Mr. COURTNEY:

H.R. 4476. A bill to extend the temporary suspension of duty on yarn of combed cashmere or yarn of camel hair; to the Committee on Ways and Means.

By Mr. COURTNEY:

H.R. 4477. A bill to extend the temporary suspension of duty on yarn of carded cashmere of 19.35 metric yarn count or finer; to the Committee on Ways and Means.

By Mr. COURTNEY:

H.R. 4478. A bill to extend the temporary suspension of duty on camel hair, processed beyond the degreased or carbonized condition; to the Committee on Ways and Means.

By Mr. COURTNEY:

H.R. 4479. A bill to extend the temporary suspension of duty on waste of camel hair; to the Committee on Ways and Means.

By Mr. COURTNEY:

H.R. 4480. A bill to extend the temporary suspension of duty on camel hair, carded or combed; to the Committee on Ways and Means.

By Mr. COURTNEY:

H.R. 4481. A bill to extend the temporary suspension of duty on woven fabrics containing 85 percent or more by weight of vicuna hair; to the Committee on Ways and Means.

By Mr. COURTNEY:

H.R. 4482. A bill to extend the temporary suspension of duty on camel hair, not processed in any manner beyond the degreased or carbonized condition; to the Committee on Ways and Means.

By Mr. COURTNEY:

H.R. 4483. A bill to extend the temporary suspension of duty on noils of camel hair; to the Committee on Ways and Means.

By Mr. COURTNEY:

H.R. 4484. A bill to extend the temporary suspension of duty on fine animal hair of Kashmire (cashmere) goats; to the Committee on Ways and Means.

By Mr. COURTNEY:

H.R. 4485. A bill to extend and revise the temporary suspension of duty on Biaxially oriented polypropylene dielectric film; to the Committee on Ways and Means.

By Mr. CULBERSON:

H.R. 4486. A bill to suspend temporarily the duty on 2-Oxepanone, homopolymer, oxydi-2,1-ethanediyl; to the Committee on Ways and Means.

By Mr. CULBERSON:

H.R. 4487. A bill to suspend temporarily the duty on 2-Oxepanone, polymer with alpha-hydro-Omega-hydroxypoly (oxy-1,4-butanediyl); to the Committee on Ways and Means.

By Mr. CULBERSON:

H.R. 4488. A bill to suspend temporarily the duty on 2-Oxepanone, polymer with 2,2-bis(hydroxymethyl)-1, 3-propanediol; to the Committee on Ways and Means.

By Mr. CULBERSON:

H.R. 4489. A bill to suspend temporarily the duty on 2-Oxepanone, homopolymer; to the Committee on Ways and Means.

By Mr. CULBERSON:

H.R. 4490. A bill to suspend temporarily the duty on 2-Oxepanone,polymer with 1,4-butanediol; to the Committee on Ways and Means.

By Mr. CULBERSON:

H.R. 4491. A bill to suspend temporarily the duty on 2-Oxepanone polymer, 1-3-isobenzofuranedione terminated; to the Committee on Ways and Means.

By Mr. CULBERSON:

H.R. 4492. A bill to suspend temporarily the duty on 2-Oxepanone, polymer with 1,6-hexanediol; to the Committee on Ways and Means.

By Mr. CULBERSON:

H.R. 4493. A bill to suspend temporarily the duty on 2-Oxepanone, polymer with 2-ethyl-2-(hydroxymethyl)-1,3-propanediol; to the Committee on Ways and Means.

By Mr. CULBERSON:

H.R. 4494. A bill to suspend temporarily the duty on 2-Oxepanone, polymer with 2,2-dimethyl-1,3-propanediol; to the Committee on Ways and Means.

By Mr. DAVID DAVIS of Tennessee:

H.R. 4495. A bill to amend the Elementary and Secondary Education Act of 1965 to ensure that the Impact Aid program of the Department of Education guarantees full funding under current formulas to local educational agencies in which the Federal Government owns at least 50 percent of the land; to the Committee on Education and Labor.

By Mr. DAVID DAVIS of Tennessee:

H.R. 4496. A bill to amend the Elementary and Secondary Education Act of 1965 to ensure that the Impact Aid program of the Department of Education guarantees that each eligible local educational agency receives at least the same percentage of the maximum payment under current formulas as the percentage of its land owned by the Federal Government; to the Committee on Education and Labor.

By Mr. LINCOLN DAVIS of Tennessee (for himself, Mr. SHADEGG, and Mr. SHULER):

H.R. 4497. A bill to amend title 10, United States Code, to direct the Secretary of Defense to prohibit the use of gambling devices on Department of Defense property; to the Committee on Armed Services.

By Mr. GRAVES:

H.R. 4498. A bill to amend title III of the PROTECT Act to modify the standards for the issuance of alerts through the AMBER Alert communications network to assist in facilitating the recovery of abducted newborns; to the Committee on the Judiciary.

By Mr. HERGER:

H.R. 4499. A bill to suspend temporarily the duty on certain musical instruments; to the Committee on Ways and Means.

By Mr. HERGER:

H.R. 4500. A bill to suspend temporarily the duty on certain compasses; to the Committee on Ways and Means.

By Mr. HERGER:

H.R. 4501. A bill to suspend temporarily the duty on certain Christmas tree lamps; to the Committee on Ways and Means.

By Mr. HERGER:

H.R. 4502. A bill to suspend temporarily the duty on certain Christmas tree lamps; to the Committee on Ways and Means.

By Mr. HERGER:

H.R. 4503. A bill to suspend temporarily the duty on certain ski equipment; to the Committee on Ways and Means.

By Mr. HINOJOSA (for himself, Mr. ORTIZ, Mr. RODRIGUEZ, Mr. REYES, Mr. CUELLAR, Mr. GENE GREEN of Texas, and Ms. JACKSON-LEE of Texas):

H.R. 4504. A bill to authorize the International Boundary and Water Commission to reimburse State and local governments of the States of Arizona, California, New Mexico, and Texas for expenses incurred by such a government in designing, constructing, and rehabilitating water projects under the jurisdiction of such Commission; to the Committee on Transportation and Infrastructure.

By Mr. HOLT:

H.R. 4505. A bill to suspend temporarliy the duty on NORBLOC 7966; to the Committee on Ways and Means.

By Mr. HOLT:

H.R. 4506. A bill to suspend temporarily the duty on Fungaflor 500 EC; to the Committee on Ways and Means.

By Mr. HOLT:

H.R. 4507. A bill to extend the temporary reduction of duty on palm fatty acid distillate; to the Committee on Ways and Means.

By Mr. HOLT:

H.R. 4508. A bill to suspend temporarily the duty on Compound T3028; to the Committee on Ways and Means.

By Mr. HOLT:

H.R. 4509. A bill to suspend temporarily the duty on Cetalox; to the Committee on Ways and Means.

By Mr. HOLT:

H.R. 4510. A bill to extend the temporary suspension of duty on Dimethyl malonate; to the Committee on Ways and Means.

By Mr. ISRAEL:

H.R. 4511. A bill to extend the temporary suspension of duty on certain electrical transformers; to the Committee on Ways and Means.

By Mr. ISRAEL:

H.R. 4512. A bill to extend the temporary suspension of duty on certain electrical transformers; to the Committee on Ways and Means.

By Mr. ISRAEL:

H.R. 4513. A bill to extend the temporary suspension of duty on certain 6-volt batteries; to the Committee on Ways and Means.

By Mr. ISRAEL:

H.R. 4514. A bill to extend the temporary suspension of duty on certain 12-volt batteries; to the Committee on Ways and Means.

By Mrs. MCCARTHY of New York (for herself and Mr. CHABOT):

H.R. 4515. A bill to suspend temporarily the duty on 2-Hydroxypropylmethylcellulose; to the Committee on Ways and Means.

By Mr. PERLMUTTER:

H.R. 4516. A bill to require manufacturers of consumer products to provide information on their Internet website relating to the location where products are manufactured or assembled; to the Committee on Energy and Commerce.

By Ms. PRYCE of Ohio:

H.R. 4517. A bill to suspend temporarily the duty on 4-Vinylbenzenesulfonic acid, sodium salt hydrate; to the Committee on Ways and Means.

By Ms. PRYCE of Ohio:

H.R. 4518. A bill to suspend temporarily the duty on 4-Vinylbenzenesulfonic acid, lithium salt; to the Committee on Ways and Means.

By Ms. SCHWARTZ:

H.R. 4519. A bill to suspend temporarily the duty on pure dicumyl peroxide; to the Committee on Ways and Means.

By Mr. OBEY:

H.J. Res. 69. A joint resolution making further continuing appropriations for the fiscal year 2008, and for other purposes; to the Committee on Appropriations.

By Mr. SKELTON:

H. Con. Res. 269. Concurrent resolution directing the Clerk of the House of Representatives to correct the enrollment of the bill H.R. 1585; considered and agreed to.

By Mr. CUMMINGS:

H. Res. 870. A resolution congratulating the 200th Anniversary of the University of Maryland School of Medicine; to the Committee on Education and Labor.

By Mr. GRAVES:

H. Res. 871. A resolution opposing the United States Sentencing Commissions decision to reduce crack cocaine sentences; to the Committee on the Judiciary.

By Mr. WICKER:

H. Res. 872. A resolution recognizing the ongoing work of The United States Sweet Potato Council and expressing support for designation of a "Sweet Potato Month"; to the Committee on Oversight and Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LOBIONDO:

H.R. 4520. A bill to provide for the liquidation or reliquidation of certain entries relating to high-density laminate panels entered from 1998 through 2000; to the Committee on Ways and Means.

By Mr. LOBIONDO:

H.R. 4521. A bill to provide for the liquidation or reliquidation of certain entries relating to high-density laminate panels entered from 1998 through 2004; to the Committee on Ways and Means.

By Mr. LOBIONDO:

H.R. 4522. A bill to provide for the liquidation or reliquidation of certain entries relating to high-density laminate panels entered from 1997 through 2005; to the Committee on Ways and Means.

By Mr. LOBIONDO:

H.R. 4523. A bill to provide for the liquidation or reliquidation of certain entries relating to high-density laminate panels entered from 2000 through 2005; to the Committee on Ways and Means.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. COURTNEY, Mr. YARMUTH, and Mr. COHEN.

H.R. 73: Mr. KLINE of Minnesota.

H.R. 165: Mr. KLINE of Minnesota.

H.R. 181: Ms. CORRINE BROWN of Florida, Mr. GRIJALVA, Mr. FATTAH, Mr. FARR, and Ms. WOOLSEY.

H.R. 354: Mrs. JONES of Ohio.

H.R. 368: Mr. MARCHANT, Mr. MCGOVERN, and Mr. SMITH of Washington.

H.R. 406: Mr. CHANDLER.

H.R. 448: Mr. KLINE of Minnesota.

H.R. 460: Mr. WYNN.

H.R. 471: Mr. LATHAM.

H.R. 503: Mr. BILIRAKIS.

H.R. 506: Mr. ETHERIDGE and Mr. COLE of Oklahoma.

H.R. 567: Mr. ELLISON, Mr. STARK, and Mr. SIRES.

H.R. 689: Mr. GILCHREST.

H.R. 715: Mr. MCCAUL of Texas.

H.R. 736: Mr. KLINE of Minnesota.

H.R. 760: Mr. SIRES and Ms. KAPTUR.

H.R. 887: Mr. MORAN of Virginia.

H.R. 891: Mr. GUTIERREZ and Mr. KENNEDY.

H.R. 955: Mr. KLINE of Minnesota.

H.R. 971: Mr. CARNAHAN.

H.R. 1076: Mr. GEORGE MILLER of California.

H.R. 1082: Mr. FORTUÑO.

H.R. 1110: Mr. SESSIONS, Mr. GILCHREST, Mr. HINOJOSA, Mr. DELAHUNT, Mr. BACHUS, and Mr. SMITH of Nebraska.

H.R. 1125: Mr. RAMSTAD.

H.R. 1134: Mr. RENZI and Ms. ROYBAL-ALLARD.

H.R. 1188: Ms. VELÁZQUEZ.

H.R. 1190: Mr. ALEXANDER.

H.R. 1229: Mr. MANZULLO.

H.R. 1232: Mr. GONZALEZ and Mr. MCNERNEY.

H.R. 1293: Mr. MEEK of Florida and Ms. DELAURO.

H.R. 1295: Mr. KLINE of Minnesota.

H.R. 1343: Mr. HOLT.

H.R. 1359: Mr. HENSARLING, Mr. MACK, Mrs. MUSGRAVE, and Mr. KLINE of Minnesota.

H.R. 1524: Mr. BAIRD.

H.R. 1553: Mr. HARE and Mr. HONDA.

H.R. 1590: Mr. WATT.

H.R. 1621: Mr. GRIJALVA and Mr. FALEOMAVAEGA.

H.R. 1645: Mr. PERLMUTTER.

H.R. 1673: Mr. HONDA, Mr. MCNERNEY, Mr. GORDON, Mr. MAHONEY of Florida, Ms. SUTTON, and Mr. RYAN of Wisconsin.

H.R. 1726: Mr. TIERNEY.

H.R. 1747: Mr. MCDERMOTT, Mrs. MALONEY of New York, and Mr. SERRANO.

H.R. 1779: Ms. MOORE of Wisconsin.

H.R. 1843: Mr. COLE of Oklahoma, Ms. KILPATRICK, Mr. ANDREWS, and Mrs. MCMORRIS RODGERS.

H.R. 1953: Mr. KUCINICH.

H.R. 2032: Mr. KUCINICH.

H.R. 2045: Mr. COSTA.

H.R. 2049: Mr. HONDA.

H.R. 2087: Mr. DEFAZIO.

H.R. 2302: Mr. KLINE of Minnesota.

H.R. 2329: Mr. KLINE of Minnesota, Mr. CALVERT, and Mr. SESTAK.

H.R. 2370: Mr. MCNERNEY.

H.R. 2470: Mr. JOHNSON of Illinois, Ms. LEE, Mr. COHEN, Mr. HINCHEY, Mr. LANTOS, Ms. WATERS, Mr. VISCLOSKY, Mr. CAPUANO, Mr. STUPAK, Mr. SKELTON, Mr. SERRANO, Mr. TOWNS, Ms. KAPTUR, Mr. LANGEVIN, Mr. CLYBURN, Mr. LARSEN of Washington, and Ms. BALDWIN.

H.R. 2477: Mr. CARNAHAN.

H.R. 2485: Ms. KILPATRICK.

H.R. 2520: Mr. HOLT.

H.R. 2550: Mr. WILSON of South Carolina, Mr. ANDREWS, Mr. COBLE, Mr. HENSARLING, Mr. YOUNG of Florida, and Mr. DAVIS of Kentucky.

H.R. 2564: Mr. KLINE of Minnesota and Mr. JONES of North Carolina.

H.R. 2583: Mr. BRALEY of Iowa.

H.R. 2796: Mr. KLINE of Minnesota.

H.R. 2857: Mr. KLEIN of Florida.

H.R. 2896: Mr. CAPUANO.

H.R. 2898: Mr. WAMP.

H.R. 2914: Mr. WEXLER.

H.R. 2942: Mr. WYNN.

H.R. 3014: Mr. MARKEY, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, and Ms. SUTTON.

H.R. 3028: Mr. CHABOT.

H.R. 3029: Mr. DEFAZIO.

H.R. 3053: Mr. KLINE of Minnesota.

H.R. 3058: Mr. RADANOVICH and Mr. DAVIS of Alabama.

H.R. 3090: Mr. MELANCON.

H.R. 3098: Mr. BERRY and Mrs. SCHMIDT.

H.R. 3182: Mr. FLAKE.

H.R. 3227: Mr. BAIRD.

H.R. 3232: Mr. OBERSTAR, Mr. HONDA, and Mr. ALTMIRE.

H.R. 3253: Mr. MORAN of Virginia.

H.R. 3298: Mr. YOUNG of Alaska and Mr. DEFAZIO.

H.R. 3326: Mr. ABERCROMBIE.

H.R. 3334: Mr. KUHL of New York.

H.R. 3337: Ms. WOOLSEY.

H.R. 3357: Mr. SIRES.

H.R. 3360: Ms. MCCOLLUM of Minnesota.

H.R. 3368: Ms. SLAUGHTER and Mr. HALL of Texas.

H.R. 3380: Mr. KAGEN.

H.R. 3391: Mr. RUSH.

H.R. 3434: Mr. BROWN of South Carolina, Mr. SMITH of New Jersey, and Mr. PICKERING.

H.R. 3452: Mr. MEEK of Florida.

H.R. 3453: Mr. ALLEN, Mr. BILBRAY, Ms. CLARKE, Mr. ISRAEL, Mr. MEEKS of New York, Mr. ROTHMAN, Ms. HERSETH SANDLIN, and Mr. TOWNS.

H.R. 3458: Mrs. EMERSON, Ms. BORDALLO, and Mr. WYNN.

H.R. 3531: Mr. CALVERT.

H.R. 3533: Mr. CONAWAY, Mr. MCCARTHY of California, Mr. GUTIERREZ, and Mr. BLUMENAUER.

H.R. 3537: Mr. MCCAUL of Texas.

H.R. 3563: Mr. MCCAUL of Texas.

H.R. 3609: Mr. CONYERS, Mr. CHABOT, Mr. SHERMAN, Ms. WATERS, and Mr. DOGGETT.

H.R. 3622: Mr. GONZALEZ, Mr. HIGGINS, and Mr. BUTTERFIELD.

H.R. 3637: Ms. HOOLEY and Mr. GORDON.

H.R. 3646: Mr. SMITH of New Jersey, Ms. BERKLEY, and Mr. WALBERG.

H.R. 3650: Mr. MARIO DIAZ-BALART of Florida and Mr. ROHRABACHER.

H.R. 3674: Mr. OLVER.

H.R. 3691: Mr. CRAMER.

H.R. 3698: Mr. KIRK.

H.R. 3700: Mr. MARSHALL, Mr. BLUNT, and Mr. MORAN of Virginia.

H.R. 3750: Ms. BALDWIN.

H.R. 3793: Mr. BILBRAY, Mr. BLUMENAUER, Mr. YOUNG of Alaska, Mr. MCCAUL of Texas, Mrs. MCMORRIS RODGERS, Mr. MICA, Mr. WHITFIELD, Mr. BROUN of Georgia, Mr. WALBERG, and Mr. BUCHANAN.

H.R. 3818: Mr. BOOZMAN.

H.R. 3828: Mr. SCHIFF, Mr. GONZALEZ, Mr. ENGLISH of Pennsylvania, Ms. LINDA T. SÁNCHEZ of California, Mr. CAPUANO, Mr. TERRY, Mr. AL GREEN of Texas, Ms. DELAURO, Mr. MCDERMOTT, and Mr. ABERCROMBIE.

H.R. 3865: Ms. SUTTON.

H.R. 3870: Mr. SIRES.

H.R. 3882: Mr. LINDER, Mr. ENGEL, and Mr. WOLF.

H.R. 3932: Mr. FRANK of Massachusetts.

H.R. 3934: Mr. BERMAN, Mr. BLUNT, and Mr. SIRES.

H.R. 3979: Mr. EHLERS and Mr. PAUL.

H.R. 3980: Mr. FATTAH.

H.R. 3987: Mr. MCNERNEY.

H.R. 3995: Mr. WALBERG.

H.R. 4001: Mrs. MCCARTHY of New York, Mr. JINDAL, Mr. SESTAK, Mr. SMITH of New Jersey, Mr. PORTER, Mr. JEFFERSON, Mr. KENNEDY, and Mrs. CHRISTENSEN.

H.R. 4007: Mr. MCDERMOTT and Mr. BRALEY of Iowa.

H.R. 4008: Mr. LIPINSKI.

H.R. 4040: Mr. SIRES, Mr. JOHNSON of Georgia, Mr. LAMPSON, Ms. HOOLEY, Mr. MAHONEY of Florida, Mr. REICHERT, Mr. ENGEL, Mr. POMEROY, Mr. MORAN of Virginia, Mr. MELANCON, and Mr. WELCH of Vermont.

H.R. 4041: Mr. BACHUS.

H.R. 4054: Mrs. GILLIBRAND and Mr. COSTA.

H.R. 4063: Ms. LEE and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 4073: Mr. MCCAUL of Texas.

H.R. 4087: Mr. KING of New York, Mr. MCINTYRE, and Mr. BONNER.

H.R. 4088: Mr. TERRY, Mr. THORNBERRY, and Mr. ISSA.

H.R. 4091: Mr. MORAN of Virginia.

H.R. 4093: Mr. GEORGE MILLER of California, Ms. SCHAKOWSKY, Mr. HINCHEY, and Mr. KIND.

H.R. 4172: Ms. DEGETTE and Mr. BAIRD.

H.R. 4185: Mr. HUNTER.

H.R. 4188: Mr. STARK and Mr. MORAN of Virginia.

H.R. 4193: Mr. BARRETT of South Carolina and Mr. FORBES.

H.R. 4196: Mr. COHEN.

H.R. 4206: Mr. CARNAHAN.

H.R. 4208: Mr. BLUMENAUER.

H.R. 4214: Mr. BOUCHER.

H.R. 4220: Mr. TERRY, Mr. ISRAEL, and Mr. LANTOS.

H.R. 4248: Mr. BOUCHER, Mr. WAMP, and Mr. REHBERG.

H.R. 4286: Mr. HONDA.

H.R. 4318: Mr. LEWIS of Georgia.

H.R. 4332: Mr. AL GREEN of Texas, Mrs. BIGGERT, Ms. WATERS, and Mr. GEORGE MILLER of California.

H.R. 4335: Ms. SCHAKOWSKY, Mr. HARE, Ms. KAPTUR, and Mr. REYES.

H.R. 4344: Mr. HOEKSTRA and Mr. SOUDER.

H.R. 4367: Mr. CLYBURN.

H.J. Res. 15: Mr. HOLDEN.

H.J. Res. 54: Mr. COSTA and Mr. STEARNS.

H.J. Res. 59: Mr. HODES, Mr. MICHAUD, Mr. ALLEN, Mr. SHAYS, Mr. COURTNEY, Mr. LARSON of Connecticut, Mr. KENNEDY, Ms. SHEA-PORTER, Ms. DELAURO, Mr. LANGEVIN, Mr. CAPUANO, Mr. OLVER, Mr. MARKEY, Mr. TIERNEY, Mr. DELAHUNT, Mr. MCGOVERN, Mr. LYNCH, and Mr. NEAL of Massachusetts.

H.J. Res. 68: Ms. LINDA T. SÁNCHEZ of California.

H. Con. Res. 2: Mr. DAVIS of Illinois and Mr. SERRANO.

H. Con. Res. 32: Mr. MICA, Mr. ROHRABACHER, Mrs. DRAKE, Mr. SAXTON, Mr. COHEN, Mr. GINGREY, Mr. MARSHALL, Mr. MCHUGH, Mr. DAVIS of Kentucky, Mr. WILSON of South Carolina, Mr. DAVIS of Kentucky, Mr. WILSON of South Carolina, Mr. MCGOVERN, Mr. KIRK, Mr. LAMPSON, Mr. TURNER, Mr. COBLE, Mr. HAYES, Mr. FORBES, Mr. TIAHRT, Mr. MCCAUL of Texas, and Mr. PATRICK MURPHY of Pennsylvania.

H. Con. Res. 137: Mr. MARCHANT.

H. Con. Res. 163: Mr. RAMSTAD and Mr. SESTAK.

H. Con. Res. 242: Mr. RUSH.

H. Con. Res. 244: Mrs. BOYDA of Kansas, Mr. HARE, Mr. SULLIVAN, and Mr. KAGEN.

H. Con. Res. 247: Mr. HINOJOSA, Mr. GRIJALVA, and Mr. ENGEL.

H. Con. Res. 250: Mr. JEFFERSON and Mr. MCNULTY.

H. Con. Res. 265: Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. SOLIS.

H. Con. Res. 267: Mr. WEINER, Mr. LINCOLN DAVIS of Tennessee, Mr. COSTA, Mr. MARCHANT, Mr. RYAN of Ohio, Mr. EMANUEL, Mr. FATTAH, Mr. DONNELLY, and Mr. STEARNS.

H. Res. 356: Mr. FORTUÑO.

H. Res. 537: Mr. ALTMIRE, Mr. BROWN of South Carolina, Mr. ETHERIDGE, Mrs. BIGGERT, and Mr. BURGESS.

H. Res. 543: Ms. WATERS.

H. Res. 620: Mr. KUCINICH and Mr. ISRAEL.

H. Res. 671: Mr. MCCAUL of Texas.

H. Res. 805: Mr. WILSON of South Carolina and Mr. TERRY.

H. Res. 815: Mr. HOLDEN, Mr. KIND, Mr. ORTIZ, Ms. SUTTON, Mr. REICHERT, Mr. LANTOS, and Mr. TIERNEY.

H. Res. 816: Mr. MILLER of North Carolina, Mr. ROSS, Mr. CONAWAY, Mr. YOUNG of Alaska, Mr. RAHALL, Mr. MOORE of Kansas, Mr. ALLEN, Mr. MCNERNEY, Mr. KIND, Mr. HIGGINS, Mr. MCDERMOTT, Mr. WU, Mr. KILDEE, Mr. GONZALEZ, Mr. GEORGE MILLER of California, Mrs. CUBIN, Mr. COOPER, Ms. HOOLEY, Mr. MARKEY, Ms. SOLIS, and Ms. BORDALLO.

H. Res. 821: Mr. ADERHOLT, Mr. GONZALEZ, and Mr. WILSON of South Carolina.

H. Res. 834: Ms. HIRONO and Mrs. GILLIBRAND.

H. Res. 838: Mr. LINCOLN DIAZ-BALART of Florida, Ms. ESHOO, Mr. GENE GREEN of Texas, Mr. MCNULTY, Mr. WICKER, and Mr. COHEN.

H. Res. 841: Ms. WOOLSEY, Mr. SCHIFF, and Ms. WATERS.

H. Res. 843: Mr. YOUNG of Florida, Ms. GRANGER, and Mr. TERRY.

H. Res. 852: Mr. MCCAUL of Texas and Mr. ELLISON.

H. Res. 863: Mr. YOUNG of Alaska, Mr. PORTER, Mr. GINGREY, Mr. BOUSTANY, Mr. ROSKAM, Mr. BURTON of Indiana, and Mrs. MCMORRIS RODGERS.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. OBEY

H.J. Res. 69, making further continuing appropriations for the fiscal year, 2008, and for other purposes, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

PETITIONS, ETC.

Under clause 3 of rule XII,

202. The SPEAKER presented a petition of House of Representatives of the Republic of the Philippines, relative to House Resolution No. 12 expressing indignation and condemning the American tv series "Desperate Housewives" and demanding an apology from the producer; which was referred to the Committee on Energy and Commerce.

EXTENSIONS OF REMARKS

INTRODUCTION OF BISHOP EARL J. WRIGHT, SR., GUEST CHAPLAIN FOR THE DAY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Mr. CONYERS. Madam Speaker it is with great pleasure that I introduce Bishop Earl J. Wright, Sr., as the Guest Chaplain for the day. Bishop Wright is a member of the general board, the governing body of the Church of God in Christ, which he helped to create. He also serves as the jurisdictional bishop of the Second Ecclesiastical Jurisdiction of Southwest Michigan—Church of God in Christ, a district comprised of 19 churches. In addition, he is the pastor of Greater Miller Memorial Church of God in Christ located in Warren, MI, and also the pastor of Davis Memorial Church of God in Christ located in Grand Rapids. Bishop Wright also is a founding and supporting pastor of Miller Memorial Church of God in Christ #2 in Haiti.

Other accolades for Bishop Wright include being appointed the prayer leader for the Detroit National Day of Prayer in 1992. He was acknowledged for his ministries, church and community leadership roles in the international publication Upscale Magazine as 1 of 50 Most Influential Leaders in the United States in the same year. In 1996, the Christian Women Concerned Organization of Detroit selected Bishop Wright as the "COGIC Pastor of the Year."

Bishop Wright is married to the lovely and gracious Dr. (Evangelist) Robin L. Wright, supervisor of Japan Jurisdiction—C.O.G.I.C. In addition to being an evangelist, she is also a writer, and a great administrative help to the local churches in Detroit and Southwest Michigan. Together they have five children: Earl, Jr., wife—Elaine; Michael, wife—Robin; Marvalyn; Ben; and Jonathan. He truly acknowledges his family as his first ministry.

The Church of God in Christ is a Church of the Lord Jesus Christ in which the word of God is preached, ordinances are administered and the doctrine of sanctification or holiness is emphasized, as being essential to the salvation of mankind. Elder Charles Harrison Mason is the founder and organizer of the Church of God in Christ, and under Bishop Mason's spiritual and apostolic direction, the Church of God in Christ, the church has grown from 10 congregations in 1907, to the largest Pentecostal group in America.

This year the Church of God in Christ celebrated its 100th Annual Holy Convocation; its theme was Celebrating a Glorious Past: Embracing a Promising Future, and it was attended by over 70,000 delegates. In remarking about the convocation, COGIC's Presiding Bishop Charles E. Blake, Sr., said, "In the last century the Church of God in Christ rose from a motley group of sanctified proselytes to a highly respected denomination with more than 6 million members in 64 countries. The Lord has used the Church of God in Christ to accomplish great things in worship, proclamation, urban renewal, and gospel music." The Church is also very active in promoting a social justice agenda that reverses the circumstances of black men, families, and urban communities as well as providing comprehensive programs for youth and young adults.

Bishop Wright has shown himself as a true disciple of Christ, relying heavily on his favorite scripture, Romans 4:21, "And being fully persuaded that, what he had promised, he was able also to perform." He exemplifies service to his fellow man, allowing his words to always bring grace to the hearer. He constantly speaks words of hope, spreading the good news to all. He practices evangelism that reflects Christ-like compassion to reach the world with the Gospel. Bishop Earl E. Wright, Sr., is a wonderful man of God and I am happy to know him and to welcome him to the floor of the House of Representatives today as Guest Chaplain.

HONORING RETIRING BUFFALO COMMON COUNCIL MAJORITY LEADER DOMINIC BONIFACIO

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Mr. HIGGINS. Madam Speaker, I rise today to honor perhaps the proudest member of the Buffalo Common Council, a great civic leader and conscience of the Common Council—its retiring majority leader, Dominic Bonifacio.

As a former member of the Buffalo Common Council myself—and as the son of another former member—I have a warm place in my heart for its membership. Few people in my memory have demonstrated more on an appreciation for the office he holds—and the responsibility that office confers—than Nick Bonifacio.

Nick's service as a member of the Common Council and as its majority leader has seen more than its share of successes. Owing in great measure to his successful stewardship of the Council's Finance Committee, the city is in stronger financial shape than it was when Nick first took office. Also poised for greater things is the Niagara District that Nick served so ably—as a part of the city probably best prepared for a renaissance in the months and years to come.

Nick Bonifacio is among the most effective and committed Common Councilmembers I have known during my career in public service. I am proud, Madam Speaker, that you have afforded me this opportunity to honor Nick's service, and I know that you join me in wishing the best of luck and Godspeed to Nick in all of his future endeavors.

HONORING MARTY GRIFFIN

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Ms. WOOLSEY. Madam Speaker, it is with great pleasure that I rise today to honor Dr. Lloyd Martin Griffin for his outstanding contributions to Sixth Congressional District, the State of California and the Nation. Dr. "Marty" Griffin is a physician who realizes that a healthy individual depends on a healthy environment. Since the fifties Marty has been involved in successful preservation efforts in Marin and Sonoma Counties, founded several environmental groups, and fought numerous battles to protect the environment.

Born in a cabin on the banks of the Ogden River in Utah, Marty recalls "being intoxicated by the cool desert canyon smell of trout, willow and sage, while my father's mandolin and the murmuring river waters put me to sleep." Then, not long after moving to Oakland and becoming a Boy Scout, he met Brighton "Bugs" Cain. Learning from Bugs and his father, Loyal, Marty became enamored with nature and medicine. After working his way through college to earn a M.D. at Stanford University in 1946, he set up practice in Marin County. Over the next decade became one of the county's top physicians and was instrumental in founding several clinics, hospitals, and retirement homes.

In 1958, Marty joined three legendary patrician activists, Elizabeth Terwillinger, Caroline Livermore and Rose Barrell, and Dr. David Steinhart and members of the Marin Conservation League and Martin Audubon to save Richardson Bay from fill and development. The bay was saved through a strategic purchase of 900 watery acres, which was leased to the National Audubon Society and became the Richardson Bay Wildlife Sanctuary.

In 1958 Marty discovered plans for transforming rural Highway 1 into a coast hugging freeway from Golden Gate Bridge to Sonoma, destroying wildlife habitat and threatening the rich agricultural lands of West Marin. The freeway would lead to a marina in Bolinas Lagoon and several new coastal communities. In response, in 1961, he teamed up with another Audubon leader Stan Prichard and created the Audubon Canyon Ranch and several projects to raise money, buy land and block the proposed freeway and preserve the gateway to the then proposed Point Reyes National Seashore. From this came the Bolinas Lagoon, Bouveri, and Tomales Bay Preserves. In 1973 Marty lent his skills to a successful effort to overturn a development-oriented Marin General Plan and replace it with one that preserved the open spaces of west Marin.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

In 1961, Marty purchased a 240-acre ranch on the banks of the Russian River in Sonoma County. With his usual energy he planted grapevines, turned an old hop drying barn into a winery and eventually hauled onto the property a 100-year-old farm house, which he had exquisitely restored. In the mid-seventies he produced his first wines, including award winning Petite Syrah, Johannesburg Riesling, and Zinfandels.

Hop Kiln Winery became a Sonoma County landmark, and Marty soon became a Sonoma County force to be reckoned with. He saw that local gravel mining operations were destroying the banks and bed of the Russian River, filling its aquifer, lowering water tables, blocking off tributary mouths, and endangering salmon migration. Marty then began a long struggle against river gravel mining that goes on today.

Also in the Sixties, Marty became the public health director at Sonoma State Hospital and Developmental Center, where with his usual tenaciousness and energy, he rooted out corruption, and founded a model program to fight hepatitis. In 1999, Marty was honored with a Public Health Hero Award from the University of California, Berkeley.

Today Marty Griffin lives with his wife, Joyce, in Belvedere in Marin County not far from where his environmental battles began. In his eighties, he remains active and abreast of environmental issues. His work goes on through several organizations he founded including the Marin County Environmental Forum, the Sonoma County Environmental Forum, and Russian Riverkeeper (founded as Friends of the Russian River). His book, "Saving the Marin and Sonoma Coast: the Battles for Audubon Canyon Ranch, Point Reyes and California's Russian River" is an engaging story of the ongoing battles and larger than life personalities involved in preserving nature's treasures on the edge of the Bay Area's teaming cities.

Madam Speaker, it is a book as well worth reading as Dr. Griffin's life is well worth emulating.

IN MEMORY OF JOHN DENVER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Mr. KUCINICH. Madam Speaker, the year 2007 marks the 10th anniversary of singer, musician, actor, composer, humanitarian and global citizen John Denver's passing from this planet that he worked so lovingly to protect.

A man who reached out consistently to help those in need; the planet, its creatures, its waters, its wildernesses and its people, John ceaselessly gave of himself in an effort to lift all life to its finest and highest potential.

While his awards, recognitions and achievements are many, it may be more appropriate to remember him as a unique human being who was able to touch the hearts and souls of people all over the planet. The over 300 songs that he recorded during his lifetime expressed the longings of the human family for compassion, unity and peace. His vision for all life can be best expressed in the lines from one of his songs:

"We are standing all together, face to face and arm in arm; we are standing on the threshold of a dream. No more hunger, no more killing, no more wasting life away; it is simply an idea, and I know its time has come."

TWO MEDICAL BREAKTHROUGHS FROM UTMB

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Mr. PAUL. Madam Speaker, researchers at the University of Texas Medical Branch (UTMB) have been responsible for two significant medical breakthroughs that have the potential to dramatically improve American health care.

Earlier this year, Dr. Lisa Elferink, an associate professor at UTMB's Cancer Center, led a national research team that discovered how use of the bacterial pathogen, Listeria monocytogenes could help medical researchers and practitioners understand the mechanisms by which cancer cells develop. This discovery is a major step in developing successful treatments for a variety of cancers.

Another team of UTMB researchers, lead by Dr. Angela Shepherd, have helped American men at risk of osteoporosis by developing the Male Osteoporosis Risk Estimation Score (MORES). While osteoporosis screening is common for women, many men who are at risk for this bone disease are not regularly checked. MORES provides a quick and easy way to identify men who may need further screening and possibly treatment for osteoporosis.

The development of MORES and the new use of Listeria monocytogenes are just two of the advances in medical research to come out of UTMB. UTMB is one of America's leading centers of medical research, as well as a source of quality health care for the people of the Gulf Coast of Texas. Madam Speaker, it gives me great pleasure to extend my congratulations to the researchers involved in these recent breakthroughs and to everyone associated with UTMB for their tireless work to improve health care.

HONORING RETIRING ERIE COUNTY LEGISLATOR DR. BARRY WEINSTEIN

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Mr. HIGGINS. Madam Speaker, I rise today to honor the long service of Dr. Barry A. Weinstein, a dedicated public official representing the town of Amherst as a member of the Erie County Legislature whose service to that body—but not to our community—will conclude on December 31, 2007.

Dr. Weinstein was elected to the Legislature in November of 2007, and his impact upon the Legislature was nearly immediate. A former member and President of the Williamsville Central School Board, Dr. Weinstein's experience at that level benefited him in that he would look beyond political partisanship and toward the betterment of our community.

Since his initial election, Dr. Weinstein served in a number of leadership roles in the Legislature, including multiple terms of service as Majority Leader and as Minority Leader. Dr. Weinstein's commitment to his constituents and to the thoughtful and respectful conduct of the people's business was vast indeed.

That commitment, however, will not end with the conclusion of his term as a county legislator. Dr. Weinstein's election last month to a four-year term as a member of the Amherst Town Board will open yet another new chapter in his public life. As a former local elected official myself, I can attest to the challenges that these positions pose. I thank you, Madam Speaker, for allowing me this opportunity to honor Dr. Weinstein's past service and ask you and the rest of our colleagues to join me in wishing Dr. Weinstein the very best of health and success in the years to come.

HONORING ALEXANDER MALLONEE

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Ms. WOOLSEY. Madam Speaker, I rise with great pleasure to honor a labor leader in my district who has done so much to protect people's rights. Alexander Mallonee is retiring after 30 years with the United States Postal Service, including more than 25 years with the National Association of Letter Carriers, NALC, and almost 10 years with the North Bay Labor Council. Since he first joined the union, Alex has demonstrated a calm, caring and respectful approach to addressing the issues facing members of the National Association of Letter Carriers and of the labor council.

Alex didn't set out to be a labor leader. In fact, he was attending San Francisco State University for a master's degree in English when his life changed. As his wife, Kathy Farrelly, remembers it, he was studying in the library in the fall of 1969 when there seemed to be some sort of commotion outside. People raced out of the building, so Alex went to the terrace to take a look. What he saw was the school quad filled with police toting bullhorns and billy sticks to break up a student demonstration.

A command squad rushed up the stairs, Kathy continues, stating simply, "He got hit over the head with a baton."

There he was, an innocent bystander, unconscious, his head bleeding onto the cement, and a cop looming over him with a club in his raised hand. It was a perfect picture of the times, and a photographer who happened to be there snapped it for the cover of Rolling Stone and for Newsweek magazine.

"I think that's what launched him into social advocacy," Kathy says. "It was a colossal injustice."

From that decision evolved a life devoted to advocating for free speech and human rights.

Alex gave up the idea of teaching Victorian literature and instead, because he needed to make a living, became a letter carrier. "He quickly joined the union and became active," Kathy notes. And from that decision came his involvement in labor issues. Soon thereafter, in 1980, he became president of the local branch. He has been re-elected every two years since.

As always, Kathy says, his motivating force has been a search for justice.

"There are so many crises we have handled," explains Jerry Andersen, vice president of Branch 183 of the NALC. "He just doesn't lose his cool."

At the same time, Alex works to protect people's rights, he takes time to teach people, Andersen adds. "A lot of management in the postal service have learned from him."

Alex is one of those people who makes a difference quietly. He doesn't seek glory for himself, but gets satisfaction from doing a good job. In fact, he becomes embarrassed by pomp and circumstance, Andersen notes. Fortunately for Alex, he doesn't need ceremonies to recognize his authority. He has the respect of those he works with and those who work for him.

Kathy, who is retiring as well from her long career as counsel to Sonoma County, says she doubts either one of them will sit back and watch the world go by. Alex will keep on with the letter carriers union for a while, she expects, and with his efforts to make labor unions more a part of an overall progressive movement that includes the environment and affordable housing.

And of course, as an avid cyclist, he will spend more time enjoying the stunning bike trails of northern California.

But the impact of his life protecting workers' rights will live on in Sonoma County. So, too, will the philosophy he and his wife share and live—that no one can afford to ignore justice that goes awry.

Madam Speaker, Alex Mallonee's advocacy for just causes has meant a lot to me over the years. Because of this and especially because of his life and legacy to the people of Sonoma County, I am proud to honor him on his retirement.

PAYING TRIBUTE TO A GREAT AMERICAN, DAZIVEDO WATSON

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Mr. RANGEL. Madam Speaker, I rise today in celebration of the 80 years Dazivedo Watson graced us with his winning charm, political acumen, pioneering spirit, and love. His contributions to the African and Caribbean American community are bountiful; his contributions to his country: limitless. He remains, foremost in my mind, a humble public servant, a dedicated family man, and my good, good buddy. It is in this regard that I introduce the following laudatory letter, which best captures the litany of honors to his name and the essence of his brilliant character.

NOVEMBER 2, 2007.

Mr. ERROL WATSON,
c/o Crown of Life Love Ministry, 222 West 145th Street, New York, NY.

DEAR ERROL AND FAMILY MEMBERS: I was deeply heartbroken to learn of the passing of your dear father, grandfather, uncle and my buddy, Dazivedo Watson. Just a few months ago, we celebrated Dazivedo's 80th Birthday, and now we are saying good-bye to a great friend, devoted family man, ally, and one of Harlem's most distinguished political strategist, novice, and loyal Democrat. Daz, as he was known to all of us, was on the forefront of every political battle, whether as a supporter or adversary, he dedicated his life to winning, and never losing. In every campaign, Daz gave his all.

Dazivedo will be remembered, not only as an institution, but also as Harlem's gift to the political process. As a political advisor, confidante, and staffer to the late great Harlem Councilman, Frederick E. Samuel, Daz helped to influence African and Caribbean Americans to empower themselves, their neighborhood, and their community. That empowerment led to the election of the first African American Mayor, David N. Dinkins, the first African American State Comptroller, H. Carl McCall, the first African American Lieutenant Governor, David A. Paterson, and the first African American Chairman of the powerful House Committee on Ways and Means, Charles B. Rangel. We are all in his debt.

Let me also extend my sympathies to the Frederick E. Samuel Community Democratic Club family, and its illustrious leadership, the Honorable C. Virginia Fields, the Honorable Keith L.T. Wright and the Honorable Wilma Brown. Let our work on behalf of the community reflect the legacy of our beloved Dazivedo Watson.

Your family and our community have endured a great loss with the passing of Dazivedo. My political family, and my office and I will support you during this time of mourning and grieving. Let us celebrate his life and keep his memory forever in our thoughts and prayers.

Sincerely,

CHARLES B. RANGEL,
Chairman, Committee on Ways and Means.

TRIBUTE TO DR. RUSSELL ARTHUR MATTHES

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Mr. PAUL. Madam Speaker, the residents of Bay City, Texas lost a true friend when Dr. Russell Arthur Matthes passed away on November 27. A native of Bay City, Russell Matthes volunteered for the Naval Air Corps in 1942. Dr. Matthes served as a turret gunner on a flying gunship, participating in the Saipan, Tinian, Okinawa, and Philippines campaigns. These where among the most decisive battles in the closing chapters of World War II.

When Japan surrendered, Dr. Matthes's squadron was transferred to the USS *Cumberland Sound* and sent to Japan. His plane's crew flew across Japan, taking aerial photographs for intelligence purposes and also looking for prison camps. A camp at Kobe was found and the crew dropped all the canned food from the plane's galley.

Following the war, Russell Matthes completed his education at Baylor University and Baylor Dental School, where he trained as an orthodontist. He then returned to Bay City to practice orthodontics. Dr. Matthes and his wife, Juniata LeTulle Matthes, raised two daughters and a son.

In addition to serving the people of his community with his medical practice, Dr. Matthes was active in numerous civic and community groups. In order to maintain his links with his fellow veterans, Dr. Matthes was a lifetime member of Veterans of Foreign Wars Post 2438. He was also a member of the Masonic Lodge, the Eastern Star Jesters, the Shiners, and the Medical Benevolence Foundation.

Dr. Matthes was particularly interested in helping the youth of his community. Thus, in addition to all his other civic activities and his full-time medical practice, Dr. Matthes was very active with the Boy Scouts. Through his activities with the scouts, as well as his other civic work, he helped improve the lives of thousands of young Texans.

Residents of Bay City were not the only ones who benefited from Dr. Matthes commitment to service. As a member of the Episcopal Church, Dr. Matthes preformed church missionary work in around the world.

Madam Speaker, Dr. Matthes devotion to his community and his fellow human beings set an example we all should follow. I extend my deepest condolences to Dr. Matthes' family and friends.

HONORING RETIRING ERIE COUNTY LEGISLATOR CYNTHIA LOCKLEAR

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Mr. HIGGINS. Madam Speaker, I rise today to honor the service of a dedicated public official representing the towns of Cheektowaga and West Seneca as a member of the Erie County Legislature. I rise to honor Cynthia Locklear, whose service as a member of that legislative body, will conclude on December 31, 2007.

In her one term as a county legislator, Cindy Locklear was a proponent of good government and a steadfast protector of local taxpayers. An attorney who exemplified the role of "citizen-legislator" in her time in public office, Cindy earned a reputation as a fighter for government reform.

While Cindy's service as a county legislator was brief, her impact upon county government as a whole and upon the legislature in particular has been considerable. County residents are better for her service, Madam Speaker, and I am grateful to you for allowing me an opportunity to honor her service to our community.

HONORING THE 80TH BIRTHDAY OF PHYLLIS FABER

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Ms. WOOLSEY. Madam Speaker, I rise with great pleasure to honor a visionary, writer, scholar, and advocate for the environment on the occasion of her 80th birthday. Phyllis Faber's lifetime work to protect agricultural land has not only preserved the beauty of Marin County, but provided an inspiration to other communities to do the same.

More than 35 years ago, in the late 1970s, development plans threatened the beautiful countryside and historic agricultural nature of West Marin. Two women, Phyllis and dairy farmer Ellen Straus, were particularly concerned about preserving the county's farming. While out walking one day, they explored the question of how to protect the land so farmers and ranchers could afford to maintain their operations. The two women reasoned that if development potential were eliminated, the land could more easily retain its agricultural designation. In 1980, Phyllis and Ellen, with support from local officials and the Trust for Public Land, founded the Marin Agricultural Land Trust, MALT, the first land trust in the United States to focus solely on the preservation of farmland.

Since then, MALT has protected nearly 40,000 acres of land on 59 family farms and ranches. It has also served as a model for communities across the country, illustrating how to permanently protect agricultural land through the purchase of agricultural conservation easements.

Over the past 27 years, MALT's conservation easement program has protected about one-third of the agricultural farmland in West Marin, but Phyllis's wish is that in her lifetime MALT will have protected at least one-half of the available agricultural farmland and working farms—and not only protect them from development but ensure their continued operations.

"We are blessed that ranchers and farmers in this area want to stay in agriculture," she says. "Without their commitment to farming, our landscape in West Marin would be quite different."

Phyllis's passion for preserving farm and ranch land is matched by her passion for wildflowers. A teacher, editor, and writer as well as an environmentalist, Phyllis has edited Fremontia, the Journal of the California Native Plant Society, and has written eight books about wildflowers.

These have not been Phyllis's only accomplishments, however. She also helped found Marin Discoveries and the Environmental Forum of Marin. For the past 3 years, she has chaired the board of the Buck Institute for Age Research, and of course she continues to serve on the board of MALT.

But for those who live in West Marin, those who visit there, and those who enjoy the delicious products that come from there, Phyllis will always be remembered for her commitment to the preservation of agriculture—not just for this generation, but for those to come.

Madam Speaker, Phyllis Faber's advocacy for the agricultural nature of Marin County has left an enduring legacy on the history as well as the landscape of the county and of communities throughout the Nation. Because of this and because of her continued commitment to agriculture and the environment, I am proud to honor her on her 80th birthday.

HONORING THE HUNTS POINT MULTI SERVICE CENTER

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Mr. SERRANO. Madam Speaker, I rise today to honor the Hunts Point Multi Service Center as it celebrates its 40th anniversary of extraordinary work improving the quality of life in our South Bronx community.

The Hunts Point Multi Service Center, HPMSC, was founded in 1967 by local leaders and South Bronx community members to address the scarcity of quality healthcare facilities in the area. With an initial $50,000 grant, a free health clinic was established to service the Hunts Point and Mott Haven sections of the South Bronx. This clinic quickly expanded its operations when the war on poverty was declared by the Johnson administration, and became what is today known as HPSMC.

For the past four decades, HPMSC has provided services in direct response to the changing needs of the residents of the South Bronx community. This organization has also remained faithful to its commendable mission: the empowerment of the individual and the community. Its many programs are reflective of the organization's commitment to holistic community-oriented human services. Although HPMSC's primary focus has been on providing health and social services, this organization has also become a prominent advocate on behalf of constituents from my district, playing an important role in the development and revitalization of the South Bronx.

During its long years of service, this organization has been acclaimed by the Federal Government and the South Bronx community. Today, HPMSC has expanded its services to the Soundview section of the Bronx and provides services addressing HIV/AIDS, hepatitis C, and the Women, Infants and Children, WIC, Federal program.

Madam Speaker, the Hunts Point Multi Service Center is an effective and storied institution in my community, which has produced many great leaders for our borough and city. Its commitment and dedication to social justice in the South Bronx is commendable. I ask my colleagues to join me in paying tribute to the Hunts Point Multi Service Center on the occasion of its 40th anniversary.

HONORING RETIRING LACKAWANNA CITY COUNCIL PRESIDENT RONALD SPADONE

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Mr. HIGGINS. Madam Speaker, I rise today to honor the service of a dedicated public official representing the great city of Lackawanna, NY. I rise to honor the service of retiring Council President Ron Spadone.

Ron Spadone is among Lackawanna's proudest citizens, and is among her best-known and best-liked. A former Ward 4 councilman, Ron ran citywide for the post of council president 4 years ago and was supported broadly throughout the city.

Ron's commitment to Lackawanna has been inspiring, but closest to Ron's heart is his family. Although Ron recently lost his son Ron—my friend and a longtime employee at the Erie County Board of Elections—Ron's retirement from active public service will afford him more free time to enjoy his family and his own recreational pursuits.

Madam Speaker, thank you for affording me this opportunity to recognize the contributions of Ron Spadone to his hometown, the great city of Lackawanna, NY. I know you and all of our colleagues join me in extending a heartfelt thanks to Ron for his service, and Godspeed in all of his future endeavors.

RECOGNIZING NORTH EDGECOMBE HIGH SCHOOL—ONE OF THE BEST SCHOOLS IN AMERICA

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Mr. BUTTERFIELD. Madam Speaker, I rise today to recognize a very special high school in my congressional district: North Edgecombe High School. This school, which is located in Tarboro, NC, was ranked among the top high schools in the nation by U.S. News & World Report.

This year, only 34 high schools in North Carolina were recognized with this great honor and I am so proud that the Mighty Warriors of North Edgecombe High School achieved this great feat. The dedication of the administrators, teachers, support staff, parents, and students to ensure the success of the young generation is to be commended.

Madam Speaker, North Edgecombe High School is seated in a rural area of my district. It educates over 350 students in grades 9–12. Its population is 90 percent minority and 70 percent are labeled as "disadvantaged students." As we from rural districts know, funding for public schools can be concentrated on the metropolitan areas of the state while the rural areas are seemingly forgotten. With limited resources they continue to prepare all students both academically and socially to successfully meet the challenges of an ever-changing society.

The largely affluent Research Triangle Park area which includes Raleigh, Durham, and Chapel Hill had no schools that made the list. This is a true testament to the hard work, dedication and determination of our teachers and students at North Edgecombe High School.

Madam Speaker, I ask my colleagues to join me in honoring the accomplishment of North Edgecombe High School. It is my most sincere hope that the teachers, students, and parents continue to work hard to ensure that they make the list again in the coming year. I hope other schools in my district will look to North Edgecombe High School as an example of excellence and a model to emulate.

PERSONAL EXPLANATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Mr. GRAVES. Madam Speaker, I would like to state for the record my position on the following votes I missed due to inclement weather in the Sixth District.

On Monday December 11, 2007, I missed rollcall votes 1142, 1143, and 1144. Had I been present, I would have voted "aye" on all votes.

TRIBUTE TO DICKEY LEE HULLINGHORST

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Mr. UDALL of Colorado. Madam Speaker, I rise today to pay tribute to a true public servant, Ms. Dickey Lee Hullinghorst. This month Dickey Lee is retiring as the intergovernmental relations director for Boulder County, Colorado, after nearly 23 years of public service. Her dedication, energy, insight and collaborative spirit will be greatly missed.

In 1985, Dickey Lee became the intergovernmental affairs director for Boulder County. In this capacity, she provided policy analysis to the county commissioners and other county officials, while also communicating and working with other governmental offices throughout the Denver metro area, the Colorado State legislature, State and Federal agencies, and the Colorado congressional delegation. With Dickey Lee in this position, these officials, offices and agencies were kept apprised of what was happening in the county and were consulted on important policy issues.

Dickey Lee also brought her expertise and collaborative, professional approach to various regional committees, such as Boulder County's Consortium of Cities, Open Space Task Force, Solid Waste Task Force, Regional Transportation Task Force, and Regional Transit Committee.

Prior to her service to Boulder County, Dickey Lee gained a broad range of experience. She was a senior vice president at Herrick S. Roth Associates, a public policy consulting firm in Denver. She was legislative affairs director for the Colorado Open Space Council, which was later renamed Colorado Environmental Coalition. And she was a computer programmer for the U.S. Department of Housing and Urban Development, HUD, here in Washington, DC.

She was also involved in many community activities, serving on the board of directors or advisory committees of Colorado Open Lands (also a founding member and treasurer), EcoCycle (the main recycling organization in Boulder), the Boulder County Parks and Open Space Advisory Committee, Political Action for Conservation, Boulder County Healthy Communities Steering Committee, Boulder County Resource Conservation Advisory Board, Plan Boulder County, City of Boulder Blue Ribbon Commission on Revenue Stability, currently serving, and Boulder County Mental Health Center, currently serving.

Her energy and skills were also recognized by Colorado's governors, who appointed her to serve on the Colorado Mined Land Reclamation Board, the Front Range Project Steering Committee and to co-chair the Patterns of Development Committee and Open Space Task Force, and the Metropolitan Water Roundtable.

Her work and involvement in these important community activities—as well as other significant initiatives—have been acknowledged with numerous awards including: the U.S. Environmental Protection Agency's Quality of Life Award for her role in helping to pass the Colorado Clean Air Act and the inspection and maintenance program for emissions from automobiles; EcoCycle's "Volunteer Oscar" for her work on recycling initiatives; the Boulder County Democratic Party's "Give 'em Hell Harry" award; the Denver Regional Council of Governments (DRCOG) Metro Vision First Place award for her role in the development of the Boulder County "Super IGA," an intergovernmental agreement among the municipalities in Boulder County and Boulder County on growth boundaries and rural preservation; the National Association of Counties intergovernmental cooperation award, also for the "Super IGA;" and DRCOG's Local Government Collaboration Gold Award for her role in the development of the Louisville/Boulder County/Colorado Highway 42 Revitalization Commission Urban Renewal Intergovernmental Agreement.

In addition, Dickey Lee has been active in politics in Boulder County. She has been very involved with the Democratic Party and has helped bring a level of common sense and grounded perspective to her political activities.

Dickey Lee has been one of those who composes the "backbone" of community life. She works hard and with a true respect for what government can and should do to make people's lives better and help make government work better. Her accomplishments and record of service stand as a model for what a true public servant can do and how they should conduct themselves—with decorum, respect and dedication to the common good.

Madam Speaker, I ask my colleagues to join me in thanking Dickey Lee for all that she has done for the people of Colorado, Boulder County, and the city of Boulder. I wish her all the best in her future endeavours.

HONORING THE LIFE OF RITA ENGLE WELLS

HON. DAVID DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Mr. DAVID DAVIS of Tennessee. Madam Speaker, I rise today to honor the memory of Rita Engle Wells a resident of the First District, who died November 28 of this year.

Mrs. Wells was a pillar of her community and cornerstone of her family. Our thoughts and prayers are with her husband Randy and two daughters Ashley and Rachelle. She was active in the youth ministry as a member of Solomon Lutheran Church.

She loved life and shared that with the children at East View Elementary School, where she was a second-grade teacher. Her kindness for others showed on a daily basis.

Mrs. Wells was well respected by her students, colleagues, and parents as an admired educator. She had been described as a 'light of love' to those around her.

Madam Speaker, I ask you and my fellow members to join me in honoring the life of Rita Engle Wells, a loving wife and mother, a true servant in her community, and a compassionate educator, whose commitment and unwavering determination will be greatly missed throughout East Tennessee.

TRIBUTE TO JIM WILLIAMS ON HIS 80TH BIRTHDAY

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Mr. BERRY. Madam Speaker, I rise here today to pay tribute to a fine American, a hard-working family man and a good friend, Jim Williams.

Jim was born in Jonesboro, AR, on January 9, 1928, and graduated from Valley View High School. Jim and his wife Joyce were married on December 27, 1953, in Bono, AR. After school he joined the United States Air Force and honorably served our country overseas for 2 years. After serving, he returned home to Arkansas to become a farmer and eventually took a job working for the tool and die shop.

When he realized that working in a factory was not what he wanted to do, he moved to Detroit to learn automechanics from the Wolverine Trade Institute. Armed with specialty training and knowledge, he returned to Jonesboro to become a service manager at Aycock Pontiac and soon became one of the most highly regarded service managers in the country. Jim retired from Aycock when he was 62 after more than 20 years of loyal service to the business. Today he is enjoying his retirement years by spending time with his family and is an active member of the Walnut Street Baptist Church.

Whatever endeavor Jim decided to do, from being a service manager to driving the tractor on the family farm, it was evident that he had an impeccable work ethic. In addition, he always treated everyone with respect and dignity, which is one of the many reasons he was a successful service manager at Aycock Pontiac and well regarded throughout his community.

Jim has been married to his wife Joyce for 53 years. They have one daughter, two grandchildren and are expecting their first great-grandchild in the spring. Jim's commitment to our country and his decades of service to his community and his family are remarkable. In honor of his 80th birthday, I ask my fellow members of Congress to join me in congratulating Jim on this special occasion.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately yesterday, December 11, 2007, due to my flight being delayed due to mechanical issues, I was unable to cast my votes on H. Res. 842, H. Res. 847, and H.R. 4343.

Had I been present for rollcall No. 1142 on suspending the rules and passing H. Res. 842, Expressing sympathy to and pledging the support of the House of Representatives and the people of the United States for victims of Cyclone Sidr in southern Bangladesh, I would have voted "aye."

Had I been present for rollcall No. 1143 on suspending the rules and passing H. Res. 847, Recognizing the importance of Christmas and the Christian faith, I would have voted "aye."

Had I been present for rollcall No. 1144 on suspending the rules and passing H.R. 4343, the Fair Treatment for Experienced Pilots Act, I would have voted "aye."

PERSONAL EXPLANATION

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Mr. MILLER of Florida. Mr. Speaker, I would like to offer a personal explanation of the reason I missed rollcall vote Nos. 1142 through 1144 on December 11, 2007. My plane was delayed due to mechanical problems in Atlanta.

If present, I would have voted: rollcall vote No. 1142, H. Res. 842—expressing sympathy to and pledging the support of the House of Representatives and the people of the United States for the victims of Cyclone Sidr in southern Bangladesh, "aye"; rollcall vote No. 1143, H. Res. 847—recognizing the importance of Christmas, "aye"; rollcall vote No. 1144, H.R. 4343—the Fair Treatment for Experienced Pilots Act, "aye."

HONORING THE LIFE OF BARBARA H. WORTLEY

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Mr. WALSH of New York. Madam Speaker, I rise today to honor the life of internationally known authority on paper-making technology, Barbara H. Wortley.

Mrs. Wortley of Fort Lauderdale, FL, passed away on November 25 in Washington, DC surrounded by her loving family. The wife of former Congressman George C. Wortley, she conducted innovative research in paper-making techniques for more than 40 years.

Barbara was the first woman graduate of the SUNY College of Forestry with a pulp and paper specialty. She was an honors forestry graduate and also received a cum laude degree in chemistry from Syracuse University in 1948.

She was senior technical manager for Allied Chemical in Solvay, NY, later Allied Signal and then General Chemical. Her work took her to countries around the world to solve technical problems in paper mills.

Numerous organizations awarded Barbara for her achievements. The Technical Association of the Pulp and Paper Industry, TAPPI, awarded her for many years of contributions to the organization. Barbara wrote more than 30 technical papers, contributed regularly to professional journals, organized seminars and was a member of TAPPI for more than 40 years.

Barbara served on several Central New York foundations and associations. She was a past president of the Zonta Club of Syracuse, NY, an international professional women's organization; a former member of the CNY Epilepsy Foundation; and a former member of the New York State Women's Advisory Council. For her many contributions, she was a Syracuse Post-Standard Woman of Achievement for Science.

She is survived by her loving husband, George C. Wortley, and their children, son George, daughters Ann and Elizabeth, daughter-in-law Susan, sons-in-law Frank and John, nine grandchildren, and two great-grandchildren.

For her contributions to paper-making technology and to the greater Central New York community, I honor my dear friend Barbara H. Wortley for her lifetime of accomplishment.

TRIBUTE TO KEITH COLLINS, CHIEF ECONOMIST, U.S. DEPARTMENT OF AGRICULTURE

HON. COLLIN C. PETERSON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Mr. PETERSON of Minnesota. Madam Speaker, I rise today to recognize the dedicated service of Dr. Keith Collins who has served with distinction as the Chief Economist for the U.S. Department of Agriculture for almost 14 years. At the end of this year Keith will retire, and he will be missed, not only by his colleagues at USDA but by all of us who came to respect and rely on his nonpartisan, thoughtful and detailed analysis of economic issues in agriculture.

Keith began his career as an economist with USDA in 1977, and his tenure there has spanned four presidencies of both political parties. He has served under nine Secretaries of Agriculture.

In 1994, Keith was named Chief Economist at USDA, and in that capacity he has been responsible for economic forecasts and projections and has advised the Secretary of Agriculture on the economic implications of alternative programs, regulations and legislative proposals. His advice has not been limited to the Secretary either; he has become a valued advisor to Members of Congress and others involved in agriculture policy.

On highly charged political issues, Keith is known for his honesty, competency and influence. Even when facing tough questions from Members of Congress, nothing seems to rattle Keith's calm, rational demeanor.

Keith has also earned the respect of his peers in the field of agricultural economics. Keith is a Fellow of the American Agricultural Economics Association, which is the highest honor the agricultural economics profession can bestow.

One economist who worked with Keith over the years measured the potential success for newly appointed Secretaries of Agriculture using what he called the "Keith Collins intelligence test." If the new Secretaries reappointed Keith as Chief Economist, they passed.

Keith's colleagues at USDA have also recognized his outstanding contributions. He received the Presidential Rank Award for Meritorious Executive in 1990 and 1996 and the Presidential Rank Award for Distinguished Executive in 1992, the highest award a Federal executive can receive.

Madam Speaker, Keith's retirement is a real loss for American agriculture. Through his service at USDA, he has influenced agriculture policy in many positive and lasting ways. His work truly has touched the lives of many Americans, especially our Nation's farmers and ranchers.

On behalf of the House Agriculture Committee, I extend to Keith our deepest appreciation for his service to American agriculture and wish him great happiness in retirement.

RECOGNITION OF HANDLEY HIGH SCHOOL VARSITY FOOTBALL TEAM

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Mr. ROGERS of Alabama. Madam Speaker, I would like to recognize today the players and coaches of the Handley High School varsity football team from Randolph County in Alabama's Third Congressional District.

These talented young athletes recently won the 4A Regional Championship, and in doing so, became a great source of pride by their community. These young people worked tirelessly to earn this great honor, and brought together young and old fans across Randolph County to cheer the Handley Tigers on.

I am proud to acknowledge and congratulate the Handley High School varsity football team of 2007 in the House today, and extend my most heartfelt congratulations to these talented young people for their significant accomplishment.

PERSONAL EXPLANATION

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Mr. RYAN of Wisconsin. Madam Speaker, I was absent for legislative business conducted on December 11, 2007, due to inclement weather grounding flights from Wisconsin. As a result, I missed rollcall votes 1142 through 1144.

Had I been present, I would have voted:

'Aye" on rollcall vote 1142—H. Res. 842, Expressing sympathy to and pledging the support of the House of Representatives and the people of the United States for the victims of Cyclone Sidr in southern Bangladesh.

"Aye" on rollcall vote 1143—H. Res. 847, Recognizing the importance of Christmas.

"Aye" on rollcall vote 1144—H.R. 4343, The Fair Treatment for Experienced Pilots Act.

TRIBUTE TO ETHEL CONNERS

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Mr. LATHAM. Madam Speaker, I rise to recognize the retirement of Ethel Conners, manager of United Trust & Savings Bank in Dougherty, IA, after serving her community for over 58 years.

In 1944, Ethel returned to Dougherty to be closer to her mother after her father died, leaving her position as a private secretary to Ward Hamilton at Hamilton Business College in Mason City, IA. Shortly after she began working at the United Trust & Savings Bank she took over as manager. At 90 years of age, Ethel has become a town institution, serving not just as the bank manager, but the unofficial town historian as well.

Ethel Conners has left a permanent mark on the city of Dougherty and the surrounding region and will be truly missed at the United Trust & Savings Bank. I know that my colleagues in the United States Congress will join me in commending Ethel for her leadership and service to the community of Dougherty and congratulating her on her retirement. I consider it an honor to represent Ethel in Congress, and I wish her a long, happy and healthy retirement as she continues to play an integral role in her community.

HONORING THE 90TH ANNIVERSARY OF THE FOUNDING OF FATHER FLANAGAN'S BOYS TOWN

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Mr. TERRY. Madam Speaker, I rise today to honor the founding of Father Flanagan's Boys Town 90 years ago today in Omaha, NE. Father Flanagan came to Omaha as a frail Catholic priest determined to make a difference and he found his calling in caring for, educating and housing orphaned boys. Father Flanagan's attitude can best be summed up by his famous aphorism "there are no bad children." He firmly believed this and it became the basis of the work of Boys Town.

Another aphorism attributed to the children of Boys Town is: "He ain't heavy Father, he's m'brother." This simple statement encompasses what we all know—that with help from our peers and our Creator we can bear any burden to help those in need.

The difference Father Flanagan made in the lives of young people resonates to this day. Because of Father Flanagan's commitment to improving the lives of children, Boys Town now assists homeless or at-risk children in 14 States as well as the District of Columbia. In fact, last year approximately 450,000 children and families found help through Boys Town National Hotline. This number includes 34,000 calls from youth where hotline staff intervened to save a life or provide counseling. These numbers are truly impressive for one organization.

Father Flanagan's work even lead to the production of the movie Boys Town starring Spencer Tracy and Mickey Rooney, for which Spencer Tracy earned the Academy Award. Using the fame generated by the Academy Award winning movie, Father Flanagan expanded his work on the welfare of children beyond the United States and traveled to Japan and Korea in 1947 to study child welfare problems. He made a similar trip to Austria and Germany, and while in Germany he died on May 15, 1948 of a heart attack. He was buried in the Dowd Chapel at Boys Town.

Madam Speaker, without Father Flanagan and his dedicated work, which continues through Boys Town, our Nation would be a poorer place spiritually. I believe that Father Flanagan's Boys Town is an excellent example of the positive impact faith-based institutions can have on our society. Father Flanagan's Boys Town is now Father Flanagan's Girls & Boys Town to reflect the fact that it serves all children.

I commend their continued commitment to the children of this Nation and believe they deserve the recognition of Congress on the celebration of the 90th Anniversary of Boys Town's founding.

TRIBUTE TO THE VFW POST NO. 2541 ON THEIR 75TH ANNIVERSARY

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Mr. LATHAM. Madam Speaker, I rise today to congratulate the Veterans of Foreign Wars Post No. 2541 on their 75th anniversary. Post 2541 has been organized since 1932 in Algona, IA, which is located in Kossuth County.

No one has done more to secure America's freedom and prosperity than our veterans who have valiantly defended our country. I commend all past and present members of Post 2541 for their dedicated service to America as they celebrate this historic milestone in their post's history.

The mission of the Veterans of Foreign Wars of the United States is to "honor the dead by helping the living" through veterans' service, community service, national security and a strong national defense. For 75 years, Post 2541 has lived out this mission for the betterment of their community and the United States of America.

Again, I congratulate the Kossuth Veterans of Foreign Wars Post No. 2541 on this historic anniversary. It is an honor to represent each member of this remarkable chapter in Congress, and I wish them an equally storied future.

A TRIBUTE TO REVEREND JOHN FREDRICK NORWOOD

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Ms. SCHAKOWSKY. Madam Speaker, I rise to pay tribute to Reverend John Fredrick Norwood who died on December 7, 2007.

Reverend Norwood and I were friends for over 20 years. We were friends in the very best sense. We stuck with each other through thick and thin—through victories and defeats, good times and challenging times. He was a great source of support for me and my husband Bob.

Reverend Norwood (I rarely called him John) was my mentor. He advised me and helped me as I ran my campaigns, as I set up my offices and as I worked in my official capacities to serve our community.

Reverend Norwood was a role model for me. I saw him treat those with the least, with the greatest respect. He helped and befriended people regardless of race, gender, or station in life. No one had fallen too far for John Norwood to offer a helping hand, often with no public recognition for doing so. His generosity of spirit and of material things had no bounds.

Reverend Norwood was courageous. He would insert himself into controversies that others avoided when he knew the cause was just and his voice was needed, regardless of the consequences.

Reverend Norwood was a spiritual adviser to me, something that may sound odd from a Jewish woman and proud member of Beth Emet synagogue. Next to Beth Emet, however, Mt. Zion was my spiritual home. I will never, ever forget the day that he prayed for me as I knelt in front of the church while he and members placed their hands on me. I was deeply touched inside and out and filled with the commitment to always do my best to be worthy of their blessings.

Whether it was helping the children at that great organization Family Focus, serving as Senior Police Chaplain or on the District 65 school board, working for political candidates, or reaching into his own pocket to help, for example, to pay for funeral expenses for a family in need, Rev. Norwood was a kind and generous and loving man. His legacy will live on in the many people he helped, in the many improvements he made in our community, and in the many lives that he deeply touched, including mine.

I feel so fortunate that I was able to have a wonderful afternoon visit with Rev. Norwood at the North Shore just days before he died. He was clearly so happy to be back in Evanston, and I marveled at how well he looked. The very next day, I was in Washington, DC with BARACK OBAMA and I had him sign a photo for Rev. Norwood. I was planning to bring it to him for Christmas. BARACK remembered him fondly from his days campaigning for the U.S. Senate and wrote "To Rev. Norwood, God Bless."

And God did bless Rev. Norwood with a good life filled with loving family and friends and an abundance of achievements great and small. He is home now and sorely missed here. I loved Rev. Norwood and I always will. On behalf of my husband and myself, I extend our most sincere condolences to his family and closest friends and all who mourn the loss of our precious friend, Rev. John Fredrick Norwood.

TRIBUTE TO JEREMY OESTMANN

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Mr. LATHAM. Madam Speaker, I rise today to recognize and congratulate Jeremy Oestmann of Fort Atkinson, Iowa on graduating from the Americorps National Civilian Community Corps (NCCC) program.

On November 14, 2007, Jeremy graduated from the 10-month-long Americorps program, which is run by the Corporation for National and Community Service. This full-time, team-based residential program organizes teams of 10–12 members to respond to needs identified by community-based organizations in local communities across every state. One of Jeremy's notable assignments was to serve in the Gulf Region after Hurricane Katrina struck in order to support disaster relief and ongoing recovery efforts.

Jeremy served as the Team Leader for the Fire Seven team, a duty that required immense responsibility, steadfastness, and strong-willed character. Jeremy's leadership and willingness to serve is a wonderful example of the eagerness of Iowans to help one another and make sacrifices for the betterment of their communities and America.

I know that my colleagues in the United States Congress will join me in commending and congratulating Jeremy Oestmann for his service to, and graduation from the Americorps program. I consider it an honor to represent Jeremy in Congress, and I wish him the best in his future endeavors.

TRIBUTE TO PHILIP FAWCETT

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Mr. RYAN of Ohio. Madam Speaker, I rise today to pay tribute to Philip Fawcett, who has been serving as Legislative Fellow in my office since January and will be completing his tenure at the end of this month.

Phil Fawcett joined my staff last January through the 2007 Congressional Fellowship Program of the Brookings Institution. He exemplifies a truly remarkable and exceptionally dynamic professional and has contributed greatly to the work my office has done for the 17th District. His work on the issues of transportation, housing, and the environment has been well-organized and efficient, and I have greatly valued his advice on a wide variety of co-sponsorship and voting matters.

Phil Fawcett attended the Georgia Institute of Technology and graduated with highest honors with a degree in aerospace engineering. Phil also gained his masters and doctorate degrees from the Georgia Institute of Technology. He went on to pursue a career with the Aerospace Corporation and has worked closely with the National Reconnaissance Organization and numerous other programs within the Department of Defense. His extensive education, combined with his impressive 14 years of experience with technical and programmatic consulting, has played an integral role in his Legislative Fellowship. Having worked with various areas of the U.S. Government and numerous IC agencies, Phil has significantly contributed to my domestic agenda as well as international affairs related issues, such as my testimony to the U.S.-China Economic Security and Review Commission. He has also been a vital component in the areas of currency and trade, as he was responsible for helping to move legislation on international monetary policy and currency manipulation. His letter to the chairman and ranking member of the Ways and Means Committee that urged movement on the currency issue garnered the collection of over 90 member signatures.

Phil Fawcett has worked closely with my district office and maintained crucial relations with the Department of Commerce, U.S. Trade Representative, Ohio Department of Transportation and Federal Aviation Administration, among many other essential divisions. He has also handled all issues related to my co-chairmanship of the House Manufacturing Caucus with skill and proficiency. Furthermore, his vigorous commitment to the organization, planning and implementation of the Tech Belt Forum last September generated a very successful event, which was a significant stepping stone in the future economic and industrial advancement of my district.

I would like to personally thank Phil Fawcett for his tremendous dedication and distinguished service and wish him all the best in his future endeavors. Phil, it's been a pleasure working with you and good luck!

TRIBUTE TO THE GETTELFINGER FAMILY

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Mr. DUNCAN. Madam Speaker, I rise today to honor a true great American family. The Gettelfinger family has been one of the leading families of Knoxville, TN, for many years. The senior generation of this great American family now consists of Andrew, Earl, and Herman Gettelfinger and their wives Frances, Marianne, and Nancy.

We have heard and read much about the Greatest Generation of Americans, deservedly referring to World War II and Korean veterans and those who have raised the so-called Baby Boom Generation.

The senior Gettelfinger family generation has put their children and grandchildren in a position to generate over $500 million for our State and local economies. They and their families have been leaders in the petroleum industry, food and beverage industry, and commercial and residential development.

The Gettelfinger family, through all of its business and economic development, has created many lucrative jobs and has helped untold numbers lead more comfortable and convenient lives.

The Gettelfinger family has also taken a leading role, and has generously donated to numerous charities, including the Helen Ross McNabb Center, Empty Stocking Fund, United Way, Catholic Charities, and many others.

The three Gettelfinger families whom I am honoring have raised 18 children, who are successful in their own right, and numerous grandchildren and great-grandchildren.

Andrew and Frances Gettelfinger, Earl and Marianne Gettelfinger, and Herman and Nancy Gettelfinger are being honored by their families and friends in Knoxville on December 16. 2007. I would like to join in paying tribute to those wonderful people. This Nation is a much better place today because of the Gettelfinger family and the senior generation that is being honored at this time.

Madam Speaker, in closing, I urge my colleagues to join me as I salute the Gettelfinger family of Knoxville, TN.

PAYING TRIBUTE TO JOAN TUNTLAND

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Mr. PORTER. Madam Speaker, I rise today to honor the life of my dear friend, Joan Tuntland, who passed away on June 18, 2007, with the same strength, poise, and grace which defined her life.

Joan was born in 1937 in Stockton, California, and moved as a young child to Reno, Nevada, with her family. There she grew up attending Veteran's Memorial Elementary School and subsequently graduated from Reno High School in 1956. The friendships Joan forged during her time at Reno High School proved to be lifelong, culminating in her 50-year high school reunion last summer.

Joan worked various jobs and eventually met her husband, Larry, while they were both employed at the First National Bank of Nevada. Larry would later become president, thanks in part to the support offered by Joan. Joan and Larry were married in February of 1963, and soon welcomed two sons, Daniel and Ray, into their young family. Joan and her young family moved to Las Vegas in 1983, where Joan immediately became active in the community. These contacts forged friendships which she would hold dearly the rest of her life.

While in Las Vegas, Joan became active with Bishop Gorman High School, mirroring her involvement at Bishop Manogue High School in Reno. Her continuous support of Bishop Gorman High School was formally acknowledged as she and Larry were bestowed the honor of being inducted into the Royal Order of the Gael in March of 1992. In 1996, shortly before her husband's retirement they relocated back to Reno, Nevada.

Joan was blessed throughout her life with many amazing friendships; however, family remained her primary purpose and true love in her life. Her love, leadership, and spirituality made her the rock and foundation of her family.

Madam Speaker, I am proud to honor the life and legacy of my friend Mrs. Joan Tuntland. Her dedication and love for her family and community should serve as an example to us all. I applaud all her efforts and accomplishments and I send my sympathies, as she will be missed by many.

A PROCLAMATION HONORING NORM GARY ON HIS RETIREMENT

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Mr. SPACE. Madam Speaker:

Whereas, Mr. Gary has demonstrated values of hard work and service throughout his life, always maintaining a positive outlook; and

Whereas, Mr. Gary is recognized for 30 years of dedication to the Hocking County community; and

Whereas, Mr. Gary has impacted the lives of many while teaching residents skills that have helped them obtain employment; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I thank Norm Gary for his 30 years of service. We recognize the tremendous impact he has had in his community and in the lives of all those people he has touched.

CONGRATULATING LYNN HIDELL AND CAROL J. MEADE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Mr. BURGESS. Madam Speaker, I rise today to congratulate Lynn Hidell and Carol Meade, who were honored as Citizens of the Year in Little Elm, Texas.

Ms. Hidell and the late Ms. Meade volunteered as a team for 10 years at several Little Elm events, such as the July Jubilee, the Holidaze Celebration at Beard Park, the Little Elm Awards Foundation, and the Summer Rhythms Concert Series. The two ladies have been friends for years, and while working together for their community complemented each other through their compatibility. The decision was a plurality, as the selection committee received multiple nominations for both Hidell and Meade.

Ms. Hidell began volunteering in Little Elm over 10 years ago as a means to get to know people in her community. She also donates time at the Little Elm Area Food Bank, and hosts a jet-ski adventure fundraiser each year to benefit the food bank. She works as an office manager for Hidell and Associates, Inc.

Apart from her volunteering with Hidell, Ms. Meade also served on the Lake Vision Committee. Those who knew Ms. Meade recall her as a caring, giving, hard working, and kind-hearted individual.

These ladies exemplify hard work and a commitment to their community. I extend my sincere congratulations to Ms. Lynn Hidell and Ms. Carol Meade of Little Elm. It is an honor to represent them in the 26th district of Texas.

PAYING TRIBUTE TO JUDGE CEDRIC A. KERNS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Judge Cedric A. Kerns, who is being honored as a Bench Trailblazer by the Bicolanos of Nevada and Filipino American California Expatriates Society of Las Vegas.

Judge Kerns first became active in the Las Vegas community while attending the University of Nevada Las Vegas. During his undergraduate years he was a member of UNLV's nationally ranked debate team. After receiving his juris doctor from the University of San Diego, Judge Kerns became partner and cofounder of the law office of Kerns and Lybarger, where he focused on criminal defense and domestic law. During his time in private practice, Judge Kerns was appointed as a member of the Nevada Supreme Court's Task Force for the "Study of Economic Bias" in the justice system.

The experience gained while Judge Kerns was in private practice helped him to succeed in being elected to the Las Vegas Municipal Court, Department 5, in 1997. During his 10 years as a judge in Las Vegas, Judge Kerns has greatly enriched the community, as is evident in his being awarded the 2006 Outstanding Judge of the Year Award by the Nevada Judges Association. One of the projects that Judge Kerns began and has maintained is the Habitual Offender Prevention and Education (HOPE) Court. Through his hard work he has helped habitual offenders to get sober and off the streets. Judge Kerns also spends time as the Las Vegas Municipal Court liaison for Domestic Violence Offenders; he serves as a member of the Judicial Council of the State of Nevada, an administrative arm of the Supreme Court, as well as being a member of the Court Funding Commission of the Supreme Court.

Madam Speaker, I am proud to honor Judge Cedric A. Kerns. Throughout his years as a lawyer and judge, he has committed himself to helping others and the community. I congratulate him on being recognized as a Bench Trailblazer, and wish him well in his future endeavors.

A PROCLAMATION HONORING HAROLD AND DIANE KEESEE ON RECEIVING THE ANGELS IN ADOPTION AWARD

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Mr. SPACE. Madam Speaker:

Whereas, Harold and Diane Keesee are recognized for receiving the Angels in Adoption Award; and

Whereas, Mr. and Mrs. Kessee are an asset to our community and have been fostering children for seventeen years; and

Whereas, Mr. and Mrs. Kessee have made a difference in those lives that enter their home; and

Whereas, Mr. and Mrs. Kessee exemplify the spirit of selflessness and giving through their extraordinary work in child welfare; now, therefore, be it

Resolved, that along with their friends, family, and the residents of the 18th Congressional District, I commend Harold and Diane Kessee on their contributions and service to children in Tuscarawas and Guernsey Counties. Congratulations to Harold and Diane Kessee on receiving the Angels in Adoption Award.

TRIBUTE TO DR. GAIL ROMBERGER NONNECKE

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Mr. LATHAM. Madam Speaker, I rise today to recognize Dr. Gail Romberger Nonnecke for her receipt of the 2007 Council for Advancement and Support of Education, CASE, Iowa Professor of the Year Award.

Recipients of the U.S. Professors of the Year Awards are acknowledged for their commitment to the betterment of education for future generations.

Dr. Nonnecke is a professor of horticulture at Iowa State University, in Ames, Iowa, where she instructs introductory and advanced level courses, including principles of horticulture, sustainable and environmental horticulture, temperate fruit crop production and management, and integrated management of tropical crops. She conducts extensive research to develop new approaches in sustainable fruit systems that benefit producers, consumers, and the environment. In addition. Dr. Nonnecke has developed service-learning projects for her study abroad courses in order to enhance global cultural awareness. She also mentors other school faculty by facilitating seminars, workshops, and forums that allow participants to share knowledge and experiences.

Dr. Nonnecke has also received the USDA Excellence in Teaching Award and was selected as a senior faculty member in the Center for Excellence in Learning and Teaching, Teaching Partners Program. Dr. Nonnecke's goal while teaching is "to allow students to develop as life-long learners with the enthusiasm and skills to learn new things. " She demonstrates a special passion in empowering her students to go above and beyond where her own research has taken her.

I know that my colleagues in the United States Congress will join me in commending and congratulating Dr. Gail Romberger Nonnecke. It is an honor to represent Dr. Nonnecke in Congress, and I wish her the best as she continues to conduct important research and make a positive impact in the lives of her students and faculty peers.

CONGRATULATING SOUTH TEXAS INDEPENDENT SCHOOL DISTRICT ON HAVING THREE SCHOOLS LISTED IN THE TOP 100 AMERICAN HIGH SCHOOLS IN U.S. NEWS AND WORLD REPORT

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Mr. HINOJOSA. Madam Speaker, I urge my colleagues to join me in congratulating the South Texas Independent School District for having 3 of its high schools listed among the 100 in the nation according to U.S. News and World Report.

The South Texas Independent School District shatters the myth that low income and minority students cannot achieve academic excellence. Eighty percent of the school district's students are of Hispanic heritage. Over 50 percent are eligible for free or reduced priced lunches. These outstanding high schools are open enrollment—they do not pick and choose among the best and brightest, rather they foster excellence in any student willing to make the commitment to a rigorous program of study.

Of the more than 18,000 public schools in the United States, the South Texas Independent School District placed 3 high schools: The Science Academy, the Business Education and Technology Academy, and the High School for Health Professions in the gold medal category for excellence in school performance on state tests and for success in providing college level coursework to all of their students. They demonstrate that high achievement is possible system-wide when you bring together the right leadership and community support.

I would like to commend the superintendent of South Texas Independent School, Dr. Marla Guerra and the president of the school board, Mr. Ernesto Alvarado for their leadership and stewardship of the school system. They have maintained and deepened the tradition of high achievement that has been the hallmark of the school district since the first magnet high school opened it's doors in 1984.

I ask my colleagues to join me in congratulating the achievement of the Science Academy, led by Principal Michael Aranda and ranked number 23 in the nation.

Please join me in celebrating the national recognition of the Business Education and Technology Academy led by Principal Magdalena Gutierrez and ranked number 54 in the nation.

Let us cheer the accomplishment of the High School for Heath Professions, led by Principal Barbara Heater and ranked number 64 in the nation.

The national recognition of the talent and potential of our young people in South Texas is long overdue. I commend South Texas Independent School District for nurturing tomorrow's leaders. I applaud our community of students. parents, and educators for demanding the best and exceeding expectations.

In closing I would like to share with you the secret of South Texas Independent School district's astounding success. They set high standards for academic and personal development and shared values. Their goal is that each graduate of South Texas Independent School district: is a compassionate, caring individual; has a passion for life-long learning; is an effective communicator; is a producer of quality work; is creative and curious; appreciates the differences in people; is a competent problem-solver; is a responsible and ethical citizen; strives for a balanced professional and home life; contributes to the community well-being through service; and is academically and occupationally skilled.

The Science Academy, the Business Education and Technology Academy, and the Health Professions High School in the South Texas Independent School District are among the best of the best high schools in the nation. They produce graduates who are ready, willing, and able to contribute to their communities. I congratulate them on winning national recognition and encourage them to keep up the good work.

PAYING TRIBUTE TO JUDGE CHERYL B. MOSS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Mr. PORTER. Madam Speaker, I rise today to honor my good friend, Judge Cheryl B. Moss, who is being honored as a Bench Trailblazer by the Bicolanos of Nevada and Filipino American California Expatriates Society of Las Vegas.

Judge Moss was admitted to the Nevada State Bar in 1997 and by 1999, while still in private practice, was awarded the Shining Star Award from the Clark County Pro Bono Project for her representation of low-income clients. This was just the beginning of the accomplishments she has had in her years in Las Vegas, Nevada. In 2000, Judge Moss was elected to the District Court, Family Division. As a Judge, she has had the opportunity to work on issues of importance to her. One such issue is gambling addiction, and she has been intimately involved with the Nevada Council on Problem Gambling. Her passion to assist those with gambling addiction drove her to begin the pilot program on gambling assessments for parents involved with child custody cases. Judge Moss is also a member of many professional associations, including: The Nevada District Judges Association, the National Council of Juvenile and Family Court Judges, and the Civil Order Enforcement Task Committee.

In addition to her professional successes, Judge Moss has greatly enriched the community. She is actively involved in promoting education programs and volunteers her expertise as a judge in moot court and mock trial competitions at the high school and collegiate levels. Judge Moss also serves on the Board of Trustees for the Clark County Library.

Madam Speaker, I am proud to honor Judge Cheryl B. Moss. She has served on the bench with honor and distinction and enriched the lives of countless people in the community through her activism and volunteer efforts. I congratulate her on this much deserved honor and wish her the best in her future endeavors.

TRIBUTE TO RESEARCHER AND UNM VICE PRESIDENT TERRY YATES

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Mr. UDALL of New Mexico. Madam Speaker, when Terry Yates began hunting the "Sin Nombre" virus, it was a vague and threatening disease that public health professionals could neither understand nor control. Yates and his collaborators traced the virus to its sources, revealed how it works, and saved lives. Because of his resolve to demystify the deadly illness, today we know how to prevent and treat what is now commonly known as hantavirus.

Yates's accomplishment won him awards, but for him it was just the job he wanted to do. From his perch at the University of New Mexico, he devoted his remarkable intellect and passion to saving lives and helping students live their dreams.

He loved the thrill of intellectual pursuit. Colleagues noticed that he preferred being out in the field, in hot pursuit of a new discovery. Back on campus, he helped build UNM and connect the university to its community, and he helped a new generation of scientists to get into the field.

As we honor his life and contributions today, our thoughts are with Terry's wife Patsy and their sons. He will be missed by the UNM community and all of us who benefited from his intellect and commitment to helping others.

HONORING CHARLES G. WIMSATT

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to recognize Charles Wimsatt. an outstanding man with a long history of service to our country and to Kentucky. Mr. Wimsatt has been an active member of American Legion Post 121 in Bardstown, KY, for 24 years.

Mr. Wimsatt joined the Army in 1953, serving as a medic. He retired from the Army with the rank of corporal.

Mr. Wimsatt has made it a personal priority to serve his fellow veterans through his work with American Legion Post 121. He is currently in his fourth term as post commander. Under his command the post reached its 100 percent membership goal for the first time in 15 years. Mr. Wimsatt also directed recent facility renovations.

Beyond his service to the American Legion. Charles Wimsatt has found time to he active in many other worthy causes. He has played an integral part in fundraising for his local National Guard unit and is currently raising money for a VA medical facility in Germany. Mr. Wimsatt also served on the Black Mud Volunteer Fire Department for 46 years.

It is my privilege to honor Charles G. Wimsatt today for his service to our country and his tireless efforts on behalf of American Legion Post 121. Mr. Wimsatt has made a significant difference to his Old Kentucky Home.

PAYING TRIBUTE TO IRENE PORTER

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Mr. PORTER. Madam Speaker, I rise today to honor my dear friend Irene Porter, Executive Director of the Southern Nevada Home Builders Association, for her 30 years of dedicated service to a prominent Nevadan trade organization that represents home building industry in Nevada.

For the past three decades, Irene has been committed to overseeing the SNHBA's programs and efforts. Most notably, Irene has lobbied on behalf of the association and home building industry at the Nevada State Legislature. She was recognized by the Legislature in 1991 as the "Lobbyist of the Year" and was later inducted into the Nevada Lobbyist Hall of Fame in 1997. She has also built and maintained invaluable relationships with Federal, State, and local governments. In her post, she has managed two successful programs: The Housing Quality Trade Contractor Certification Program and the Southern Nevada Green Building Partnership programs. In a period of exponential growth, Irene has been steadfast in leading the industry and sustaining the stability and viability of the housing markets in Southern Nevada.

During her distinguished career as the Executive Director, Irene has championed numerous worthy causes. She has advocated for fair housing accommodation for persons with disabilities, which provide a valuable community service and contributes to the economic viability of the region. Irene has also been a leader on important community issues such as public schools and infrastructure building; and environmental issues such as dust control, and water and energy efficiency and conservation. Through her tireless service to her association and her community, she has been awarded with four National Association Excellence awards from the National Association of Home Builders and a Civic Hero Award from the Clark County School District.

Madam Speaker, I am proud to honor my good friend Irene Porter. Her commitment to the community and professional successes are truly admirable and should serve as an example to us all. I am extremely fortunate to have been able to call Irene a friend for many years and I wish her all the best in her future endeavors.

A PROCLAMATION HONORING THE PRO MUSKINGUM FAMILY AND CHILDREN FIRST

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Mr. SPACE. Madam Speaker:

Whereas, Pro Muskingum Family and Children First has been selected to receive the Ohio Department of Education's 2007 Asset Builder Award for Exemplary Practices to a Community Organization; and

Whereas, Pro Muskingum Family and Children First is enhancing the quality of life in Muskingum County and are attracting families and businesses to the region; and

Whereas, areas such as family strengthening, promoting education, developing leaders within the community are being addressed by the organization; be it

Resolved, that along with its friends, family, and the residents of the 18th Congressional District, I congratulate you on receiving the Ohio Department of Education's 2007 Asset Builder Award. With great appreciation and respect, we recognize the tremendous impact the Pro Muskingum Family and Children First has had on the community.

TRIBUTE TO RHONDA BAKER

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Mr. LATHAM. Madam Speaker, I rise today to recognize Rhonda Baker as the recipient of the Stephen Tsai Award for Excellence in Autism Education and for her commitment and enthusiasm as a teacher in the Jefferson-Scranton School District in Iowa.

The Stephen Tsai Award recipient is selected by the Autism Society of Iowa and is presented at its annual fall conference. Sonya Wills, who has three sons with autism, nominated Rhonda for her exceptional work that positively touched each of their lives.

Rhonda's success in working with autistic children is attributed to her ability to build upon her students' strengths in order to increase their confidence. The confidence she instills in her students opens doors to endless growth and learning opportunities. Rhonda is gifted with the immense patience and determination required to give autistic students the individual attention they need and she diligently undertakes research to find the right teaching techniques for each unique case.

I congratulate Rhonda Baker on her well-deserved award, and I'm certain that she will continue to touch the lives of many children in her community. It is a great honor to represent Rhonda in Congress, and I wish her continued success.

RECOGNIZING ELLIANA KAYE WOODWARD

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to celebrate the birth of Elliana Kaye Woodward. Elliana was born on Monday, November 12, 2007, Veterans Day, to her proud parents, Ryan and Kristin Woodward of Stafford. Virginia. I find it very appropriate that Elliana was born on Veterans Day since her father is a patriot in the United States Marine Corps. Elliana entered the world at 2:21 p.m. at Mary Washington Hospital, Fredericksburg, Virginia, weighing a healthy 7 lbs. 11 oz. and 19½ inches long.

Elliana also has proud grandparents, Darrell and Susan Hall, of Sidney, Nebraska, and Cheryl and Duane Farmer of Sidney, Nebraska, as well as Bruce Woodward of Maryville, Missouri, to spoil her. Elliana is also the niece of Travis and Sarah Woodward of Bowie, Maryland; Nathan Woodward of Maryville, Missouri; Sarah Hall, Zach Hall and Zane Hall of Sidney, Nebraska.

Madam Speaker, I proudly ask you to join me in celebrating the birth of Elliana Kaye Woodward. I see great things in Elliana's future considering her parents' great emphasis on family values, faith and patriotism. I wish Elliana the best life has to offer.

PAYING TRIBUTE TO JUDGE ROBERT J. JOHNSTON

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Mr. PORTER. Madam Speaker, I rise today to honor the Honorable Judge Robert J. Johnston of Nevada for his 20 years of honorable service as a United States Magistrate Judge.

Judge Johnston received his formal education from the University of the Pacific's McGeorge School of Law. Upon graduation in 1977, he worked as a clerk for Judge Merlyn H. Hoyt for the Seventh Judicial District in Ely, Nevada. Mr. Johnston stayed and served White Pine County from 1979–1982 as the District Attorney while also maintaining a private practice.

Judge Johnston has been and remains an active member of the community while participating in a variety of professional and social organizations. He served on the Ninth Circuit Conference Committee, and participated in organizing three circuit conferences. Additionally, he served on the 9th Circuit Magistrate

Judge Executive Board. Presently, Judge Johnston sits on the Court Administration and Case Management Committee of the Judicial Conference of the United States Courts. He is also a member of the board for the Nevada Judicial Historical Society and the Ninth Judicial Circuit Historical Society. Passionate about the preservation of the history of Nevada, Judge Johnston was named the District of Nevada's court historian and has actively begun taking oral histories of his colleagues which will be transcribed and submitted to the Ninth Circuit Court of Appeals Historical Society. Judge Johnston hopes that the personal interviews he has conducted will provide a more insightful understanding of these distinguished and honorable men and women.

Judge Johnston is a staple in the community and remains active in various local organizations. He is on the Board of Directors of the Las Vegas Area Council of the Boy Scouts of America and holds a leadership position within his church congregation. In his spare time, Judge Johnson enjoys running, traveling, and spending time with his family.

Madam Speaker, I am proud to honor the Honorable Judge Robert J. Johnston. His commitment and dedication to Nevada and his Nation should be applauded by all. I wish to congratulate him on 20 years as a United States Magistrate Judge and thank him for his service.

RECOGNIZING THE OPENING OF THE ST. VINCENT DEPAUL COMMUNITY HEALTH CLINIC

HON. TIM MAHONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Mr. MAHONEY of Florida. Madam Speaker, I rise today to celebrate the opening of the St. Vincent DePaul Community Health Clinic in Port Charlotte, Florida. This nonprofit organization took on the challenge of addressing the medical needs of the uninsured, underinsured and homeless in Charlotte County. The opening of the clinic was championed by Dr. Mark Asperilla and Dr. David Klein, and I would like to commend their hard work and dedication in seeing the clinic become a reality.

The clinic, which is located at 21450 Gibraltar in Port Charlotte, will open initially on a part time basis but hopes to achieve a goal of operating 12 hours a day, 6 days a week. The clinic will provide a wide range of healthcare services from general health check ups to prescription medication free of charge to needy residents.

St. Vincent DePaul is joined by the Charlotte County community which has come together and is working as a team to save lives and improve the quality of life of the poor and uninsured. Churches, schools, civic groups, fraternal organizations, hospitals, businesses, foundations and individuals have all worked together to ensure that Charlotte County has a health clinic that can effectively serve its residents. This community has dedicated itself to restoring human dignity by reaching out to provide a helping hand.

The blessing of the facility will be coordinated by Father Arthur Schute, spiritual advisor at Peace River Regional Medical Center, and a ribbon cutting and dedication ceremony will take place at noon today.

Madam Speaker, please join me in commending the creation of the St. Vincent DePaul Community Health Clinic.

PERSONAL EXPLANATION

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Ms. ZOE LOFGREN of California. Madam Speaker, due to an inoperable beeper, I unfortunately missed recorded votes No. 1142 and No. 1143 on Tuesday, December 11, 2007. Had I been present to vote, I would have voted "aye" on rollcall vote No. 1142 and "aye" on rollcall vote No. 1143.

PAYING TRIBUTE TO DAYNA LYNN AHERN

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Mr. PORTER. Madam Speaker, I rise to honor the life and memory of my friend Dayna Lynn Ahern, whose passion for life was an inspiration.

Dayna was a native of Las Vegas who was a student of fashion merchandising at the Fashion Institute in Las Vegas, Nevada. Prior to enrolling in the Fashion Institute, Danya had earned an Associates Degree from the prestigious Le Cordon Blue College of Culinary Arts in Las Vegas.

Among Danya's many passions was traveling and music. These dual talents provided her with a number of unique opportunities, such as performing for the Pope at the Vatican and traveling with her high school choir to perform at various locals in Europe. Danya was also an active member of her Church, and had a strong sense of spirituality.

Madam Speaker, I am proud to honor the life and legacy of my friend Danya. On March 30, 2006, Danya passed away but her enthusisiam and passion for life will serve as an inspiration for all who knew her. She will be greatly missed, but her legacy as a caring and motivated individual will live on.

TRIBUTE TO F. BRENT LEATHERWOOD

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Mr. MACK. Madam Speaker, I rise today to honor F. Brent Leatherwood for his years of exemplary service in my office and to the constituents of the Fourteenth Congressional District of Florida.

I first met Brent shortly after he graduated from college at the University of Central Florida. When I met Brent, he was working for former Congressman Bill McCollum. I was impressed by Brent's energy, his passion for the Constitution, his dedication to the principles of federalism, and his strong work ethic. Because of this, I hired him to be my Legislative Assistant when I was first elected in 2004. It was here that Brent honed his skills serving in my office.

Over the past few years, Brent has worked closely with members of Congress, his fellow staffers in the House and Senate, and others on various projects and legislative initiatives. One of the most important of these ventures Brent worked on was the reauthorization of the PATRIOT Act. Brent crafted a strategy and worked with members of Congress and congressional staff in order to ensure that many Constitutional safeguards were included in the final legislation. He brought a passion to this debate like no other and was one of my key advisers in this arena. Freedom and federalism is at the core of Brent's philosophical beliefs and he constantly reminded me of Ben Franklin's famous quote, "Those who would give up essential liberty to purchase a little temporary safety deserve neither liberty nor safety."

In mid-2005, because of the skill and diligence he brought to the job, Brent was promoted to Senior Legislative Assistant. Brent has served in that capacity to this date.

Brent has always had a love, respect, and passion for the rule of law and he has now been presented with a tremendous opportunity to return to his native Tennessee and begin his formal study of the law. While I am excited for Brent to begin the next phase of his life, make no mistake about it, he will be greatly missed. He has been a valuable member and an irreplaceable part of my team.

I have valued his advice over the last few years. And I am proud to call him my friend. On behalf of the Fourteenth Congressional District, I'd like to thank Brent for his years of service to the people of Southwest Florida and indeed our nation. He is a true patriot and we wish him all the best for a lifetime of happiness and great success.

HONORING THE LIFE OF BLYTHE ANN O'SULLIVAN

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Mr. ROSKAM. Madam Speaker, I am saddened to rise today to honor the life and service of an exceptional young Peace Corps Volunteer Blythe Ann O'Sullivan of Bloomingdale, Illinois. On December 6, 2007, Blythe passed away while serving the people of the Republic of Suriname in South America.

After graduating from Bradley University, she decided to join the Peace Corps.

Blythe was sworn in as a Volunteer on August 3, 2006, after 4 months of intensive training. Leaving her loved ones and comfortable life in the United States behind, Blythe bravely took on the challenge of sharing her knowledge and expertise with the Brokopondo people.

As a small business and community development advisor, Blythe dedicated herself to improving the operations of a local water project and building a community center for the women in the village where she was staying.

While serving in Suriname, Blythe recognized how extraordinarily blessed we are in the United States, saying "I am so humbled by the challenges the Suriname villagers must conquer day after day. Here, each waking moment must be spent satisfying basic needs." Blythe's dedication to improving the lives of others is an example for us all.

Blythe's ready smile, compassionate care for the people of Suriname and efforts to bring them hope have affected countless lives. Blythe's efforts will forever be a tribute to her life and service.

Madam Speaker, I wish to offer my deepest sympathies to Blythe's parents, John and Joan, and the entire O'Sullivan family. They are in my thoughts and prayers during this difficult time.

Madam Speaker and Distinguished Colleagues, please join me in mourning the loss of an extraordinary young woman, Blythe Ann O'Sullivan.

PAYING TRIBUTE TO ROBERT CHESTO

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Robert Chesto for his support of America's fallen heroes.

Mr. Chesto has a long history of serving his community in Las Vegas, Nevada. He moved from Biloxi, Mississippi in 1955 and began the 4th grade at C.P. Squires Elementary School in Las Vegas. He then attended Tom Williams Elementary, J.D. Smith Middle School, and Rancho High School. After graduating from Rancho High School, Robert enrolled in the University of Nevada, Las Vegas majoring in Music. In 1970, after graduating from UNLV, Robert was drafted into the United States Army where he served on active duty in the Nevada Army National Guard until 1990. In 1976 he began teaching in the Clark County School District.

After retiring from the Army National Guard as a Captain, Robert went back to UNLV to pursue a degree in Education. In 2000, Robert began as Principal at his own high school, Rancho. As the Principal of Rancho High School, Robert is dedicated to honoring those who have served their country in the Armed Services. Rancho High School has become an "All American High School" with over 250 American flags decorating the school. Mr. Chesto has also dedicated himself to remembering Rancho's history by incorporating a "Wall of Honor" for the 23 Rancho graduates who were killed in action during the Vietnam War.

Madam Speaker, I am proud to honor Robert Chesto. He has not only served his country in times of war, but also committed himself to the education of our youth. His continuing dedication to his country and to the remembrance of those who have fallen serves as an example to us all.

TRIBUTE TO OLA COPELAND

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2007

Mr. SPRATT. Madam Speaker, I rise to call the attention of the House to Ola Copeland, an outstanding citizen of my district who recently passed away in Gaffney South Carolina, a place she called home for her entire life.

Mrs. Copeland was known best for 15 years of service on the Cherokee County Board of Education. She believed in education, and as a life-long citizen, knew Cherokee County well. Her colleagues recognized her ability, and elected her Chairwoman of the Cherokee County Board of Education, a post she held from 2003 until the day she died. During her tenure on the board, she chaired the Curriculum, Budget, and Special Needs Committees, served on the Maintenance, Property and Grounds Committee, and acted as the Board's Parliamentarian and Legislative Contact.

Despite a lengthy battle with kidney disease, the disease that ultimately claimed her life, Mrs. Copeland worked tirelessly to ensure that Cherokee County students had the best in education. To accommodate her dialysis schedule, the Cherokee County School Board reset its meeting. Just as kidney disease did not stop her serving on the board of education, it also did not prevent her from being a friendly and familiar face at school functions. The day before she was admitted to the hospital with her last illness, she attended the Gaffney High Homecoming Assembly.

Mrs. Copeland was deeply involved in her church, served on numerous boards, and was a member of various organizations that help make Cherokee County a better place. She was an organizer of Theta Beta Gamma Sorority, Inc. and a member of Alpha Kappa Alpha Sorority, Inc. As if serving on the county school board was not enough, she also served as an officer in the Rocky Mountain Red Hat Society, Friends of the Cherokee County Public Library, and on the board of Piedmont Community Action. She was involved in Communities in Schools, the Teenage Pregnancy Awareness Council, First Steps Board of Directors, and the Renaissance Committee at Gaffney High School.

Ms. Copeland graduated from Granard High School and earned a business degree from Limestone College in Gaffney. She is survived by two sons, two daughters-in-law, and three grandchildren. Her life was cut short and she died before her time, but if we measure life not by how long we live, but by how well, Ola Copeland lived a long, full life. She left her community better than she found it, and left her fellow citizens a legacy of service and achievement, including her sterling example of what life in a democracy is all about.

PAYING TRIBUTE TO ROBERT P. ELLIS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Mr. PORTER. Madam Speaker, I rise today to honor my friend Robert P. Ellis and his dedication to the Southern Nevada community.

Robert "Bobby" Ellis is the President and CEO of B&E Auto Auction, an independently-owned salvage company. It was recently announced that B&E will sell their assets to a national company, a decision that should enhance their ability to serve customers' needs in Nevada.

Bobby also founded the Coalition of Independent Salvage Pools of America in 2000, a partnership of independently owned salvage companies who make it their mission to provide reliable service, competitive pricing that benefits insurance companies, and commitment to their individual local communities and state.

Bobby proved his devotion to education by establishing the Robert and Sandy Ellis Scholarship Fund for students at Nevada State College in 2004. Robert and his wife believed that this scholarship endowment would not only help students obtain a college education, but would help the future economic growth and development of Southern Nevada. In addition to his generous donations to educational institutions, Robert has truly embraced the spirit of philanthropy and has greatly contributed to his surrounding community.

Madam Speaker, I am proud to honor my good friend Bobby P. Ellis. His steadfast loyalty to the state of Nevada is an example to us all, and I wish him continued success with all his future endeavors.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, December 13, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

DECEMBER 18

10 a.m.

Judiciary

Business meeting to consider the nominations of Ondray T. Harris, of Virginia, to be Director, Community Relations Service, David W. Hagy, of Texas, to be Director of the National Institute of Justice, Cynthia Dyer, of Texas, to be Director of the Violence Against Women Office, Department of Justice, and Nathan J. Hochman, of California, to be an Assistant Attorney General, all of the Department of Justice, and Scott M. Burns, of Utah, to be Deputy Director of National Drug Control Policy.

SD–226

10:30 a.m.

Energy and Natural Resources

To hold hearings to examine the nomination of Jon Wellinghoff, of Nevada, to be a member of the Federal Energy Regulatory Commission.

SD–366

3:30 p.m.

Homeland Security and Governmental Affairs

To hold hearings to examine the nomination of Steven H. Murdock, of Texas, to be Director of the Census, Department of Commerce.

SD–342

DECEMBER 19

9:30 a.m.

Homeland Security and Governmental Affairs

Business meeting to consider the nominations of Harvey E. Johnson, Jr., of Virginia, to be Deputy Administrator and Chief Operating Officer, Federal Emergency Management Agency, and Jeffrey William Runge, of North Carolina, to be Assistant Secretary for Health Affairs and Chief Medical Officer, both of the Department of Homeland Security, and Steven H. Murdock, of Texas, to be Director of the Census, Department of Commerce.

SD–342

10 a.m.

Judiciary

Business meeting to consider the nomination of Mark R. Filip, of Illinois, to be Deputy Attorney General, Department of Justice.

SD–226

Commerce, Science, and Transportation

Surface Transportation and Merchant Marine Infrastructure, Safety and Security Subcommittee

To hold an oversight hearing to examine the Federal Motor Carrier Safety Administration, focusing on truck driver hours-of-service (HOS) rules and truck safety.

SR–253

11 a.m.

Foreign Relations

To receive a closed briefing on Kosovo, focusing on future challenges.

S–407, Capitol

DECEMBER 20

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine the nominations of Robert A. Sturgell, of Maryland, to be Administrator of the Federal Aviation Administration, and Simon Charles Gros, of New Jersey, to be an Assistant Secretary, both of the Department of Transportation.

SR–253

HOUSE OF REPRESENTATIVES—*Thursday, December 13, 2007*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. TAUSCHER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 13, 2007.

I hereby appoint the Honorable ELLEN O. TAUSCHER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, Isaiah the prophet tells us: "The way of the just is smooth; the path of the just is made level by You. Yes, for Your way and Your judgments, O Lord, we look to You. Your name and Your guidance are the desire of our souls."

Since the making of just laws and the shaping of policy that is good for Your people, Lord, is the work of Congress, we pray that the same spirit that moved Isaiah may stir the hearts of the Representatives so they may seek Your presence and desire Your help with greater intensity these days.

May their souls yearn for You in the night and be watchful for Your coming with inspiration, clarity of speech, and willful collaboration.

Then when Your judgment dawns upon the Earth, may Your people have justice. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Pennsylvania (Mr. ALTMIRE) come forward and lead the House in the Pledge of Allegiance.

Mr. ALTMIRE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 4343. An act to amend title 49, United States Code, to modify age standards for pilots engaged in commercial aviation operations.

The message also announced that the Senate has passed with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3997. An act to amend the Internal Revenue Code of 1986 to provide earnings assistance and tax relief to members of the uniformed services, volunteer firefighters, and Peace Corps volunteers, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1245. An act to reform mutual aid agreements for the National Capital Region

S. 2271. An act to authorize State and local governments to divest assets in companies that conduct business operations in Sudan, to prohibit United States Government contracts with such companies, and for other purposes.

The message also announced that pursuant to Public Law 96–114, as amended, the Chair, on behalf of the Majority Leader, appoints the following individual to the Congressional Award Board:

Patrick Murphy of Washington, DC, and reappoints the following individual to the Congressional Award Board:

Andrew Ortiz of Arizona.

The message also announced that pursuant to Public Law 106–398, the Chair, on behalf of the Majority Leader, and after consultation with the ranking members of the Senate Committee on Armed Services and the Senate Committee on Finance, appoints the following individual as a member of the United States-China Economic Security Review Commission:

Patrick A. Mulloy of Virginia for a term beginning January 1, 2008 and expiring December 31, 2009, vice C. Richard D'Amato of Maryland, and reappoints the following individual to the United States-China Economic Security Review Commission:

William A. Reinsch of Maryland for a term beginning January 1, 2008 and expiring December 31, 2009.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five 1-minute speeches per side.

THE UNCERTAIN ECONOMY

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Madam Speaker, a recent poll shows that the economy is now priority number one for the American people. With home prices continuing to fall and costs continuing to rise on everything from health care to college tuition, American families are becoming more and more pessimistic about our economy.

And it's not surprising that this poll showed that the American people trust Democrats more than Republicans to handle this issue by an 18-point margin. Since taking office earlier this year, the Democratic majority in this House has passed several pieces of legislation to assist working families during this uncertain economy.

We increased the minimum wage for the first time in a decade, cut loan interest rates in half, and just last week we passed an energy bill that addresses skyrocketing gas prices and will save American families up to $1,000 per year at the pump.

Madam Speaker, this Democratic Congress will continue to work on public policy measures that help American families make ends meet during this difficult economic time.

FUNDING OUR VETERANS

(Mrs. DRAKE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DRAKE. Madam Speaker, this is day 74. That is 74 days since the start of the new fiscal year. Our veterans still do not have access to the increased funding provided in a bill that passed the House and Senate months ago and the President is waiting to sign.

This bill includes increased funding to improve access to medical services for all veterans, new initiatives for mental health and PTSD, increased funds for improved medical facilities, and increased funding to assist homeless veterans, to name just a few.

The Democrats have refused to move the bill forward. Our veterans have been operating on an extended shoestring budget since October 1. We now

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

know that instead of moving the bill forward, the Democrats will instead pass more temporary funding that does not include this increased funding for our veterans. Then our veterans will be lumped together with other spending in a massive package.

I'm calling on the Speaker to move the bill forward. I am calling on all Americans to contact their Representatives and tell the Democratic leadership to send a clean veterans appropriations bill to the President now.

IN HONOR OF CAPTAIN ADAM SNYDER

(Mr. MAHONEY of Florida asked and was given permission to address the House for 1 minute.)

Mr. MAHONEY of Florida. Madam Speaker, I rise today to honor the life and service of Captain Adam Snyder of Fort Pierce, Florida, who passed away on December 5, 2007, from battle injuries suffered in Iraq.

Adam was 26 years old.

Captain Snyder belonged to the 101st Airborne Division, stationed at Fort Campbell, Kentucky. He was the fourth generation Snyder to proudly serve the United States military. Adam was serving his second tour in Iraq.

Adam was a graduate of the U.S. Military Academy, where one of his professors, John McVan, described Adam as "one of the best and brightest I've ever had."

Adam's brilliance was not limited to his military career. He impressed whomever he encountered in all walks of life. Adam looked forward to returning home and pursuing his dream of acting. His modesty, bravery, and humanity are qualities rarely found in such great measure in one man.

Madam Speaker, it is with a heavy heart but great pride that I stand here today in this sacred hall to honor Adam and his family. I want to thank Adam's family for giving America a hero who went to work every day defending his country so that we can enjoy liberty.

Adam, our Nation for all eternity will be in your debt for the ultimate sacrifice you have made.

HONORING FORMER LIEUTENANT GOVERNOR KARL OHS

(Mr. REHBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REHBERG. Madam Speaker, I rise today to honor one of Montana's most dedicated public servants, former Lieutenant Governor Karl Ohs. Last month Karl passed away in his Helena home due to complications caused by brain cancer.

Born in Malta, Montana, in 1946, Karl was the portrait of a Montana farmer and rancher. Whether it was studying agricultural economics at Montana State University, meeting with fellow ag producers to discuss economic opportunities in the State, or working the ranch, Karl was a vital supporter of our leading industry.

His work on behalf of rural priorities didn't stop there. During his three terms in the House of Representatives and his 4 years as Lieutenant Governor, Karl was a proven leader. As a member of the Governor's advisory task force on drought and chairman of the National Lieutenant Governors Association, Karl represented Montana's needs not only on the State but on the national level. Additionally, his prominent role as mediator between the antigovernment Freeman and the FBI during a 1996 standoff, for which he was awarded the FBI's highest civil service award, solidified Karl's status as a hardworking, straight-shooting cowboy.

Finally, in 2006, as chairman of the Montana Republican Party, Karl helped Republicans regain control of the State House, the only State in the Nation to see a legislative body change from Democrat to Republican control.

Most importantly, Karl was a dedicated father, a loving husband, and a good friend, who left a permanent impression on those who knew him.

God rest his soul.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded not to traffic the well while another Member is under recognition.

A JOURNEY FOR 9/11

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY of New York. Madam Speaker, next week retired New York Giants cocaptain and Super Bowl champion George Martin will walk the 1,000th mile of his 3,000-mile trek across America to raise funding and awareness for sick Ground Zero rescue and recovery workers, the heroes of 9/11. His walk from New York to California, called A Journey for 9/11, began just after the sixth anniversary of that tragic day. This week his walk continues through Tennessee as he approaches his 100th mile.

George is an inspiration and a true all-star. And as he walks, this Congress is responding to the need, providing $109 million for treatment in this budget. But we need to pass the 9/11 Health Act to help all those suffering from 9/11 injuries. It is the least a grateful nation can do.

HONORING SPECIALIST JOHNATHAN LAHMANN

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Madam Speaker, the Old Book says if you owe debts, pay debts; if honor, then honor; if respect, then respect.

Today I rise to pay a debt of gratitude and honor for a Hoosier lost in Operation Iraqi Freedom. I was deeply saddened to learn of the loss of Specialist Johnathan Lahmann of Richmond, Indiana, from wounds suffered in Bayji, Iraq on Monday when a vehicle-borne improvised explosive device detonated near his vehicle.

Specialist Lahmann served in the 59th Engineering Company, 20th Engineer Battalion, 36th Engineer Brigade, part of the Army III Corp based in Fort Hood, Texas.

To be a U.S. Army soldier is to be a part of the strongest fighting force in the world. Specialist Lahmann embodied the American Army values of loyalty, duty, honor, respect, and selfless service. He continued that proud tradition as a combat engineer.

Specialist Lahmann was also the recipient of the Expert Rifleman Badge and Army Good Conduct Medal. And he will be posthumously awarded the Bronze Star and a Purple Heart, having died in the line of duty.

I rise to express my profound condolences to his parents, Alan Lahmann and Linda Lahmann, to family, neighbors and friends for the loss of this brave young man.

Eastern Indiana will never forget the service and sacrifice of Johnathan Lahmann. His name will be enshrined in the hearts of two grateful nations.

PAYGO

(Mr. CUELLAR asked and was given permission to address the House for 1 minute.)

Mr. CUELLAR. Madam Speaker, I rise today to support the fiscal responsibility and accountability that PAYGO affords us.

PAYGO requires that increases in spending or tax cuts be offset and enables us to make the right choices with our Nation's revenue. It is a simple but tough rule that helped us lower the national deficit and balance the budget in the 1990s.

I'm glad that we are now working to pass legislation under PAYGO to ensure that the national deficit is not increased and that enables us to have the revenue on hand that we need to address the very important needs of our Nation. I am proud to support the kind of fiscal discipline that PAYGO has given us, and I hope to see that every piece of legislation continues with this PAYGO regulation.

Madam Speaker, I continue to support fiscal responsibility under PAYGO for the House of Representatives to ensure that future generations are not mortgaged any further with irresponsible spending.

JOHN EDWARD "HUTCH" HUTCHINSON

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, Greensburg, Pennsylvania, a town in my congressional district, is lucky to have had their fire chief for 55 years. John Edward Hutchinson, who prefers to be known just as Hutch, first took office in 1952, and he has no intention of slowing down. Were he standing with me, he would say that he simply wants to help.

And help he has. From developing training programs and specialized teams in his department to establishing burn classes in local schools, Hutch has put in countless hours of service to the community.

But it's not just Southwestern Pennsylvania that has benefited from Hutch's time as fire chief. Hutch has organized his teams to assist the victims of natural disasters throughout the country from hurricanes to floods.

Hutch always shies from attention, but he deserves our recognition for 55 years of tireless service to the community.

□ 1015

MR. PRESIDENT, SIGN THE SCHIP BILL

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, isn't this the season of giving? My colleagues, the Democratic majority has worked without stopping to provide funding for the health insurance of our children in America. Isn't it a shame that the minority and the administration want to be the scrooge of the season and deny millions of children health care in the Children's Health Insurance Plan; 966,000 children in the State of Texas, innocent children who cannot fend for themselves, now suffering because we have a veto on the SCHIP.

Madam Speaker, isn't this a season of giving? I'm grateful that the Democrats prevailed on the AMT, giving middle-class taxpayers a bounty this holiday season, but who will care for the children?

Again, Mr. President, sign the SCHIP bill. Don't take away Christmas from millions of children here in America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

MAKE THE R&D TAX CREDIT PERMANENT

(Mr. SALI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SALI. Madam Speaker, at the end of this month, a vitally important research and development tax credit is due to expire again.

Since 1981, Congress has erratically extended this tax credit, and extensions have ranged from 6 years to 5 months. Sometimes extensions have applied retroactively. The tax credit even lapsed for a year. A permanent R&D tax credit is long overdue, and Congress should act now to make a permanent R&D tax credit a reality.

Congress was right to offer an R&D tax credit. Doing so boosted America's competitive edge in an increasingly cut-throat global marketplace of ideas, products, and services. Yet we ignore, to our economic peril, the fact that other countries, including Australia, Canada, China, France and India, also offer tremendous R&D incentives to their industries.

Now is the time to make R&D tax credits permanent. Doing so would remove an unnecessary burden on our industries, including roughly 35,000 Idahoans employed in high-tech jobs.

Madam Speaker, there is no reason for keeping this kind of tax credit temporary. Let us unleash the power of American ingenuity and make the R&D tax credit permanent.

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 2082, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2008

Mr. HASTINGS of Florida. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 859 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 859

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2082) to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. All points of order against the conference report and against its consideration are waived.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

Mr. HASTINGS of Florida. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington, Representative HASTINGS. All time yielded during consideration of the rule is for the purposes of debate only.

GENERAL LEAVE

Mr. HASTINGS of Florida. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous material into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am going to submit my full statement for the RECORD and abbreviate it. I, however, wish to commend Chairman REYES for the leadership on this bill. Under his leadership, and that of many others, consideration of this intelligence bill has been one of the most open intelligence authorization bills that we've seen. There may be some who will disagree with some of the report's content, but there should be none who disagree with the openness of the process.

Madam Speaker, over the past week, as we debate the CIA's destruction of videotapes of past interrogations, the Nation has realized the importance of congressional oversight of the intelligence community.

For far too long, Congress has been silent as a partner in the unchecked actions of this administration. In neglecting to do our jobs, we were failing the people of America.

With this new majority Congress, we are again conducting the necessary oversight of the executive branch. With this bill, we are fulfilling our responsibility to give the intelligence community the tools it needs to succeed.

One thing that I think Members will be particularly interested in is that interrogation techniques put forth in this measure are limited to those of the Army Field Manual, making it clear that harsh or aggressive interrogation techniques are prohibited.

I participated in the conference myself, Madam Speaker, and I saw the development of this report that we have here. I would like to take a moment of personal privilege to say that I took the liberty of leaving the Select Committee on Intelligence with the hope of returning in the successive year. It is my great hope that all of the Members of that committee and the tremendous staff that work under awesome pressure know how much I and others in Congress appreciate their work.

Madam Speaker, this rule provides for consideration of the Intelligence Authorization Act conference report under the standard rule for conference reports. As the chairman of the Intelligence Committee noted here on the floor yesterday, Madam Speaker, Members wishing to view the classified portions of the conference report can do so in H–405 of the Capitol.

Madam Speaker, this rule provides for consideration of the Intelligence Authorization Act

Conference report under the standard rule for conference reports.

As the chairman of the Intelligence Committee noted here on the floor yesterday, Madam Speaker, Members wishing to view the classified portions of the Conference Report can do so in H–405 of the Capitol.

Madam Speaker, I am pleased to come to the floor today in strong support of the underlying Intelligence Authorization Conference Report for Fiscal Year 2008.

As a member of the Conference and a signatory of its Report, I take great pride in being a part of a Majority which has successfully completed its work on the Intelligence Authorization bill after the previous Majority failed to do so for the last 3 years.

I commend Chairman REYES for his leadership on this bill. Under the Chairman's leadership, and that of many others, consideration of this intelligence bill has been one of the most open intelligence authorization bills that we've seen.

There may be some who will disagree with some of the Report's content. But there should be none who disagree with the openness of the process.

During the original consideration of this bill by the House in May, the House adopted multiple bipartisan amendments.

For example, the gentleman from Michigan, Representative ROGERS and I offered an amendment which took aggressive steps to limit the growth of the Office of the Director of National Intelligence.

The two of us share concerns that the Director of National Intelligence has grown without constraint and is adding an additional level of bureaucracy without providing the coordination that we hoped to see when we passed the Intelligence Reform Act.

This Conference Report addresses our concerns in a positive manner. Most importantly, so has the Committee, as it has held multiple hearings on the subject since May.

There were also amendments offered and adopted by the conferees that are included in the conference agreement. Indeed, every amendment adopted by the conferees, including the one offered by Ranking Member HOEKSTRA, enjoyed bipartisan support.

Madam Speaker, over the past week, as we debate the CPA's destruction of videotapes of past interrogations, the Nation has realized the importance of Congressional oversight of the intelligence community.

For far too long, Congress was a silent partner in the un-checked actions of this Administration. In neglecting to do our jobs, we were failing the American people.

With this new Majority, Congress is again conducting the necessary oversight of the Executive Branch. With this bill, we are fulfilling our responsibility to give the intelligence community the tools it needs to succeed.

In response to growing concerns here in Congress and throughout the public, this bill takes significant steps to address interrogation and detention programs. It limits interrogation techniques to those in the Army Field Manual, making it clear that harsh or aggressive interrogation techniques are prohibited.

It requires that the intelligence community report to Congress on compliance with the Military Commissions Act and the Detainee Treatment Act.

The American people should know that we have asked the Administration to provide us with all Department of Justice legal opinions about interrogation and detention programs—opinions which are sorely needed given the CIA's decision to destroy videotapes of interrogations.

This Conference Report also increases Congressional oversight ability by strengthening the inspectors general of the intelligence community.

The Report requires the CIA Inspector General to audit all covert action programs every three years. And it also requires the DNI to provide Congress a comprehensive listing of all special access programs.

Members of the Intelligence Committee are concerned, with good cause, that the intelligence community has not been keeping us fully informed of all their activities.

With this new Majority, the critical oversight which has been lacking for the last six years is finally being conducted. And unlike in the past, it is being done in an inclusive and bipartisan manner.

Madam Speaker, the underlying Conference Report provides the necessary reforms and funding to ensure that America's intelligence community continues to pave the way in effective counter surveillance, human intelligence collection, and analysis.

I urge my colleagues support for the rule and the underlying Conference Report.

Madam Speaker, with that, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I want to thank my friend and namesake, Mr. HASTINGS, for yielding me the customary 30 minutes, and I yield myself as much time as I may consume.

Madam Speaker, authorizing the necessary resources for our Nation's intelligence community is one of the most important responsibilities of Congress. The attacks of September 11, 2001, showed us that we must be vigilant against the threat of terrorism, and our intelligence community is a critical part of protecting America from its enemies abroad.

I have strong concerns about what appears to be an unfortunate and utter lack of bipartisan work on the Intelligence Authorization Act for Fiscal Year 2008.

In addition to failing to incorporate Intelligence Committee Republicans in the development of this bill, the bill also fails to consider the input of Armed Services Committee Republicans.

Serious concerns exist about the bill's mandate that all 16 U.S. intelligence agencies be governed by the U.S. Army Field Manual on interrogation designed to cover combatants picked up in the battlefield. The Army manual was never designed to cover America's most dangerous enemies, such as Osama bin Laden and Khalid Sheikh Mohammed. At a minimum, we deserve to know, Madam Speaker, how these new standards would impact intelligence operations and, ultimately, U.S. national security before rushing to attach them to this legislation.

Proponents of this new requirement view this as a simple application of one organization's set of rules onto every other entity engaged in the activity. Madam Speaker, this isn't simple; I believe it's simplistic. And it could have dire consequences on our national security.

To illustrate the logic at work here, why not require the NBA and Major League Baseball to play by the NFL rule book and use a football in their games? They all use a ball, after all, and if a football is good enough for the NFL, it should work for the NBA and for Major League Baseball. We all know that that would be a disaster, Madam Speaker, and before we require all Federal agencies to adhere to the Army manual, we should be certain it won't create a disaster for protecting our country in the war on terror.

This bill also includes provisions that are questionable as to whether or not they will help improve America's security. Specifically, the House Democrats included language to fund and pursue research into an intelligence assessment of global warming. At a time when our Nation is engaged in a global war on terrorism, our intelligence community should not be required to focus on reports about climate change.

I am also concerned that, despite bipartisan passage of a motion to instruct conferees that earmarks should not be included, this conference report contains more than $75 million worth of intelligence earmarks. Intelligence funding should be based on national security, not potential special interests.

Instead of funding global warming studies, earmarks, and mandating Army Field Manual provisions, House Democrats should be taking steps needed to ensure that our intelligence officials are able to monitor foreign terrorists overseas.

House Democrats have stalled the passage of a permanent update on the Foreign Intelligence Surveillance Act, or FISA. The bipartisan Protect America Act expires in less than 2 months, and the American people deserve a permanent bill as soon as possible.

Madam Speaker, I urge my colleagues to vote against this rule.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I would like to inquire of the gentleman if he has any remaining speakers. I am the last speaker for our side.

Mr. HASTINGS of Washington. Madam Speaker, I inform my good friend from Florida that I have no requests for speakers; and if he's prepared to close, I will close on my side.

Mr. HASTINGS of Florida. I will reserve my time until the gentleman has closed for his side and has yielded back his time.

☐ 1030

Mr. HASTINGS of Washington. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, on December 4, Mr. HOEKSTRA offered a motion to instruct conferees that earmarks should be eliminated from a final conference report. This motion passed by a bipartisan vote of 249–160. However, despite bipartisan agreement that earmarks should not be included, this conference report contains more than $75 million worth of intelligence earmarks. Intelligence funding should be based on national security, not on special interests.

I am concerned with the level of earmark funding in this authorization conference report, and I am concerned that the House rules are flawed when it comes to the enforceability of earmarks. House Republicans believe every earmark should be debatable on the House floor, and for the last several months we have made repeated attempts to close loopholes in the House rules as they relate to earmarks.

So, Madam Speaker, today I will again be asking my colleagues to vote "no" on the previous question so that I can amend the rule to allow the House to immediately consider House Resolution 479 introduced by Republican Leader BOEHNER that would improve the House rules and allow the House to debate openly and honestly the validity and accuracy of earmarks contained in all bills.

We must defeat the previous question so that American taxpayers are no longer left wondering what hidden earmarks are contained in bills before the House and this Congress.

Madam Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. I urge my colleagues to oppose the previous question and the rule, and with that I yield back my time.

Mr. HASTINGS of Florida. Madam Speaker, if we have learned anything from the failures of the war in Iraq, it is that reliable intelligence is critical to ensuring America's national security. The terrorist attacks of September 11, combined with the continuing threats fueled by extremism, radicalism, hopelessness and poverty underscore the importance of this legislation.

The new Democratic majority is working every day to ensure that we congratulate our intelligence community for its successes but also hold it accountable for its failures. This report is a strong step in the right direction, and it enjoys bipartisan support. I am proud of our product and hope that my colleagues will agree. I urge a "yes" vote on the rule and the underlying conference report.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 859 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 2. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the resolution (H. Res. 479) to amend the Rules of the House of Representatives to provide for enforcement of clause 9 of rule XXI of the Rules of the House of Representatives. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information form Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. HASTINGS of Florida. Madam Speaker, I yield back the balance of my time and move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.J. RES. 69, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2008

Ms. SLAUGHTER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 869 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 869

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 69) making further continuing appropriations for the fiscal year 2008, and for other purposes. All points of order against consideration of the joint resolution are waived except those arising under clause 9 or 10 of rule XXI. The joint resolution shall be considered as read. All points of order against provisions of the joint resolution are waived. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

SEC. 2. During consideration of House Joint Resolution 69 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the joint resolution to such time as may be designated by the Speaker.

SEC. 3. The chairman of the Committee on Appropriations shall insert in the Congressional Record at any time during the remainder of the first session of the 110th Congress such material as he may deem explanatory of appropriations measures for the fiscal year 2008.

SEC. 4. House Resolution 839 and House Resolution 850 are laid upon the table.

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 1 hour.

Ms. SLAUGHTER. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. DIAZ-BALART). All time yielded during the consideration of the rule is for debate only.

I yield myself such time as I may consume.

GENERAL LEAVE

Ms. SLAUGHTER. Madam Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 869.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. SLAUGHTER. Madam Speaker, H. Res. 869 provides for the consideration of H.J. Res. 69, a simple, 1-week extension of the fiscal year 2008 continuing resolution.

Madam Speaker, every Congress has the constitutional responsibility to be good stewards of the money entrusted to it by the American people. It is one of our most important responsibilities. Voters do not expect us to abdicate that responsibility, or any other, for that matter.

I am proud to say that we here in the House of Representatives have fulfilled our fiscal responsibility to the American people by passing all of our appropriations bills on time. We in the majority have been absolute in our promise to construct and pass spending bills with broad bipartisan support, and I am proud to say we have delivered on those promises.

Of the 12 fiscal year 2008 appropriations bills that have passed the House this year, we have garnered an average of 50 Republican votes, with one bill collecting as many as 187 votes from the minority. And in that spirit of working together, we have successfully pushed ahead our bold and new agenda and passed legislation that prioritizes veterans health care, education and energy independence.

Madam Speaker, we all agree that it is unfortunate that we are forced to pass a continuing resolution. But, it is something that must be done to work out the remaining issues that we have. We all understand it is our prime duty to make sure that the government is running efficiently, from our children who need quality education to our veterans who need the benefits promised to them when they signed up to serve our country, and to our senior citizens who need access to health care and affordable prescription drugs.

Many on the other side still fought tooth and nail, with some Members holding up the legislative process, in fighting these bipartisan appropriations bills, but we remained focused and strong and passed our bills on time.

It is important to note that continuing resolutions are extremely common, with a CR being enacted for every fiscal year since 1954. Additionally, Congress has averaged five continuing resolutions per year. And I would like to say to my friends on the other side of the aisle that over the last 10 years of Republican control, the House has considered 75 continuing resolutions.

Madam Speaker, this is an important resolution that will allow us to do the work necessary to fulfill our promises to the American people, and I urge its passage.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, first, I would like to thank my friend, the distinguished chairwoman, Ms. SLAUGHTER, for the time, and I yield myself such time as I may consume.

Madam Speaker, here we are 74 days into the new fiscal year, and the new majority is requesting their third continuing resolution to fund the government because they failed to pass the necessary appropriations bills.

As of today, only one appropriations bill funding the Department of Defense has been signed into law. What is the status of the rest? Well, another one has made it to a conference committee, and the rest of the appropriations bills wait for the majority to decide what to do. They control both Houses of Congress, and yet they still have to decide what to do.

They had a chance to bring their record to two appropriations bills signed into law. But instead, the majority decided to play politics with a bill that had extraordinary bipartisan support, the Veterans Affairs Appropriations Act, because the majority thought they could use it as a campaign ploy.

The new majority promised that they would finish their appropriations work. About a year ago, my friend, the distinguished chairwoman, Ms. SLAUGHTER, came to the floor and said things would be different under the leadership of the new majority. She said, and I quote, "The House will no longer avoid asking tough questions or fail to live up to its most basic duties."

Well, today we see that that has not been possible. Next week, the majority is expected to propose an omnibus appropriations bill for all the appropriations bills that haven't been finished. That bill will probably run into the thousands of pages and spend nearly half a trillion dollars. Members may not have enough time to read and digest that legislation before they are asked to vote on it. And unless the majority decides to move the omnibus appropriations bill through a conference committee, that bill will fall squarely within one of the loopholes to the majority's earmark rule, and the rules of the House then would not require any disclosure of earmarks that will be contained in that massive omnibus appropriations bill. The majority should not be asking Members to vote on a bill that may include numerous earmarks that no one is going to be able to vet and that most won't even be able to see.

Because of this loophole in the earmark rule, I, along with Mr. DREIER, Mr. HASTINGS and Mr. SESSIONS, sent a letter to the distinguished chairman of the Appropriations Committee, Mr. OBEY, asking him to "adhere not just to the letter of clause 9 of rule XXI, but to its spirit as well and provide the Rules Committee and the House with a list of earmarks contained in the omnibus appropriations bill prior to the consideration by the Rules Committee."

I sincerely hope that Chairman OBEY will comply with our request. If he does, that would, to an extent, provide Members with a bit of comfort when the bill comes to the floor.

COMMITTEE ON RULES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 6, 2007.

Hon. DAVID R. OBEY,
Chairman, Committee on Appropriations, Washington, DC.

DEAR CHAIRMAN OBEY: Today the Committee on Rules reported a "martial law" rule to provide for the same day consideration of an omnibus appropriations vehicle. That measure also includes a provision giving you the option of inserting extraneous explanatory material in the Congressional Record for appropriations measures for the remainder of this session.

During the markup of that measure, we offered an amendment to the rule to require that you provide the list of earmarks required by clause 9 of rule XXI for the omnibus appropriations measure. Unfortunately, that amendment to the rule was rejected along partisan lines.

Mr. Chairman, we know that you have made an effort during this Congress to provide transparency for earmarks contained in bills coming through your committee. However, because the omnibus appropriations bill will be considered as a Senate amendment to a House bill, it falls squarely within one of the loopholes of the earmark rule and the Rules of the House will not require any disclosure of earmarks that will be contained therein. As you were the presiding officer over the motion to concur in the Senate amendment to H.R. 6, the energy bill, you are well aware that no list of earmarks was provided for that measure because it fell within the same loophole.

We respectfully request that you adhere not just to the letter of clause 9 of rule XXI, but to its spirit as well and provide the Rules Committee and the House with a list of earmarks contained in the omnibus appropriations bill prior to consideration by the Rules

Committee. That kind of disclosure will be in the best interest of the House, its Members, and the Nation.

We appreciate your willingness to consider our request.

Respectfully,
DAVID DREIER,
DOC HASTINGS,
LINCOLN DIAZ-BALART,
PETE SESSIONS.

Madam Speaker, the new majority, again, has failed to live up to their promises to finish their work on time and many others, and the underlying third continuing resolution is just another example of their failure to lead.

I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I would ask my friend, Mr. DIAZ-BALART, if he has any speakers.

We have no speakers, either, so if the gentleman would like to close, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Again, I thank my friend.

Madam Speaker, I will be asking for a "no" vote on the previous question so that we can amend this rule and move toward passing the conference report on the bipartisan Military Construction and Veterans Affairs Appropriations Act that I made reference to a few minutes ago. The House passed the veterans and military funding bill on June 15 of this year by a vote of 409–2. The Senate followed suit and named conferees on September 6 of this year.

Unfortunately, the majority leadership in the House has refused to move the Military Construction and Veterans Affairs Appropriations Act. They have even refused to name conferees. Instead, the majority plans to include the veterans funding in the massive omnibus appropriations legislation. But the status of the omnibus is still in doubt.

□ 1045

Negotiations apparently are ongoing, but we all know there is one bill that has extraordinarily wide bipartisan support and that the President will quickly sign it into law, the Veterans Affairs appropriations bill. We already know that we are going to be here next week. We should pass the Veterans Affairs appropriation bill and provide the veterans the funding they deserve.

I urge my colleagues to help move this important legislation and oppose the previous question. Our veterans deserve better than partisan gamesmanship holding back their funding.

Madam Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, at this time, I yield back the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I urge a "yes" vote on the previous question and the rule.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 869 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 5. The House disagrees to the Senate amendment to the bill, H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, and agrees to the conference requested by the Senate thereon. The Speaker shall appoint conferees immediately, but may declare a recess under clause 12(a) of rule I for the purpose of consulting the Minority Leader prior to such appointment. The motion to instruct conferees otherwise in order pending the appointment of conferees instead shall be in order only at a time designated by the Speaker in the legislative schedule within two additional legislative days after adoption of this resolution.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote; the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

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Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. SLAUGHTER. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of H. Res. 869, if ordered; ordering the previous question on H. Res. 859; and adoption of H. Res. 859, if ordered.

The vote was taken by electronic device, and there were—yeas 222, nays 184, not voting 25, as follows:

[Roll No. 1156]

YEAS—222

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carney
Castor
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden

Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—184

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—25

Bono
Cardoza
Carson
Chandler
Cubin
Culberson
Ellison
Engel
Heller
Hinojosa
Hooley
Jindal
Jones (NC)
Lewis (KY)
Mack
Miller, Gary
Paul
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Wasserman Schultz
Waters
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1109

Mr. NEUGEBAUER changed his vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 2082, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 859, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 226, nays 189, not voting 16, as follows:

[Roll No. 1157]

YEAS—226

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—189

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham

LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Cardoza
Carson
Cubin
Culberson
Engel
Heller
Hinojosa
Hooley
Jindal
Jones (NC)
Miller, Gary
Paul
Renzi
Reynolds
Rogers (KY)
Wasserman Schultz

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1120

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 227, nays 191, not voting 13, as follows:

[Roll No. 1158]

YEAS—227

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—191

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Cardoza
Carson
Cubin
Culberson
Heller
Hinojosa
Hooley
Jindal
Jones (NC)
Miller, Gary
Paul
Renzi
Wasserman Schultz

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain on this vote.

☐ 1126

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. JONES of North Carolina. Madam Speaker, due to a pre-existing commitment to visit wounded heroes at Walter Reed Army Medical Center, I missed three rollcall votes this morning. I ask that the RECORD show that had I been present: For rollcall No. 1156—Ordering the Previous Question on H. Res. 869—I would have voted "nay"; for rollcall No. 1157—Ordering the Previous Question H. Res. 859—I would have voted "nay"; for rollcall No. 1158—Adoption of the Rule of consideration of the conference report on H.R. 2082—I would have voted "nay."

CONFERENCE REPORT ON H.R. 2082, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2008

Mr. REYES. Madam Speaker, pursuant to House Resolution 859, I call up the conference report on the bill (H.R. 2082) to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to rule XXII, the conference report is considered read.

(For conference report and statement, see proceedings of the House of December 6, 2007, at page 33232.)

The SPEAKER pro tempore. The gentleman from Texas (Mr. REYES) and the gentleman from Michigan (Mr. HOEKSTRA) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. REYES. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this conference report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. REYES. Madam Speaker, I yield myself such time as I may consume.

Last week was a remarkable week in the intelligence community. It was the best of times and the worst of times.

First, the good news. The week began with a release of a new National Intelligence Estimate on Iran. That estimate was a careful, meaningful review of the intelligence on Iran, which many of us hope will bring about a significant change in our approach to Iran, which is still a significant concern to all of us.

Then came the bad news. We ended the week with the revelation that the Central Intelligence Agency destroyed videotapes of interrogations. This is also a subject of great concern to all of us in this House. The committee had a briefing on it just yesterday, and we will continue to investigate the issue thoroughly.

Both the good news and the bad news have one thing in common. They show that careful oversight of the Intelligence Community is absolutely essential and absolutely critical. The authorization process is where we do much of our oversight and it's where we can address problem areas.

Madam Speaker, today, for the first time in 3 years, the House will vote on a conference report on an intelligence authorization bill. I am proud of it, and I hope my colleagues are too. This is the largest intelligence authorization in the history of our country. It is the result of 11 months of work done by our committee.

The conference process was a challenge. The Senate bill and the House bill were substantially different, but we worked hard to arrive at a middle ground. In conference, we further improved the bill. The conference adopted amendments offered by Members from both Chambers and both parties. This includes an amendment by the distinguished ranking member of the intelligence committee.

Madam Speaker, this is a good bill that will strengthen our intelligence community and our Nation's security. It adds significant funds to most of the Nation's satellite architecture. It reduces funding for nonperforming intelligence activities in Iraq, while robustly funding activities against al Qaeda and terrorism in Afghanistan and around the globe.

I am particularly proud of the fact that it also includes funding for counterterrorism, human intelligence collection, analysis, training and languages. We have carefully tailored provisions to enhance the diversity of the intelligence community, which is a critical investment for the future of the intelligence community.

In another investment for the future, we've added significant funding for advanced research and development. This will also maintain our technical edge over our adversaries. We have also provided money to repair and replace aging infrastructure and to train and equip linguists and intelligence collectors, so vital and important in the global war on terrorism.

This bill promotes accountability within the intelligence community, and it puts the intelligence committee back in the business of oversight. It requires reporting to Congress on several issues of major concern to all of us, including a report on compliance with the Detainee Treatment Act of 2005 and related provisions of the Military Commissions Act of 2006 regarding detentions and interrogations, as well as Justice Department legal opinions related to all of these activities. It includes provisions to strengthen oversight by the Inspector General in the intelligence community, including a provision establishing a confirmed communitywide Inspector General armed with essential authorities.

The conference report also provides for Senate confirmation of the Directors of the National Security Agency and the National Reconnaissance Office. For agencies with such significant budgets and acquisition authority and the potential to impact American privacy rights, we think the Congress ought to have a say in their Directors through Senate confirmation.

In short, Madam Speaker, the conference report is a result of a bipartisan, bicameral effort to strengthen both the intelligence community and congressional oversight. I will be proud to vote for it, and I urge all my colleagues to do the same.

Madam Speaker, I reserve the balance of my time.

Mr. HOEKSTRA. Madam Speaker, I would like to yield 2½ minutes to my colleague from Alabama (Mr. EVERETT).

Mr. EVERETT. Madam Speaker, I rise in opposition to the conference report to the Intelligence Authorization Act for Fiscal Year 2008. The process and the substance of the bill fall sadly short. As one of the crossover Members who serves on both the Select Intelligence and the House Armed Services Committees, it's critical that the House Armed Services Committee and Select Committee on Intelligence work together on national security programs that serve both the military and national intelligence. Regretfully, the Armed Services Committee's ranking member, Republican, Mr. HUNTER of California, was denied any input into the joint programs that are shared by both committees.

On substance, I had hoped the bill would have improved from the House-passed measure in May. That didn't happen. The conference report includes even more politically charged provisions from the Senate bill that micromanage and politicize the interrogation techniques of the intelligence community.

In case anyone in the Chamber has forgotten, we're at war with terrorists. Should we really be publishing our interrogation manuals for the entire world and for terrorists to see?

On a positive note, I would like to mention two specific program areas that are important to both the military and intelligence communities: the U-2 aircraft and space radar programs. The conference report language keeps the U-2 and its critical intelligence capabilities flying until we are truly transitioned over to the Global Hawk.

And I am also pleased that the bill authorizes funding for space radar capabilities, though at a lower funding level than I would like. This is an essential capability that combat commanders and service intelligence chiefs have continuously requested.

Madam Speaker, we can do better than this, and I urge all my colleagues to vote "no" on the conference report.

Mr. REYES. Madam Speaker, I just want to note for the record that Mr. SKELTON was not available to provide input to the conference group, and Mr. HUNTER was there but had to leave, so that is the reason they did not provide input.

I now yield 3 minutes to the distinguished gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Madam Speaker, this bill, our first in 3 years, will strengthen the oversight of the intelligence community, require reports on the administration's compliance with the Detainee Treatment Act, and reduce the overall number of contractors employed by intelligence agencies.

But for me, the most important element of this bill, the main reason I am supporting this conference report, was added just 1 week ago during conference. When the intelligence oversight committees gathered to consider the conference report, we inserted an amendment that would require all intelligence agencies to comply with the U.S. Army Field Manual on interrogations. This would mean no more torture and no more questions about what the CIA is allowed to do behind closed doors. The Army Field Manual is unclassified, and explicitly prohibits waterboarding, use of hoods, electric shocks and mock executions. The military has voluntarily imposed these restrictions upon itself, and now we must impose the same rules on the intelligence community.

I'm a new member of the Intelligence Committee. The Speaker called me at the beginning of this session and asked if I would serve my country by joining this important and distinguished group, and I consider my work on this bill to be just that.

The intelligence agencies we oversee operate in the shadows, and on the Intelligence Committee, we learn about policies and priorities and problems that no one in the broader public will ever see. Some of these issues are very troubling. Some of them keep me up at night.

The question of interrogation techniques is one of the most important I've dealt with on the committee, and I'm gratified we're having this debate today in a public forum.

My colleagues in the minority complain that the inclusion of this provision will make it impossible for our intelligence officers to protect the American people from terrorists. As a member of the Intelligence Committee, I assure you that those claims are false. But don't take my word for it. Please consider the advice of General David Petraeus, who said in a May 10 memo to the members of the Armed Forces that the Army Field Manual allowed intelligence officials to get the information they need. Among the things he said is, quote, "our experience in applying the interrogation standards laid out in the Army Field Manual on human intelligence collector operations that was published last year shows that the techniques in the manual work effectively and humanely in eliciting information from detainees."

If we don't pass this bill with this provision, how can we assume the moral authority to criticize Burma or any other nation for its treatment of prisoners?

In the end, we have hurt our own country and undermined the real source of our strength, the rule of law and the sanctity of our Constitution. We're fighting for the soul of our country today. I urge the adoption of this bill.

Mr. HOEKSTRA. Madam Speaker, at this time I'd like to yield 3 minutes to my colleague from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Madam Speaker, I rise in disappointment, really, of this bill. There is no doubt that there are a number of good provisions in it, thanks to the work of the chairman, ranking member and others. But I believe that we could and we should have done better. And I'll say this, Madam Speaker, in the context of the intelligence issues of the moment.

As the chairman noted, there is a great deal of turmoil about the product of the intelligence community on specific issues today, and I would recommend that all our colleagues read two editorials in today's Washington Post, one by Dr. Henry Kissinger that talks about the politicization of intelligence and the other by Mr. Ignatius that talks about the congressional oversight of intelligence, which has broken. We need to do things to improve that oversight, to increase the credibility of the community and congressional responsibilities in overseeing the intelligence community, but, unfortunately, this bill does not do the things, many of the things that could help improve our credibility and improve the community. For example, just a few days ago, this body voted for a motion to instruct to remove all earmarks in this bill and to increase human intelligence collection.

Now, part of the reason I believe we should have done that is to increase the credibility of Congress in overseeing the intelligence community because there have been problems in this area. But, unfortunately, the conference report that comes back to us today did not follow the clear bipartisan vote of the House in removing earmarks and in maximizing human intelligence collection, which is very critical. And it is a missed opportunity to improve the community and to improve ourselves in our responsibilities. And I don't think we can emphasize enough the importance of human intelligence collection in the face of the threats we face today. Much of the intelligence that will keep Americans safe is not going to come from satellites or other sorts of technical collection. It's going to come from human beings who understand the capabilities and the intention of another small group of human beings hidden in a cave or in a compound somewhere. And that's where we have to put the emphasis. Unfortunately, this bill does not do as much as it should.

□ 1145

Lastly, Madam Speaker, I would say that I believe it's a mistake to telegraph to al Qaeda or other potential enemies exactly what we're going to do when we capture you. And I believe that that provision of this bill that basically gives your playbook to our enemies increases the danger to American lives. As the gentlelady from Illinois said, it does not eliminate our ability to protect this country, but it increases the danger; and for that reason, the bill should be rejected.

Mr. REYES. Madam Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. BOSWELL), a fellow Vietnam veteran and a valued member of our House Intelligence Committee.

Mr. BOSWELL. Madam Speaker, I rise in support of the conference report.

Our intelligence professionals are on the front lines of a critically important campaign, a campaign against a determined enemy, an enemy that's ruthless, cunning, and does not abide by the rules.

In my past, I served our Nation on the front lines in a different campaign against another determined enemy. My experience in Vietnam taught me a lot about what our Nation needs to do when it sends its best and brightest off to protect itself from threats abroad.

It taught me that a Nation needs to invest in its national security professionals to ensure that its men and women on the front lines have the best and most effective training possible. One of the principles of war is intelligence. You cannot have a successful strategy without knowing your enemy. Absolutely essential, saves lives.

I'm proud to say that the conference report does, in fact, invest in our intelligence professionals.

It increases spending on language training at the DNI level, Department of National Intelligence, so languages can be leveraged across the intelligence community. Because of bipartisan concerns about language skills, it also requires an annual report on language proficiency.

It fully funds our Nation's counterterrorism effort to ensure that our human intelligence officers have what they need to collect against our Nation's most important intelligence targets.

It increases training and funding for analysts to ensure that when our intelligence collectors gather important information on the front lines that we have trained and qualified professionals back home that can piece the information together and inform policymakers about the important issues of our time.

Madam Speaker, I'm pleased to highlight one provision of the conference report that I worked hard to include. It will require significant and critical reporting on the nuclear programs of Iran and North Korea, once in the 2008 fiscal year and twice in 2009. Last week's National Intelligence Estimate showed us that the intelligence can change significantly over time and that we have to constantly reassess our beliefs. I don't want us to forget about the threats that are a little further down the road while we're focused on today. That's why I've been pushing this provision for 2 years, and I'm glad it's in the conference report.

Mr. HOEKSTRA. Madam Speaker, at this time, I yield myself 2 minutes.

Madam Speaker, I rise in opposition to the conference report today. I'm disappointed. I do compliment the chairman in an effort to move in a bipartisan direction. I think it's something that both he and I feel is essential, that at a time of risk, whether we're facing radical jihadists or whether we're facing the threat from China, North Korea, Iran, or other threats around the globe, it would be to the betterment of the country if we could reach a position on a bipartisan basis where we could come to the floor in support of a reauthorization or an authorization of the intelligence community. I can't do that today. I don't believe that this bill moves us in the direction that we need to go.

Earlier, a colleague talked a little bit about interrogation methods and these types of things. One of the problems that has happened over the last number of years, it's talked about in the editorial that my colleague from Texas referenced, the administration on a bipartisan basis reaching out to Congress, briefing Members of Congress on various programs that they felt were essential to keeping America safe and actually have kept the homeland safe ever since 9/11, have enabled us to put together the strategies and the tactics that have ensured that we have not been attacked again.

The problem is these programs have leaked out, whether it's from the community, whether it's perhaps from Congress, or wherever they have leaked out, even though Congress has been involved in the process and has reviewed these processes at their inception. These Members who were briefed and at one time said, yeah, we support these programs, have moved away from them and now that they're public said, well, yeah, we never had all the information; there's nothing that we could do about that. These programs need to be done in secret.

There are problems with this bill. I will detail more of these as we go through.

Madam Speaker, I reserve the balance of my time.

Mr. REYES. Madam Speaker, it is now my privilege to yield 3 minutes to the gentleman from New Jersey (Mr. HOLT), who serves as the chairman of the Select Intelligence Oversight Panel.

Mr. HOLT. Madam Speaker, the conference report in front of us today, imperfect as it is, addresses several key issues facing our intelligence community today: Attracting and retaining people with foreign languages and cultures; bringing speed to security clearance processes for new hires; the provision directing the Director of National Intelligence to establish a multilevel security clearance process; and a number of other things.

But as the person appointed by Speaker PELOSI to chair the Select Intelligence Oversight Panel, I'm especially interested and supportive of the provisions of this legislation that will improve the ability of Congress to exert oversight of the intelligence activities of this country, such as requirements that the intelligence community report to Congress and requirements that strengthen the Inspectors General in the intelligence community.

Intelligence is among the most important functions of our government because intelligence can save lives, prevent war, and assist our soldiers and protect Americans. But it is also among the most dangerous, dangerous because of the damage of intelligence poorly done, the damage that can be done to American interests and America's reputation and the freedoms and humane behavior that Americans hold dear. So these oversight provisions are particularly important.

Another provision of this legislation that I'm pleased to see is the requirement that the DNI produce National Intelligence Estimates on Iran and North Korea. I'm pleased to see that it seems that some reforms are now reflected in the way that the intelligence community does these National Intelligence Estimates. The recent Iran report appears to be a product of a reformed intelligence process.

Now, I've argued for years that we should have only one policy on how to handle detainees, and this bill addresses that issue head-on by requiring that the U.S. Government personnel and contractors, anyone involved in detainee operations, adhere to the Army Field Manual.

The bottom line is this: No torture of detainees, period. I'm thankful that we're finally taking that issue straight on; and in light of last week's news involving the CIA's detainee operations, I think it's clear that we still have more work to do.

The revelations surrounding and the ongoing investigations of the CIA's destruction of videotapes of detainee interrogations only underscore why Congress must establish clear policies for the video recording of detainee interrogations. I'm offering legislation in addition to what we're dealing with today that will deal with this, and I look forward to working with Chairman REYES and the House leadership to bring that measure to the floor for a vote very soon.

Mr. HOEKSTRA. Mr. Speaker, I yield 2 minutes to my colleague from New York (Mr. MCHUGH), a member of the committee.

Mr. MCHUGH. I thank the gentleman for yielding.

Like my colleague from Texas (Mr. THORNBERRY), I rise today in disappointment, and I congratulate the ranking member and the chairman. But in his opening comments, the chairman spoke about last week's NIE on Iran as the best of times; and, clearly, we all take heart in the possibility that Iran has put aside its program to develop nuclear power for weapons systems. It's an opening we need to vigorously pursue and cautiously monitor.

But I would argue, Mr. Speaker, this is hardly all good news because it also, in a less noted part of the report, talked about what we missed. It confirmed that they had an active program. It confirmed that that was going forward, and it confirmed that it happened without our knowledge, and many of the shortcomings that made that reality come about are contained in this bill.

There were a number of reasons for that failure, but some, sadly, are reflected starkly in this bill. And, indeed, for all of its good intentions, for all of its considerable effort, this legislation is sadly an example of high rhetoric that clouds stark reality.

As Mr. THORNBERRY and as the distinguished ranking member have said, there are a number of deficiencies, things that threaten the viability of our intelligence services. In my opinion, most importantly, the failure again to provide adequate resources for human intelligence collection, whether we're talking about Iran or any other highly denied theater, it is that ability to get on the ground, to find the intelligence that would have helped us not have incorrect NIEs in places like Iran in the past and protect each and every American there.

As also has been noted, this bill really does fail to provide key surveillance authorities the kind of legislation authority that is necessary to streamline surveillance of foreign terrorist targets in foreign countries, again harkening up the issue that we're clouding the reality of today's world with high rhetoric and ideals.

On that point, let me make another observation. Mr. THORNBERRY spoke of not telegraphing our interrogation techniques to our enemy. I would disagree with Mr. THORNBERRY a little bit there in that I think we're not just telegraphing; we are actually giving them the entire playbook. None of us, none of us in this government, none of us in this Chamber support torture. We have made that clear. But to give the clear playbook to our enemies, those that would do the greatest harm, as we saw on September 11, through our interrogation techniques, I think, is a very unwise step to make.

For those reasons, I would urge we take this bill, defeat it here today and rework it in a way which better serves the interests of each and every American citizen.

Mr. REYES. Mr. Speaker, I now yield 3 minutes to the gentleman from Maryland (Mr. RUPPERSBERGER), who serves as our subcommittee chairman of our Technical and Tactical Intelligence Subcommittee.

Mr. RUPPERSBERGER. Mr. Speaker, I rise in support of this conference report. We all should be proud of the bipartisan, bicameral product. I want to thank Chairman REYES and also Ranking Member HOEKSTRA for your leadership in helping us put this together. It's very important for our country and our national security.

It has been 3 years since an intelligence authorization bill has been in front of the President for signature. We worked across the aisle with our Republican counterparts to put America first. We must pass this conference report.

We are the most powerful country in the world because we control the skies. Our country faces serious threat from China and Russia. These countries are working continuously to outpace our security efforts, particularly in space.

This intelligence authorization addresses those, as well as other critical national security issues. This past year, we have scrutinized all aspects of the intelligence community and insisted upon accountability and results.

My congressional district includes the National Security Agency. The men and women of the NSA work tirelessly to keep our soldiers and our civilians on the the front lines safe. They're fighting the war on terrorism 24 hours a day all over the globe. I'm proud that this conference report gives NSA the infrastructure and tools they need to protect our country.

This conference report also addresses some critical satellite issues. I assure you this Congress is looking into the problems associated with the space industry. We have made hard decisions. We've recommended changes, and we look to hold the administration accountable in the days ahead.

I support this conference report, and I recommend its passage.

Mr. HOEKSTRA. Mr. Speaker, I yield 3 minutes to my colleague from the State of Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

Mr. Speaker, I rise today a bit disappointed but unfortunately not surprised. On December 4, just a week ago, the House of Representatives passed a motion to instruct conferees to remove the earmarks from this authorization.

□ 1200

That vote passed by a margin of 249–160.

Now, I have a little bit of experience with amendments trying to strike earmarks, and I don't think I've ever come close to 249. That's a significant number of votes. That was a bipartisan total, in that 60 Democrats joined Republicans to oppose these earmarks; yet these earmarks remain in the conference report. Every House earmark that was added remain in the conference report.

Simply put, if controversial earmarks like these can remain in a report and aren't eliminated, what earmark will ever be eliminated? When will we ever get around to eliminating these?

Let me just remind you that procedural irregularities surrounded the consideration of this bill when it came to the House. The earmark list required by the House rules was not submitted with the House report. The amendment review procedure was flawed. Members didn't have the critical time necessary to review these earmarks. In fact, the earmark list, when we finally got it, was submitted after the deadline to go to the Rules Committee to offer the amendments that would be considered. So we got the list of earmarks after the deadline to oppose them. So we had considerable irregularities going into this. And then we have a vote where the majority of this House, a clear majority, 249 Members, 60 Members of the majority party, said please remove these earmarks; yet they remain. They're still here. Why are we doing that? Why are we doing that? If we can't remove these controversial earmarks, when will we ever remove any earmarks?

Let me remind you as well there have been numerous, numerous newspaper articles, media accounts since that time about these same earmarks; some of the private companies they are going to, what kind of consideration or scrutiny was given. I can tell you, very little, if we don't even get the list in time to be able to offer amendments to strike them and then we're presented with a conference report where we have no opportunity to strike individual earmarks after a majority of the House has said let's remove them all. Why are we bringing this bill up? Why are we being urged to vote "yes" on this? I would ask the majority, please tell us.

As mentioned, I attempted before to convene a secret session to provide a review of the classified earmarks in the bill. That was defeated. But I would ask my colleagues who are associated with the 23 House earmarks in this bill to please voluntarily give them up. Concede that no proper scrutiny was given. And I will offer legislation in the next session to actually defund each of these earmarks in this authorization bill.

And I would encourage all of those, and I look forward to having all of the 249 Members who voted to remove these earmarks, to join me in pushing that legislation.

Mr. REYES. Mr. Speaker, can I inquire as to the time left on both sides.

The SPEAKER pro tempore (Mr. CAPUANO). The gentleman from Texas has 15½ minutes and the gentleman from Michigan has 18 minutes.

Mr. REYES. With that, I will reserve my time.

Mr. HOEKSTRA. Mr. Speaker, at this time I would like to yield myself 2 minutes.

As I said earlier, Mr. Speaker, I rise in opposition to the conference report on the 2008 intelligence authorization bill. I think that this report does move us in the wrong direction and sets some of the wrong priorities.

It rejects the bipartisan approach for congressional authorization of the intelligence community at a time when we really do need to be working together. There were efforts to do this on a bipartisan basis. The end result of the product is that it is not a bipartisan bill. As my colleague from Arizona just stated, last week we had an overwhelming vote to remove earmarks from a national security bill. It went to conference. All the earmarks were maintained in the bill.

When we were at conference, my colleague from the Armed Services Committee DUNCAN HUNTER wanted to share his concerns about the bill. Ranking Member HUNTER was denied an opportunity to speak at the conference. It is why today DUNCAN HUNTER, the ranking member of the Armed Services Committee, is opposed to this intelligence bill. At a time when intelligence and defense ought to be integrated and seamless, the ranking member of the Armed Services Committee is opposed to this bill.

One of the strategies that the President outlined in his reform for the intelligence community was to increase HUMINT, to significantly increase the size of the HUMINT individuals, people collecting human intelligence, put us on a glide path to significantly increase that critical asset. This bill falls far short of funding that glide path that I thought we had agreed upon on a bipartisan basis, saying if we are going to be effective, we need to have more human intelligence.

For these and other reasons, I oppose this intelligence bill.

Mr. Speaker, I reserve the balance of my time.

Mr. REYES. Mr. Speaker, I now yield 3 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of the conference report to the Intelligence Authorization Act for Fiscal Year 2008, and I urge my colleagues to adopt it.

As a member of the Intelligence Committee, I am pleased that this conference report will improve our security and protect the freedoms that make this country so great. It includes critical funding for counterterrorism, human intelligence and counterintelligence efforts, as well as making strong progress in improving our overhead architecture. And on that point in particular, I commend not only Chairman REYES but also Congressman RUPPERSBERGER, as well as the staff for their hard work in this area, and I was proud to be a part of that effort.

Furthermore, as my colleagues have discussed, it brings the intelligence community in line with the rest of our national security professionals by requiring it to abide by the Army Field Manual when conducting interrogations. As a member of the Intelligence Committee and, in general, members of the Intelligence Committee, we devote many hours behind closed doors addressing some of the most important national security issues facing our Nation. This conference report reflects the high priority that the committee, led by the gentleman from Texas (Mr. REYES), places on congressional oversight of the intelligence community. And I commend the chairman for his stepped-up efforts to ensure that oversight is a greater priority for the Intelligence Committee.

We have included a number of provisions to restore a greater role for the Congress and to ensure that our intelligence activities are not subject to political influence. This measure requires the Central Intelligence Agency's Inspector General to audit all covert action programs every 3 years, for example. It also requires the Office of the Director of National Intelligence to provide Congress with a comprehensive listing of all special access programs to ensure that the intelligence community is keeping us fully informed of these activities.

It requires a report on compliance with the Detainee Treatment Act of 2005 and provisions of the Military Commissions Act of 2006 regarding detentions and interrogations and mandates that the administration provide Congress with the Justice Department's legal opinions related to these activities. And it requires semi-annual reports on what we know about nuclear programs of Iran and North Korea to make sure that we have accurate and timely information.

Finally, Mr. Speaker, strong oversight is essential to effective government and to the ability of our intelligence community to respond to the threats that we face today. This conference report will demand accountability and give our intelligence professionals the resources that they need to keep Americans safe.

I want to thank, again, the chairman for his hard work, as well as the ranking member on this bill and as well as Members of the Senate for their hard work on this conference report.

Mr. HOEKSTRA. Mr. Speaker, at this time I would like to yield myself 2 minutes.

As we continue to talk about the various weaknesses in this bill, let me highlight a few more.

The report fails to provide for long-term authorities to streamline the surveillance of foreign terrorist targets, foreign countries. We need this capability to detect and prevent potential attacks to the United States.

It has been talked a little bit about that this bill prohibits torture. Torture is already prohibited. The insinuation is that the Members of Congress who were briefed on the interrogation methods back in 2002, 2003, as they were briefed by the administration, that these Members signed off on interrogation methods that constituted torture. I don't believe that the current Speaker of the House signed off on those types of methods. The current Speaker of the House was one of the people that was briefed back in 2002 and 2003, along with other Members. Congress participated fully and had the opportunity to review the interrogation methods.

As we capture individuals and decide to determine exactly what information, I don't think we should treat them as outlined in the Army Field Manual. These are not normal enemy combatants, they don't wear a uniform, and we shouldn't be applying military rules to the intelligence community.

We talked about priorities. The report on Iran perhaps last week was a significant improvement over the National Intelligence Estimates that we had gotten from the community in previous years. We hope it was better. The one in 2005 the community now says was totally wrong. The conclusions they reached were very, very different.

We need to improve our intelligence capabilities. What this report says is one of the key National Intelligence Estimates that we need to develop over the next year is on global warming. We've got lots more important targets and resources. Number one is rebuilding the capability of actually doing estimates and doing assessments before we start moving on to those targets. As we improve that process, let's focus on hard targets, not global warming, which is being discussed in just about every other committee on the Hill today.

Mr. Speaker, I reserve the balance of my time.

Mr. REYES. Mr. Speaker, I yield myself 30 seconds to respond to the gentleman.

As I said in my opening comments, this is the first time in 3 years that we've had an authorization bill. It's not a perfect bill and I think all of us acknowledge that, but the concept of democracy is that we work together. There are provisions in this bill by both Democrats and Republicans, and just because you don't like every aspect of it, you don't gather up your marbles and go home. It's about protecting our country. That's what we are trying to do. And I urge all Members to support this bill.

Mr. Speaker, I now yield 3 minutes to the gentlewoman from California (Ms. HARMAN), who is the chairwoman of the Homeland Security Subcommittee on Intelligence and is the former ranking member of the Intelligence Committee.

Ms. HARMAN. I thank Chairman REYES for yielding, and I'm proud to be part of this debate along with him, Ranking Member PETE HOEKSTRA and other friends from my long service on the committee.

Mr. Speaker, as a member of this committee for 8 years, the last 4 as ranking member, I remain passionate about intelligence issues and very proud of the thousands of my constituents who comprise the industrial base that builds our intelligence satellites.

As we have heard, this is the first intelligence authorization conference report in 3 years. It is the House's main tool for setting directions and conducting oversight of our intelligence community. It includes new tools, record funding, investments in language training, and a provision I have pushed for years: multilevel clearances.

I honor and support the work of the brave women and men of our intelligence community around the world. Often their families cannot accompany them on their assignments and in many cases don't even know what they do. I visit them often, and if they are tuning in, let me say thank you again on behalf of a grateful Nation.

Two items. First, interrogations policy. For years I have urged a clear legal framework around detention and interrogation policy in the post-9/11 world. The scandal over destruction of the interrogations tapes was avoidable. As ranking member in 2003, I urged in writing that planned destruction of tapes was ill advised. The committee was not advised in 2005 that the tapes were destroyed, and the thorough hearings now in progress may reveal that the committee was deliberately misled. That would be disgraceful. There should not be a separate interrogations program. That's why I support the Senate language requiring all interrogation procedures to conform to the Army Field Manual.

□ 1215

Second, the Iran NIE. I've read it in its entirety, and I'm proud of those who wrote it. They did careful work, and they spoke truth to power.

Intelligence is not policy. It is a tool which helps wise policymakers develop policy. Instead of blaming the messenger, policy experts and security experts should use the conclusions in the NIE to support tough sanctions, which we need, and diplomacy, which we lack. They should also understand that this NIE identifies gaps in what we know.

This policymaker is wary of Iran's possession of advanced missiles, its work on many dual-use technologies that could be part of a restarted nuclear weapons program, and its ongoing sponsorship of terrorism.

Mr. Speaker, on balance, this conference report is responsible and it is needed. Vote "aye."

Mr. HOEKSTRA. Mr. Speaker, I yield myself 2 minutes.

As we continue to talk about this bill, and I agree with my colleague, the chairman of the committee, that as we go through this process, it is a democratic process, that you're not going to get everything that you would like to have. I appreciate the chairman's support on the amendment that we put in place in conference that said if the administration doesn't fully brief both intelligence committees on what happened and what we knew and what we didn't know about the attacks in Syria on September 6 by Israel, that we would fence off funds and they would not be available to the community to spend, because I believe that's an instance where the committee's being fully informed will enable us to better do our jobs because oversight is absolutely essential.

But when I take a look at the totality of the bill, I don't believe that it moves us in the right direction. As my other colleague from California just stated, in 2005, when the National Intelligence Estimate came out and talked about their weapons programs, we both, together, voiced skepticism about the quality of the intelligence, not the quality of the analysis, but do we really have in place the sources and methods to make the kinds of conclusions that were made in that National Intelligence Estimate. And I think we both concluded that back in 2005, reaching those conclusions with high confidence, we weren't sure you could do that.

Now, in 2007, we find out that in 2005 we were right and the community was wrong. We share some of those same concerns today. It is why it is so important that we build an intelligence community and where I think that this bill comes up short.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. REYES. Mr. Speaker, may I inquire as to the time remaining on both sides.

The SPEAKER pro tempore. The gentleman from Texas has 9 minutes; the gentleman from Michigan has 12 minutes.

Mr. REYES. With that, I will reserve my time.

Mr. HOEKSTRA. At this time, I yield myself an additional 2 minutes.

As we talk about the totality of the bill and why this bill comes up short, let me highlight a couple of other areas.

The conference report would subject four key positions, including the head of the NSA, the NRO, to the politicized Senate and confirmation process. If there is one thing that we've recognized through this process and through what's happened over the last few years, it is that the less politics, the less politicalization that we have in the intelligence arena, the better off we are. Creating four new confirmed positions in the Senate takes us in exactly the wrong direction.

The conference report would create a duplicate of a cumbersome new DNI Inspector General that would provide little significant new oversight. This is not about whether there should be an Inspector General with very clear powers in the Office of the DNI, but let's make sure that those responsibilities are clearly aligned with the accountabilities and the responsibilities of the Inspector General in the Department of Defense.

A number of these agencies in the community are dual functioned. What does that mean? It means that they have reporting responsibilities to the Director of National Intelligence, and they have responsibilities to the Secretary of Defense. And if we're going to create an Inspector General in the DNI, let's make sure that that Inspector General is coordinated with the activities in the Department of Defense. This bill fails to do that.

This bill also takes the DNI in a couple of other directions. It grows the staff on a bipartisan basis in the House in a very different position than from where the Senate is. We want to cap the size of the DNI. It's not a doing function. This bill not only grows the size of the DNI; it gives them new responsibilities in terms of science and technology. The DNI was never intended to be a doing function; it was intended to be a coordinating function. This moves it again in the wrong direction.

Mr. Speaker, with that, I reserve the balance of my time.

Mr. REYES. Mr. Speaker, it is now my pleasure to yield 1 minute to the majority leader.

Mr. HOYER. I thank the gentleman for yielding.

This is an important bill with an important objective, and the objective is to protect our country and to protect our Constitution.

Ironically, the ranking member has just said that by having oversight, by having checks and balance on the intelligence community, somehow we politicize it. Our Founding Fathers, in the best sense of politicalization, wanted the civil sector to be involved. That's the purposes of this committee, I suggest to my friend.

The fact of the matter is the intelligence community conducts critically important activities that we want them to conduct. But we give them extraordinary powers, and because of that, we need to make sure that they're not politicized. In fact, the irony is that I think most objective observers would say two things: first of all, that the defense establishment of our country has been probably the most politicized it's been in my 26 years in the Congress of the United States. That is not true, in my opinion, with the present Secretary, by the way, or with the present Deputy Secretary.

Secondly, they have abandoned oversight. I have said many times that the previous Congress and the Congress before that and the Congress before that exercised less oversight than any previous Congress in which I've served. In fact, there was much more oversight by the Democratic Congress of the Clinton administration, in terms of oversight hearings, numbers, depth, than there was in the entire framework of the last 6 years under Republicans in the House, the Senate, and in the White House. This is a serious piece of legislation; it requires serious consideration.

Mr. Speaker, first, I want to thank the chairman of the Intelligence Committee, my good friend, Congressman REYES of Texas, and Mr. HOEKSTRA as well, who I think brings experience and judgment to this issue, although we have significant disagreements.

This, as the chairman has said, is the first authorization bill in 3 years to come to this floor. This authorization bill ought to come to the floor every year. Let me say briefly that this conference report enhances oversight. The reason, in my opinion, authorization bills didn't come to the floor in the last Congress is because oversight was not, as I said, as important. I've been disappointed with the oversight that's been exercised not only by this committee, but by others.

This conference report comes to the floor to enhance oversight and effective management of the intelligence community and expects and requires accountability. It enhances the management authority and flexibility of the Director of National Intelligence. Why? Because we want to have a more effective intelligence organization. And it authorizes new funding to improve the effectiveness of intelligence programs and activities. I would think all of us support those two efforts.

This legislation also includes an important provision, added in conference, that I want to talk about. It requires all American intelligence agencies and those under contract or subcontract with intelligence agencies to comply with the U.S. Army Field Manual on interrogations. Some find fault with that. I want to speak to that.

Mr. Speaker, every Member here believes that our Nation must take decisive action to detect, disrupt and, yes, eliminate terrorists who have no compunction about planning and participating in the mass killings of innocent men and women and children in an effort to advance their twisted aims. No one on this floor should gainsay that that is not the objective of every Member of this body.

We can and we will act to prevail in the war on terror. However, in the pursuit of those who seek to harm us, we must not sacrifice the very ideals that distinguish us from those who preach death and destruction. Yet, under the current administration, we have seen that line blurred between legitimate, sanctioned interrogation tactics and torture. And there is no doubt our international reputation has suffered and been stained as a result. Who said that? That's not a quote, but who said that essentially? Secretary Colin Powell, former four-star Army general, Chairman of the Joint Chiefs of Staff,

and Secretary of State in this administration.

The excesses at Abu Ghraib and Guantanamo are well known, as are the administration's belief that the Geneva Convention against torture is "quaint," and the Vice President's persistent effort to undermine the ban on torture championed by whom? Senator JOHN MCCAIN of Arizona, Republican candidate for President.

Just last week we learned that the Central Intelligence Agency destroyed, perhaps illegally, videotapes or interrogations conducted by American agents. These incidents unfortunately sully our great Nation's well-deserved good reputation. They raise questions about our commitment to human rights and the rule of law. And they allow our enemies to foment fear and stoke hatred.

This provision requires all intelligence agencies to comply with the Army Field Manual on interrogations. It is an attempt by this Congress to repair the damage that has already been done.

Furthermore, the techniques permitted by the Army Field Manual have been endorsed by a wide array of civilian and military officials as both effective and consistent with our international commitments, and very importantly, with the safety of our members of the Armed Forces.

At this time I will include a letter in the RECORD. The letter is signed by, and I will not take the time to read all of the generals, but there are four four-star generals. A four-star general is as high as you can go in the Armed Forces of the United States, except when we're in a world war, in which we accord a fifth-star.

DECEMBER 12, 2007.

Hon. JOHN D. ROCKEFELLER IV,
Chairman, Select Committee on Intelligence, Washington, DC.
Hon. SILVESTRE REYES,
Chairman, Permanent Select Committee on Intelligence, Washington, DC.

DEAR CHAIRMAN REYES AND CHAIRMAN ROCKEFELLER: As retired military leaders of the U.S. Armed Forces, we write to express our strong support for Section 327 of the Conference Report on the Intelligence Authorization Act for Fiscal Year 2008, H.R. 2082. Section 327 would require intelligence agents of the U.S. government to adhere to the standards of prisoner treatment and interrogation contained in the U.S. Army Field Manual on Human Collector Operations (the Army Field Manual).

We believe it is vital to the safety of our men and women in uniform that the United States not sanction the use of interrogation methods it would find unacceptable if inflicted by the enemy against captured Americans. That principle, embedded in the Army Field Manual, has guided generations of American military personnel in combat. The current situation, in which the military operates under one set of interrogation rules that are public and the CIA operates under a separate, secret set of rules, is unwise and impractical. In order to ensure adherence across the government to the requirements of the Geneva Conventions and to maintain the integrity of the humane treatment standards on which our own troops rely, we believe that all U.S. personnel—military and civilian—should be held to a single standard of humane treatment reflected in the Army Field Manual.

The Field Manual is the product of decades of practical experience and was updated last year to reflect lessons learned from the current conflict. Interrogation methods authorized by the Field Manual have proven effective in eliciting vital intelligence from dangerous enemy prisoners. Some have argued that the Field Manual rules are too simplistic for civilian interrogators. We reject that argument. Interrogation methods authorized in the Field Manual are sophisticated and flexible. And the principles reflected in the Field Manual are values that no U.S. agency should violate.

General David Petraeus underscored this point in an open letter to the troops in May in which he cautioned against the use of interrogation techniques not authorized by the Field Manual:

What sets us apart from our enemies in this fight . . . is how we behave. In everything we do, we must observe the standards and values that dictate that we treat noncombatants and detainees with dignity and respect. . . . Some may argue that we would be more effective if we sanctioned torture or other expedient methods to obtain information from the enemy. They would be wrong. Beyond the basic fact that such actions are illegal, history shows that they also are frequently neither useful nor necessary. Certainly, extreme physical action can make someone "talk;" however, what the individual says may be of questionable value. In fact, our experience in applying the interrogation standards laid out in the Army Field Manual (2–22.3) on Human Intelligence Collector Operations that was published last year shows that the techniques in the manual work effectively and humanely in eliciting information from detainees.

Employing interrogation methods that violate the Field Manual is not only unnecessary, but poses enormous risks. These methods generate information of dubious value, reliance upon which can lead to disastrous consequences. Moreover, revelation of the use of such techniques does immense damage to the reputation and moral authority of the United States essential to our efforts to combat terrorism.

This is a defining issue for America. We urge you to support the adoption of Section 327 of the Conference Report and thereby send a clear message—to U.S. personnel and to the world—that the United States will not engage in or condone the abuse of prisoners and will honor its commitments to uphold the Geneva Conventions.

Sincerely,

General Joseph Hoar, USMC (Ret.).
General Paul J. Kern, USA (Ret.).
General Charles Krulak, USMC (Ret.).
General David M. Maddox, USA (Ret.).
General Merrill A. McPeak, USAF (Ret.).
Admiral Stansfield Turner, USN (Ret.).
Vice Admiral Lee F. Gunn, USN (Ret.).
Lieutenant General Claudia J. Kennedy, USA (Ret.).
Lieutenant General Donald L. Kerrick, USA (Ret.).
Vice Admiral Albert H. Konetzni Jr., USN (Ret.).
Lieutenant General Charles Otstott, USA (Ret.).
Lieutenant General Harry E. Soyster, USA (Ret.).
Major General Paul Eaton, USA (Ret.).
Major General Eugene Fox, USA (Ret.).
Major General John L. Fugh, USA (Ret.).
Rear Admiral Don Guter, USN (Ret.).
Major General Fred E. Haynes, USMC (Ret.).
Rear Admiral John D. Hutson, USN (Ret.).
Major General Melvyn Montano, ANG (Ret.).
Major General Gerald T. Sajer, USA (Ret.).
Major General Antonio "Tony" M. Taguba, USA (Ret.).
Brigadier General David M. Brahms, USMC (Ret.).
Brigadier General James P. Cullen, USA (Ret.).
Brigadier General Evelyn P. Foote, USA (Ret.).
Brigadier General David R. Irvine, USA (Ret.).
Brigadier General John H. Johns, USA (Ret.).
Brigadier General Richard O'Meara, USA (Ret.).
Brigadier General Murray G. Sagsveen, USA (Ret.).
Brigadier General Anthony Verrengia, USAF (Ret.).
Brigadier General Stephen N. Xenakis, USA (Ret.).

There are many lieutenant generals, admirals, vice admirals, brigadier generals, major generals, all of whom are concerned about defeating terrorism. And this is what they say:

"As retired military leaders of the U.S. Armed Forces, we write to express," on December 12, 2007, just a few days ago, "we write to express our strong support for section 327 of the conference report on the Intelligence Authorization Act for Fiscal Year 2008."

And then this paragraph, and I ask all my colleagues on both sides of the aisle to listen to this paragraph from those who have worn the uniform of the United States of America, who have themselves, before they became generals, fought in the battles that America has sent them to, and fought for the freedom of this country, and confronted the terrorists of their day and today. Hear this paragraph from those who have been at war and who want to protect their troops, our troops, American men and women.

☐ 1230

They say this: "We believe it is vital to the safety of our men and women in uniform for the United States not to sanction the use of interrogation methods it would find unacceptable if inflicted by the enemy against captured Americans." That is the critical point.

We are a nation that believes in the premise of doing unto others what we would have them do to us. Our own enemies do not accept that premise. Our enemies do not accept that value. Our enemies are different than we are. We must not become what we confront. The techniques permitted by the Army Field Manual, as I say, are endorsed by all of these generals. General Krulak in particular wrote a very compelling oped piece on this issue in the Washington Post. General Krulak is probably known as one of the toughest

commandants the Marine Corps has ever had. I served with him on the Board of Visitors to the United States Naval Academy. He is as tough as they come. And he says, Protect our people, adopt this sanction.

Here, in fact, is what General David Petraeus wrote to members of the Armed Forces in Iraq in May, just a few months ago, General Petraeus, four-star general, heading our effort to confront, supposedly, terrorism and, I believe, terrorism in Iraq. "Some may argue that we would be more effective if we sanctioned torture or other expedient methods to obtain information from the enemy. They would be wrong. Beyond the basic fact that such actions are illegal," Petraeus's words, General Petraeus's word, "history shows that they also are frequently neither useful nor necessary." General Petraeus continued, "Certainly, extreme physical action can make someone 'talk'; however, what the individual says may be of questionable value. Our experience in applying interrogation standards laid out in the Army Field Manual shows that the techniques in the manual work effectively and humanely in eliciting information from detainees."

This is General Petraeus who wants to keep his troops safe and wants to prevent terrorist attacks on his people under his command.

Inexplicably, the administration has issued a veto threat on this conference report because it would require all intelligence agencies to abide by the Army Field Manual. I believe that the administration's position is indefensible. This is not a question of whether we must combat and defeat terrorists. Of course, we must. However, we must never let it be said that when this generation of Americans was forced to confront evil that we succumbed to the tactics of the tyrant, that we stooped to the depths of the dictator.

I urge my colleagues on both sides of the aisle not for party but for country, not for partisanship but for a reverence for the constitutional oath we took, I urge us all, let's demonstrate our commitment to the values that make us Americans. Let's begin to repair and restore this Nation's reputation. Let's adopt this conference report.

I thank the chairman for the time. I thank him for his leadership. I thank Mr. HOEKSTRA, as well.

Mr. HOEKSTRA. I yield myself 2½ minutes.

Mr. Speaker, defeating the threat from radical jihadists is a difficult job. It requires input from the legislative branch. It requires leadership from the executive branch. After 9/11, the administration outlined a series of initiatives. It didn't outline it to the entire Congress because the threat was so new, or some thought so new. The decision to respond to it was very different than what happened in the 1990s, but we recognized we needed to take different steps. The administration brought in people from Congress, the people that the leadership and our colleagues had entrusted with the responsibility to shape an intelligence community.

Everyone talks about the President's terrorist surveillance program, the President's financial tracking system, and now, it is the President's interrogation system. What they forget to note, as pointed out in the editorial today, is that in each of those cases, membership from the House and the Senate were involved in the process, in reviewing and setting the direction and implementing the strategies and the tactics that they thought needed to be put in place to keep America safe. Some of those Members that were briefed have moved on to other careers and they are no longer in Congress. Some of those who were briefed back in 2002 and 2003 specifically on the terrorist surveillance program, specifically on interrogation, are still Members of the House. Some are still members of the committee. Others are serving on other committees. Some have moved into leadership positions in the House of Representatives.

It is interesting, as the majority leader is speaking and laying out his arguments, it is the Speaker of the House, elected by the entire House, today, who serves the entire House, who is briefed on these programs. Some who have looked at, who have remarked on those meetings said, not only did the people that were in those meetings support the techniques and the methods that were put in place, some actually even asked the question, Is it enough? These things were decided in a process that the House and the Senate and the administration participated in and decided jointly that these were the things that were necessary to keep America safe. Only when they became public, all of a sudden did some of these individuals get cold feet, feet of clay and say, Oh, well, I really didn't know. But when the rubber hit the road in terms of what we needed to do to keep America safe, these people said these are the techniques and the processes, and these are the programs that we need to have in place.

I reserve the balance of my time.

Mr. REYES. Mr. Speaker, I would remind my good friend from Michigan that this bill, the funding level is above the President's request, and it makes an investment in human intelligence of historic proportions.

I yield 3 minutes to the gentleman from New York (Mr. NADLER), who serves as the chairman of the Judiciary Subcommittee on Constitution, Civil Rights and Civil Liberties.

Mr. NADLER. Mr. Speaker, today we have an opportunity to affirm America's values and our respect for the rule of law. This bill includes language drawn from the American Anti-Torture Act, introduced by myself and Representative DELAHUNT, that would extend the interrogation standards in the U.S. Army Field Manual to all interrogations conducted on persons in the custody or effective control of any element of the intelligence community. This will ensure a single, uniform baseline standard for interrogations. That means no more torture, no more waterboarding, no more clever word play, no more evasive answers, no more dishonesty.

People in nations do terrible things in war, but civilized nations long ago recognized that there must be limits on their conduct even during military conflict. Our Army Field Manual is an outstanding example of a modern military dedicated to observing international norms of conduct while waging war effectively. It is a credit to our men and women in uniform that they continue to abide by these rules. It is unforgivable that some civilians here in Washington seem to think that they know better and we must be more brutal than our military and professional interrogators.

I understand the critical role that intelligence plays in protecting ourselves, but torture and cruel, inhuman or degrading treatment, besides being contrary to American values and traditions, have proven not to be effective in obtaining actionable intelligence.

Current and former members of the military have made this clear. General David Petraeus, the commander of U.S. forces in Iraq, recently wrote in an open letter to U.S. troops that the standards in the Army Field Manual "work effectively and humanely in eliciting information from detainees."

Lieutenant General Kimmons, Deputy Chief of Staff for Intelligence similarly stated "no good intelligence is going to come from abusive practices. Any piece of intelligence which is obtained under duress through the use of abusive techniques would be of questionable credibility."

The Bush administration has long argued that it does not torture but it does waterboard. And we prosecuted, we sent to jail Japanese officers for waterboarding prisoners after World War II. We knew then that waterboarding was torture, and despite statements from the Bush administration or the nonstatements, we know now that it is torture. Torture places our servicemen and women and our allies at grave risk. We must accept that whatever we authorize and use against our enemies will be turned against our own men and women.

Mr. Speaker, it is time to restore the honor of the United States. It is time to restore the good name of the United States in a world that has been so sullied by the conduct of this administration. It is time to compel the administration to act in a manner consistent with the Constitution of the United States.

I applaud the leadership of the conferees in including the antitorture language in this bill. I urge support for the conference report. I hope this will begin the process of restoring the honor and the integrity of the United States.

Mr. HOEKSTRA. Mr. Speaker, I yield myself 2 minutes.

As we talk about this authorization bill, I think it is also important to talk about it in the larger context in terms of some of the other things that are going on that I believe are weakening our ability to effectively combat the threat from radical jihadists. What are some of these things? Policies that are being advocated by individuals on the other side who are committed to defeating terrorism. I just think they have the wrong strategy.

Terrorist phone calls cannot be monitored without court warrants even when all parties are outside of the United States or if the lives of American soldiers are at risk. They want to provide habeas corpus rights for foreign terrorists. Terrorists when captured overseas shall have the right to challenge their captivity in U.S. courts. The right of terrorists to incarceration in the United States. Foreign terrorists being held in facilities outside the United States, including Guantanamo Bay, will be removed from detention abroad and brought into American communities, ending the distinction between lawful versus unlawful combatants.

The United States henceforth will recognize al Qaeda terrorists as legitimate combatants and grant them the rights of lawful combatants under the Geneva Conventions. Terrorists shall be afforded due process, attorneys, and protection from self-incrimination. Terrorists will also be protected from enhanced interrogation, even when they have information on pending terrorist attacks.

In terms of priorities, funds shall be diverted from tough antiterrorism intelligence programs targeted at apprehending and killing terrorists through intelligence analysis in connection against global warming because some folks from the other side may have implied or said that individuals join terrorist groups not because of radical Islam or hatred of the United States, but because they are unhappy about rising global temperatures and sea levels. Extend Fourth Amendment rights barring unreasonable search and seizures to terrorists. The rights of radical jihadists to avoid searches and seizures shall be protected, even if they are granted more protection than American citizens.

Some believe that terrorists have the rights to intelligence leaks. Terrorists have the right to read about classified and antiterrorist intelligence programs in the press because there has not been a vigorous effort either through this committee or through the intelligence community to stop the leaks. And then actually when corporations may help us like the telecommunications companies may have, people who agree to help us will not be protected.

I reserve the balance of my time.

Mr. REYES. Mr. Speaker, it is my understanding I have the right to close. I have no more requests for time, and I am prepared to close and would ask the gentleman if he is prepared to close.

Mr. HOEKSTRA. I yield myself the balance of my time.

☐ 1245

Mr. Speaker, it wasn't all that long ago that this House voted 249–160, a difference of 89 votes, to instruct House conferees to eliminate all earmarks from the fiscal year 2008 Intelligence authorization bill and to fully fund human intelligence collection. The vote was clear, overwhelming, and bipartisan, and 62 Democrats supported the motion to instruct. It appears, however, that my colleagues on the other side have said one thing and done another on earmarks, as the conference refused to eliminate earmark projects from the classified annex to this bill.

Today, we are going to offer a motion to recommit that provides all Members, including those 62 Democrats who supported the motion to instruct, to take a decisive step to eliminate earmarks in national security bills. If you are for that motion to instruct, you shouldn't be against this motion to recommit. Putting it in the positive, you should be for this motion to recommit because you were for eliminating earmarks a week ago.

This motion would make our priorities clear by eliminating provisions providing for earmarks to allow those funds to be directed to improve intelligence collection. As I explained on the floor last week, and as the bipartisan support for the motion indicated, I believe that a consensus is developing among Members that programatic authorizations should be determined solely on their national security merits, absent other compelling circumstances.

This motion is clearly about priorities. America is at war. We are engaged in a struggle against radical jihadists, as well as facing threats from China, North Korea, Iran, drug cartels, and those types of things. Taxpayer dollars that are currently slated to be earmarked to individual Member projects should be applied to our most critical areas of need and should serve our Nation as a whole during this crucial time.

It is clear that the earmarks that are in the bill generally have not gone through the same rigorous substantive review and evaluation that intelligence programs receive in the formulation of the President's budget. It is critical to our world position that we fully understand the military capability of, and threat posed by, other nations. It is essential that human intelligence activities are fully funded so that we may make fully informed decisions concerning our national interest.

Our dedication of resources to human intelligence is a direct investment in the security of this Nation as a whole and the safety of the men and women serving on our behalf. It is also a direct investment in those areas that we know we are weakest in: human intelligence. This motion would eliminate all earmarks. It shouldn't be controversial. But these funds could be put to far better use in human intelligence and other programs. These are programs that we need.

Some of these earmarks have been described clearly as wasteful government spending. This bill has not provided adequate support to the intelligence community activity at the forefront of the ability to protect our national security.

It is not possible to describe all of these programs. Many of them are classified in their nature. But I can't emphasize enough the importance of these programs and the funding and the necessity to fund these programs at this time.

We are a Nation locked in a struggle, facing continued uncertainty and other threats around the globe. The men and women of the front lines of this struggle rely heavily on human intelligence for their own safety every day. The House should not diminish its support for a robust, empowered, and capable intelligence community that provides our first line of defense. It is time to properly focus our priorities.

I hope my colleagues will join me in supporting this motion to recommit and will support me in my opposition to this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. REYES. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, I understand that the gentleman and others are concerned about the presence of earmarks in this conference report. Mr. Speaker, I wish I could take them seriously with those concerns. My colleagues on the other side of the aisle have now "seen the light" on earmarks, now that they are in the minority. But we all know that the most heavily earmarked bills in history were passed in the last few Congresses, when my colleagues controlled the Chamber.

The fact of the matter is that never, never in the history of this institution have we had the kind of process and transparency on earmarks that we have had in this bill, in this Congress. We have validated every single earmark in this bill to ensure that we believe that it is a good use of the taxpayer money. We take that seriously, and as something that will help the intelligence community. These earmarks have been vetted through the intelligence community.

In terms of the arguments about the motion to recommit, there has never been an intelligence authorization bill with this level of earmark process, with this level of transparency, and with this level of accountability. Every earmark in this bill has been vetted, as I mentioned, to make certain that the activity that the earmark proposes and the funds going to that activity are ones that make our country safer. Each earmark has been fully disclosed with the name of the requesting Member, the purpose, the amount. In previous Congresses, no such disclosures were ever required. For each earmark, a public record has been established, which is available for review; and they have been reviewed.

As chairman, along with my colleague, the distinguished ranking member, I have personally reviewed each and every earmark. These earmarks improve the bill and will help our intelligence community to keep this country safe. I urge my colleagues to vote "no" on the motion to recommit.

Mr. Speaker, if there is a motion to recommit on this bill, as the gentleman has indicated, it will kill this bill. It will also kill this bipartisan process. It will kill our oversight, and it will kill our funding so desperately needed to keep our country safe and to provide the resources to our brave intelligence professionals. I urge my colleagues to oppose such a motion to recommit.

In closing, Mr. Speaker, I want to thank my colleagues on both sides the aisle who have spoken in favor of this conference report. As I said at the outset, I am proud of this conference report. A lot of hard work has gone into this process on a bipartisan basis, and I want to thank the staff on a bipartisan basis as well. It is a bipartisan, bicameral product. It strengthens the intelligence community and congressional oversight.

I would just remind every Member that this authorization is above the President's budget request for human intelligence funding. No authorization bill is perfect. No one gets everything that they want in this legislative process. But at the end of the day, this conference report reflects a bipartisan process that will make our country safer, that will give our intelligence professionals the resources and the tools that they need to keep us safe.

Mr. Speaker, I urge my colleagues to approve the conference report.

Mr. CASTLE. Mr. Speaker, I rise in opposition to H.R. 2082, the conference agreement on the Fiscal Year 2008 Intelligence Authorization Act.

As a former member of the House Select Committee on Intelligence, I believe it is vital that we provide the United States intelligence agencies with the tools and resources necessary to ensure our security. Therefore, I strongly support funding in this bill for human intelligence activities, intelligence analysis, and training, infrastructure, and global intelligence improvements. I also support the authorization in the bill providing emergency funding for counterterrorism operations in Iraq and Afghanistan.

Furthermore, I support language in the agreement prohibiting the use of any interrogation techniques not authorized by the U.S. Army Field Manual on Human Intelligence Collector Operations against any individual in the custody or effective control of any element of the intelligence community. Our soldiers and interrogators need to know exactly where the line is when engaging prisoners and there should be absolutely no question about what is acceptable behavior and what is not. In fact, I recently cosponsored legislation to require the anti-torture provisions included in this conference agreement.

Nevertheless, I will oppose this bill because it fails to implement the 9/11 Commission's recommendations for reforming congressional oversight of intelligence funding. In its final report, the 9/11 Commission concluded that: "Of all our recommendations, strengthening congressional oversight may be among the most difficult and important. So long as oversight is governed by the current congressional rules and resolutions, we believe the American people will not get the security they want and need."

Earlier this year, the Democratic leadership attempted to apply a "Band-Aid" to this problem by creating a powerless Intelligence Oversight Panel that has very little control over actual funding decisions. This is clearly not what the 9/11 Commission recommended. In fact, its report plainly states that "tinkering with the existing committee structure is not sufficient." In May, I offered a simple amendment to the bill before us, calling for Congress to implement these crucial recommendations—but it was prevented from being considered for inclusion in this legislation.

Mr. Speaker, the American people have insisted that we implement all of the 9/11 Commission recommendations—even those that are difficult. We will be doing this country a disservice until we put in place an effective committee structure capable of giving our national intelligence agencies the oversight, support, and leadership they need.

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of this conference report and, in particular, in support of Section 327 of the report, which prohibits interrogation techniques not authorized by the Army Field Manual on Interrogation.

Despite White House claims that the United States does not torture prisoners, we continue to learn about administration actions that seem to condone the use of coercive techniques in questioning prisoners.

A few months ago, we learned about a classified Justice Department memo from February 2005 allowing waterboarding and other coercive techniques. Then there was the Executive Order signed in July of this year that effectively opened a loophole for the CIA to practice interrogation techniques that go beyond those allowed by the U.S. military.

Reports this week of destroyed interrogation tapes showing CIA operatives using waterboarding and other "enhanced" techniques are deeply disturbing, and suggest a double standard, whereby these techniques are approved for use by the CIA but not by the Department of Defense and its intelligence agencies. All this points to the need for a common standard for humane and effective interrogation techniques across the Government, which is what this conference report provision calls for.

Senator JOHN MCCAIN has called the Army Field Manual techniques "humane and yet effective," and has argued for a policy by which "we will never allow torture to take place in the United States of America." In May 2007, General Petraeus wrote to U.S. troops serving in Iraq that "our experience in applying the interrogation standards laid out in the Army Field Manual . . . published last year shows that the techniques in the manual work effectively and humanely in eliciting information from detainees."

There is no reason why interrogation techniques that work effectively and humanely for our military interrogators cannot also work effectively and humanely for CIA and other intelligence agency interrogators. Section 327 of the Intelligence Authorization report sends a message that the United States believes no part of its government is above the law, and that no interrogation method is acceptable that could not also be used on Americans in enemy custody.

I strongly urge passage of this important legislation.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today in opposition to the conference report on H.R. 2082, the Fiscal Year 2008 Intelligence Authorization Act. I share many of the concerns raised by Ranking Member Hoekstra, but my primary purpose in speaking today is to express my distaste for the bloated bureaucracy created by this legislation.

Mr. Speaker, 3 short years ago the House voted to create a Director of National Intelligence: a small, agile intelligence shop meant primarily to improve coordination and information analysis among and between the various intelligence—gathering agencies.

At that time, Democrats fought hard to turn the new agency into a large bureaucracy, replete with a chief information officer, a chief human capital officer, a chief financial officer, an out-of-control inspector general, a comptroller, an ombudsman, multiple privacy officers, and a civil liberties board with unlimited subpoena power—layer upon layer upon layer.

But we remained focused on creating better government rather than bigger government, and efforts to create more redundant bureaucracy were ultimately defeated.

For better or for worse, the party of smaller government is no longer in control, and this legislation is a perfect example.

Evidence of bureaucratic creep is marbled throughout this legislation, from the creation of new offices to forcing even more officials through the cumbersome and slow Senate confirmation process.

But nowhere is the problem more prevalent than in the creation of an inspector general for the intelligence community.

On the surface, no one can argue against the need for a robust inspector general within the disparate intelligence community. In fact, the creation of one, unified and cohesive IG to oversee all intelligence activities of the Federal Government would probably be a step in the right direction.

But that's not what this legislation does.

Instead, this bill creates a new IG and places that office awkwardly on top of the many existing IGs at the Central Intelligence Agency, the Department of Defense, the National Security Agency, the Defense Intelligence Agency, the National Reconnaissance Office, and the National Geospatial-Intelligence Agency.

As if creating another layer of unnecessary bureaucracy within the intelligence oversight community was not enough, the legislation goes the extra step of elevating the IGs at the National Security Agency, the Defense Intelligence Agency, the National Reconnaissance Office, and the National Geospatial-Intelligence Agency.

It's inevitable the existence of six separate IGs within the intelligence community will lead to duplication of effort and turf battles between them. The conferees admit it. Conceding they're creating more problems than they're solving, they direct the IGs to "expeditiously resolve" any disputes or turf battles that may arise between them.

After spending years trying to find ways to make the intelligence gathering and analysis more streamlined and efficient, this legislation does an about-face, loading up the intelligence community with more bureaucracy and bigger government.

Which leads me to my next concern with the legislation: H.R. 2082 represents a significant step backwards in our efforts to modernize our security clearance process.

Several years ago, the 9/11 Commission recommended an overhaul of the government's woefully backlogged security clearance process, proposing uniform application, investigation and adjudication procedures as well as a single database to store clearance information. In 2004 Congress responded by enacting the Intelligence Reform and Terrorism Prevention Act, which placed a single Federal agency in charge of security clearance processes Government-wide and established a unified database for information related to security clearances.

Rather than assisting that ongoing effort, H.R. 2082 compounds past problems by allowing the intelligence community to continue to operate in isolated stovepipes.

The conference report does this in two ways. First, it places the Director of National Intelligence in charge of developing a "multi-level security clearance approach" only for the intelligence community. Separate from the otherwise "government-wide" system now being developed, the mandated multi-level system would somehow allow the intelligence community to clear foreign- born applicants better and faster than everyone else. It's not clear how. It's not even clear what this mythical "multi-level" approach would do differently in terms of current clearance levels: Confidential, Secret, Top Secret and SCI. But it is painfully clear this is an effort to keep the intelligence agencies from taking part in the larger reform effort. Second, as if to underscore the drive to make sure there are no uniform clearance standards, the bill specifically exempts the National Geospatial-Intelligence Agency from the Government-wide system so they can duplicate the whole process on their own.

As the primary sponsor of the 2004 legislation calling for a modernized, uniform security clearance process for the Federal Government, I fear these supposed "reforms" will do nothing to help improve the security clearance backlog and will likely exacerbate the problems of inconsistent standards, slow processing and a lack of clearance reciprocity.

As the former Chairman of the Government Reform Committee, I invested considerable time and energy into highlighting overlap and duplication in Government and finding ways to streamline federal programs and processes. And I think we made some progress in that regard.

But H.R. 2082 represents a stark contrast to our efforts to streamline Government. It expands the Federal bureaucracy and propagates the existing stovepipes that have long hindered our efforts to bring the federal government into the 21st century.

I urge my colleagues to oppose this legislation.

Mr. BLUMENAUER. Mr. Speaker, I am pleased that after failing to reauthorize our Intelligence programs for the past 2 years under Republican leadership, the Democratic majority has taken the health of our Nation's intelligence community seriously. I support the critical improvements to this bill: strengthening the offices of the Inspector Generals, authorizing increased attention to climate change, and strengthening contractor oversight.

Most importantly, I support this bill because of its torture prohibition. Torture violates not only the laws and values of our country, but all standards of decent human conduct. I have consistently spoken out against the stonewalling and equivocation surrounding this administration's "interrogation" of prisoners. It is clear that the American people will not get satisfactory answers from the administration, and that it is now Congress's duty to set interrogation standards worthy of our great Nation.

Extending the rules of the Army Field Manual to intelligence personnel is a significant step. I am proud that Congress will send the message to our Nation and the world at large that Americans do not approve of, and will not stand for, torture.

Mr. HALL of New York. Mr. Speaker, I voted "nay" on the motion to recommit H.R. 2082 with instructions to conference committee because such a vote would have killed the bill. H.R. 2082 includes a provision to ban torture and authorizes the intelligence activities of the United States. While I would have strongly preferred for the Conference Committee to follow the instructions adopted by the House, I believe the intelligence programs and ban on torture included in this bill are too important to the national security of the United States to endanger it by returning it to conference.

Mr. VAN HOLLEN. Mr. Speaker, I rise today in support of the Conference Report to the Intelligence Authorization Act of 2008. This legislation authorizes appropriations for the conduct of intelligence and intelligence-related activities of the Office of the Director of National Intelligence; the Central Intelligence Agency; the Department of Defense; the National Security Agency; and the Drug Enforcement Administration.

The legislation touches all aspects of our national security—from preventing the spread of weapons of mass destruction, to anticipating and addressing developing threats around the world. Additionally, this legislation ensures that intelligence is collected, analyzed, and disseminated in a manner that comports with American law, policies and values.

In conference, we added a provision requiring U.S. interrogation policies employed by our intelligence community to follow those outlined in the U.S. Army Field Manual. The strength of our Nation comes not only from the might of our military, but from the power of our example. Historically, the United States has stood as a beacon for human rights and the rule of law. Unfortunately, that light has been dimmed recently as a result of the Bush Administration's gross indifference to the Geneva Convention and anti-torture regimes. The language was inserted not only to help regain our moral standing around the world, but also as a critical step toward protecting our own troops captured in the field. It is no secret that the world looks to how we treat our prisoners when determining how to treat our troops.

When we practice waterboarding or when we inhumanely parade our detainees around naked before the cameras, the world sees this as the standard to apply to the treatment of American troops.

According to testimony received by intelligence committees in the House and Senate, the U.S. Army Field Manual provides a detailed description of interrogation strategies that can be used to effectively elicit information from detainees while allowing the flexibility to adapt particular approaches to particular situations.

Importantly, the U.S. Army Field Manual also includes a number of specific prohibitions. Acts of violence or intimidation—including physical or mental torture, or exposure to inhumane treatment—are prohibited.

It also explicitly prohibits forcing a detainee to be naked; perform sexual acts; placing hoods or sacks over the head of a detainee; electric shock; burning or other forms of physical pain; waterboarding; using military working dogs; conducting mock executions; and depriving the detainee of necessary food, water, or medical care.

Private security companies, funded by billions of dollars in U.S. military and State Department contracts, are performing many of the jobs handled by our troops. Some of these jobs include work assigned to the intelligence community.

This conference report adds an additional level of oversight and accountability of these contractors by requiring the director of national intelligence to provide a report to Congress by April of next year, describing the services performed by contractors across the Intelligence Community.

This conference report seeks to start the process of establishing a clear definition of the functions that may be appropriately performed by contractors employed by the intelligence community. It is key that the intelligence community exercises the will to identify criminal violations by contractors and puts in place procedures to respond to financial fraud or other abuses. Requiring a report of contractor activities will help policymakers determine whether intelligence contractors are performing functions that are legal or that should be performed by government employees.

Passage today of this conference report will correct a three-year failure by Congress to pass an Intelligence Authorization bill. With this legislation, Congress sends to the President an intelligence package that makes new investments in human intelligence training and adds funds for sending analysts overseas while also enhancing oversight and eliminating wasteful spending. This conference report is also a significant move in the direction of reestablising our reputation abroad as a country dedicated to promoting and observing human rights.

I am happy to support this conference report and I encourage my colleagues to do the same.

Mr. REYES. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Without objection, the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. HOEKSTRA

Mr. HOEKSTRA. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. HOEKSTRA. Yes, I am, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Hoekstra moves to recommit the conference report on the bill H.R. 2082 to the committee of conference with instructions to the managers on the part of the House, to the maximum extent possible within the scope of the conference, to—
>
> (1) eliminate any House or Senate provisions providing for earmarks as defined in clause 9(d) of rule XXI of the Rules of the House of Representatives; and
>
> (2) insist on provisions authorizing the maximum level of funding permissible for human intelligence collection activities in the classified annex.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. HOEKSTRA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption of the conference report.

The vote was taken by electronic device, and there were—yeas 205, nays 215, not voting 11, as follows:

[Roll No. 1159]

YEAS—205

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tanner
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—215

Abercrombie
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—11

Ackerman
Carson
Cleaver
Cubin
Heller
Hooley
Jindal
McNulty
Miller, Gary
Paul
Wasserman Schultz

□ 1318

Messrs. KIND, McDERMOTT, RUPPERSBERGER, COSTA, Ms. McCOLLUM of Minnesota, Messrs. GUTIERREZ, MEEK of Florida, GENE GREEN of Texas, RUSH, HINCHEY, BERMAN, Mrs. TAUSCHER, Mr. WEINER, Ms. ZOE LOFGREN of California, and Mr. OBERSTAR changed their vote from "yea" to "nay."

Mr. GINGREY, Ms. GRANGER, Messrs. FEENEY, LAMBORN, ROSKAM, Mrs. MUSGRAVE, Messrs. WALBERG, SHUSTER, GOODE, PICKERING, WILSON of South Carolina, KING of New York, and McINTYRE changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HOEKSTRA. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 222, noes 199, not voting 10, as follows:

[Roll No. 1160]

AYES—222

Abercrombie
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

NOES—199

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (IL)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stark
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Waters
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Young (AK)
Young (FL)

NOT VOTING—10

Ackerman
Carson
Cubin
Heller
Hooley
Jindal
McNulty
Miller, Gary
Paul
Wasserman Schultz

□ 1327

Ms. WATERS changed her vote from "aye" to "no."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. McGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 110–493) on the resolution (H. Res. 873) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2008

Mr. OBEY. Mr. Speaker, pursuant to House Resolution 869, I call up the joint resolution (H.J. Res. 69) making further continuing appropriations for the fiscal year 2008, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H.J. RES. 69

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 110–92 is further amended by striking the date specified in section 106(3) and inserting "December 21, 2007".

The SPEAKER pro tempore. Pursuant to House Resolution 869, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.J. Res. 69.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

□ 1330

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

It is now 1:30 in the afternoon, very late into December and we have to decide how soon we want to get out of town so that we don't have to look at each other for the remainder of the year.

This vehicle is necessary to simply keep the government open while we're making the final decisions on all remaining appropriations for the fiscal year.

There have been numerous meetings going on this week all over Capitol Hill, and there have obviously been many communications going on between the Hill and other locuses of influence and power in the city. And I would hope that those would bear fruition sometime soon.

Meanwhile, if we want to keep the government open, we have no choice but to pass this continuing resolution. It simply extends, it keeps the government open for another week, to December 21, 2007. I think it's self-explanatory.

Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, the last time that Chairman OBEY and I were on the floor together, I was heard to quote our friend, Will Rogers, and it had to do about sometimes we talk more than we should. I was intrigued by the fact that while he advised us to never miss the opportunity to shut up, that recently in Latin America there's discussion among Latin leaders in which a fellow by the name of Chavez kept talking and talking and talking, and this is by way of suggesting that we don't really have to keep talking today. I think it was the King of Spain, DAVID, who said, "Por que no te calles?" If I could repeat that, "Por que no te calles?" That is, if we don't talk too much, we'll be all right here today.

Mr. Speaker, it is kind of hard to believe that Christmas is less than 2 weeks away and that DAVID OBEY provides me with material for my own presentation one more time.

While most Americans are Christmas shopping and decorating their Christmas tree, Congress continues to stumble its way to completing its business for the year. Unfortunately, we still have a long way to go, so we find ourselves today considering yet another continuing resolution.

It was just 1 year ago the House passed a series of continuing resolutions to ensure the continuation of government funding programs into the new fiscal year. My friend Chairman DAVID OBEY came to the House floor as the ranking member during that debate to criticize Republicans in the House and Senate for their failure to pass the annual spending bills by the end of the fiscal year. He spoke of the breakdown in the budget process and vowed that things would be different under a Democratic majority.

We are now only, I say, 74 days in the new fiscal year, and once again the ranking member of the Appropriations Committee is on the floor decrying the breakdown of regular order. The only difference is that DAVID OBEY is now Chairman OBEY, and I'm the committee's ranking member.

The breakdown of regular order, particularly in the Senate, is largely to blame for our failure to complete our work in a timely manner. Earlier this year, my chairman was absolutely beating us all over the room because of our failure to pass bills at the end of the year.

The Senate leader held up our bills. Mr. OBEY knew that we'd passed all of our bills in the House by July 4. The year before we'd done the same thing, and all the bills had been signed by the President. And lo and behold, Mr. OBEY finds himself. Frankly DAVID, I thought you had much closer relationships with the Senate than I, but here we are. The breakdown of regular order, particularly in the Senate, is largely to blame for our failure to complete our work in a timely fashion.

The President has been very clear all year long that he would veto any spending bill or any omnibus package that exceeded his budget request. All told, the House-passed spending bills exceeded the President's budget request by $23 billion, and yet the Democrat majority chose to dismiss or ignore the President's clear intent, that is, until now.

A short time ago, Chairman OBEY instructed the committee staff to prepare an omnibus spending bill and pare spending back to exceed the President's request by $11 billion. Not included in this total, there was over $7 billion being designated as emergency spending.

Just in the last several days, maybe even hours, the Democratic leadership finally got the message. They came to the realization that the President was, indeed, serious. So it all appears that, after months of work by our exhausted committee staff, work can finally begin on a spending package that the President may be able to sign. I say may be able to sign because the President has not yet seen the details of the omnibus package that will come forward.

For good measure, let me make very clear the President will veto any omnibus spending package that contains any controversial policy provisions, any gimmicks or any consequential budgetary sleight of hand.

I urge Chairman OBEY to resist the urge on his part to add any so-called contingency spending anywhere in this package, as it may lead to a presidential veto.

I'd like to close by quoting my friend, Mr. OBEY, from a past CR debate. He said, and I quote, "We are here today with not a single dollar having been appropriated to any government program that has anything whatsoever to do with the domestic operations of this government. That is a disgraceful performance. And so we are left with the choice of passing this continuing resolution or having the government shut down."

Again, my friends, these are the words of Chairman DAVID OBEY from last year, then Ranking Member OBEY. They are particularly meaningful today.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I had thought that perhaps once this session we could simply do our jobs straightaway without having the usual, trite partisan slogans uttered again and again. I'd hoped that we wouldn't continue to chew the same cud over and over again. But evidently we can't. So I will simply take a couple of minutes to respond to the gentleman's comments.

For me to take lectures from the minority party on fiscal management or the management of appropriations would be akin to Willie Sutton lecturing the House on bank security. It wouldn't be taken very seriously.

But let me, nonetheless, since the gentleman has chosen to engage in yet another round of carping, let me simply point out that the gentleman is now making a fuss, once again, because we have not passed appropriation bills singly and now face the prospect of an omnibus appropriation bill with all domestic appropriations tossed into one budget document. If that, in fact, occurs, what it will mean is that the President sent us one budget document and we sent him one back. That's hardly a Federal offense, the last time that I checked.

Secondly, I would simply point out that this Congress has passed and sent to the President appropriation bills totaling about 75 percent of all of the discretionary spending in the budget. The reason that none of the domestic bills have been finalized is because the President chose to veto the Labor, Health, Education appropriation bill. So we are now engaged in the only action left open to us, which is to reach a negotiated agreement between the Senate and the House and between the Congress and the President. We are trying to achieve the required negotiated result between the two branches of government and between the two branches of the legislative portion of the government.

Let me simply say that there will be, at the end of this year, there will be one critical difference between this Congress and the previous Congress controlled by our friends on the other side. In the previous Congress, they were able to pass not a single domestic appropriation bill through the Congress. They had passed them through the House, just as we passed all of our appropriation bills through the House. In fact, they didn't pass all of their appropriations bills through the House. They didn't get the Labor-H bill passed last year, which was the major domestic appropriation because they did not see fit to provide a minimum wage increase for workers, and so they preferred to bury the bill rather than have a bill pass which carried a minimum wage increase for America's workers.

But the critical difference between them and us is that when we took over this Congress in January, we had to first clean up their mess. We had to spend the first six weeks passing appropriation bills to make up for the fact that they had not passed a single domestic appropriation bill. And so, as a consequence, we will have one critical difference when our work is done, hopefully at the end of next week. We will have passed all of the appropriation bills necessary to keep the government running for a full fiscal year. We may not have done it in single fashion, as they would prefer, but the fact is that, whether they like the packaging, we will have done our jobs, and I would submit we will have done our jobs on a bipartisan basis.

There were, on average, 60 Republicans who helped us every step of the way in trying to pass these appropriation bills. I think that demonstrates that we had bipartisan legislation before us in virtually all instances on those appropriation bills, and that was reflected in the fact that, on average, we had over 60 Republicans supporting each of those bills.

We could not get the bills through the Senate, but they will, in the end, be passed, and that, in the end, will be a critical difference between the result of the record produced by our friends on the other side last year and one that will be produced, I would hope, on a bipartisan basis this year under different management.

So with that, if the gentleman has any further comments, I'll withhold. If he has any further speakers, I'll withhold. If he doesn't, I'm prepared to yield back.

Mr. LEWIS of California. Mr. Speaker, I really don't have any other speakers, but I did want to apologize to my colleague and take just a moment to do that. If, indeed, I have lectured the gentleman, I certainly would want to apologize to the House for that, for the House knows he's never lectured us or anybody else. Now I'm not certain what may have gone on in his own caucus, but certainly he doesn't lecture us.

And if my quoting his own words takes the term "carping," I guess it's difficult not to quote him exactly, and if that's carping, so be it.

Mr. Speaker, I have no additional speakers and yield back the balance of my time.

Mr. OBEY. Let me simply take a moment to indicate where I think we are on the appropriation matters. I think we have a reasonable prospect of finishing our work for the year come the middle of next week. I had originally been predicting that we would be out of here on the 22nd of December and reconvene after the 27th. I'm now slightly more optimistic than I was initially. And I think that, while none of us may be particularly enamored of the final result, I think that we are getting closer to having a result which can be supported by many people on both sides of the aisle, at least in the House itself.

□ 1345

I cannot speak for what the Senate will produce, but I would hope that Members would familiarize themselves. As soon as we have the final product available, we will try to make that product available to Members so that they have an opportunity to review it before we actually vote on it next week.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 869, the joint resolution is considered read for amendment and the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the joint resolution?

Mr. LEWIS of California. I am, in its present form.

Mr. OBEY. Mr. Speaker, I reserve a point of order on the motion.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. LEWIS of California moves to recommit the joint resolution H.J. Res. 69 to the Committee on Appropriations with instructions to report the same back to the House promptly with the following amendment:
>
> At the end of the joint resolution, add the following:
>
> Sec. 2. Public Law 110–92 is further amended by adding at the end the following new section:
>
> "Sec. 151. Appropriations, funds, and other authority made available by this joint resolution that are related to the provisions of title IX of the Act referred to in section 101(1)—
>
> "(1) shall be available, notwithstanding section 106, until enactment of a supplemental ap2ropriations Act for fiscal year 2008 that provides supplemental appropriations for one or more of the appropriation accounts included in such title IX; and
>
> "(2) are designated as being for overseas deployments and related activities pursuant to subsections (c)(2)(E) and (d)(1)(E) of section 207 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.".

The SPEAKER pro tempore. Does the gentleman from Wisconsin insist on his point of order?

POINT OF ORDER

Mr. OBEY. Mr. Speaker, we have had virtually no time to understand what the content of this resolution is; but as I read it, I would make a point of order against the amendment on germaneness grounds because the resolution adheres to a December 21 delimiting date, whereas the instructions in the proposed amendment refers to matters outside of the time period in question, and I will, therefore, suggest that the motion is not in order.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

Mr. LEWIS of California. Mr. Speaker, I will just speak on the point of order.

Mr. Speaker, the motion to recommit that I was about to present is quite simple. The motion will ensure that we continue to provide funding for our troops in harm's way until Congress takes the necessary action to pass a bridge fund or a full-year war supplemental.

The SPEAKER pro tempore. Is the gentleman speaking on the point of order or on the motion to recommit? The question is whether the point of order is well taken. If the gentleman doesn't wish to speak on the point of order, the Chair is prepared to rule.

The Chair finds that the amendment proposed in the motion to recommit exceeds the temporal ambit of the joint resolution beyond the delimiting date in section 106 of Public Law 110–92. Accordingly, the point of order is sustained, and the motion to recommit is ruled out of order.

Mr. LEWIS of California. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I move to table the motion.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LEWIS of California. Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to table will be followed by 5-minute votes on passage of the joint resolution, if arising without further debate or proceedings in recommittal.

The vote was taken by electronic device, and there were—yeas 222, nays 194, not voting 15, as follows:

[Roll No. 1161]

YEAS—222

Abercrombie
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke

Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watson
Watt
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—194

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Ackerman
Carson
Crenshaw
Cubin
Heller
Hooley
Jindal
McNulty
Mica
Miller, Gary
Paul
Regula
Rush
Waters
Waxman

□ 1411

Messrs. JOHNSON of Georgia and UDALL of Colorado changed their vote from "nay" to "yea."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. REGULA. Madam Speaker, on rollcall 1161, I was in the Chamber and trying to cast my vote as the rollcall was closed. Had I been permitted to enter my vote, I would have been recorded as "nay."

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 12, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from Ms. Jennifer Brunner, Secretary of State, the State of Ohio, indicating that, according to the unofficial returns of the Special Election held December 11, 2007, the Honorable Robert E. Latta was elected Representative to Congress for the Fifth Congressional District, State of Ohio.

With best wishes, I am
Sincerely,
LORRAINE C. MILLER,
Clerk.

Enclosure.

OHIO SECRETARY OF STATE,
Columbus, Ohio, December 12, 2007.

Hon. LORRAINE C. MILLER,
Clerk, House of Representatives,
Washington, DC.

DEAR MS. MILLER: This is to advise you that the unofficial results of the Special Election held on Tuesday, December 11, 2007, for Representative in Congress from the Fifth Congressional District of Ohio, show that Robert E. Latta received 56,387 votes of the total number of votes cast for that office.

It would appear from these unofficial results that Robert E. Latta was elected as Representative in Congress from the Fifth Congressional District of Ohio.

To the best of our knowledge and belief at this time, there is no contest to this election.

As soon as the official results are certified to this office by all 16 counties of the Fifth Congressional District involved, an official Certificate of Election will be prepared for transmittal as required by law.

Sincerely,
JENNIFER BRUNNER.

PROVIDING FOR SWEARING IN OF THE HONORABLE ROBERT E. LATTA, OF OHIO, AS A MEMBER OF THE HOUSE

Mr. REGULA. Madam Speaker, I ask unanimous consent that the gentleman from Ohio, the Honorable ROBERT E. LATTA, be permitted to take the oath of office today.

His certificate of election has not arrived, but there is no contest and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

□ 1415

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 12, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from Ms. Nancy Rodrigues, Secretary, State Board of Elections, the Commonwealth of Virginia, indicating that, according to the unofficial returns of the Special Election held December 11, 2007, the Honorable Robert J. "Rob" Wittman was elected Representative to Congress for the First Congressional District, Commonwealth of Virginia.

With best wishes, I am
Sincerely,
LORRAINE C. MILLER,
Clerk.

Enclosure.

COMMONWEALTH OF VIRGINIA,
STATE BOARD OF ELECTIONS,
Richmond, VA, December 12, 2007.

Hon. LORRAINE C. MILLER,
Clerk, House of Representatives,
Washington, DC.

DEAR MS. MILLER: This is to advise you that the unofficial results of the Special Election held on Tuesday, December 11, 2007, for Representative in Congress from the First Congressional District of Virginia, show that Robert J. "Rob" Wittman received 50,079 of the total number of votes cast, 84,252 for that office.

It would appear from these unofficial results that Robert J. "Rob" Wittman was elected as Representative in Congress from the First Congressional District of Virginia.

To the best of our knowledge and belief at this time, there is no contest to this election.

As soon as the official results are certified to this office by the counties of Caroline, Essex, Fauquier, Gloucester, James City, King & Queen, King George, King William, Lancaster, Mathews, Middlesex, Northumberland, Prince William, Richmond County, Spotsylvania, Stafford, Westmoreland and York, and all or part of the cities of Fredericksburg, Hampton, Newport News, Poquoson and Williamsburg involved, an official Certificate of Election will be prepared for transmittal as required by law on December 20, 2007.

Sincerely,

NANCY RODRIGUES,
Secretary.

PROVIDING FOR SWEARING IN OF THE HONORABLE ROBERT J. WITTMAN, OF VIRGINIA, AS A MEMBER OF THE HOUSE

Mr. WOLF. Madam Speaker, I ask unanimous consent that the gentleman from Virginia, the Honorable ROBERT J. "ROB" WITTMAN, be permitted to take the oath of office today.

His certificate of election has not arrived, but there is no contest and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

SWEARING IN OF THE HONORABLE ROBERT E. LATTA, OF OHIO, AND THE HONORABLE ROBERT J. "ROB" WITTMAN, OF VIRGINIA, AS MEMBERS OF THE HOUSE

The SPEAKER. Will the Representatives-elect and the members of their respective delegations present themselves in the well.

Mr. LATTA and Mr. WITTMAN appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations. You are now Members of the 110th Congress.

WELCOMING THE HONORABLE ROBERT E. LATTA TO THE HOUSE OF REPRESENTATIVES

The SPEAKER. The Chair recognizes the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Madam Speaker, it is my privilege to introduce the newest Member of our body from Ohio, Mr. ROBERT LATTA.

There is a lot that I can say. He has an outstanding record in the Ohio legislature. He has a lot of community activities. One that I especially like is he was very active in the 4-H program, and that's something close to my heart.

But let me say, BOB, you have a wonderful legacy to uphold here. Your father served here for 30 years, an outstanding Member, Del Latta, for a few of us that still remember him well, a great Member. And then you succeed Paul Gillmor, who had 20 years of outstanding service. So the 5th District of Ohio has had 50 years as a legacy of great service. And looking at your record in the Ohio legislature, I know that you will carry on the same record of great service to the people of that district and to the State of Ohio. And I'm happy, as the senior Member, to welcome you as a new Member of this great body.

Madam Speaker, I yield to the gentlewoman from Ohio.

Ms. KAPTUR. I thank the gentleman.

And on behalf of our entire Buckeye delegation, and with poignancy on this occasion, during this season of new light, please let me welcome Congressman ROBERT LATTA of Wood County, Ohio, to the ranks of the 110th Congress of the United States.

I can share with our colleagues that BOB is a man who has lived the commandment, "Honor thy father and thy mother." Delbert and Rosemary must be so elated today.

BOB also has honored his in-laws, Mr. and Mrs. Vern and Carol Sloan of Williams County, such very, very good citizens. BOB's father Delbert, as RALPH has said, served dutifully for three decades in this Chamber until 1989. What a Christmas gift this swearing-in must be for the Latta and Sloan families.

BOB has been a loving husband to his gifted wife, Marcia, and a real father to his daughters, Elizabeth and Maria. I know how proud they all are today.

His public service has been exemplary, with 15 years of service in the Ohio legislature. We welcome him warmly to the ranks of the Ohio delegation. Indeed, we need his help to pull our Buckeye State forward in more than football.

Let me wish you and your family Godspeed on behalf of our entire delegation with healthy and productive years of service to our blessed Nation. Onward, and congratulations.

The SPEAKER. The Chair recognizes the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Thank you, Madam Speaker, for allowing me a brief moment.

I want to thank Representative REGULA. Representative KAPTUR, thank you very much for your nice remarks. I really appreciate that. I know that my dad always enjoyed serving with you and riding on the plane back and forth from Toledo.

It's a great honor to be here today. I'll tell you, it's a humbling experience. Because of all the years when I was younger and Dad was in Congress here and being able to come onto this floor, I never dreamed there would be a day when I would be standing in this well to address the Members.

I just want to say this, that as we were walking here today from the Metro and walking between the Cannon and Longworth and looking up the street and seeing that dome of the Capitol Building, I understood how humbling of an experience this really is. I truly believe we are truly blessed to be one of 435 to represent such a great Nation.

I look forward to working with all of you in the future. And I just want to thank you very much for this ability to be here with you today, and also, Madam Speaker, again, for allowing me to speak. I really appreciate it. Thank you very much.

WELCOMING THE HONORABLE ROBERT J. "ROB" WITTMAN TO THE HOUSE OF REPRESENTATIVES

The SPEAKER. The Chair recognizes the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Madam Speaker, on behalf of the entire Virginia congressional delegation, it is a great privilege to introduce the newest Member of the 110th Congress, the gentleman from the First Congressional District, ROB WITTMAN.

ROB WITTMAN has been a public servant for more than 20 years, serving as a town councilman, mayor, county supervisor, and board chairman, and member of the Virginia House of Delegates.

ROB holds a doctorate degree in public policy and administration, a master of public health degree in health policy and administration, and a bachelor of science degree in biology. Throughout his career, ROB's wife, Kathryn, a public school teacher, has been at his side. They are the parents of two children, daughter, Devon, and son, Josh.

Madam Speaker, ROB WITTMAN is ready to get to work following the decades-long tradition of former Congressman and Senator Paul Trible, of former

Congressman Herb Bateman, and our beloved Member, who just left us to go home to be with the Lord, Jo Ann Davis, in providing outstanding and dedicated representation in Congress for the people of Virginia's First District.

I present to you the distinguished gentleman from the Commonwealth of Virginia, ROB WITTMAN.

The SPEAKER. The Chair recognizes the gentleman from Virginia (Mr. WITTMAN).

Mr. WITTMAN. Madam Speaker, ladies and gentlemen of the House, it is, indeed, an honor and a privilege to be with you today. Representative WOLF, thank you very much for those kind words; I really appreciate that.

It is, indeed, a humbling experience to be here. I look forward to working with each and every one of you in the days to come to make sure that we do the best job that we can collectively here for our Nation. As I said, it's a very humbling experience, and I thank you.

May God bless you.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the administration of the oath of office to the gentlemen from Virginia and Ohio, the whole number of the House is 434.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CAPUANO). Without objection, 5-minute voting will continue.

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2008

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LEWIS OF California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 385, nays 27, not voting 21, as follows:

[Roll No. 1162]

YEAS—385

Abercrombie
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chabot
Chandler
Clarke
Clay
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NAYS—27

Bachus
Barrett (SC)
Blumenauer
Brady (TX)
Burton (IN)
Carter
Culberson
Duncan
Flake
Franks (AZ)
Gohmert
Hensarling
Hoekstra
Hunter
Johnson, Sam
King (IA)
Kucinich
Lewis (CA)
Petri
Poe
Sensenbrenner
Shadegg
Souder
Stearns
Tancredo
Thornberry
Young (AK)

NOT VOTING—21

Ackerman
Berman
Blackburn
Boucher
Carson
Cleaver
Crenshaw
Cubin
Heller
Hooley
Jindal
Kilpatrick
Lamborn
McNulty
Miller, Gary
Paul
Ruppersberger
Tauscher
Terry
Walsh (NY)
Young (FL)

☐ 1433

Mr. BARRETT of South Carolina changed his vote from "yea" to "nay."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. RUPPERSBERGER. Mr. Speaker, on rollcall No. 1162, I was delayed because I was meeting with constituents from my district and I was taking them on a tour of the Capitol. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, I was unavoidably detained over the past few days to come to the floor of the House of Representatives to cast my vote on certain rollcall votes.

Had I been present, I would have voted "aye" for rollcall Nos. 1125 and 1160. I would have voted "yea" for rollcall Nos. 1124 through 1138, rollcall No. 1142, rollcall No. 1145, rollcall Nos. 1152 through 1158, and rollcall Nos. 1161 and 1162.

I would have voted "nay" for rollcall No. 1159.

PERSONAL EXPLANATION

Mr. HELLER of Nevada. Mr. Speaker, I was absent for a series of votes today due to personal family reasons. I request that my votes be recorded in the CONGRESSIONAL RECORD.

On rollcall No. 1156 on Ordering the Previous Question on House Resolution 869, I would have voted "nay."

On rollcall No. 1157 on Ordering the Previous Question on House Resolution 859, I would have voted "nay."

On rollcall No. 1158 on passage of House Resolution 859, I would have voted "nay."

On rollcall No. 1159 on the motion to recommit the Conference Report (H.R. 2082) with Instructions, I would have voted "nay."

On rollcall No. 1160 on agreeing to the Conference Report (H.R. 2082), I would have voted "nay."

On rollcall No. 1161, to table the appeal of the ruling of the Chair, I would have voted "nay."

On rollcall No. 1162, on passage of H.J. Res. 69, I would have voted "yea."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1201

Mr. PITTS. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1201, the Freedom and Innovation Revitalizing U.S. Entrepreneurship Act of 2007.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

LEGISLATIVE BUSINESS

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. Mr. Speaker, I yield to my friend, the gentleman from Maryland, the majority leader, for information about what I hope to be the last week's schedule of this working year.

Mr. HOYER. One week longer than I had hoped.

I thank the gentleman. On Monday, the House will meet at 10:30 a.m. for morning-hour debate and noon for legislative business with any votes ordered postponed until 6:30 p.m. On Tuesday, the House will meet at 9 a.m. for morning-hour debate and 10 a.m. for legislative business. On Wednesday, the House will meet at 10 a.m. for legislative business.

We will consider several bills under suspension of the rules, and most of those bills will be announced before the close of business tomorrow.

We will also expect further action on the following items: energy legislation, terrorism risk insurance, the fiscal 2008 appropriations package, the alternative minimum tax, the children's health insurance program. And there may be within the children's health program, depending on what the Senate does, dealing with the reimbursement of providers under Medicare, the docs.

I might also add to that, Members ought to know it is possible that depending upon the administrative work that can be accomplished over the next 4 or 5 days, it is possible that Monday night we might consider the omnibus appropriation bill. I mention that, but I want you to know that that is possible.

Mr. BLUNT. On that topic, my friend, I wonder, do you have any sense on what time over the weekend or on Monday it would become obvious, the Monday evening work, because we have had many Members, as I am sure you have, inquire about that specific issue.

Mr. HOYER. The chairman of the committee, Mr. OBEY, has made it very clear that he wants to, although this is essentially an amendment, he wants to meet the 24-hour notice so that Members have 24 hours. So that would require Sunday night, we hope we can reach Sunday, for the posting of the bill on the Rules Committee Web site, which is usually how notice is given. And we are hopeful that will be done by Sunday night so that by Monday night it would be hopefully ready for consideration.

I want to say that the energy legislation will be considered, assuming we get the bill from the Senate, assuming we are ready to do that, considered done on Tuesday.

Mr. BLUNT. I thank the gentleman for that, and let me just clarify in my own mind. The energy legislation would not be considered on Monday, but if we get it, I am anticipating it would be considered on Tuesday.

Mr. HOYER. Energy legislation will be considered on Tuesday.

Mr. BLUNT. And then further clarification on your observation about more action on the children's health insurance program as it relates to the doc fix. I am a little unclear on your information on that.

Mr. HOYER. As you know, in our bill that we sent to the Senate, which the Senate did not pass, and it is still pending in the Senate, we made provision for the doctors reimbursement, which is going to be cut by 10 percent, as you know, on January 1. As a result of that, we are very concerned that there are some providers that may feel they no longer can afford to give services to those under Medicare. We think that is something that none of us want to have happen, so I wanted to put you on notice, so you knew that that was a possibility if their agreement could be reached on that issue. As you know, the Senate has not passed it.

But I am mentioning SCHIP, they may be combined, they may not be, I don't know, because that is a health care issue, and we have been talking about it as a combined. I wanted you to simply know that when I mentioned SCHIP that may well be subsumed in that or a separate item, if, in fact, agreement can be reached.

Mr. BLUNT. I will take that information and thank you for that information.

On the AMT, on the alternative minimum tax, the status on that right now is the Senate has sent over a bill without an offsetting tax pay-for, has passed one. Can you give me some information of where that bill is at this moment?

Mr. HOYER. The Senate bill is still in the Senate, as I understand it. We have passed, as you know, a House bill with a different pay-for so that the deficit is not increased by our actions. As you know, on this side of the aisle we feel very strongly, I underline "very," strongly that the alternative minimum tax, I think to a Member, agree was not intended to affect some of the people that it will affect if it is not modified. We want to modify it, but we don't want to modify it at the expense of our children and grandchildren having to fill the hole that will be left by the loss in revenues on which the administration has counted in its budgets for not this year but succeeding years for the next 9 years. If that money is not there and expenditures are not cut, or revenues are not raised, then we will increase the budget deficit by a very substantial amount, billions and billions of dollars, at least $100 billion just by this one action. So we have passed a bill. The Senate has passed a bill. The Senate still has its bill. It has not passed over here.

Mr. BLUNT. I will look forward to that coming back from the Senate. I would say whether the administration does it or we do it, this policy of taking revenue we don't have now, that we don't think we should be collecting and creating a situation where we have to come up with another tax to collect it, and you mentioned the administration did that, and I believe you are right, that they did anticipate that. I think that was a wrong thing for them to do. I think it is unfortunate we have let this tax get into this situation.

Mr. HOYER. I understand the gentleman's position, but you understand for the last 5 or 6 years the Republican budgets have done the same thing.

Mr. BLUNT. And I understand for the last 5 or 6 years we have taken the initial step necessary by June to not let this encumber the tax collecting system. And even if we now are able to clarify this, it is so late that it is going to have impact on how people can file their taxes next year. I certainly would agree with any premise to suggest this should have been taken care of long ago. And as my good friend knows, we did send a bill that I voted for to President Clinton in 1999 that would have eliminated this tax. We should have done that at that time. I am sorry we couldn't figure out a way to work together and eliminate that tax then so we wouldn't have to wrestle with this issue every year between then and now.

Mr. HOYER. I appreciate the gentleman's observation about the 1997. I don't believe that was paid for either. I am not absolutely positive on that, but that is why I believe the veto occurred. But we all agree we ought to eliminate the AMT. But there is no doubt there is a very significant philosophical and policy difference between the President and your side and our side in terms of whether or not, when you eliminate and you make the patch, there is no money to do the patch. So when you take that money away, you have to fill it either with borrowing, as we have done over the last number of years, or you fill it with additional revenues. If you fill it with additional revenues, future generations are not paying the bill. If you fill it with borrowing or just leaving the emergency spending hole, future generations have to pay for it.

Now, I know we disagree on that, but it is, I think, a very honest philosophical and policy difference, and the bills reflect that.

Mr. BLUNT. They do, and it is a difference. I think the third thing that should be considered, that unfortunately we still are not able to bring ourselves to consider, is how you manage to deal with that revenue shortfall by savings and spending, by just not planning to spend it. But the President's budget did, your budget did. I don't agree with the President's budget and I voted against the majority's budget, and we do have to look at savings as one of the options. The President's budget, the President would have increased spending by over 6 percent, by over 4½ percent in the bills left, and I think that is the number right now we are trying to deal with. I look forward to working with the gentleman as we deal with that, get the work of this year's Congress done, and let our Members go home and talk about what we have done or what we have failed to do.

Mr. HOYER. I think we all agree that we want to get our work done. We have had great difficulty doing that. Not so much in this body because this body, whether your side is in charge or my side is in charge, we have a Rules Committee, we can structure debate, and the majority rules.

Unfortunately, in the Senate, the majority does not rule. The Senate has decided that they will let the minority rule. They did that when we were in the majority, and it was done when your party was in the majority. We have both discussed the problems that causes a body that can, in fact, allow the majority to rule. Having said that, we are working towards trying to do what the gentleman suggested, getting our work done. To the extent that we can cooperate with one another, that will facilitate that objective.

□ 1445

Mr. BLUNT. I appreciate that. I do know whoever is in the majority on this side has to spend a lot of time explaining why an apparent majority on the other side of the building doesn't really become a majority on that side of the building.

I thank the gentleman for his information.

Mr. HOYER. We do find agreement from time to time, apparently.

MR. BLUNT. Mr. Speaker, I yield back.

ADJOURNMENT TO MONDAY, DECEMBER 17, 2007

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10:30 a.m. on Monday next for morning-hour debate.

The SPEAKER pro tempore (Mr. SARBANES). Is there objection to the request of the gentleman from Maryland?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

LOUISVILLE CENTRAL HIGH SCHOOL 3-A CHAMPIONS

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, earlier this year, we watched two African American coaches make history in the Super Bowl. This week, Ty Scroggins made history again, guiding Louisville's Central High School to the Kentucky 3-A Championship, becoming the first African American football coach to win a Kentucky State title. As alma mater to Muhammad Ali, Central is no stranger to athletic success. Still, it took a total team effort, led by Darrell Taylor's inspired rushing, to give the Yellow Jackets their first championship.

As the first predominantly and historically black high school to win the Kentucky Gridiron State trophy, their landmark win is a victory for a Commonwealth proud of overcoming adversity as we progress toward real equality. The school that began 125 years ago as Louisville Colored High School now sends 92 percent of its students to college. Renowned for economic excellence, successful magnet programs, and unique entrepreneurial opportunities, few schools so thoroughly prepare students for careers in business, law, technology, and medicine.

Four decades ago, Central gave us The Greatest. Today, the school continues to give us greatness. I ask my colleagues to join me in honoring Central High School, Coach Scroggins, and Kentucky's 2007 3-A football champs.

THE NON-ENERGY BILL

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, this winter it's going to be cold in the Northeast. Home heating oil is needed for those who want to keep warm in the northern States. Gasoline prices continue to rise above $3 a gallon, and crude oil may go to $100 a barrel. So what does the House of Representatives do? Makes it more expensive for American oil companies to do business in America. How so? The non-energy bill that passed this House contains a $21 billion tax increase on the production of oil and natural gas in America. That tax will be passed on to the consumer in the higher prices of energy.

The bill doesn't open up new sources of exploration off our coast or in ANWR. Now, only Texas, Louisiana, Mississippi, and Alabama allow drilling off the coast. You see, States like California, Florida, and northeastern States don't want drilling off their coast but they don't have a problem with consuming the crude oil from States that allow offshore drilling. This bill punishes oil-producing States like my home State of Texas. The Wall Street Journal stated, In this bill, the biggest winner is OPEC. So, Mr. Speaker, maybe to survive, Texas and the other oil-producing States should just join OPEC and get a better deal on our crude oil.

And that's just the way it is.

NON-INTERVENTION AND NEUTRALITY

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, Bruce Fein is a nationally syndicated columnist who was a high-ranking official during the Reagan administration. He does not support a neocon, globalist, world policeman-type of foreign policy for the U.S., a foreign policy that used to be considered as the policy of liberals.

Last week, Mr. Fein wrote a column describing the traditional conservative view. He wrote: "Non-intervention and global neutrality should be the national security creed of the United States. Every soldier deployed abroad should be returned to deter and defend the United States at home. Non-intervention and neutrality everywhere, coupled with the threat to annihilate any United States attacker would make the country safer, freer, and more prosperous. Foreign adventurisms create more enemies than they destroy.

He also quoted George Washington's farewell address, in which President Washington warned against "overgrown military establishments which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty."

In other words, Mr. Speaker, the traditional conservative view is what was expressed by President Bush during the 2000 campaign when he came out very strongly against nation building and said the U.S. needed a more humble foreign policy.

AMT PATCH

(Mr. MCHENRY asked and was given permission to address the House for 1 minute.)

Mr. MCHENRY. Mr. Speaker, at $2.9 trillion, the Federal budget is bigger than the entire economy of every single country on Earth, except Japan. Bigger than the economies of China, bigger than the economy of Britain, bigger than the economy of Germany. Just the Federal budget is larger than all of those economies.

So, Mr. Speaker, my friends on the other side of the aisle, I want to ask them this question: Out of $2.9 trillion, can't you trim enough money to stop impending tax increases on the middle class and every American in this country, rather than proposing new tax increases? Unfortunately, the actions of this Congress say no, that the Democrat majority is intent on raising taxes in order to grow and expand this rather large and bloated Federal Government.

Mr. Speaker, I think it's important the American people know what the Democrats in Congress are intending to do, and that is to raise taxes and grow government.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

STOPPING YOUTH VIOLENCE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. LARSON) is recognized for 5 minutes.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to address an extraordinarily important issue, one that, quite frankly, is not often discussed on this very floor and needs in so many ways to be brought forward, not only to the attention of the Members of this body, but a dialogue that needs to reach out all across this country to discuss the devastating trends of youth violence. I am pleased to note that colleagues today, including STEPHANIE TUBBS JONES, BOBBY SCOTT, YVETTE CLARKE, DONALD PAYNE, SHEILA JACKSON-LEE and LINDA SÁNCHEZ, will be coming to the floor under these 5-minute Special Orders to also address this issue of youth violence.

There isn't a day that goes by that we don't thank our veterans for the sacrifice that they have made and note the loss of life that has taken place in Iraq and in Afghanistan and the wounded. And we take great pride, and rightfully so, in this Chamber for making sure that we are providing for our veterans, providing especially for those that come home with post-traumatic stress syndrome, and addressing these concerns in a meaningful and significant way. And yet here in our own country, in our cities, in our suburbs, most recently out in Nebraska, violent deaths and shootings take place and seemingly go unnoticed.

JOHN LEWIS traveled with me to Hartford, Connecticut, to address there a group of citizens concerned about violence in the neighborhood, where in 2006, 16 shootings took place in a single week. At that hearing, a Vietnam veteran, Steven Harris, stood up and said, I appreciate what Congress is doing on behalf of veterans and providing them with post-traumatic stress syndrome relief. But what about the kids in my neighborhood who have to deal with this on a regular basis? What about the youth all across this country who are perishing?

There are incredible statistics, Mr. Speaker, that this body needs to discuss in a way that will send hope out to our communities and our neighborhoods. Homicide is the second leading cause of death among 15 to 24-year-olds overall. Homicide is the leading cause of death for African Americans between the ages of 10 to 24 and the second leading cause of death for Hispanics of that age. Guns are a factor in most of these homicides.

In a nationwide survey of high school students, 6 percent reported not going to school on one or more days in the 30 days preceding the survey because they felt unsafe at school or on their way to and from school. Children who have witnessed violence in their communities are vulnerable to serious, long-term problems. This country stood and paused and we said the world had changed forever after September 11. But for grandmothers in their communities, the world had changed before that, because this kind of senseless violence continues.

This Nation, this Congress, must solve this problem. The problem cannot be addressed explicitly through incarceration. We have ample amounts of punitive measures that exist on our books today. What we don't have is a comprehensive approach to it, reaching out into these communities, assisting and helping and providing the plans such as BOBBY SCOTT has outlined, "From Cradle to College," that provide the hope, that provide the leadership for communities coming together in a manner in which they care about our children.

We are aware of what is happening all around the world, and we can come to this floor and chronicle it. But in our own cities, in our own States, we must begin to speak and save our children there.

☐ 1500

BORDER AGENTS CAMPION AND RAMOS

The SPEAKER pro tempore (Mr. SARBANES). Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, at this time of the year, it is common for whatever President is in power to review requests for pardons and for commutations of sentence. And yesterday, the President exercised his constitutional authority and pardoned numerous individuals, at least 29 of them, and I have all of their names here. I count seven drug dealers that were pardoned, one individual for receiving kickbacks in defense procurements contracts, and he commuted one sentence of an individual that was aiding and abetting the distribution of cocaine.

I want to make it clear; the President has the absolute power under the Constitution to pardon anybody he wishes or commute the sentence. And I want to read part of the Constitution, a pocketbook Constitution that many of us here carry that says, "The President shall have the power to grant reprieves and pardons for offenses against the United States."

You notice, Mr. Speaker, it doesn't give any conditions, except he can't pardon someone who has been impeached. It doesn't require that a committee decide who is to be pardoned. It doesn't require that the Justice Department do anything or be even involved in the process. It gives the power of pardon and commutation to the President; and he has that right to pardon anyone he wishes, and I uphold his right to do so.

But in jail today in the Federal penitentiary somewhere across our United States are two individuals who I think should be pardoned, or at least their sentences should be commuted. And numerous people on the House, on both sides, have asked the President to look at these cases and pardon these two individuals, especially in light of their appellate court hearing that took place just a few weeks ago in the Fifth Circuit Court of Appeals in New Orleans, Louisiana. Of course, those two people are Border Agents Ramos and Campion, who I feel like were unjustly convicted by an overzealous prosecution, a comment that was made by one of the Federal judges on appeal, "overzealous prosecution."

But be that as it may, and it seems to me that they have been imprisoned a year now, most of that time they have been serving solitary confinement. For what crime? Well, because they supposedly violated the civil rights of a drug smuggler bringing drugs in from Mexico worth about $1 million. And the United States Government, rather than prosecute the drug dealer, prosecuted the Border Agents because they didn't follow policy, protocol, filling out appropriate forms after this shooting took place. But they go make a deal with the drug dealer. They make a deal with the devil, and they get testimony from the drug dealer in their trial. Talking about the Federal prosecution made a deal with him.

But, you see, that whole case kind of has some bad things that happened. We had learned, several of us, that while the drug dealer, granted immunity, that means they are not going to prosecute him, to testify, and before the trial took place, he brought in another load of drugs from Mexico to the United States worth about $700,000.

The U.S. Attorney's Office, in a carefully worded propaganda piece, denied that that ever occurred. But since we saw, and I have seen the DEA report, we knew a second drug deal took place. And now, finally, after this took place and many of us knew about it, the Federal Government has decided to prosecute the drug dealer on that second case; conspiracy to import drugs into the United States, and charging a new indictment with three offenses, conspiracy to commit crimes against the United States.

So the Federal Government makes a deal with the drug dealer. He brings in drugs after the deal is made. Now he is in jail. And it seems to me, justice would demand that these two Border Agents be released at least until this appeal is over with. But I think they should have their sentences commuted or even they should be pardoned by the President.

But I say all that to say the bureaucrats say, Oh, these two Border Agents haven't followed protocol. They haven't applied the right way, they haven't filled out the right forms for a pardon and a commutation of sentence. Well, the Constitution that I just read doesn't require forms to be filled out for people in prison to get a pardon. I don't remember Mr. Scooter Libby filling out some kind of form to get a pardon. He didn't even ever go to jail. He just got a Get Out of Jail Free card. He was pardoned. The President had the absolute right to do that. I don't quarrel with that. President Nixon got an absolute pardon by President Ford. He didn't fill out any forms to get that pardon.

So, Mr. Speaker, I recommend and urge the President to commute the sentences of these two Border Agents. And he can do it on his own. He doesn't need permission from some bureaucracy, and I hope he does so and does so quickly.

And that's just the way it is.

DRUG SENTENCING REFORM AND COCAINE KINGPIN TRAFFICKING ACT OF 2007; AND YOUTH VIOLENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise this evening for two important matters. And I believe that when we listen to our colleagues speak about fairness, as my good friend from Texas, Congressman POE, just did, I happen to agree with him that there are instances where we must respond to the unfairness of the justice system in the instance of these two Border Patrol agents who are incarcerated while the drug dealer goes free. But there are also commonsense approaches that we must make to address the question of the overall unfairness in the system.

Today, I introduce H.R. 4545, which is the Drug Sentencing Reform and Cocaine Kingpin Trafficking Act of 2007, and it responds to the cry of the U.S. Sentencing Commission and the U.S. Supreme Court, by no means liberal bastions, that have argued and have been convinced that the disparities in sentencing between crack cocaine and cocaine is patently unconstitutional and unfair. And it was the Supreme Court on December 10 that restored the broad authority of Federal District judges to sentence outside the sentencing guidelines and impose shorter and more reasonable prison sentences for persons convicted of offenses involving crack cocaine.

Right now, we know it takes $20,000 to incarcerate someone in the prison. But these justices and the U.S. Sentencing Commission said that it is important to end the disparity and not to give more for crack used, unfortunately, by the poorest of Americans, and allow those who use the high-priced cocaine, not really that different, to get off almost scot-free.

This bill tracks the Supreme Court decision, but, more importantly, it includes an offender drug treatment incentive grant program, and it places and increases an emphasis on certain abrogating factors such as selling drugs to children. And it has penalties for the real bad guys, and those are the major drug traffickers.

We must get a grip on the inequity of the justice system that allows some who can sit in their living room and smoke cocaine to get off easier than those who are on the streets with crack. We want to get rid of all uses of drugs, but we have to be fair in the justice system.

I also rise, Mr. Speaker, and I hope my colleagues will join me in cosponsoring H.R. 4545. We introduced it today with 20 sponsors, including a member of the leadership, and we are grateful and hopeful that we will get a hearing on this legislation. But I also join my good friend, Congressman JOHN LARSON, to be able to step on the line, to stomp out the violence that our children are participating in.

Some few years ago, I was on the select committee against violence headed by my former colleague Martin Frost. Let me just say to you that homicide is the second leading cause of death among 15- to 24-year-olds. Twenty-seven thousand young African Americans were murdered in this country over the last 5 years of the Iraq war; there have been fewer than 1,500 killed in Iraq. The murder of a teenager costs about $1 million in loss and accrued costs. A teenager disabled by gunshot costs about $2 million. Seventy-one percent of police chiefs and sheriffs and prosecutors nationwide agree that there must be programs for preschool children and after-school programs. But, more importantly, parents and teachers and the faith community and Members of Congress must stand against this violence.

The killing of Sean Taylor by those under 20 years old. The killing of Deputy Constable in my district, Odom, whose funeral I went to, killed by those who were 11th and 12th graders in one of Houston's high schools.

We have to stand and denounce violence, but we must intervene with proactive preventative programs. And I would call upon this leadership to establish a select committee against youth violence. It is that much of a crisis. The question of the proliferation of guns in the hands of youth, the kind of youth that would go in and commit suicide but kill eight individuals or more in a Nation's shopping mall, or the kind of youth that would leave his Christian home of homeschooling and shoot those innocent persons at a missionary training school in one of the Nation's churches.

What is going on in America? What is going on is silence. And, therefore, we are here today joining with Congressman LARSON and my colleagues to stand against silence. Let us establish a youth commission, a youth select committee against youth violence in the United States Congress, and let our voices ring out so that we can save our children.

Mr. Speaker, I rise today to urge my colleagues to support the Drug Sentencing Reform and Cocaine Kingpin Trafficking Act of 2007. I am introducing this important legislation today so that we may finally eliminate the unjust and unequal Federal crack/cocaine sentencing disparity in America. The time has come to finally right the wrongs created with the original drug sentencing legislation in 1986.

As a senior member of the Judiciary Committee, I have always been an outspoken advocate for justice and equality in our criminal justice system. For the last 21 years, we have allowed people who have committed similar crimes to serve drastically different sentences for what we now know are discredited and unsubstantiated differences. For the last 21 years, the way we have punished low-level crimes for crack cocaine and powder cocaine have been unjust and unequal.

In 1986, Congress linked mandatory minimum penalties to different drug quantities, which were intended to serve as proxies for identifying offenders who were "serious" traffickers (managers of retail drug trafficking) and "major" traffickers (manufacturers or the kingpins who headed drug organizations).

Since 1986, the severity of punishment between those sentenced for crack cocaine offenses and powder cocaine offenses has been extremely disproportionate, a 100 to 1 ratio to be exact. This has resulted in not only an unequal and unjust criminal justice system, but also a prison system which is overflowing and overburdened with individuals who were not in actuality major drug traffickers.

The U.S. Sentencing Commission recently issued a report that unanimously and strongly urged Congress to: (1) act swiftly to increase the threshold quantities of crack necessary to trigger the five- and ten-year mandatory minimum sentences so that federal resources are focused on major drug traffickers as intended in the original 1986 legislation; and (2) repeal the mandatory minimum penalty sentence for simple possession of crack, the only controlled substance for which there is a mandatory minimum for a first time offense of simple possession. The Sentencing Commission also unanimously rejected any effort to increase penalties for powder since there is no evidence to justify any such upward adjustment.

Moreover, numerous reputable studies comparing the usage of powder and crack cocaine have shown that there is little difference between the two forms of the drug, which fundamentally undermines the current quantity-based sentencing disparity.

Accordingly, I am introducing this legislation based on these recommendations and after the U.S. Supreme Court released two opinions in 7–2 decisions this past Monday, December 10th, restoring the broad authority of federal district court judges to sentence outside the Sentencing Guidelines' range and impose shorter and more reasonable prison sentences for persons convicted of offenses involving crack cocaine. In the most high-profile of the cases, Kimbrough v. United States, the Court held that sentencing judges could sentence crack cocaine defendants below the Guidelines' range to reflect a view that crack sentences have been set disproportionately high in comparison to cocaine sentences.

Additionally, the U.S. Sentencing Commission has been urging Congress to drop its 100–1 crack-to-cocaine ratio approach, and the Court held that judges may take into account the evolving view that both drugs merit equal treatment when calculating prison time.

It is time for Congress to act. This bill will eliminate the disparities in cocaine sentencing and the current mandatory minimum for simple possession. In addition, this bill will increase emphasis on certain aggravating and mitigating factors, create an offender drug treatment incentive grant program and increase penalties for major drug traffickers. Most importantly, this resolution will enact the measures that the U.S. Sentencing Commission has requested from Congress.

This legislation will also fundamentally change the way we punish drug traffickers. This legislation dramatically increases the monetary punishment for those convicted of trafficking drugs and at the same time creates grants for States to create incentive based treatment programs for low-level drug offenders.

Blatant and unjust inequality under the law must end. This bill will ensure that those individuals who have violated the law will be punished fairly, relative to the punishment. We cannot allow this injustice to continue, and I urge you to support this timely resolution, which is supported by the Open Society Policy Center, the Sentencing Project, the ACLU, the American Bar Association, and the Drug Policy Alliance. I also want to thank Senator BIDEN for introducing the companion to this legislation in the Senate earlier this year.

Mr. Speaker, I rise today to join Congressman LARSON and a number of my other colleagues to discuss the very serious issue of youth violence. As Chair of the Congressional Children's Caucus, I have placed the protection and promotion of the rights of our nation's children at the forefront of my legislative agenda, and I am deeply troubled and concerned about the rising tide of violence among America's children.

Mr. Speaker, news stories in recent weeks and months have illustrated a painful fact: that violent crime is again on the rise in the United States, and that the specter of violence is increasingly affecting our nation's children. Earlier this year, we were all stunned by the shooting spree that transpired on the campus of Virginia Tech, and only last week we witnessed the tragic rampage by a 19-year old young man in a Nebraska shopping mall. Only yesterday, according to media reports, six students were injured, two critically so, when their school bus came under gunfire in Las Vegas, in an attack which investigators believe may have been linked to a school fight earlier in the day.

These tragic anecdotes are emblematic of a larger problem: the rising prevalence of violent crime in our society. According to news reports, the past two years have seen a trend of increased violence; last year violent crime rose 2 percent in the United States. Children are not immune to this brutality. Homicide is now the 2nd leading cause of death among 15- to 24-year olds. Gang violence is certainly linked to many of these cases, and youth-gang related homicides have risen by more than 50 percent since 1999.

Mr. Speaker, according to the Centers for Disease Control, in 2003, 5,570 people between the ages of 10 and 24 were murdered. This works out to a shocking average of 15 young people killed every single day. Of these victims, 86 percent were male, and 82 percent, a clear majority, were killed with firearms.

Some sectors of our society are more vulnerable to this rising tide of violence. Homicide is now the leading cause of death for African Americans between the ages of 10 and 24, and the 2nd leading cause of death for Hispanics in that age range. For American Indians, Alaska Natives, and Asian/Pacific Islanders, it is the 3rd leading cause of death. Over the past five years, there have been 27,000 young African Americans murdered in our nation, as compared to less than 1,500 African Americans killed, in the same period of time, in the Iraq war.

These disparities are evident in my home state of Texas. In 2003, the child death rate in Texas was 24.4 deaths per 100,000, a slight increase over the previous year. The rate of death for African American children in Texas was significantly higher than the rate for their White or Hispanic peers. In addition, in 2003, all Texas children were most likely to die from accidents, but while the second most prevalent cause of death for White and Hispanic children was disease, the second most common cause of death for African American children was homicide. For teenagers, deaths by accident, homicide, and suicide accounted for the majority of deaths among 15–19 year olds. While White teens were 50 percent more likely to commit suicide than their Hispanic peers, and almost 2.5 times as likely as their African American peers, African American teens were over twice as likely to die of homicide as Hispanic teens, and seven times more likely than White teens.

Our children should not have to grow up under a shadow of fear. In a nationwide survey of high school students published by the Centers for Disease Control and Prevention, about 6 percent of respondents reported not going to school on one or more days in the 30 days preceding the survey because they felt unsafe at school or on their way to or from school. Madam Speaker, this is absolutely unacceptable. We cannot tolerate our children being scared away from the classroom by the threat of violent crime. We cannot allow violence to keep the young people of our Nation from receiving the education they need to fulfill their goals and dreams.

Our Nations' cities are paying a high cost for their violent crime. While I am extremely wary of attaching monetary value to the lives of our children, I believe it is worth noting that every murder of a teenager, according to estimates, costs the city in which it is committed roughly one million dollars. I mention this statistic only to highlight the economic benefit of working to prevent youth violence, on top of the obvious social and humanitarian motivations. Analysis has shown that for every dollar spent on youth violence prevention, $14 is saved that would be spent in the justice system. If prevention is made a priority, studies show, preemptive programs will reap dividends in the future.

The rising rate of incarceration is of great concern to me, particularly as it harshly affects communities of color. According the Justice Department, if the 2001 rates of incarceration were to continue indefinitely, a white male born in the U.S. would have a 1 in 17 chance of going to state or federal prison during his lifetime, a Latino male would have a 1 in 6 chance, and a Black male would have a 1 in 3 chance of going to prison. These disturbing statistics speak to the ongoing racial divides in our society, as well as to the lack of opportunities for young men in many of these communities. I believe that, in this Congress, we have made some progress toward creating and proliferating opportunities for all the young people of our nation to improve their potential; I also believe we have a great deal of work left to do in this regard.

Mr. Speaker, despite a spate of recent shootings that have demonstrated the prevalence of school violence, the news is not all bad. Studies have shown that school-associated violent deaths account for less than 1 percent of homicides among school-aged children and youth.

However, even if schools are the safest place for our children, it remains indisputable that young people are increasingly the victims of violent crime, and that crime and violence in schools remains far too prevalent. In 2004, over 750,000 young people, ages 10–24, were treated in emergency departments for injuries sustained due to violence, according to the Centers for Disease Control. In a CDC survey conducted in 2004 of high school students across the nation, 33 percent reported being in a physical fight at least once in the year preceding the survey. Seventeen percent reported carrying a weapon on one or more of the 30 days preceding questioning. Another survey estimated that 30 percent of 6th to 10th graders were involved in bullying, either as a bully, a target, or both.

Mr. Speaker, Americans pay $90 billion in taxes every year for the criminal justice system. They pay an additional $65 billion annually in total private security costs. This works out to approximately $535 a year for every man, woman, and child in America. I would suggest that addressing the causes of youth violence in our country, and working to prevent it in the future, would be a much better direction to concentrate our efforts. Doing so will save American taxpayer dollars, but, far more importantly, it will save the lives of our sons and daughters.

Mr. Speaker, youth violence has a profound affect on communities across our nation. In addition to tragic injury and death, youth violence escalates the cost of health care, reduces productivity, decreases property values, and disrupts social services.

I look forward to working with my colleagues to make a reduction in youth violence a reality. According to 71 percent of police chiefs, sheriffs, and prosecutors nationwide, providing more pre-kindergarten programs for pre-school age children, as well as after-school programs for school-age children, would be the most effective strategy for reducing youth violence. I believe we, as a Congress and as representatives of the American people, must ensure that the protection of our children is at the forefront of our legislative agenda.

YOUTH VIOLENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PAYNE) is recognized for 5 minutes.

Mr. PAYNE. Mr. Speaker, thank you for this opportunity to speak to this important issue that we have been talking about that has been brought to the floor by Congressman LARSON.

As we all know, the pendulum seems to be swinging in an opposite direction as relates to our young people. According to the Center for Disease Control, homicide is the second leading cause of death among 15- to 24-year-olds in this country. More closely, homicide is a leading cause of death for African Americans the ages of 10 to 24, the second leading cause of death for Hispanics ages in the same category, and the third leading cause of death for Native Americans, Alaskans, and Asian Pacific Islanders.

The recent shootings in Omaha, Nebraska; Cleveland, Ohio; Blacksburg, Virginia; and actually my own hometown of Newark, New Jersey, have shone a harsh light on the rising crime epidemic plaguing our country. Our country has a proliferation of weapons. It is estimated that there are 300 million weapons in this country, one for every man, woman, and child. There seems to be a romance in some areas with guns, the fact that they can be purchased so easily in many parts of our country. Our State of New Jersey has one of the strongest antigun laws in the country; however, people can come in from other States and bring them in. We had four children, four young people, college students executed, four at one time, in a playground, almost gangster type.

And so we have to do something to stop this epidemic which is plaguing our country. We as a Nation, and particularly here in Congress, have a sobering choice to make: We can either continue to bury our heads in the sand and hide behind our tough-on-crime rhetoric and placing the sole blame on things like violent music and video games, or we can be proactive so that we can start seeing real reduction in crime. There are options available to us that are more cost-effective and lifesaving than throwing increased resources into cameras and metal detectors and security guards and prisons.

Let it not be misconstrued that I believe that these are not important factors in our society. We certainly have to segregate violent criminals from the society. However, if we continue to unwisely spend an overwhelming amount of our constrained resources on this, we will continue to lose on the war on crime.

According to CNN, cost analyses show that for every dollar spent on youth violence prevention, $14 is saved on what would have otherwise been spent in the criminal justice system. And so many times an ounce of prevention is worth a pound of cure.

As a matter of fact, as earlier mentioned, the disparity between crack cocaine and powdered cocaine led the sentencing commission once again to say this is discriminatory, it is absolutely wrong to have a 5-year minimum sentence, mandatory, for crack cocaine. But for the same amount, or even 10 times more, and I believe it even goes up to 100 times more for powder cocaine, you can have a suspended sentence. That is absolutely wrong. I am glad that the sentencing commission and the judiciary now are saying we should change this.

Also, I am proud to say in New Jersey, just this past week, for the first State in the Union to ban by legislative action the death penalty in the State senate, and today that is being considered in the assembly, is I think really a just way for our State to move. So let me say that I commend Congressman LARSON.

☐ 1515

APPOINTMENT OF HON. STENY H. HOYER TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH DECEMBER 17, 2007

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 13, 2007.

I hereby appoint the Honorable STENY H. HOYER to act as Speaker pro tempore to sign enrolled bills and joint resolutions through December 17, 2007.

NANCY PELOSI,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

MENTAL HEALTH PARITY NOW

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Rhode Island (Mr. KENNEDY) is recognized for 60 minutes as the designee of the majority leader.

Mr. KENNEDY. Mr. Speaker, this evening I have an opportunity to address an issue that our country has long seen unaddressed in the many years that we have tackled many issues but failed to address the underlying issue that we seek to talk about this evening. We have just heard many people talk about the issue of gun violence. We have had many people talk about drug smuggling. Well, these are just two examples of the issue that we are going to talk about tonight, in the examples that point to the fact that we are failing to address the underlying problem.

The issue of gun violence, we fail to address the underlying problems of violence in our society when we fail to address the underpinnings of violence. What is it that created the mind of that young man in Omaha that led him to act out in such a way that led to the death so tragically of those innocent people in the mall in Omaha, Nebraska? Why was it that he could not get the help that he needed such that he had to act out in such a way? Why was it that he had to resort to violence?

Why is it in this country that homicide amongst young people is the second leading cause of death for young people? Why is it that suicide is the third leading cause of death for young people 15 to 24?

It is important to ask these questions because if we do, we start to dig below the surface of these questions about whether the issue is really about simply the question of whether we are talking about locking people up or addressing a more fundamental problem and that is addressing people's needs in this country which aren't going to be addressed simply by locking them up, but rather by, as was just addressed by Mr. PAYNE from New Jersey, addressing these problems before they become problems.

What we are here tonight to talk about is addressing people's emotional and mental health needs in this country so that as a Nation we don't have our criminal justice system become the mental health system that it has become in our society.

We as a country incarcerate more people in this country of ours than any other free country on the face of the Earth. We imprison more people in this country than any other free country on the Earth. It begs the question, why is it that America, which calls itself the land of the free, why do we jail so many people? We jail so many people because we fail to get ourselves prepared to come to grips with the violence in our society. We jail so many people in this country because we fail to come to grips with the drug epidemic in our society.

You just heard Mr. POE from Texas talk about Border Patrol and the fact that these border agents are being held in jail because of drug smuggling charges and the problems that they have in interdicting drug smugglers. We heard from Ms. JACKSON-LEE about the problem of charging criminals, the disparity in sentencing between crack cocaine and powder cocaine and how disparate the charges are.

We are talking around the issue. We are talking around the issue. The issue is: What are we doing as a Nation to address this as a health problem that it is? Why in the world would people choose to keep using drugs if they know it is going to end up putting them in jail? Why would people continue to use drugs when they know it is going to cause them to either die or lose their families or lose their lives? But that is what it does to millions of Americans every year, and yet people continue to go on using.

Why do they go on using? Because this is an addiction. Because this is a physical disease, because this is a compulsion of the mind, of the body of the soul. And unless our country comes to grips with treating this disease for what it is, and that is a physical illness, like every other physical illness, then we as a society will not begin to address all of the other problems that we hear our colleagues come to the floor this evening to talk about.

We will fail to address the criminal justice problems. We will fail to find a way to deal with the incarceration problems. We will fail to find a way to deal with the drug smuggling problems. We will fail to find a way to deal with the violence problems if we don't first find a way to address the fundamental problem of treating people's physical illness which drives them to use drugs and alcohol which forces them into these situations which create the underpinnings of violence that create these problems in the first place.

Now many people say, Well, when people use drugs, that is their choice. It is a moral failing on the person's part if they get addicted. We know better now. We have done scans of the brain and we have done research and we have shown that a brain is an organ of the body, like every other organ of the body. And in fact just like somebody may have diabetes and if they get low sugar and they eat candy bars in order to get that sugar up, for many people who have depression, they use drugs to get their serotonin levels up, to get their neuroepinephrine up, to get their chemicals up in their brain that are unusually low because of the way their brain is constructed. So they use drugs because they are looking for a way to get themselves back up, and that is the way that they try to compensate for their depression.

Many people have bipolar disorder, like myself. Initially, I used drugs in order to make myself whole again. I got addicted. I am fortunate because I got treatment. Now I am able to get medication and I am able to live a life that is free from addiction because of that treatment. As a result, today I am able to live a free life. But for many people in this country, they don't have that freedom because they don't have that opportunity to get treatment. Why? Because their insurance plans in this country, unlike Members of Congress, do not cover addiction treatment. Their insurance plans do not treat the brain like an organ in the body. As a result, they are denied treatment for their addiction; and as a result, many of them do not survive.

My friends, that is why my friend Congressman RAMSTAD and myself have been working so hard to see that we pass the Paul Wellstone Mental Health Parity Act in the United States Congress that would do away with the discrimination against this disease called addiction because we feel so strongly that people with addictions, illnesses that are mental illnesses, are no different than illnesses like any other illness of the body. They are just physical illnesses in the brain as opposed to physical illnesses in some other part of the body. And they are no different than any other part of the body. It is just that they are above the shoulders. But insurance companies don't treat these illnesses the same for insurance purposes, and that is what we want to see end. We want to see the discrimination against mental illnesses end, and this is about ending that discrimination.

We have stories this evening that we want to share telling about what we have learned in our tour around the country about how this issue is affecting millions of Americans.

At this time, I yield to JIM RAMSTAD who has been a champion of this issue during his many years in Congress and whose leadership on this issue has been second to none and whom I am proud to have worked with in this Congress on this issue. JIM, it has been a pleasure to work with you.

Mr. RAMSTAD. I thank my friend and colleague from Rhode Island for yielding, and I thank him for his outstanding leadership as co-Chair with me of the Addiction Treatment and Recovery Caucus, for his outstanding leadership on the parity legislation, and every other piece of legislation dealing with mental illness and addiction.

I also want to thank my friend and colleague from Rhode Island for the inspiration he has been to literally hundreds of thousands, perhaps millions, of Americans because of his own honesty, candor, because of the example he has been. By going public with his own story, he has impacted the lives of countless Americans.

Mr. Speaker, as my friend from Rhode Island knows, and many of my friends here know, on July 31, 1981, I woke up in a jail cell in Sioux Falls, South Dakota, under arrest from my last alcoholic blackout as a result of my last alcoholic episode. I had abused alcohol for 12 long and painful years, and I was under arrest when I woke up that morning for disorderly conduct, resisting arrest, and failure to vacate the premises.

I am alive and sober today only because of access to treatment that I had, like other Members of Congress. Like my friend from Rhode Island, we had access to treatment as well as the grace of God and the support of many other recovering people, over the last 26 years in my case.

□ 1530

I'm living proof, as is my friend from Rhode Island, that treatment works and recovery is real. But too many people don't have that access to treatment. It's a national disgrace that 270,000 Americans were denied access to treatment last year for their addiction, people who had admitted their powerlessness over chemicals, and the treatment doors were slammed shut because the insurance companies said, No, we're not going to cover you in treatment, despite the fact that the policy said treatment shall be provided.

It's a national tragedy, Madam Speaker, that 150,000 of our fellow Americans died last year as a direct result of chemical addiction. Thirty thousand Americans committed suicide from their depression last year alone.

And it's a national crisis that untreated addiction and mental illness cost our country, our economy, $550 billion last year alone.

And think of the costs that can't be measured in dollars and cents. Think of the human suffering, the broken families, the shattered dreams, the ruined careers, the destroyed lives. The statistics are so staggering that sometimes we forget there's a tragic human story behind every figure, as Representative KENNEDY and I heard in those 14 field hearings we conducted throughout the Nation.

Madam Speaker, let me now share a couple of those stories.

In my home State of Minnesota, the second hearing we held, Anna Westin, was a young woman who suffered from anorexia for several years, and her mother, Kitty, talked about how their insurance company, the family's insurance company, refused to cover the inpatient treatment that Anna Westin desperately needed. Anna became distraught at being a financial burden on her parents and committed suicide, took her own life.

I want to thank Anna's mother, Kitty Westin. She has created the Anna Westin Foundation to help other young people struggling with eating disorders. And Kitty Westin has been a tireless advocate for expanding access to treatment. But her daughter didn't need to die had the insurance company done the right thing, the cost-effective thing, and covered that inpatient treatment that Anna Westin needed so badly.

We also heard horror story after horror story as a result of health plans discriminating against people with chemical addiction and mental illness.

We heard from Steve Winter, a close personal friend of ours because of these hearings. He traveled in his wheelchair to at least half of those field hearings. Steve tells the most compelling story I've ever heard. When he was a teenager, he woke up one morning and his back was stinging. He felt a stinging sensation. He stumbled downstairs to breakfast and he realized that blood was streaming from his back. He put his hand back there to his back, lower back, and had a handful of blood. Then his mother came into the kitchen, and her voice said, your sister is in heaven, and now you and I are going to join her. His mother was pointing a gun at him. Fortunately, Steve was able to talk his mother into putting the gun down after she had killed his sister and critically injured him, causing him to be a paraplegic for the rest of his life. But as Steve said, My mother didn't shoot my sister and me; her mental illness did. It was the family's insurance company who is to blame for stopping the coverage of his mother's drugs for schizophrenia. That's what caused Steve to lose the use of his legs for the rest of his life and his sister to be shot to death.

Clearly, Madam Speaker, there are very few families in America who haven't been touched in some way by mental illness or addiction. And I know my colleague's going to share some of those stories, but let me just say that it's time to end the discrimination against people suffering the ravages of mental illness and chemical addiction. It's time to end the higher copayments, higher deductibles, the out-of-pocket costs and limited treatment stays. It's time to end those discriminatory barriers that don't exist for other physical diseases. It's time to treat mental illness and chemical addiction under the same rules as physical illnesses. After all, it was 1946 when the American Medical Association categorized addiction as a disease. Anybody from the Flat Earth Society who still thinks it's a moral failing, I suggest they consult the American Medical Association, our Nation's doctors, who, as long ago as 1956, realized addiction is a disease.

As my colleague from Rhode Island said, the Paul Wellstone Mental Health and Addiction Equity Act will give Americans suffering from addiction greater access to treatment by prohibiting health insurers from placing discriminatory restrictions on treatment. In other words, it will end the discrimination against people in health plans who need treatment for mental illness or chemical addiction, plain and simple.

Madam Speaker, expanding access to treatment is not only the right thing to do, it's also the cost-effective thing to do. We've got all the empirical data in the world, all the actuarial studies in the world to prove that equity for mental health and addiction treatment will save billions of dollars nationally while not raising premiums more than 2/10 of 1 percent, and that's according to an exhaustive study by the Congressional Budget Office.

In other words, Madam Speaker, for less than the price of a cheap cup of coffee per month, one cheap cup of coffee per month, 16 million people in health plans could receive treatment for their chemical addiction and millions more for mental illness.

It's also well documented that every dollar spent on treatment saves up to $12 in health care and criminal justice costs alone. People like Mr. KENNEDY and I, who have been treated, our health care costs are 100 percent less, 100 percent less than people with an addiction or mental illness whose disease has not been treated; 100 percent less in terms of health care costs alone.

This landmark legislation that Representative KENNEDY and I have been working on for 10 years has 273 House sponsors, 273 of you here in the House, cosponsors. It was passed with strong bipartisan majorities in two subcommittees, three full committees in the House.

Let me say, Madam Speaker, the bottom line now, we must not go home this year without enacting mental health parity into law. Let me repeat that. We must not go home this year, Congress must not leave without enacting mental health parity into law. Tens of millions of Americans suffering the ravages of mental illness, chemical addiction, can't afford to wait any longer.

Madam Speaker, before I yield back to my friend from Rhode Island, let me just thank him, again, for his incredible leadership, for his outstanding work, for his passion for people in need, people suffering from mental illness and chemical addiction, and for the example he is to millions of Americans.

I want to conclude, Madam Speaker, by saying that ending discrimination against people suffering from addiction or mental illness is not just another public policy issue. It's a matter of life or death. It's a life-or-death issue for millions of Americans suffering the ravages of mental illness and chemical addiction.

Let me conclude by repeating as strongly as I can, it's time to end the discrimination against people who need treatment for mental illness and/or chemical addiction. It's time to prohibit health insurers from placing discriminatory barriers on treatment. It's time to provide greater access to treatment. It's time to pass the Paul Wellstone Mental Health and Addiction Equity Act, because, Madam Speaker, the American people, literally, can't afford to wait any longer for Congress to act. The American people should not have to wait any longer for Congress to deal with America's number one public health problem.

Let's keep the ball moving forward. And next week, hopefully, we'll have the best Christmas and Hanukkah present we could ever deliver to the American people; that is, treatment equity for those suffering from mental illness and chemical addiction.

Again, I thank my friend from Rhode Island.

Mr. KENNEDY. I thank the gentleman from Minnesota. I ask him and say to everybody a rhetorical question. If you could imagine in this country insurance companies saying to you, "Cancer is going to cost you a higher deductible or copay. We're going to charge you more for that because we choose to," I can only imagine the outcry in this country. They wouldn't allow it for a second if they charged more for treatment for one disease than another in any other part of the body, but they allow it for mental illness because there's a stigma in society. Let's just face it. People are afraid of mental illness because they think it reflects something about them, their moral character, their ability to be strong and so forth. The fact of the matter is mental health is about being strong.

One of the great opportunities that I had as an early Member of Congress was to go down to Fort Bragg, North Carolina, and rededicate the Special Warfare School named in honor of my late uncle, President John Kennedy. President Kennedy was the first to award the wearing of the green beret in Special Forces. And I was surprised to learn that the Special Forces have for them psychiatrists on staff 24 hours, 7 days a week for each of the units of our Special Forces.

And you'd think to yourself, why in the world would the strongest, most elite, most resilient of all of our military men and women, why would they ever need to see a psychiatrist? And the commanders told me it's not because of any weakness that we want them to have a mental health professional; it's, rather, we want them to be the best that they can be. And we know, we've sunk hundreds of thousands of dollars into the training of these elite Special Forces. We've trained them to jump out of the sky. We've trained them to dive under the water and carry all kinds of things. We've trained them to do the most extraordinary tasks, and we've trained them to shoot at incredible ranges and to do incredible tasks. And we know that for them to be able to do those tasks at the maximum proficiency, they have to have a clear mind. They have to be unburdened by any stress in their life for them to have the maximum use of all their faculties and doing the job that this government asks them to do when they're tasked to go and defend the United States of America.

And I was astounded. I said to myself, Well, if we want the best for all of our Special Forces and are tasking mental health professionals so that we get the best from our Special Forces, why aren't we tasking this for the rest of our military? And, in fact, as we're finding out now, the military is slowly learning that, in fact, we should be doing that for the rest of our military. It actually makes sense, in order to save lives amongst our own military members, to train them in advance to them going to war, in advance of them going to defend our country, to prepare themselves not only physically, but to prepare them mentally for the challenges that lay ahead. Why? Why? Because, when they get back from that combat theater, we've all read about posttraumatic stress disorder. I prefer to call that combat stress illness because I don't see it as a disorder. Frankly, I see it as a normal reaction to abnormal situations. That's what war is. Soldiers are responding to stress that is absolutely abnormal. People killing people in the streets, bombs going off is abnormal. Soldiers responding to that is normal. So the stress that is known as posttraumatic stress is absolutely a normal response to war. It should be called combat stress illness. That means they can get over it with the proper treatment, and, frankly, we ought to be doing more to treat our soldiers and their families. But, frankly, we, as a country, have seen such a stigma towards mental health that we're losing our soldiers now to suicide at a record rate.

□ 1545

We have got 120 soldiers killing themselves every week back here in the United States after they've survived going over to Iraq. I only wish we added all those soldiers' names to the list of casualties in this the Iraq war, because if we added them to the names of those killed in action, this President's body count for the war in Iraq would be a lot higher than it is right now.

And the fact of the matter is we are missing the opportunity right now to intervene and take care of many of those soldiers because of our stubborn attitude towards mental health; and if we don't get it right with our soldiers and our veterans, we're not going to get it right for the rest of the American public.

Our American public is sympathetic to our soldiers because they've stood the line and defended our country, and if we can't understand why they don't need it, then how are we going to understand why a child in the inner city who is going to school in southwest Washington, who's seeing guns and bullets fly through their neighborhood and seeing police cars at night all around their neighborhood, because of gunshots echoing in the night, how are we going to understand where that child isn't going to have post-traumatic stress? If a soldier's going to suffer from post-traumatic stress because of guns, bullets and bombs, how are we not going to expect a child growing up in our inner cities around our country not to have stress and not have the impact of that?

We need mental health for our soldiers. We need it for our children in this country who are growing up in traumatic situations.

Mr. RAMSTAD. Would the gentleman yield?

Mr. KENNEDY. Absolutely.

Mr. RAMSTAD. I again appreciate the gentleman's comments.

One of those troops lived not far from me in a neighboring community in Minnesota. Lance Corporal Jonathan Schultze, a brave, proud marine who had returned from combat in Iraq, went to the VA suffering from PTSD, post-traumatic stress disorder, as well as alcoholism. He was told that there were no beds available at the VA, and he would be number 26 on the waiting list, that he will get a call in weeks, probably several months.

Well, 4 days later, Marine Lcpl Jonathan Schultze was found in his apartment hanging, hanging from an electrical cord. Just one victim, one brave marine who didn't have to die after sacrificing so much for his country in Iraq, one brave veteran who didn't receive the mental health treatment he needed and deserved.

And I thank my friend from Rhode Island and others who supported the Veterans Health Care Act. Hopefully, that legislation that we passed and was signed by the President earlier this year will help address that problem.

I also appreciate the gentleman from Rhode Island pointing out that the Paul Wellstone Mental Health Treatment Equity Act only addresses one aspect of the problem here, people who are being discriminated against in health plans. We also need to make sure our troops are getting the adequate mental health care that they need and deserve; our veterans, across the board, from all wars, are getting the treatment that they need and deserve; our Medicare seniors, you look at the rates as people are aging with our aging population, so is the incidence among people over 65, the incidence of alcoholism and drug addiction. We need to address the Medicare population as well.

The Medicaid population, there are roughly 26 million addicts and alcoholics in this country according to SAMPHSA, the Substance Abuse and Mental Health Administration. About 16 million of the 26 million alcoholics and addicts are in health plans, which means that at least 10 million are either in Medicaid or have no insurance whatsoever. We've got to address that population as well.

And, finally, as the gentleman from Rhode Island knows well, 82 percent of the people in prisons and jails in the United States are there directly or indirectly because of mental illness and/or addiction, and we're not treating, in our prisons and jails, we're not treating these problems, the underlying cause. And 99 percent of prisoners are going to get out some day, about one percent being capital offenders who presumably will be executed or will be staying there for the rest of their life without parole.

Mr. KENNEDY. And in fact, within 3 years in the State prisons, those prisoners have a recidivism rate of 70 percent. So those State prisoners will be back in the criminal justice system. Seventy percent of them will be revolving back within the criminal justice within 3 years, the reason being we don't have alternatives. We don't deal with the basic problem.

We need to have drug courts and drug treatment; and if we do that, we establish a way for these prisoners who are spending 35 grand, 40 grand a year to keep these people housed in prison and, yet, we're not. We're releasing them to what? They don't have the skills. They don't have the treatment. Whether they do, when they get out, they're going to go out and use again. If they have to use, they have to break in and enter. They're committing more crimes.

It doesn't solve the problem. It may make lawmakers feel good to beat their chest and say, oh, I sent that criminal to jail, but it is not making our constituents any safer, and it's not solving the problem. And the war on drugs is a joke if it doesn't address the demand side of the war on drugs.

Mr. RAMSTAD. Will the gentleman yield?

Mr. KENNEDY. Yes.

Mr. RAMSTAD. Ironically, when President Nixon declared the war on drugs, he directed 70 percent of the funding to treatment, prevention and education, 30 percent to the supply side. In other words, 70 percent to demand side, to reduce the demand for drugs, and 30 percent for law enforcement, proper adjudication and interdiction efforts. Well, today those funding priorities have been reversed, and we simply aren't spending our resources wisely. We are not doing enough on the demand side of the equation.

That's why over the last decade and a half the treatment beds in America have disappeared. They're gone. Insurance companies aren't reimbursing. That's why, even more alarming, 60 percent of the adolescent treatment beds have disappeared over the last decade. We need to reverse those priorities.

I remember visiting with President Clinton and several other Members of Congress and Mexican President, President Salinas, former President Salinas, and he said, until you Americans curb your insatiable demand for drugs, we're never going to be able to address the supply-side problem, the flow of drugs from Central and South America through Mexico into the United States.

So the gentleman from Rhode Island is absolutely correct: we need to address the demand side. We need to spend more of our resources on treatment, education, and prevention.

Mr. KENNEDY. And, frankly, what the Paul Wellstone Mental Health Parity Act says is that we need to offer insurance because really what private insurance companies are doing is putting this on the public taxpayer because, for example, we heard a story out in Los Angeles about a single mom who was trying to get treatment for her son with a methamphetamine addiction, and the insurance company told her that the in-patient treatment that her doctor told her her son needed was not medically necessary so she couldn't get it for her son. What happened to her son? Her son broke into a house to burglarize it to get the money for the drugs. He got caught up in the criminal justice system. Wouldn't you know, 2 years in jail, at the taxpayers' expense. Imagine what that could have bought in terms of treatment, all of which should have been covered by her insurance policy, which she paid for.

Now, the fact is, when you buy insurance, you should think health insurance, your body. I mean, where does it say health care only starts from your neck down? I don't know. I just can't understand where, when they say you're buying health insurance but your health only starts from your neck down. This is absolutely incredible in the year 2007 that we've got such patent discrimination in our country's laws, and we're still abiding by them, and that it is taking Congress this long to even consider legislation to end this patent discrimination.

So we need the people in this country to call their Representatives, to call their Senators and tell them that we need passage of the Paul Wellstone Mental Health Parity bill, and let me just read another story about what happened about this medical necessity.

We had a woman whose daughter Katie was trying to get help for her heroin addiction. She had insurance. Her insurance company said that they couldn't treat her with in-patient treatment until she had OD'd, overdosed, at least once. So imagine this: They said, we can provide her with outpatient treatment, but of course, the outpatient treatment that they provided her was a great deal of distance from where she lived, so it made it very difficult for them to get to. I'm sure that was no coincidence by the insurance plan to make it difficult for them to get to.

What happened? Well, sure enough, Katie OD'd, but unfortunately, you can never tell whether you're going to survive an OD. Katie never survived her first OD to prove that she was an addict so that she could qualify for medical necessity by her insurance plan so that she could get health care insurance for her drug addiction. That is how crazy our health insurance system is when it comes to mental health. If she had cancer and malignancy or a tumor in her, she would have been given that care, would have been given that care. But because this is a mental illness, she's been denied that care.

And we are looking to pass this legislation because we believe it's fundamentally wrong that this is not covered, and it should not be denied care. We know, once again, that the brain is part of the body. We can measure the metabolic changes in the brain now due to modern technology. If people and insurance companies are questioning the science based on determining any of this, all they need to do is go to the National Institutes of Health, National Institutes on Drug Addiction, National Institutes on Alcoholism, or National Institute of Mental Health. They can get all the information they want.

There is no sound basis for discrimination. It's patently wrong. It's based in fear and it's based in essential misinformation. And so we are constantly trying to pass this in spite of the efforts by insurance companies to fight us, and we need the American public to join us in this battle. Otherwise, we'll continue to see these tragedies reoccur over and over and over again in this country.

Mr. RAMSTAD. Will the gentleman yield?

Mr. KENNEDY. Yes.

Mr. RAMSTAD. I'd just like to conclude my portion, Mr. Speaker, by quoting from one of our key advisers on this legislation, somebody who's a true expert, Navy Captain Medical Dr. Ron Smith, who is former chairman of the Department of Psychiatry at the Bethesda Naval Medical Center and who's worked in chemical dependency in the field of treatment for dozens of years.

And Dr. Smith, when he testified at a hearing several years ago, said every time you treat a person for addiction or mental illness, you're really helping seven people: their siblings, spouse, significant others, children, grandparents, uncles, aunts and others close to the addicted or mentally ill person. Why? Because these are family diseases that affect the entire family. And Dr. Smith went on to say at that hearing that the Paul Wellstone Mental Health and Addiction Treatment Equity Act has the potential to favorably impact more American people than any other law passed by Congress since Social Security and Medicare; that this bill, to provide treatment, to provide equity in treatment for mental health and addiction has the potential to help more American people than any law passed by Congress since Social Security and Medicare.

Mr. Speaker, we can't afford not to pass this bill next week, the final week of this year of Congress. This is a historic opportunity for the Congress; and I know, I know in my heart that the President will sign the bill if it gets to his desk.

□ 1600

Again, I urge all Americans who have an interest in this life-or-death issue to e-mail, call your Congress Member, your Senators in the next several days, urge them to pass the Paul Wellstone Mental Health Parity Act. It is absolutely essential that we get it done now.

I thank the gentleman from Rhode Island for yielding.

Mr. KENNEDY. Thank you.

I wanted just to conclude with a couple of stories that I think are uplifting, and they show when people are successful in getting treatment that their lives really do turn around.

Marley Prunty-Lara spoke to us in one of our hearings. She was diagnosed with bipolar disorder. She was first diagnosed when she was 15 years old. And she and her mom were searching for a psychiatrist in her home State of South Dakota, and they were told that she would have to wait 4 to 5 months for an initial appointment. As Marley was stating in her testimony, she did not have that long to live.

Thankfully, she found care 350 miles away, in another State, and was hospitalized for 2 months. However, the residential treatment facility was not covered by her mother's insurance, forcing her parents to take out a second mortgage on their home in order for them to receive the care that their daughter needed for her to survive.

Marley stated that if she had suffered a spinal cord injury requiring long-term hospitalization, the insurance company would have paid for all of her care without any questions asked, but because her hospitalization involved a mental illness, it was deemed unworthy of insurance. Finally, Marley said, "I understand the power of successful treatment because I am living it today. I have passionately lived with the prison of mental illness and I have also experienced the incalculable emancipation that accompanies wellness."

How can Congress continue to deny the opportunity to be well and live a full life to tens of millions of Americans every year?

We met with Amy Smith from Denver, Colorado, who also talked about her unmet mental health needs, how it cost her 40 years of her life, shuffling the roads in Denver, Colorado; muttering to herself; people dismissing her on the sidewalk, not talking to her; panhandling, using drugs; in and out of prison; in and out of detox; always being marginalized from society until one day she finally got the help she needed.

Her life is 180 degrees different today. She has a job. She has a house. She's paying taxes. But she said to us, Members of Congress, I lost those 40 years of my life. You can't give those years back to me. I wish I had gotten the treatment earlier in my life, but I didn't. I only hope that more Americans get the help they need earlier in their lives rather than waste their lives the way I did. But I didn't get that help.

We need to make sure that people live out their dreams. Amy Smith said that she had had the dream of getting married and having children. She said, I'm too old for that now. I can't have children now. I'm too old for that. She said, Maybe some day I might still get married, maybe I will adopt. But she said, I had all kinds of dreams of having a really successful career and really making the most of my life. She said, I feel like I've squandered so much of my abilities and talents.

And it was so clear to us that she had so much to offer, and those skills and talents were not realized because of her mental illness. And the fact is we have millions of Americans who have so much to offer in our society, and yet they and their potential is being squandered. Squandered why? Because we as a society failed to open up the door of opportunity to them simply because we reject their illness from being treated like every other illness.

And I think that's un-American. That's not what this country is all about. That's not what we as a nation are all about. And that's why we need to pass the Paul Wellstone Mental Health Parity Act.

HEALTH CARE

The SPEAKER pro tempore (Mr. JOHNSON of Georgia). Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes as the designee of the majority leader.

Mr. BURGESS. Mr. Speaker, why don't we just continue on talking about health care over the next hour. It's a relevant subject, and many of us are concerned about health care in this country. Many of our constituents are concerned about health care.

Mr. Speaker, I was a physician in my former life before coming to Congress almost 5 years ago. Perhaps it's time that we approach this as maybe a checkup on American health care. And like any good physician, as when I approached someone with a medical condition, maybe make a little problem list and try to run through that and see if we can't break things down and come to some problems that are more manageable or come to some solutions that may, in fact, be possible.

The first problem that I want to talk about are problems that affect really the law of supply and demand, the problems that affect the physician workforce in this country. The second problem that I would like to focus on is the one we hear a lot about on the floor of this House, the problem with people who lack coverage for their medical expenses, the people who lack health insurance. The number varies depending upon the source that you check, but by anyone's estimation, the number is too large, and Congress does have an obligation to try to ameliorate that if it can. And then the final problem is how much more government involvement do we want in our health care. And that government involvement, by its involvement, will that lead to the type of solutions that we'd like to see in America?

So starting with problem number one, it, again, addresses some of the physician workforce issues that we face in this country. And, again, it's one of those fundamental supply and demand questions, and if we don't have the correct supply of physicians, it is going to affect the overall cost, price and quality of the health care that we receive.

Probably now almost 2 years ago, right before he left as the Chairman of the Federal Reserve Board, Alan Greenspan came and talked to a group of us one morning, and the inevitable question comes up about Medicare: Mr. Chairman, how do you see us as ever being able to fund the obligations that Congress has taken on in the Medicare system with the baby boomers now retiring, and starting January 1, 78 million of us will be coming through over the next 40 years?

And the Chairman thought about it for a moment, and he said, It's going to be difficult, but I think when the time comes, Congress will make the correct decisions and the Medicare system will be preserved and it will endure.

Then he stopped for a moment, a thoughtful pause, as the Chairman always has wont to do, and he said, What concerns me more is will there be anyone there to deliver the services when you require them?

And that was a very insightful comment and one that has stayed with me over the past 2 years.

Now, my State medical association, the Texas Medical Association, every month they put out a periodical or journal that talks about some of the issues affecting medicine in the State. And this is the cover from the March issue of 2007, and the title of the article is "Running Out of Doctors." The Texas Medical Association is concerned about the number of physicians that are in the State that are being educated in the State and that are staying in the State to enter their practice lives. And it is, indeed, a problem for the State of Texas, but it's a greater problem. It's a ubiquitous problem across the country.

Now, some of the things that we do here actually have a direct and consequential bearing on the number of physicians. And here we are bearing down very quickly on the very last of this year. We passed a bill today called a continuing resolution, and that continuing resolution was passed because tomorrow all of the funding for all of the Federal agencies and all the Federal programs, with the exception of the Department of Defense, all of that funding was going to expire because we have not passed 10 of our 11 appropriations bills. So today we passed, really, a deceptively short bill that actually funds the government for those 10 appropriations bills for another week. So perhaps not a great lift, but when you consider that this Congress spends about $3 trillion a year, you can imagine what 1 week's pay amounts to.

As we did that, there, of course, is an acknowledgement that we may indeed have to pass another continuing resolution on into next week if we can't indeed pass our spending bills. And that continuing resolution, because of the fact that Congress is going to wind down one way or the other toward the end of next week and then not be in for the remainder of the year, we are indeed going to have to ensure that the funding for those Federal programs continues.

But, Mr. Speaker, there's one aspect of that continuation that you really can't punt, you really can't just push it down the road and put it in the "too hard" box and we'll deal with that in January or February, and that one aspect is how Medicare compensates the physicians that see our Medicare patients. They are physicians that we've asked to see our Medicare patients. We require them in some instances to see our Medicare patients. And the fact is that Congress for the last several years has had a program in place that actually reduces year over year what we return to physicians in terms of payment for delivering those services.

Stop and think about it. A physician's office is a small business. Most people don't think of it that way, but it is a service industry business. It is a small business. And any other business that faced year-over-year cuts in projected revenue or cuts in what the reimbursement rates were going to be would have a difficult time surviving, because guess what? The energy costs for a physician's office are no different than the energy costs for the hospitals or for the bank across the street. They've gone up every year just as they have for our homes and our businesses across our communities.

What about the cost of paying the people who work there in the physician's office? That has gone up year over year. What about the cost of insuring those employees that work in the physician's office? Well, that has gone up year over year. But it's kind of ironic that the same time the cost of providing health insurance for the employees in that physician's office goes up every year, the actual return on investment goes down. The reimbursement rate from those insurance companies goes down. And one of the reasons for that is, again, how we compensate physicians in the Medicare system.

There is a very technically complicated formula that calculates physician reimbursement rates, and last night I went through that in some detail. I have heard from some of my colleagues that perhaps that's a little too complex and maybe something that doesn't project well on television and doesn't project well here on the floor of the House, but let me give you just a flavor of what's involved with our calculating the reimbursement rates for America's physicians who choose to participate in the Medicare system because we have asked them to who take care of, arguably, some of our most complex and some of our most fragile patients.

□ 1615

And the reason this is so important, if we don't do something before midnight, December 31 of this year, there is a 10.1 percent payment reduction to America's physicians who participate in the Medicare system. Not a really great way to go about rewarding them for doing the work that we've asked them to do.

And the truth is, every year there has been a projected reduction in reimbursement rates for America's physicians who participate in the Medicare system. Every year for the 5 years that I have been here, Congress has come riding in at the last minute and stopped those reductions in reimbursement rates. But the fact is, Congress has to act before December 31 or those rates that were posted by the Center for Medicare and Medicaid Services November 1, which this year is a 10.1 percent across-the-board reduction in physician reimbursement rates, if Congress does not do something affirmatively before midnight December 31, those cuts go into effect, and physicians wake up on January 31 earning 10 percent less for doing the same amount of work that they did the week before. Again, no other business would be asked to absorb this type of activity.

You can just imagine how tough it is to plan for the future. Here you think about a physician's office and they've got the rent, they've got the employee cost, they've got, or course, liability insurance, and various and other sundry things, one of the toughest things for a small physicians' office, and I would talk to you in terms of a group of between two and five individuals, which compromises a vast number of the physicians' offices in the country, one of the biggest expenses they have is the cost of capital when they want to do what? Expand.

And what does expansion mean? Hire another doctor to come in and help them do the workload because, again, 78 million people are entering the retirement age where they will be eligible for Medicare, and that starts January 1 of this year. What a coincidence. How ironic. January 1 of this year we start into the baby boom surge, and at the same time, oh, by the way, Doctor, we're going to be reducing your reimbursement rates by 10 percent.

That cost of capital to bring in a new physician is one of the biggest hurdles that a small physicians' office has to overcome. Granted, there may be large pieces of equipment that are purchased from time to time, and those also incur a cost of capital, but planning for the future, planning your own future workforce within your office is one of those things that keeps managing partners up at night in those types of practices. And it becomes even more complex and certainly more difficult to predict the future on what future earnings and what future requirements are going to be when every year Congress comes in and says, oh, by the way, at the end of the year we are going to be enacting a physician reimbursement reduction which will significantly affect your ability to pay your bills and perhaps have something at the end of the month to take home to your family.

Well, what is the formula? And let me just back up for a moment. Let's talk about the Medicare system in the broad perspective for just a moment. Because the Medicare system, every time you hear somebody talk about Medicare, they say it's an integrated system that works seamlessly and flawlessly. But the reality is that Medicare, in many ways, is stove-piped or siloed. You have part A, part B, part C and part D, which was just enacted a few years ago. Part A pays the hospitalization expense. Part B pays the physician expense. Part C is the Medicare HMO. And part D is the prescription drug benefit that was enacted back in 2003.

If you look at the other funding silos, A, C and D, each year those undergo sort of a cost-of-living adjustment for hospitals that's called a "market basket update." So the cost of inputs is calculated by the Center for Medicaid and Medicare Services. They probably have a complicated formula for that, or at least I would imagine that they do. They calculate what the cost of inputs is and they come back to the hospital and say, well, next year we're going to pay you this much more than we paid you last year. The same is true for the Medicare HMOs; the same is true for the Medicare prescription drug account.

Physicians, part B, is constructed entirely differently. And I have to confess, I don't quite understand why it's constructed differently; but when Medicare was first enacted over 40 years ago, this seemed to be a sound way to approach the problem. Part A, hospitalization, funded out of a payroll deduction, just the same as Social Security tax every month. There is that 1.5 percent Medicare charge, your employer kicks in a similar amount, so about 3 percent of your gross pay is deducted to cover Medicare expenses for the future.

Part B is funded from two sources, one is general revenue, and the other source is premiums that are paid by people who are Medicare recipients. By law, the Medicare recipient's premiums must account for 25 percent of the total expenditures in part B; the remaining 75 percent is made up in the general revenue.

Part C and part D, again, have different funding streams. Part D, when we created the prescription drug a few years ago, has dedicated funding to that. You may recall there was some argument about what the total cost of that would be. Thankfully, it has come in under cost, and that's been a great boom and a great savings; but nevertheless, there is a dedicated stream of money for the Medicare prescription drugs. Part C, the Medicare HMOs, also has some dedicated funding, plus some cost-of-living adjustments that occur there as well.

So physicians are clearly in sort of a class by themselves when it comes to Medicare reimbursement. So, how does the Center for Medicare and Medicaid Services, how does it calculate what the payment rate for physicians is going to be? It's calculated under a formula called the sustainable growth rate formula, referred to as the SGR. And you will probably hear people talk about the SGR a lot next week because, again, if we don't do something about the SGR, it is going to automatically proceed with a 10.1 percent reimbursement reduction for the Nation's physicians who choose to see Medicare patients.

Now, for the people who are very astute, there is a typographical error on this page, and I cannot take ownership of the typographical error; this was actually a pdf file simply taken from a CRS report to Congress about physicians' payment. But here's how we calculate physicians' payments: the relative value unit of work times essentially what is a geographic factor, or fudge factor for the geographic location of the practice, a relative value unit for the practice expenses, and then, again, the geographic adjustment for practice expenses in that area factors in things like the cost of labor force and what have you in different areas of the country.

And then a relative value cost for providing liability insurance. And as you might imagine, there is also some geographic discrepancies there across the country, so that is factored in, times CF, which actually down here is written as CV, but that's the conversion factor. And we'll get to the conversion factor in just a moment.

But I think you can see a pretty complex formula. And perhaps that's why I was criticized for going through that last night. And I will abbreviate the discussion of the formula, but I just want to give you a sense of how complex this is and why, certainly, the average person doesn't understand it, the average physician doesn't understand it, and I will submit to you that most average Members of Congress don't understand how this formula is calculated either.

Here is a calculation again of the update adjustment factor, perhaps a little bit different way of looking at some of the same sort of data. But the thing that I want to point out on this, because it is extremely important to understand this, the update adjustment factor here is equal to the prior year adjustment component, what we did last year, plus a cumulative adjustment component. Why is that important? Well, every year that we sweep in at the last minute and we say we're going to fix this reduction in reimbursement for physicians and we're going to make that go away, or maybe even provide a little bit of a positive update, every year that we do that, because of the cumulative nature of this formula, we make the overall expense of eventually repealing the formula, we make that expense increase. And every year the amount of increase actually grows, it snowballs, if you will.

To give you an example, when I first came to Congress in 2003, the year before, in my practice, we had sustained a 5.4 percent reduction in Medicare reimbursement rates. A great hue and cry from across the country and Congress recognized that and said, we're going to do something this year to prevent that from happening. And that something did, indeed, occur in an omnibus bill right as I got to Congress in January of that year.

The cost of repealing the sustainable growth rate formula at that time was calculated by the Congressional Budget Office to be $118 billion, give or take a billion here or there; $118 billion, a significant amount of money, but that actually is a 10-year figure. So it's about 11 to $12 billion a year that we would have to come up with in Congress to offset the cost of repealing that formula. Big sum of money to be sure.

But every year now, over the last 5 years, we've done something at the last minute, and that something has increased the cost of the ultimate repeal of the sustainable growth rate formula, such that now it is calculated by the Congressional Budget Office this year as being $268 billion over 10 years' time. If, indeed, we get our work done and prevent that cut from going into place at the end of this month, the cost, again, that cumulative adjustment factor will come into play, and that cost will be bigger in 2008 than it was in 2007. And it will be bigger by a larger amount than it was in 2007, depending upon the amount of rescue that Congress chooses to bring to the table.

And then again, I just can't help myself, one last slide, talking about the complicated nature of this. And again, I show you this not to invoke sympathy from someone who has spent some time studying this, but I show you this because I want to give you a sense of how complicated the problem is. Again, I will submit to you that many Members of Congress just simply do not, cannot, will not understand this. And as a consequence, it kind of gets put in that "too hard box" over here and we'll think about that later. That's why there is always the temptation to try to kick it down the road.

The fact is, we have to do something by December 31. If we don't, that 10.1 percent reduction comes into play. You might say, well, okay, that's for Medicare patients, but doctors see more than just Medicare patients in their office, so they will be able to deal with that in some way, won't they? Just raise the rates on someone else. Here's the deal: almost all of the major insurance companies in this country peg their reimbursement to what Medicare reimburses. So the contracts may be a little more generous than Medicare, they may reimburse at 110 percent of Medicare, 115 percent of Medicare, 120 percent of Medicare; but they peg to what the Medicare reimbursement rate is. So if we come in with a 10.1 percent reduction in physician services reimburses, guess what happens to private insurance at the same time? That same reduction goes into play.

So I called my old medical practice yesterday and I just asked them, what do you think about this? And of course they were more or less unaware that this was happening, and that's really not unusual. Most physicians' offices don't pay a lot of attention to what we're doing up here in Congress because they're busy, they're taking care of sick people. And that's what we want them to do. We don't want them necessarily watching every move we make here in Congress.

But when I related that, no, we actually need to do something or there will be a 10 percent reduction at the end of this year, then I got their attention and then they were very interested. And I said, well, give me an idea of what this will do to your commercial insurance. And very quickly the response came that almost all of our contracts that we have with commercial insurance actually pegged to Medicare. So it will have more than just a ripple effect. It will be almost like a tidal wave effect through the rest of the reimbursement rates for the other plans and insurance companies that this office, for which they receive reimbursement for taking care of those patients.

Now, what happens if we don't do it by January 1? The cuts go into effect. But maybe we go ahead and do it and take care of it in January or February, we kick the can down the road a little bit and then we come back later and do it. Actually, this happened in 2005. We had the fix in a big bill that was being passed that year. It was called the Deficit Reduction Act. And we kind of ran out the clock at the end of the year and on a technicality the bill had to come back to Congress, but we weren't in session anymore, so it had to wait until January. And the effect was that those cuts did go into effect January 1 of that year. And I know that because my fax went crazy. There was no one in the office that day to answer the phone, but the fax machine went crazy from physicians across the country sending me notices, Congressman, I want you to see the letter I sent out to my patients this week. I will no longer be able to provide Medicare services because of the cumulative effect of these reductions on my practice. It had a very immediate and detrimental effect on practicing physicians across the country.

The same would be true this year. In fact, it would be worse because that year the reduction was 5 percent; this year it is 10 percent. And I would just imagine that it would at least double, if not more, the anxiety that's felt within our physician community across the country.

Moreover, the Center for Medicare and Medicaid Services said, we will come back and make whole those practices that continue to see Medicare patients without interruption, and we will go back and reimburse them the difference when Congress finally passes a law. And that's all well and good, but there's very little way to control if those private companies come back and make the adjustments retroactively the same as Medicare did.

Again, very, very difficult to know that because we're talking about very small amounts of money. It's very difficult for a practice to actually track that through the overall cycle of a patient's care, but the result is, cumulatively across the country, the numbers could have been quite, quite large.

And it was never the intent of Congress to provide a benefit for commercial insurance by reducing the Medicare rate. It's just an unfortunate consequence of having what are essentially Federal price controls on Federal reimbursement rates.

□ 1630

Well, again, I promised not to spend too much time on the formula, but I think it is important. I think it is important for Members to understand. I have had several bills over the years trying to deal with this. One thing that I have introduced just this week is a resolution in the House of Representatives. And I will admit this resolution does not have the force of law. It actually doesn't spend any money. It almost is like sending a get well card to the doctors who take care of our Medicare patients. But the resolution is multiple whereases detailing the problems that I have just been through followed by a single, Resolved: That it is the sense of the United States House of Representatives to immediately address this issue and halt any scheduled cuts to Medicare physician payments and immediately begin working on a long-term solution and implement it within 2 years that pays physicians in a fair and stable way, that ensures Medicare patients have access to the doctor of their choice.

Mr. Speaker, I know I have to confine my remarks and I only speak to the Chair, and I will do that, but if I could speak to my colleagues, the Members on both sides of the aisle, I would ask them to take a very serious look at House Resolution 863. Again, it spends no money. It does not have the force of law. But I think if a significant number of Members were to participate in signing on to this particular resolution, it would be a powerful message to send to House leadership on both sides of the aisle that we want this problem fixed before we go home at the end of the year. This is one of those things on our to-do list that we must address, that we must take care of.

Now, one of the other things that I do want to spend just a minute talking about, and in some of the physician workforce bills that I have introduced in Congress, I have provided some additional help for doctors who will voluntarily participate in improvements in their office's investment in health information technology. In fact, the last bill that I introduced dealing with the sustainable growth rate problem had it in two components for a voluntary positive update for physicians who, again, participate on a voluntary basis in upgrades in health information technology and for physicians who voluntarily participate in quality reporting measures.

Let me just tell you something. Mr. Speaker, it is just human nature, anyone who works for a living always likes to be kind of pulled into the process and asked to help work on a problem. Most people don't like to be told what to do. Most people inherently reject orders that come from the top down. A lot of times, it is better to build things from the bottom up. Now, I have to tell you, when I was a practicing physician, I wasn't a big advocate of electronic medical records. I dabbled in it a little bit. I had a run or two with electronic prescribing. These things were complicated. They were expensive. They added time to my day that wasn't reimbursed. But the reality is I have come to accept the concept more since I have been in Congress.

Let me just share with you what one of my revelations was. Many of us who serve in this body will never forget the week that Hurricane Katrina roared into the gulf coast and struck the gulf coast areas of Mississippi, Louisiana and Alabama. It was the result of the effects of that hurricane and the subsequent flooding in the City of New Orleans and subsequent trips to that area, once just as an individual to see if I could be helpful, and once as part of a field hearing with my Subcommittee on Oversight and Investigations as part of the Energy and Commerce Committee.

This is a picture that was taken on that second trip, January of 2006. So we are now 5 months after the hurricane hit, 5 months after the dewatering of the City of New Orleans, if "dewatering" is actually a verb. Here is a picture of the basement of Charity Hospital. Charity Hospital, one of the venerable old institutions in our country that has been long associated with teaching doctors, teaching new doctors, here is the records room at Charity Hospital. You can't really see it from this picture, but there is still water on the floor, water about up to the level of the top of our shoes. Do you see these records? And there is just oceans and oceans of records. This is one stack. There are stacks that go on, 50 behind and 50 in front. There are a lot of records in the basement of Charity Hospital because they take care of a lot of patients, and they have for a lot of years.

Look at these records. It almost looks like they have some smoke or soot damage on them, but, in fact, that is black mold that is growing on them on the manila folders and growing on the paper in the charts, and as a consequence, you could not possibly send anyone in here to retrieve a chart. It would be too hazardous. In all likelihood, the ink is washed off the paper anyway during the couple of weeks that these things were submerged.

These records are, for all intents and purposes, lost to the ages. There is no way of knowing what is included in those medical records. There may have been a treatment for leukemia here. There may have been a kidney transplant down here. We don't know. This may have been someone on a waiting list for a transplant. No way of knowing. Those records are lost forever.

Here is the deal. Those individuals who were brought to the Dallas-Fort Worth area who were displaced after Hurricane Katrina and arrived at Reunion Arena in sort of a little triage area set up by doctors from the Dallas County Medical Society, there was a small trailer outside, and one of the chain drugstores said, Well, for those people who had prescriptions at our drugstore, we can at least help you reconstruct what medicines they were on. It was enormously helpful to have that information so those patients who had their prescriptions at that particular pharmacy, they could go online into their master list and at least reconstruct the medication list. And a lot of times, if you have the medication list, you have a pretty good idea of the problems that were under treatment. Certainly, you would have a better idea than if you were waiting for the City of New Orleans to be evacuated of water and then get down to the basement of Charity Hospital, run the health risk of pulling out one of these records and breathing in the spores of the black mold.

So I have become a believer. You have to have some way of, especially in times of great national upheaval, you have to have some way of getting that data that has been accumulated on patients over the years. You have to have ways of getting it into the hands of the caregivers. I don't know that we have the perfect system yet. I don't know if the Federal Government is capable of developing the perfect system, or perhaps that may be something that comes to us from private industry, but I do know this. The time for electronic medical records is nigh at hand, and as difficult as it is for doctors my age who did not grow up with this technology, it is time that we are going to have to come into the 21st century and acknowledge this type of technology is a benefit and delivers value to the interaction that occurs between the doctor and the patient.

But how much better is it to bring those physicians along who are in practice and allow them to participate in the solution, allow them to participate in the construction of these platforms? Contrast that with the typical congressional activity, which would be a top-down approach. In fact, just last week we had the unveiling of an e-prescribing bill with a lot of fanfare over on the Senate side. And it was vaunted as a "carrot and a stick" approach, that, Doctor, we will give you a little something if you participate, but we are going to have a little something to say to you if you don't participate. So the carrot was we are going to increase your reimbursement rate by 1 percent if you participate in an e-prescribing program. And what is the stick? A 10 percent reduction if you are not participating in an e-prescribing program in 5 years' time. So that was seen as a way to rapidly get physicians' attention. Yes, we will offer them perhaps a little bit up front and we will have a significant penalty if they don't participate.

Well, what does it really mean when you say we will offer a 1 percent increase? Well, I will just tell you that for those Medicare patients that I saw as an office patient, the office reimbursement visit typically wasn't as generous as $50, but for the sake of argument, to make the math easy, let's say it was a $50 reimbursement for a moderately complex Medicare patient return visit, which would be the bulk of the patient load that a physician would see during the day. And the average physician can probably see four of those moderately complex return visit appointments in an hour's time, sometimes a little bit more, sometimes a little bit less if those visits turn out to be more and more complex. That 1 percent increase that the doctor will receive amounts to about a $2 an hour, 50 cents per patient, four patients an hour. So that is a $2 an hour increase that we are willing to provide the physician who is willing to participate.

Now, what happens if in 4 or 5 years' time they are not participating, they are not partaking? I have to tell you, you look at the cost of installing an e-prescribing program in your office, putting a handheld device of some kind in the hands of perhaps every doctor and perhaps every nurse that is working in that office. This program that was unveiled last week would allow a $2,000 credit or grant to the physician to buy the equipment, but the reality is the equipment costs many times that. But we are going to give an extra $2 an hour to that doctor for participating in this program. But if they don't do it within 4 or 5 years, the stick is going to be a 10 percent reduction, which doing the same math, you are going to come up with about a $20 an hour reduction in reimbursement.

Now, wait a minute, this is the same doctor you said we were going to cut 10 percent at the end of this year, and at the end of next year and the year after that. How many doctors do we expect to see, going back to my first slide, "Running Out of Doctors," how many doctors do we expect are going to be participating in the Medicare system if we keep treating them like that? Well, they would be foolish to stay. You would have to wonder about their mental stability if they did indeed stay.

So we need to have a better approach. It was talked about as a "carrot and stick" approach. To me, it almost seemed like spinach and a whooping. You know, it is not going to be that attractive on the front end, but it sure is going to be bad on the back end. So I can't see that physicians will rush out and embrace this. And I really would caution the Members of Congress who are working on this end-of-the-year Medicare fix, whatever it is, to really be careful, to really be cautious about including this type of language in whatever type of Medicare fix that we come up with at the end of the year.

Is the theory good? Yes, it is. E-prescribing is something that certainly younger physicians in medical school and residency, they are going to be exposed to on an ongoing basis. And they are going to look for practices that have this to offer, or they are going to come to work in practices where it is not offered and wonder why it is not there and ask their older partners to please provide them an e-prescribing platform because it is the right thing to do. It reduces errors. It reduces some of the complications of prescriptions that are filled poorly, of doctors' handwriting can't be read, the pharmacist has to call the doctor back and say, did you mean Zanax or Zantac? And these types of problems can be avoided with e-prescribing.

It is not a panacea. There will be different types of errors that come to light as more and more people use e-prescribing, but it clearly is the way of the future. But do it correctly. Remember, there is not a single dollar that is spent in the health care system unless it is ordered by a physician. So our physicians are the gateway through which all of the medical reimbursement, all the medical pricing, all the medical cost flows through the physicians. So let's make sure that they are on our side with this. Let's not alienate them the first shot out of the box as we go forward with these types of programs.

Let me just give you an example, too. And I talked a little bit about I am not sure if the Federal Government is exactly the correct entity to have involved with creating this new electronic environment that we want medical practices, in which we want them to exist. Perhaps it would be, perhaps there will be improvements from the private sector that we ought to investigate. Perhaps we need to remove some of the regulatory burden. I won't go into great detail, but they are called the Star clause. Maybe we ought to remove some of the regulatory burden. Maybe we need to have some medical justice, some medical liability reform so companies aren't afraid of this. But the fact of the matter remains, I am not sure the Federal Government is the correct avenue to proceed with this.

When I came here 5 years ago, I was told that the Federal Government controls 50 cents of every dollar that is spent in health care and we are going to develop a platform. We are going to develop what electronic medical records should look like, and private industry will follow our lead. Five years later, where is it? I don't know.

But I do know this. Do you remember a year ago all the trouble we had out at Walter Reed Hospital and all the negative headlines that were coming out in the Washington Post? And yes, there were some real physical problems in a place out there called building 18. But here is the real problem. Master Sergeant Blaine, who was kind enough to give me a tour through that area at the end of showing me the peeling paint in the building under question which was no longer at that point occupied by our soldiers out there on medical hold, he said, Here is the real problem. I have guys who have been in the service for sometimes 20 years. They are trying to decide whether or not they are kept in the service, whether they can be returned to their unit, or whether they need to be discharged because of whatever their medical condition is, and if they are discharged, what is the disability, what is the correct disability designation to give them? And how can we put that information in the hands of the VA system so that patient's transition to retirement status is made easier?

The problem is, the master sergeant told me, that someone who has been in the service for a number of years is going to have a great big, thick medical record. And the problem is, that even the part of the Department of Defense records that are electronic don't talk to the electronic medical records that are kept by the VA system.

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So the result is they have got to go through a paper interface to go from one platform to the other, and there is this great stack of papers that the soldier will collect themselves, go through with a yellow marker, yellow highlighter, and mark and identify those things that will perhaps make their case for themselves, as to whether or not they should go back to their unit, be discharged on a disability, transition to the VA system. All of that data has to be done by hand by the soldier, and it may take many man-hours to accumulate that data.

The real problem, the master sergeant said, was after collecting this voluminous data that may look like the Washington, D.C. phonebook, when it's all said and done, that goes and sits on someone's desk for two weeks' time, and then it's lost and the soldier has to start all over again. So their time in medical hold is increased, their frustration level is certainly increased, and, yeah, the peeling paint and crickets were a problem, because the building was a crummy building.

But the real problem was the difficulty that the soldiers were experiencing because one electronic medical records system within the Federal Government didn't talk to the other medical record system within the Federal Government. Just an indication of, to me, perhaps government doesn't have the entire solution here.

Mr. Speaker, a couple of other things that I just want to touch on, and I know time is growing short. The medical liability condition in this country is something that really adds to the frustration list. When you talk to doctors about what are some of the things that really bug you, what would be some of the things that shorten perhaps your number of years in practice, your number of years in service, certainly the medical liability issue will come front and center.

Mr. Speaker, our Founding Fathers were very wise, and they talked of States as being great laboratories where different ideas can be tried and tested; and I am happy to say within the arena of medical liability, my home State of Texas made some changes a little over 4 years ago that have resulted in a significant, a dramatic improvement in the medical-justice environment in the State of Texas.

Consider this: my last year of active practice was 2002. We had gone from 17 medical liability insurers in the State down to two. I am here to tell you, you don't get much competitive advantage when you only have two medical liability insurers. But the claims are going up, the amounts of dollars awarded in claims is going up, and you only have two insurers. Guess what is happening? Premiums for doctors, doctors who historically had not had much in the way of any activity, still, those doctors were being asked to fork over increasing amounts of premiums, and we are talking about significant increases year over year, such that my premium might go up from $18,000 one year, $25,000 the next year. My last year in practice, it was likely to be $28,000. You multiply that by five doctors in a practice, and that is a pretty hefty check to have to write at the beginning of every year. In an OB/GYN practice, as I was in, that's a lot of babies that you have got to deliver just to pay the freight, to pay the tab on medical liability.

The State of Texas recognized that they were in crisis. The State legislature in 2003, at the end of their legislative session, passed a medical liability reform bill, and it was patterned after what was called the Medical Injury Compensation Reform Act of 1975, passed out in California. It essentially was a cap on non-economic damages, patterned after the California law from 1975; but it was a little bit different, a little bit different in that there was a cap on non-economic damages as applied to the physician, a cap on non-economic damages as applied to the hospital, and a cap on non-economic damages as applied to a second hospital, or nursing home, if one was involved.

So the cap was trifurcated, each maximum being fixed at $250,000, but an aggregate of $750,000 for non-economic damages. Punitive damages and actual damages were not affected by the law and the subsequent constitutional amendment that was passed in Texas that allowed this law to go into effect. Indeed, it went into effect on September 12, 2003; and since that time, Texas Medical Liability Trust, my old insurer of record, doctors who were insured with Texas Medical Liability Trust, between dividends and reductions in premiums, have seen a return of about 22 percent, a reduction of 22 percent of their premiums that they paid with Texas Medical Liability Trust. Remember, this was an environment that was going up by 10 or 15 percent or more a year. So a significant reduction for the physician.

The other unintended beneficiary was the small, not-for-profit hospital that typically was self-insured and had to put vast sums of money in reserve against the unknown aspect of what they might be hit with in a medical liability suit where the non-economic damages were not capped. These small not-for-profit hospitals were able to move some of that money that they were holding against a loss in a legal action and put that into the very things you want your small, not-for-profit community hospital to be doing, like capital improvements, paying nurses, hiring more nurses; perhaps doing some of the very things that would result in better care that would reduce the number of medical-legal claims. So this was a good thing across the spectrum for physicians, for hospitals, for patients in the State of Texas.

Now, we have tried several times to do that similar sort of law here on the floor of the House. We have never managed to quite get it done. But House bill 3509 is a bill that is patterned after the Texas law. Again, Mr. Speaker, I know I need to speak directly to you and not to other Members of the House of Representatives, but if I could speak to them directly, I would ask them to have their staffs seriously look at H.R. 3509 and see if there wouldn't be some way for them to cosponsor it. Because, again, I think the weight of significant cosponsors, taking it to the House leadership both on my side and the Democratic side of the aisle, might help tip the balance that we really want something done on this issue. We will still have a tall order in the Senate, which has always been the stumbling block, but the time has come to do some type of sensible medical liability reform, medical justice reform.

Well, I have spent a lot of time talking about physician workforce. Let me touch on the other two problems that I alluded to as I began this. Certainly, the second problem we always hear a lot about is the uninsured, and we can argue about what the number is, and the census number will come up with different numbers and different people will have different figures. But by anyone's estimation, it is higher than it should be in this country.

If you look at kind of the breakdown of the uninsured, one of the big problems I think we make is we always approach that as some sort of amorphous demographic, where everyone is identical throughout the spectrum of the patients who are uninsured in this country, and the reality is there are vastly different groups contained within that number.

Now, a bill that I introduced just a couple of weeks ago that, again, Mr. Speaker, I will address to you, but if I was able to talk to other Members of the House of Representatives, I would suggest they have their staff look at H.R. 4190. Now this is a simple little bill that actually takes Members of Congress and takes them out of the Federal Employees Health Benefit Plan, in other words, makes Members of Congress uninsured. How else are we going to be able to really understand and really deal with the problems of the uninsured when we have very good health insurance?

So if every Member of Congress suddenly found themselves without health insurance and placed into that demographic, however large it is, perhaps we could think of some more creative solutions, whether it be a change in the

Tax Code, perhaps a tax credit, whether it be some additional help, whatever. Members of Congress would have a renewed vigor with approaching the problems and providing solutions and options for patients who find themselves uninsured.

Perhaps it is a health savings account, perhaps an individually owned insurance policy. And, oh, by the way, the tax treatment for that for those provided by an employer and those provided by an individual, the tax treatment is vastly different. Maybe we could come up with some creative ways of looking at that if we ourselves were not kept in this cocoon and anesthetized by the Federal Employees Health Benefit Program.

Suffice to say, Mr. Speaker, I have not had a lot of people showing up outside my office to sign on as cosponsors, but it is an intriguing idea, and I do ask Members, I will not ask them to necessarily sign up as cosponsors, but realistically, Mr. Speaker, if I could speak to my colleagues about this, I would ask them to give some thought to how they would approach the problem if they themselves or their families were actually members of the group in this country that did not have health insurance.

You break the number down, and the individual demographics, suddenly you start looking at numbers of people where perhaps there are some choices and options. There are some things we could do. Some people tell me that as many as 10 percent of that uninsured demographic are people in universities or just recently graduated university students who, for whatever reasons, don't have health coverage.

Well, there is a group of individuals that is fairly easy to insure because they tend to be healthy. Yes, they can have some bad things and they tend to be very expensive when they occur, but almost the ideal population to think about some type of catastrophic coverage, again along the lines of the HSAs that we expanded a few years ago.

Perhaps if we equaled out the tax treatment a little bit, because a lot of these individuals are entering the workforce for the first time, they are finding what it is like to pay taxes for the first time, maybe we could get their attention with a little bit more favorable tax treatment. Certainly that is one option we could look at.

A number of people in this country actually make enough money to purchase health insurance, but choose not to. Perhaps there would be ways of pricing health insurance so the costs were not so daunting, that the cost was not such a barrier to entry for those individuals; and there are a variety of ways of perhaps approaching that. Congress just simply again perhaps needs to remove some regulations, needs to provide a little bit more level playing field between some of the States and allow this to occur.

There is no question that there is a lot of people in this country who are here without the benefit of having a valid Social Security number. That is a large number of our uninsured. Perhaps there are ways that we need to be thinking about how to address and how to approach that population, because clearly it is a difficult issue that we can't just keep putting in the too-hard box and we are going to think about it later. If we don't address that issue, we will never solve the problem.

Mr. Speaker, let's not forget, we had a hearing on the Federally Qualified Health Centers in my committee on Energy and Commerce earlier this month. Fifteen million people actually get their health care through a Federally Qualified Health Center. Well, they have a medical home. For all intents and purposes, although they may lack an actual insurance policy on paper, they have access to medical care, they have access to a medical home through a Federally Qualified Health Center. So let's stop counting those as members of the uninsured, because they all obviously do have access to care.

One final point that I do need to make, Mr. Speaker, and, again, I realize that time is short and it has been a long week: Do we increase the participation of the Federal Government in health care? Is that the answer for us in dealing with a lot of the problems that we face today?

Well, I would ask us to look at a couple of things. You look at what is still on our to-do list as Congress wraps up this year, and what are some of the big things you see? First off, we haven't funded the money for veterans services and veterans health care. That is still up there on the to-do list.

I have talked about it already, but we have not dealt with the looming reduction in physician reimbursement rates that is out there and fixing to happen to doctors across the country in just a few short weeks' time.

We haven't dealt with whatever our final resolution is going to be on continuing the State Children's Health Insurance Program, a program administered by States, but they receive a significant amount of money from the Federal Government. And we have as yet not been able to come to a conclusion as to what we are going to do about funding the future for the State Children's Health Insurance Program.

Take a step back and look at that. We haven't funded veterans, we haven't figured out what we are going to do for our Medicare patients, because the doctors may leave because we decided not to pay them, and, oh, by the way, we still haven't done anything to cover our kids.

Do we want to be giving the Federal Government an increased reach and grasp of our health care in this country? Are we doing such a good job here that you want to reward us with more?

You see Members of Congress write op-eds in the Washington Post where they talk about expanding Medicare to people that are age 55. But, by the way, good luck on finding a doctor, because we are not paying them anymore and they are dropping out of the system.

So we have people in this Congress who want to sort of drag and drop people into Federal programs, take people off of private health insurance in the State Children's Health Insurance Program. One of the big issues there, we want to expand the program so big that it pulls kids off of private insurance, because, you know what, it is too hard to go down and find those really poor kids that we are supposed to be covering. That is a lot of work. They move around a lot. They may not really live with their parents any more. It is just a lot of hard work to find them. It would be a lot easier to go get some middle-class kids and pull them in to have a number of 10 million and say, look, aren't we great, what we did with the State Children's Health Insurance Program.

I don't know. I don't know. You talk to pediatricians who work in private practice in this country. You ask them how they are reimbursed in the State Children's Health Insurance Program versus private commercial insurance. And guess what? Private commercial insurance, for all its faults, is still a better reimbursement rate than the State Children's Health Insurance Program by about a two to one margin. So are we going to be helping our pediatricians by pushing more kids on to the state-run program and pulling them off of those private programs? I don't think so.

Right now the Federal Government has control of about 50 cents out of every health care dollar that is spent in this country. The remainder of that is not all private insurance. The lion's share of it is. Certainly some people still write a check for their health care, just like they did when my dad was in practice back in the 1950s. Some doctors give of their time willingly. They give charitable care. We never account for that in any of the demographic studies that we do. But half of the health care in this country, the dollars spent on health care in this country, 50 cents out of every health care dollar originates right here in the House of Representatives.

Are we doing a good job with what we already have? Might we not be asked to improve what we are doing in those programs before we are asking you to let us take over even more of how we deliver health care in this country? It is certainly food for thought as we wrap up this year in the United States Congress.

I would emphasize one more time, Mr. Speaker, and again I will address my remarks to you, if I could talk directly to Members who are involved in leadership on both sides of this House of Representatives, Mr. Speaker, I would ask that they seriously look at fixing the problem with physician reimbursement rates that we are coming up on now like a freight train and it is going to have a significant negative impact on the care rendered to our seniors in the Medicare program.

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But we have got to pay attention to what we are doing for our veterans. We have got to pay attention with the State Children's Health Insurance Program. Again, lots of areas for improvement, I think, before we talk about expanding the reach and grasp of the Federal Government.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, the earlier order of the House granting the gentleman from Michigan (Mr. McCOTTER) 5-minute Special Order speech is vacated.

There was no objection.

THE LIBERTY ALLIANCE: CHAMPIONING LIBERTY AND DIGNITY IN OUR HUMAN COMMUNITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Michigan (Mr. McCOTTER) is recognized for 60 minutes.

Mr. McCOTTER. Mr. Speaker, in the immediate aftermath of World War II, at the commencement of our Cold War against the Soviet Union and international communism, in his blunt, son of the middle border manner, President Harry Truman enunciated the eponymous doctrine he would apply to this challenge during his March 12, 1947, address to a joint session of Congress.

"I believe that it must be the policy of the United States to support free peoples who are resisting attempted subjugation by armed minorities or outside pressures. I believe that we must assist free peoples to work out their own destinies in their own way. I believe that our help should be primarily through economic and financial aid which is essential to economic stability and orderly political processes.

"One way of life is based upon the will of the majority, and is distinguished by free institutions, representative government, free elections, guarantees of individual liberty, freedom of speech and of religion, and freedom from political oppression. The second way of life is based upon the will of a minority forcibly opposed upon the majority. It relies upon terror and oppression, a controlled press and radio fixed elections, and the suppression of personal freedoms.

"The seeds of totalitarian regimes are nurtured by misery and want. They spread and grow in the evil soil of poverty and strife. They reach their full growth when the hope of a people for a better life has died. We must keep that hope alive.

"The free peoples of the world look to us for support in maintaining their freedoms. If we falter in our leadership, we may endanger the peace of the world and we shall surely endanger the welfare of our own nation."

Regarding the Soviet Union, in the face of experts' arguments, Stalin's imperialist dictatorship should be psychologically understood and indulged to purchase an illusory peace, Truman morally comprehended this evil empire's threat to the United States and the Free World. Through the United Nations, multilateral and bilateral treaties, his strategy to contain and defeat inhuman communism called for the United States to champion the cause of human liberty and dignity.

We heeded his call, and, through American leadership and sacrifice, the Soviets' evil empire imploded and Eastern Europeans and the Russian people experienced a new birth of freedom. This victory of humanity over tyranny must not lull us into the conceit liberty is now without enemies or invincible in their face. For we must always remember our Founders' caution: "We will give you a republic, if you can keep it." Today, as we confront a barbarous terrorist enemy and the rise of another Communist superstate, China, it is wise to reexamine President Truman's sound strategy, revise it as appropriate to our circumstances, and defeat the enemies of our free Republic and the free world.

A revision I propose is this: We can no longer rely on any part on the United Nations for the preservation of American or human freedom. For global altruists afflicted with cognitive dissonance, in a likely futile effort, let us remind them of the U.N.'s recent, execrable acts against the human liberty and dignity it was founded to defend.

The U.N. humanitarian aid program, Oil-for-Food, provided little bread for Iraqis but large bribes for Hussein, his regime, U.N. cronies, and likely terrorists. Estimates are Saddam's dictatorship siphoned $10 billion from the program through oil smuggling and systematic thievery, and illegal payments and kickbacks from international contractors, all beneath the nonjudgmental gaze of U.N. bureaucrats who were nevertheless judged culpable for gross incompetence, mismanagement and potential complicity with Saddam in perpetrating the biggest corruption scandal in human history.

Secondly, widespread instances and allegations of the sexual exploitation of Congolese women, girls, and boys were leveled against the U.N. personnel sent to protect them. The particulars of this barbaric sexual abuse are unfit for this forum.

Thirdly, the U.N.'s waste, fraud, and malfeasance has turned tawdry graft into a global art, an epic debacle of avarice less worthy of journalist than a satirist. As one U.N. peacekeeping staffer informed the inter Press Service News Agency: "Corruption and kickbacks were taken for granted in most overseas operations." Though not in a New York Federal Court where, on June 7, the former top U.N. procurement official, Sanjaya Bahel, was convicted of steering $100 million worth of U.N. peacekeeping contracts to the family of a personal friend. U.N. officials refuse to explain how Bahel was twice exonerated by its internal investigations, while a New York jury convicted him of fraud and corruption in half a day.

These are not the acts of the U.N. envisioned by President Franklin Roosevelt in his March 1, 1945, address before the Congress on the Yalta Conference.

"A common ground for peace ought to spell the end of the system of unilateral action, the exclusive alliances, the spheres of influence, the balances of power, and all other expedients that have been tried for centuries and have always failed. We propose to substitute for all these a universal organization in which all peace-loving organizations will finally have a chance to join."

Weighed against Roosevelt's words, the U.N. is deemed wanting, and the reason is revealed. A universal organization will include peace-loving nations and tyrannical regimes.

Consequently, all of the exclusive alliances, spheres of influence, balances of power, and all other expedients which occurred and failed for centuries outside of a universal organization have now occurred and failed this century inside the United Nations.

Unlike Roosevelt, Truman viewed the U.N. as a future hope, not an immediate panacea. Though personally honest, Truman was versed in Boss Tom Pendergast's political machine, and so understood the U.N.'s membership's math boded ill for free people. Today, according to Freedom House, of the 192 U.N. member states, 89 are fully free and 103 are not. Thus, a solid majority of 54 percent of member states know liberty directly threatens their survival, which requires the suppression of their own peoples and, through their U.N. membership, the entire human community.

While it is said that words cannot hurt, the majority-ruled General Assembly's resolutions and speeches can and do hurt free peoples. As reporter Claudia Rosett poignantly observes:

"What may appear to an American audience as irrelevant and even tedious theater is anything but harmless. The speeches on that U.N. stage are not, as a rule, meant for Americans, nor even for the multilateral audience in the chamber. Especially amongst repressive regimes, they are beamed to home countries and regional neighbors as evidence of the dignity and respect enjoyed by these governments at the world's leading conclave of nations. They feature as one more blow to the courageous Burmese monks, the hungry North Koreans, the desperate opposition in Zimbabwe, and the democrats who risk prison when they raise their voices in places such as Syria and Iran."

This holds true at the U.N. Security Council and its Human Rights Councils, from which a few bitter vignettes painted an abhorrent portrait.

The U.N.'s Permanent Security Council includes a nuclear armed communist China and an increasingly authoritarian Russia. Their unsettling synergy of interests and actions on this body ominously echoes the heights of their Cold War cooperation.

Consider: Despite over a decade of U.S. protestations, communist China and Putin's Russia are the top exporters of nuclear technology, chemical weapons, precursors and guided missiles to Iran. In 2004, the U.S.-China Security and Review Commission declared, "Chinese entities continue to assist Iran with dual-use missile-related items, raw materials, and chemical weapons-related technology"; and further noted that these transfers took place after the communist Chinese Government's 2003 pledge to withhold missile technology from the Iranian regime.

Looking at the U.N. Human Rights Council, some members are more suited to a rogue's gallery than a roster of righteous nations. Soon, the U.N. will enthrone as arbiters of human rights regimes like communist China, communist Cuba, Putin's Russia, and Saudi Arabia. Only the U.N. would put oppressed people's hopes in such bloodstained hands.

Our association with this insanity exacts a steep price. Since 1945, the United States has been the U.N.'s largest annual contributor. In 2006, American taxpayers forked over $423.5 million in dues, or 22 percent of the U.N.'s regular budget, and over $5.3 billion in total funds to the United Nations. Nevertheless, the U.S. and all other free nations remain the targets of the U.N.'s member regimes' internal intrigues and corrupt practices.

Two statistics define this function. Only 46 percent of the U.N.'s members are free nations. All of the top 10 financial contributors to the U.N. are free nations.

In a crystalline instant are the U.N.'s symptoms manifest, its disease diagnosed, and its prognosis shameful: The U.N. is a global Tammany Hall lethal to the liberty and dignity of our human family.

In our time, we face challenges equivalent to those posed to President Truman. Once more, the United States and the entire free world face a global, generational war for freedom against vicious enemies bent upon our destruction. To win, our devotion to liberty must transcend their obsession with death. This cannot be accomplished by fecklessly continuing to rely upon a debauched U.N. for our collective security.

Recall Truman: "It must be the policy of the United States to support free peoples who are resisting attempted subjugation by armed minorities or by outside pressures."

So, it remains in our global age, wherein a world convinced by an Internet cannot endure half slave and half free. Our survival at stake, all free nations must prudently diminish their participation in a debased U.N., and unite in the cause of human dignity and liberty. Encircled at the U.N., we have no more time to entreat with wolves in our midst. Best we hold them at bay in their lair, and forge a course for the world's new birth of freedom.

Our new course is a Liberty Alliance. Similar to the Community of Democracies, which could be transformed into this more focused and potent international organization for freedom, the Liberty Alliance must be founded upon the self-evident truth, all human beings are endowed by their Creator with the unalienable rights to life, liberty, and the pursuit of happiness; and, it must be steeped in the wisdom that extending liberty to the the enslaved will ensure liberty for ourselves.

The Liberty Alliance must be composed of free nations dedicated to expanding human liberty to peoples yet free. Member nations must meet a mutually agreed-upon criteria of human and civil rights. Observer nations must be domestically expanding their people's liberty and, upon attaining the agreed-upon criteria for membership, shall be admitted into the Alliance. Importantly, member nations which diminish their people's liberty beyond the agreed-upon criteria, must be demoted to observer status and, when necessary, expelled from the Alliance.

The governing structure of the Liberty Alliance shall be determined by its member nations, with the objective being the maximization of transparency, equity, and democracy in accordance with the effective expansion of human liberty and dignity. In accordance with Truman's doctrine, the Alliance "must assist free peoples to work out their own destinies in their own way." Ergo, the Alliance's emphasis must be upon liberty, wherein human beings individually and communally shape the nature, form, and functions of their representative institutions, not upon abstract notions of uniformity, like western democracy or democratic capitalism, presumptuous and too often destabilizing impositions upon peoples trying to seize their freedom and shape their destinies as they deem fit.

Heeding Truman's assessment, "The seeds of totalitarian strife are nurtured by misery and want, poverty and strife, and reach their growth when the hope of a people for a better life has died." In order to foster liberty, the Alliance must advance human liberty and dignity through diplomatic, political, economic, and cultural initiatives aimed at empowering and emancipating the individual, their communities, and their emerging democratic governments from dictatorial rule. The Alliance must not have a military component. But member and observer nations will retain their powers to continue or commence security agreements with other free countries through bilateral and multilateral treaties. Never must any member or observer nation's rights be infringed upon by the Alliance.

Now, two sanguine hopes. The U.S. must lead the establishment of the Liberty Alliance; and, secondly, the Liberty Alliance's headquarters shall be sited on the free soil once scarred colonialism, communism, fascism, world wars, and the Holocaust. I speak of Eastern Europe, where, cradled in the intrepid human spirit, liberty's lamp triumphantly pierced these benighted recesses of evil.

In heralding the Liberty Alliance, we do not invite the free world to exit the U.N. Especially by participating in a democracy caucus, the United States and all free nations should remain in the U.N. to advance or defend liberty by keeping her enemies close. But we must not be so mad as to continue paying through the nose to be kicked in our assets.

So, a simple proposal. No free nation will pay more to the U.N. than does it lowest paying tyrants, like North Korea and Burma, who contribute only $170,660, or 1/100 percent of the U.N.'s regular budget. Free nations' monies and personnel spared from the U.N. shall be dedicated to the Liberty Alliance or returned to taxpayers.

□ 1715

Doubtless, discombobulated global sophisticates will decry the Liberty Alliance as undesirable and/or impossible. They are overwrought and best ignored. For as we know: "The day is short; the task is great." But we will not withdraw from it. The United States and all free peoples are cemented and steeled by the harmonic bonds of liberty, comity, and duty. Like Harry Truman and the greatest generations of both our nations, to date, we will not bend, we will not break in our reasoned faith in a future graced by free nations. "We (will) keep that hope alive."

Toiling our way up to that day, may God grant all free peoples the strength to be as He in Marie Syrkin's verse, "The Strongest":

"I'll be the strongest amid you, not lightning, stream or mountain blue, but dew that falling to the Earth gives birth.

"I'll be the strongest in my hour, and lofty tree and quiet flower will both drink gratefully from me.

"I'll be the strongest in the land. I'll be the word that heals, the hand that unseen and still, as from above, gives love."

Mr. Speaker, may it be. And may God continue to grace, guard, guide and bless the people of the United States and our entire human family.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. McNULTY (at the request of Mr. HOYER) for today after 11:30 a.m. on account of family reasons.

Mr. HELLER of Nevada (at the request of Mr. BOEHNER) for today on account of personal reasons for a family event.

Mr. GARY G. MILLER of California (at the request of Mr. BOEHNER) for today on account of personal reasons due to family matters.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LARSON of Connecticut) to revise and extend their remarks and include extraneous material:)

Mr. LARSON of Connecticut, for 5 minutes, today.

Mr. SNYDER, for 5 minutes, today.

Mr. McDERMOTT, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mrs. JONES of Ohio, for 5 minutes, today.

Ms. LINDA T. SÁNCHEZ of California, for 5 minutes, today.

Ms. CLARKE, for 5 minutes, today.

Mr. PAYNE, for 5 minutes, today.

Mr. SCOTT of Virginia, for 5 minutes, today.

(The following Members (at the request of Mr. RAMSTAD) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, December 20.

Mr. JONES of North Carolina, for 5 minutes, December 20.

Mr. FRANKS of Arizona, for 5 minutes, today.

Mr. KING of Iowa, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2271. An act to authorize State and local governments to divest assets in companies that conduct business operations in Sudan, to prohibit United States Government contracts with such companies, and for other purposes, to the Committee on Financial Services; in addition, to the Committee on Oversight and Government Reform; to the Committee on Foreign Affairs; and to the Committee on Education and Labor for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4343. An act to amend title 49, United States Code, to modify age standards for pilots engaged in commercial aviation operations.

ADJOURNMENT

Mr. McCOTTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 18 minutes p.m.), under its previous order, the House adjourned until Monday, December 17, 2007, at 10:30 a.m., for morning-hour debate.

OATH OF OFFICE—MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 109th Congress, pursuant to the provisions of 2 U.S.C. 25:

ROBERT E. LATTA, Ohio, Fifth.

ROBERT J. WITTMAN, Virginia, First.

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Gary L. Ackerman, Robert B. Aderholt, W. Todd Akin, Rodney Alexander, Thomas H. Allen, Jason Altmire, Robert E. Andrews, Michael A. Arcuri, Joe Baca, Michele Bachmann, Spencer Bachus, Brian Baird, Richard H. Baker, Tammy Baldwin, J. Gresham Barrett, John Barrow, Roscoe G. Bartlett, Joe Barton, Melissa L. Bean, Xavier Becerra, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Brian P. Bilbray, Gus M. Bilirakis, Rob Bishop, Sanford D. Bishop, Jr., Timothy H. Bishop, Marsha Blackburn, Earl Blumenauer, Roy Blunt, John A. Boehner, Jo Bonner, Mary Bono, John Boozman, Madeleine Z. Bordallo, Dan Boren, Leonard L. Boswell, Rick Boucher, Charles W. Boustany, Jr., Allen Boyd, Nancy E. Boyda, Kevin Brady, Robert A. Brady, Bruce L. Braley, Paul C. Broun, Corrine Brown, Henry E. Brown, Jr., Ginny Brown-Waite, Vern Buchanan, Michael C. Burgess, Dan Burton, G. K. Butterfield, Steve Buyer, Ken Calvert, Dave Camp, John Campbell, Chris Cannon, Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Dennis A. Cardoza, Russ Carnahan, Christopher P. Carney, Julia Carson, John R. Carter, Michael N. Castle, Kathy Castor, Steve Chabot, Ben Chandler, Donna M. Christensen, Yvette D. Clarke, Wm. Lacy Clay, Emanuel Cleaver, James E. Clyburn, Howard Coble, Steve Cohen, Tom Cole, K. Michael Conaway, John Conyers, Jr., Jim Cooper, Jim Costa, Jerry F. Costello, Joe Courtney, Robert E. (Bud) Cramer, Jr., Ander Crenshaw, Joseph Crowley, Barbara Cubin, Henry Cuellar, John Abney Culberson, Elijah E. Cummings, Artur Davis, Danny K. Davis, David Davis, Geoff Davis, Jo Ann Davis, Lincoln Davis, Susan A. Davis, Tom Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Charles W. Dent, Lincoln Diaz-Balart, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Joe Donnelly, John T. Doolittle, Michael F. Doyle, Thelma D. Drake, David Dreier, John J. Duncan, Jr., Chet Edwards, Vernon J. Ehlers, Keith Ellison, Brad Ellsworth, Rahm Emanuel, Jo Ann Emerson, Eliot L. Engel, Phil English, Anna G. Eshoo, Bob Etheridge, Terry Everett, Eni F. H. Faleomavaega, Mary Fallin, Sam Farr, Chaka Fattah, Tom Feeney, Mike Ferguson, Bob Filner, Jeff Flake, J. Randy Forbes, Jeff Fortenberry, Luis G. Fortuño, Vito Fossella, Virginia Foxx, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Elton Gallegly, Scott Garrett, Jim Gerlach, Gabrielle Giffords, Wayne T. Gilchrest, Kirsten E. Gillibrand, Paul E. Gillmor, Phil Gingrey, Louie Gohmert, Charles A. Gonzalez, Virgil H. Goode, Jr., Bob Goodlatte, Bart Gordon, Kay Granger, Sam Graves, Al Green, Gene Green, Raúl M. Grijalva, Luis V. Gutierrez, John J. Hall, Ralph M. Hall, Phil Hare, Jane Harman, J. Dennis Hastert, Alcee L. Hastings, Doc Hastings, Robin Hayes, Dean Heller, Jeb Hensarling, Wally Herger, Stephanie Herseth, Brian Higgins, Baron P. Hill, Maurice D. Hinchey, Ruben Hinojosa, Mazie K. Hirono, David L. Hobson, Paul W. Hodes, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Darlene Hooley, Steny H. Hoyer, Kenny C. Hulshof, Duncan Hunter, Bob Inglis, Jay Inslee, Steve Israel, Darrell E. Issa, Jesse L. Jackson, Jr., Sheila Jackson-Lee, William J. Jefferson, Bobby Jindal, Eddie Bernice Johnson, Henry C. "Hank" Johnson, Jr., Sam Johnson, Timothy V. Johnson, Stephanie Tubbs Jones, Walter B. Jones, Jim Jordan, Steve Kagen, Paul E. Kanjorski, Marcy Kaptur, Ric Keller, Patrick J. Kennedy, Dale E. Kildee, Carolyn C. Kilpatrick, Ron Kind, Peter T. King, Steve King, Jack Kingston, Mark Steven Kirk, Ron Klein, John Kline, Joe Knollenberg, John R. "Randy" Kuhl, Jr., Ray LaHood, Doug Lamborn, Nick Lampson, James R. Langevin, Tom Lantos, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, Robert E. Latta, Barbara Lee, Sander M. Levin, Jerry Lewis, John Lewis, Ron Lewis, John Linder, Daniel Lipinski, Frank A. LoBiondo, David Loebsack, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Daniel E. Lungren, Stephen F. Lynch, Carolyn McCarthy, Kevin McCarthy, Michael T. McCaul, Betty McCollum, Thaddeus G. McCotter, Jim McCrery, James P. McGovern, Patrick T. McHenry, John M. McHugh, Mike McIntyre, Howard P. "Buck" McKeon, Cathy McMorris Rodgers, Jerry McNerney, Michael R. McNulty, Connie Mack, Tim Mahoney, Carolyn B. Maloney, Donald A. Manzullo, Kenny Marchant, Edward J. Markey, Jim Marshall, Jim Matheson, Doris O. Matsui, Martin T. Meehan, Kendrick B. Meek, Gregory W. Meeks, Charlie Melancon, John L. Mica, Michael H. Michaud, Juanita Millender-McDonald, Brad Miller, Candice S. Miller, Gary G. Miller, Jeff Miller, Harry E. Mitchell, Alan B. Mollohan, Dennis Moore, Gwen Moore, James P. Moran, Jerry Moran, Christopher S. Murphy, Patrick J. Murphy, Tim Murphy, John P. Murtha, Marilyn N. Musgrave, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, Randy Neugebauer, Eleanor Holmes Norton, Charlie Norwood, Devin Nunes, James L. Oberstar, David R. Obey, John W. Olver, Solomon P. Ortiz, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Donald M. Payne, Stevan Pearce, Nancy Pelosi, Mike Pence, Ed Perlmutter, Collin C. Peterson, John E. Peterson, Thomas E. Petri, Charles W. "Chip" Pickering, Joseph R. Pitts, Todd Russell Platts, Ted Poe, Earl Pomeroy, Jon C. Porter, David E. Price, Tom Price, Deborah Pryce, Adam H. Putnam, George Radanovich, Nick J. Rahall II, Jim Ramstad, Charles B. Rangel, Ralph Regula, Dennis R. Rehberg, David G. Reichert, Rick Renzi, Silvestre Reyes, Thomas M. Reynolds, Laura Richardson, Ciro D. Rodriguez, Harold Rogers, Mike Rogers (AL), Mike Rogers (MI), Dana Rohrabacher, Peter J. Roskam, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, C. A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Tim Ryan, John T. Salazar, Bill Sali, Linda T. Sánchez, Loretta Sanchez, John P. Sarbanes, Jim Saxton, Janice D. Schakowsky, Adam B. Schiff, Jean Schmidt, Allyson Y. Schwartz, David Scott, Robert C. "Bobby" Scott, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, Joe Sestak, John B. Shadegg, Christopher Shays, Carol Shea-Porter, Brad Sherman, John Shimkus, Heath Shuler, Bill Shuster, Michael K. Simpson, Albio Sires, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Adrian Smith, Christopher H. Smith, Lamar Smith, Vic Snyder, Hilda L. Solis, Mark E. Souder, Zachary T. Space, John M. Spratt, Jr., Cliff Stearns, Bart Stupak, John Sullivan, Betty Sutton, Thomas G. Tancredo, John S. Tanner, Ellen O. Tauscher, Gene Taylor, Lee Terry, Bennie G. Thompson, Mike Thompson, Mac Thornberry, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Edolphus Towns, Niki Tsongas, Michael R. Turner, Mark Udall, Tom Udall, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, Tim Walberg, Greg Walden, James T. Walsh, Timothy J. Walz, Zach Wamp, Debbie Wasserman Schultz, Maxine Waters, Diane E. Watson, Melvin L. Watt, Henry A. Waxman, Anthony D. Weiner, Peter Welch, Dave Weldon, Jerry Weller, Lynn A. Westmoreland, Robert Wexler, Ed Whitfield, Roger F. Wicker, Charles A. Wilson, Heather Wilson, Joe Wilson, Robert J. Wittman, Frank R. Wolf, Lynn C. Woolsey, David Wu, Albert Russell Wynn, John A. Yarmuth, C. W. Bill Young, Don Young.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4636. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Clethodim; Pesticide Tolerances [EPA-HQ-OPP-2007-0890; FRL-8340-7] received December 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4637. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7987] received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4638. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Filing Requirements for Suspicious Activity Reports (RIN: 3133-AD23) received November 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4639. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Regulatory Flexibility Program — received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4640. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — SHAREHOLDER PROPOSALS RELATING TO THE ELECTION OF DIRECTORS [RELEASE NO. 34-56914; IC-28075; FILE NO. S7-17-07] (RIN: 3235-AJ95) received December 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4641. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Rhode Island: Final Authorization of State Hazardous Waste Management Program Revisions [EPA-R01-RCRA-2007-0999; FRL-8504-4] received December 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4642. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Finding of Failure To Attain; California — Imperial Valley Nonattainment Area; PM-10 [EPA-R09-OAR-2005-CA-0017; FRL-8504-2] received December 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4643. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Illinois; Source-Specific Revision for Cromwell-Phoenix, Incorporated [EPA-R05-OAR-2004-IL-0002; FRL-8503-5] received December 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4644. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Approved End-Users and Respective Eligible Items for the People's Republic of China (PRC) Under Authorization Validated End-User (VEU) [Docket No. 070817469-7596-01] (RIN: 0694-AE11) received October 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

4645. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International Arms Traffic in Arms Regulations: UN Embargoed Countries — received December 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

4646. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Voluntary Disclosures — December 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

4647. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International Traffic in Arms Regulations: Regarding Dual and Third Country Nationals — December 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

4648. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-215, "Department of Small and Local Business Development Subcontracting Clarification, Benefit Expansion, and Grant-making Authority Temporary Amendment Act of 2007, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4649. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-214, "Lower Income Homeownership Cooperative Housing Association Re-Clarification Temporary Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4650. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-213, "School Proximity Traffic Calming Temporary Amendment Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4651. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-194, "Closing of a Public Alley in Square 347, S.O. 06-5596, Act of 2007, "pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4652. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-212, "Child Abuse and Neglect Investigation Record Access Temporary Amendment Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4653. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-195, "Omnibus Sports Consolidation Amendment Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4654. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-211, "Hattie Holmes Senior Wellness Center Designation Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4655. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-193, "District of Columbia Regional Airports Authority Clarification Amendment Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4656. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-192, "Neighborhood Investment Amendment Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4657. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-210, "Health Services Planning Program Re-establishment Temporary Amendment Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4658. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-191, "Retail Service Station Amendment Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4659. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-208, "Mortgage Disclosure Amendment Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4660. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-178, "Advisory Neighborhood Commission Clarification Amendment Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4661. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-207, "Southwest Water and Sewer Improvement Special Assessment Authorization Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4662. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-206, "Heurich House Foundation Real Property Tax Exemption and Equitable Real Property Tax Relief Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4663. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-205, "Home Equity Protection Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4664. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-198, "Closing of a Public Alley in Square N-515, S.O. 07-6534, Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4665. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-197, "Closing of a Portion of a Public Alley in Square 234, S.O. 07-7717, Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4666. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-126, "School Modernization Use of Funds Requirements Temporary Amendment Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4667. A letter from the Director, Office of Government Ethics, transmitting the Office's final rule — Technical Amendments to Office of Government Ethics Freedom of Information Act Regulation: Designation under E.O. 13392 and Updates to Contact Number and Addition of E-Mail Address (RIN: 3209-AA37) received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4668. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule — Use of Campaign Funds for Donation to Non-Federal Candidates and Any Other Lawful Purpose Other Than Personal Use [Notice 2007-18] received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

4669. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727 Airplanes [Docket No. FAA-2007-28378; Directorate Identifier 2007-NM-0890-AD; Amendment 39-15222; AD 2007-21-04] (RIN: 2120-AA64) received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4670. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company (GE) CF6-80C2A5F Turbofan Engines [Docket No. FAA-2007-28172; Directorate Identifier 2007-NE-23-AD; Amendment 39-15224; AD 2007-21-06] (RIN: 2120-AA64) received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4671. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company Models 58P and 58TC Airplanes [Docket No. FAA-2005-21175; Directorate Identifier 2005-CE-24-AD; Amendment 39-15200; AD 2007-21-02] (RIN: 2120-AA64) received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4672. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Alpha Aviation Design Limited (Type Certificate No. A48EU previously held by APEX Aircraft and AVIONS PIERRE ROBIN) Model R2160 Airplanes [Docket No. FAA-2006-26491 Directorate Identifier 2006-CE-076-AD; Amendment 39-15218; AD 2007-20-08] (RIN: 2120-AA64) received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4673. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB 2000 Airplanes [Docket No. FAA-2007-27595; Directorate Identifier 2006-NM-248-AD; Amendment 39-15216; AD 2007-20-06] (RIN: 2120-AA64) received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4674. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hawker Beechcraft Corporation (Type Certificate No. A00010WI previously held by Raytheon Aircraft Company) Model 390 Airplanes [Docket No. FAA-2007-28068; Directorate Identifier 2007-CE-043-AD; Amendment 39-15217; AD 2007-20-07] (RIN: 2120-AA64) received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4675. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 Airplanes and Model A310 Airplanes [Docket No. FAA-2007-27010; Directorate Identifier 2006-NM-259-AD; Amendment 39-15214; AD 2007-20-04] (RIN: 2120-AA64) received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4676. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318-111 and A318-112 Airplanes and Model A319, A320, and A321 Airplanes [Docket No. FAA-2007-27015; Directorate Identifier 2006-NM-169-AD; Amendment 39-15215; AD 2007-20-05] (RIN: 2120-AA64) received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4677. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Water Quality Standards for Puerto Rico [EPA-HQ-OW-2007-0259-FRL-8504-9] received December 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MCGOVERN: Committee on Rules. H. Res. 873. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 110-493). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BILBRAY:

H.R. 4524. A bill to suspend temporarily the duty on certain cathode ray tubes; to the Committee on Ways and Means.

By Mrs. NAPOLITANO (for herself and Mr. BILBRAY):

H.R. 4525. A bill to codify the definition of terms used in subheading 1604.14 of the Harmonized Tariff Schedule of the United States; to the Committee on Ways and Means.

By Mr. BONNER:

H.R. 4526. A bill to extend temporarily the duty on Dimethyl Carbonate, CAS Number 616-38-6; to the Committee on Ways and Means.

By Mr. BONNER:

H.R. 4527. A bill to extend temporarily the duty on Ethyl Pyruvate, CAS Number 617-35-6; to the Committee on Ways and Means.

By Mr. BONNER:

H.R. 4528. A bill to extend temporarily the duty on 5-Chloro-1-indanone, CAS Number 42348-86-7; to the Committee on Ways and Means.

By Mr. BONNER:

H.R. 4529. A bill to extend temporarily the duty on Phenylmethyl hydrazinecarboxylate, CAS Number 5331-43-1; to the Committee on Ways and Means.

By Mr. BONNER:

H.R. 4530. A bill to extend temporarily the duty on 5-methyl-5-(4-phenoxyphenyl)-3-(phenylamino)-2,4-oxazolidine dione](a.k.a. famoxadone) and 2-cyano-N-[(ethylamino)carbonyl]-2-(methoxyimino)acetamide and its related application adjuvants, CAS Numbers 131807-57-3 and 57966-95-7; to the Committee on Ways and Means.

By Mr. BONNER:

H.R. 4531. A bill to suspend temporarily the duty on S)-methyl 7-chloro-2,5-dihydro-2-[[(methoxy-carbonyl) [4(trifluorometho) phenyl]amino]-carbonyl] indeno[1,2-e] [1,3,4]oxadiazine-4a-(3H)-carboxylate (a.k.a. DPX-KN128, Indoxacarb), CAS Number 144171-61-9; to the Committee on Ways and Means.

By Mr. BONNER:

H.R. 4532. A bill to suspend temporarily the duty on mixtures of indoxacarb (CAS#173584-44-6) chemical name=(S)-methyl 7-chloro-2,5-dihydro-2-[[(methoxy-carbonyl)-[4(trifluoromethoxy) phenyl]amino)carbonyl] indeno[1,2-e] [1,3,4]oxadiazine-4A- (H)-carboxylate and inert ingredients; to the Committee on Ways and Means.

By Mr. BONNER:

H.R. 4533. A bill to suspend temporarily the duty on 5-bromo-3-sec-butyl-6-methyluracil; to the Committee on Ways and Means.

By Mr. BONNER:

H.R. 4534. A bill to extend temporarily the duty on Methyl-4-trifluoro methoxyphenyl-N-(chlorocarbonyl) carbamate, CAS Number 173903-15-6; to the Committee on Ways and Means.

By Mr. BONNER:

H.R. 4535. A bill to suspend temporarily the duty on 2-amino-5-chloro-N,3-dimethylbenzamide; to the Committee on Ways and Means.

By Mr. BONNER:

H.R. 4536. A bill to suspend temporarily the duty on 3-bromo-1-(3-chloro-2-pyridinyl)-1H-pyrazole-5-carboxylic acid (CAS No. 500011-86-9); to the Committee on Ways and Means.

By Mr. BONNER:

H.R. 4537. A bill to suspend temporarily the duty on dimethyl 2,3,4,6-tetrachloro-1, 4-Benzenedicarboxylate; to the Committee on Ways and Means.

By Mr. BONNER:

H.R. 4538. A bill to suspend temporarily the duty on [3-4,5-dihydro-isoxazol-3-yl)-4-methylsulfonyl-2-methylphenyl](5-hydroxy-1-methyl-1H-pyrazole-4-yl) methanone; to the Committee on Ways and Means.

By Mr. BUYER (for himself and Mr. MICHAUD):

H.R. 4539. A bill to amend title 38, United States Code, to make certain improvements to the housing loan benefit program of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Ms. HIRONO (for herself and Mr. TERRY):

H.R. 4540. A bill to reauthorize the impact aid program under the Elementary and Secondary Education Act of 1965; to the Committee on Education and Labor.

By Mr. DAVIS of Kentucky:

H.R. 4541. A bill to amend title XVIII of the Social Security Act to provide for patient protections under the Medicare prescription drug program for residents of long term care facilities; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICA:

H.R. 4542. A bill to repeal the provision of title 46, United States Code, requiring a license for employment in the business of salvaging on the coast of Florida; to the Committee on Transportation and Infrastructure.

By Mr. ADERHOLT:

H.R. 4543. A bill to amend the Poultry Products Inspection Act and the Federal Meat Inspection Act to require an active tuberculosis screening for any individual seeking employment with meat processing facilities or poultry processing facilities, and to prohibit the hiring of any individual who is determined to have active tuberculosis; to the Committee on Agriculture.

By Mr. BOREN (for himself, Mr. FRANK of Massachusetts, Mr. KILDEE, Mr. PERLMUTTER, Mr. GENE GREEN of Texas, Mr. KENNEDY, Mr. GUTIERREZ, Mr. KIND, Mr. BARROW, Mr. BOSWELL, Mrs. BOYDA of Kansas, Mr. COLE of Oklahoma, Mr. JONES of North Carolina, Mr. YOUNG of Alaska, Mr. GILCHREST, Ms. FALLIN, Mr. SHULER, Mrs. MALONEY of New York, Mr. BRADY of Texas, Ms. KILPATRICK, Mr. SULLIVAN, Mr. ABERCROMBIE, and Mr. LUCAS):

H.R. 4544. A bill to require the issuance of medals to recognize the dedication and valor of Native American code talkers; to the Committee on Financial Services, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas (for herself, Mr. CLYBURN, Mr. SHAYS, Mr. LEWIS of Georgia, Mr. TOWNS, Mr. DAVIS of Illinois, Mr. SCOTT of Georgia, Mr. JEFFERSON, Mr. WYNN, Mr. ELLISON, Ms. LEE, Mr. SERRANO, Mr. RUSH, Ms. NORTON, Mr. BRADY of Pennsylvania, Mr. CUMMINGS, Mr. FATTAH, Mr. GRIJALVA, Mrs. CHRISTENSEN, Ms. CLARKE, Mr. BISHOP of Georgia, Mr. PAYNE, Mr. MEEKS of New York, and Mr. COHEN):

H.R. 4545. A bill to target cocaine kingpins and address sentencing disparity between crack and powder cocaine; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts:

H.R. 4546. A bill to extend the temporary suspension of duty on Acetoacetyl-2,5-dimethoxy-4-chloroanilide; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts:

H.R. 4547. A bill to extend the temporary suspension of duty on 3-Amino-4-methylbenzamide; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts:

H.R. 4548. A bill to extend the temporary suspension of duty on Basic Blue 7; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts:

H.R. 4549. A bill to extend the temporary suspension of duty on Basic Violet 1; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts:

H.R. 4550. A bill to extend the temporary suspension of duty on 5-Chloro-3-hydroxy-2-methyl-2-naphthanilide; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts:

H.R. 4551. A bill to extend the temporary suspension of duty on 5-Chloro-3-hydroxy-2-methoxy-2-naphthanilide; to the Committee on Ways and Means.

By Mr. ALTMIRE:

H.R. 4552. A bill to extend the suspension of duty on Ortho-Phenylphenol; to the Committee on Ways and Means.

By Mr. ALTMIRE:

H.R. 4553. A bill to extend the suspension of duty on O-Chlorotoluene; to the Committee on Ways and Means.

By Mr. ALTMIRE:

H.R. 4554. A bill to extend the suspension of duty on Bayderm Bottom DLV-N; to the Committee on Ways and Means.

By Mr. ALTMIRE:

H.R. 4555. A bill to extend the suspension of duty on certain ethylene-vinyl acetate copolymers; to the Committee on Ways and Means.

By Mr. ALTMIRE:

H.R. 4556. A bill to extend and modify the temporary suspension of duty on Iminodisuccinate; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 4557. A bill to extend the temporary suspension of duty on 1-Propene, 1,1,2,3,3,3-hexafluoro-, oxidized, polymerized, reduced hydrolyzed; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 4558. A bill to extend the temporary suspension of duty on Ethene tetrafluoro-oxidized, polymerized reduced, methyl esters, reduced, ethoxylated; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 4559. A bill to extend the temporary suspension of duty on 1, 1, 2-2-Tetrafluoroethene, oxidized, polymerized; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 4560. A bill to extend the temporary suspension of duty on Methoxycarbonyl-terminated perfluorinated polyoxymethylene-polyoxyethylene; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 4561. A bill to extend the temporary suspension of duty on Ethene, tetrafluoro-oxidized, polymerized reduced, methyl esters, reduced; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 4562. A bill to extend the temporary suspension of duty on Oxiranemethanol, polymers with reduced methyl esters of reduced polymerized oxidized tetrafluoroethylene; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 4563. A bill to extend the temporary suspension of duty on 1-Propene,1,1,2,3,3,3-hexafluoro-oxidized, polymerized; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 4564. A bill to extend the temporary suspension of duty on Ethene, tetrafluoro, oxidized, polymerized, reduced, decarboxylated; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 4565. A bill to extend the temporary suspension of duty on Vinylidene chloride-methyl methacrylate-acrylonitrile copolymer; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 4566. A bill to extend the temporary suspension of duty on 1, propene, 1,1,2,3,3,3-hexafluoro-, telomers with chlorotrifluoroethene, oxidized, reduced, ethyl ester, hydrolyzed; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 4567. A bill to suspend temporarily the duty on Ethene, 1,1,2,2-tetrafluoro-, oxidized, polymd., reduced; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 4568. A bill to suspend temporarily the duty on Propanoic acid, 3-hydroxy-2-(hyroxymethyl)-2-methyl-, polymers with 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane and reduced methyl esters of reduced polymerized, oxidized tetrafluoroethylene, compounds with trimethylamine; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 4569. A bill to suspend temporarily the duty on Diphosphoric acid, polymers with ethoxylated reduced methyl esters of reduced polymerized oxidized tetrafluoroethylene; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 4570. A bill to suspend temporarily the duty on 1,2-Propanediol, 3-(diethylamino)-, polymers with 5-isocyanato-1-(isocyanatomethyl)-1,3,3,-trimethylcyclohexan, propylene glycol and reduced Me esters of reduced polymd. oxidized tetrafluoroethylene, 2-ethyl-1-hexanol-blocked, acetates (salts); to the Committee on Ways and Means.

By Mr. BACA:

H.R. 4571. A bill to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax for home water conservation; to the Committee on Ways and Means.

By Mr. BAKER:

H.R. 4572. A bill to extend the suspension of duty on Prodiamine; to the Committee on Ways and Means.

By Mr. BAKER:

H.R. 4573. A bill to suspend temporarily the duty on Ortho-Nitro-Phenol; to the Committee on Ways and Means.

By Ms. BEAN (for herself and Mr. HOEKSTRA):

H.R. 4574. A bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain systems installed in nonresidential real property or residential rental property; to the Committee on Ways and Means.

By Mr. BERMAN:

H.R. 4575. A bill to reduce temporarily the duty on certain reusable grocery bags; to the Committee on Ways and Means.

By Mrs. BIGGERT (for herself, Ms. SLAUGHTER, Mr. UPTON, Mr. GEORGE MILLER of California, Ms. BALDWIN, Ms. BORDALLO, Mrs. CAPPS, Mr. CASTLE, Mr. COHEN, Mr. DINGELL, Mr. EHLERS, Mrs. EMERSON, Ms. ESHOO, Mr. HIGGINS, Mr. KANJORSKI, Mr. LATOURETTE, Mrs. MALONEY of New York, Mr. ROSKAM, and Mr. WOLF):

H.R. 4576. A bill to award a congressional gold medal to Francis Collins, in recognition of his outstanding contributions and leadership in the fields of medicine and genetics; to the Committee on Financial Services.

By Mr. BILIRAKIS (for himself, Ms. GINNY BROWN-WAITE of Florida, Mr. YOUNG of Florida, Mr. ROSKAM, Mr. CANTOR, Mr. PERLMUTTER, Mr. HUNTER, Mr. SOUDER, and Mr. BUCHANAN):

H.R. 4577. A bill to require the Secretary of Homeland Security to strengthen student visa background checks and improve the monitoring of foreign students in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. BISHOP of Georgia (for himself, Mr. KINGSTON, and Mr. SHULER):

H.R. 4578. A bill to suspend temporarily the duty on certain acrylic synthetic staple fiber; to the Committee on Ways and Means.

By Mr. BISHOP of Georgia (for himself, Mr. KINGSTON, and Mr. SHULER):

H.R. 4579. A bill to suspend temporarily the duty on certain acrylic synthetic staple fiber; to the Committee on Ways and Means.

By Mr. BLUNT:

H.R. 4580. A bill to extend the temporary suspension of duty on 3,6,9-Trioxaundecanedioic acid; to the Committee on Ways and Means.

By Mr. BLUNT:

H.R. 4581. A bill to extend the temporary suspension of duty on 3-(trifluoromethyl) benzoate; to the Committee on Ways and Means.

By Mr. BLUNT:

H.R. 4582. A bill to extend the temporary suspension of duty on Bentazon; to the Committee on Ways and Means.

By Mr. BLUNT:

H.R. 4583. A bill to extend the temporary suspension of duty on 5-MPDC; to the Committee on Ways and Means.

By Mr. BLUNT:

H.R. 4584. A bill to extend the temporary suspension of duty on 4-methylbenzonitrile; to the Committee on Ways and Means.

By Mr. BLUNT:

H.R. 4585. A bill to extend the temporary suspension of duty on 4-(trifluoromethoxy) phenyl isocyanate; to the Committee on Ways and Means.

By Mr. BLUNT:

H.R. 4586. A bill to suspend temporarily the duty on Propane-phosphonic acid anhydride; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 4587. A bill to suspend temporarily the duty on Olympus WG70; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 4588. A bill to suspend temporarily the duty on Spirotetramat; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 4589. A bill to suspend temporarily the duty on Flubendiamide; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 4590. A bill to suspend temporarily the duty on AE 0172747 Ether; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 4591. A bill to suspend temporarily the duty on 1,3-Cyclohexanedione; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 4592. A bill to suspend temporarily the duty on certain mixtures containing Thiencarbazone-methyl and Isoxadifen-ethyl and Isoxaflutole; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 4593. A bill to extend the temporary suspension of duty on Trichloroacetaldehyde; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 4594. A bill to extend the temporary suspension of duty on 4-Chlorobenzaldehyde; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 4595. A bill to suspend temporarily the duty on Mixtures containing 4-(2-Methylsulfonyl-4-trifluoromethyl-benzoyl)-5-cyclopropyl soxazole; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 4596. A bill to extend the temporary suspension of duty on Hydroxylamine; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 4597. A bill to suspend temporarily the duty on Isoxaflutole; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 4598. A bill to extend the temporary suspension of duty on Iprodione; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 4599. A bill to extend the temporary suspension of duty on 2-Acetylbutyrolactone; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 4600. A bill to extend the temporary suspension of duty on Cyfluthrin; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 4601. A bill to extend the temporary suspension of duty on Cyfluthrin; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 4602. A bill to extend the temporary suspension of duty on Clothianidin; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 4603. A bill to extend the temporary suspension of duty on Ethoprop; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 4604. A bill to extend the temporary suspension of duty on product mixtures containing Foramsulfuron and Iodosulfuronmethyl-sodium; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 4605. A bill to extend the temporary suspension of duty on Isoxadifen-Ethyl; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 4606. A bill to extend the temporary suspension of duty on Trifloxystrobin; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 4607. A bill to extend the temporary suspension of duty on Spiromesifen; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 4608. A bill to suspend temporarily the duty on Thiencarbazone-methyl; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 4609. A bill to extend the temporary suspension of duty on FOE Hydroxy; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 4610. A bill to suspend temporarily the duty on Tembotrione; to the Committee on Ways and Means.

By Mr. CONYERS (for himself, Mr. SHAYS, Ms. WOOLSEY, Mr. ELLISON, Ms. MCCOLLUM of Minnesota, Mr. FALEOMAVAEGA, Mr. GENE GREEN of Texas, Mr. BERMAN, Mr. KUCINICH, Mr. COHEN, Mr. WATT, Mr. HINCHEY, Mr. MEEK of Florida, Mr. RANGEL, Mr. BLUMENAUER, Mr. WYNN, Mr. GUTIERREZ, Mr. CLAY, Mr. OLVER, Mr. LANTOS, Mr. MCGOVERN, Mr. FRANK of Massachusetts, Ms. CORRINE BROWN of Florida, Ms. HIRONO, Mr. ABERCROMBIE, Mr. ANDREWS, Mr. GRIJALVA, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. FATTAH, Mr. FILNER, Mrs. MALONEY of New York, Ms.

KILPATRICK, Mr. PRICE of North Carolina, Mr. PAYNE, Mr. NADLER, Ms. WATERS, Ms. DELAURO, Mr. HONDA, Mrs. MCCARTHY of New York, Mr. SERRANO, Mr. HASTINGS of Florida, Ms. LEE, Mr. FARR, Mr. DINGELL, Mr. WEXLER, Mr. SCOTT of Virginia, Mr. JOHNSON of Georgia, Mr. LARSEN of Washington, Ms. LORETTA SANCHEZ of California, Mr. BISHOP of Georgia, Mr. CUMMINGS, Mr. RUSH, Ms. NORTON, Ms. BALDWIN, and Mr. ROTHMAN):

H.R. 4611. A bill to prohibit racial profiling; to the Committee on the Judiciary.

By Mr. COSTA (for himself, Mr. MCCARTHY of California, and Mr. DANIEL E. LUNGREN of California):

H.R. 4612. A bill to amend the Internal Revenue Code of 1986 to provide an investment credit for electric generation facilities with climate neutral combustion; to the Committee on Ways and Means.

By Mr. DAVIS of Kentucky:

H.R. 4613. A bill to suspend until December 31, 2012, the duty on ethylene-norbornene copolymer; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 4614. A bill to extend the temporary suspension of duty on helium; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 4615. A bill to extend the temporary suspension of duty on Methanol, sodium salt; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 4616. A bill to extend the temporary suspension of duty on 2-Ethylhexyl 4-methoxycinnamate; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 4617. A bill to suspend temporarily the duty on a certain chemical; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 4618. A bill to extend the temporary suspension of duty on a certain chemical; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 4619. A bill to extend the temporary suspension of duty on 10,10'-Oxybisphenoxarsine; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 4620. A bill to extend the temporary suspension of duty on a certain ion exchange resin; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 4621. A bill to extend the temporary suspension of duty on a certain chemical; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 4622. A bill to extend the temporary suspension of duty on a certain chemical; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 4623. A bill to extend the temporary suspension of duty on a certain ion exchange resin; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 4624. A bill to extend the temporary suspension of duty on Trichlorobenzene; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 4625. A bill to extend the temporary suspension of duty on hydroxylamine; to the Committee on Ways and Means.

By Mr. ETHERIDGE (for himself, Mr. MORAN of Kansas, Mr. GOODLATTE, and Mr. PETERSON of Minnesota):

H.R. 4626. A bill to reauthorize and amend the Commodity Exchange Act to promote legal certainty, enhance competition, and reduce systemic risk in markets for futures and over-the-counter derivatives, and for other purposes; to the Committee on Agriculture.

By Mr. FOSSELLA:

H.R. 4627. A bill to provide for the penalty-free use of retirement funds for mortgage relief; to the Committee on Ways and Means.

By Mr. GRAVES:

H.R. 4628. A bill to suspend temporarily the duty on products containing (E)-N-[(2-Chloro-1,3-thiazol-5-yl) methyl]-N-methyl[oxido(oxo)hydrazono] methanediamine or N-[(2-Chloro-1,3-thiazol-5-yl)methyl]-N-{(E)-(methylamino) [oxido(oxo)hydrazono] methyl}-amine; to the Committee on Ways and Means.

By Mr. GRAVES:

H.R. 4629. A bill to suspend temporarily the duty on 2-(Methylthio)-4-(trifluoromethyl) benzoic acid; to the Committee on Ways and Means.

By Mr. GRAVES:

H.R. 4630. A bill to suspend temporarily the duty on 2-Chloro-6-(methylthio)toluene; to the Committee on Ways and Means.

By Mr. GRAVES:

H.R. 4631. A bill to suspend temporarily the duty on products containing 3-Mesityl-2-oxo-1-oxaspiro[4.4]non-3-en-4-yl 3,3-dimethylbutyrate; to the Committee on Ways and Means.

By Mr. GRAVES:

H.R. 4632. A bill to suspend temporarily the duty on mixtures containing Pyrasulfotole: 5-Hydroxy-1,3-dimethylpyrazol-4-yl 2-mesyl-4-(trifluoromethyl)phenyl ketone; and Bromoxynil Octanoate: 2,4-Dibromo-6-cyanophenyl octanoate; and Bromoxynil Heptanoate: 2,4-Dibromo-6-cyanophenyl heptanoate; to the Committee on Ways and Means.

By Mr. GRAVES:

H.R. 4633. A bill to suspend temporarily the duty on 1,3-Dimethyl-1H-pyrazol-5-ol and 1,3-Dimethylpyrazol-5-one; to the Committee on Ways and Means.

By Mr. GRAVES:

H.R. 4634. A bill to suspend temporarily the duty on Products containing (±) -2-ethoxy-2,3-dihydro-3,3-diemthylbenzofuran-5-yl methansulfonate; to the Committee on Ways and Means.

By Mr. GRAVES:

H.R. 4635. A bill to suspend temporarily the duty on Product mixtures containing Thiencarbazone-methyl (Methyl 4-({[(3-methoxy-4-methyl-5-oxo-4,5-dihydro-1H-1,2,4-triazol-1-yl)carbonyl]amino} sulfonyl)-5-methylthiophene-3-caroxylate) & Isoxadifen-ethyl (ethyl 4,5-dihydro-5,5-diphenyl-1,2-oxazole-3-carboxylate) & Isoxaflutole(5-Cyclospropyl-4-(2-Methylsulfonyl-4-Trifluorom ethylbenxoyl)Isoxazole)); to the Committee on Ways and Means.

By Mr. GRAVES:

H.R. 4636. A bill to suspend temporarily the duy on Cyprosulfamide: N-({4-[Cyclopropylamino) carbonyl]phenyl}sulfonyl)-2-methoxybenzamide (CAS No. Cyprosulfamide: 221667-31-8); to the Committee on Ways and Means.

By Mr. AL GREEN of Texas:

H.R. 4637. A bill to amend the Fair Labor Standards Act to provide for the calculation of the minimum wage based on the Federal poverty threshold for a family of 3, as determined by the Census Bureau; to the Committee on Education and Labor.

By Mr. GENE GREEN of Texas:

H.R. 4638. A bill to suspend temporarily the duty on Paclobutrazol Technical; to the Committee on Ways and Means.

By Mr. GENE GREEN of Texas:

H.R. 4639. A bill to extend the suspension of duty on NOA 446510 Technical; to the Committee on Ways and Means.

By Mr. GENE GREEN of Texas:

H.R. 4640. A bill to extend the suspension of duty on (IPN) Isophthalonitrile; to the Committee on Ways and Means.

By Mr. GENE GREEN of Texas:

H.R. 4641. A bill to extend the suspension of duty on Chloroacetone; to the Committee on Ways and Means.

By Mr. GENE GREEN of Texas:

H.R. 4642. A bill to suspend temporarily the duty on Paraquat Technical + Emetic; to the Committee on Ways and Means.

By Mr. GENE GREEN of Texas:

H.R. 4643. A bill to suspend temporarily the duty on Paclobutrazol 2CS; to the Committee on Ways and Means.

By Mr. GENE GREEN of Texas:

H.R. 4644. A bill to extend the temporary suspension of duty on Brodifacoum; to the Committee on Ways and Means.

By Mr. GENE GREEN of Texas:

H.R. 4645. A bill to extend the temporary suspension of duty on mixtures or coprecipitates of yttrium oxide and europium oxide; to the Committee on Ways and Means.

By Mr. GENE GREEN of Texas:

H.R. 4646. A bill to extend the temporary suspension of duty on cerium sulfide pigments; to the Committee on Ways and Means.

By Mr. GENE GREEN of Texas:

H.R. 4647. A bill to extend the temporary suspension of duty on mixtures or coprecipitates of yttrium phosphate and cerium phosphate; to the Committee on Ways and Means.

By Mr. GENE GREEN of Texas:

H.R. 4648. A bill to extend the temporary suspension of duty on mixtures or coprecipitates of lanthanum phosphate, cerium phosphate, and terbium phosphate; to the Committee on Ways and Means.

By Mr. GENE GREEN of Texas:

H.R. 4649. A bill to suspend temporarily the duty on Neodymium oxide; to the Committee on Ways and Means.

By Mr. WYNN:

H.R. 4650. A bill to strengthen the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HARE (for himself and Mr. SOUDER):

H.R. 4651. A bill to amend the Federal Employees' Compensation Act to cover services provided to injured Federal workers by physician assistants and nurse practitioners, and for other purposes; to the Committee on Education and Labor.

By Mr. HASTINGS of Florida (for himself, Ms. SOLIS, Mr. CONYERS, Mr. ELLISON, Ms. KILPATRICK, Ms. DEGETTE, Mr. UDALL of Colorado, Mr. PALLONE, Mrs. CHRISTENSEN, Mr. MEEK of Florida, Ms. CORRINE BROWN of Florida, Mr. WEXLER, Ms. WASSERMAN SCHULTZ, Mr. HONDA, Mr. PAYNE, Mr. SERRANO, Mr. CLAY, Mr. BERMAN, Ms. LEE, Mr. NADLER, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Mr. HINOJOSA, Mr. KUCINICH, and Ms. BERKLEY):

H.R. 4652. A bill to direct each Federal agency to establish an Environmental Justice Office, and for other purposes; to the

Committee on Energy and Commerce, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOEKSTRA:

H.R. 4653. A bill to extend the temporary suspension of duty on ACM; to the Committee on Ways and Means.

By Mr. HOEKSTRA:

H.R. 4654. A bill to extend the temporary suspension of duty on Oxadiazon; to the Committee on Ways and Means.

By Mr. HOEKSTRA:

H.R. 4655. A bill to suspend temporarily the duty on DMDPA; to the Committee on Ways and Means.

By Mr. HOEKSTRA:

H.R. 4656. A bill to extend the temporary suspension of duty on DPA; to the Committee on Ways and Means.

By Mr. HOLT:

H.R. 4657. A bill to suspend temporarily the duty on Tetrakis(hydroxymethyl) phosphonium sulfate (THPS); to the Committee on Ways and Means.

By Mr. HOLT:

H.R. 4658. A bill to suspend temporarily the duty on Mixtures of N-[2-(2-oxoimidazolidine-1-yl)ethyl]-2-methylacrylamide, methacrylic acid, aminoethyl ethylene urea and hydroquinone; to the Committee on Ways and Means.

By Mr. HOLT:

H.R. 4659. A bill to suspend temporarily the duty on mixtures of polyvinyl alcohol and polyvinyl pyrrolidone; to the Committee on Ways and Means.

By Mr. HOLT (for himself, Mrs. TAUSCHER, Ms. SCHAKOWSKY, Mr. MCGOVERN, Mr. COHEN, and Mr. FARR):

H.R. 4660. A bill to require the videotaping of strategic interrogations and certain other interactions between detainees and members of the Armed Forces, intelligence operatives, and contractors, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KAGEN:

H.R. 4661. A bill to amend the Internal Revenue Code of 1986 to increase the limitation on capital loss applicable to individuals; to the Committee on Ways and Means.

By Mr. KAGEN:

H.R. 4662. A bill to amend the Internal Revenue Code of 1986 to provide that the exclusion for qualified scholarships shall apply to allowances for room, board, and special needs services; to the Committee on Ways and Means.

By Mr. KANJORSKI:

H.R. 4663. A bill to suspend temporarily the duty on certain air pressure distillation columns; to the Committee on Ways and Means.

By Mr. KUHL of New York:

H.R. 4664. A bill to provide for investment and protection of the Social Security surplus; to the Committee on Ways and Means, and in addition to the Committees on the Budget, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANGEVIN:

H.R. 4665. A bill to extend the temporary suspension of duty on Pigment Brown 25; to the Committee on Ways and Means.

By Mr. LANGEVIN:

H.R. 4666. A bill to suspend temporarily the duty on Ammonium polyphosphate; to the Committee on Ways and Means.

By Mr. LANGEVIN:

H.R. 4667. A bill to extend the temporary suspension of duty on Pigment Red 187; to the Committee on Ways and Means.

By Mr. LANGEVIN:

H.R. 4668. A bill to suspend temporarily the duty on zinc diethylphosphinate; to the Committee on Ways and Means.

By Mr. LANGEVIN:

H.R. 4669. A bill to suspend temporarily the duty on VAT Orange 7; to the Committee on Ways and Means.

By Mr. LANGEVIN:

H.R. 4670. A bill to extend the temporary suspension of duty on Phosphinic acid, diethyl-, aluminum salt; to the Committee on Ways and Means.

By Mr. LANGEVIN:

H.R. 4671. A bill to extend the temporary suspension of duty on Phosphinic acid, diethyl-, aluminum salt with synergists and encapsulating agents; to the Committee on Ways and Means.

By Mr. LANGEVIN:

H.R. 4672. A bill to extend the temporary suspension of duty on Acid Blue 80; to the Committee on Ways and Means.

By Mr. LANGEVIN:

H.R. 4673. A bill to extend the temporary suspension of duty on 1-Oxa-3, 20-diazadispiro [5.1.11.2] heneicosan-21-one 2,2,4,4-tetramethyl, reaction products with epichlorohydrin, hydrolyzed and polymerized; to the Committee on Ways and Means.

By Mr. MCDERMOTT:

H.R. 4674. A bill to modify the provisions of the Harmonized Tariff Schedule of the United States relating to returned property; to the Committee on Ways and Means.

By Mr. MCDERMOTT:

H.R. 4675. A bill to provide for duty free treatment for certain United States Government property returned to the United States; to the Committee on Ways and Means.

By Mr. MCINTYRE:

H.R. 4676. A bill to amend the Harmonized Tariff Schedule of the United States to remove the 100 percent tariff imposed on soups and broths from France and Germany; to the Committee on Ways and Means.

By Mr. MURPHY of Connecticut (for himself and Mr. SHAYS):

H.R. 4677. A bill to suspend temporarily the duty on Cyclopropylaminonicotinic acid; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts:

H.R. 4678. A bill to extend the temporary suspension of duty on N-Cyclohexylthiophthalimide; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts:

H.R. 4679. A bill to extend the temporary suspension of duty on 4,4-Dithiodimorpholine; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts:

H.R. 4680. A bill to extend the temporary suspension of duty on Tetraethylthiuram Disulfide; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts:

H.R. 4681. A bill to extend the temporary suspension of duty on Tetramethylthiuram Disulfide; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts:

H.R. 4682. A bill to reduce temporarily the duty on N-phenyl-p-phenylenediamine; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 4683. A bill to amend title 18, United States Code, to repeal certain superfluous sections of criminal law which may be subject to prosecutorial abuse; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 4684. A bill to amend the Internal Revenue Code of 1986 to waive the employee portion of Social Security taxes imposed on individuals who have been diagnosed as having cancer or a terminal disease; to the Committee on Ways and Means.

By Mr. PEARCE (for himself and Mr. UDALL of Colorado):

H.R. 4685. A bill to establish the Minerals Reclamation Foundation, and for other purposes; to the Committee on Natural Resources.

By Mr. PETRI:

H.R. 4686. A bill to amend the Harmonized Tariff Schedule of the United States to modify the tariffs of engines to be installed in work trucks; to the Committee on Ways and Means.

By Mr. PITTS:

H.R. 4687. A bill to extend and amend the temporary duty suspension on certain thin fiberglass sheets; to the Committee on Ways and Means.

By Mr. POMEROY (for himself, Mr. WELLER, Mr. BLUMENAUER, and Mr. CAMP of Michigan):

H.R. 4688. A bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas, and for other purposes; to the Committee on Ways and Means.

By Ms. LORETTA SANCHEZ of California (for herself and Mrs. TAUSCHER):

H.R. 4689. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to increase the maximum amount of assistance to individuals and households, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SHUSTER:

H.R. 4690. A bill to direct the National Highway Traffic Safety Administration to issue motor vehicle safety standards for motorcoaches, and to amend the Internal Revenue Code of 1986 to provide a tax credit for associated expenses incurred by motorcoach operators complying with such standards; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Small Business, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SPRATT:

H.R. 4691. A bill to suspend temporarily the duty on nPBAL; to the Committee on Ways and Means.

By Mr. SPRATT:

H.R. 4692. A bill to suspend temporarily the duty on Grilamid TR 90; to the Committee on Ways and Means.

By Mr. SPRATT:

H.R. 4693. A bill to suspend temporarily the duty on Grilbond IL 6-50%F; to the Committee on Ways and Means.

By Mr. SPRATT:

H.R. 4694. A bill to suspend temporarily the duty on Primid QM-1260; to the Committee on Ways and Means.

By Mr. SPRATT:

H.R. 4695. A bill to suspend temporarily the duty on Primid XL-552; to the Committee on Ways and Means.

By Mr. SPRATT:

H.R. 4696. A bill to suspend temporarily the duty on 1-Nitroanthraquinone; to the Committee on Ways and Means.

By Mr. SPRATT:

H.R. 4697. A bill to suspend temporarily the duty on Leucoquinizarin; to the Committee on Ways and Means.

By Mr. SPRATT:

H.R. 4698. A bill to suspend temporarily the duty on Quinaldine; to the Committee on Ways and Means.

By Mr. SPRATT:

H.R. 4699. A bill to suspend temporarily the duty on Nonwoven air filter and diffusion media comprising tackifier-coated polyester fibers (2 to 10 decitex, with a length of 40 mm or more, but not more than 80 mm), weighing 400 to 700 grams/square meter; to the Committee on Ways and Means.

By Mr. TIBERI:

H.R. 4700. A bill to suspend temporarily the duty on certain structures, parts, and components for use in an isotopic separation facility in southern Ohio; to the Committee on Ways and Means.

By Mr. TIBERI:

H.R. 4701. A bill to suspend temporarily the duty on certain structures, parts, and components for use in an isotopic separation facility in southern Ohio; to the Committee on Ways and Means.

By Mr. WAXMAN:

H.R. 4702. A bill to amend title XIX of the Social Security Act to include all public clinics for the distribution of pediatric vaccines under the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. WAXMAN:

H.R. 4703. A bill to amend the Social Security Act, the Federal Food, Drug, and Cosmetic Act, and the Public Health Service Act to ensure a sufficient supply of vaccines, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WAXMAN:

H.R. 4704. A bill to amend title XVIII of the Social Security Act to provide for coverage of federally recommended vaccines under Medicare part B; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAXMAN:

H.R. 4705. A bill to amend the Public Health Service Act to increase the availability of vaccines, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, Ways and Means, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of Georgia (for himself, Mr. BUYER, Mr. TAYLOR, Mr. SHIMKUS, Mr. MURTHA, Mr. YOUNG of Florida, Mr. SKELTON, Mr. LEWIS of California, Mr. CLYBURN, Mr. COBLE, Mr. SMITH of Texas, Mr. FILNER, Ms. SLAUGHTER, Mr. DREIER, Mr. SPRATT, Mr. PETERSON of Minnesota, Mr. CONYERS, Mr. RANGEL, Mr. REYES, Mr. AKIN, Mr. BOYD of Florida, Mr. BURTON of Indiana, Mr. CRAMER, Mr. DUNCAN, Mr. FALEOMAVAEGA, Mr. GORDON, Mr. HARE, Mr. HASTINGS of Washington, Mr. JEFFERSON, Mr. MARKEY, Mr. MOLLOHAN, Mr. MOORE of Kansas, Mr. PASCRELL, Mr. PETERSON of Pennsylvania, Mr. RAMSTAD, Mr. SCOTT of Virginia, Mr. WELDON of Florida, Mr. WHITFIELD of Kentucky, Mr. EDWARDS, Mr. JOHNSON of Georgia, Mr. ROTHMAN, Mr. MORAN of Virginia, Ms. SCHWARTZ, Ms. HOOLEY, Mr. ROHRABACHER, Mr. EHLERS, Mr. LAMBORN, Mr. WALDEN of Oregon, Mr. WILSON of South Carolina, Mr. BRADY of Pennsylvania, Mr. FARR, Mr. COHEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FORTUÑO, Mr. GOODE, Ms. BORDALLO, Mr. SMITH of Washington, Mr. THOMPSON of Mississippi, Mr. ISRAEL, Ms. CARSON, Mrs. TAUSCHER, Mr. DICKS, Mr. NEUGEBAUER, Mr. MATHESON, Mr. SAXTON, Mr. CARNEY, Mr. HAYES, Mr. WALZ of Minnesota, Mr. MCNULTY, Mr. MCHENRY, Mr. RYAN of Ohio, Mr. MEEK of Florida, Mr. ETHERIDGE, Mr. HINOJOSA, Mr. ORTIZ, Mr. MCGOVERN, Mr. WESTMORELAND, Mr. JONES of North Carolina, Mr. JOHNSON of Illinois, Mr. LATHAM, Mr. LINDER, Mr. KINGSTON, Mr. SNYDER, Mrs. CHRISTENSEN, Ms. CASTOR, Mrs. GILLIBRAND, Mr. BOSWELL, Mr. SMITH of Nebraska, Mr. BERRY, Mr. HILL, Ms. GIFFORDS, Mr. LINCOLN DAVIS of Tennessee, Mr. YOUNG of Alaska, Mr. LEWIS of Georgia, Mr. SCHIFF, Mr. SHULER, Mr. HOLT, Mr. MURPHY of Connecticut, Mr. COSTELLO, Ms. MATSUI, Mr. SCOTT of Georgia, Mr. WELLER, Mr. WAMP, Mr. MARSHALL, Mr. TOWNS, Mr. MCHUGH, Ms. JACKSON-LEE of Texas, Ms. LORETTA SANCHEZ of California, Mr. BILIRAKIS, Mr. CAPUANO, Mrs. MALONEY of New York, Mr. HOLDEN, Mr. CHANDLER, Mr. LAMPSON, Mr. KILDEE, Mr. SHAYS, Ms. HARMAN, Ms. WATERS, Mr. MEEKS of New York, Mr. ISSA, Ms. KILPATRICK, Mr. WATT, Mrs. BLACKBURN, Mr. WYNN, Mr. PAYNE, Mr. GOHMERT, Mr. MANZULLO, Ms. BERKLEY, Mr. RUSH, Ms. NORTON, Mr. DEAL of Georgia, Ms. CLARKE, Mr. KIND, Mr. BROWN of South Carolina, Mr. TANNER, Mr. DAVIS of Alabama, Mr. INGLIS of South Carolina, Mr. BUTTERFIELD, Ms. GINNY BROWN-WAITE of Florida, Mr. HULSHOF, Ms. WATSON, Mr. CUMMINGS, Mr. KIRK, Mr. BOUCHER, Mr. WEXLER, Mr. UDALL of Colorado, Mr. MILLER of Florida, Mr. WALBERG, Mr. DELAHUNT, Mr. WOLF, Mrs. JONES of Ohio, Mr. MCNERNEY, Ms. MCCOLLUM of Minnesota, Mrs. MYRICK, Mr. SOUDER, Mr. PENCE, Mr. GARY G. MILLER of California, Mr. ABERCROMBIE, Mr. DAVIS of Virginia, Mr. DOYLE, Mr. LYNCH, Mr. HASTINGS of Florida, Mr. AL GREEN of Texas, Mr. COURTNEY, Mrs. MCCARTHY of New York, Ms. SUTTON, Mr. HONDA, Mr. ROSS, Mrs. DAVIS of California, Mr. DAVIS of Illinois, Ms. CORRINE BROWN of Florida, Mr. MCDERMOTT, Mr. ELLISON, Mr. GINGREY, Mrs. BOYDA of Kansas, Mr. ELLSWORTH, Mr. JACKSON of Illinois, Mr. CLAY, Mr. FATTAH, Mr. CONAWAY, Mr. ROGERS of Kentucky, Ms. MOORE of Wisconsin, Mr. CLEAVER, Mr. WELCH of Vermont, Mr. PLATTS, Mr. ALTMIRE, Mr. KAGEN, Mr. BLUMENAUER, Mr. DEFAZIO, Mr. LOBIONDO, Mr. PRICE of Georgia, Ms. LEE, Mr. THOMPSON of California, Ms. ROS-LEHTINEN, Mr. MARIO DIAZ-BALART of Florida, Mr. BARTON of Texas, Mr. SALAZAR, Mr. HIGGINS, Ms. FOXX, Ms. SCHAKOWSKY, Mr. BARROW, Mr. FORBES, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. MICHAUD, Mr. SESTAK, Mr. COSTA, Ms. DELAURO, Mr. GUTIERREZ, Mr. OLVER, Mr. ROGERS of Alabama, Mr. RUPPERSBERGER, Mr. WICKER, Ms. WASSERMAN SCHULTZ, Mr. BAIRD, Mr. MORAN of Kansas, Ms. HIRONO, Mr. MITCHELL, Mr. BOREN, Mr. CARDOZA, Mr. COOPER, Mr. DONNELLY, Mr. MCINTYRE, Mr. MELANCON, Mr. POMEROY, Ms. HERSETH SANDLIN, Mr. WILSON of Ohio, Mr. RODRIGUEZ, Ms. KAPTUR, Mr. NEAL of Massachusetts, Mr. UDALL of New Mexico, Mr. SMITH of New Jersey, Mr. MCCAUL of Texas, Mr. BROUN of Georgia, Mr. BACA, Mr. PRICE of North Carolina, Mr. HINCHEY, Mr. BOOZMAN, Mr. CARNAHAN, Mr. KENNEDY, Mrs. MCMORRIS RODGERS, Mr. LOEBSACK, Ms. TSONGAS, and Mr. HUNTER):

H.J. Res. 70. A joint resolution congratulating the Army Reserve on its centennial, which will be formally celebrated on April 23, 2008, and commemorating the historic contributions of its veterans and continuing contributions of its soldiers to the vital national security interests and homeland defense missions of the United States; to the Committee on Armed Services.

By Mrs. JONES of Ohio (for herself, Mr. HAYES, Mr. HOLT, Ms. CLARKE, Mr. ENGLISH of Pennsylvania, Mr. FILNER, Mrs. DAVIS of California, and Mrs. TAUSCHER):

H. Res. 874. A resolution expressing the sense of the House of Representatives that the Congressional Philanthropy Caucus was established in July 2007 to provide a platform that can be used to communicate and highlight issues that face the philanthropic sector and allows Members of Congress to discuss common legislative objectives that affect the foundation community; to the Committee on House Administration.

By Mr. KIRK (for himself, Ms. SCHAKOWSKY, Mrs. BIGGERT, Mr. ROSKAM, and Mr. LIPINSKI):

H. Res. 875. A resolution honoring and supporting the Hadley School for the Blind; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. BEAN:

H.R. 4706. A bill to provide for the reliquidation of certain drawback claims relating to certain speakers; to the Committee on Ways and Means.

By Mr. MARKEY:

H.R. 4707. A bill to reliquidate certain entries of gemifloxacin; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 594: Mr. WELCH of Vermont.
H.R. 636: Mr. KLINE of Minnesota.
H.R. 822: Mr. CLAY.
H.R. 848: Mrs. CHRISTENSEN.
H.R. 861: Mr. KLINE of Minnesota.
H.R. 882: Mr. KLEIN of Florida, Mr. WILSON of Ohio, and Mr. DAVID DAVIS of Tennessee.

H.R. 888: Mr. BRADY of Texas and Mr. CROWLEY.

H.R. 1000: Mr. GRAVES, Mr. BRALEY of Iowa, and Mr. CROWLEY.

H.R. 1014: Mr. WOLF.

H.R. 1032: Mr. MEEKS of New York, Mr. JEFFERSON, and Mr. HONDA.

H.R. 1078: Mr. BLUMENAUER.

H.R. 1103: Mr. DOGGETT.

H.R. 1133: Mr. SESTAK.

H.R. 1198: Mr. CAMP of Michigan.

H.R. 1225: Mrs. MALONEY of New York.

H.R. 1237: Ms. SCHWARTZ, Mr. KIRK, Mr. UDALL of New Mexico, Mr. TOWNS, Mr. CAMP of Michigan, and Mrs. BOYDA of Kansas.

H.R. 1246: Mr. HALL of New York.

H.R. 1298: Mr. ENGLISH of Pennsylvania.

H.R. 1303: Mr. TOWNS.

H.R. 1304: Mr. CRAMER and Mr. KLINE of Minnesota.

H.R. 1363: Mrs. JONES of Ohio, Mr. TIERNEY, and Mr. LANGEVIN.

H.R. 1366: Mr. KIRK.

H.R. 1376: Mr. FORTUÑO.

H.R. 1386: Mrs. MCMORRIS RODGERS and Mr. CUMMINGS.

H.R. 1390: Mr. MCNULTY, Mr. FRANKS of Arizona, and Mr. JEFFERSON.

H.R. 1407: Mr. MCCOTTER.

H.R. 1440: Mr. DONNELLY.

H.R. 1459: Mr. CARTER.

H.R. 1514: Mr. BISHOP of Georgia.

H.R. 1537: Mr. CRAMER.

H.R. 1552: Mrs. WILSON of New Mexico.

H.R. 1609: Mr. KILDEE, Mr. WILSON of South Carolina, Mrs. TAUSCHER, and Mr. KINGSTON.

H.R. 1610: Mr. RAHALL, Mr. SAXTON, Mr. ORTIZ, Mr. BUTTERFIELD, Mr. THOMPSON of Mississippi, Mr. BACA, Mr. MEEK of Florida, Mr. SPACE, Mr. PRICE of North Carolina, and Mr. HONDA.

H.R. 1614: Mr. ROTHMAN.

H.R. 1747: Mr. KUCINICH and Mr. NADLER.

H.R. 1791: Mr. CARNEY.

H.R. 1843: Mr. SESSIONS.

H.R. 1845: Mr. BROUN of Georgia and Mr. FRANK of Massachusetts.

H.R. 1881: Ms. SOLIS and Mr. BRALEY of Iowa.

H.R. 1884: Ms. CORRINE BROWN of Florida, Mr. UDALL of New Mexico, Mr. COLE of Oklahoma, Mr. SMITH of New Jersey, Mr. WILSON of Ohio, Mr. CARNAHAN, Mr. PASTOR, and Mr. BLUMENAUER.

H.R. 1919: Mr. BRALEY of Iowa.

H.R. 1992: Mr. HONDA, Mr. TOWNS, Mr. LOBIONDO, and Mr. BISHOP of New York.

H.R. 2122: Mr. HIGGINS and Mr. MILLER of North Carolina.

H.R. 2123: Ms. LEE, Ms. DELAURO, Mrs. TAUSCHER, Mr. HONDA, and Mr. BISHOP of New York.

H.R. 2164: Mr. SNYDER.

H.R. 2205: Mr. ALLEN.

H.R. 2370: Mr. FOSSELLA.

H.R. 2550: Mr. TIBERI and Mr. KINGSTON.

H.R. 2564: Mr. BROUN of Georgia.

H.R. 2580: Mr. SOUDER and Mr. FRELINGHUYSEN.

H.R. 2593: Mr. COHEN.

H.R. 2634: Mr. CAPUANO and Ms. KAPTUR.

H.R. 2659: Mr. HOLDEN.

H.R. 2702: Mr. TIERNEY.

H.R. 2706: Mr. KLINE of Minnesota.

H.R. 2744: Mr. LARSEN of Washington, Mr. TIERNEY, Ms. LORETTA SANCHEZ of California, Mr. SHAYS, Mr. JOHNSON of Georgia, and Mr. BRALEY of Iowa.

H.R. 2802: Mr. DUNCAN.

H.R. 2818: Mr. SMITH of Washington, Mr. RODRIGUEZ, Ms. CASTOR, Mr. HALL of New York, Mr. MCNERNEY, Mr. BILIRAKIS, Mr. BOREN, Mr. HASTINGS of Florida, Mr. LAMPSON, Mrs. TAUSCHER, and Mr. WELCH of Vermont.

H.R. 2851: Mr. CLAY, Mr. HARE, and Mr. MORAN of Virginia.

H.R. 2864: Mr. FILNER, Mr. BARROW, Ms. ZOE LOFGREN of California, Mr. MICHAUD, and Ms. SCHAKOWSKY.

H.R. 2943: Mr. WYNN and Mr. YOUNG of Florida.

H.R. 3036: Ms. BORDALLO and Mr. REYES.

H.R. 3098: Mr. CRAMER.

H.R. 3168: Mr. CLAY.

H.R. 3179: Mr. MARIO DIAZ-BALART of Florida.

H.R. 3202: Mr. HONDA.

H.R. 3232: Mrs. WILSON of New Mexico and Ms. DELAURO.

H.R. 3282: Mr. MORAN of Virginia.

H.R. 3298: Mr. COHEN and Mr. PLATTS.

H.R. 3329: Mr. BLUMENAUER and Mr. SESTAK.

H.R. 3363: Mr. COURTNEY.

H.R. 3368: Mr. GORDON.

H.R. 3406: Mr. MORAN of Virginia and Mr. WELCH of Vermont.

H.R. 3430: Mrs. EMERSON, Mr. HOLT, Mr. MORAN of Virginia, and Ms. MCCOLLUM of Minnesota.

H.R. 3434: Mrs. MYRICK and Mr. EHLERS.

H.R. 3464: Mr. TOWNS, Mr. DOGGETT, Mr. DELAHUNT, and Mr. COHEN.

H.R. 3507: Mr. MORAN of Virginia.

H.R. 3544: Mr. MCGOVERN and Ms. LINDA T. SÁNCHEZ of California.

H.R. 3663: Ms. DELAURO, Mr. BRALEY of Iowa, Ms. WATERS, Ms. HOOLEY, Ms. BALDWIN, and Ms. ROYBAL-ALLARD.

H.R. 3689: Ms. MCCOLLUM of Minnesota, Mr. FILNER, Mr. CUMMINGS, Mrs. DAVIS of California, Mr. CRAMER, and Ms. PRYCE of Ohio.

H.R. 3698: Mr. CAPUANO.

H.R. 3750: Mr. MEEK of Florida.

H.R. 3781: Mr. MOORE of Kansas.

H.R. 3784: Mr. MORAN of Virginia.

H.R. 3793: Mr. ROGERS of Kentucky.

H.R. 3817: Mr. TERRY and Mr. FORTENBERRY.

H.R. 3829: Mr. BLUMENAUER.

H.R. 3852: Mr. DAVID DAVIS of Tennessee.

H.R. 3896: Mr. CRAMER.

H.R. 3905: Mrs. MALONEY of New York.

H.R. 3928: Ms. SUTTON.

H.R. 3955: Mr. UDALL of New Mexico and Mr. CAPUANO.

H.R. 3980: Mr. GRIJALVA.

H.R. 4001: Mr. MCNULTY.

H.R. 4008: Mr. FEENEY.

H.R. 4040: Mr. WALDEN of Oregon, Mr. WAXMAN, Mr. PASTOR, and Mrs. TAUSCHER.

H.R. 4044: Mr. UDALL of Colorado.

H.R. 4053: Mr. KENNEDY.

H.R. 4054: Mr. LARSEN of Washington and Ms. PRYCE of Ohio.

H.R. 4061: Mr. UDALL of Colorado and Mr. LARSEN of Washington.

H.R. 4105: Mr. GUTIERREZ.

H.R. 4107: Mr. HARE.

H.R. 4114: Mrs. CAPPS.

H.R. 4116: Mr. MCCAUL of Texas, Mr. GOODE, and Mrs. SCHMIDT.

H.R. 4119: Mrs. BLACKBURN, Mrs. MYRICK, Mr. KUHL of New York, Mr. GOODE, Mr. WILSON of South Carolina, Mr. SHADEGG, Mrs. MUSGRAVE, Mr. WELDON of Florida, Mr. FORTUÑO, and Mr. HENSARLING.

H.R. 4129: Mr. CUMMINGS.

H.R. 4133: Mr. JONES of North Carolina and Mrs. BLACKBURN.

H.R. 4137: Ms. WOOLSEY, Ms. CLARKE, Mr. BISHOP of New York, Mr. VAN HOLLEN, Mr. ALTMIRE, Mr. ENGEL, Mr. COHEN, Ms. MCCOLLUM of Minnesota, Mr. GRIJALVA, Mr. KILDEE, and Mr. HONDA.

H.R. 4138: Mr. BLUMENAUER, Mr. WELCH of Vermont, Mr. SHAYS, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 4160: Mr. FEENEY.

H.R. 4185: Mr. LEWIS of California.

H.R. 4201: Ms. GINNY BROWN-WAITE of Florida.

H.R. 4204: Mr. PETERSON of Minnesota, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FARR, and Mr. KENNEDY.

H.R. 4221: Mr. GENE GREEN of Texas, Mr. BRALEY of Iowa, and Mr. CAMP of Michigan.

H.R. 4223: Mr. WOLF.

H.R. 4226: Mr. WALSH of New York.

H.R. 4264: Mr. FEENEY, Ms. CORRINE BROWN of Florida, Mr. WELDON of Florida, and Mr. ENGLISH of Pennsylvania.

H.R. 4265: Mr. JACKSON of Illinois, Mr. HINCHEY, Mr. MOORE of Kansas, Mr. MURPHY of Connecticut, Mr. RODRIGUEZ, Mr. CHANDLER, Ms. SCHAKOWSKY, Mr. INSLEE, Mr. WEINER, Mr. FILNER, Mr. PALLONE, Mr. PASTOR, Mrs. LOWEY, Mr. SHERMAN, Mr. VAN HOLLEN, Mrs. NAPOLITANO, Mr. KLEIN of Florida, and Mr. KAGEN.

H.R. 4286: Mr. GEORGE MILLER of California, Mr. DONNELLY, Mr. LARSON of Connecticut, Mrs. NAPOLITANO, Mrs. CHRISTENSEN, Mr. BOUCHER, Ms. KILPATRICK, Mr. DICKS, Mrs. JONES of Ohio, Mr. OLVER, Mr. OBERSTAR, Mr. MCINTYRE, Ms. GIFFORDS, Ms. CORRINE BROWN of Florida, Mr. BISHOP of New York, Mr. TAYLOR, Mr. GALLEGLY, Ms. NORTON, Mr. PENCE, Mr. THOMPSON of California, Mr. SARBANES, Mr. KUCINICH, Mr. RUPPERSBERGER, Ms. SUTTON, Mr. RYAN of Wisconsin, Mr. TIAHRT, Mrs. EMERSON, Mr. MCHUGH, Mr. MCCAUL of Texas, Mr. HULSHOF, Mr. MCCOTTER, Mr. SESSIONS, Mr. FRELINGHUYSEN, Mr. LINCOLN DIAZ-BALART of Florida, Mr. PORTER, Mr. MCCRERY, Mr. ALEXANDER, Mr. REHBERG, Mr. ISSA, Mr. ENGLISH of Pennsylvania, Mr. TIBERI, Mr. CANTOR, Mr. REYNOLDS, Mr. DUNCAN, and Mr. CHABOT.

H.R. 4297: Mr. BRADY of Pennsylvania, Mr. DENT, Mr. COHEN, and Mr. ENGLISH of Pennsylvania.

H.R. 4318: Mr. CAMPBELL of California.

H.R. 4355: Mr. YOUNG of Alaska and Mr. CUMMINGS.

H.R. 4368: Mr. CARTER, Mr. BRADY of Texas, Mr. COHEN, Mr. MILLER of Florida, Mr. ROGERS of Michigan, Mr. CULBERSON, Mr. SAM JOHNSON of Texas, Mr. ROHRABACHER, Mr. HALL of Texas, Mr. NEUGEBAUER, Ms. GRANGER, Mr. TIM MURPHY of Pennsylvania, Mr. ISSA, Mr. RYAN of Wisconsin, and Mr. PICKERING.

H.R. 4454: Mr. WHITFIELD of Kentucky.

H.R. 4462: Ms. BORDALLO, Mr. BOSWELL, Ms. NORTON, Mr. SHULER, and Mr. YOUNG of Alaska.

H.J. Res. 59: Mr. MURPHY of Connecticut, Ms. TSONGAS, and Mr. FRANK of Massachusetts.

H.J. Res. 64: Mr. DOGGETT, Mrs. GILLIBRAND, Mr. DELAHUNT, and Ms. HIRONO.

H. Con. Res. 163: Mr. PETERSON of Minnesota.

H. Con. Res. 223: Mr. MILLER of North Carolina.

H. Con. Res. 239: Mr. BLUNT and Mr. FEENEY.

H. Con. Res. 247: Mr. RANGEL.

H. Con. Res. 249: Ms. MCCOLLUM of Minnesota and Mr. FEENEY.

H. Con. Res. 267: Mr. TERRY, Mr. LARSON of Connecticut, Mr. RODRIGUEZ, Mr. ABERCROMBIE, Mr. CANNON, Mr. DOOLITTLE, Mrs. CAPITO, Mr. GOODE, Mr. NEAL of Massachusetts, Mr. EDWARDS, and Mr. PASCRELL.

H. Res. 37: Mr. PAYNE, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. FATTAH.

H. Res. 163: Mr. HONDA.

H. Res. 537: Mr. MATHESON, Mr. UPTON, Mr. EMANUEL, Mrs. TAUSCHER, Mr. RADANOVICH, Mr. PITTS, Mr. SOUDER, Mr. MILLER of Florida, Mr. COHEN, and Mr. DAVIS of Kentucky.

H. Res. 607: Mr. HENSARLING.

H. Res. 638: Mr. MCCOTTER.

H. Res. 653: Ms. JACKSON-LEE of Texas, Mr. PAYNE, Mr. LEWIS of Georgia, Mr. CROWLEY, Mr. PALLONE, Mr. BLUMENAUER, Mrs. MALONEY of New York, Mr. HONDA, Mr. MCNULTY, Mr. RANGEL, and Mr. HINCHEY.

H. Res. 700: Mr. ROSS, Mr. PUTNAM, and Mr. RADANOVICH.

H. Res. 748: Mr. MCCOTTER.

H. Res. 758: Mr. KUHL of New York, Mr. MARSHALL, and Mr. WEINER.

H. Res. 783: Mr. SAM JOHNSON of Texas.

H. Res. 805: Mr. FEENEY.

H. Res. 852: Mr. MORAN of Virginia and Mr. REICHERT.

H. Res. 854: Mr. LANTOS, Mr. ACKERMAN, Mr. WAXMAN, Mr. GRIJALVA, Mr. LINDER, Ms. CORRINE BROWN of Florida, Mr. CUMMINGS, Mr. MCNULTY, Mrs. TAUSCHER, Mr. NADLER, Mr. SAXTON, and Mr. COHEN.

H. Res. 857: Mr. POE, Mr. GRIJALVA, and Mrs. MALONEY of New York.

H. Res. 863: Mr. WALSH of New York, Mr. PRICE of Georgia, and Mr. DAVIS of Kentucky.

H. Res. 866: Mr. LOBIONDO, Mr. YOUNG of Alaska, and Mr. LATOURETTE.

H. Res. 867: Mr. HASTINGS of Florida, Mr. KILDEE, Mr. ORTIZ, Mr. GRIJALVA, Mr. SIRES, Mr. BACA, Mr. BECERRA, Ms. BEAN, Mr. BRALEY of Iowa, Mr. EDWARDS, Ms. MOORE of Wisconsin, Mrs. BOYDA of Kansas, Mr. HINCHEY, Mr. BERRY, Mr. MCDERMOTT, Ms. HIRONO, Mrs. CAPPS, Mr. ELLSWORTH, Mr. MATHESON, Mr. HILL, Mr. LEVIN, Ms. SOLIS, Mr. GONZALEZ, Mr. ROTHMAN, Ms. BERKLEY, Ms. CLARKE, Ms. ROYBAL-ALLARD, Mr. REYES, Mr. BUTTERFIELD, Mr. THOMPSON of Mississippi, Mr. ALTMIRE, Ms. LINDA T. SÁNCHEZ of California, Mr. PASCRELL, Mr. DOYLE, Mr. RYAN of Ohio, Mr. SALAZAR, Mr. BOSWELL, Mr. BOREN, Mr. SPACE, Mr. MITCHELL, Mr. MCCRERY, Mr. EVERETT, Mr. BARRETT of South Carolina, Mr. TANNER, Mr. MELANCON, Mr. ROSS, Mr. CROWLEY, and Mr. HOLT.

H. Res. 868: Ms. LEE, Ms. JACKSON-LEE of Texas, Ms. DELAURO, Mr. BACA, Mrs. CAPPS, Mr. CARDOZA, Mr. COSTA, Mrs. DAVIS of California, Ms. ESHOO, Mr. FARR, Mr. FILNER, Ms. HARMAN, Mr. LANTOS, Ms. ZOE LOFGREN of California, Ms. MATSUI, Mr. MCNERNEY, Mr. GEORGE MILLER of California, LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SHERMAN, Ms. SOLIS, Mr. STARK, Mrs. TAUSCHER, Mr. THOMPSON of California, Mr. LOEBSACK, Mr. HODES, Mr. SESTAK, Mr. DANIEL E. LUNGREN of California, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, Mr. HONDA, Mr. BERMAN, Ms. BALDWIN, Mr. GRIJALVA, Mr. HINCHEY, and Mr. BECERRA.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1201: Mr. PITTS.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petition:

Petition 4, by Mr. ADERHOLT on House Resolution 748: Charles W. "Chip" Pickering, Judy Biggert, Ginny Brown-Waite, Thaddeus G. McCotter, Zach Wamp, and Jo Bonner.

SENATE—*Thursday, December 13, 2007*

The Senate met at 8:30 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of the stars, the Sun, and the Moon, You bring peace to our past, power to our present, and hope to our future. We praise You for being our guide even in the darkest night. Continue to show us the path of life and sustain us with the joy of Your presence.

Bless our Senators. Lift their thoughts above the mundane and help them to see their challenges from a divine perspective. Deliver them from paltry and parochial interests and enable them to fulfill their challenging duties in ways that conform to Your will.

Be a shield to them as they look to You for help, and strengthen them as they seek to accomplish Your purposes. We pray in the name of Him who promised to never forsake us. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 13, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, this morning the Senate will immediately resume consideration of the farm bill and conduct a period of debate until 9:15. This debate time is equally divided between the leaders or their designees.

At 9:15 the Senate will conduct two back-to-back rollcall votes. The first vote will be in relation to the Dorgan-Grassley payment limitations amendment. That amendment is subject to a 60-vote threshold.

The second vote will be a cloture vote on the motion to concur to an amendment to H.R. 6, the Energy bill.

Mr. President, we will continue with other amendments and votes with respect to the farm bill today, so Members can expect other votes.

I would remind all Members that we will likely be in recess from 2 to 3 p.m. because Admiral McConnell and Attorney General Mukasey will conduct a secret briefing in room 407. This is prefatory to the debate that will take place soon on the FISA bill.

We are going to do our very best to finish the farm bill today. We have 23 amendments left on the farm bill. We have a lot to do. We are going to do everything we can do so that we do not have to be in session this weekend. It will take cooperation from Members because there are a number of issues that we have to deal with.

We are going to try to finish the farm bill and the Energy bill today. We have a lot of other things to do today. Hopefully, we can get agreement.

I would also say this to all Senators: We are past the point where you can just have your staff call the cloakroom and say: I have a Senator who objects. If somebody wants to object, we are not going to take cloakroom calls during these last few days of the session. We are not going to accept that.

RESERVATION OF LEADERSHIP TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

FARM, NUTRITION, AND BIOENERGY ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2419, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (H.R. 2419) to provide for the continuation of agricultural programs for fiscal year 2012, and for other purposes.

Pending:

Harkin amendment No. 3500, in the nature of a substitute.

Harkin (for Dorgan/Grassley) modified amendment No. 3695 (to amendment No. 3500), to strengthen payment limitations and direct the savings to increase funding for certain programs.

Brown amendment No. 3819 (to Amendment No. 3500), to increase funding for critical farm bill programs and improve crop insurance.

Klobuchar amendment No. 3810 (to amendment No. 3500), to improve the adjusted gross income limitation and use the savings to provide additional funding for certain programs and reduce the Federal deficit.

Chambliss (for Cornyn) amendment No. 3687 (to amendment No. 3500), to prevent duplicative payments for agricultural disaster assistance already covered by the Agricultural Disaster Relief Trust Fund.

Chambliss (for Coburn) modified amendment No. 3807 (to amendment No. 3500), to ensure the priority of the farm bill remains farmers by eliminating wasteful Department of Agriculture spending on golf courses, junkets, cheese centers, and aging barns.

Chambliss (for Coburn) amendment No. 3530 (to amendment No. 3500), to limit the distribution to deceased individuals, and estates of those individuals, of certain agricultural payments.

Salazar amendment No. 3616 (to amendment No. 3500), to amend the Internal Revenue Code of 1986 to provide incentives for the production of all cellulosic biofuels.

Thune (for McConnell) amendment No. 3821 (to amendment No. 3500), to promote the nutritional health of school children, with an offset.

Craig amendment No. 3640 (to amendment No. 3500), to prohibit the involuntary acquisition of farmland and grazing land by Federal, State, and local governments for parks, open space, or similar purposes.

Thune (for Roberts/Brownback) amendment No. 3549 (to amendment No. 3500), to modify a provision relating to regulations.

Domenici amendment No. 3614 (to amendment No. 3500), to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources.

Thune (for Gregg) amendment No. 3674 (to amendment No. 3500), to amend the Internal Revenue Code of 1986 to exclude charges of indebtedness on principal residences from gross income.

Thune (for Gregg) amendment No. 3822 (to amendment No. 3500), to provide nearly $1,000,000,000 in critical home heating assistance to low-income families and senior citizens for the 2007–2008 winter season, and reduce the Federal deficit by eliminating wasteful farm subsidies.

Thune (for Grassley/Kohl) amendment No. 3823 (to amendment No. 3500), to provide for the review of agricultural mergers and acquisitions by the Department of Justice.

Thune (for Stevens) amendment No. 3569 (to amendment No. 3500), to make commercial fishermen eligible for certain operating loans.

Thune (for Bond) amendment No. 3771 (to amendment No. 3500), to amend title 7,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

United States Code, to include provisions relating to rulemaking.

Tester amendment No. 3666 (to amendment No. 3500), to modify the provision relating to unlawful practices under the Packers and Stockyards Act.

Schumer amendment No. 3720 (to amendment No. 3500), to improve crop insurance and use resulting savings to increase funding for certain conservation programs.

Sanders amendment No. 3826 (to amendment No. 3822), to provide for payments under subsections (a) through (e) of section 2604 of the Low-Income Home Energy Assistance Act of 1981, and restore supplemental agricultural disaster assistance from the Agricultural Disaster Relief Trust Fund.

Wyden amendment No. 3736 (to amendment No. 3500), to modify a provision relating to bioenergy crop transition assistance.

Harkin/Kennedy amendment 3830 (to amendment No. 3500), relative to public safety officers.

Harkin/Murkowski amendment No. 3639 (to amendment No. 3500), to improve nutrition standards for foods and beverages sold in schools.

Harkin amendment No. 3844 (to amendment No. 3830), relative to public safety officers.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 9:15 a.m. shall be equally divided between the leaders or their designees and shall be for debate only.

Mr. REID. Mr. President, I designate 5 minutes to Senator BINGAMAN and 5 minutes to Senator CANTWELL, two Senators who have been instrumental in bringing this bill to where we are today on energy.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank the majority leader for yielding me 5 minutes to discuss this bill we are going to vote on, the cloture vote we are going to have in relation to the energy legislation a little later this morning.

One of the objections that has been raised to this legislation is that it still contains a so-called energy tax package. It is very different from what the House passed.

Senator BAUCUS has worked with Senator GRASSLEY to take out provisions that were objectionable to Members, particularly on the Republican side, but it is still a tax package.

Now, what does it do? What it does is extends the tax incentives and credits we put into law in 2005. Those are the tax incentives, the tax credit for the production of electricity from wind, biomass from our clean energy sources. It provides the extension of the solar energy investment tax credit. It provides an extension of residential solar credits to encourage people to use solar heating and energy generation in their own residences. It provides an extension of existing credits for biodiesel.

It creates a new credit for producing ethanol made from nonfood cellulosic material. It tries to extend into the future and expand upon the incentives we put into law in 2005 to encourage the transition to more of a clean energy technology.

At the beginning of the week, I had the view or the understanding that the disagreement about the tax package centered around the question of which offsets should be used to pay for it. I thought there was general consensus that we ought to have an extension of these tax provisions but that there was disagreement about how we went about paying for them.

It is clear to me that at least for the administration, it is not a question of which offsets should be used to pay for it, the real issue, from their perspective, is they do not consider these tax incentives very important, and they do not believe they are important enough to be paid for.

They believe if they are going to be extended, they should be extended without any increase in revenue anywhere else in the Tax Code to offset that. This is a very unfortunate view on the part of the administration as I see it because it sets up a circumstance where, if we are not able to get the votes to pass this tax package as part of the overall energy package this morning, then we are in a circumstance where the administration says: We will not support—the administration will not support—a tax package that is paid for, and the Congress, under our pay-go rules, most likely will not be able to muster the votes to pass a tax package that is not paid for.

So we have a checkmate situation that is particularly bad for the country and cuts short the effort we tried to begin in 2005 to encourage more development of energy from renewable sources and more energy efficiency through these tax provisions.

There are some in the Congress, in the Senate, who are going to say, well, they support doing something on taxes but not here, not now. We should not do it as part of this bill. We ought to do what we can. It is nearly Christmas, and then we will come back next year and deal with taxes.

The problem is, it does not get any easier next year to deal with this situation. We have already made dramatic changes in this tax package to accommodate concerns of the administration, concerns of Republican Members. But the truth is, we need to go ahead and extend these tax provisions as part of this bill. We need to do so in a way that is paid for. Clearly we need to comply with our pay-go rules and not just add this to the deficit and say it is up to the next generation to worry about finding the revenue to pay for the tax provisions.

I believe it is essential that we pass this, that we go ahead and invoke cloture on the energy package. This energy package that Senator REID is now bringing before the Senate does not have a renewable electricity standard in it. He dropped that again because of opposition from Republican members, opposition from the administration.

But it does have CAFE improvements, it does have renewable fuels standards, it does have energy efficiency standards, it is does have this tax package. I urge my colleagues to support it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Ms. CANTWELL. Mr. President, I too rise in support of the cloture motion this morning and ask my colleagues if we are going to pass the Energy bill before the end of this year. I know the American consumer has gotten a wake-up call because they are paying higher gas prices at the pump. But the question is whether Congress and the White House have gotten the same wake-up call.

Fortunately, thanks to the hard work of Members on both sides of the aisle and many staff members we are within grasp of a very important solution. I am not even going to spend my time this morning talking about the important details of this bill because many of my colleagues, including the chairman of the Energy Committee, has extolled its virtues. Perhaps, if I have a minute at the end, I might elaborate on some of these. But it is time to get to the heart of the matter. And that is, the American people need serious relief from a future of high oil prices by making a transition this legislation would provide. That is we need to make sure we have an energy package that starts investing more aggressively in renewable energy and will actually get us competition at the gas pump and on our electricity grid.

I know some are saying the tax title in this bill must go. And some have even been bold enough to say that it's an increase in taxes. That is an interesting position because these are really tax subsidies for the oil industry. They are not a tax increase on consumers. When we passed similar tax provisions in the 2005 energy bill no one on the other side called that a tax increase.

In fact, when the President put broader subsidies in his budget this year, reducing some of the same subsidies, it was called a modification. So do not tell us now that cancelling a subsidy for the oil industry is somehow raising taxes on consumers. What we are really doing is continuing to make consumers pay more at the gas pump because we are not giving them true competition. At the heart of the matter is the fact that of the energy subsidies and investments that our country makes—that is, using American tax dollars to invest in energy strategies that will help our country—right now 75 percent of them is going to the fossil fuel industry. Only about 15 percent is going to clean energy.

Now, I ask my colleagues, when the United States only has 3 percent of the world's oil reserves, is it smart to continue to have the 75 percent investment in fossil fuels? I would say that we should pass this legislation and make more investments in renewable and energy efficiency.

If someone says that somehow this is going to impact the oil industry, I would like to refer them to a quote from Lee Raymond, the former ExxonMobil CEO who said on "Fox News" when asked whether Exxon was taking advantage of the new legislation that became law to speed up the development of refineries and capacity here in the U.S., he said "it will not have a major impact."

So I do not know why we are so concerned about keeping these subsidies when the industry itself, the big five oil companies are saying it has had a negligible impact. What it has had an impact on is consumers. And even the Joint Economic Committee has pointed out that the removal of these tax breaks are going to have very little impact on consumers. In fact, another third party observer, the Joint Tax Committee, basically said this $300 million in subsidies from the big five oil companies in 2008 that would be taken away would be less than 1 percent. In fact, it would have only a one-quarter of 1 percent impact on their profits.

That is right. They made $120.8 billion in profit in 2006, so taking this subsidy away from them it will have a negligible impact. So what are we holding this up for? Why are we going to hold up the Energy bill because someone does not want to take more subsidies away from the oil industry and put them toward clean energy?

Even President Bush recognized that the oil industry does not need more subsidies. President Bush, in April of 2005, said:

> I will tell you with $55 oil we don't need incentives to oil and gas companies to explore. There are plenty of incentives.

I couldn't agree with the President more. He said that at $55 a barrel. Now that we are at $90, we need to move faster in changing these incentive programs. We all know that fossil fuels will continue to be a big part of the energy mix for decades and that there is a great deal of economic benefit from the incentives in oil and gas today. But what we have to realize is we cannot continue in this same direction. We have to change course. We have to level the playing field and take away subsidies from very mature, very profitable industries and make investments in renewables instead.

I know the President also agrees with that because when he signed the 2005 bill, he said:

> The bill offers new incentives to promote clean, renewable geothermal energy . . . When you hear us talking about less dependence on foreign sources of energy, and one of the ways to become less dependent is to enhance the use of renewable sources of energy.

Again, I couldn't agree with the President more. But this is about getting a package that will help us give consumers the confidence that they are going to have true competition over the price at the pump.

The Energy and Finance Committees had hearing after hearing talking to the experts. I know some people on the other side of the aisle would say that some of these tax incentives don't expire until the end of 2008. But this is about giving predictability to energy investment strategies. We heard in the Finance Committee testimony after testimony from experts saying: If you want to get more investment in renewable energy, you need to have more predictable energy tax credits. That is why we can see from our failed policies in the past that countries such as Denmark have made more headway, because they made more investment in renewables. Countries such as Japan have made more headway in solar energy because they made the investments. If we want to get beyond petroleum, we have to stop subsidizing it.

The impact of this morning's vote is that our colleagues are going to say we should take out the Finance package and that somehow will be a completion of an energy strategy. I tell my colleagues, nothing could be more important than getting the long-term fundamentals right for investment so that America can get off our dependence on foreign oil.

This legislation does represent nearly a 20-percent reduction in our current CO_2 output and a 35-percent reduction in our foreign oil dependence. But to get those savings, we not only have to pass CAFE, we also have to pass incentives for renewable energy and do it for more than just 1 year so that we have predictable investment in these energy strategies and reap the economic benefits in jobs for America.

I thank the staff and all Members who have worked so hard on this legislation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I rise to urge my colleagues not to vote for this bill and to insist that we have an energy bill that will create more energy for our country.

The Energy bill before us today for a cloture vote will not increase the supply of energy. There are some good parts of this bill. The House and Senate could pass a bill that would do major things for renewable energy sources, for clean energy sources, and for an increase in the supply of energy sources, but the bill that is being brought up today—and I hope it will not get cloture—is a bill that will not increase supply.

We have two problems we need to address in an energy policy. One is the cost of energy. We need to provide more supply in order to bring the cost down. The second is, we are 60 percent dependent on foreign sources for our energy needs, which is an economic and security risk for America.

I cannot imagine the Congress trying to continue to pass a bill that will decrease supply and increase our dependence on foreign sources for our energy needs. We are the greatest nation on Earth. We should be addressing this aggressively to increase supply.

The good part of this bill is the CAFE standards which have been agreed to in a bipartisan way. That will go a long way toward conservation and beginning to make our automobiles more efficient and environmentally friendly. But the $20 billion in taxes on oil supply takes away the increase in supply that is so important to bring down prices.

We are a country that ought to be the model for the world in stability in oil and tax policy. Instead, our country has the reputation for not being stable in tax policy, for changing tax policy every 2 years or every 4 years, so businesses sometimes would rather do their exploration, their production, their refining, their manufacturing overseas because they know they can count on stability in tax policy and regulatory policy. That is absolutely the opposite of what people should be saying about America. America should be the one that our businesses say they can rely on for stable policy. Yet the bill before us will change the incentives we gave for refineries to increase just 2 years after we gave them.

It was beginning to work. Big oil companies that had not invested in refinery capacity for 20 years, because of the regulatory hurdles, were willing to go in and have already announced expansions. I know a big expansion would be going on in Mississippi, a big one in Texas that would add to our refinery capacity so that we would have more supply more cheaply. We would have more dependence on ourselves for our energy needs, and we would bring prices down. This takes away those incentives for refinery capacity to increase. It also will drive overseas the production of oil because we are penalizing our oil companies with this $20 billion in taxes.

What this will do is decrease supply and increase price. I cannot think of a worse message to send and a worse tax policy that would say to the world and to any business that wants to do business in our country that you can count on tax policy for a year or two, but you cannot make long-term plans in America because we may change policy if we change Congress.

We have changed Congress, all right. What we are seeing is a tax-and-spend Congress that we haven't seen in 15 years. Once again, we are going to increase spending and we are going to increase taxes. That is not what we should be doing in an environment in which our economy is fragile. Raising taxes in this economy is going to increase the price of energy, which has a ripple effect throughout our economy. It means every farmer is going to have to pay more for fuel. It means every businessperson, especially small businesspeople, is going to have to pay more for fuel.

I urge my colleagues to vote no on this piece of legislation that the President has said he will veto. Let's stop the games in Congress. Let's do something that will help our energy supply, that will bring prices down. Let's take the good parts of this bill, such as the CAFE standards and the incentives for renewable energy and clean energy. All of those things are very good.

I want clean energy. I want solar power. I want wind power. I want biofuels. I want cellulosic ethanol and corn-based ethanol. But to take one segment of our energy, which happens to be the biggest source today, and increase the price on that, decrease the incentives for the refinery capacity which we must have—these companies do not have to invest and go through all of the regulatory procedures and millions of dollars off their bottom line to go into refinery expansions. They don't have to do it. They had tax incentives to do it 2 years ago. Taking that away pulls the rug out from under those who have already made those investments. It is counterproductive for the economy.

I hope we will provide adult leadership in the Congress. Let's not pass cloture on this bill. Let's do an energy bill that the President will sign, that will have bipartisan support, that will make CAFE standards much more environmentally friendly, and that will increase our supply of renewable and environmentally friendly energy needs. Let's keep the bread-and-butter energy supply we have by increasing refinery capacity so that we bring the cost down to consumers and keep our economy on a more even keel.

I hope my colleagues will vote no today so we can pass an energy bill that will have the support of a bipartisan majority in Congress and get the President's signature. That should be the goal, not political game-playing, which we are seeing this week at the very last minute in Congress. It is not going to do what is right for the country.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. The Senator has 11 minutes 45 seconds.

Mr. DOMENICI. Are there any other commitments to speak on this?

Mrs. HUTCHISON. No, Mr. President.

Mr. DOMENICI. I don't need the entire time, but I will speak a while and see what happens.

I am here because there is a misunderstanding somewhere about the CAFE bill that is coming before us. We all acknowledge the CAFE standards bill that is before us is long overdue. We all understand that it is very good legislation. We all understand that the cellulosic provisions—the postcorn ethanol—are very important. It is here, although it has some problems. The President finds some problems with it. So do many on our side find problems with it. But it is in here.

But the issue is not whether that is a good package. The issue is what is going to happen if we decide we are going to pass this bill with the taxes that are in it as it sits before us at the desk, $21 billion worth of taxes. What is going to happen to the bill if we pass it with those taxes in? It is very simple: It is going to get vetoed. We have heard it. The President has said it. The only thing we could do would be to get a tape recorder and ask him to say it and bring that down here and make it legal and let him tell us. He has said he doesn't want those taxes on this bill.

We still have people voting for this, as I talked to them, because they want this bill. They say it is great; it is a wonderful bill. I ask you, how are you going to get a bill if you leave the taxes on and send it to the President when he has already told you in advance he was going to veto it? What we should do is, if you want the bill, produce a bill the President will sign.

We have already taken one giant step. We took out the mandatory wind for electricity production. A percentage was mandated, and we took that out. Now, today, the issue is, Are we going to take out the taxes? That is the vote when we come to a vote on the Energy bill.

Some people think that is a nice vote; I like the taxes; I am going to vote for them. But the point is, you are not going to get the taxes and you are going to lose with it the energy portion of the bill because the President is going to veto it. I can't answer any more than to repeat what he has said. I am not his spokesman on the floor; I am merely repeating what has come up Pennsylvania Avenue from down there where he lives and up here where we work. He has said: If the taxes are in, the bill is gone. So it looks to me as if those who want a winner ought to vote to take the taxes.

Those who want a loser ought to vote to leave the taxes in and they will get their wish. But they will not only lose the taxes—which some say: They are pretty good; I like them—they will lose the entire Energy bill on CAFE and cellulosic, which follows right

ter ethanol and is desperately needed to buttress the ethanol market, as my friend who spoke eloquently for her side of this bill knows.

We need the bill on cellulosic. I call it ethanol 2 for simplicity. We need it because we need to get that ethanol market stabilized a little better and come in with a second kind of product instead of just corn. But we are not going to get that, so the wishers are not going to get their wishes, if they vote for the taxes, even if they say: I have looked at them, and I love them. Lots of people love taxes. Some have looked at this $21 billion or $20-plus billion and said: We love them. They are great. They are incentives. They are the right thing.

But, look, the point is, this is not the bill you are going to get them on. You are not going to get the taxes on a bill that is essentially an energy bill. Send the President an energy bill. Send the President an energy bill and look around for another time when we could send him the tax bill.

I still talk to Senators—some yesterday—and they say: Well, I think the taxes belong in. And I ask them: How do you think we are going to get the CAFE standards, which you certainly would acknowledge is one of the most important energy measures we could do? "Well, we will just vote for it." No, we won't. The President is going to veto it if the taxes that you like so much are in it.

So why don't we take the taxes off and send the President a clean bill with CAFE, cellulosic, and a couple other things? It would then be an energy bill which he would want and he would sign, and instead of a veto, we would have a victory party. That would be good, it seems to me.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. WEBB). Who yields time?

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Republican side has 5½ minutes and the majority has 6 minutes 52 seconds.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that immediately prior to the cloture vote, each leader be permitted to use leader time, with the majority leader speaking last.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, if I could respond to a couple of things my colleagues on the other side of the aisle said because this is an important debate. If there are people who want to continue to debate the farm proposal we are going to be voting on this morning, I will be happy to yield the floor. But not seeing that, I am happy to continue the discussion on the Energy bill.

Both Senators from New Mexico have played an incredible leadership role in energy, and the 2005 Energy bill was a bipartisan effort. I certainly know what it is like to take half a loaf. That was not the bill I would have written myself, but I voted for that legislation. I think it started us on a course of making investments in renewable energy technology that was beneficial.

In particular I happen to disagree that the 2005 tax provisions, as they related to more subsidies for the fossil fuel industry, have been a big benefit for us. We even had an executive of an oil company say they did not think they were going to have much impact. So now consumers in my State are paying over $3 at the pump, and home heating oil prices are up 35 percent. So I do not think those subsidies to the oil industry have had any kind of magnificent impact that my colleague from Texas was saying.

What we do know is the investment we started in the 2005 bill in renewable energy is having an incredible impact. The question is whether we are going to give predictability to that industry. I would hate to think this is a vote—whether it is on this bill or any future bill; and this Senator would certainly take these provisions and put them on lots of different vehicles. It does not have to always be in this precise fashion—but the fact is, this bill and these tax incentives will generate over 50,000 megawatts of new, clean energy supply and efficiencies. That is right, it does create new generation.

Mr. President, 50,000 megawatts, in case anybody wants to know, is the same amount of electricity that is used in 26 States today. So the question is whether we are going to have a 1-year extension—that is, until 2008—for renewable energy, or whether we are going to give them 2, 3, 4 years of predictability so we can get that generation, as I said, that will produce enough electricity for 26 States out of renewable and efficiency generation, instead of continuing to use those tax subsidies for the oil industry that, even by their own account, they say are not having a significant impact.

So I would say to my colleagues on the other side of the aisle, I have heard what the President has said. We have heard all along that he thinks these particular provisions are raising revenues on one industry. The President included in his own budget a broader reduction in the subsidies that we had previously passed, and nowhere did he call that raising revenue. So by his own account, it is hypocrisy to now start claiming these are somehow different.

What we need is to pass this Energy bill. I look forward to working with my colleagues in a bipartisan fashion on many of the provisions that are in this legislation that will diversify us off of fossil fuel and get us into renewables and biofuels, so we can lower the price at the pump for consumers.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from North Dakota.

Mr. DORGAN. Mr. President, are we in morning business at this time?

AMENDMENT NO. 3695, AS MODIFIED

The PRESIDING OFFICER. The Senate is debating the Dorgan-Grassley amendment.

Mr. DORGAN. Mr. President, how much time remains before the vote?

The PRESIDING OFFICER. The proponents have 2 minutes 25 seconds, and the opponents have 5 minutes 29 seconds.

Mr. DOMENICI. Mr. President, I say to the Senator, would you like a couple minutes?

Mr. DORGAN. Mr. President, let me understand, we are debating my amendment, and I have 2 minutes left on my amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. Mr. President, I say to the Senator, somebody spoke off your amendment.

Mr. DORGAN. I understand. About energy?

Mr. DOMENICI. About energy.

Mr. DORGAN. Mr. President, let me take the time that remains on our side, at least.

We have a 9:15 vote, and the vote is a vote on determining whether we are going to continue to do business the way we have always done business on these issues or whether we are going to vote for some change here and some reform.

This amendment is very simple. It provides some payment limitations with respect to the farm bill. It says those people who have never farmed and are never going to farm, living on land that has not produced a crop for 20 years, should not be getting farm program payments. But they are today, and they will under the bill that is here on the floor of the Senate.

I support the bill on the floor of the Senate, but I want to improve it by amending it with these payment limitations. My colleague, Senator GRASSLEY, joins me. My colleague, Senator NELSON from Nebraska, joins me, and others.

This issue is some payment limitations. We are supposed to provide a farm program that helps family farmers during tough periods. This farm program has become a set of golden arches for some of the biggest corporate farms in this country. Millions of dollars are being sucked out of this farm program in large payments for large corporate agrifactories. That is No. 1.

No. 2, as I have indicated, we have farm program payments going to people who have never farmed and never will farm. Mr. President, in the last 5 years, $1.3 billion went from this country's Treasury in farm program payments to people who are not farming. Think of that: $1.3 billion.

Do you think there might have been a better use for that? Do you think maybe if we recovered that $1.3 billion we could provide a better safety net for family farmers when they run into a tough patch or a tough spell? In my judgment, the answer is yes, we could do much better.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DORGAN. Mr. President, let me ask my colleague from New Mexico if he is intending to use the remaining time.

Mr. DOMENICI. Mr. President, how much time does the Senator have?

The PRESIDING OFFICER. The Senator from New Mexico has 5 minutes 21 seconds.

Mr. DOMENICI. Mr. President, I was, I say to the Senator, but I will be glad to give you a couple minutes. Go ahead and take a few minutes.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I virtually said what I intended to say. If my colleague from New Mexico wishes to speak about the Energy bill, there has been a lot of work on an energy bill which is very important. There has not been much debate or discussion about it. I do not object to continuing that discussion.

But I do want to say this 9:15 vote is very important. It is about change and reform. It is about doing the right thing for family farmers. I hope the Dorgan-Grassley-Nelson amendment will be supported and that we will finally say to the American people: Yes, we are about change. We are about reform. We are about doing things right.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I yield myself the remainder of the time I have.

I want to start over again to make sure everybody understands what I have to say. Sometimes the most simple thing is the most difficult to explain.

This is a very simple proposition. We have put in a bill—the Energy bill—the work of two or three committees. It is not all an Energy Committee bill. The lead pony in the bill is an important provision with reference to the mileage on automobiles, and we have, for the first time in more than two decades, changed that in this bill.

We have an ethanol 2, which is cellulosic, which follows on right behind ethanol to make sure ethanol is stabilized and we get a huge product in years to come to take the place of oil-based petroleum.

Those were in a bill, and they were working their way through, and the decision was made: Well, we will put on that some taxes. They put on $21 billion in taxes and another item that was long passed—we will leave it alone—and all of a sudden the President of the United States said: Well, don't send me that bill. I will veto it.

Now, I am one who happens to believe him. Since I believe him, I think what we ought to do is see what we can do to make it most probable we will get these two energy provisions that we need—the ones I have just alluded to for the third time today.

It would appear to me what we ought to do to get those energy provisions, to most probably get them—you never know until the President signs; and this still has to go one time to the House—but it appears to me rather simple. The way to do that is to take out the taxes the President does not want.

They may be good incentives. They may be good taxes on bad people—whatever it is Senators have to say—but they are bad taxes for those who want this Energy bill. They are bad taxes for anyone who wants these two new provisions of the Energy bill, bad because the President will veto them and we will get nothing.

So I urge that you vote today against cloture so we will have this bill before us, and we know, then, the majority leader will do something to see that we get a bill. He will have some time to work on what kind of language he wants to send to the House. It is very limited with amendments because this is not a very ordinary way the House sent us this bill. They sent us this as a message on one of their bills, and that is very unique.

Nonetheless, let's not get into that.

It is simple today: Do you want an energy bill? If you want an energy bill, then don't vote for cloture so taxes can be taken out of this bill, and then all you have to do is send it to the House after you fix it up, if you would like to, if the majority leader wants to repair it, because it needs some repair.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOMENICI. So there we go. I thank the Senate for listening. I think it is a pretty simple proposition and I hope everybody understands. If they want this bill, they ought to know how to vote. Thank you.

Mr. JOHNSON. Mr. President, I rise in support of Dorgan-Grassley amendment No. 3695, of which I am a cosponsor, to enact commonsense, meaningful farm program payment limitations. My bipartisan colleagues from North Dakota and Iowa and I have offered a straightforward and fiscally responsible proposal that would target our farm program payments and safety net.

The current farm program payment structure has, quite simply, failed rural America. Approximately 71 percent of our farm benefits are absorbed by only 10 percent of the farming community. Our omnibus farm bill is intended to promote programs that function as a safety net for farmers, in contrast to the cash cow they've become for a few producers. I do not favor eliminating our farm program benefits, but rather prefer that they are targeted to small- and medium-sized producers instead of large agribusiness.

According to farming data from the 2002 census, farms in South Dakota that received program payments collected $16,518 on average. The average producer in my State, then, received under $17,000 in benefits, which pales in comparison to the $360,000 current supposed "limit" and does not touch the proposed $250,000 hard payment cap.

The Dorgan-Grassley amendment includes several specific limits. Under this amendment, direct payments could not exceed $20,000 per producer; countercyclical payments are capped at $30,000; marketing loan gains are limited to $75,000; and total payments are restricted to $125,000. The amendment would allow for doubling by a spouse, and also require direct attribution. The amendment closes the triple entity loophole that has opened up an avenue of opportunity for excessive payments.

In 2002, the Senate saw a strong vote in favor of payment limitations with 66 Senators voting in favor of a $275,000 cap for farm program payments. We need 60 votes this morning to pass the Dorgan-Grassley amendment, because of the filibustering that has been threatened by the minority party, and we are working to achieve that goal. That being said, in a time of budgetary constraints, I find it unconscionable that a Member of Congress would not vote to restrict such egregious spending and vote to promote our rural communities. I urge my colleagues to support this amendment.

Mr. COCHRAN. Mr. President, first I want to thank the chairman of the committee, the distinguished Senator from Iowa, Mr. HARKIN and the distinguished ranking member, the Senator from Georgia, Mr. CHAMBLISS, for their leadership during the debate of this farm bill.

I commend them for their response to the needs and interests of our Nation's farmers and ranchers. In my State, most of our farmers are deeply concerned about the amendment offered by Senator GRASSLEY and Senator DORGAN. If it is approved it will adversely affect family farms in many States by eliminating the ability to receive financing and making it harder for farmers from efficiently marketing their crop.

Since the passage of the 2002 farm bill there has been a good bit of controversy surrounding the issue of payment limits. Much of this has been based on misinformation and is a result of misunderstanding of modern agricultural practices. While I am pleased that the legislation passed by the committee contains significant reforms to address the concerns raised over the past 6 years, these reforms are not easy for producers in my State of Mississippi to accept and will result in many farms having to significantly alter their farming operation.

I believe it is important for us to understand just how significant the reforms in the committee passed bill are. This legislation applies direct attribution to the individual farmer, thus making all farm payments transparent. The committee passed legislation would limit the direct payment a single producer can receive to $40,000. The legislation reduces the amount of a countercyclical payment to $60,000. In addition, the Senate language reduces the adjusted gross income means test for producers from $2.5 million to $750,000. While this may still sound like a lot of money, when you consider production costs such as a four-hundred thousand dollar cotton picker, fuel prices, fertilizer costs, and technology fees for seed, these support levels are quite low.

Many crops of the Midwest are enjoying record prices right now due mostly to the use of corn in the current ethanol boom. The most prevalent crops in the South, cotton and rice, are not seeing the record prices created by renewable fuel incentives and tax credit subsidies; and it is important to point out that none of these subsidies are subject to an arbitrary limit.

Mr. President, this amendment would have a very negative impact on the livelihood of thousands of farmers. It would undo what many farmers today and generations before them have established through hard work, surviving natural disasters, and the Great Depression. This amendment is an attempt to make farmers in my State to conform to the way others operate in very different regions of the country. Mr. President, not every farmer should be made to fit in the same mold. I urge the Senate to reject the Grassley-Dorgan amendment.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment No. 3695, the Dorgan-Grassley payment limit amendment.

The majority leader is recognized.

Mr. REID. Mr. President, it is my understanding that there is a unanimous consent order in the Senate that prior to the next vote, Senator McCONNELL and I would be recognized; is that true?

The PRESIDING OFFICER. The leader is correct.

Mr. DORGAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The yeas and nays are ordered. The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. McCAIN).

The PRESIDING OFFICER. Are there any other Senators in the chamber desiring to vote?

The result was announced — yeas 56, nays 43, as follows:

[Rollcall Vote No. 424 Leg.]

YEAS—56

Akaka
Allard
Barrasso
Bayh
Biden
Bingaman
Boxer
Brown
Brownback
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Collins
Dodd
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Grassley
Hagel
Harkin
Hatch
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Lautenberg
Levin
Lugar
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Reed
Reid
Sanders
Schumer
Smith
Specter
Stevens
Sununu
Tester
Thune
Warner
Webb
Whitehouse
Wyden

NAYS—43

Alexander
Baucus
Bennett
Bond
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Graham
Gregg
Hutchison
Inhofe
Inouye
Isakson
Kyl
Landrieu
Leahy
Lieberman
Lincoln
Lott
Martinez
McCaskill
McConnell
Pryor
Roberts
Rockefeller
Salazar
Sessions
Shelby
Snowe
Stabenow
Vitter
Voinovich

NOT VOTING—1

McCain

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RENEWABLE FUELS, CONSUMER PROTECTION, AND ENERGY EFFICIENCY ACT OF 2007

The PRESIDING OFFICER. Under the previous order, each leader is permitted to use leader time prior to a vote on the motion to invoke cloture with respect to H.R. 6.

NHTSA REGULATIONS ON FUEL ECONOMY

Mr. LEVIN. Mr. President, I support this bill and, in particular, the provisions that require the Department of Transportation, through the National Highway Traffic Safety Administration, NHTSA, to set new fuel economy standards for vehicles that will reach an industry fleet wide level of 35 miles per gallon by 2020 based on my understanding that these new Federal standards will not be undercut in the future by regulations issued by the Environmental Protection Agency regulating greenhouse gas emissions from vehicles.

I believe that we have taken historic steps in this legislation by putting in place ambitious but achievable fuel economy standards that will reduce our Nation's fuel consumption and greenhouse gas emissions. In this legislation, the Senate and House have come together and established the appropriate level of fuel economy standards and have directed NHTSA to implement that through new regulations. In this legislation, the Congress has agreed that the appropriate level of fuel economy to reach is 35 miles per gallon in 2020, or an increase of 10 miles per gallon in 10 years.

But it is essential to manufacturers that they are able to plan on the 35 miles per gallon standard in 2020. We must resolve now with the sponsors of this legislation in the Senate any ambiguity that could arise in the future when EPA issues new rules to regulate greenhouse gas emissions from vehicles pursuant to its authority under the Clean Air Act so that our manufacturers can have certainty. With that in mind, I want to clarify both Senator INOUYE's and Senator FEINSTEIN's understanding and interpretation of what the Congress is doing in this legislation and to clarify their agreement that we want all Federal regulations in this area to be consistent. We do not want to enact this legislation today only to find later that we have not been sufficiently diligent to avoid any conflicts in the future.

The Environmental Protection Agency has authority under the Clean Air Act to regulate greenhouse gas emissions from vehicles and to delegate that authority, as the agency deems appropriate, to the State of California. This authority was recently upheld by the U.S. Supreme Court, and it is not our purpose today to attempt to change that authority or to undercut the decision of the Supreme Court. We simply want to make clear that it is Congressional intent in this bill that, with respect to regulation of greenhouse gas emissions, any future regulations issued by the Environmental Protection Agency to regulate greenhouse gas emissions from vehicles be consistent with the Department of Transportation's new fuel economy regulations that will reach an industry fleet wide level by 35 miles per gallon by 2020.

Does the Senator from California and original sponsor of this legislation, Mrs. FEINSTEIN, agree with my view that the intent of this language is for EPA regulations on greenhouse gas emissions from vehicles to be consistent with the direction of Congress in this 35 miles per gallon in 2020 legislation and consistent with regulations issued by the Department of Transportation to implement this legislation?

Mrs. FEINSTEIN. Yes, of course, we have worked hard to come together on this legislation directing NHTSA to issue new fuel economy regulations to reach an industry fleet wide level of 35 miles per gallon by 2020, and it is our intent in the bill before us that all Federal regulations in this area be consistent with our 35 miles per gallon in 2020 language.

Mr. LEVIN. I thank the Senator for her clarification of her intent.

Does the chairman of the Commerce Committee, the distinguished Senator from Hawaii, Mr. INOUYE, agree with my understanding of the intent of this bill that any regulations issued by the Environmental Protection Agency be consistent with the direction of Congress in this legislation and regulations issued by the Department of Transportation to implement this legislation?

Mr. INOUYE. Yes. I. I agree that it is very important that all Federal regulations in this area be consistent and that we provide clear direction to the agency that has responsibility for setting fuel economy standards, the Department of Transportation.

Mr. LEVIN. I thank my distinguished colleague from Hawaii, Mr. INOUYE, for his clarification.

AGENCY MANAGEMENT

Mr. INOUYE. Mr. President, I have worked for many months with the Senior Senator from California and the original sponsor of this legislation, Mrs. FEINSTEIN, to draft a sound policy to increase fuel economy standards in our country. I stated earlier today that "all Federal regulations in this area be consistent." I wholly agree with that notion, in that these agencies have two different missions. The Department of Transportation has the responsibility for regulating fuel economy, and should enforce the Ten-in Ten Fuel Economy Act fully and vigorously to save oil in the automobile fleet. The Environmental Protection Agency has the responsibility to protect public health. These two missions can and should co-exist without one undermining the other. There are numerous examples in the executive branch where two or more agencies share responsibility over a particular issue. The Federal Trade Commission and the Federal Communications Commission both oversee telemarketing practices and the Do-Not-Call list.

The FTC also shares jurisdiction over antitrust enforcement with the Department of Justice. Under the current CAFE system, the Department of Transportation and the Environmental Protection Agency work together. DOT enforces the CAFE standards, and the EPA tests vehicles for compliance and fuel economy labels on cars. The President himself foresaw these agencies working together and issued an Executive Order on May 14, 2007, to coordinate the agencies on reducing automotive greenhouse gas emissions. The DOT and the EPA have separate missions that should be executed fully and responsibly. I believe it is important that we ensure that the agencies are properly managed by the executive branch, as has been done with several agencies with shared jurisdiction for decades. I plan on holding hearings next session to examine this issue fully.

Mrs. FEINSTEIN. I would like to thank the chairman of the Commerce Committee, and I would like to clarify what I believe to be the intent of the legislation I sponsored to increase fuel economy standards in the United States.

The legislation increasing the fuel economy standards of vehicles by 10 miles per gallon over 10 years does not impact the authority to regulate tailpipe emissions of the EPA, California, or other States, under the Clean Air Act.

The intent was to give NHTSA the ability to regulate fuel efficiency standards of vehicles, and increase the fleetwide average to at least 35 miles per gallon by 2020.

There was no intent in any way, shape, or form to negatively affect, or otherwise restrain, California or any other State's existing or future tailpipe emissions laws, or any future EPA authority on tailpipe emissions.

The two issues are separate and distinct.

As the Supreme Court correctly observed in Massachusetts v. EPA, the fact "that DOT sets mileage standards in no way licenses EPA to shirk its environmental responsibilities. EPA has been charged with protecting the public's health and welfare, a statutory obligation wholly independent of DOT's mandate to promote energy efficiency. The two obligations may overlap, but there is no reason to think the two agencies cannot both administer their obligations and yet avoid inconsistency."

I agree with the Supreme Court's view of consistency. There is no reason to think the two agencies cannot both administer their obligations and yet avoid inconsistency.

The U.S. District Court for the Eastern District of California in Central Valley Chrysler-Jeep v. Goldstone has reiterated this point in finding that if approved by EPA, California's standards are not preempted by the Energy Policy Conservation Act.

Title I of the Energy Security and Independence Act of 2007, H.R. 6, provides clear direction to the Department of Transportation, in consultation with the Department of Energy and the Environmental Protection Agency, to raise fuel economy standards.

By taking this action, Congress is continuing DOT's existing authority to set vehicle fuel economy standards. Importantly, the separate authority and responsibility of the U.S. Environmental Protection Agency to regulate vehicle greenhouse gas emissions under the Clean Air Act is in no manner affected by this legislation as plainly provided for in section 3 of the bill addressing the relationship of H.R. 6 to other laws.

I fought for section 3. I have resisted all efforts to add legislative language requiring "harmonization" of these EPA and NHTSA standards. This language could have required that EPA standards adopted under section 202 of the Clean Air Act reduce only the air pollution emissions that would already result from NHTSA fuel economy standards, effectively making the NHTSA fuel economy standards a national ceiling for the reduction of pollution. Our legislation does not establish a NHTSA ceiling. It does not mention the Clean Air Act, so we certainly do not intend to strip EPA of its wholly separate mandate to protect the public health and welfare from air pollution.

To be clear, Federal standards can avoid inconsistency according to the Supreme Court, while still fulfilling their separate mandates.

ENERGY SAVINGS

Mr. KOHL. Mr. President, I rise today to talk to the chairman of the Energy and Natural Resources Committee about energy savings in Federal buildings in H.R. 6, the Energy Independence and Security Act of 2007.

Along with Senators FEINGOLD, BURR, and CORKER, I offered an amendment to H.R. 6 that would require the Federal Government to procure the most energy-efficient commercial water heating systems in new or renovated Federal buildings. This language was not incorporated into the final version of the legislation we will be voting on today.

I would ask Chairman BINGAMAN if the energy savings in the Federal building sections of H.R. 6 apply to all building systems and technologies, not just lighting?

Mr. BINGAMAN. I thank the Senator for his question. The Energy Independence and Security Act of 2007 requires Federal agencies to reduce their energy consumption by 30 percent by 2015 and includes provisions requiring new and renovated buildings to adopt energy efficient systems and technologies in order to reduce fossil fuel consumption. Federal leadership in building performance and procurement standards in our Federal facilities and in commercial buildings generally is critically important in achieving our energy conservation goals. The energy savings requirements for our Nation's Federal facilities incorporated in the Energy Independence and Security Act of 2007 are intended to apply to all building systems and technologies.

Mr KOHL. I would like to thank the chairman for all of his help on this issue. Chairman BINGAMAN's leadership on energy efficiency and this Energy bill has been invaluable.

Mr. BAUCUS. Mr. President, they say that ADM William "Bull" Halsey, who commanded the Pacific Fleet in World War II, once said:

> There aren't any great men. There are just great challenges that ordinary men like you and me are forced by circumstances to meet.

Today, the circumstances around energy policy provide us another set of challenges. Today, we will see whether we can rise to meet them.

Prices for gasoline, heating oil, electricity, and natural gas have accelerated upward. Since the Senate last considered energy tax legislation in June, oil prices have soared by $30 a barrel. Energy costs have hit working families particularly hard.

Nearly every week, the news reminds us of the fragility of our energy supply, whether it is trouble in South America or Africa or in the Middle East.

As well, people have increasingly acknowledged the challenge presented by the link between energy use and global warming.

To help address these challenges, I am pleased that the Senate will vote today on energy tax incentives designed to promote clean and sustainable energy.

Energy tax policy is not new territory for the Finance Committee. In 2005, the committee designed tax incentives for that year's major Energy bill. And last December, we enacted energy tax provisions as part of the end-of-the-year package.

We are building on that strong foundation today with additional tax incentives. Most of those incentives were approved by a 19 to 5 vote in the Finance Committee this past June.

We did not get 60 votes on the Senate floor in June. But the energy crisis has not subsided. And so we are back here today with an even stronger package of energy tax incentives.

The energy tax proposal before us today continues our commitment to clean energy and renewable fuels. The amendment extends existing tax incentives for solar power, wind power, fuel cells, and energy-efficient homes and buildings. And we provide more than $2 billion for renewable energy bonds.

But we need to go further. And we do in this proposal. We advance three areas critical to our nation's energy future: cellulosic ethanol, hybrid cars, and coal sequestration.

Ethanol made from corn has become familiar territory. Now cellulosic ethanol is the new frontier to explore. This bill proposes a production tax credit of up to $1.00 a gallon for up to 60 million gallons of cellulosic fuel produced from sawgrass, agricultural wastes, and other biomass.

Hybrid cars provide a tremendous opportunity to make our transportation sector cleaner. A high-mileage car with no emissions is territory well worth exploring. Our proposal calls for a new $3,500 credit for plug-in vehicles.

America has vast reserves of coal. But we have concerns about global warming. It is thus imperative that when we use our coal, we need to try to prevent carbon dioxide from escaping into the atmosphere.

Our proposal would provide tax credits for capturing carbon dioxide emitted from industrial use of coal. The proposal also would provide accelerated depreciation for new dedicated pipelines used to transport CO_2 from an industrial source to a geologic formation for permanent disposal. A proposal to encourage the construction of additional refinery capacity is also included.

We do our work in a fiscally responsible way. Lower budget deficits help to keep interest rates low. That helps to make the economy more competitive. Paying as we go may be a tough task. But the proposal contains offsets that are fair and economically sound.

We propose to simplify and improve the tax code by eliminating the distinction between "foreign oil and gas extraction income" and "foreign oil-related income."

We propose to withdraw the tax breaks under section 199 from the large oil companies. There is strong evidence that the boost from section 199 that the Senate envisioned when we enacted the JOBS Act in 2004 has not been realized.

We have heard from the major oil companies. But the majors collected over a half a trillion dollars in profits since 2001, and they are on track to collect up to a trillion dollars in profits over the next 10 years. The Joint Economic Committee has assured us that these provisions will have no affect on consumer prices for gasoline and natural gas in the immediate future.

The proposal before us today drops a severance tax on the production of crude oil and natural gas from the Outer Continental Shelf in the Gulf of Mexico. That severance tax was contained in the Senate Finance Committee-passed bill but is not in the proposal on which we will vote today.

Here is the territory that we are in: Gas prices are well over $3. The price of a barrel of oil is hovering around $90 a barrel. And concern about global warming is growing.

If we do not move forward today, Americans will look back and ask who blocked energy legislation. And they will be astonished. They are not going to understand how good policy designed to address one of the greatest challenges facing our country—some call it a crisis—was blocked by good Senators in December of 2007.

The proposal before us today will address the challenge. It addresses today's energy policy circumstances. So I urge my colleagues to meet the challenge and vote in favor of this sound energy package.

Mr. SPECTER. Mr. President, I seek recognition today to give my reasons for my vote against invoking cloture on H.R. 6, the Energy Independence and Security Act of 2007 which was sent to the Senate from the House of Representatives on December 6, 2007. It is regrettable that certain tactics and maneuvers prevented a formal conference and there was no accommodation for removal of controversial tax provisions which further complicated the negotiations. I am voting against cloture on energy bill, although I support many of the bill's provisions, because key commitments to at least one of my Republican colleagues were reportedly broken. Further, I understand the bill in its present form would likely draw a veto from the President.

I would have preferred a conference report which did not include taxes on the oil and gas industries. Had there been a formal conference, those taxes might well have been left out of the conference report. It has been reported that the oil and gas industries took steps to oppose convening a conference. If so, they bear some responsibility for the inclusion of the taxes which might have been eliminated had there been a conference.

This past summer, I supported the Senate-passed Energy bill, H.R. 6, which would have promoted oil savings by increasing our national average vehicle fuel economy; alleviated dependence on imported oil by increasing requirements for the use of biofuels and advanced biofuels; advanced the prospects for cleanly utilizing our Nation's abundant coal reserves by furthering research, development and demonstration of carbon capture and sequestration technology; and supported a reduction in our demand for energy by creating new efficiency benchmarks for appliances and authorizing research and development grants for more efficient building materials, processes and vehicle technology.

Furthermore, though the Senate did not include a minimum requirement for the amount of electricity generated by renewable sources, I support such a measure as I have done in the past. On June 14, 2007, the Senate voted 56-39 to table an amendment that would have replaced a 15 percent by 2020 renewable energy standard with 20 percent by 2020 using alternative sources including coal and nuclear energy. This amendment was viewed as undermining a "renewable" standard, therefore I opposed the amendment. I am proud that Pennsylvania is leading the way in renewable energy use and development through its Advanced Energy Portfolio Standard which requires that 18 percent of electricity in the Commonwealth be generated from clean and renewable sources by 2020.

While it would have been preferable for the House and Senate to have been able to work in a bicameral, bipartisan manner to produce legislation that includes both stronger automobile efficiency and a renewable portfolio standard, that clearly did not happen in this instance. Therefore, I face a choice between procedural matters I dislike and policies I support. Many of my colleagues and I will oppose this bill based on the process used by the majority and the inclusion of controversial tax offset provisions. Had there been an opportunity for the two Houses and the two parties to come together, as is the common practice in Congress, to craft this important legislation governing our Nation's energy production and use, I am confident we could have come to consensus on these issues and I still believe this to be the case.

This Nation has many challenges meeting today's energy needs, with the price of oil at $100 per barrel, OPEC manipulating the oil markets, and concerns related to the environment including climate change, all of which will be directly addressed by this bill's provisions. Too often in this Congress, we are faced with questionable procedures which have led to this situation of rancor and breakdown of the bicameral process. I urge the leaders of both parties and chambers to work together to improve this regrettable legislative environment and produce a bipartisan Energy bill.

Considering the current veto threat over the bill, it is my hope that after this difficult vote we can amicably move forward to work with our colleagues in the House of Representatives and the President to enact these policy measures which are important for the energy future of the United States.

As I stated in my introduction, I am troubled by reports from a Republican colleague that the legislation sent over by the House breached key commitments. It is difficult to know exactly what commitments were made, which were kept, and which may have been broken in multiple conversations with many parties. Therefore, in the interest of comity and improving the legislative process, I feel constrained to cast my vote against moving to this Energy bill, despite provisions I support.

Mr. McCONNELL. Mr. President, the clock is about to run on the 2007 congressional calendar. Our Democratic colleagues are about to show us once again how we can snatch defeat from the jaws of victory, all because they insist on raising taxes.

This time, the majority was on the verge of a real achievement with a bill that would increase the fuel efficiency standard for the first time in years, increase our use of clean, renewable fuels. They had a major accomplishment in their grasp, so why not take "yes" for an answer?

Unfortunately, as on so many bills, they simply could not bring themselves to take the accomplishment without inserting an enormous tax hike—a tax hike that they knew would doom this legislation, that they knew would never be signed into law.

There should be absolutely no question about who or what is responsible for the failure of this bill. We have been very clear that the twin millstones of the utility rate increases—the RPS provision and the massive tax hikes—would sink the bill. There was no ambiguity about it whatsoever. The majority had a week to remove them, and they took a good step this week when they agreed to remove one of the millstones but, inexplicably, they made the other milestone—the tax hike—even bigger. If the twin milestones were removed, this important bill would pass Congress this week—would pass the Senate in 2 days—and be signed into law.

By voting for this bill as written, it is a vote for a bill that will not become law. Voting for this bill as written is a vote for a bill that will not become law. Worse than that, it is a vote to block the rest of the Energy bill. It is a vote to block historic increases in fuel economy and an increase in renewable fuels.

The majority seems determined to accomplish little this year, and they have helped ensure that with this bill. I believe it is time to quit playing games, get serious, and get rid of the veto bait so this legislation can become law.

Make no mistake, if cloture is invoked with this massive tax hike still attached, it will have killed this bill. The majority will have traded an accomplishment for a tax hike and a veto.

I strongly urge a vote against this $22 billion tax hike by opposing cloture, and I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, my dear friend, the senior Senator from New Mexico, long time chair of the Budget Committee, long time chair of the Energy Committee—and I underline and underscore "my friend"—said a few minutes ago this bill was bad because President Bush doesn't want certain provisions in it, bad because President Bush doesn't want them.

We are the Congress of the United States. We can like things even though the President may not like them. That is our responsibility constitutionally. It is time for this Senate to vote as a third and equal branch of Government and do the right thing for one of the most pressing problems facing America and the world today—energy. "Bad because the President doesn't want them." That is a direct quote.

Without going into all the details, the fact that the President made the worst foreign policy blunder in the history of the country by having Iraq invaded doesn't mean it is good.

The fact that the President vetoed children's health insurance, giving insurance to 10 million children instead of the 4.5 million children, if we are fortunate enough to extend the bill, doesn't make it good because the President doesn't like it.

Global warming, the President doesn't believe it exists and has refused to even acknowledge the words until a few days ago. Does that make it right? No, it doesn't.

The President believes in certain interrogation techniques involving torture. Does that make them right? No.

We, as a Congress, have to stand up and do what we think is right.

Mr. BYRD. Right.

Mr. REID. It is time to stop talking and putting America on a path to a cleaner, safer, and more affordable energy future. The Energy bill originally passed both the House and Senate with strong bipartisan majorities. Democrats and some Republicans agree we must pass this Energy bill for four main reasons: No. 1, we must take action that will help reduce the constantly rising price Americans pay for gasoline.

Mr. BYRD. Right.

Mr. REID. The last time I was in California, I saw one of the marquees, $4 a gallon. In Nevada, everyplace is more than $3 a gallon.

Mr. BYRD. Shame.

Mr. REID. No. 2, we must begin to break our country's addiction to oil. We are addicted to oil. Even President Bush said that. We will use 21 million barrels of oil today. Almost 70 percent of it we import from foreign countries and most are led by tyrannical rulers, despots.

No. 3, we must begin to reverse global warming. It is a crisis caused by our use of fossil fuel.

And No. 4, we must invest in renewable energy. Why? It is good for the environment, and it creates lots of jobs. In Nevada alone, the tax portions of this bill will create thousands of jobs and countless—tens of thousands, hundreds of thousands—jobs throughout America.

Last week, the Republican minority blocked this crucial bipartisan bill from passing. In order to ease these concerns, we have reluctantly removed the renewable electricity standard from the version of the bill now before us. The renewable electricity standard would have required, by the year 2020, 15 percent of our Nation's electricity come from renewable, environmentally sound sources.

That sounds pretty reasonable, 15 percent by the year 2020. We had to take it out. Taking this step would reduce carbon emissions from powerplants by 126 million tons, reduce the cost of natural gas and electricity bills by between $13 billion and $18 billion, and create good, new American jobs.

This is not the last we will hear of the renewable electricity standard. The Senate has passed a similar bill before, and we will do it again. But in the spirit of compromise and in a genuine pursuit of progress, Democrats have reluctantly agreed to remove that important provision from the Energy bill. But that is not all.

We also compromised by making changes to the energy tax title to accommodate the Republican minority. I would have preferred to make these tax credits permanent, certainly longer than 2 years.

Unless my colleagues vote for this bill, they are not doing anything to help the production of electricity in our country by alternative means. They are doing nothing. The great entrepreneurial minds of our country need these tax credits. They need incentives to invest billions of dollars into renewable energy. They cannot do it without these tax credits. If they do not vote for this tax provision of this bill, they are doing nothing to change our addiction to oil. But this compromise will ensure that critical investments in clean and sustainable sources of energy will continue.

We have business people looking at new solar, wind, and geothermal projects, and they will be spurred to action if we help them make their investment worthwhile.

I hope we reach the 60-vote threshold and send this bill to the House and on to the President today. I hope many Republicans will recognize the importance of this bill for their States and their country.

The White House is objecting to our provision requiring major oil and gas companies to part with a few dollars—a few dollars—of their billions of dollars of tax breaks they are scheduled to receive over the next 10 years.

Let's be very clear. Our bill eliminates those tax breaks for these huge oil companies, international oil companies, an industry raking in record profits of half a trillion dollars in the last 6 years. Those are profits. We want to do our tax program so we can invest in clean energy.

Democrats and Republicans alike should agree that even without the renewable electricity standard, we have an energy bill that reduces energy costs, begin to break our addiction to oil, and reverse the threat of global warming. This is still an important, historic bill. I am very happy to support it and ask my colleagues from both sides of the aisle to hear the call of the American people for lower energy costs, less oil consumption and a cleaner environment and send this historic bill to the President.

I have been told there are Senators who have voted for our version of the bill—that is, CAFE and renewable fuels standard—who are considering voting against this bill because the President says he is going to veto this bill. That is not good enough. We have to flex our legislative muscles and do the right thing and not be stampeded because of 1600 Pennsylvania Avenue. Democrats and Republicans have to heed that call. This could be the first step toward an energy revolution that starts in America and ripples throughout the world, but it can only start in the Senate today.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant journal clerk read as follows:

> CLOTURE MOTION
>
> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Reid motion to concur in the House amendment to the Senate amendment to the text with an amendment, with reference to H.R. 6, Energy.
>
> Jeff Bingaman, Barbara Boxer, Ben Nelson, Dick Durbin, Debbie Stabenow, Kent Conrad, Maria Cantwell, Ken Salazar, Tom Carper, Joe Lieberman, Daniel K. Akaka, Daniel K. Inouye, Robert P. Casey, Jr., Mark Pryor, Dianne Feinstein, B.A. Mikulski, Sherrod Brown, Jim Webb.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to concur with an amendment in the House amendment to the Senate amendment to the text of H.R. 6, the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007, shall be brought to a close? The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The yeas and nays resulted—yeas 59, nays 40, as follows:

[Rollcall Vote No. 425 Leg.]

YEAS—59

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Collins
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Grassley
Harkin
Hatch
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Stabenow
Tester
Thune
Webb
Whitehouse
Wyden

NAYS—40

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Gregg
Hagel
Hutchison
Inhofe
Isakson
Kyl
Landrieu
Lott
Martinez
McConnell
Roberts
Sessions
Shelby
Specter
Stevens
Sununu
Vitter
Voinovich
Warner

NOT VOTING—1

McCain

The PRESIDING OFFICER (Mr. NELSON of Nebraska). On this vote, the yeas are 59, the nays are 40. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, this was a good, hard-fought battle. I am disappointed we did not pick up one more vote, but I know how difficult it was for some of my Republican colleagues to vote the way they did, and I admire and appreciate that very much.

We are going to finish this bill today, if at all possible. What we would like to do is go back to the farm bill for a while, and as soon as we get the path forward on this bill, we will come back. My intention is to eliminate the tax title, and we would vote, then, on a piece of legislation that deals with CAFE and deals with renewable fuel.

Now, we, of course, really believe in the tax title, as I indicated in my speech before the vote, and hopefully we can work together to get that done. We all know we need to do renewable fuel, and really in a big way. I hope my friends on both sides of the aisle will work with us very early next year to get this done. It is extremely important.

But everyone should understand, as disappointed as I am and as disappointed as people throughout the country are, what we are going to wind up with is still historic—the first increase in fuel efficiency standards in 32 years. And we have increased them significantly. There has been a push from everybody to change various portions of what we have left, and there may be a little bit of tinkering with some of it but very little of it.

We are going to move forward as quickly as we can today to complete this legislation. If we have to file cloture on the rest of it, we will do that. If we do that, that will mean there will be a cloture vote on Saturday, just so everyone understands. Hopefully, this is the last weekend before we adjourn for the year, so I hope we don't have to do that. I hope we can have people working here together to maybe overcome some of the procedural hurdles we normally have to go through to move this legislation.

Also, we are going to finish the farm bill this week. Today is Thursday, tomorrow is Friday, and the next day is Saturday. We are going to finish the farm bill. I had a conversation earlier this morning with the Democratic manager of the bill, I didn't have a chance to speak to the Republican manager, but we would like to have all voting completed tonight or early—sometime before noon—tomorrow. If that is the case, we have a number of other issues that are extremely important that we want to try to get a handle on before we leave. We need to take a look at the intelligence authorization bill. That is a conference report which has been completed. We also have to do the Defense authorization conference report. We need to complete that.

We have to take a hard look at FISA. It would be in the best interests of the Senate and this country if we could determine what the will of the Senate is on the domestic surveillance program. It expires on February 5. I hope prior to our coming back here in January that we have the Senate's position on that and we send it to the House before we leave here.

Then, finally, it is kind of a moving target, but the spending bill we are going to get from the House—I have spoken to the Republican leader today. We are going to figure a way to go forward on that when we get it from the House. It appears at this time we will get it sometime Tuesday—maybe Monday but probably Tuesday.

Then—there are no secrets here; I wish we could have a few more—we have to do the domestic spending, get that done. Also, as much as it pains me to say this, we have to do something about the supplemental appropriation for the President for the war in Iraq.

Those are the main issues we have. With the little bit of time we have, there are a number of holds we are trying to work our way through. I had a good conversation with Senator COBURN yesterday and he has indicated a willingness to let us move some of those. I hope that in fact is the case. As much as I disagree with Senator COBURN on so many things, I have found him to be an absolute gentleman and someone who is a man of his word. He has different beliefs than I do. He is entitled to those. He does it because it is a matter of principle. That is obvious. From all I know about him, it is not because of political purposes but because it is something he believes in. I came to learn a long time ago that other people's beliefs are as important as mine.

That is the track forward.

FARM, NUTRITION, AND BIOENERGY ACT OF 2007—Continued

Mr. REID. I ask unanimous consent we now move back to the farm bill.

The PRESIDING OFFICER. The farm bill is now pending.

The Republican leader is recognized.

Mr. McCONNELL. Mr. President, let me join the leader indicating there is no reason we should not and we will pass the Energy bill today. Now that it is clear it is not going to be a bill to raise taxes and drive up the price of fuel at the pump, I think there is broad bipartisan support for this bill. This is the way the Senate ought to function, coming together behind those things that are achievable.

The bill, with the changes the majority leader has indicated we are going to make, could be signed by the President and it will be something we could all be proud of.

We also intend to finish the farm bill as rapidly as possible, so I share his goals for today, and tomorrow if need be. I think we should move forward with the farm bill and finish it.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, before the Senator from Nevada leaves, I wish to note first I was very pleased to accept your definition of our relationship—good friends. We are friends. I thank you for that and I want to say that now.

I do want to say to you about the bill we have had a long fight about, and we just finished about as difficult a vote as we have had in a long time, that the bill you are going to send back to the House, this bill up here, with a few alterations and the taxes out, this bill, I guarantee, will get signed and it will become law. It will be the most significant act we can take to reduce our dependence on foreign oil, all by itself. It will get passed, now that we are finished with the hurdles, and you will be the one who will be leading it through the remainder of its journeys and you will be there when, indeed, it becomes the law of the land. It will be the most significant energy act we can do.

It was done by the Committee on Commerce, led by Senator INOUYE and Senator STEVENS. Because they know how to work, they passed it when we could not pass it for years. Now it is ready to go. It is not dead. The vote caused it to stay alive and go down its way to the President for his signature.

I think the Senator's accomplishments in this regard are to be commended. We are going to get a great bill and you will be part of it. I am sorry it is not exactly what you want, and you can rest assured there will be some of us helping you and helping the other side when it comes to the incentives you spoke of in your remarks. Some of us think they are important. We just don't think they belong on this bill and they do not deserve a veto.

I thank the Senator for his kindness as we work this through. I hope we can make a couple of changes that Senator INOUYE thinks are important before the bill is sent to the House.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, my heart is heavy, and I say that seriously, recognizing next year at this time Senator DOMENICI will be in the last few days of his 36-year service in the Congress of the United States. During 25 years of that, I have worked with him. My next year will be 26 years. As partisan as he is and as partisan as I am, we have worked toward meeting the demands of the State of Nevada, heavily involved in the defense of this country for decades, as is the State of New Mexico. In the process of our working together, we have helped the country. The safety and reliability of our nuclear stockpile as it exists today is a result—and I say this in no way to boast but to be factual—of what Senator INOUYE and Senator DOMENICI and I put into effect as members of the Energy and Water Subcommittee on Appropriations. We do not need to dwell on this longer than to say his dedicated service to the country is something I recognize, the people of New Mexico and of our country will recognize for many years to come.

Mr. DOMENICI. I thank the Senator.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, this last vote was a historic vote for America. This was a decision about whether we were going to look to the future to change to an energy policy and a environmental policy consistent with America's best interests. Pitted in that vote were the oil companies, the energy companies of years gone by, and those energy sources for our future. The energy companies of years gone by prevailed.

The irony is that the Republicans, Senator McCONNELL and others, have stood steadfast in protecting the subsidies for the oil companies of America. That is a time-honored tradition in the Senate. Whether you agree with it or not, the Senate, by and large, has been very kind to the oil companies and the oil industry throughout our history. We couldn't have seen a vote they would have been happier with than the last one, because in the last one, the last vote, we suggested that subsidies for oil companies should give way to tax incentives for new sources of energy, sources of energy that are clean, renewable, sustainable, and that vote failed by one vote.

Isn't it ironic, at a time when oil companies in America have enjoyed the highest profit margins in their history, that the Republican argument is we must continue the tax subsidies for those oil companies? Isn't it ironic, at a time when Americans are paying higher and higher prices at the pump for gasoline, while oil companies have the highest profits in their histories, the Republicans argue we should not penalize these oil companies in any way or they will take it out on the consumers? It is a craven political position. It is a position which is devoid of leadership. It is a position which looks to the past instead of to the future.

The future suggests these oil companies should be held accountable like every company. With $90-a-barrel oil, why in the world would they need a Federal subsidy? Why in the world would the Members of the Senate protect that subsidy when these oil companies are enjoying the highest profits in the history of their industry?

I think many of us believe there is a future that is much different. It is a future which most Americans are praying for—when we are less dependent on foreign oil, when we are using energy sources that are kind to the environment, and where we are reducing greenhouse gas emissions that cause climate change and global warming. That is the future. The future just failed by one vote. The past was preserved with those who voted against this last motion.

The oil companies now are celebrating in their boardrooms. Not only do they have the highest profits in history, they continue to have a death grip on this Senate. They continue to be able to muster enough votes to stop us from moving forward with the energy for America's future. It may be a great political victory today for the oil companies, but I will tell you the day is coming, and soon, when the American people will have a voice. In the election in 2008, they can decide whether to elect those political figures who are preserving the past, ignoring the future, or vote for those who want real change.

I think this was a historic vote. To lose by one vote in terms of moving us forward, to say that President Bush—who has his own history in the oil industry—is going to dictate America's energy future, is to condemn us, I am afraid, to a future that is not hopeful. It is a future where this administration, having rejected Kyoto, still stands in lockstep with the oil industry and their view of the world. That has to change. That has to change if our future generations and our children are going to have a liveable world, one where they can cope with the changes in the environment and say that our generation did not let them down. The Senate let them down with this last vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, aren't prices of gasoline high enough? Why would we want to raise the price of gasoline for the American consumer by raising taxes and the costs of doing business on the people who produce oil and gasoline for the American consumer? That is exactly the argument I think we heard from the distinguished assistant majority leader: Taxes are not high enough on domestic producers of oil and gasoline.

I think this vote we had was a very important vote because what we said is we think prices are too high and should not be any higher. We do not believe we ought to depend more and more on imported sources of oil and gas. We believe we ought to produce more domestically, here in the United States.

The kind of arguments we hear from the other side of the aisle so often demonstrate a kind of schizophrenia when it comes to a national energy policy, further burdening those who produce oil and gasoline here domestically and then at the same time railing about the high prices.

Congress can pass laws, Congress can repeal laws, but the one law Congress cannot repeal is the law of supply and demand. One of the ways we are going to find our way to a more reasonably priced gasoline at the pump is if we increase the supply. We know we are in a global competition for oil and gas. That is one of the reasons why the prices continue to go up, because supply is not keeping pace. One of the things we need to do is to take reasonable steps to open areas that are now out of bounds to domestic exploration for these precious natural resources—in an environmentally responsible way, as the modern oil and gas industry is capable of doing. It doesn't do any good to rail against big oil or to try to use any sector of the economy as a political football when it hurts the American consumer and the American people.

I agree with the distinguished Senator from New Mexico that it was important that we defeat this tax increase that would raise the price of gasoline at the pump for the American consumer. Now we can come together and work on another important element of our national energy policy and that is conservation. We need to conserve and to use our natural resources more efficiently. That is what the CAFE provisions of this bill will do. Yes, we need to explore and put money into research and development of renewable fuels to try to find new and more efficient ways to limit our reliance on oil and gasoline.

But in the near term, we know that is going to be part of the puzzle. We need to explore clean nuclear energy as a source of electricity. France produces more than 80 percent of its electricity using nuclear power; for America, it is around 20 percent. We need to get away from the scare tactics and using the energy companies that we are going to have to, in part, rely upon to find our way out of where we are and come up with a comprehensive energy strategy which says, yes, we need to tap into all sources of energy in an environmentally responsible way and a way that will limit carbon production and will help with the issue of climate change at the same time. But we are not going to do it by raising taxes on the domestic oil and gas industry.

I would just point out that the competitors, for most of the people whom the majority wants to add taxes to, are competing with people like Hugo Chavez and Ahmadinejad in Iran, state-owned oil companies that would not be subject to this increase in taxes. So they are literally targeting the domestic producers in a way that will further harm our ability to become less dependent on imported oil and gas.

I am proud of the vote the Senate had today. I hope we will go forward and come up with a commonsense, bipartisan resolution on the CAFE and renewable standards portion of this bill, that we will pass the bill and send it to the President for a quick signature. It would be one of the very few areas where this Congress will have actually done something positive here in the last year, and I think we ought to not give up that opportunity but take advantage of it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, sometimes here in the Senate we have so many competing views and so many different kinds of votes, some of them procedural, that it is hard to tell when something good happens. I wish to talk about such an opportunity that we have right now. This is a little bit like something my late friend Alex Haley used to say: "Find the good and praise it."

We are on a path in the Congress now to do something the Senate did a few weeks ago, which was to take a step that our country's largest energy laboratory, the Oak Ridge National Laboratory, has testified before our committees would be the single most important step we could take to reduce our dependance on foreign oil. By reducing our dependance on foreign oil, we would do something that we could actually honestly say would help to lower the $3-a-gallon gasoline price over time, something that we could honestly say would help deal with the urgent issue of climate change, something that we could honestly say would put us on a different path toward clean energy in this country. And those are the new fuel efficiency standards.

There is a clear consensus in this body—I gather in the House of Representatives, too—that for the first time in more than two decades, the Congress should say to everyone who makes cars and trucks in this country: You have to make cleaner cars; these cars have to use less oil one way or the other. We are not really saying to them, or at least I do not think we should say exactly how they achieve that; we are just saying that by the year 2020 the cars and the trucks have to average 35 miles per gallon. This is a big step.

As I said, the Oak Ridge Laboratory testified in the Environment and Public Works Committee, this is the single most important step the Congress can take to reduce our dependance on foreign oil. We have already voted to do it in the Senate, and we have already voted to do it in the House, and we had a vote today to strip away the taxes that the Senator from Texas just talked about. So we are on a path, a clear path to send this bill back to the House and then to the President and, before the first of the year, to take the most important step we can take to reduce our dependance on foreign oil.

There is a lot of talk and genuine concern about climate change. There is not as much commonsense talk about solutions.

On the electricity side, we know what works, and we began, in 2005 with the Energy bill, to take those steps. That bill could have been called—should have been called—a clean energy bill because it started with aggressive steps on conservation and then it went to a renaissance of nuclear power.

The inconvenient truth on solutions to climate change is that conservation and nuclear power are the only way we will be able to deal with climate change in this generation. We hope we will be able to move ahead to sequester the carbon from coal, but we do not have that technology yet in a way that it can be used in a wholesale way. We hope there will be solar thermal powerplants such as the one being built in California, and we hope photovoltaic solar panels will cost less and people can use them on their houses, but those renewable ways to create electricity only produce a very small percentage of what we need. So in this generation, on the electricity side, conservation and nuclear power, which today produces 80 percent of all of our carbon-free electricity, are the real ways to deal with climate change, and in our part of the country, in the Smoky Mountains of Tennessee, the real way to make the air clean.

In the same way, on the fuel side in this country that uses about 25 percent of all of the oil and gas, the single most important thing we can do is what we have already voted for once in this body, the House has voted for once, and if they take this bill and send it on to the President, the Congress will have done it; it will be fuel efficiency standards that say to everyone who makes and sells cars here: Your cars and trucks have to average 35 miles per gallon by the year 2020.

So in the midst of all of the procedural votes and debating these genuinely held differences of opinion, I simply want to put a spotlight on the fact that this Congress is poised to send to the President the most important thing we can do to lower prices, to reduce the dependance on foreign oil, and to deal with the climate change. It is the kind of result, the kind of bipartisan result that most Americans would like to see happen here. They know we have our differences. We will be back and forth on our votes. That is what we are here for. The tough issues come to the Senate. That is why we are a debating society. But in the end, we do not come here just to state our principles; we come here to get principled solutions. We are on our way to one of the most important principled solutions we can have in terms of energy efficiency.

I congratulate the Senators who have been so much involved in this. I hope we will pass the legislation that the Senator has promised, the majority leader has promised to produce here. I hope the House of Representatives will pass it, as well, and send it to the President. I hope that over Christmastime, Americans will look at this Congress and say: Good for you on energy independence, on climate change, on cleaner air, on reducing our dependance on foreign oil. You took the most important step you could take, and that is what we think a Congress ought to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, let me join with the Senator from Tennessee in applauding an action that ultimately now will be taken by the Senate and therefore by the Congress to add substantially to an energy policy in this country that begins us down the road in a long march toward a higher degree of energy independence.

I have been in the Congress 27 years. I have always supported, up until this year, leaving CAFE or fleet standards for efficiency alone.

I got here in 1980. We had just come out of the 1970s oil crisis. We had put policy in place that was helping transform the automobile industry in our country to a more efficient fleet average. But over the course of the last 5 years, I have seen it become increasingly important that we focus on every aspect of energy in our country.

I used to be somewhat selective in what ought to be produced versus what ought not be, where we ought to put our incentives, where we ought to put our tax dollars to improve availability in the marketplace. But it became increasingly obvious to me that just a few miles per gallon per automobile in this country could make all the difference in the world.

We now import $1 billion a day in oil, approximately; $360 billion of America's money goes overseas to foreign nations which are, at best, indifferent to our interests, and at worst, using the term that I call "petronationalism," use the power of their energy not only to squeeze us, but then they take that money and reinvest in our country or invest somewhere else, in many instances not in our interests.

I have always been frustrated that a great nation such as ours could not move toward energy independence, could not set as a goal that by a certain time our country could and would become energy independent in all sectors if we did the following things and if we began to drive public policy in that direction. So this spring, Senator BYRON DORGAN of North Dakota and I did something I had never done before: We introduced legislation for a mandatory 4-percent change in fleet efficiencies on an annual basis. Well, you would have thought the roof caved in.

The automobile industry came to me wringing their hands and saying: We simply cannot do that. You have always been with us.

I said: Yes, that is right. In 27 years, I have not changed, frankly, and in 27 years you have not changed, and it is time we do change a little bit.

Now there are a lot of new efficiencies coming on out there, from hybrids to flex vehicles, and hopefully we are going to see a hydrogen fuel cell car on the market in a very short period of time that will begin to move its way in the market. So the automobile industry deserves a lot of credit for beginning to recognize the need to change what we use to drive America's transportation fleet.

But the opportunity to change the industry, to cause them to move down that road in a discernable and a direct way because it is the public policy of this country, is something I decided to become a part of. I believe it was with the introduction of that bill, with Senator DORGAN and I working together, that we got those kinds of things out of the Commerce Committee and into the Energy bill that passed the Senate. And that was a strong energy bill. It had all of the right blends and mixes in it to begin to create a cleaner energy consumptive world for us and at the same time a more independent and a more efficient world.

Today's vote was critical. We are going to send an energy bill to the President in relatively short order, I hope, that has a lot of those things in it and that causes America's transportation fleet to move in the right direction.

Mr. President, $3 dollars a gallon for gas is coming out of the hip pockets of moms and dads in this country today, and if that pace continues to go up, it is going to do more to change—I think in a negative way—the American economy than anything we have seen. We ought to be all about helping the average American change that equation, and I think efficiencies do that. Conservation is critical as a component of a total energy package because that which you save you do not have to produce. Just a couple of miles to the gallon across America's transportation fleet is millions and millions of barrels of oil. That is what we ought to be about. It will be a cleaner fleet and a fleet that will produce less carbon into the atmosphere.

All of us are concerned about greenhouse gasses and climate change, and efficiencies and new technologies, in my opinion, are the best direction to lead us to accomplish a cleaner world, and today a critical vote occurred that will allow us to do that.

AMENDMENT NO. 3666

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I rise to speak on amendment No. 3666, which we will have a vote on at some point later in the day.

This amendment to the farm bill addresses manipulation in the livestock industry. We have had consolidation in agribusiness over the last many decades. In the meat packer industry, for example, there are four major meat packers that control 80 percent of the market in the United States. Being big is not necessarily bad, but it can allow companies to manipulate and control the marketplace. We all know a monopolistic and controlled marketplace doesn't benefit anybody. Without competition, without that free market, we put our cow/calf producers at risk.

The meat-packing companies have the past because of packer ownership manipulated forward contracting and pressure on producers to distort the supply and demand, maximizing their profits often at the expense of the cow/calf producer. The producer ends up being price taker and not price maker due to manipulation of the marketplace and restriction of the free market we all expect in the cattle industry.

Way back in about 1921, this Government had the foresight to realize the free market system was a good one and that it wasn't working quite right, even with the antitrust laws which were deemed inadequate. So they passed an act called the Packers and Stockyards Act. That act has worked pretty well over the many decades since 1921. Unfortunately, court decisions recently misinterpreted the intention of the act.

Back in 2005, a lawsuit was brought forward by a handful of livestock producers. This lawsuit claimed market manipulation by the meat-packing industry, thereby artificially lowering the price the cow/calf producer would get for their cattle. A jury awarded $1.28 billion in damages. Some time later, three judges decided to rewrite the Packers and Stockyards Act instead of interpreting it. They overturned the decision based on a legitimate business reason.

Amendment No. 3666 once again clarifies the Packers and Stockyards Act to its original intent, reintroducing competition into the marketplace, helping maintain a level and competitive playing field between widely dispersed cattle producers throughout the country and highly concentrated meat packers.

I don't think there is a person in this body who doesn't think the free market system is a good one. Currently, what we have in the meat-packing industry is four companies that control 80 percent of the marketplace. The CEOs of these four companies could go out on the golf course and determine how they are going to manipulate the marketplace. We need to make sure as a government we have protection in place for our family ranchers. That is what this amendment will accomplish. It will reinstate the Packers and Stockyards Act to its original form which worked so well for so many years.

We have 170 groups in favor of this amendment. There is going to be some groups that oppose it. The truth is, if we want to have a vibrant cow/calf producer environment and economy, we need to pass the amendment. We need to make sure they have every market advantage they deserve. It is tough enough on the farm and on the ranch to make a living. Right now in Montana, I didn't check the weather this morning, but it is probably a heck of a lot colder than it is here. In some places in Montana, because of drought, they are out feeding cattle right now. They are doing an honest day's work, and they should get an honest day's pay. When you have monopolization in the marketplace, it takes away the ability to get an honest day's pay for an honest day's work. This amendment is going to help the folks in Montana where agriculture is the No. 1 industry and the No. 1 issue. If we are going to keep this industry vibrant, we need to pass this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I yield 15 minutes to the Senator from Kansas, Mr. ROBERTS.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. I thank my distinguished colleague for yielding me time.

I rise to speak in opposition to the amendment offered by my distinguished colleague from Montana. Despite the fact our Nation enjoys but apparently some do not appreciate the fact that production agriculture does provide the best quality food at the lowest price in the history of the world to feed not only America but the world's hungry, we have heard repeated calls for reform—and I know my colleague thinks his amendment falls into that category—of farm programs. While targeted and pertinent reform is certainly needed and this farm bill does take major steps forward in answering those calls, it seems to me we must be cautious of what lurks under the banner of reform. We must be mindful of the unintended consequences of our actions, and nowhere in this bill is that more evident than in the livestock title.

I represent a State where cattle outnumber people more than two-to-one. I have always said, usually they are in a better mood, especially with the weather we have been having. Cattle represented 61 percent of the agricultural cash receipts by generating over $6 billion in 2005; obviously more in 2006. I tell you this so you understand when I say the livestock industry is vital to Kansas and, I know, other States that are represented very ably in the Senate and to our national economy and our livelihoods. The underlying bill expands the scope of the Agricultural Fair Practices Act and the Packers and Stockyards Act. But these expansions will have major implications on the industry, and we must proceed with caution.

In the livestock hearing held in April, witnesses referenced a study which showed alternative marketing arrangements account for only 38 percent of the transactions in the fed cattle market. The cash market is responsible for 62 percent. Only 4.5 percent of transactions went through forward contracts and 5 percent through packer ownership. More importantly, this study concluded that alternative marketing agreements do benefit all segments of the cattle industry. It is through these marketing agreements that consumers are able to buy specialized products such as Certified Angus or Ranchers Reserve, or all-natural products.

Competition issues are nothing new to this body. I agree our producers need to be able to compete in today's markets. I share the concern of the Senator from Montana in this regard. It is the role of the Government to protect producers from unfair practices and monopolies. I understand the calls from some for increased Government involvement. At the same time, we must take careful steps to ensure that in any action we might take, we do not suffer from the law of unintended consequences and risk the significant gains the livestock industry has experienced to meet our consumers' needs. Regardless of the Senator's intent—I don't question that—I am concerned this amendment does that.

This amendment takes away a business's ability to make decisions freely. Let me lay out a scenario I think can be fully understood. Let's say you are a producer who has developed a program that produces a higher quality product than I, another producer, and both of us are trying to sell our product to the same packer. If the packer picks you, not me, or any other producer to fill the contract because your product does perform better or meets the demands of the customer, under this amendment, I can bring a lawsuit for that or that other producer can bring a lawsuit against the packer, even though they were making a decision based on sound business principles. The language is as clear as day in this amendment, "regardless of any alleged business justification." Certainly, a packer can defend their cattle buying choices as a business justification.

This amendment would allow lawsuits to be filed regardless of this business justification. This amendment will result in all producers being treated the same—sounds good—regardless of how efficient or inefficient their operation may be and regardless of the quality of product they produce.

I know it would be easy, maybe nostalgic, maybe something we would want to do as we are sitting around having a cup of coffee, to return to the production days of 20 or 30 years ago. The market has changed dramatically. Production today is more efficient because of consumer demands. In this regard, the consumer is king. They want specialized products. They want all-natural beef. They want Certified Angus. They want U.S. premium beef or many other products that are produced under specified standards that meet a higher quality. Thankfully, the entire livestock industry, from growers to feeders to packers to retailers, has made great strides in recent years to meet the demands of the marketplace. I am concerned this amendment puts all these consumer, market-driven products and investment at risk. This amendment does discourage innovation in the industry. Our producers would receive no premiums for adding value to their products. Why would anyone invest additional resources into their production system if they were not allowed to receive a return on their investment? This amendment, combined with the language in the underlying bill, will spur lawsuit after lawsuit and stifle innovation. This amendment does remove choices from producers and from processors and consumers.

I urge my colleagues to oppose it.

The PRESIDING OFFICER. Who yields time?

The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I believe my colleague had 15 minutes yielded to him. I ask unanimous consent to use the remainder of his time to speak on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. May I inquire how much time remains?

The PRESIDING OFFICER. There is 8½ minutes.

Mr. BROWNBACK. Mr. President, I join my colleague from Kansas in opposition to the Tester amendment. I appreciate my colleague from Montana offering this amendment. I respect his background and knowledge. He has worked in this field. He has lived this. He is living it in his own operation in Montana. I have a lot of respect for that and for what he is targeting. I have spent all my life in the agricultural business. I was raised on a farm, have undergraduate degrees in agriculture. I was Secretary of Agriculture in Kansas. I have worked on these issues a long time. We have all wanted to get more money in agriculture and keep more family farms operating. That is everybody's desire. I believe that is the desire and intent of this amendment.

However, in my State in Kansas, as my colleague has described, this is going to hurt family farm operations, and it will hurt people who are trying to get more money in their operation from the marketplace. I would like to briefly describe one example I recently experienced, an operation of a small family feed yard that does operate for a number of different individuals in the eastern part of Kansas. It is the Knight Feedlot. They have been operating for quite a few years in Lyons, KS. They have an innovative program. It is an alternative marketing program. They raise hormone-free, antibiotic-free cattle. They sell the meat directly from this feed yard into premium grocery stores in Connecticut and New York. It is the sort of thing many of us have been talking about. Let's get the producer closer to the consumer and sell the product they want. This is hormone-free, antibiotic-free beef. Anybody in this room who has raised cattle knows that if you are going to go hormone free and antibiotic free, you have increased your risk and the cost of your operation substantially to meet that consumer need. These guys are doing that. Any animal that gets sick, they have to pull out of the program because they have to keep the animal alive. To do it, they are going to use antibiotics, so the animal is out of the program when that takes place. It winnows down fairly fast. When you get weather fluctuations such as are taking place now, you get more problems and more animals out of the program.

But eventually, because of a contractual operation they have with a packer—because these are feeders, they are not packers—they are able to get their animals identified through the system, they are able to get the packer to deliver that meat to the counter in Connecticut and New York, because my Kansas feeders are not lined up to do that, they have a contractual arrangement to do that, and, as a result, they are able to get a substantial premium for their beef.

The consumer in Connecticut and New York can see who produces it, and the pictures of Kenny and Mark Knight are by the display counter on the beef case in these stores. They have been there, and they have been there to sell their beef. It works. It works for them, and they get a substantial premium for this beef. The consumer likes it, and they like seeing who has produced their beef.

That operation would be illegal under the direction of this amendment. I believe this amendment would generate lawsuits against that very type of operation.

I respect my colleague from Montana and his efforts to preserve the family farm operation—family farm operations like what my parents have and my brother is on. This amendment is not the way. It is micromanagement from here. One of the things I have certainly seen is you cannot micromanage America, and you should not try. The best is to set up fair playing rules. We have rules in this system. But we should not punish people who are trying to innovate to get more money for their producers in innovative fashions and using alternate marketing means and being successful at it.

The Knights had to invest a substantial amount of money to get this arrangement set. They had to hire somebody to do the marketing. They had to hire somebody and get enough cattle to be able to enter into a contractual arrangement with the packer to keep these cattle identified and keep them identified to be able to deliver to the consumers in Connecticut and New York. Without that, they are not packers, they cannot do this. This amendment would hurt their operation. As a matter of fact, it would make it illegal and bring lawsuits against it.

I urge my colleagues to vote against this amendment on a number of grounds: No. 1, it prohibits innovation, and No. 2, it really tries to micromanage something we should not try to micromanage. It is going to hurt my Kansas feeders.

For all those reasons, I urge opposition to the Tester amendment.

I yield the floor and reserve the remainder of the time, if there is any on our side on this.

The PRESIDING OFFICER (Mr. BROWN). Who yields time?

Mr. CRAIG. Mr. President, may I make an inquiry?

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Are there any more who wish to debate the Tester amendment prior to us moving to—

Mr. TESTER. Yes.

Mr. CRAIG. All right.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. TESTER. Mr. President, first of all, I want to thank the good Senators from Kansas for their comments. I, too, respect your opinion. I ask that you pay careful attention to what I am about to say. I am actually in the specialty crop business personally. It has been well documented, I raise organic crops. I do not raise organic beef, but I am around people who raise organic beef and market it freely. They will be able to continue to market it freely with the adoption of this amendment. So the folks, the Knights you talked about, in Kansas are still going to be able to market their hormone-free beef.

It speaks specifically in the Packers and Stockyards Act about restraining commerce and creating a monopoly. They cannot have an alleged business justification to do that. When you are adding value to a product, you are increasing the value. When you are raising specialty crops or you are specializing in grass-fed beef or specializing in hormone-fed beef or antibiotic-fed beef, you still have access to those premium prices.

What the Packers and Stockyards Act does is it protects the cattle producers and those feeders you talked about. It allows them to stay in business, to be able to get that premium price. What this amendment does is protects them from those four packers—who control 80 percent of the country's meat supply; and it could be fewer than that next year controlling 80 percent of the meat supply if they buy one another out—it protects them from those four packers setting prices by using an alleged business justification to create a monopoly or restrain the commerce around the meatpacking industry.

It is critically important that you know that the unintended consequences you talk about are not going to exist with this amendment. Those unintended consequences are simply not there. What this amendment will do is it will reinstate the free market system in our cattle industry.

The point I made earlier, in my opening statement, is where you can literally have four CEOs of four companies that control 80 percent of the meatpacking industry be able to manipulate forward contracts, be able to manipulate the transactions within their business, and put on a business justification for it, and now all of a sudden it is OK under the Packers and Stockyards Act. That simply is not right. We ought not go encouraging monopolization anywhere, much less in agriculture that puts our producers at risk to driving them off the ranches in this country.

In Montana, we have about four times as many cattle as we do people, I believe. It is a big issue. Premiums are still going to be there. Specialized beef is still going to be there. The ability to add value to our meat products is still going to be there for them to get the price they deserve for it. What this will stop is the meatpackers from—and I read right straight from the Packers and Stockyards Act—restraining commerce, creating a monopoly, regardless of any alleged business justification.

Next paragraph: restraining commerce, regardless of any alleged business justification.

The last time I heard, the last time I checked, if you are getting paid a premium, you are not restraining commerce, you are promoting commerce.

And it goes on: to manipulate or control prices regardless of any alleged business justification.

There are no boogeymen in these amendments, folks. This is a good amendment. We dealt with an amendment yesterday that talked about producers and the kind of pressures they are under and the mental health aspects that impact farmers and ranchers when they are put under financial pressures. I believe we adopted that amendment.

The fact is, if you want to help farmers' and ranchers' success, adopt this amendment. It will make them more financially vibrant.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, how much time remains?

The PRESIDING OFFICER. The sponsor of the amendment has 19 minutes, and there is 17 minutes for the opposition.

Mr. HARKIN. We have 19 minutes?

The PRESIDING OFFICER. The sponsor has 19 minutes; the opposition has 17 minutes.

Mr. HARKIN. Mr. President, I ask the Senator, will he yield me 4 or 5 minutes?

Mr. TESTER. You bet.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I rise in support of the amendment offered by the Senator from Montana. I am a cosponsor of the amendment.

First, I will just make an observation. In this body, out of 100 Senators, we have 2 bona fide farmers, one on the Republican side, my colleague from Iowa, Senator GRASSLEY, and one on our side, the Senator from Montana, Mr. TESTER. These are people who actually do farm—not just own a farm, but they actually do farm. So when I hear them talk about things in agriculture, I give a lot of weight to it, not that they are always right, obviously. They would not claim that, I am sure. But you have to give some weight to their arguments, especially when they are making it on behalf of farmers.

So when this amendment was first offered by the Senator from Montana, I began to look at it and consider it because I, too, had thought about the issues raised by the Senators from Kansas about whether it would be restrictive of a packer who wanted to provide premiums. I think he maybe mentioned an Angus cut or a cowboy cut, Black Angus bone-in rib eye, those that have premiums.

So I was concerned. I asked my staff: Let's look at this and make sure we are OK on this. I think the way the amendment is drafted does, in fact, allow those kinds of contracts to be made because they are not manipulative of a marketplace.

What the Tester amendment really goes to, I think—and I think it is clear in the way it is drafted—it goes to the packers who, let's say, might engage in collusive practices that would, in fact, depress the market price on a certain day or during a certain time and then claim they have a pro-business reason for doing so.

I have not seen a business yet, in case after case—where they have colluded or where there has been some dealings—where they have not said, well, it is better for their business. Of course, if they can increase their profits, it is always better for their business, but increasing their profits at what expense? At the expense of a farmer who is relying upon the livestock market.

So I think the amendment is one that really gets to the heart of the case, the Pickett case. We all know about the Pickett case. I think the Eleventh Circuit Court of Appeals really went riding off the range. I do not know where they came up with some of their thoughts on that. It is not the first time that the courts have gotten off course.

The Packers and Stockyards Act was enacted to protect producers from packers. That was the intent, and it has been the intent ever since, to protect producers from packers. It was never intended to be some bill to ensure that packers are competitive or that they are competitive with other packers. That was never the intent of the Packers and Stockyards Act. It is to protect producers from packers to make sure there is as level a playing field as possible out there for the market to work.

Markets: many buyers, many sellers—that is how a market works. If you have many buyers and one seller, no market. If you have one buyer and many sellers, no market. You have to have many buyers and many sellers for the market to work. That is what the Packers and Stockyards Act aims to protect.

So, again, the amendment is not in any way intended to infringe upon contracts or forward contracts or the kinds of contracts that were mentioned in terms of giving premium prices for different kinds of meat produced. It was never intended—I know the Senator talked about the law of unintended consequences, but, again, I think the amendment is clear. The intent is to ensure anti-competitive practices in the marketplace are not allowed—are not allowed—regardless of a business justification.

So, again, right now I think we have a case where the packers—I know a lot of them—I would like to say the ones I know are honest and above board, and they are. But that does not mean they all are. When it comes to making a profit here, maybe dealing something on the side. Eventually they will think they have a green light to engage in collusive practices to manipulate the market, and all you have to do is go into court and say: Business justification. What is the business justification? I made more money. I made more money. But at whose expense? At whose expense?

That is why this amendment is so important. I think it is important we shine a light and at least clarify for our producers that the Eleventh Circuit Court's opinion on this is not the law of the land. We decide the law, not the Eleventh Circuit Court of Appeals.

Mr. HARKIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I rise today in opposition to this amendment.

I, too, have great deference to those folks who till the soil and produce products that we all enjoy as consumers from an agricultural perspective. I am not a farmer, but I am a lawyer. I have read laws all my life. Frankly, all you have to do is read this amendment to realize that the amendment would prevent businesses from using legitimate business justifications as a defense against claims of unlawful practices under the Packers and Stockyards Act.

I would simply go to the first page, section 2, where it says on page 1232 that we are going to strike the clause regardless of any business justification. This clearly is a determination that should be left to the discretion of the U.S. courts and not summarily decided in advance by Congress.

A business should be able to offer as a defense that their actions were done legitimately as a means of conducting business. The court has the option to examine this defense and gauge it against those practices deemed unlawful under the Packers and Stockyards Act.

If a producer believes a packer has conspired to create a monopoly, he has a right to sue that packer. What if the packer's decision was made not as an effort to create a monopoly but as an effort to secure higher quality cattle from a consistent supplier? The courts simply must have the discretion to make this determination.

Including language in the Packers and Stockyards Act that enumerates unlawful practices and adds the phrase "regardless of any alleged business justification" is simply prejudicial against American businesses.

I am sympathetic to producers who are concerned about their evolving role in the livestock marketplace, but this amendment is overreaching and will inject uncertainty into legitimate business decisions.

Let's not attempt to stack the deck on behalf of one party over another. We should allow the courts all due discretion in determining if the actions of American businesses are justified under the Packers and Stockyards Act.

I urge my colleagues to vote against this amendment.

Mr. President, I am happy to yield to the Senator from Kansas, Mr. BROWNBACK.

Mr. BROWNBACK. Mr. President, how much time remains in opposition?

The PRESIDING OFFICER. The opposition has 15 minutes remaining.

Mr. BROWNBACK. Mr. President, I wish to use 5 minutes of that time.

I respect those who do farm. My dad does, and I have a lot of respect for him. I have a brother who farms as well, and it is tough. It is a hard life.

I went to law school, and in my background I taught agricultural law. I have written two books on it, if anybody is interested. I don't think they are still for sale because they never sold very well.

But my point in saying that is one of the key things which is always talked about in agriculture is the Packers and Stockyards Act. It was developed back in the 1920s and 1930s because of this imbalance that was developing and was really heightened at that point in time even more so than today between the packers and producers. There were a lot more producers that were a lot smaller at that point in time and taken advantage of by packers. It was a very unscrupulous setting, and they passed the Packers and Stockyards Act. It was a very important piece of legislation, particularly in farm country, and it did have a substantial impact and continues to have a substantial impact today.

The situation today is different than it was back then. What you have now are a number of producers that are, in many cases, of a larger scale and trying to get closer to the consumer. You have small producers as well, such as my family, who are small producers and who often will link up with bigger sized producers and feed yards to try to get more money for their cattle. Everybody is trying to get more money for their cattle, and that is what I want to take place: more money for the producer for the cattle.

Unfortunately, because of the way this is drafted and because of being a lawyer and being somebody in the agricultural industry—and you are taking away: regardless of any alleged business justification. So my family says we are going to try this hormone-free, antibiotic-free beef, but we have to pool together at a feed yard that is big enough to negotiate with the packers to do this, and so they do that. We have 1,000 head of cattle from everybody—all 20 or more people who are doing this—and then they are going to market it directly on forward. That is a business justification to pay my family more for their cattle. That is a business justification for them to do it.

But we have taken it right out of here. We have said: regardless of any alleged business justification.

So, now, while my family is trying to move with this packer group through the feed yard to get closer to the consumer to take advantage of this, which is a business justification, this says, no, you can't assume that in the Packers and Stockyards Act. So somebody on the other side of this, or somebody just wanting to be ornery about it says: Look, you can't do that. You can't do it. It is right here.

I know the author's intent is not that intent. I also am a lawyer. This is something you can do under this draft of it. I appreciate the sentiment with which this is made. I appreciate the history of the Packers and Stockyards Act. It has been important. It remains important today. This isn't the way to get at this. This is going to cause people to have to go back to a generic marketplace for beef. You can say: Well, I am fine with a generic marketplace for beef—most people are—but there are a lot of people who like specialty beef. That is where the producer gets in and gets a bigger slice of the pie is when he goes at the narrow marketplace for a specialty-type product and segments his marketplace. This, I honestly believe, is going to cut off these types of arrangements for farm families in my State, and I believe a lot of other places, to be able to get into them.

I understand the intent. I look at it on the surface, and we could probably say good idea, but this is something whereby lawyers who practice in this field are going to see a real opportunity to shut something off, and I think there are plenty of people who are desirous of doing something like that. I would urge my colleagues to vote against this amendment.

I retain the remainder of our time.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. Would the Senator from Montana yield me some time, please?

Mr. TESTER. Yes.

Mr. GRASSLEY. Why don't you say how much I can have.

Mr. TESTER. How much do you want?

Mr. GRASSLEY. I would like to have 5 minutes.

Mr. TESTER. I yield 5 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 5 minutes.

Mr. GRASSLEY. Mr. President, what the Senator from Montana is trying to do has to be done if we are going to have justice for the family farmer. We have been involved in suits regarding the packing houses for 20 years. I remember when I first came to Congress, we were trying to overturn the Illinois Brick case because it stood in the way of the family farmer getting justice in business. So you end up fighting the National Manufacturers Association and the U.S. Chamber of Commerce to bring justice to family farmers.

Finally, in a lawsuit down in Alabama, we get a jury who says the family farmer is right, but you get a judge who overrules the jury.

Now, I want to speak about not just this particular case, because Senator TESTER is doing that, but I hope everybody in this Senate remembers that on several different occasions, everybody in the food chain beyond the farmer's gate was lining up against the farmer. I will cite just a recent example in regard to food and fuel and the ethanol issue and corn going to $4 and the price of food going up and every farmer getting blamed for it. Every person in the food chain outside of the farmer's gate was involved in that conspiracy that had nothing to do with the price of food rising, but the family farmer got blamed for it when food went to $4—or when corn went to $4. But when the price of corn went down to $2.85, I didn't see the price of food go down. But the conspiracy exists.

This court case and this judge and this ruling on the Packers and Stockyards Act is contributing to that conspiracy. We need to get behind it and get some justice for the family farmer.

Now, if you want to know why there is a justification in doing what we are doing, all you have to do is go to a statement that a CEO of a major corporation made a few years ago—a little bit unrelated to this, but somewhat related to it—which is: Why do slaughterhouses and packing companies own livestock? We own livestock, the answer was, in a very candid way; we own livestock because when prices are high, we kill our own, and when prices are low, we buy from the farmer.

What we need is a marketplace that has a great deal of transparency. We fight, trying to get information on sales from these packing companies under price discovery. We pass legislation to make price discovery real. Then we get regulations from the U.S. Department of Agriculture—we get regulations from the U.S. Department of Agriculture to the extent that we do not meet the goals of the legislation, and we don't get as much information under the regulations of the Department.

I had a staff person who just wanted to go back to Iowa and work for the

Department of Agriculture. He is going to work for the Packers and Stockyards Act. I said to him: You know, you want to go there because you don't want to do anything, because they don't do anything to help the family farmer. I didn't change his mind. He is still there working, and I hope he is doing a good job. He knows how I feel about it. Maybe he will actually get something done.

But we have to get rid of this attitude that you are going to let everybody beyond the farmer's gate gang up on the farmers, particularly when there is a court case where the jury is giving justice to the farmers.

We have to pass this amendment so we get justice for the family farmer.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CHAMBLISS. Mr. President, can I inquire as to how much time is remaining?

The PRESIDING OFFICER. The supporters of the amendment have 7 minutes 30 seconds; the opponents have 10 minutes 40 seconds.

Mr. CHAMBLISS. I yield 5 minutes to the Senator from Kansas, Mr. ROBERTS.

Mr. ROBERTS. Mr. President, let me say to my good friend from Iowa who is shaking the hand of my good friend from Montana that justice and conspiracy are in the eyes of the beholder. I thank him for his feeling for agriculture and his passion for all of agriculture and all that he represents. He is an outstanding champion of agriculture. However, in this particular case, I don't agree.

I am going to use an example. Instead of cattle, I am going to use hogs. If producer A contracts with five neighboring producers to supply his contract with packer A, but he decides he only wants to buy from neighbor 1 and 2 because the others are currently having animal health issues, as referenced by my distinguished colleague from Kansas, the others are having these health issues impacting that producer A's performance and pricing. Neighbors 3 and 4 and 5 under this amendment can sue producer A because—yes, they have been injured because they are no longer selling hogs to producer A. So producer A's business defense is that animal disease issues in the barns of neighbors 3, 4, and 5 are producing weak performers, and he made a business decision to not buy from them.

The Tester amendment simply takes away that defense. This is hogs, not cattle. So producer A will lose and have to pay damages and attorney's fees. I don't think that is the road we want to go down.

Now, 20 years ago the beef industry lost market share. There have been a lot of studies as to why. Many livestock associations, State by State by State, knew they were losing market share while producing what is now defined as a generic commodity. Through innovation and management of genetics, premium products have been developed, and the consumer has responded. I mentioned the variety of products the consumers wish to buy and do buy. To return to this market scenario of 20 years will be a loss to consumers, a loss to producers, and, quite frankly, I am going to warn, there will be a movement to increase imports to meet these demands. If, in fact, this packer cannot get this particular product for a consumer demand and we have a generic commodity and we will not produce that, he will go overseas. He will ask for beef imports. That will be one of the laws of unintended effects.

I urge the defeat of the Tester amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Montana is recognized.

Mr. TESTER. Mr. President, I thank the Senators from Kansas for their time. I appreciate a good discussion on the amendment. If they would not have come to the floor, we would not have had this good discussion. I also thank Senators GRASSLEY and HARKIN for cosponsoring this amendment. I particularly thank Senator HARKIN for his comments on the floor, and also Senator GRASSLEY for his comments.

Senator GRASSLEY and I are arguably the two folks in the Senate who are in production agriculture. I am very proud of that fact personally. I know Senator GRASSLEY is, too. I know everybody in this body wants to make sure that people in production agriculture get a fair shake—not over and above what they deserve but a fair shake. That is what the farmers want and what this bill is supposed to be about.

In this body, we all know you can only make good decisions if you have good information. We also know if you take just three words—and I will admit this is called the "no justification amendment." But if you take those three words and set aside all of the other words around it, they don't mean a heck of a lot. You can interpret them to mean anything you want. I am not an attorney. I respect those in this body who are and folks around this country who are. But you need to take the entire bill and look at the language as it is inserted into the bill.

If a farmer or rancher has health issues with their herd, whether it is pork, chickens, beef, or any other livestock they are marketing for food purposes, they don't have to buy it. That isn't restraining trade or commerce. That is not creating a monopoly. That is what those words revolve around—those three words—"no business justification." You have to take at least the segment before, if you are going to get an idea of what it says. It says the effect of restraining commerce or creating a monopoly "regardless of any alleged business justification."

If you want to put the boots to the ranchers—it won't happen all the time, and let's hope it happens very little. In fact, if they don't put this amendment on the farm bill to make the Packers and Stockyards bill what it was when it was originally passed in 1921, you are not going to have a free market system. You are going to have a system where the four major packers can manipulate the marketplace when they feel like it. They may never feel like it. But if times get tough, what the heck, make a few extra bucks and keep the stockholders happy.

It was talked about today that it is going to make beef or pork into a generic commodity. I led the charge on country-of-origin labeling in Montana. We passed it in 2005. I want our products to be different. I am all in favor of certified Angus beef and grassfed and all those specialized things that the consumer wants. This bill doesn't take that ability away. If you have sick cattle, you don't have to buy them. If you have Angus certified beef, you can market it that way, as long as it meets their criteria—certified Angus beef I am talking about, not stockyards.

In fact, this is good for production agriculture. Senator GRASSLEY talked about farm gate prices. If you want to hold them artificially low and keep putting in subsidies, these are the kinds of things you do. If you want to have a free market system where people get a fair price for a fair day's work for the product they worked so hard to get on the market, the family farms and ranchers—cow/calf operators, in this particular case—this amendment needs to be passed.

How much time do I have?

The PRESIDING OFFICER. The Senator has 3 minutes 10 seconds.

Mr. TESTER. In closing, there are no unintended consequences here. This is straightforward. If you read the language as it goes in the Packers and Stockyards Act, it can be interpreted no other way other than if a company wants to restrain commerce or create a monopoly, period.

It will stop packers from, as Senator GRASSLEY talked about, dumping cattle when prices are high. It will make the market work better.

In closing, I again thank the Senators from Kansas. I thank Senator GRASSLEY and Senator HARKIN. I ask this body to take this amendment for what it is. It is an amendment that will indeed support family farm cow/calf producers on the ranches of this country.

Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. Two minutes. The opposition has 7 minutes 40 seconds.

Mr. CHAMBLISS. We have a couple more speakers who are on the way. As soon as they arrive, we will yield time to them.

Mr. TESTER. Mr. President, I will speak after they get done, so I will retain my 2 minutes.

Mr. CHAMBLISS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I yield 5 minutes to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. BURR. Mr. President, I appreciate the generous offer from the ranking member.

This is tough. Senator TESTER is a friend, but he is misguided. The fact is that the law today has served us well in this country. I think it is vitally important for all Senators to realize that agriculture is a business that reacts and changes to market demands.

We have put legislation into place that allows the markets to operate, and these laws serve as guidelines for farmers in how they make their business plans for the future. As a matter of fact, we are the envy of the rest of the world. The agricultural markets in this country, the hogs raised and sold and eaten, the chickens and the turkeys—and in North Carolina's case, we rank extremely high; we are No. 2 in hogs and turkey production. I daresay every person in the room, and even in America, has eaten pork from North Carolina at one point or another. One of the reasons hog farmers in my State have been able to grow and produce the best pork in the world is the regulatory forces that govern the livestock industry.

What we are being asked to do in this amendment is to turn that on its head. Today, current law says if a producer wants to bring suit against a processor for injuries to the producer's business, they have to show that they have actually been injured. Let me restate that. Current law says if a producer wants to bring suit against a processor for injuries to the producer's business, they have to show they have actually been injured. That is a threshold that ought to be for everything that a suit is brought on.

Let me put in practical terms exactly what the Tester amendment would do. It would say that a company that contracts with a producer, a grower, and because they have determined that that grower has exceeded the minimum standards, has done things that technologically enhanced the products they are going to purchase, that if they reward them by paying them more money because the product is better, they are now susceptible to a grower who may not be dealing with 10,000 hogs, he may be dealing with 10 hogs. He might not adapt his surroundings to the new technologies; therefore, the meat is not as good. But if they are not paid the same, he will go to court and sue that he should have been paid the same thing as the contract for 10,000.

What is the net result of it? If I were in a State that had smaller producers who felt disadvantaged from a price, I might look at it differently, but what is the impact? The impact is that companies are not going to raise everybody's boat, they are going to lower everybody's boat. They are going to pay every producer less. There will be no incentive for new technologies to go into agriculture—specifically hogs, turkeys, and chickens. There will be no choice for consumers between grades of products, some that taste better than others, because we will now dumb down to what this new standard is, and that standard will be to make sure you are not susceptible to lawsuits. Everybody, regardless of size, regardless of the quality of the product, will be paid the same.

I will say that again. Regardless of the quality, regardless of the size of the purchase, because of this one little change, which is that you have to prove you were injured, producers will be obligated. You might say it is their choice; but if a choice is between being sued every time there are contracts that say different things, or accepting one standard and applying that to everybody, they are going to accept one standard and apply it to everybody because they cannot pass on the litigation costs of these foods.

Please tell me when 1 minute is left.

The PRESIDING OFFICER. The Senator has 30 seconds remaining.

Mr. BURR. I hope my colleagues here understand that the law, as currently written, works. It has served this country well and it has produced choice, it has produced quality, and it has fairly reimbursed all who entered into it. Let's not change it, and let's make sure the products that America has chosen and continues to choose in the marketplace are driven by the marketplace, not manipulated by this body in Washington.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. TESTER. Mr. President, I thank the Senator from North Carolina, my comrade in the Russell Building. I appreciate his comments. You have to have good information to make a good decision. There are a couple of things I need to point out. First, in production agriculture, we are not price makers, we are price takers. When you have 80 percent consolidation in the meat packing industry, you don't have much choice when they don't have this language in the Packers and Stockyards Act.

If you are talking about rewarding a grower because they have less fat, or bigger ribeye size, or leaner beef, this doesn't stop that from happening. I believe there are enough attorneys in the room that if you read this Packers and Stockyard Act in its entirety, which is about a page, you will find out that the alleged business justification applies to when you are restraining commerce or creating a monopoly. If you want a free market system, which you talked about, this body needs to pass this amendment so there is a free market in the pork, poultry, beef industry. Pork, by the way, is more consolidated than beef. Chickens are worse yet. All I want for farmers and ranchers and the people in production agriculture—the cow/calf operators, in particular—is that they get a fair shake.

If we pass this amendment No. 3666, you will allow those cow/calf operators to get a fair shake in the marketplace and be able to become financially viable, so this Government doesn't have to talk about subsidies, and they can get their paycheck from the marketplace, and it is a fair paycheck.

With that, I ask the Senate to vote for this amendment. I thank my fellow Members for the good debate.

The PRESIDING OFFICER. The Senator's time has expired. All time has expired.

The question is on agreeing to the amendment.

Mr. CHAMBLISS. Mr. President, have the yeas and nays been requested on this amendment?

The PRESIDING OFFICER. They have not.

Mr. CHAMBLISS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. BROWNBACK. Parliamentary inquiry as to whether this could be a voice vote so we can move on. We have a number of amendments. I inquire as to that issue. I will suggest the absence of a quorum to sort this issue through. We might be able to save the body some time. I wish to speak with people about it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. ROBERTS. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue with the call of the roll.

The legislative clerk continued with the call of the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3720 WITHDRAWN

Mr. HARKIN. Mr. President, I ask unanimous consent that the Schumer amendment No. 3720 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Idaho is recognized.

AMENDMENT NO. 3640

Mr. CRAIG. I ask unanimous consent that the pending amendment, the Tester amendment, be set aside and amendment 3640 be called up.

The PRESIDING OFFICER. Is there objection? The Senator from Iowa.

Mr. HARKIN. Will the Senator yield?

Mr. CRAIG. I will be happy to yield.

Mr. HARKIN. The yeas and nays have been ordered on the Tester amendment. I ask unanimous consent that the vote on or in relation to the Tester amendment occur at a time to be determined later.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there objection to the unanimous consent request from the senior Senator from Idaho, Mr. CRAIG? If not, the amendment is once again pending. The Senator from Idaho.

Mr. CRAIG. Mr. President, earlier on, we thought we had a 40-minute time agreement. We are going to start the debate on this amendment. Some of our colleagues want to discuss it. With that in mind, let me open the debate on amendment No. 3640, an amendment we think is critical to America's farmers and ranchers and the value of private property.

Ever since the Supreme Court in 2005 decided on the Kelo decision, I have felt and many others have felt, including the American Farm Bureau, that America's farmers' and ranchers' property is now at a greater risk today than ever before by the issuance of eminent domain, or the broadening of the power of Government as it relates to that issue.

I debated this amendment earlier. Several of my colleagues are on the floor and want to debate this amendment. Let me now turn to my colleague from Colorado, the senior Senator, Mr. ALLARD, and yield to him 10 minutes for the purpose of debate on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I thank the Senator from Idaho for his leadership on this particular issue. I am involved because farmers and ranchers all over the country are being impacted by their land values since the Supreme Court's ruling in Kelo.

As was stated by the Farm Bureau, farmers and ranchers have been particularly vulnerable to States or local municipalities taking their land for private economic uses, open space or other purposes.

Farmlands in several States have already been taken for open space purposes. The Farm Bureau goes on to say the amendment would strongly discourage the exercise of eminent domain for open space purposes.

I have a strong record of supporting limitations on eminent domain. I have to rise on behalf of my farmers and ranchers in Colorado in support of Senator CRAIG's amendment. This amendment would protect farmland and ranchland throughout this great Nation from land condemnation for use as open space.

I wish to be clear at the outset that this amendment would not affect uses of eminent domain that have been found to be justified. There are a few legitimate uses for eminent domain powers. Necessary use of eminent domain for items such as utility corridors or military and national security needs would not be affected.

America's farmers and ranchers are some of the best land managers around. Not only do they manage their land in a manner making it the most productive in the world but also in a way that makes it some of the most scenic land in our country and certainly a valuable way of keeping open space because of the nature of their operations.

The vistas of rural America possess some of the most remarkable scenery in the world. However, while their beauty is remarkable, their true value lies in the foods and fibers they produce.

An unsettling trend is now unfolding in small towns and rural communities from coast to coast. The use of eminent domain to condemn working agricultural lands or lands that will be transferred from one private property owner to another. This is an expansive use of eminent domain.

This condemnation results not only in weakening our national security by threatening our food supply but harms the economies of rural America and steals—yes, steals—private land from rightful owners.

Senator CRAIG's amendment, which I support, along with Senator BROWNBACK, would discourage this disturbing occurrence. It prohibits access to Federal financial assistance for a period of 5 years to any State or unit of local government choosing to exercise the use of eminent domain to take working agricultural ground for the purpose of open space.

This reasonable and measured approach would help protect America's agricultural land by making governments weigh the need of taking land against their desire for Federal funds.

Senators should remember the right to own property was one of the key principles on which this Nation was founded. I daresay that if the Founding Fathers were here today, they would support passage of Senator CRAIG's amendment.

As Thomas Jefferson noted in 1775 in the Declaration on Taking Up Arms:

> The political institutions of America, its various soils and climates, opened a certain resource to the unfortunate and to the enterprising of every country and insured them the acquisition and free possession of property.

Let me say this again: "The free possession of property" is the principle the Craig amendment supports. I have a long legislative record of supporting the rights of the private property owner. The State of Colorado also has a long record of opposition to the taking of private property. As a Senator, I believe it is important to ensure that private property owners are able to retain possession of their land. There is a right way and a wrong way to do things. Working with willing sellers is the right way. Condemning working agricultural land for open space is the wrong way. I urge my colleagues to listen to their conscience and support this amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Idaho is recognized.

Mr. CRAIG. We are operating under an open time agreement. With that in mind, I yield 10 minutes to our agricultural counsel from the great State of Kansas, Senator BROWNBACK.

The PRESIDING OFFICER. The junior Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I am the senior Senator from Kansas to Senator ROBERTS. I wanted to acknowledge that on the floor.

Mr. CRAIG. I said "counsel."

Mr. BROWNBACK. I was called the junior Senator from Kansas.

The PRESIDING OFFICER. The Chair's mistake. I apologize.

Mr. BROWNBACK. I thank the Presiding Officer. I appreciate that greatly. I always need to watch my junior Senator and make sure he is in his place.

Mr. President, I note, properly, my junior Senator is the dean of the Kansas delegation, even if he is the junior Senator.

I rise in support of the Craig amendment. I wish to make comments that I think are pertinent and germane to the farm bill because I believe this admendment is pertinent and germane to the farm bill. I know colleagues are looking at this amendment saying it is a private property rights issue, it belongs in the Judiciary Committee and this is an issue we should track through that committee. This is an issue involving agricultural lands, which I think is wholly appropriate for the farm bill.

Also, private property issues are so key and central to farming in the United States. It is in many places dominantly private property issues. In the West, there are a lot of public lands and agricultural use in public lands areas. But private rights dominates throughout the agricultural system of our country. There was a shock sent out with the Kelo case when the Court said you now don't have to have this justification of a public use for private property to be taken and can condemn it.

Many were shocked on all sides of the aisle—right, left, middle, people in urban areas, people in rural areas. I wish to say specifically people from rural areas were particularly struck by this decision because they all feel an attack frequently from people in governmental entities to take lands for power lines, parks, land that should go back to them in some cases, if it is a railroad line that has been abandoned and the deed said the land will revert to the farmland owner and then it is taken for a trail. People are saying wait a minute, I thought we had private property rights, basic in our constitution, basic in our philosophy, basic to agriculture.

This is a narrow issue to get at the Kelo decision. It is well crafted by the Senator from Idaho to support those private property rights. The amendment will deter States and local governments from taking working agricultural land against the will of the landowner only to designate that same land as open space. Here I think you can look at that and say, well, obviously, that is something we should protect, that private property right. If there is to be eminent domain, it has to be listed on a public purpose, like we have had eminent domain laws for some period of time now, and not just taking it to keep an open space. If that is to take place, there needs to be a different set and a different system rather than what is being allowed or expanded after Kelo by local or State units of government.

This narrows the decision of Kelo back to what it was prior to Kelo—a protection of private property rights. I think that is important. I think it is a key issue and one that is a top priority to agriculture and landowners. Indeed, the President of the American Farm Bureau Federation said after Kelo:

> No one's home or farm and ranch land is safe from government seizure because of this ruling.

Well, let's make sure their land is safe. We can do that, and this is an amendment that helps to do that. I think it is an important amendment to help to do that. If you voted in support of private property rights, I would hope you would support the Craig amendment, whichever side of the aisle you are on, and say there is an appropriate way and there is an inappropriate way and the appropriate way to make sure you have eminent domain is for a public purpose and not just taking agricultural lands to maintain open spaces and reducing the value of that land or its workability as agriculture.

This is an important, good amendment, and I urge my colleagues to support it.

I yield back to the sponsor of the bill.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Idaho.

Mr. CRAIG. Madam President, it is important for my colleagues to understand this is a private property rights debate. For some who have said, well, this is in the jurisdiction of the Judiciary Committee—and I understand the other side is going to ask for a 60-vote threshold—one of the reasons we are on the floor in a post-Kelo decision environment is because things are beginning to happen out there that frustrate all of us.

My colleague from Kansas echoes the sentiment of the American Farm Bureau and their president, speaking out about the risk now that open space property, farming property, ranching property has as a result of Kelo. Some would say on the floor it doesn't appear to be a problem. Let me suggest it is.

In Scattaway, NJ, a family protested its eviction from their 75-acre farm the town had seized under eminent domain for an open space designation. That happened in New Jersey. In Woodland, CA, in Yolo County, CA, the board of supervisors decided to seize a large area of farmland using eminent domain and declared the property open space. So here a government entity steps in and says: We are going to take open space and make it open space and we are going to use our power to do that—no willing seller, no willing buyer, a new shaping of eminent domain.

Eminent domain, as we knew it pre-Kelo, said, public use for a legitimate public use, and that usually almost always fell into rights of way, roads, power lines, and those kinds of things where, for the public good, access was being denied.

Kelo tipped that upside down.

New Brunswick, NJ. New Brunswick moved forward to condemn, using its power of eminent domain, a 104-acre farm. Open space again. Telluride, CO. The senior Senator from Colorado was on the floor supporting our amendment. The town decided to use its power of eminent domain to take about 570 acres of an 800-acre ranch and designate the property as open space. Once again, the power is being used.

That is why America's farmers and ranchers and America's agricultural organizations that represent them grow increasingly alarmed.

Sussex County, NJ. The State of New Jersey used its power of eminent domain to take 17 acres of working agricultural property to create a wetlands. Open space again.

Matthews, NC. York County, PA. York County, PA, was the one I used as I introduced this amendment a couple days ago, where the family fought, invested lots of money, and took on the county. As a result, two county supervisors were defeated in the election because they were going after private property for an open space designation, and the county said: Oh, no, you don't; you are out. Ultimately, the family won but at great expense defending their right of private property.

That is why the American Farm Bureau has said this is a high priority for us.

Madam President, Justice Sandra Day O'Connor, dissenting in Kelo v. the City of New London, which has tipped this eminent domain issue upside down, said this in her dissenting views, and it is so clear today the vision of this justice.

> The outfall from this decision will not be random. The beneficiaries are likely to be those citizens with disproportionate influence and power in the political process, including large corporations and development firms. As for the victims, the government now has license to transfer property from those with fewer resources to those with more.

She spoke with great wisdom, particularly about the victims—those are the property owners—because that is exactly what is happening out there.

Is open space necessary? You bet it is. Does open space have value? You bet it does. There is no question in an urbanizing environment, parks and parkland and open space is critical. Why not willing seller/willing buyer? Why not go into the market as a city that has taxing power or a county that has taxing power ought to do and say, you know, we are going to raise a bit to go out and buy a piece of open property, instead of taking it? Now, yes, they compensate in eminent domain, but they basically establish the price. They do not have to compete.

So Kelo tipped us upside down, because in New London, as we remember, the city used their right to take away private property and gave it to a private developer because there was someone who was holding up a development. They were trying to hold onto their land. This is a critical private property rights debate and so very necessary.

I mentioned the family in Pennsylvania. For over 3 years, in Pennsylvania, that family fought their local government. How do you do it? You hire attorneys. Attorneys are expensive. You do the battle, you set up the legal case, because the county—in this instance the county government—wanted to take the land. As I mentioned, it didn't sit well with the citizens. Most citizens respect the right of private property. Most citizens understand that under our Constitution, there is a legitimate purpose for taking, and it was called eminent domain when the public good and the public value was clear.

That is the issue. It is quite simple. Now, is it a judiciary issue? Yes, it is. It is also an agricultural, farm bill issue. The reason I am on the floor with the amendment is because this taking is beginning to accelerate across our Nation and our Judiciary Committee has done nothing, to date, to reshape the Kelo decision, to protect the rights of the private property owner beyond the legitimate public good, and it is an important thing we do. That is why we are speaking out at this moment, and that is why it is important.

I yield to the chairman of the Senate Ag Committee.

Mr. HARKIN. Will the Senator yield for a question?

Mr. CRAIG. Sure.

Mr. HARKIN. I have read the Senator's amendment. I have sat and read the whole thing.

Mr. CRAIG. It is quite simple.

Mr. HARKIN. It is quite simple. It doesn't take a lot of time to read it. Then I listened to the Senator talk about the Kelo decision.

I am not a fan of the Kelo decision either, but it seems to me the way the amendment is written—and I ask the Senator this—if someone, if a private farmer had farmland, and a private developer came in and got the local jurisdiction to condemn that farmland and take it for private development, that would be allowed under your amendment?

Mr. CRAIG. Our amendment speaks to open space versus open space.

Mr. HARKIN. I ask the question, though.

Mr. CRAIG. I do not disagree with your interpretation of the current amendment.

Mr. HARKIN. That is what I wanted to make clear; that the Kelo decision——

Mr. CRAIG. Well, I would like to have gone further than that. The concern we had, and what appears to be most visible today in the new use of Kelo, is open space for open space. Municipalities and counties are stepping out—with the cases I gave, Mr. Chairman—and saying that for purposes of parks, we find this is a new tool. Historically, parks were willing seller/willing buyer, and wetlands, and now other broader interpretations of "public good."

But Kelo, being specific and relating to private government entities taking property for private development, we do not speak to that. We think it is a broader issue that the judiciary ought to speak to.

Mr. HARKIN. I thank the Senator for yielding and engaging in this colloquy. I was listening to the Senator talk about the Kelo decision, but the Senator's amendment doesn't reach the Kelo decision.

Mr. CRAIG. Oh, I disagree totally.

Mr. HARKIN. Well, if you allow——

Mr. CRAIG. Madam President, let me respond. When the Senator says we don't reach the Kelo decision, we reach a portion of the Kelo decision that is now most frequently impacting farms and ranches, and that is open space for open space.

Municipalities and counties and in one instance, as I cited, a State, prior to Kelo, were not using these powers of eminent domain to acquire open space. They were going out and buying it in the market and competing for it. Now they are. So Kelo, in fact, is being used for this purpose. That is why we are addressing this.

Mr. HARKIN. I will have more to say about that later, but let me ask another question.

Under the Senator's amendment—I wish to make sure I read it correctly—if a local jurisdiction—planning and zoning—decided to condemn some land or to take land for a park, if the amendment were adopted and put into law, that would mean that jurisdiction, whatever that jurisdiction is—it could be a county or a State—couldn't even get any money for education. No title I money for education. They could not get special education money. Let's say, money for special education, they wouldn't be able to get that either; is that a correct reading? For 5 years, they couldn't get that?

Mr. CRAIG. If it were open and currently operating farmland and/or pasture land.

Mr. HARKIN. Yes.

Mr. CRAIG. For agricultural purposes, and they did that for open space purposes, there would obviously, if this were law today, be a great debate in that community. That community would say, you cannot use this power and put our educational monies at risk.

We say, yes, Government monies, Federal Government monies. So it would clearly have a dampening effect. You and I both know, because we have been at those different levels of government, that there are thresholds by which a planning and zoning entity of a county or a municipality can and cannot operate. Would it have a chilling effect? Yes. It would stop them from doing that. That is the intent. Would it put the educational money in jeopardy? No, it wouldn't because they wouldn't put it in jeopardy.

You can use scare tactics, you can create, if you will, stalking kinds of arguments. But you and I both know, in practicality, they are not going to put those other values at risk. Sewage and water money and all of the kinds of other things that you and I work hard to get for our communities—that is not going to be put at risk because what is going to happen is they are going to quit using the Kelo decision. They are going to quit using eminent domain in its broadest sense until this Congress gets back in the business of shaping it again. That is why we are doing what we are doing here.

Mr. HARKIN. I think, then, we get to the crux of this issue. What the amendment of the Senator does is it has the Federal Government telling a local entity, a local government or a State government what it can and cannot do within its own jurisdiction.

This is a very powerful Federal Government, a heavy hand coming in telling people that we know better than they what they should be doing.

Mr. CRAIG. The Senator knows as well as I do that, with wetlands, with endangered species, you name it, the Federal Government, by law, by statute, by regulation, by Clean Water Act, does a lot of things. It is hard to deny that we do because local entities operate under those laws. We are simply asking local entities, in their exercise of eminent domain, to operate within the law. This amendment, broadly supported by American agriculture for fear of taking of their land, and by the livestock industry, and by the Public Land Council and others, says: No, don't do that.

You can point out, if you will, those kinds of arguments. But they are hollow in the sense that we constantly do that, and we have done that. Local governments operate under both local jurisdiction, local law, State and Federal law. So I do not see that as a problem. It can be argued, but it is not precedent setting in any sense of the word.

Mr. HARKIN. I say to my friend from Idaho that all of the things he mentioned—the Clean Water Act and all that kind of stuff—we can get into that, but, yes, if a local entity violates that, they are subject to certain sanctions, usually fines.

Mr. CRAIG. Yes.

Mr. HARKIN. They are not subject to losing all their Federal money for education, for health, for transportation, for everything else—nothing like that. I know of no instance like that in any Federal legislation. If the Senator can find one for me I would appreciate it. I can't.

Mr. CRAIG. I will not disagree with the Senator. I believe the taking of a person's wealth—and you and I in farm and ranch company know the assets of a farmer and rancher are tied in the land. It is their bank. It is their savings. It is their retirement. Some even like to pass it down generationally.

To have a municipality flex a new muscle that grew out of a decision at the Supreme Court level because of an entity in Connecticut using it is ominous and needs to have powerful teeth in it to say to that local municipality or county: Thou shalt not, for these very narrow purposes, use eminent domain.

I am saying you and I come from farm country. We know how valuable that land is. It is that farmer's or that rancher's savings. It is their retirement, should they choose to sell it, and they can sell it to the city for a park if they want to. But for a county or city to step in and take the land when you want to hand it to your daughter or your son or your grandson, generationally, to pass it down through for agricultural purposes—there ought to be teeth, very powerful teeth. I think counties and cities ought not be allowed to do it, period.

Mr. HARKIN. But it seems to me, I say to my friend, those are the governments that are closest to the people, rather than some distant government in Washington telling them what they can and cannot do. Plus, I say to my friend from Idaho, with all due respect, this did not grow out of the Kelo decision. Local governments have had the power of eminent domain probably going back to the founding of our Republic. I was trying to find out exactly when, but probably the early 1800s, maybe the 1700s.

Mr. CRAIG. I have under the Constitution for "the defined public good," and the defined public good was very clear, and we defined it in statute.

Mr. HARKIN. But I say to my friend, defined public good has been parks and recreation areas and things like that.

Mr. CRAIG. But they have not—excuse me. Senator?

Mr. HARKIN. I say to my friend from Idaho I am sure he has visited Gettysburg. Gettysburg National Park would not be a national park were it not for the power of the State of Pennsylvania to have the right of eminent domain because that is what they used. They had to use it in order to get that land together for Gettysburg Park. I say to my friend, with all due respect, it is a national historical monument. But that is what they had to use to do it.

Should Washington have been able to tell them no, you can't do that?

Mr. CRAIG. Right in the middle of Gettysburg is a private operating farm today. The reason it is there is because they would not allow it to be condemned, and they did not meet the threshold price of a willing seller, willing buyer. The State of Pennsylvania, for rights-of-ways of road, but other than that in almost every instance in my knowledge as it relates to Gettysburg, bought it, acquired it, and they used Federal money to get it and they used the Federal Park Service and a variety of other tools.

No, there is something new happening out there in a post-Kelo environment. You need to talk to your Farm Bureau in your State, and others, and your cattlemen and other farm organizations. Something new is happening in farmland, especially those lands adjacent to rapidly expanding urban environments. It is happening in a post-Kelo environment. That is why we are addressing it today on the Senate floor.

Mr. HARKIN. I say to my friend, again, the amendment doesn't even go to Kelo because my friend admitted a local government could condemn, eminent domain, take private farmland for a private developer. Under his amendment they can still do that.

Mr. CRAIG. We don't speak to that. We speak to the issue at hand today: taking private farmland in municipalities and urban areas, counties and States, for the purpose of open land, and that is a post-Kelo phenomenon.

Mr. HARKIN. It has been that way, as I say, going back to Gettysburg. They did use eminent domain in Gettysburg.

Mr. CRAIG. They did use some, yes, I don't deny that.

Mr. HARKIN. They carved out some sections where they didn't think they needed them, but they did on some other sections. So it has been that way forever. Kelo didn't open floodgates. What it did was open floodgates for private, and that I find anathema; that you could use eminent domain for some private purpose. But for a public purpose such as parks and recreation and things like that, it has been this way since the founding of our Republic, I say to my friend.

My friend, I know is a conservative. It seems to me conservatives are always looking askance at the Federal Government coming in, heavyhanded, and telling local jurisdictions what they can and cannot do. This, it seems to me, would be the heaviest hand that I have seen in my years here.

My friend is right. We, a lot of times, do pass laws, Clean Air Acts, things like that that he mentioned, and we impose fines if they don't do something. But we don't say if you violate it, we are taking away your education money, your health money, your transportation money, and everything else. I just know of no other case like that in Federal law.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Madam President, we have not yet a time limit. I have expressed the will and concern of those who are cosponsors of the amendment. I put into the record the expression of our largest national farm organization that sees the threat as clearly as I do, maybe less clear than the chairman sees it because there is a pattern rapidly growing out there in a post-Kelo environment—open space taken for open space purposes. They are taking it from the private landowner. We think there ought to be strong teeth here.

With that, I retain the remainder of my time. Others are here to debate the issue.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I just have a few minutes. I know we want to get to the Brown amendment. The Senator from Ohio has been very patient, waiting a couple of days to get to his amendment. I appreciate that. I have just a couple of things I wanted to respond to.

First, regarding the Craig amendment, I have here a letter dated December 11 from the National League of Cities, the National Conference of State Legislatures, the U.S. Conference of Mayors, and the Council of State Governments, all writing in opposition to the Craig amendment.

It says—I just want to read what they said in this letter:

> This amendment is not only ill-advised, but it is also unconstitutional. Amendment No. 3640 would preempt state and local land use laws by prohibiting any federal funding that goes to state and local governments from being used for acquiring "farmland or gracing land for the purpose of a park, recreation, open space, conservation, preservation view, scenic vista, or similar purpose." This would severely chill state and local historical preservation, community service, and environmental efforts.
>
> Under this amendment, if a state or locality were to use the power of eminent domain for virtually any public purpose, even if such action was completely in accordance with its own statues and land use development ordinances and regulations, the state or locality could lose all applicable federal funding. The 5th Amendment of the U.S. Constitution expressly permits the taking of private property for public use provided just compensation is provided to the owner of the property.
>
> The power of eminent domain has always been, and should remain, a state and local power. The state power to use eminent domain for public purposes is fundamental to a state's and locality's ability to provide for the community needs of its citizens, to protect unique and scenic areas of a state by creating parks, and to preserve wildlife and topography of a significant nature.
>
> Again, we urge you to reject the Craig Amendment No. 3640 because it preempts state and local law and thwarts valid state and local efforts to preserve their natural resources for the use and enjoyment of all citizens.

I ask unanimous consent the letter representing the National League of Cities, the National Conference of State Legislatures, U.S. Conference of Mayors, and the Council of State Governments be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECEMBER 11, 2007.

Hon. TOM HARKIN,
Chair, Agriculture, Nutrition and Forestry Committee, U.S. Senate, Washington, DC.

DEAR SENATOR: On behalf of the undersigned organizations, we write in strong opposition to the amendment offered by Sen. Larry Craig (No. 3640) to H.R. 2419, the "Food and Energy Security Act of 2007," which is scheduled for floor debate today. This amendment is not only ill-advised, but it is also unconstitutional. Amendment No. 3640 would preempt state and local land use laws by prohibiting any federal funding that goes to state and local governments from being used for acquiring "farmland or gracing land for the purpose of a park, recreation, open space, conservation, preservation view, scenic vista, or similar purpose." This would severely chill state and local historical preservation, community service, and environmental efforts.

Under this amendment, if a state or locality were to use the power of eminent domain for virtually any public purpose, even if such action was completely in accordance with its own statues and land use development ordinances and regulations, the state or locality could lose all applicable federal funding. The 5th Amendment of the U.S. Constitution expressly permits the taking of private property for public use provided just compensation is provided to the owner of the property.

The power of eminent domain has always been, and should remain, a state and local power. The state power to use eminent domain for public purposes is fundamental to a state's and locality's ability to provide for the community needs of its citizens, to protect unique and scenic areas of a state by creating parks, and to preserve wildlife and topography of a significant nature.

Again, we urge you to reject the Craig Amendment No. 3640 because it preempts state and local law and thwarts valid state and local efforts to preserve their natural resources for the use and enjoyment of all citizens.

DON BORUT,
Executive Director, National League of Cities.
CARL TUBBESING,
Deputy Executive Director, National Conference of State Legislatures.
TOM COCHRAN,
Executive Director, The U.S. Conference Of Mayors.
JIM BROWN,
Washington Director, Council of State Governments.

Mr. HARKIN. I have a letter of December 11 from a number of environmental and wildlife groups: National Audubon Society, Defenders of Wildlife, National Resources Defense Council, Sierra Club, the Wilderness Society, the World Wildlife Fund and others, in opposition to the Craig amendment.

I ask unanimous consent that letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECEMBER 11, 2007.

Re Oppose Craig Farm Bill Amendment.

Hon. TOM HARKIN,
Chairman, U.S. Senate Agriculture, Nutrition & Forestry Committee.
Hon. SAXBY CHAMBLISS,
Ranking Member, U.S. Senate Agriculture, Nutrition & Forestry Committee.
Hon. PATRICK LEAHY,
Chairman, U.S. Senate Judiciary Committee.
Hon. ARLEN SPECTER,
Ranking Member, U.S. Senate Judiciary Committee.

DEAR SENATORS: On behalf of our members and supporters, we strongly urge you to oppose the amendment Senator Craig (R-ID) has introduced to the Food and Energy Security Act of 2007 that would prohibit all state, local, and federal use of eminent domain to take farmland or grazing land into public ownership for the purposes of a park, recreation, open space, conservation, preservation view, scenic vista, or similar purposes. It would impose severe sanctions on any state or unit of local government that uses eminent domain for these purposes—a five-year loss of financial assistance and all federal funds appropriated through an Act of Congress or otherwise expended by the Treasury. The Craig amendment arbitrarily imposes absolute bans on certain longstanding uses of eminent domain for public use while totally excluding others, including prisons, public utilities, roads or rights of way open to the public or common carriers, pipelines, and similar uses.

Acquiring land by purchase or donation is preferable, but there are times when eminent domain is necessary and appropriate, both for the public uses that would always be banned by the Craig amendment and those that would always be allowed.

Congress and the courts have repeatedly recognized that local, state, and national parks and recreation, open space, conservation, preservation view, and scenic vistas are clearly valuable public uses that justify eminent domain. For example, the Congressional Research Service's Annotated Constitution cites laws and cases upholding eminent domain, including an 1896 Supreme Court decision confirming the right to condemn in order to "promote the general welfare" by preserving an historic site (the Gettysburg Battlefield) for public use and protection.

"E.g., Shoemaker v. United States, 147 U.S. 282 (1893) (establishment of public park in District of Columbia); Rindge Co. v. Los Angeles County, 262 U.S. 700 (1923) (scenic highway); Brown v. United States, 263 U.S. 78 (1923) (condemnation of property near town flooded by establishment of reservoir in order to locate a new townsite, even though there might be some surplus lots to be sold); United States v. Gettysburg Electric Ry., 160 U.S. 668 (1896), and Roe v. Kansas ex rel. Smith, 278 U.S. 191 (1929) (historic sites). When time is deemed to be of the essence, Congress takes land directly by statute, authorizing procedures by which owners of appropriated land may obtain just compensation. See, e.g., Pub. L. No. 90-545, Sec. 3, 82 Stat. 931 (1968), 16 U.S.C. Sec. 79 (c) (taking land for creation of Redwood National Park); Pub. L. No. 93-444, 88 Stat. 1304 (1974) (taking lands for addition to Piscataway Park, Maryland); Pub. L. No. 100-647, Sec. 10002 (1988) (taking lands for addition to Manassas National Battlefield Park)."

The Craig amendment would be a draconian infringement on federalism by the federal government into the traditional rights of state and local governments. It would even ban uses of eminent domain to clear title when no one objects.

The Craig amendment would devastate the ability of states, localities, and the Federal governments to create and protect public parks, to provide for conservation of essential resources and recreation, and to preserve open space. Sometimes, the ability to require a property owner to sell property at a fair price is needed to deal with an unjustifiable "hold out" who seeks to stop a worthy public project, or to extort a monopolist's profits from the public.

Finally, as the Congressional Research Service explained about a different proposal, there does not: "seem to be any proportionality requirement between the prohibited condemnations and the length and scope of the federal funds suspension. If Congress' Spending Power includes a proportionality requirement for conditions on federal funds, as the [Supreme] Court suggests, the absence of proportionality in some of the bill's applications may raise a constitutional issue."

For all these reasons, we urge you to oppose the Craig amendment.

Sincerely,

Jason Jordan, Government Affairs Manager, American Planning Association; William Snape, Senior Counsel, Center for Biological Diversity; Brian Hires, Colorado Field Coordinator, Center for Native Ecosystems; Bob Dreher, Vice President for Conservation Law, Defenders of Wildlife; Anna Aurilio, Director, Washington DC Office, Environment America; Brian Moore, Director, Budget and Appropriations, National Audubon Society; Karen Wayland, Legislative Director, Natural Resources Defense Council.

Linda Lance, Vice-President for Public Policy, The Wilderness Society; Doug Kendall, Executive Director, Community Rights Counsel; Martin Hayden, Legislative Director, Earthjustice; Sandra Schubert, JD, MA, Director of Government Affairs, Environmental Working Group; Julie M. Sibbing, Senior Program Manager for Agriculture and Wetlands Policy, National Wildlife Federation; Ed Hopkins, Director, Environmental Quality Program, Sierra Club; Jessica McGlyn, Senior Program Officer, World Wildlife Fund.

Mr. HARKIN. Madam President, I think the Craig amendment, about which I just engaged in a colloquy with my friend from Idaho, the Craig amendment really is the heaviest of heavy hands I have ever seen proposed for the Federal Government. First, I do believe also, as I just stated, it does violate the fifth amendment to the Constitution. Also, it doesn't even get to the Kelo decision.

As the Senator himself admitted, even under his own amendment we would have the oddest of all situations. It would then be permissible for a local entity to condemn private land for private use, but it would not be permissible for a local entity to condemn private land for public use. That is the oddest of all circumstances. Again, to say to a local entity that you cannot use the power of eminent domain, granted to you by the Constitution of the United States, for a park or recreation area or whatever it is, a public use for future generations to enjoy—to me, that is an interference in local government and local government decisions.

My friend talked about, yes, somebody may want to pass farmland on to future generations and things like that. I am very sensitive to that. Yes, they should be able to. But shouldn't also a local entity or a State devise parks and recreation areas, also for future generations? There seems to be some thought if a State uses its power of eminent domain, they can just take the land away. The fifth amendment of the Constitution says, no, you have to have just compensation. That is where you get into courts a lot of times.

We have seen eminent domain used for power lines, for example, to go across the State. Again, the amendment of the Senator, I don't know if it would reach the power lines.

Mr. CRAIG. Will the Senator yield for that?

Mr. HARKIN. Yes.

Mr. CRAIG. It is important to state for the record this amendment touches none of the standard uses of eminent domain and historic uses, and I said so and all the other Senators speaking to it said so. Rights-of-ways—this is open space land only. It is very clear, it is very targeted. It does not touch any other area of historic use of eminent domain. OK?

Mr. HARKIN. Madam President, well, I say to my friend, one of the historic uses of eminent domain has been for parks. When was Central Park in New York set aside? The power of eminent domain was for Central Park in New York. I think that has been over a hundred years.

Mr. CRAIG. And a lot of people had their land acquired and purchased; eminent domain was used.

Mr. HARKIN. I say to my friend, I do not have a catalog——

Mr. CRAIG. I think the RECORD is replete now with the fact that there has been an acceleration of counties and cities using it post-Kelo.

Mr. HARKIN. But my point——

Mr. CRAIG. I know what your point is; I know we should be speaking through the Chair for that purpose. In my opinion, it is a broadening of the definition of public use in a post-Kelo environment that has put America's agricultural land at risk in a greater way than ever before. That is why this amendment is brought to the floor.

Mr. HARKIN. I say to my friend from Idaho, that is the point I was trying to make, that you could still have condemnation purposes for a private power line. Maybe a farmer does not want that power line going over his land; he does not like those big cables going over his land.

The State can come in and say: Here is your compensation.

I do not like it.

OK. We use power of eminent domain. We will go to court, and they will build that power line right across your land.

The amendment of the Senator from Idaho would still permit that to happen, would still permit that to go on, still permit that to happen, but it would not permit a local entity to say: We have a lot of land; we want to preserve a park for future generations. We have some of this land here that is in there, and we need that for the park, and it is generally accepted by the public. You may have one person reticent to do that. So they say: OK, we use the power of eminent domain to do that. But that does not mean they get the land; that means they have to go to court to decide what is just compensation under the fifth amendment.

I say to my friend from Idaho, if he really wants to pursue this, he ought to introduce an amendment to overturn the fifth amendment of the Constitution. Let's have a constitutional amendment. Who knows what it might be next. You think of this as a precedent. What is next? What is next that we might not agree with? Maybe we do not agree with speed limits. I say to my friend from Idaho, maybe we do not agree with what a State's speed limits are, so if you do not adhere to Federal standards on speed limits, we are going to take away all of your education and transportation and health money. How about education policy? Let's say we do not agree with the local school board. We do not agree with the local school board as to what its education policy is. It has to be what the Federal Government says, and if you do not adhere to it, we are going to take away your education money, your health money, your transportation money, and your community development money. We will take it away just because you do not agree with the Federal Government's policy on education. Zoning and other areas like that—think of what kind of a path we are going down if we adopt this amendment.

Again, I say this amendment would again intrude the Federal Government into the local and State jurisdictions that have been preserved by the Constitution of the United States. We ought not to go there.

Madam President, I hope now we are ready to turn to the Brown amendment. I thank the Senator for his patience.

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENT NO. 3819

Mr. BROWN. Madam President, I thank the chairman for his outstanding work.

Madam President, I call up amendment 3819.

The PRESIDING OFFICER. Is there objection to setting aside the current amendment? Without objection, it is so ordered. The amendment is pending.

Under the previous order, there will now be 60 minutes of debate equally divided between the sides.

The Senator from Ohio is recognized.

Mr. BROWN. On behalf of Senators SUNUNU, MCCASKILL—who is presiding—MCCAIN, DURBIN, and SCHUMER, I am proud today to offer the Reduction of Excess Subsidies to Crop Underwriters—or the RESCU—amendment to the farm bill.

Our bipartisan amendment takes dollars from where they do not belong, from oversubsidized crop insurers, and invests them in priorities with a return for the United States of America, such as nutrition programs and conservation programs and initiatives that create sustainable economic development in other countries and our own, which, after all, is the key to strong export markets and also to deficit reduction.

The RESCU amendment is based on a simple premise: When resources are limited, we simply cannot afford to waste them. We cannot afford to overpay crop insurers with tax dollars while underinvesting in programs that pay for themselves, programs that preserve farmland and deploy U.S. resources strategically in the global arena.

Our amendment does not increase the cost of crop insurance for any farmer. I repeat: Our amendment does not increase the cost of crop insurance for any farmer. In fact, it has no effect on premiums at all. It does not, as some will claim, dramatically reduce the margin for crop insurers, jeopardizing access to crop insurance. It draws from huge, bloated overpayments and astounding profit margins, making them a little less huge and a little less astounding.

Crop insurers will have no incentive to leave a business that continues to reward them so generously, as this Federal program does with these tax-dollar subsidies. They will have no incentive to leave a business that continues to reward them so generously for their involvement. I can assure you that before and after this amendment, if it is enacted, crop insurers will continue to be generously rewarded for their activities.

This amendment simply seizes an opportunity to do some good while doing no harm. It is a fiscally responsible amendment that reroutes insurance overpayments to accomplish several beneficial goals. Some of the dollars go toward deficit reduction, some of the dollars honor faith-based missions throughout the world by contributing to a like program that feeds hungry children in developing countries, and some of the dollars help family farmers become better stewards of our land and our natural resources. This amendment is not glamorous or earth-changing; it is simply an opportunity to move forward and to do the right thing.

I know some of my colleagues do not want to take any money from crop insurers. They want to continue to shovel more taxpayer dollars to crop insurers. As I mentioned, some of them are worried that taking these dollars will put crop insurers out of business. They are not really worried; that is what they will say. But you just can't get there from here. This amendment is not going to break the backs of those insurers; it is just going to mean slightly less huge profits for those insurers. Let's face it, this amendment does not take crop insurers to the cleaners; this amendment takes a little drop from their rather large bucket.

Federal crop insurance is an essential part of the farm safety net, as it should be and as it will continue to be. However, billions of dollars that are intended to benefit farmers are instead siphoned off by large crop insurance companies.

Listen to this number for a moment. Since 2000, farmers received $10.5 billion in benefits from the Crop Insurance Program, but it has cost taxpayers $19 billion to provide those benefits—$10 billion in benefits for farmers, $19 billion in taxpayer subsidies to get that $10 billion to the farmers. That is because the crop insurance companies have had such huge overpayments, huge profits during those 7 years.

So where does the difference go? According to GAO, crop insurance companies take 40 cents out of every dollar that Congress appropriate to help farmers. Think about that, 40 cents out of every dollar. No place operates that way. Medicare does not operate that way, Medicaid does not operate that way. No other insurance company does that well.

Look at this chart. Private property and casualty insurance profits, 8.3 percent; Federal crop insurance profits more than double that, 17.8 percent. So slicing a little off here, they are still going to be close to double the profits of other private property insurance companies, property and casualty insurance companies.

In the same report, GAO found that crop insurance—this was a GAO report—company profits are more than double insurance industry averages. Again, over the past 10 years, crop insurance companies have almost an 18-percent return, while most of the rest of the private insurance market has an 8-percent return.

This amendment also reduces the exorbitant—I mean exorbitant administration fees crop insurance receives. For each policy they sell, the GAO report shows that the per-policy subsidies to insurance companies will be triple what they were less than 10 years ago. This is the money crop insurance companies receive. A&O is administration and operations. So whatever the premiums are, the Government then—already profitable for the crop insurance company—the Government then pays them a percentage—roughly 20 percent, slightly more than that—in addition so that they can administer and operate this insurance program.

Look, as prices have gone up, as the price of corn, for instance, and soybeans—which I have a huge growing crop, huge corn and soybean production in my State, one of the leading States in the country—the crop insurance companies make more and more money the higher the prices are because the premiums are then higher. If you think the price of corn is high, you are going to buy more insurance, the premiums are going to be higher, and the A&O—administration and operations—subsidy is 20 percent of an increasingly higher number. That is why you see from $497 million, to $591 million, to $700 million, to 830 million, to, in 2007, $1.172 billion for these administrative bonuses, if you will. These delivery subsidies have tripled because they are linked, as I said, to the total premiums and thus the rising price, particularly of corn and soybeans.

This amendment will reduce the administrative subsidies for each policy to the national average of 2004 and 2006. This level is still well above every year prior to 2006. We are not taking them back to these numbers; we are just modestly bringing them back to this number. This number still was historically the highest ever. It is historically very generous to the crop insurance companies as a subsidy.

This amendment, I repeat, is no threat to the crop insurance industry. It is a threat to something—it is a threat to complacency. Instead of taking the painless route and leaving the crop insurance industry be, we can simply apply a dose of reason and do a world of good. We can help feed children in impoverished nations. We can help restore the McGovern-Dole Program—two of the most respected Members to have served in this distinguished body. We can help bring down, by hundreds of millions of dollars, something near and dear to the heart of Senator CONRAD, I know—we can bring down the Federal deficit.

Simply put, we can do the right thing. I hope Members on both sides of the aisle will support the amendment.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I yield to the Senator from Kansas, Mr. ROBERTS, 15 minutes, followed by Senator GRASSLEY for up to 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mrs. MCCASKILL. Mr. President, I know the Senator from Georgia has yielded to the Senator from Kansas. I am supposed to be presiding now. The kind Senator from Ohio assumed the chair to allow me to speak on our amendment. I hate to hold up the Senator from Ohio who has to leave. If I may, I ask unanimous consent to speak for a couple of minutes on this amendment.

The PRESIDING OFFICER. Is there objection?

Mr. CHAMBLISS. Mr. President, we are fine with that.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mrs. MCCASKILL. I appreciate the courtesy shown by the Senator from Georgia and, importantly, by my friend from Kansas who, although we disagree about football, I know we agree about protecting taxpayers.

Mr. President, we spend a lot of time here talking about whether we can afford things and trying to save money. My father was in the insurance business. In fact, he was commissioner of insurance in the State of Missouri when I was in high school and college. I have no problem with insurance companies making a profit. They are businesses; they should make profit. But we have to take a close look when it is taxpayer-subsidized profit. We are not talking about the normal profit of a private business. We are talking about taxpayer-subsidized profit. I don't care how you look at this insurance industry in this particular niche, this is a wildly profitable insurance industry right now, billions and billions of dollars in profit over the last several years. You have to ask yourself: Isn't there a way we can continue to make sure that crop insurance is readily available? Keep in mind this amendment does nothing whatsoever to cause costs to go up for the farmers. The premium subsidies remain the same.

What this does is say: We can't continue with the deficits we have. We can't afford to do children's health insurance. The President vetoes that. We can't afford another $11 billion for domestic spending. The President threatens a veto on that. We can't afford to do anything except make sure we subsidize a very profitable insurance industry.

We have to stop some of the ability of this particular niche industry. They don't even have to worry about antitrust laws because we have written that into the law for them.

This is a modest attempt. If our amendment had been in place in 2006, the companies still would have received $797 million in underwriting gains alone in comparison to the $885 million they actually received. We are not talking about putting anybody out of business. We are talking about doing what is right in terms of watching taxpayer dollars.

This is about priorities. I want the billions in subsidized profits to go where the needs are. There are many in this farm bill. That is where they are directed. There is also a great attempt to do something about these mind-numbing, jaw-dropping deficits. It seems a lot of our friends on the other side of the aisle don't want to pay for anything. They don't want to pay for AMT. They don't want to pay for anything in the Energy bill. If we keep going down this road, we should do away with an attempt to pay for anything and just print money, see how that works.

It is time we do the right thing on this particular taxpayer-subsidized profit and find a middle ground where we can continue to make sure crop insurance is available and affordable, which this amendment will do, but allow some of the taxpayer money to go to more urgent needs than major profits in this industry.

I thank my colleagues for their courtesy.

The PRESIDING OFFICER (Mrs. McCASKILL). Who yields time?

Mr. CHAMBLISS. Madam President, I yield 15 minutes to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. I thank the Presiding Officer and my friend from Georgia. I see the Senator from Missouri is the Presiding Officer. I wish her well in the Cotton Bowl against Arkansas, as we in Kansas go to the Orange Bowl. I hope she wishes us well.

Despite what has been said, I am rising in strong opposition to the Brown amendment which I think, bluntly put—and I will say it the way I think it is—would kill the crop insurance program, especially in certain sections of the country and, as a result, endanger a great many farmers. I have often said it is more important to prevent the passage of bad legislation—counterproductive legislation, if you will—than it is to add more legislation to the books, regardless of the argument. This amendment certainly falls into that category.

I am always amazed at the number of people who criticize a program that benefits our farmers and ranchers, some of whom do their speaking with their mouths full. It is truly a paradox of enormous irony: Those who enjoy the safest, most affordable food supply in the world, compliments of America's farmers and ranchers, with good intentions or not, do great harm to the very programs that support our producers in providing the bounty that is the modern miracle of American agriculture. It is time to stop. I understand the support for the programs that this amendment alleges by cutting crop insurance or using crop insurance as a bank. Let me go over those programs.

Other than the Conservation Reserve Program, the Environmental Quality Incentives Program is the most popular conservation program in Kansas. Obviously, I am for that program. Obviously, I am for reasonable funding for that program. I have been one of the strongest supporters in the Senate of the McGovern-Dole, or what we call in Kansas the Dole-McGovern, international school lunch program. In fact, I was the Senator who led efforts to get all 100 Senators serving at the time to sign a letter urging them to keep the program under the jurisdiction of the Department of Agriculture. I was the House Agriculture Committee chairman who saved the Food Stamp Program when many wanted to block grant it. The Governors wanted the money, but they didn't want to operate the Food Stamp Program. So I have a little blood pressure, if you will, and heartburn when folks try to tell me my producers don't understand or care about these programs. Just the opposite is true. I take offense at saying the funding for these programs should be increased on the backs of our farmers and ranchers which will happen if this amendment passes.

I get frustrated when we get amendments that will inflict great harm for the simple fact that some—good intentions aside; I don't question that at all—do not truly understand how a program works, and they don't want to take the time to get their facts straight. We have already increased nutritional spending by $5.5 billion in this bill. We have increased conservation spending by, as the ranking member knows and as anybody who represents farmers and ranchers knows, $4 billion, all the while cutting $6 billion from traditional commodity programs, including $4.7 billion from crop insurance. Haven't we already extracted our pound of assistance and flesh from our farmers and ranchers? Note that I say the crop insurance program directly affects the wherewithal of farmers and ranchers. It is inseparable.

I will tell my colleagues why I think the authors of this amendment have their facts wrong, but first I want to make it clear what will happen if this amendment passes. This amendment does propose to increase the amount of quota share that companies must cede to the Government from 5 percent to no less than 15 percent. It could go higher, a lot higher. Quota share, pardon the vocabulary of agriculture program policy, is the percentage of underwriting earnings that a crop insurance company must cede back to the Federal Government. Currently that is 5 percent of earnings. Put another way, it is an additional 5-percent tax companies must pay to the Government prior to expenses being figured. In addition, if this amendment had been in place for the 2007 crop year, it would have also reduced the administrative and operating expense reimbursement to the companies by an additional 30 percent beyond what is already in the committee-passed bill. If we do the proposed changes in underwriting gains in this program, we will be ceding additional reinsurance risk from the private market, and it will go to the risk management agency of the USDA—that is the outfit that runs the crop insurance program—and the U.S. taxpayer. I don't think we want to do that.

Additionally, we will make it more expensive for companies to service the program and provide it to producers, so much more expensive and risky that it may well cause some companies to pull out of higher risk or underserved States. That is the big issue. You might want to reform it in ways that will not affect your home State where basically you get a lot of rain but don't have a lot of risk and you don't farm—the seed just comes up—as opposed to high-risk areas. That means we may have States where crop insurance would not be available or, at the very least, there may be fewer options available from which producers can purchase crop insurance. If producers can't get crop insurance, it means they will be back here asking for ad hoc disaster aid. For everybody who votes for this amendment, if it passes, I want you to help me to come back here in regard to ad hoc disaster aid. Kansas is now frozen over with yet another blizzard.

Even if we have a permanent disaster package in this bill, which we do, it also means we would be making it harder for many farmers, especially young ones, to get the operating loans and financing they need for their operation. Why would it be harder for them to get financing? It will be harder because most lenders and a good number of landlords require crop insurance as part of their business agreement. So if you take away crop insurance, you hit those young farmers who don't have a lot of equity built up in their operations.

On the other hand, I am sure there are those who say: Well, look at the GAO study on crop insurance. It is important to go over why this is a completely flawed study. Personally, if you presented it in the private business world, I think your job might be in danger. First, it takes into account none of the increases in the participation in the program that have occurred since the passage of the Agriculture Risk Protection Act of 2000, reforms to the crop insurance program that I helped lead in this body, along with our great former Senator Bob Kerrey. We worked hard, and it took us 18 months. We reformed the program. Those efforts have led to increased participation, not only in the plains States but all throughout the country, more especially in the South and for specialty crops and everybody involved in agriculture. As I said, especially in the southern region, represented by our outstanding ranking member, SAXBY CHAMBLISS, but also in regions that grow specialty crops or that have been considered underserved by the program in the past. We fixed that. This increased participation increases the ability to make profits for the companies, but it has also led to a significant increase in the amount of risk they are insuring in this program.

First, the study was ordered in the House—I am talking about the GAO study—by those who, shall we say, have been less than friendly to the crop insurance program and to our farmers and ranchers. That is probably the understatement of my remarks. Second, the GAO study, I believe, is counterproductive because everyone here knows you can get a GAO study to say whatever you want. I have been committee chairman three times. You ask the questions right, they respond with the answers you want. This GAO study claims that crop insurance companies are making huge amounts of money—we just heard that from previous speakers—and are much more successful than traditional property and casualty insurance companies. The first flaw in this study is that they pretty much compared apples and oranges. When looking at the business relationships between crop insurance and traditional property and casualty companies, they compared a 5-year period for the crop insurance program that represented what happens to be 5 of the lowest crop loss years nationally in the history of the program. At the same time they included a time period for looking at the business numbers of the property and casualty industry that included both the 9/11 attacks and Katrina—in other words, one of the worst 5-year business periods in the history of the traditional property and casualty business. If you take a comparison that shows one of the best 5-year periods in history in terms of insured losses for one sector of the industry and you take one of the worst 5-year periods for another sector of the industry, what do you think the numbers are going to look like?

Additionally, this GAO report claims that the companies are making substantial underwriting gains on the premiums they collect which the GAO then assumes is all complete profit. That is one of the arguments that has just been made. Yes, companies do make underwriting gains on a portion of their premium that is collected, if there are not losses. That is the factor that has not been brought up. What the GAO fails to mention is that were a major loss to occur this year—i.e., the 1988 drought, what we have been through in Kansas, or the 1993 flood—the companies would also be responsible for these underwriting losses.

In addition, the GAO report makes the assumption that any underwriting gains by the companies are pure profit. This is ridiculous. There are expenses that are paid out of those underwriting gains. The largest of these expenses is for costs to pay private reinsurance companies for the amount of risk they underwrite for the insurance companies.

Let me explain this in plain English. It is called "show me" in Missouri. All lines of insurance, as the Presiding Officer knows, protect their investments by insuring their own risk with private reinsurers. That is the way it is done. Crop insurance companies do the same thing. If they did not do it, again, the risk management agency of the USDA and U.S. taxpayers would have to act as the reinsurers for the program, thus greatly increasing the risk for additional cost for taxpayers. We don't want to go down that road. So if you subtract this and other expenses to obtain net underwriting gains, which the GAO did not do, the numbers look a heck of a lot different.

In addition, the private reinsurance industry has serious concerns with the proposed increase in quota share from 5 percent to a minimum of 15 percent that, again, must be ceded back to the Federal Government. Again, in simple terms, this requirement will force companies to cede an additional minimum of 10 percent of underwriting gains—prior to expenses even being calculated—back to the Federal Government.

Now, the authors of this amendment and the USDA call it a quota share. I simply call it a tax because that is what it is when you force any company to provide an additional 10 percent or more of their earnings to the Federal Government.

Private reinsurers know the crop insurance business can be very risky. Yes, you can have several profitable years if you do not have widespread weather problems. But if you have a major crop loss across a broad area of the Nation—and I can tell you that has happened again and again and again.

I see Senator CONRAD over there on the other side of the aisle. Senator CONRAD, for Lord knows how many years, had to undergo all sorts of bad weather, all sorts of weather-related tragedies. He had the famous chart of the famous cow named Bossy, that was, unfortunately, legs up and had undergone a rather tragic experience. I kept saying to the Senator: My Lord, I cannot understand this. You have had floods, you have had blizzards, you have had drought. I even told him one time: You ought to move.

That is not an answer.

If you have a major crop loss across a broad area of the Nation—more especially in high-risk Plains States, where we do produce, by the way, in Kansas 350 million bushels of wheat every year or 400 million; that is the other side of the thing in regards to what we actually contribute to the country—why then, if you are in the crop insurance business, you could have a substantial loss in the program, and some have.

Now, reinsurers worry that the increased quota share, or the tax, will make it harder for companies to meet the expense of this insurance and will make them more susceptible to losses. Thus, some reinsurers may pull out of doing business with the crop insurers.

If private reinsurers pull out of crop insurance, then under the terms of the Standard Reinsurance Agreement between the companies and RMA, additional risk will be shifted to the U.S. taxpayer. It is as simple as that.

In addition to the quota share, the reduced administrative and operating expense reimbursement—yet another reduction—will increase company costs. The average A&O reimbursement—again, the administrative and operating expense is currently 20 percent. We have several studies that have indicated the actual cost for the companies of administering the program is around 26.5 percent.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator's time has expired.

Mr. ROBERTS. Madam President, I ask for 3 additional minutes.

The PRESIDING OFFICER. Is there objection?

Mr. CHAMBLISS. Madam President, could we have unanimous consent that we get 3 additional minutes on both sides?

Mr. CONRAD. Madam President, there would be no objection on our side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. The Senator shall have 3 additional minutes.

Mr. ROBERTS. I thank the Senator.

Yet this amendment proposes taking that reimbursement down even further.

These companies are businesses. Like any good business, if you make the risk too high or increase the costs too much, you will leave the business. Now please listen to this: There are only 16 companies now participating in the crop insurance program today—16. When I first had the privilege of serving in the House of Representatives and serving on the Agriculture Committee, 20 years ago, the number was 60. It went from 60 to 16. If this amendment is adopted, I do not know where it is going. Some companies will not serve certain sections of the country.

Perhaps it is not as profitable as some might claim? If this amendment is adopted, there may well be entire regions of the country where companies will simply no longer provide this service.

If you add additional costs, I think there is a very real risk that the companies will either leave the business completely or at the very least begin to pull out of higher risk States and also those States that are classified as "underserved" by the Department of Agriculture.

Bottom line: If you are a Senator representing a higher risk State or specialty crops, I would be very nervous about the impact this amendment could have on producers being able to get adequate crop insurance service in your State.

For those who think companies would not pull out, I would remind you that under the operating contract the companies sign with the Government, they are not required to sell in all States. They can pick which States they do business in.

I know some are going to say: Well, OK, but then why are we doing these A&O expense reimbursements when traditional property and casualty companies do not get them?

That is a question with an easy answer. In the traditional property and casualty business, companies are not required to do business with you or me. If they do so choose to do business with us, they get to determine the rates they should be charging on their policies. They get to load expenses into those rates. And they can require us to pay premiums upfront, premiums that can be reinvested and build the economy.

Crop insurance is different. Similar to the property and casualty business, crop insurance companies do not have to do business in all States. But once they decide to do business in a State, they have to do business with any producer who wants to work with them. They are not allowed to cherry-pick.

Crop insurance companies do not set their rates. They are all calculated and established by the Risk Management Agency. In addition, producers do not pay their premiums upfront. Depending on the crop they raise, and changes in this underlying bill, they will either pay their premiums within 30 days after harvest or by September 30 of each year. So the companies float the cost of doing business until these premiums come in. What if a producer fails to pay their premium? The company is responsible.

Now, that is a major concern. Out in western Kansas, where we went through 5 consecutive years of drought, in some places a lot of producers and their lenders have told me if it was not for crop insurance and direct payments, they would not still be in business, especially our young producers and small banks.

If you adopt this amendment, you are not punishing the crop insurance companies, you are punishing all the producers and farm families out there who are operating on the margins, while providing this country with the most affordable and safe food supply in the world.

I urge my colleagues to vote against this amendment that I truly believe would kill crop insurance for our young farmers and ranchers.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN. Madam President, how much time do I have?

The PRESIDING OFFICER. The Senator from Ohio has 21 minutes; and there is 13 minutes in opposition.

Mr. CONRAD. Madam President, might I ask unanimous consent by both sides to make a unanimous consent request at this time on behalf of the leadership of both sides?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Madam President, I ask unanimous consent, on behalf of the combined leadership, that the Senate stand in recess today from 2 to 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia.

Mr. CHAMBLISS. Madam President, there was an understanding that Senator GRASSLEY would be recognized for up to 5 minutes following Senator ROBERTS.

Mr. BROWN. Madam President, I reserve my right to object. Rather than have three or four speeches in a row in support of this amendment, I would like to—particularly since I have more time remaining—at least use a couple minutes now. I will not give a long speech, but I would like to use a couple minutes responding to Senator ROBERTS and then go back and forth, if that would be acceptable to the Senator from Iowa, or if the Senator from Iowa has somewhere to go, I am fine with him speaking now. But I would like to speak afterwards.

Mr. GRASSLEY. Madam President, I would like to speak for 5 minutes.

Mr. BROWN. Madam President, I am fine with that. I would like to be recognized after Senator GRASSLEY, if that is OK with the Senator from Georgia.

Mr. CHAMBLISS. The Senator is correct. The normal procedure would be to go back and forth. After Senator GRASSLEY, Senator BROWN will be recognized, and then I ask that Senator CONRAD be recognized after Senator BROWN.

Mr. BROWN. I thank the Senator. I certainly will reserve my time.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Madam President, it would be easy to say I associate myself with the remarks of the Senator from Kansas and let it be that way. But I was around when we set up the Federal crop insurance program. I wish to reflect on the rationale behind it and then, consequently, why I am going to vote against Senator BROWN's amendment.

Remember, for decades of a farm program, we may have had some crop insurance through the Government—and for hail through the private sector—that farmers could buy for some protection, but, for the most part, against natural disasters people relied upon the political whims of Congress to vote for or not to vote for disaster aid.

So this crop insurance program was put in place to give farmers the ability to manage their risk, let the individual farmer make some determinations so he can take risks out of farming, out of the natural disasters that are connected with it—even now, you can take some of the price questions out that are involved with it—and manage his own risk as opposed to relying upon the Senators and the Congressmen to vote or not to vote or when to vote for disaster relief.

So we put this in place. In order for it to be successful, you have to have a network to carry it out. This network is a private-sector network. I think it is working very well. I think it is in jeopardy if the Brown amendment is adopted.

So I have some concerns about the amendment. It could have some very detrimental impacts on the crop insurance program that is so valuable to rural America. So I urge my colleagues to oppose this amendment because I do not believe the amendment is reform. It moves us back to a time when there was more of a reliance upon the political whims of Washington to devote disaster relief.

The amendment seeks to further cut support of the Federal crop insurance program by several billion dollars simply to fund other projects. Additional cuts beyond what the Agriculture Committee has already adopted will prevent the program from providing assistance to America's farmers that is so vital to risk management.

Over the years, Congress has insisted on having the Federal crop insurance program reach out to all farmers, especially small, beginning, and limited-resource farmers. This is to be done in a fair, equitable, and nondiscriminatory manner, serving as an effective risk-management tool that all can use.

According to the Department of Agriculture, the program is succeeding at this objective. Additionally, crop insurance has become essential to many farmers in securing credit from a bank, rental agreements, as well as providing confidence to more effectively market their crops through the futures market where they can capture higher prices.

The farmers in my State and across the country have used this tool over and over. It must be effective or they would not be using it and paying the premiums each year.

The Senate Agriculture Committee reported a farm bill that contained a two-point cut to the administrative and operating reimbursement, a cut that represents nearly $750 million in reduced program cost. Any cuts to the A&O reimbursement rate beyond those two points that were agreed upon by the committee will likely undermine the program by threatening the service America's farmers both need and deserve.

Further cuts could also jeopardize the continued viability of the private delivery system that is vital to the program's success. This could put private-sector employees out of work and result in the hiring of new Federal employees to serve farmers. Private-sector delivery is efficient and results in good services.

Approximately 30,000 jobs are created by this industry. Those would be in jeopardy, and we would not have small farmers and ranchers serviced the way they are now.

Further, the amendment's proposal to increase the quota share could weaken the crop insurance program and may result in private insurers exiting the program.

In fact, increasing the quota share is counter to the Federal policy of the past 25 years, which successfully has shifted more risk to the private sector for two primary reasons. First, private companies do a better job at loss adjustment. Both the Inspector General and the GAO have repeatedly focused on that point. Second, by shifting more risk to the private sector, Federal costs should be lower over time, as companies have more financial responsibility for indemnities.

It has taken more than 25 years, and we do not want to lose that 25 years.

As a matter of transparency, I wish to tell everybody in the Senate that I participate in a crop insurance program. My constituents ought to know it, and my colleagues voting on it ought to know that as well.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Madam President, I thank the Senator from Iowa for adding his knowledge to this debate.

After listening to the Senator from Kansas, I think we might think the sky is falling in Kansas or in Ohio or in Iowa or in Georgia, that the sky is falling on the crop insurance companies.

But when I hear the opponents of this amendment say crop insurance companies may go out of business because of this amendment, or a new argument today, that the reinsurer might go out of business—reinsurance companies that insure the crop insurers—I think you should, again, look at this chart.

On this chart is shown the number of dollars per policy that the crop insurance companies are paid. In the last 10 years, it slowly went up, until about 2004. So a crop insurance company writing a policy would get $591, 4 years ago. They would get this A&O subsidy, this administrative and operating subsidy. Then it went to $700, stayed around $700. Then it went up to $800 in 2006, the highest number in crop insurance program history. Then, this year, it is close to $1,200 per policy of the subsidy. In addition to everything else with crop insurance, we don't need to get into the inner machinations of the subsidies in other ways. But this over-the-top subsidy—I have been very involved in Medicare issues. Medicare is about 2 percent of administrative costs that the Government pays them to operate the Medicare Programs in the 50 States. I don't make the comparison, generally, because it is a very different program. But we give them $1,100 for every policy they write—almost $1,200. Our amendment simply says: Let's go back to the last record-setting year, which is $830 per policy.

So for Senator ROBERTS to claim they may go out of business—all we are doing is going back to the very profitable year they had when they were getting $830. This is all taxpayer dollars. These are private insurance companies making huge profits—making huge profits from our tax dollars. Again, I go back to the profit levels of these Federal crop insurance companies. These are private companies getting financing profits from taxpayers—twice the profits of the average private insurance property and casualty companies.

Then I hear my friend from Kansas, Senator ROBERTS, talk about how business is going to be bad for farmers. Understand, no premium increase. This amendment increases no premiums; it doesn't touch premiums for farmers. But then he makes the case that—he does the oldest trick in the book, making the farmers' interests coincident with the insurance company interests. If you buy car insurance as a driver, you don't think your interests are always the same as the car insurance companies. When you get your health insurance plan, you don't think your interests are exactly identical with your health insurer. So to believe our taking some of the oversubsidized profits—taxpayer dollars—from the private crop insurance companies, that that means we are going after the farmers or that is going to hurt the farmers simply doesn't pass the straight-face test, and here is why.

We spent, if you recall from my earlier comments, $10 billion in subsidies in the last few years which go to the farmers for crop insurance—a $10 billion benefit for farmers, but it took $19 billion of taxpayer dollars to get them those $10 billion. So in other words, a majority of crop insurance spending, this spending is taxpayer dollars. A majority of crop insurance spending goes to insurers, not the farmers. The farmers and the insurance companies don't have identical interests. I am very supportive of family farmers in my State. Most of the agriculture in my State is corn and soybeans. Most of the crop insurance premium dollars are insuring corn and soybeans in this country. Some 75 percent, if I recall, of crop insurance is about corn and soybeans. I am very supportive of those farmers. I will continue to be. I don't want to see taxpayers, whether they are taxpayers in rural Lexington, OH, or whether they are taxpayers in more urban Youngstown, OH, I don't want to see them giving all of these subsidies to insurance companies.

Again, more than half the spending on crop insurance—more than half the spending—goes to the crop insurance companies, not the farmers. We are not touching the 46 percent that goes to farmers. We are not touching those dollars. We don't want those premiums to increase. We are saying, take a little bit away from the crop insurance companies. Go back to their 2006 levels of $830 per policy. They had huge profits in 2006. The crop insurance companies were thriving. The farmers were benefiting from these programs. Why give them the extra $342 per policy when that money could go to programs such as conservation for farmers; EQIP—an important program in Kansas—or go to McGovern-Dole or go to hundreds of millions of dollars in deficit reduction.

So we are taking those taxpayers' dollars, giving them to these private insurance companies so their profits can absolutely go through the roof. Instead, I want those dollars to be used wisely. We are stewards of taxpayer dollars, as my farmers are stewards of their land. I want to support the farmers. I want to support the conservation programs. I want to support the feeding programs. I want to help reduce the Federal deficit. That is why the Brown-Sununu-McCaskill amendment makes so much sense.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Georgia is recognized.

Mr. CHAMBLISS. I yield 10 minutes to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator has only 7½ minutes left.

Mr. CHAMBLISS. Did that include the additional 3 minutes we got?

The PRESIDING OFFICER. Yes.

Mr. CHAMBLISS. I ask unanimous consent for an additional 5 minutes for both sides.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, I rise to address the amendment of Senator BROWN, the Senator from Ohio, proposing further cuts to crop insurance.

First, I wish to acknowledge what a valuable Member Senator BROWN is of the Senate Agriculture Committee. He has made a real contribution to the work of the committee in bringing this bill to the floor. I respect him for this amendment. He has offered this amendment because he thinks we need to beef up other parts of the farm program—nutrition and conservation—and at the same time he thinks there is more money going to the crop insurance industry than is warranted.

Let me give an alternative view. The amendment before us would cut crop insurance by another $1.8 billion, in addition to the substantial reductions that have already been made in the committee bill. I would like to caution my colleagues about making even more cuts to crop insurance. As the bill stands now, we have already taken $3.6 billion over 5 years, $4.7 billion over 10 years from crop insurance to address other priorities in the bill. This amendment would increase those cuts by more than 50 percent. It would go well beyond what the House did, and it could have a very negative effect on producers' ability to insure their crops.

Let's look at the reforms already contained in the committee bill. The committee bill reduces the loss ratio from 1.075 to 1; it reduces catastrophic insurance and noninsurable—or it has fee increases for catastrophic insurance and the noninsurable program; it has reduced reimbursement for area plans; it has a 2-percent reduction for administrative and operating expenses; and it has total crop revenue offsets of $3.6 billion. That is not insignificant in terms of savings out of this program.

When I look at the proposals of this amendment, I am concerned about the unintended consequences. Specifically, if we act hastily and unwisely without benefit of hearings in the committees of jurisdiction, we could lose participation of private insurance companies, smaller crop insurance companies that rely on reinsurance could exit the business, and producers would have fewer choices. Rather than having competing companies delivering a product, we would be begging them to stick around.

The loss of participating insurance companies is only one part of the story. Reduced reimbursement for delivery of the program would result in agents abandoning the program as well. Where and how far will our producers have to travel to obtain coverage? I don't particularly like the prospect of farmers and ranchers calling my office telling me their agent has quit and they can't find someone to explain to them crop insurance. I think that might be the outcome if we adopt this amendment.

Proponents have been quoting the GAO's May report as justification for further reductions. I read the report. I also read a report completed by the respected accounting firm of Grant Thornton. Frankly, I am concerned that when GAO made its comparisons of crop insurance profitability to property and casualty insurers, they were comparing apples and oranges.

The GAO compared profitability over 5 years, showing crop insurance at 17.8 percent return compared to 6.4 percent for property and casualty. Of course, that comparison included the only loss year for property and casualty and relatively good years for multiperil crop insurance. Grant Thornton instead looked at a 14-year period. Their analysis shows something quite different, with crop insurance profitability at 12.2 percent compared to 17.4 percent for property and casualty. Further, Grant Thornton notes that crop insurance expenses have fallen short of administrative and operating reimbursements since 1997. That is quite a different story.

Grant Thornton's report suggests the GAO didn't make fair comparisons because they chose nonrepresentative years and did not account for significant differences between property and casualty insurance and crop insurance. Frankly, there is a dramatic difference between crop insurance and what is required in order to provide it and other insurance products. There are more administrative expenses to administer a crop insurance program than most of us understand. Agents are constantly being trained and retrained to keep up with the new Government rules we pass. They need to understand not only government regulations but company rules, loss adjustment, and maintain production history records.

In addition, loss adjustments occur on a much greater frequency than for any property and casualty company. I have actually had perhaps the misfortune of studying insurance in college. Crop insurance is a totally different insurance coverage than other insurances that have been referenced on the floor. It is no wonder Grant Thornton reported crop insurance expenses have exceeded administrative and operating reimbursement every year since 1997. I might add, while the GAO outlined what they believe are vulnerabilities for fraud, waste, and abuse, this amendment doesn't do anything about those questions. In fact, because it reduces available resources for administration, I am inclined to think this proposal may make the fraud and abuse situation worse.

While I applaud my colleagues for trying to increase resources for conservation and nutrition, I would point out the bill before us increased conservation by over $4 billion above the baseline, increased nutrition by $5 billion above the baseline, and we did it largely by taking money from crop insurance already. This is a double hit.

We have taken nearly $7.5 billion from the commodity programs. We have taken $4.2 billion directly from commodities, and over $3.6 billion from risk management. Where did the money go? The money went to nutrition and conservation. They were the big winners. It is like people have completely forgotten what occurred.

This is a chart that shows the sources and uses of funds. Thirty-four percent of the money—the new money—provided in this bill came out of commodities. Thirty-two percent—almost a third—came out of crop insurance. We have already tapped them. Where did the money go? Forty percent of it went to conservation, and 47 percent went to nutrition. Now, when is enough enough? When is there a fair balance?

I wish to emphasize, we have hit the commodity title for $7 billion already. When does it stop? When is enough enough? When is fair fair? Sixty-six percent of this bill is going to nutrition. Sixty-six percent of this bill is going to nutrition. Nine percent of this bill is going to conservation.

Commodity programs are less than 14 percent. Let's be clear. When we wrote the last farm bill, it was estimated that three-quarters of 1 percent of Federal spending would go to commodity programs. But that isn't what happened in the real world. We didn't get three-quarters of 1 percent of Federal spending; we got one-half of 1 percent of Federal spending in the current farm bill for commodities. You know how much we are going to get in this farm bill? Not three-quarters of 1 percent, not one-half of 1 percent, but one-quarter of 1 percent. That is what is going to go for commodities in this bill.

This amendment says let's take another $1.8 billion and give it to the parts of the bill that have already been the big beneficiaries, the part of the bill that already has had the biggest increases—conservation that got 40 percent of the new money, nutrition that got 47 percent of the new money.

This amendment ought to be defeated. There are questions raised by it that are legitimate and they ought to be the focus of a hearing. The House already agreed to do so. The Senate ought to follow suit, but we ought not to make a rash, hasty decision that can endanger crop insurance, which is critically important for our producers.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Who yields time?

The Senator from Ohio is recognized.

Mr. BROWN. Mr. President, will the Chair let us know how much time remains on each side?

The PRESIDING OFFICER. The Senator from Ohio has 17½ minutes, and the Republican side has 2 minutes.

Mr. BROWN. I thank the Chair.

Will Senator ROBERTS take his last 2 minutes?

Mr. CHAMBLISS. I am sorry, what is the question?

Mr. BROWN. I have a good bit of time left. You have a couple of minutes. I want to close, but I want to make some comments first.

Mr. CHAMBLISS. The Senator can talk and we will take our 2, and then he can close.

Mr. BROWN. I thank the Senator. I think we should wrap this up.

I appreciate the comments of my friend from North Dakota, who has fought more effectively and passionately for his farmers in North Dakota than perhaps anybody in the Senate. But this debate is not about how much money has gone to conservation, to nutrition, or in or out of direct payments. This amendment is the subsidies, the taxpayer dollars, that go directly into crop insurance, the huge, bloated subsidies, the taxpayer dollars, that go to these companies that, by any measurement, are the most profitable insurance companies in America—Federal crop insurance, with 17.8 percent profits; and private property and casualty insurance, with 8.3 percent.

I know crop insurance is different; they have Federal rules. But in the end, this profit is all about taxpayer subsidy. This is the same kind of profit that a private property and casualty insurance company has. It is taxpayer dollars from taxpayers in Providence, RI; Topeka, KS; Columbus, GA; and Mansfield, OH.

I heard Senator CONRAD's discussion of a Grant Thornton analysis over the last dozen or so years. I don't know who paid for that study. It doesn't matter. I know who paid for the GAO study, and I know about the professionalism, even though called into question by my friend from Kansas, when the audits don't come out the way some people want them to. I know about their professionalism and what they said about crop insurance, and I know what they said about overpayments and profitability.

Most importantly, that study from Grant Thornton looks over a period of many years. I probably would not have offered this amendment in 1999, 2000, 2001, or 2002. But look at where we are today. Look at the subsidies we provide to crop insurance from taxpayer dollars. I repeat that these are taxpayer dollars, the subsidies to these crop insurance companies: $723, $696, $830 per policy with the subsidy, leading up to this year, when the policy jumps to a $1,172 subsidy.

All we are saying is to take this huge overpayment from this year and go back to the already very profitable year in 2006. This is not a debate about what farmers get. Farmers' premiums don't increase. They will get the same services. Farmers will still have the same access, in spite of what some people say, to these crop insurance policies. So it is a matter of whose side you are on. Are you on the side of the farmers or the taxpayers and the side of conservation and nutrition? Or are you on the side of a very small number of crop insurance companies that are reaping huge profits, getting huge subsidies, getting bloated numbers of dollars from taxpayers in their pockets? Whose side will you be on? We should be on the side of the family farmers and taxpayers.

I reserve the remainder of my time, and I will close after Senator CHAMBLISS uses his last couple of minutes.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, crop insurance has experienced tremendous growth and success since the enactment of the 2000 crop insurance bill, which increased premium subsidies to producers and made other program improvements. In my State of Georgia, we were not a big user of crop insurance in years past. In 1994, only 38 percent of eligible acres were insured; whereby, in 2006, 89 percent of eligible acres were insured. This is a valuable tool that our farmers now have available to them, and it saves the taxpayers money by decreasing the amount of annual emergency disaster programs we have to come and ask for relative to agriculture.

In the committee-approved farm bill, over $4.7 billion has been taken out of the crop insurance program to fund other farm bill priorities. These savings were achieved to answer criticisms of the program, some of which were raised by Senator BROWN, and are directed to improve operational efficiency. We have tried to manage these funding reductions in a way that will not unduly harm the program or the delivery system.

Twenty-one agricultural organizations have sent a letter opposing the Brown amendment. I ask unanimous consent that that letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECEMBER 12, 2007.

Hon. SAXBY CHAMBLISS,
U.S. Senate,
Washington, DC.

DEAR SENATOR CHAMBLISS: We urge you to vote "no" on the Brown-Sununu-McCaskill amendment that is said to "reform" the federal crop insurance program.

The Senate Agriculture Committee has already carefully considered the crop insurance program and adopted manageable changes that reduce costs and improve efficiency while capturing nearly $4 billion in savings to fund other farm bill priorities.

The public-private partnership responsible for managing and implementing the program has responded very well over the years to Congress' desire to have a federal crop insurance program that reaches out to farmers across the nation, especially small, beginning and limited-resource farmers, in a fair, equitable and non-discriminatory manner to provide effective risk management. There is very tangible evidence the program is achieving this objective. For example, farmer risk protection is projected to reach at least $65 billion in 2007, providing protection to more than 80 percent of the insurable acreage.

With this magnitude of expansion, crop insurance has become essential not only for individual farmer risk management, but also, in many cases, to borrow money or rent land. Without a crop insurance safety net that is fairly and effectively available, many family farms will not be able to rent land and obtain credit to produce a crop. Furthermore, the crop insurance program helps farmers have the confidence to more effectively market their crops through the futures market where they can capture higher prices and increase their annual income.

We are concerned the changes that would be made to the crop insurance program by the Brown amendment have not been thoroughly and effectively analyzed by the Agriculture Committee and will cause unintended harm to the availability and delivery of a vital farm security program.

To protect what it has taken Congress more than 25 years to build, we urge you to vote "no" on the Brown amendment.

Sincerely,
American Soybean Association.
American Sugar Alliance.
Corn Producers Association of Texas.
Minnesota Corn Growers Association.
National Association of Wheat Growers.
National Barley Growers Association.
National Cotton Council.
National Farmers Union.
National Sorghum Producers.
National Sunflower Association.
New Mexico Peanut Growers Association.
North Carolina Peanut Growers Association.
Oklahoma Peanut Commission.
Peanut Growers Cooperative Marketing Association.
Southwest Council of Agribusiness.
USA Dry Pea & Lentil Council.
USA Rice Federation.
US Canola Association.
US Rice Producers Association.
Virginia Peanut Growers Association.
Western Peanut Growers.

Mr. CHAMBLISS. Mr. President, these organizations recognize the importance of a solid crop insurance program, and in the letter they state:

> Without a crop insurance safety net that is fairly and effectively available, many family farms will not be able to rent land and obtain credit to produce a crop.

They express concern that changes proposed by Senator BROWN will cause unintended harm to the availability and delivery of this vital farm security program.

With that, I urge a vote against the Brown amendment.

I yield back our remaining time.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN. Mr. President, I will not use all my time. I have a couple of points. Several of the speakers have said that the committee already made substantial cuts in crop insurance subsidies from the Government. That is not quite true. There was a bit of a cut, but the cuts were much less than the House of Representatives had in their bill. The House made cuts in the shared risk and the A&O, the administration and operating expenses. They say the crop insurance companies were already cut by $3.5 billion. The vast majority of these savings were due to the sleight of hand, the shifts in time. The CBO cost estimate indicates that only $700 million were actually cut.

According to the CBO, the supplemental disaster package adds an additional $2.1 billion to crop insurance. So they took a little here and added more there. It adds up to a net gain of $1.5 billion to crop insurance companies. Their lobby is strong and they are doing well. They have a lot of influence on this body. But the fact is, in the end, this is about one thing: This chart shows that the majority of crop insurance spending goes to insurers, not family farmers or large farmers—not to farmers, period. A majority of this money—the underwriting gains paid to companies was $840 million. Administrative subsidies paid to companies was $960 million. Fifty percent of crop insurance spending goes to crop insurance companies, not to farmers.

About $10.5 billion in the last 7 years has gone to farmers benefiting from the crop insurance program, but it took $19 billion from taxpayers to pay them that $10 billion. What kind of program is that? We get $10 billion in public benefits, but it takes $19 billion to provide those public benefits. No other Federal program does it that way. If it were Medicare, we would bring them in here and have hearings and destroy them if they were spending that much of the services they are supposed to provide, with that much in administrative costs. Again, over 50 percent—more than half—of crop insurance spending goes to insurers, not farmers.

The Brown-Sununu-McCaskill amendment will do what we need to do. It will say no more bloated, oversubsidized spending, no more taxpayer dollars of this magnitude will go to the crop insurance companies. Let's use that money for nutrition, for conservation—and, again, don't forget, hundreds of millions of dollars from the Brown-Sununu-McCaskill amendment will go to reduce the national debt. Taxpayers save, family farmers are better off, and the natural resources in this country—something Senator HARKIN has worked so effectively on for so many years—will make all of the difference in this. I ask my colleagues to vote for the Brown-Sununu-McCaskill amendment.

I yield the floor.

Mr. HARKIN. How much time remains?

The PRESIDING OFFICER. There is 10 minutes.

Mr. BROWN. Mr. President, I will yield whatever time I have left to Senator HARKIN.

Mr. HARKIN. Mr. President, I take a back seat to no one in my support for the crop insurance industry. I was here, as Senator GRASSLEY said, on the House Agriculture Committee when we set up this system. I was on the Conservation and Credit Subcommittee. I remember why we did this. We had a bad system before, with the Government putting these policies out, relying upon ad hoc disaster payments. Eventually, we went to all crop insurance delivered through the private sector. I was one of the initial supporters of that. I fought very hard for the private sector to get this business, for obvious reasons. No. 1, we had our private companies out there already insuring houses, cars, and different things, such as equipment, for farmers. Why should they not also provide crop insurance? It made logical sense.

I think the years have proven us right. The private crop insurance industry in America has worked well. It has done an outstanding job. It has met all of the things we expected them to do when we created this program in 1982. So I have followed this all these years, and I have supported this industry and what they have been doing all these years. I still do. I take a back seat to no one.

I will be frank; when the Senator from Ohio first came up with his proposal on crop insurance in my discussions with him, I thought this was too big of a cut. I thought it was a little bit too heavy. I thought they were too harsh. But I do think that over the weeks, in working with Senator BROWN and in moderating the size of the cuts and to shape the message about what needs to be done to reform the financial incentives provided to crop insurance companies, I think he is on the right path. I think the Senator from Ohio makes valid points about the problems with the current mechanism for reimbursing private crop insurance companies for the expenses they incur in delivering the Federal crop insurance program for farmers.

No one who is knowledgeable about how the program works—and I believe I am very knowledgeable about it—can deny that the significant increase in total premiums over the last few years has been driven by the increase in commodity prices, especially corn, wheat, and soybeans, which has resulted in an increase in A&O reimbursement per policy. That surge generated higher revenues for the companies that have not necessarily had an increase in expenses over the same period.

So we have had a system whereby the reimbursements are tied to commodity prices. Well, we have seen this huge increase in commodity prices in the last few years. In fact, I penciled out here that we went from about $3.5 billion to more than $5 billion in just a few years.

The insurance companies get, as we know, 21 percent of that amount. That is the reimbursement rate, 21 percent. That is a huge increase. The Senator from Ohio pointed out on his chart the increases in those years.

What the Senator is proposing is that we take the average of, I believe, it is 2004, 2005, and 2006, and we cap it at that level. It does not apply to the crop-year of 2007, and it would not apply to 2008, if I am not mistaken. I think it starts in 2009. It does not apply to 2007 or 2008. It does not start until 2009.

I have told some of my friends in this industry that I think this approach may be better for them in the long run to base it on those levels rather than to roll the dice. We have seen crop prices go up, and we have seen them go down. Obviously, I would like to see them stay up. But that is ignoring history.

I said to my friends in the industry: Look, this is not a bad deal. We cap the highest levels we have seen, except for this year, obviously, for 2007, and that is the reimbursement rate. I think it might in the long run be better for them.

I don't see this as onerous on crop insurance. Some say there is going to be this big cut, but that does not apply to 2007 and 2008. By the time we get to 2009, there may not be any cuts at all, as a matter of fact, depending upon what happens with prices. In fact, it may be better. It actually may be better.

In exchange, what we do get is some more money for conservation, for EQIP. We need more money in the EQIP program, the Grasslands Reserve Program, the Farmland Protection Program, as well as the McGovern-Dole Food for Education Program. I think it is a pretty fair tradeoff. If I thought for 1 minute this was going to devastate, destroy, unduly harm the crop insurance industry, I could not support it. But I believe it is a fair and equitable approach and, quite frankly, I think the methodology is much better in the long term. "Long term," what do I mean? Five years? Probably 5, 7, 8 years. It may be better for the crop insurance industry than hooking onto commodity prices.

Quite frankly, thinking back over the years, I find it hard to argue why it should be connected to commodity prices. What does that have to do with reimbursement? What does that have to do with policy numbers? We should have something that will protect our insurance people from undue happenings and events such as that, and I think that is what this methodology does. We took the average of those 3 years and capped it at that. In conference, we can look at putting in an inflation factor.

It seems to me that makes much more sense for the future of the program. As I said, for that we get more money for the conservation programs, the McGovern-Dole International School Lunch Program, and it also lifts the sunset provision on our nutrition program. Right now the increases we put in the Food Stamp Program with the standard deduction and minimum benefit sunset in 5 years.

Someone in the Democratic Caucus said recently to me: Why are we sunsetting in 5 years the programs that go to the poorest people in our country, yet we don't sunset the programs that go to some of the wealthiest people in our country? Fair question. So in order to lift this sunset, we need additional money, and the money we would save would go to lift the sunset provisions on both the standard deduction and the minimum benefit.

For those reasons, I support the amendment.

Mr. President, I yield the floor.

Mr. BROWN. Mr. President, I yield back our time on the amendment. I thank the Senator from Iowa.

Mr. ROBERTS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that at 3 p.m.

today, the Senate proceed to conclude the debate with respect to the Klobuchar amendment No. 3810, and that the previous order with respect to the vote threshold remain in effect; that upon the use or yielding back of time, the Senate proceed to vote in relation to the Klobuchar amendment; that upon disposition of that amendment, the Senate then vote in the relation to the amendments listed below in the order listed; that there be 2 minutes of debate equally divided and controlled prior to each vote; that after the first vote, the vote time be limited to 10 minutes; with no second-degree amendment in order to any of the amendments covered under this amendment, prior to the vote; that the amendments covered here be subject to a 60-vote threshold; that if any of these amendments achieve an affirmative 60 votes, it be agreed to and the motion to reconsider be laid upon the table; that if it does not achieve that threshold, it be withdrawn: Coburn amendment No. 3530; Tester amendment No. 3666; Brown amendment No. 3819, and that the managers' package of cleared amendments be considered and agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I guess we are going to be in recess for an hour, from 2 to 3 p.m. We will come back at 3 p.m. and finish debate on the Klobuchar amendment. We will have that vote, and at the conclusion of that time, we will have three other votes. There should be four votes in sequence at that time.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 3 p.m.

Thereupon, the Senate, at 1:55 p.m., recessed until 3 p.m. and reassembled when called to order by the Presiding Officer (Mrs. McCASKILL).

FARM, NUTRITION, AND BIOENERGY ACT OF 2007—Continued

AMENDMENT NO. 3810

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of amendment No. 3810.

Who yields time? The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Without objection, the time will be equally divided between the two sides.

The legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. Madam President, I am here to address my amendment, No. 3810, and I want to talk about the importance of reform to this farm bill.

I was disappointed today when the amendment of Senator DORGAN and Senator GRASSLEY was defeated. It was a very important amendment. In other years, we actually had enough votes for this amendment, before I was here, but we weren't able to muster the votes necessary to block the filibuster. Well, we have one more opportunity, and that opportunity is this afternoon.

America's farm safety net was created during the Great Depression as an essential reform to help support rural communities and protect struggling family farms from the financial shocks of volatile weather and volatile prices. I believe after 75 years, the reasons for that safety net still exist, and I believe the farm bill that came through our committee has some very good things in it. It is forward thinking; it is about cellulosic ethanol. It is about finally having some permanent disaster relief. It is about a strong safety net for America's farmers. But there is one thing missing from this farm bill, Madam President, and that is the kind of reform that we need to move forward.

I want to demonstrate what we are talking about here with our amendment, which is cosponsored with Senator DURBIN and Senator BROWN, and why I think it is so important to this bill. As you know, I come from a farm State. It is sixth in the country for agriculture. I am proud of the work our State does and our farmers, and we have diverse farming. I know some of the farmers in my State may not like this, but the vast majority of them support this reform because they know if we don't reform ourselves, someone else will do it for us.

What I am talking about is farm subsidies going to people who shouldn't have them, such as Maurice Wilder, who is a guy that is very wealthy, and who was the No. 1 recipient of commodity payments from 2003 to 2005. He has collected more than $3.2 million in farm payments for properties in five States, even though his net worth is more than $500 million. We also have $3.1 million in farm payments going to residents of the District of Columbia, $4.2 million going to people in Manhattan, and $1 million of taxpayer money going to Beverly Hills 90210.

Now, what can we do to change this? The first thing we are doing is we are getting rid of the three-entity rule, which cuts down on abuse and allows these payments to go to the people they should go to, and ending the practice of dividing farms into multiple corporations so that they get multiple payments.

The second thing we could have done—and sadly we defeated it today—was the Dorgan-Grassley amendment, which would have put a limit on the actual payment at $250,000. That is a lot of money where I come from.

But there is a third thing that we still have the opportunity to do today. I ask my colleagues, those who are fiscal conservatives and who really care about fairness in this country, to look at this amendment and think about what we are doing. Right now, under existing law, no matter how much you net in income—and I am here talking about deducting expenses because expenses don't count. So when my colleagues talk about farms that might have higher expenses, those are out of it. This is just adjusted gross income.

So for full-time farmers who have unlimited incomes, they can be making millions and millions and millions of dollars. They still qualify for subsidies. And because we weren't able to get it passed and put a limit on subsidies, they do not have that $250,000 cap. Part-time farmers right now, under existing law, can make $2.5 million, and they get subsidies and marketing loans, since we were unable to pass this limitation today.

The President's number, which came with the administration's suggested agriculture proposal, was a $200,000 limit—a $200,000 limit for both full and part time. The Agriculture Committee in the House is chaired by COLLIN PETERSON of Minnesota, and I wouldn't call him a radical guy. He has been a friend of farmers forever. He put the limit at $1 million for full-time and $500,000 for part-time farmers. And he has recently been saying publicly that he thinks it should go lower than that, especially since we do not have the total limit on subsidies that was contained in the Dorgan-Grassley amendment.

Now, what does the Senate bill do—the bill that came out of our committee? It has not changed for full-time farmers. No reform for full-time farmers. For part-time farmers, very slowly, it gets to a $750,000 limitation in income—for part-time farmers.

This amendment says $750,000 for full-time farmers should be the limit—$750,000 in income on top of expenses. Now, if you have a bad year and you are a big farmer, you are still going to qualify. But if you make over $750,000, that is where there is a cutoff. It is great you are making money—you should put it in the bank—but then you don't qualify for the subsidies. If you are a part-time farmer, under our amendment you can make $250,000 or under, and then you will qualify for the subsidies. And here is where we are talking about these investors, the people who aren't full-time farmers, people making less than 66 percent of their income from farming.

Now, what does this amendment do? Let's consider what it means. If you live in a city, and you have a job as an investment banker and make $2 million a year, you don't get the government checks. Right now you can, but under our amendment you won't be able to. And if you are a full-time farmer, meaning more than 75 percent of your income comes from farming, under current law there is absolutely no limit on your income, and you will still get those government checks. This puts some reasonable limits on the income when you qualify for the government farm subsidy checks. That is what it does.

I have to tell you this: With the kind of budget battles we have ahead of us, we have to look at what we are doing and we have to be thinking: Is this fair? When we have a limited amount of money, Madam President, and we are going to have to deal with Social Security and Medicare and all these issues, if we can't even say, for farmers making over $750,000, we are not going to put some limit on these government checks, I really don't understand how we are going to grapple with these tougher issues. It is a matter of fairness because I believe this money should be going to family farmers.

That is what this system was set up to do. It should be going to the hardworking farmers in this country, not to art collectors in San Francisco and not to real estate developers in Florida. That is all we are trying to do with this amendment. So I would appeal to my friends on both sides of the aisle and suggest that this is our opportunity to act. We have the chair of the House Agriculture Committee already putting in their bill some limits and indicating they may want to go lower. We have an opportunity to be part of that change.

I am going to give the other side some opportunity to speak and save the rest of my time, but I will end with a little holiday story. I thought we needed a little holiday cheer today, on a very difficult day.

My daughter and I, when she was 9 years old, went to see the movie "Polar Express." We watched this fanciful movie, and after we came out, she said to me: Mom, you know, there was one thing in that movie that wasn't true.

And I looked at her and thought, what could it be? Could it be when this big body of water froze over so the train could go over it? Was it when a million elves suddenly appeared at the North Pole? Was that the one thing that wasn't true?

She said: You know, Mom, at the end, when the conductor—who was played by Tom Hanks—says to the little boy: Come on, kid, get on the train. It doesn't matter what direction the train is going, just get on the train. And she looked at me and she said: Mom, it does matter what direction the train is going.

Well, that is what I would say to my colleagues today. It matters what direction the train is going. Are we going to be putting money into the hardworking family farmers in this country or are we going to spend it on real estate developers in Florida who have $5 million to their name or art collectors in San Francisco?

Are we willing to say, change is afoot, and then be agents of change. People in this country want to see change. We heard that in this last election. This is our opportunity; it is our chance to go in the direction of reform. We have done that with so many different parts of this farm bill, and that is why I supported this farm bill in committee, but this is our chance to go in the direction of change. It is a very small incremental step, but it will start us going in the right direction with this farm bill—a direction of reform.

Madam President, I yield the floor, and I ask how much time I have remaining.

The PRESIDING OFFICER. The Senator has 11 minutes remaining.

The Senator from Georgia.

Mr. CHAMBLISS. Madam President, I rise in opposition to the Klobuchar amendment.

Let me say first that I am disheartened that farm program critics continue to try to lead the general public and our elected officials into believing that there is a vast army of farm program participants who are receiving benefits to which they are not entitled. Stories about people living on the east and west coasts and everywhere in-between receiving program benefits continue to make the headlines. They are used as the poster children of those who do, but should not receive farm program benefits because they are wealthy landowners or millionaires, but more often than not there is no explanation or concrete definition of either.

Home prices have spiraled over the last decade and many families have homes, usually their single largest asset, worth hundreds of thousands of dollars. Individuals receiving farm program benefits obviously have an interest in an agricultural holding somewhere in the country. Hopefully, they also have a 401(k) or some other savings plan that will allow them to retire one day.

More often than not, the type of individual I just described is not a wealthy landowner. They have a home, a farm—which by the way, they might have inherited—and hopefully a retirement plan. They also have jobs and use the income to pay their mortgage, purchase a vehicle, raise their family, and save for college and every other imaginable cost associated with living. Most of the people I know in these situations don't consider themselves wealthy. Most of them will tell you that the adjusted gross income at the bottom of page 1 on their IRS form 1040 doesn't reflect what they would consider to be a wealthy landowner.

Another class of individuals that draws a lot of attention is millionaires. It is pretty hard to figure out who those individuals are unless you are their accountant. More importantly, I would hope that we all know there is a significant difference between having a million dollars in assets and having an annual income in the millions. In the vast majority of cases, most individuals receiving farm program benefits do not have anywhere near a million dollars in assets or income.

But as I will point out momentarily, it is not about wealthy landowners and millionaires receiving program benefits, it is really about farmers in general, regardless of their economic situation, receiving program benefits.

Let me back up for a moment, and provide some historical context to where we find ourselves today. Prior to the 2002 farm bill there had never been an income test with respect to the eligibility of individuals and entities to receive program benefits. Congress acknowledged those concerns and addressed adjusted gross income—AGI—in the 2002 farm bill. Beginning with the 2003 crop year, any individual or legal entity with an AGI of $2.5 million or more for the 3 prior years was not eligible to receive farm program benefits, unless at least 75 percent of their income came from farming, ranching and forestry operations. We believed that was a good first step and recognized that when it came time to write a new farm bill, as with any provision, we would take another look to see if the limits were appropriate.

The ink was hardly dry on the 2002 farm bill when the "reformists" started shouting once again that individuals and entities otherwise eligible for farm program benefits shouldn't receive farm program assistance because they were millionaires or wealthy landowners.

The bill passed by the Senate Committee on Agriculture, Nutrition and Forestry took a positive step to address the issues surrounding AGI. The Committee adopted an AGI provision that reduced the limit to $1 million dollars in 2009, and to $750,000 in 2010 and beyond, unless at least two- thirds of a person's income came from farming, ranching and forestry.

The reform minded AGI provisions adopted by the committee directly answered the calls to ensure that payments don't go to millionaires. We didn't go to $750,000 in the first year—not a reflection of resistance to change, but rather, recognition that land lease arrangements have already occurred with respect to the 2008 crop payment year because here we are in December of 2007, with farmers and ranchers all across America already in the final stages of planning for their 2008 crop year. In some instances—for example winter wheat—they have already got seed in the ground for the 2008 crop year.

In the 2002 farm bill we added a provision referred to as "tracking of benefits". This provision required the Secretary to attribute all payments to an individual, a partnership, or another legal entity back to a natural person or what some referred to as a "warm body." The intent of this provision was to provide transparency and allow the agricultural community, general public, media and other interested parties to trace benefits paid to entities, partnerships, et cetera, back to a "warm body".

During the committee markup, Senator KLOBUCHAR said she wanted to stop millionaires from receiving payments. She mentioned the names of several persons that had received payments with the obvious reference to laws that needed to be revamped. That might be true if you are referring to the 2002 farm bill, but not when compared to the provisions adopted by the committee to keep these individuals from receiving payments.

I am pleased that there is acknowledgment that the tracking of benefits provision worked as it was intended, as it is obvious she and her staff have researched a certain database Web site that is accessible to the general public. I am equally pleased that the adjusted gross income provision that was included in 2002 also worked as intended.

What I am not pleased about is the mischaracterization that people who are no longer eligible for payments because of the provisions contained in the 2002 farm bill are somehow skirting the system and still receiving payments.

One name that frequently comes up is Scottie Pippen, whom we all know to be an outstanding NBA basketball player. When you look through a certain Web site database you will notice that Mr. Pippen received Conservation Reserve Program payments, CRP as it is commonly referred to, for the 2003 through 2005 program years through an entity named Olympic Land Company Incorporated.

USDA tells me that Scottie Pippen owns 100 percent of Olympic Land Company Inc. Olympic Land Company purchased a farm in 2003 that had an existing CRP contract. Because the contract was in existence prior to the 2002 farm bill, the new AGI limits did not apply. The CRP contract expired on September 30, 2005 and Olympic Land Inc. did not enter into a new contract with the 2002 farm bill AGI provisions obviously playing a role in the decision.

Another name used frequently is Ted Turner, who has extensive agricultural holdings in Montana, New Mexico and other States. Mr. Turner bought property in Stanley County, SD, that had several CRP contracts initiated prior to the 2002 farm bill AGI limitations becoming law. Once again because these were multiyear contracts and entered into prior to the 2002 act, AGI provisions did not apply to Mr. Turner until the contracts expired. These contracts expired on September 30, 2007, and Ted Turner did not enter into a new contract with the AGI provisions obviously playing a role in that decision.

I believe these are just two of many examples where the AGI provisions contained in the 2002 farm bill worked as intended, and what we have done in this bill is reduce that limit by an additional 70 percent. There isn't anyone who can stand before this body today and say that a 70-percent reduction in the AGI test is not real reform.

Landowners and producers often jointly share in the risk and production of the crop in a manner that is normal and customary for the area. When the landowner shares in the production risk, by covering costs such as fertilizer or harvesting, the producer benefits from: No. 1, reduced risk in producing the crop, No. 2, reduced capital requirements, and No. 3, a landowner's greater general appreciation of the operation.

I can tell you what is going to happen as we continue to lower the AGI and it is very simple. Landowners intend to capture a return on their assets and unless there are special circumstances, the landowner is going to change from a share lease to a cash lease. Instead of participating in the risk of producing the crop this policy will shift all of the production risk and input costs onto the back of the producer. The landowner will cash lease the land and walk away with a guaranteed lease payment and the producer comes away from the deal with higher production costs and more risk. Do we really want to make it more difficult for the folks who are actually out there getting dirt under their fingernails, driving the tractor and caring for the land?

I want to repeat again what I said earlier, this debate is not about wealthy landowners and millionaires receiving program benefits. It is really about farmers in general, regardless of their economic situation, receiving program benefits. A few short months ago the debate was about making payments to millionaires and now we are at $750,000 and people want to go even further. This amendment is actually an assault on everyday farmers; but is disguised as an assault on wealthy landowners and millionaires.

I am urging my colleagues to vote no on the Klobuchar amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Ms. KLOBUCHAR. I yield 3 minutes to the Senator from Illinois.

Mr. DURBIN. Madam President, why are we here today? We are here today because we are writing a farm bill. We do that every 5 years—1,360 pages. Why are we doing this? We are doing this because in 1932 a President named Franklin Delano Roosevelt looked out at the farmers of America and said: We have a serious problem. These poor people are going bankrupt and losing their farms because of circumstances beyond their control, because of weather, because of terrible prices. He said: We are going to step in as a government and make a difference. We are going to provide a safety net so that families who are farming do not lose their farms. Thank God he did it, and thank goodness we continue this tradition through this farm bill.

Every time we argue or debate a bill such as this, we debate it in the poetry of family farms and the heart of American values. But when you take a look inside this bill, you will not find poetry; you will find the prose of corporate farming and people who have decided to use this farm bill to make a fortune. That is the reality.

Many of these so-called farmers are more adept at reaping Federal checks than they are reaping and harvesting any crop known to man. Is what they are doing illegal? No. This bill makes it legal, legal for them to use these Federal farm programs, designed to help the struggling farmers, to make a fortune personally.

I listened to Senator CHAMBLISS talk about the struggling farmers with dirt under their fingernails. Listen, many of the people who are making a fortune off of this farm bill end up at the end of the day with the ink from corporate annual reports on their hands and no dirt under their fingernails—trust me. What Senator KLOBUCHAR and myself and Senator BROWN are trying to say is, shouldn't there be a bottom line where you say: Listen, you are doing quite well in life; the Federal Government is no longer going to subsidize you.

Here is the bottom line. If your adjusted gross income is over $750,000 a year, we say: You are on your own. Good luck. We hope life continues to be very good to you. And we go on to say that the income limit for those who earn less than 66 percent of that income from farming would be $250,000. We will give no more than a quarter of a million dollars of hard-earned taxpayers' dollars to those who are doing very well in life.

Is that an unreasonable standard? At a time when we are waging a war at $14 billion a month, that we do not pay for; at a time that we cannot fund our schools under No Child Left Behind; when this President will not increase Federal research to find cures for diseases facing American families, is it unreasonable to say we should have limits to the amount of money we should pay those who call themselves farmers but, in fact, are just investors?

I do not think it is unreasonable. This amendment is the same as the issue I raised this morning. This morning, by one vote, the Senate decided to continue the subsidy to oil companies in America making record-breaking profits.

The question on this amendment is, Will we continue to subsidize the rich who are using the farm program to get richer?

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. How much time does the Senator have remaining?

The PRESIDING OFFICER. There is 7½ minutes.

Mr. HARKIN. Can I ask the Senator to yield me time?

Ms. KLOBUCHAR. Two minutes.

Mr. HARKIN. How about 3.

Madam President, I am very proud of our bill. We worked very hard to craft a bill. But, you know, any bill needs to be improved when it comes to the floor. I think this is one item where we need to fix it. The bill that came out of committee, we did not do our job in this respect. I wish to echo what the Senator from Illinois said. I think of it this way. If you are a bona fide farmer, more than two-thirds of your income, it could be 70 percent of your income comes from farming, you have no limits. There are no limits. You could have an adjusted gross income of $10 million and you will still get Government benefits. There are zero limits.

Now, again, if your income from farming is less than that, less than two-thirds, then you have an income limit of $1 million, then it goes down to $750,000 in 2010.

The Senator from Minnesota is on the right track. There is absolutely no reason why someone whose bottom-line adjusted gross income, bottom line after they have taken all their depreciation, all their expenses and everything else, bottom line of $750,000, they do not need free Government money.

But I can understand why they are fighting this amendment. Who wants to give up free money? This is free money. Well, if you are going to give free money, then how about giving it to people who deserve it? That is what the Klobuchar amendment does. It takes this savings of $355 million and puts it into the Beginning Farmer Development Program, the Individual Development Accounts Pilot Program for beginning farmers, rural broadband grants, organic agriculture research and extension, Grasslands Reserve Program, community food projects, things that go to help rural America and help our legitimate small family farmers.

So that is why I feel this is one amendment I wish to speak out on as chairman of this committee. As I said, I am proud of this bill. We have put a good bill together. But there is one hole in it we need to patch up, and we need to have at least this amount of reform in this bill, or else people will continue to say: Well, there they go again. They are taking care of the richest and the biggest, the richest and the biggest.

Do you know what is happening now with farm programs? It is similar to a black hole. Do you know what black holes are in astronomy? Those are the things in space where there is so much gravity that nothing escapes, not even light. If anything gets near it, it sucks it in and nothing gets out.

Well, this is akin to what is happening in our farm programs now with this kind of a situation. The bigger you are, the more you get. That is what is happening here. The bigger you are, the more you get from the Government.

Now the more you get from the Government, the better able you are to bid up the price of land around you and buy it. Therefore, you get bigger. Now that you are bigger, you get more Government money, and you can buy up more land, and you get more Government money.

That is why it is similar to a black hole. We have to stop this. This is not in the best interests of rural America. What is in the best interest is the Klobuchar amendment. I mean $750,000, quite frankly, personally I think it ought to be lower. I think if you had an adjusted gross income over $500,000 or $300,000, you ought not be able to get Government programs.

But at least $750,000 is a lot better than what is in the bill. Because the bill says there are no limits, none, $10 million, you still get Government payments, if two-thirds of your income is from farming. That is why the Klobuchar amendment ought to be adopted.

Ms. KLOBUCHAR. Madam President, I thank the Senator from Iowa and the Senator from Illinois. I reserve the balance of my time.

Mr. CHAMBLISS. Madam President, I have one comment on the statement the Senator from Illinois made. Let me make sure there is no misunderstanding because he misstated something. This amendment has nothing to do with amount of payments. This has to do with the eligibility of payments.

I assure you, anyone who has an adjusted gross income of $750,000 from a farming operation, which is required under the bill that is before this body, has invested millions and millions of dollars into their trough in order to be able to achieve that goal, and they probably had a pretty good year to do that.

There is nothing in this amendment that says to that farmer, if you lose all those millions of dollars, that we are going to do something for your benefit. That is what our safety net is all about. That is why this is such a bad amendment.

I yield the balance of the time remaining on this side to the Senator from Arkansas, Mrs. LINCOLN.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Thank you, Madam President. I thank my colleagues for the work we have done on this farm bill. I come to the floor today to urge my colleagues to oppose the Klobuchar amendment.

Listening to my colleague from Minnesota, her description about directions being important does matter. That is why it is important for us to look at the direction we are going in this farm bill. This underlying farm bill that we brought together in the Senate Agriculture Committee has the most substantive reform in the history of a farm bill.

It stands for farmers, for family farmers. It stands for a safe food supply which is absolutely critical. It is a bill that ensures that in future generations we will have a safe food supply. But we can also go too far in the one direction. I think that is important for us to take a look at.

The Senator from Georgia talked about the fact that these individuals have large operations. Well, if you are farming 1,000 acres of cotton, you are going to have to sign an operating loan at the beginning of your crop year to the tune of about $5 million. That is tremendous risk. How important would it be to have a brother or a son who is going to also cosign that note, who is also going to have access to the ability of allowing the Government to provide those two a safety net, of being able to provide that safe and affordable food supply.

If those individuals are farming and they are getting payments, it means they are getting those payments because prices are low. One year it may be good, the next year it may be bad. We do not need to go in the wrong direction.

The millionaire Senator KLOBUCHAR references from Florida, he should not be out there. If he is worth $500 million, he should have been caught by the last farm bill's initiative. He would certainly be caught by the limits that are in the committee bill we bring to the floor.

I might suggest that from the GAO study we have seen, much of what gets underneath what actually exists is because the existing administration is not implementing the current law. The GAO study tells us that. Well, if they are not implementing the current law, why would we go further in that wrong direction? We have gone critically in the right direction. We have lowered by 70 percent the AGI means test. That is what it is, a means test.

As I stated on this floor so many times during the consideration of this legislation, the underlying bill already contains the most significant farm program reform in the history of a farm bill. We have already included the dramatic reform to this adjusted gross income means test that unanimously passed the Senate Ag Committee.

Prior to the 2003 farm bill, there was no means test that existed for farm programs. However, we knew it was important to eliminate loopholes that nonfarmers used to receive program payments. During the 2002 farm bill debate, we instituted a $2.5 million test. Well, I would ask my colleagues from Iowa and Minnesota, the gentleman who was referenced by the Senator from Georgia, he is not going to be caught if he were to reinvest.

We have not extended this means test to anybody else. The conservation programs are not—I hope the chairman will correct me—the conservation payments will not be corrected by this, they will still remain under the current law at $2.5 million. So they will not even be lowered to what we have lowered it in the committee bill, to 750.

So if we are going to do this, if we are genuine about wanting to put this strong means test and go down that severe direction, then why are we not doing it across the board? Why are we not making that difference? If what we want to do is to create all those savings, then why are we not being fair about it and making it across the board?

In the underlying bill, we have gone further and lowered the threshold to 750,000, and that is a 70-percent reduction, a 70-percent reduction in the AGI test. Before we go further, let's see if that does not work. We went to 2.5 in the last bill, we have gone consistently lower now. If the President is not going to implement the law as it exists, what good would even taking it more extremely down that road do?

I hope we will not forget we have also significantly reformed individual program payment limits on top of which we will sharply reduce benefits to producers who remain eligible under the AGI test.

This is already historic reform. There is no need to hit these farmers with a double whammy. It is also vitally important to remember the purpose of the AGI test we included in the committee bill is to keep rich nonfarmers, the ones my good friend from Minnesota and others continually cite, from receiving farm bill benefits.

But, unfortunately, the Klobuchar amendment would not just ratchet down the AGI limits to rich nonfarmers, it would also sharply ratchet down the support to family farmers, families who come together to farm because they want to share the risk, they want to be able to share the ability to sign that operating loan note or to share the cost of what it costs to purchase that equipment, that seed and that fertilizer, the enormous expenses that go into a capital intensive farm. They want to share those risks.

It would sharply ratchet down their ability to do it. That is not the purpose of an AGI test. That is not the purpose of means testing. Ironically, while the amendment before you would do this to farm families, it leaves wide open another loophole that lets rich nonfarmers continue to collect those huge conservation payments to the tune of $2.5 million, which is the existing law. We do not even correct that.

That is right. It is not across the board. The big elephant in the room no one wants to talk about, that while folks hammer away at farm families in this country trying to make ends meet, other wealthy nonfarmers, such as Scottie Pippen, who was mentioned earlier from my State, who often gets cited, will continue to collect conservation checks.

I do not know why we continue to talk about how we want to ratchet down on family farmers, but we do not want to talk about it across the board in other programs where we are seeing large payments going to very wealthy millionaire nonfarmers.

So I urge my colleagues to do the right thing, vote no on this amendment which hurts family farms while letting some of those rich nonfarmers completely off the hook. If the Senator from Minnesota wants to rid the country of all the sensational stories based on half-truths, I would advise her to apply her test in this proposal across the board to all the commodities and not just target Southern growers yet again.

I would advise caution, though, because I do not think we fully understand the ramifications of true means testing to that degree. On one hand, once we have set the precedent of implementing a means test on farmers, who is to say we will not begin tying a means test to other sectors of the economy that receive Government subsidies and tax breaks, perhaps those who deliver health care, maybe those who receive health care, capital investments, the list could go on and on.

If we are going shortly to means testing where the Government is going to investigate, I would suggest we stop for a moment and pay caution and remember these are the hard-working farm families who provide us a safe and abundant supply of food.

Senator DURBIN continues to talk about unsafe foods coming in. What happens 10 years from now if we put farmers out of business and all of a sudden we are dependent on foreign food just as we have become dependent on foreign oil?

Second, we don't know what our neighbors make. I don't want to know what my neighbors make. If we start seeing our rice and cotton outsourced to foreign countries, we will see the full effect of this means test. The consequences of enacting a means test that is too stringent and disqualifies certain farmers' crops is very dangerous to our farm families. It is like playing with dynamite and seeing how close you can stand to the blast without getting hurt. I ask my colleagues to oppose the Klobuchar amendment.

I do know one thing. If we go too far in the wrong direction without being given the opportunity to better understand what we have done and why certain people are not coming under that test, as a country we are going to regret it. We are going to regret that we have put out of business southern growers who provide 85 percent of the rice we consume in this country. The American people are going to hold us accountable when we become dependent on foreign food that comes from countries that have no regulation on how it is grown, on what is used, no regulation on the water source that may be used, how they fertilize, no regulations such as our farmers adhere to, producing the safest, most abundant, and affordable food supply in the world.

One of the things you can definitely say of the underlying bill that passed the Senate Agriculture Committee unanimously is that millionaire nonfarmers need not apply where this bill is concerned. Going too far in the direction that Senator KLOBUCHAR wants to take us without understanding what we have already done and how it will have unintended consequences could be dangerous for this country and the families of this country who depend on these working farms for the safe and abundant supply of food they so desperately need.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Ms. KLOBUCHAR. Madam President, how much time remains on my side and the other side?

The PRESIDING OFFICER. The proponents have 3½ minutes. The opponents have 2 minutes 40 seconds.

Ms. KLOBUCHAR. Madam President, the average farmer in my State makes $54,000 a year. I think you see family farmers like that all across this country. That is what this amendment is about. There has been debate about Scottie Pippen and all these people. The USDA has looked at this, the Government has looked at this, and this would save about $355 million. Where is that $355 million coming from? It is coming from full-time farmers who are grossing $750,000 or more, into the millions a year, and part-time farm investors who are making over $250,000 a year. That is where this is coming from.

There has been discussion, which I think is smoke and mirrors, about expenses. Let me make clear, farmers can deduct their operating expenses such as seed, fertilizer, fuel, and labor from their adjusted gross income. When it comes to investment in buildings and equipment, these are capital expenses, and they depreciate over time. That depreciation is deductible. When it comes to land, it works like it does a home mortgage. Your interest is deductible, but your land is something you have that you get value from. When it comes to rented land, the rental cost of the land is fully deductible from adjusted gross income.

I didn't come up with these laws. They are in the Tax Code. They are the law. What this is about is making sure we have some real reform. Because if we don't do it in the farm States, it is going to happen to us. I have said this before, and I truly believe it will happen.

There has been some discussion about what our existing bill does. Let me explain again. The House-passed bill sets it at $1 million for full time, $500,000 for part time. My colleagues have been saying: We have a 70-percent reduction for a part-time farmer. That goes to say, if you start high enough at $2.5 million, anything like 70 percent sounds good. But instead, in fact, the actual Senate bill is only at $750,000 for a part-time farmer.

I have visited hard-working farmers all over my State, visited all 87 counties 2 years in a row. I have talked to them and to farm groups across the country. Do they like this? Well, not totally. They get concerned. What does that mean? I think many of them understand—and I know Senator GRASSLEY knows this in Iowa and Senator DORGAN understands this in North Dakota—that at some point the Government has a limited amount of money. We have to make some decisions. What I am saying is, let's make a decision to help the hard-working farmers of this country to move in that new direction, to cellulosic ethanol and energy independence and good conservation and making sure we have a strong safety net that this farm program deserves. Let's go in that direction to the future and not stay here where we increasingly, as our economy has changed, are giving a larger amount of money to the wealthiest investors. Beverly Hills 90210, $1 million in payments.

I believe in this safety net. I support this farm bill. I will support this farm bill, because I believe in a safety net. But I believe it is time to move to some reform. The people of this country are ready for this reform. The people in our rural communities are ready for this reform. Now, my friends, we have a chance to do it.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Madam President, as we close this debate, I want to say thanks to so many Senators who have worked hard to come up with particularly what we brought out of the Agriculture Committee which was an enormously well-balanced bill. We eliminated loopholes that people had complained about. We eliminated the three-entity rule, the generic certificates. We put in transparency that people have been clamoring for in the direct attribution. I remind people that these are all things that apply to the basic commodity programs. Here we go again with going farther in something we have already reformed.

Senator KLOBUCHAR wants to go one step farther in lowering that AGI. But you have to ask the question: Why is it we have to cherry-pick lowering that means testing and AGI just for the commodity programs, so it hits the capital-intensive crops that southern growers grow? Why does it not apply to the conservation payments that go out that are in large numbers? Why doesn't it apply to the sugar program or the MILC program or the ethanol tax credit? It simply cherry-picks those individuals whom they can cherry-pick. That is the commodities program.

My argument to my colleagues is, we have lowered the AGI means test from the 2002 farm bill by 70 percent. Some of the people who were used as examples should be caught. I am not sure why they are not. Maybe it is the reason the GAO study tells us this administration doesn't implement the existing law. But we should make sure that what we are doing in this bill is working before we begin to take a further step and suffer the unintended consequences of putting out of business those farmers who use these programs when prices are low, cherry-picking those commodities that are capital-intensive and will suffer the most from this, and not extending this across the board so that everybody feels the pain, so everybody understands what it means when you start putting means testing on programs, when you are dealing with circumstances that are beyond our farmers' control, when you are dealing with weather, trade, global competition?

I ask my colleagues to think twice before they support this amendment and remember that we have done 70 percent in terms of lowering the AGI test. I hope they will oppose the Klobuchar amendment.

Mr. CHAMBLISS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Madam President, again, trying to work this through and get our amendments lined up, I have a unanimous consent request, and then we will be on our way to four votes in a row.

Madam President, I ask unanimous consent that the Coburn amendment No. 3530 be modified with the changes at the desk, and that the amendment then be agreed to, and the motion to reconsider be laid upon the table; that upon disposition of the Brown amendment, the Senate then return to the Craig amendment No. 3640, and that there be 2 minutes of debate prior to the vote, with the time divided between Senators CRAIG and LEAHY, and that the Craig amendment be subject to the same 60-vote threshold as is provided for in the previous order.

The PRESIDING OFFICER. Is there objection?

Mr. CHAMBLISS. Madam President, reserving the right to object, I say to the chairman of the committee, I think you alluded to the Craig amendment as 3640. It is 3630.

Mr. HARKIN. It is 3640.

Mr. CHAMBLISS. OK.

The PRESIDING OFFICER. Is there objection?

Mr. CHAMBLISS. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3530), as modified, was agreed to, as follows:

At the appropriate place in title XI, insert the following:

SEC. ____. PAYMENTS TO DECEASED INDIVIDUALS AND ESTATES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall not provide to any deceased individual or estate of such an individual any agricultural payment under this Act, or an Act amended by this Act, after the date that is 2 program years (as determined by the Secretary with respect to the applicable payment program) after the date of death of the individual.

(b) REPORT.—As soon as practicable after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, and post on the website of the Department of Agriculture, a report that describes, for the period covered by the report—

(1) the number and aggregate amount of agricultural payments described in subsection (a) provided to deceased individuals and estates of deceased individuals; and

(2) for each such payment, the length of time the estate of the deceased individual that received the payment has been open.

Mr. HARKIN. Madam President, here is the situation, for all Senators. We are now going to be having a series of votes. The first vote will occur on the amendment by the Senator from Minnesota, Ms. KLOBUCHAR. That will be a 15-minute vote. The next three votes will be Senator TESTER's amendment, then Senator BROWN's amendment, and then Senator CRAIG's amendment. Those will be 10-minute votes. Each one of these has a 60-vote threshold.

Mr. KYL. Mr. President, I support the Klobuchar amendment because it moves farm policy in the right direction. It would limit commodity program payments for those farmers who earn more than two-thirds of their income from farming, after expenses are deducted, to $750,000.

The amendment, however, has a number of problems. For example, rather than applying the savings achieved by tightening the payment limitations to deficit reduction, it applies most of the savings to other farm programs. It also does not apply the stricter income test to conservation program payments. Nevertheless, the amendment takes a step forward in reining Federal spending on farm subsidies and, therefore, warrants my support.

VOTE ON AMENDMENT NO. 3810

The PRESIDING OFFICER. The question now is on agreeing to the Klobuchar amendment.

Ms. KLOBUCHAR. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The result was announced—yeas 48, nays 47, as follows:

[Rollcall Vote No. 426 Leg.]

YEAS—48

Bayh
Bingaman
Boxer
Brown
Brownback
Byrd
Cantwell
Cardin
Casey
Collins
Dorgan
Durbin
Ensign
Feingold
Feinstein
Grassley
Gregg
Harkin
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Lautenberg
Levin
Lieberman
Lugar
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Sanders
Schumer
Snowe
Specter
Stabenow
Sununu
Thune
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—47

Akaka
Alexander
Allard
Barrasso
Baucus
Bennett
Bond
Bunning
Burr
Carper
Chambliss
Coburn
Cochran
Coleman
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Enzi
Graham
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Landrieu
Leahy
Lincoln
Lott
Martinez
McConnell
Murkowski
Pryor
Roberts
Rockefeller
Salazar
Sessions
Shelby
Smith
Stevens
Tester
Vitter

NOT VOTING—5

Biden
Clinton
Dodd
McCain
Obama

The PRESIDING OFFICER. Under the previous order, requiring 60 votes for the adoption of the amendment, the amendment is withdrawn.

AMENDMENT NO. 3666

The PRESIDING OFFICER (Ms. KLOBUCHAR). There will now be 2 minutes of debate, equally divided, prior to the vote on the Tester amendment No. 3666.

The Senator from Georgia is recognized.

Mr. CHAMBLISS. Madam President, this amendment would prevent businesses from using legitimate business justifications as a defense against claims of unlawful practice under the Packers and Stockyards Act. This is clearly a determination that should be left to the discretion of the courts and not summarily decided in advance by Congress. I urge a "no" vote.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. TESTER. Madam President, I encourage the body to support the amendment. It addresses manipulation in the meatpacking industry. It would stop the meatpackers from using business justifications to create a monopoly or restrain commerce. That is it.

If you want free markets and to support family farmers and ranchers and cow/calf operations, you need to vote for this amendment. I ask for a "yes" vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have previously been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The result was announced—yeas 40, nays 55, as follows:

[Rollcall Vote No. 427 Leg.]

YEAS—40

Barrasso
Baucus
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Conrad
Dorgan
Durbin
Enzi
Feingold
Feinstein
Grassley
Harkin
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
McCaskill
Menendez
Mikulski
Murray
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Tester
Webb
Whitehouse
Wyden

NAYS—55

Akaka
Alexander
Allard
Bayh
Bennett
Bond
Brownback
Bunning
Burr
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Graham
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Klobuchar
Kyl
Lincoln
Lott
Lugar
Martinez
McConnell
Murkowski
Nelson (FL)
Nelson (NE)
Pryor
Roberts
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Thune
Vitter
Voinovich
Warner

NOT VOTING—5

Biden
Clinton
Dodd
McCain
Obama

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

AMENDMENT NO. 3819

The PRESIDING OFFICER. There are now 2 minutes equally divided prior to a vote in relation to amendment No. 3819 offered by the Senator from Ohio, Mr. BROWN.

Who yields time?

Mr. CHAMBLISS. Madam President, the Senator from Kansas, Mr. ROBERTS.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Madam President, this amendment threatens to undermine and kill the Crop Insurance Program so vital to farmers and ranchers. The amendment does not take into account the real world expenses of industry, including the list of the private reinsurers which ensures that the taxpayers do not pick up the risk.

If we endanger this program, many farmers, especially young farmers, will be in danger because their lenders and their landlords demand they sign up for crop insurance.

This is a genuine Kent Conrad chart, the veracity of which is unquestioned. If we look back to 1980, when I first had the privilege of coming to Congress, we had 64 crop insurance companies. We can see what has happened every decade as we further cut investment in crop insurance. We are down to 16. We had a reform with Bob Kerrey in 2000. We expanded it all over the country.

If this amendment is adopted, I am telling my colleagues, it isn't going to be 16, it is going to be 5. Don't support this amendment.

Mr. DURBIN. Mr. President, I rise to speak in support of the bipartisan Brown-Sununu-McCaskill RESCU amendment.

This amendment significantly improves the way we target Federal resources to agriculture—eliminating waste and providing additional investments in important programs. The amendment also redirects hundreds of millions of dollars into deficit reduction that would otherwise subsidize large insurance companies.

As my colleague, Senator BROWN, points out, in the last 7 years crop insurance companies have received 40 cents out of every dollar that Congress has appropriated for the crop insurance program—that is $9 billion out $19 billion for the program. This is billions of dollars meant for farmers that ended up in the pockets of insurance companies. The Brown amendment cuts $2 billion of that spending by lowering the subsidy rate for insurers.

Currently, that subsidy is calculated based on crop prices. As crop prices rise, so does the subsidy—even though the work burden stays the same. Rising commodity prices have driven up premiums so that these subsidies are now over three times what they were 10 years ago, even though the cost of administering the policies has stayed the same.

In other words, it makes no sense.

This amendment reduces the reimbursement rate to the 2004–2006 national per policy average. This level is still higher than any year prior to 2006 and is quite fair to the companies.

A recent GAO report showed that compared to other insurance sectors, crop insurance companies earn profits that are more than double industry averages. I don't have a problem with industry profits, but I don't think those profits should come right out of the pockets of U.S. taxpayers.

This amendment would require that insurers share a portion of their underwriting gains or losses with Federal taxpayers by increasing the Federal share of risk from 5 percent to 15 percent.

The $2 billion in savings would fund over $1 billion in improvements to the Food Stamp Program, $400 million for conservation programs, $200 million for the McGovern-Dole Food for Education Program, and over $600 million for deficit reduction.

Through these changes, we will be able to conserve soil and water quality on millions of acres of farmland, provide real food benefits to a countless number of less fortunate Americans, and make a significant investment in the lives of millions of children from some of the poorest corners of the world.

Farmers will not pay more for crop insurance. This amendment does not reduce premium subsidies to farmers. Premium subsidies are set by law. This amendment does not change them.

I thank my colleagues, Senators BROWN and MCCASKILL, for their hard work assembling this language.

Now, let me just say a few words about the McGovern-Dole Program, which would enjoy increased funding under this amendment.

The amendment would provide enough mandatory money for the McGovern-Dole International School Feeding Program to provide nutritious meals to millions of children each year who would otherwise go hungry.

The McGovern-Dole Program is based on a simple idea that I first read about in an op-ed written by former Senator George McGovern in 2000. The op-ed was titled "Too Many Children Are Hungry. Time for Lunch," and it argued that the fastest way to alleviate poverty in less developed countries is to provide healthy, nutritious meals to children attending school. The principle is simple—by linking school attendance with nutritious meals, you provide an incentive for families to send their children to school to become educated, rather than keeping them at home to work. And as children become more educated and better fed, they grow up smarter, stronger, and better able to earn a living and make positive contributions to their societies.

The statistics are startling. Since it was founded in 2000 by President Clinton as the Global Food for Education Initiative, GFEI, the program has provided healthy meals to more than 26 million boys and girls in 41 countries around the world. Through the program, American-grown wheat, rice, peas, corn, and other crops have been provided to young children in countries as diverse as Afghanistan, Chad, Nicaragua, Nepal, and Senegal. More than 500,000 metric tons of commodities have been distributed since the program's inception.

In communities that have benefited from the McGovern-Dole Program, school attendance rates have increased 14 percent on average and 17 percent for girls compared to similar communities that have not benefited from the program. What is even more amazing than the statistics are the stories about what this program enables in some of the world's poorest communities.

Take my friend Paul Tergat. Paul Tergat is the current world record holder in the marathon. He ran the 26.2 mile race in 2 hours 4 minutes. When Paul was a child living in Kenya, he received free lunches through a World Food Program school feeding program. Without the program, he says he would not have been able to go to school because his parents were too poor. He says it is likely he never would have trained to become an athlete were it not for the generosity of the program.

Like many of my colleagues, I have seen school feeding programs like these in person, and I can tell you they have a transformative effect. I saw the program when I traveled to Kibera in Kenya—it is one of the world's largest slums. Over 1 million people. It is the slum that you see if you have ever watched the film "The Constant Gardener." When you visit, there are people as far as the eye can see, kids playing in the streets, in railway yards, everywhere.

We visited a school in Kibera and saw a feeding program in action. At lunch time, the students were provided with what looked like gruel or porridge—it was a highly nutritious enriched food provided thanks to the productivity of U.S. farmers and the generosity of U.S. taxpayers. The children stood in line patiently, and you could just tell this was going to be their one meal of the day. And they were there in school so they could get that meal. It is these types of stories that make you a believer in the power of school feeding programs. This program is transformative in the lives of vulnerable children around the world. And it promotes U.S. interests around the world. Delivering bags of food labeled as gifts of the people of the United States is a public diplomacy tool that demonstrates the good will and generosity of the American people. It represents the best of our values, and it tells people all over the world who we are and what America stands for. Imagine the possibilities for shaping perceptions of the United States if we significantly increase our investment in the McGovern-Dole Program—the millions more children we could touch at an early, impressionable age and give the most basic gift of a healthy, nutritious childhood.

The McGovern-Dole Program is also good for American farmers and the agriculture industry. In 2005, the program distributed approximately 120,000 metric tons of U.S. commodities. The McGovern-Dole Program is also good for related industries, including processors, millers, packagers, freight forwarders and shippers, as well as U.S. port facilities.

The program serves as one more market for U.S. commodities, which is one reason the program has the support of a wide range of industry groups, including the American Soybean Association, the North American Millers Association, and the National Farmers Union.

This is a strong amendment, and I urge my colleagues to vote yes.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Madam President, the Brown-Sununu-McCaskill-McCain-Durbin-Schumer amendment will make the Crop Insurance Program work for family farmers and work for taxpayers. In the last 6 years, $10.5 billion in benefits through the Crop Insurance Program have gone to farmers. It took 19 billion taxpayer dollars to deliver that $10 billion in benefits. Farmers get less than half of the crop insurance money. Of the crop insurance dollars, more money goes to insurers than it does to farmers. We want to take a very small amount of that and move it to deficit reduction and move it to the conservation programs and move it to the McGovern-Dole Program, something I know Senator ROBERTS supports.

This is not going to mean the Crop Insurance Program is in jeopardy. This will make the Crop Insurance Program work better for family farmers and work better for taxpayers.

I ask for my colleagues' support of the Brown-Sununu-McCaskill-McCain-Durbin-Schumer amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. BROWN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. McCAIN).

The yeas and nays resulted—yeas 32, nays 63, as follows:

[Rollcall Vote No. 428 Leg.]

YEAS—32

Alexander
Bayh
Bingaman
Boxer
Brown
Cardin
Casey
Durbin
Feingold
Feinstein
Gregg
Harkin
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
McCaskill
Menendez
Nelson (FL)
Reed
Reid
Rockefeller
Sanders
Schumer
Specter
Sununu
Webb
Whitehouse

NAYS—63

Akaka
Allard
Barrasso
Baucus
Bennett
Bond
Brownback
Bunning
Burr
Byrd
Cantwell
Carper
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Ensign
Enzi
Graham
Grassley
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Klobuchar
Kyl
Landrieu
Lincoln
Lott
Martinez
McConnell
Mikulski
Murkowski
Murray
Nelson (NE)
Pryor
Roberts
Salazar
Sessions
Shelby
Smith
Snowe
Stabenow
Stevens
Tester
Thune
Vitter
Voinovich
Warner
Wyden

NOT VOTING—5

Biden
Clinton
Dodd
McCain
Obama

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

AMENDMENT NO. 3640

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided prior to the vote in relation to amendment No. 3640, offered by the Senator from Idaho, Mr. CRAIG.

The Senator from Idaho is recognized.

Mr. CRAIG. Madam President, fellow Senators, this is a fundamental private property rights vote. This is what is happening across America. This is what is happening across America in a post-Kelo decision. Counties and cities are oftentimes reaching out into farm country, condemning land, and holding it as open space when it is already open space, and this amendment speaks to that.

Sandra Day O'Connor, in her dissent against Kelo v. New London, said this:

> The fallout from this decision will not be random. The beneficiaries are likely to be those citizens with disproportionate influence and power in the political process, including large corporations and development firms. As for the victims, the government now has license to transfer property from those with fewer resources to those with more.

The American Farm Bureau, the American National Cattleman's and Beef Growers, and the National Public Lands Council support this amendment. If the Judiciary Committee had responded, and I hoped they would have, we would have a much broader definition as it relates to Kelo and as it relates to the right for eminent domain.

Clearly, the public good is not damaged because entities still have the right for the public good, and that has always been the purpose of eminent domain. But simply to acquire property through condemnation when it is open space, to hold it as open space and to deny the private property owner his or her rights is fundamentally wrong under our Constitution.

I urge support of this amendment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I strongly disagreed with the very conservative, very activist Supreme Court decision on Kelo, but this is not the place to correct that, on a farm bill. If the Senate, or any Senator, wants to introduce legislation to repeal Kelo, then let's take it to the committee of jurisdiction, the Senate Judiciary Committee, and we will hold hearings on it.

There have been no hearings. This amendment does nothing to prevent the Government from seizing private property in order to hand it over to private developers. Instead, it allows governments to seize farmland for a prison but not eminent domain for conservation purposes or a parkland. It is opposed by all the leading conservation groups—the Defenders of Wildlife, the National Wildlife Federation, the Wilderness Society, and on and on.

Now, my commitment to farming is very strong, but I don't want to say let's grab farmland for a prison because we passed legislation that nobody has reviewed, nobody has done anything on. This is a mistake. It doesn't belong in a farm bill.

If the Senate, or any Senator, wants to overturn the Kelo decision, which after all was done by an activist Republican conservative Supreme Court, then we will hold hearings on it.

Mr. BYRD. Madam President, our Government should not be able to confiscate the land of private citizens in a way that is reckless or that benefits the pecuniary interests of private developers at the expense of the public good. That is why I share the concerns of many Americans about the U.S. Supreme Court's decision in Kelo v. City of New London, where the Court held that eminent domain could be used to transfer private property to other private owners for development purposes. However, today, I joined a majority of the Senate in voting against an amendment that would have unduly limited the power of eminent domain by State and local governments because the reach of the amendment was far too broad and its text had not been the subject of hearings before the Senate Committee on the Judiciary. The proposed legislation would have imposed severe Federal sanctions on State and local governments seeking to exercise eminent domain over land for perfectly legitimate and defensible reasons, including for purposes of historic preservation, conservation, to create parks, or to promote recreation or community service. I share the view of most Americans that the power of eminent domain must be exercised in a fair, prudent, and balanced way. Unfortunately, this amendment would not have accomplished that objective.

The PRESIDING OFFICER. All time has expired.

Mr. CRAIG. Madam President, I call for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 3640. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. McCAIN).

The PRESIDING OFFICER (Mr. WHITEHOUSE). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 37, nays 58, as follows:

[Rollcall Vote No. 429 Leg.]

YEAS—37

Allard
Barrasso
Baucus
Bond
Brownback
Bunning
Burr
Coburn
Cochran
Coleman
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
McConnell
Murkowski
Roberts
Snowe
Stevens
Sununu
Tester
Thune
Vitter

NAYS—58

Akaka
Alexander
Bayh
Bennett
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Collins
Conrad
Dorgan
Durbin
Feingold
Feinstein
Gregg
Hagel
Harkin
Inouye
Johnson

Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Martinez
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Specter
Stabenow
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—5

Biden
Clinton
Dodd
McCain
Obama

The PRESIDING OFFICER. Under the previous order requiring 60 votes for adoption of this amendment, the amendment is withdrawn.

ENERGY INDEPENDENCE AND SECURITY ACT OF 2007

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the message from the House on H.R. 6, the Energy bill; that the pending motion to concur be withdrawn; that the Senate move to concur in the House amendment with the amendment at the desk; that no other amendments or motions be in order; that there be a time limitation of 30 minutes equally divided between the two leaders or their designees for debate only on that motion; that upon the use or yielding back of time, the Senate, without intervening action, vote on the motion to concur; that if the motion is agreed to, the Senate concur in the House amendment to the title and the motions to reconsider be laid on the table; that if the motion to concur is not agreed to, it be withdrawn and the message returned to the desk.

Mr. LOTT. Mr. President, reserving the right to object, if I could ask the distinguished leader to yield, could you amend that to make that 40 minutes instead of 30 minutes because we already have 18 minutes of requests.

Mr. REID. I would add to that, I say to my distinguished friend, that we would have the final 10 minutes prior to the vote, 5 minutes for Senator MCCONNELL and 5 minutes for me, so that will wind up being about 50 minutes.

The PRESIDING OFFICER. Is there objection as amended?

Without objection, it is so ordered.

The Presiding Officer (Mr. WHITEHOUSE) laid before the Senate the amendment of the House of Representatives to the bill (H.R. 6) entitled "An Act to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes, with amendments."

The PRESIDING OFFICER. The pending motion to concur with an amendment is withdrawn.

The pending motion is a motion to concur in the House amendment to the Senate amendment to the text of the bill with an amendment which is at the desk.

AMENDMENT NO. 3850

(Purpose: To provide a complete substitute.)

(The amendment is printed in today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER. There shall be 40 minutes of debate equally divided.

Mr. LOTT. Mr. President, out of the minority time, I ask unanimous consent that these times be reserved for specific Members: Senator DOMENICI, 5 minutes; Senator INHOFE, 5 minutes; Senator STEVENS, 5 minutes; and Senator HUTCHISON, 3 minutes, out of our allocated 20 minutes of time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I would ask the Presiding Officer, how much time exists on each side in connection with this pending bill?

The PRESIDING OFFICER. Twenty-five minutes on each side.

Mr. BINGAMAN. As I understand, 20 minutes and then 5 minutes for each of the leaders. So I would just speak for 3 minutes at this point and then yield to my colleague from New Mexico, who I know is planning to speak as well.

Mr. President, let me amend my earlier statement. I will take up to 5 minutes, please, if the Chair would advise me at the end of the 5 minutes.

The Senate has a very good energy bill before it. It would take a number of steps that will be viewed over the long term as very major steps in our energy policy.

This is the first increase in CAFE standards in well over 20 years. It has improved efficiency standards for lightbulbs, for lighting fixtures, which will eventually save more energy than all of our previous energy efficiency standards combined. This bill contains permanent authorization for energy savings performance contracts—the single most useful tool for increasing energy efficiency in the Federal Government. It contains a strengthened program for carbon dioxide capture and geological sequestration and a framework for working through issues associated with geologic storage of carbon dioxide on Federal lands. It also contains strong new protections for consumers against market manipulation in oil markets.

The story of this Energy bill is not only one of what we accomplished but also those items we were not able to accomplish.

In the case of the Energy Policy Act of 2005, the biggest issue on which we did not make progress was energy efficiency, especially increased vehicle fuel economy. We have rectified that, or we will be rectifying that as we go forward and pass this legislation and get it signed into law.

For this bill, there were two big challenges we have proven unequal to here in the Senate. In my view, one is, of course, dealing with the very real problem of how to further incentivize the development of renewable energy. I hope we will have a chance to revisit the renewable electricity standard in the new Congress. I also hope we can revisit this issue of tax incentives. We failed earlier today to maintain in the legislation a package of tax incentives which I think is very important for the energy policy of this country.

We have an extremely capable staff that has worked long and hard on this legislation.

The Senate Energy Committee staff—there are many individuals here: Bob Simon, Sam Fowler, Allyson Anderson, Angela Becker-Dippmann, Patty Beneke, Mia Bennett, Tara Billingsley, Rosemarie Calabro, Michael Carr, Mike Connor, Jonathan Epstein, Deborah Estes, Alicia Jackson, Amanda Kelly, Leon Lowery, David Marks, Scott Miller, Rachel Pasternack, Britni Rillera, Gina Weinstock, and Bill Wicker. All of them have done a great job.

Senator DOMENICI's staff has also done a terrific job. Frank Macchiarola, Judy Pensabene, Kellie Donnelly, Kathryn Clay, Colin Hayes, Frank Gladics, and Kara Gleason, among others on his staff I know have done a good job.

The Senate owes a particular debt of gratitude to Senator INOUYE's and Senator STEVENS' staff, who developed the CAFE provisions in this bill. In particular, David Strickland of the Commerce Committee staff deserves recognition for his leadership, skill, and tenacity in negotiating these historic provisions.

Chris Miller, on Senator REID's staff, deserves our thanks for helping with the overall coordination of the bill in the Senate and with the House of Representatives. His counterparts in Speaker PELOSI's office, Amy Fuerstenau and Lara Levison, also put in countless hours attending meetings and helping to coordinate the activities of about 10 different House committees with interests in this bill.

Special recognition also is due to the hard-working staff of the Office of Senate Legislative Counsel on this bill.

Their team leader, Gary Endicott, worked tirelessly to ensure that the provisions of this bill were expressed in clear and correct legal form.

His partner for the CAFE provisions was Lloyd Ator of the Commerce Committee staff.

Other key contributors in the office of Senate Legislative Counsel included Michelle Johnson-Weider, John Henderson, Matt McGhie, Mark Mathiesen, Mark McGunagle, and Jim Fransen. They enjoyed the cooperation of their colleagues in the House Office of Legislative Counsel, including Tim Brown and Pope Barrow. Without the many hours they invested in drafting, redrafting, and assembling this bill, we would not have a finished text to consider today.

Finally, staff in the Congressional Budget Office, including Kathy Gramp, Megan Carroll, Dave Hull, and Mathew Pickford, helped us ensure that the bill was compliant with the complicated scoring rules that face every major piece of legislation.

All of these staff in Leg Counsel and CBO made themselves available on evenings and weekends to help ensure that we could finish this bill this year.

With that, I will thank my colleagues for their support for this bill.

I urge my colleagues to vote aye on the motion to go ahead with this legislation and send this bill to the President.

I know there are others who wish to speak. How much time remains on the majority side?

The PRESIDING OFFICER. About 20 minutes, including the 5 minutes for the leader.

Mr. BINGAMAN. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I rise today to support this energy legislation but not without reservation.

I will begin by saying that I think there are some very good provisions in this bill. This Congress is taking a major step by increasing the CAFE standards. This increase calls for a 35-mile-per-gallon standard in every car by 2020. This is a huge conservation victory. In fact, it is a 40-percent increase from our current standard. I am also pleased that we have included the measures to increase energy efficiency in Federal buildings. The Federal Government should be a leader in promoting and adopting efficiency. We are addressing new technologies and emerging science in environmental areas such as carbon sequestration. We were able to remove the onerous tax provisions that would have made America only more dependent upon foreign sources of energy and made high prices even higher.

However, I do remain concerned with the renewable fuel standard. The proposal before us will increase the renewable fuel standard from the current requirement of 7.5 billion gallons by 2012 to 36 billion gallons by 2022. This renewable fuel standard is noble in its objective, but it is a reckless way to draft this legislation, and here is why. It does not have a safety valve to address shortfalls in feedstocks which will be required to meet the renewable fuel standards mandate.

I have been working with Texas livestock producers and food processors for months to try to create a safety valve that would have, in conjunction with the waiver provision currently in the bill, a prospective protection from harming these industries. I believe the existing waiver provision and the safety valve could function and coexist without resulting in market uncertainty for the RFS increase.

I believe livestock and poultry producers and food processors are going to face uncertainty under these mandates. For this reason, I have worked with these industries and my colleagues in the Senate to strike a balance to provide some level of prospective analysis and relief if experts conclude that there will be a shortfall that leads to price spikes in items such as corn, cereal, chicken, and beef. Unfortunately, this bill does not contain this safety valve, and I am very concerned that we are going to have problems down the road and millions of Americans are going to pay higher grocery bills because of unanticipated events, such as droughts or floods, which impact crop yields.

I have tried to be reasonable in creating this safety valve, and we must watch this closely if we pass this bill, and I think we will. We must give relief to the livestock producers and the consumers in this country if, in fact, we cannot produce this mandate that is in this bill.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I want to clarify the time because I think time was allotted and some Senators who should have gotten time were not here. How much time do I have?

The PRESIDING OFFICER. The minority has 21 minutes remaining, including 5 minutes of leader time.

Mr. DOMENICI. I want to ask Senator STEVENS how much time he wants. Senator STEVENS wants 3 minutes, but he wants Senator INOUYE to speak first.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I yield 3 minutes to the Senator from California, Mrs. BOXER.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank Senator INOUYE for all of his hard work, Senators STEVENS, BINGAMAN, and DOMENICI. I could go on.

I speak as a Senator from California. I also speak as the chairman of the EPW Committee and say this is a very good moment for the Senate. I see my ranking member here, Senator INHOFE. Four of the provisions in this bill we worked on together in the committee. I think we are both very pleased with them. This has been a long and winding road, as the song says. But here we are with a bill that I believe is very strong. I certainly am disappointed, because I think it should have been much stronger. To think that we could not get the 60 votes to ensure that solar energy, wind energy, and geothermal had tax incentives makes me sad. A simple part of that was also rejected that dealt with the renewable portfolio standard that makes a lot of sense and works in California. I think it would have worked. We are not going to give up on any of that. But we will fight for those another day.

Today we should take a moment to say, good job. Good job to all of us to get to this moment.

I want to talk a minute about the four provisions of the EPW that are in this bill. Green buildings, new Federal buildings will be energy efficient, will be green. As part of that we also passed a separate piece of legislation to retrofit the older buildings. We did it in a very simple way. We say in all of GSA buildings we want an individual responsible for retrofitting those buildings, and we will give grants to local governments to retrofit their government buildings as well.

There is also a part in this bill dedicated to funding a solar wall on the Department of Energy so the Department of Energy becomes a symbol of renewable energy. There is a pilot project for the Capitol powerplant so we can get clean energy there as well.

I thank Erik Olson, Bettina Poirier from the EPW Committee staff, and the minority staff as well, Andrew Wheeler and his team for all of their hard work. I have already thanked Senator INHOFE. Very special thanks to Senators FEINSTEIN, SNOWE, DORGAN, CARPER, CANTWELL, and to our chairman Senator INOUYE, again, for their hard work on CAFE.

I am also pleased that the Federal fleet of cars will now move to fuel efficiency. I don't know how many people are aware, but we buy 60,000 new cars a year for the Federal fleet, and it makes so much sense for us to go out in that marketplace and move toward fuel efficiency and fuel economy.

In this bill, we have renewable fuels, fuel efficiency, green buildings. It is a great start.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. I yield 5 minutes to the Senator from Oklahoma.

Mr. INHOFE. Mr. President, let me thank Senator DOMENICI for all his hard work. It is one of the few times I can recall that I have disagreed with him on a position. I do so on this particular bill. Let me first say while the chairman of the EPW committee is still here, I agree with the comments she made. We have some provisions in here that are an improvement but, in my mind, not enough of an improvement to pass this bill. First let me say I what I think is wrong with this. The renewable fuels standard increase is going to mandate an increase from 7½ to 15. That is of corn ethanol. Then other bio increases are more than that. But as far as the corn is concerned, in my State of Oklahoma, I have been talking to the livestock people and the poultry people, the meat industry in Oklahoma, the backbone of our economy. They are very distressed because of the increase in the cost of feedstock. This is going to make it that much worse. There are other problems with that, too, with ethanol's effect on food prices: economic sustainability, transportation infrastructure needs, the water usage in this process. It is something I think is a bad provision.

It is going to pass, probably with 80 votes. Maybe I will be the only vote against it. But another thing, I am not as impressed with the CAFE standards. I know everybody is talking about, yes, we have to do this. We have to have these mandates. You have to keep in mind this is still America. We have choices in America. In western Europe they don't. Some other countries they don't. So we are going to be emulating them. If you will listen to the National Safety Council, the Brookings Institute, the Insurance Institute for Highway Safety, the National Academy of Sciences, all of these groups say this provision is going to be a safety threat for Americans.

On the tax provisions, I do appreciate the fact that they were able to bring down some of these. There are still some tax increases but nothing like it was at one time. I think it is important for people to understand this does extend a $1.4 billion tax, the FUTA tax. This was established in 1976 to repay loans from the Federal unemployment trust fund. They were all repaid by 1987. So they keep finding a vehicle to renew a $1.4 billion tax increase on the American people. It is right here in this legislation.

One of the things I guess that bothered me more than anything else was when we did the highway bill, the highway reauthorization bill was a good bill. We spent a lot of time on that. We had provisions in there to give the States more flexibility with their money to meet the needs in their States with the recognition that the States are closer to the people. They know what their needs are more than the Federal Government does. We got those provisions in there. Because some people in the House didn't want the States to have that flexibility, we beat them in conference so they put it in this bill. So now we have two provisions in this bill that are going to make it more difficult for States. In fact, it is going to take away their flexibility. We are taking away States rights with this bill. That is what it does.

I will tell you what it doesn't do. It has no provisions for nuclear power. Everybody understands we have to address that. That was one of the provisions when we first started talking about this. Nothing in there for clean coal technology, for exploration, to promote refinery expansion. We had a bill called the Gas Price Act. No one should have been opposed to it. I begged to have this as a part of this bill. Those who put it together found it wasn't something that could be acceptable. It would increase our refinery capacity and resolve many other problems with some of our closed military bases. That was not a part of this bill and should have been.

This bill will mean a profound increase of the cost of fuel at the pumps. People have to know that. We can talk about how good it is and send out our press releases, but in the final analysis, it is going to increase the price at the pump. It is going to make it more difficult. It is going to exacerbate the problem of what I consider to be an energy crisis.

So it is not an energy bill. It is one that I may be the only one opposing, but I thought I would share with you why I will.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I yield 3 minutes to the Senator from Washington, Ms. CANTWELL.

Ms. CANTWELL. Mr. President, clearly this energy bill points us in a new direction. This is a much greener energy bill than we have seen in the past and certainly is more consumer friendly. It is a greener energy bill because it is nearly a 20-percent reduction in future CO_2 output by the year 2030. It is a greener energy bill because it does make mandates on the Federal Government's use of energy. In fact, it is a 30-percent reduction in energy used by Federal buildings, resulting in a $4 billion annual savings to taxpayers by 2020. I know that may be hard for some people to believe and understand, but it is a lot of savings considering that there are 500,000 Federal buildings and that Government is the largest user of electricity in the country. So mandating these energy reductions is going to make us more efficient and certainly apply the use of those savings to help American taxpayers.

It is also a greener energy bill because it sets up new appliance and lighting standards. Again, I know people underestimate efficiency. Today household appliances, lighting, and electronics use up to two-thirds of the energy in households. By requiring these new standards for manufacture of these products, we will save over 40,000 megawatts of energy. That is the same amount of electricity used in 19 States today. It is certainly a greener energy bill because we are putting at the pump for consumers a renewable fuel competition for fossil fuel. We are doing that by mandating 36 billion gallons of renewable fuel by 2020. That amount is the same amount we import from the Persian Gulf today. So swapping that oil out for a greener energy supply for our future is a tremendous benefit.

This also is a great consumer bill. It is a great consumer bill because of the fuel efficiency standards. The 35 miles per gallon will save American drivers over $200 billion at the gas pump. For my State of Washington, we will give consumers an annual $436 million of savings. It is also a consumer-friendly bill because we are reducing our dependence on foreign oil. This is a 35-percent reduction in our foreign oil consumption, and American consumers view this as one of our Nation's biggest priorities.

And it is a consumer-friendly bill because we have protected consumers by making market manipulation of oil markets a Federal crime. I know we have heard stories. I know there are lots of issues about speculation. But by giving the FTC new authority to issue fines per violation, we are giving consumers more protection.

I yield the floor.

Mr. INOUYE. Mr. President, I yield 3 minutes to Senator CARPER.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. I thank the chairman for yielding. I commend him and the young man sitting next to him, David Strickland, who has done great work, as has a member of my staff, Beth Osborne, seated behind me.

We can talk about what might have been and how this legislation could have been better, more comprehensive. Six months ago I stood here and said, there are three things we need to accomplish with respect to fuel efficiency for cars, trucks, and vans. No. 1, we ought to reduce our dependence on foreign oil. No. 2, we should reduce the emissions of harmful stuff up into the air. No. 3, we should accomplish goals 1 and 2 without undermining the competitiveness of the domestic auto industry.

Tonight as we are on the verge of passing this legislation, we will reduce our dependence on foreign oil, we will reduce harmful emissions, and we will not undermine the competitive advantage of our domestic auto industry. It is not enough for us as a Congress to say to the auto industry, raise fuel efficiency standards, eat your spinach. We have a responsibility to help them. In this legislation we do any number of things to help the industry—major investments in R&D, new battery technology—just as we had invested previously Federal dollars in fuel cell technology for cars, trucks, and vans. Secondly, using the Government's purchasing power to help commercialize the new technology both on the civilian side and on the defense side to make a market for these new products. Three, to use tax incentives for hybrids, for low-emission diesel in order to encourage people to buy these vehicles.

We can lament what might have been. Let me say in graphic terms what this legislation means. Today we import about 2.5 million barrels of oil per day. By 2020, this legislation will save that much oil or more. Today we emit huge amounts of CO_2 into the air. We warm our globe and imperil our future. This legislation will reduce carbon dioxide emissions by about 20 percent, essentially taking 60 million cars off the road by 2020.

Finally, we are going to say this is based on $3-a-gallon gasoline. But we are going to save consumers close to $100 billion at the pump in the year 2020. Those are huge savings. They are tangible savings. We, as Democrats in the majority, have an obligation to lead. We have led. We have worked with the auto industry, the UAW. We have worked with our Republican brethren.

The American people want us to get things done. They want us to find a way to set aside partisan politics and work together. I think in this instance we have done that. I commend Senator INOUYE and Senator STEVENS, and I commend Senators BOXER, BINGAMAN, and DOMENICI, our staffs who have worked so hard.

I thank the auto industry, the UAW, our friends over in the House, including JOHN DINGELL, Speaker PELOSI, and Majority Leader STENY HOYER.

This a victory not just for the Democratic Party and the Republican Party, and not just for the Congress, this is a victory for America. We can be proud of this, and I am.

The PRESIDING OFFICER. Who yields time?

The Senator from Hawaii.

Mr. INOUYE. Mr. President, I yield myself 4 minutes. I rise today in support of the bill before us. After months of constructive negotiations, we have successfully crafted a thoughtful, bipartisan agreement, particularly in title I, otherwise known as the Ten-in-Ten Fuel Economy Act.

Title I would mandate an increase in automobile fuel economy to a nationwide fleet average of 35 miles per gallon by 2020. In addition, the Department of Transportation would adopt fuel economy standards for medium and heavy-duty commercial vehicles for the first time.

Today's agreement marks historic progress: This is the first statutory increase in fuel economy standards since 1975. Reducing our dependence on foreign oil is of vital importance to our national security, economic stability, and consumer welfare. The Ten-in-Ten Fuel Economy Act is a major step toward achieving these goals.

Title I of this bill will save approximately 1.1 million barrels of oil per day in 2020, equal to one-half of what we currently import daily from the Persian Gulf. By the year 2020, this bill will save consumers approximately $22 billion at the pump and prevent approximately 200 million metric tons of greenhouse gases from polluting our environment each year. By dramatically reducing greenhouse gas emissions by 2020, title I would demonstrate to the world that America is a leader in fighting global warming.

Legislation of this magnitude could have only been achieved through the hard work of a coalition of Members. In this case, without Senator FEINSTEIN, Senators STEVENS, SNOWE, KERRY, DORGAN, LOTT, CARPER, BOXER, DURBIN, ALEXANDER, CORKER, and CANTWELL, the agreement would not have been reached.

In particular, I congratulate Senator FEINSTEIN on her efforts in developing this bill. Her dedication over the years has led to a public policy that very few thought possible. I also praise the efforts of my good friend Senator STEVENS, who was instrumental in forging the compromise before us. I also thank Chairman DINGELL and Senators LEVIN and STABENOW for their hard work and willingness to achieve an agreement that aggressively improves fuel economy while protecting domestic manufacturing and U.S. workers. The American auto worker and automaker have no better champions.

Finally, I express my appreciation to all the hard-working members of the staff who worked to make this historic legislation a reality. In particular, I commend David Strickland, Alex Hoehn-Saric, Mia Petrini, and Jared Bomberg of my Commerce Committee staff for a job well done.

The importance of this legislation cannot be underestimated. During the Arab oil embargo in 1973, Americans suffered the first devastating effects of our addiction to oil. Born out of this embargo, Congress put in place a fuel economy program that nearly doubled the gas mileage of cars from 1975 to 1985. Passage of this bill will ensure that our Nation's energy priorities start moving in the right direction again.

Higher fuel economy standards will wean the country of its oil addiction, put billions of dollars of savings back into our domestic economy, and significantly reduce greenhouse gas emissions.

A diverse group of constituencies support the Ten-in-Ten Fuel Economy Act, from environmentalists to automotive workers and automakers. While it sets forth aggressive standards, the act also recognizes the challenges faced by the auto industry and ensures that those concerns will be addressed. Providing flexibility to the automotive industry, the sponsors of these fuel economy provisions have worked together in a bipartisan manner to ensure that automakers have the tools they need to meet the requirements enumerated in the act. The Ten-in-Ten Fuel Economy Act directs the Secretary of Transportation to create two fuel economy curves, one for passenger cars and one for light trucks. This change from the Senate-passed bill provides the certainty that American automakers, auto workers, and car dealers requested, but the act still requires that the combined car and light truck fleet meet a fuel economy standard of at least 35 miles per gallon by 2020.

Our actions today will improve national security, create jobs, help consumers, and protect the environment. At times it is the Government's responsibility to balance conflicting interests. Today, I believe we found that balance.

Mr. President, I wish to provide 30 seconds to Senator CANTWELL.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I too want to add my thanks to my staff—Amit Ronen and Lauren Bazel—for their hard work, as well as the staff of the Finance, Energy, and Commerce Committees.

I commend Senator STEVENS and Senator INOUYE for working so hard to get this landmark legislation, which has been 30 years in the making, to pass here in the Senate. Everybody from these committees has worked very hard. I thank the staff for their diligence and their perseverance in making this happen.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, I believe I have 3 minutes yielded to me.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, at the beginning of this Congress I introduced a bill to achieve a 40-mile-a-gallon goal by 2020. As I have indicated before, I became engaged in the CAFE debate because I believe the only way our Nation will achieve energy independence is through a combination of initiatives. Conservation, domestic production, and the development of alternative sources of energy are all parts of the broader solution. Setting fuel economy standards is one avenue toward limiting our Nation's dependence on foreign oil and significantly reducing greenhouse gas emissions.

The Senate passed unanimously a CAFE amendment based upon the attribute concept I authored. The fuel economy provision that has been placed in the bill is a good first step toward addressing our energy crisis. I thank Senator INOUYE and Senator

FEINSTEIN for their insistence that the fuel economy provision be a product of bipartisan discussions. Their commitment to instituting strong and achievable policy goals was instrumental during the negotiation process of fuel economy standards.

The compromise we negotiated mandates the fuel economy of cars and trucks to be evaluated separately based upon this attribute system. The mandate ensures reasonable fuel efficiency goals for trucks and cars. In addition, the requirement will guarantee the continued availability of various sized trucks and cars in the market, which is important—very important—to our home State of Alaska.

Our bill requires annual increases to the nationwide average fleet fuel economy standards for cars and light trucks to achieve a fleetwide average standard of 35 miles per gallon by 2020. As Senator INOUYE said, this will be the first statutory fuel economy increase for passenger cars since 1975.

The bipartisan fuel economy provision will help save, as Senator CANTWELL has indicated, a significant amount of fuel over the next decade. I thank the Senate for supporting this bipartisan measure.

Mr. President, I ask unanimous consent that a list of Senate Commerce Committee staff on the Republican side who worked on the fuel economy compromise be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Senate Commerce Committee staff on the Republican side who worked on the fuel economy compromise:

Chris Bertram.
Mimi Braniff.
Rebecca Hooks.
Christine Kurth.

The PRESIDING OFFICER (Mr. Nelson of Florida). Who yields time?

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, how much time do we have?

The PRESIDING OFFICER. The minority has just under 15 minutes remaining.

Mr. DOMENICI. That is without the leader's time?

The PRESIDING OFFICER. That is including leadership time. There is a little over 9½ minutes without the leadership time.

Mr. DOMENICI. Mr. President, thank you. I will use 3½ minutes.

Mr. President, on behalf of Senator HUTCHISON, I ask unanimous consent that a letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAY 9, 2007.

Hon. KAY BAILEY HUTCHISON,
U.S. Senate,
Washington, DC.

DEAR SENATOR HUTCHISON: Our members URGE you to OPPOSE any increase in the Renewable Fuel Standard (RFS) for feed grain ethanol above those levels established by the Energy Policy Act of 2005 (EPAct).

On May 2, the Senate Energy and Natural Resources Committee held a markup in which several energy bills, including S. 987, were merged into one large bio and renewable energy bill. Portions of S. 987 will increase the RFS mandate to 36 billion gallons by 2022 and establish policy that beyond 2016 a certain portion of the RFS must be met with biofuels other than feed grain ethanol. Even with this differentiation, a defacto mandate of 15 billion gallons of renewable fuels from feed grains is established by 2015.

If our members can compete on a level playing field with the ethanol industry for each bushel of feed grain, we have no doubt that their businesses can remain profitable. But a rush to increase the RFS for corn ethanol will only serve to undermine their competitiveness.

The EPAct of 2005 established a RFS mandate of at least 7.5 billion gallons of renewable fuel to be blended into motor vehicle fuel sold in the United States by 2012. Doubling the RFS mandate to 15 billion gallons for feed grain based ethanol will require record feed grain production each and every year and assumes the unlikely scenario of no adverse weather events.

One goal of the EPAct was to lower the United States dependency on foreign oil by promoting the usage of renewable energies. This policy was deemed necessary in order to assure investors and encourage the development of basic production technology. However, with feed grain ethanol production capacity projected to exceed 12.5 billion gallons by year's end, the current incentives have accomplished the objective. A rush to increase the RFS or extend the tax credits for feed grain ethanol will only increase artificial demand for feed grain and further decrease the ability of supply and demand to guide the ethanol industry.

We all support our nation's commitment to reduce dependence on foreign energy and develop forms of renewable energy. But, we also believe in the free market, and URGE you to OPPOSE any proposal to increase the RFS for feed grain ethanol. Instead, we respectfully request that you pursue policies which clearly define a transition to a market based approach for the production and usage of feed grain ethanol.

Sincerely,

Independent Cattlemen's Assn.; Texas Association of Dairymen; Texas Cattle Feeders Association; Texas and Southwestern Cattle Raisers Assn.; Texas Pork Producers Assn.; Texas Poultry Federation; and Texas Sheep and Goat Raisers Assn.

Mr. DOMENICI. Mr. President, I thank all of those who participated. Their names have been mentioned, whether they be Senators or staff. I want to say, I include all of those who have already been mentioned.

I want to make a couple statements that will make the record true.

First of all, this bill was not intended to solve all of America's energy problems.

Second, it was not intended to have a huge number of energy proposals in it. It was a bill that had two great big core provisions, and we are very grateful they are both here before the Senate—not exactly the way they passed the Senate, but good enough for the kind of work that goes on between the House and Senate. Because we must—we cannot get perfection—get some kind of compromise, we have a great bill.

Everybody has said all that can be said about this bill. But the Commerce Committee of the Senate, chaired by Senator INOUYE, and with Ranking Member STEVENS—while we, the Energy Committee, were debating one way, and another committee another way—one afternoon decided they were going to alter, amend, and change the fuel standards for American automobiles, and they did it. We have been waiting around for years for it. It was the impulse and impact for us to do the rest of this bill.

We added to it the RFS, which is ethanol 2—and I will acknowledge that as to those speakers who have said it is not as good as the Senate provision, they are right. But there are two bodies, and it was difficult to negotiate everything we wanted. So there will have to be some ardent observations of what is going on in ethanol and its successor to ethanol to see if we need to make some changes. But things are not done in legislation to correct all problems. They are done to do the best you can. If the best you can is good, you adopt it. We have done that.

It certainly has been a rocky road, but I am thrilled that the Senate is finally considering a bill that contains the right priorities and stands an excellent chance of becoming law.

Today is a historic one for the U.S. Senate. The bill before us takes important steps to reduce our dependence on oil and improve our energy efficiency.

For the first time in 32 years, the Senate today will increase fuel economy standards. We will also extend and expand the renewable fuels standard, which will help us diversify our fuel supply. And we will improve the efficiency of our appliances, our lighting, and our buildings.

While I was not happy with the process by which we proceeded on this bill, it nonetheless reflects a compromise for many of us. And, reaching a fair agreement is the way things get done here in the Senate.

This energy bill contains the right priorities. Although it took us two tough cloture votes, we have avoided adding costly provisions that would have placed this bill in jeopardy, like a renewable portfolio standard and tax increases on domestic energy production.

Instead, we have focused on provisions that will help us save oil and save energy, such as CAFE and energy efficiency. The renewable fuels standard that we enacted in the Energy Policy Act of 2005 has already helped farmers and diversified our fuel supply, and that RFS is expanded in this bill.

The House of Representatives should pass this bill, and I believe that the President should sign it into law.

I am pleased to support this bill, and I urge my colleagues to pass it today.

We will send the right message and begin the long process of reducing our dependence on foreign oil.

I wish to close by saying, everyone did not agree on what would go in this bill along with the energy provisions. There were very difficult votes that were taken, and actually there was no question that as between the Democrats and Republicans there was truly a big difference of opinion. But when it ended up, we had the major energy provisions left in the bill. We had tax provisions mostly out. We had the provision that has to do with mandating alternative fuels, led by wind, by every State—we had that provision out.

What is left is a very good bill. Senator BINGAMAN described some of the unheard of and unknown quantities that are good. The other Senators have all sung the praises, so I do not need to do it again. It is historic, however, to change the automobile standards after 32 years, and to do it in a way where our automobile makers think they can comply. That is very unique. They never did that. They think they can comply and keep their businesses manufacturing cars. That is No. 2.

No. 3, when you are looking to solve the problem of how much crude oil you import, you look for someplace you can save on that quantity and commodity you are importing. Now, the best experts in America have testified there is no act the Congress could take that will do more to cut our dependence upon foreign oil than this measure. Get it? The experts of America say you will reduce America's dependence more by the passage of this bill, the Inouye-Stevens bill, than any other single provision you could pass. That is pretty good.

The experts are in the records where we have taken testimony as Senators. The best experts said that about 2 weeks ago. It shocked everybody. They said there is nothing you can do that will save more foreign oil that we import that makes us dependent than if you change CAFE standards as we have changed them.

I think that would have to be hard work. Senators are tired. They voted twice on cloture on this bill in a roundabout way. In both instances, one or two votes was the only difference. That makes sometimes for hard feelings. But I do not think it has here. I think we have come out of this OK, friends, ready to go to work on some more energy bills.

I yield the floor.

The PRESIDING OFFICER. Who seeks time?

The Senator from Georgia.

Mr. ISAKSON. Mr. President, I have worked closely with the staff of Senator INOUYE and Senator DOMENICI on an issue with regard to CAFE standards the Senate passed in its version but the House rejected.

I thank Senator INOUYE and the other members of the Commerce Committee for their work on a corporate average fuel economy, CAFE, standard. As you know, the Senate-passed CAFE bill contained a low-volume manufacturer exemption that would have classified low-volume manufacturers as those that have a U.S. market share of less than 0.4 percent and that sell less than about 64,000 cars—at current sales rates. While current law allows large multiline manufacturers to achieve compliance through averaging across various makes and models—offsetting the performance vehicles with economy cars—it denies some small independent limited-line niche manufacturers the same opportunity. Small limited-line companies that manufacture only three models produce vehicles having superior fuel economy yet pay millions in CAFE noncompliance fines. Other automobile manufacturers avoid penalties through mergers and acquisitions and the ability to offset sports cars with economy cars.

The law on automotive fuel economy standards does not require each passenger automobile to meet the standard, but instead allows manufacturers to meet the standard through a fleet average, permitting manufacturers to produce vehicles with varying levels of fuel economy. The law, 49 U.S.C. 32902, includes a provision allowing low-volume manufacturers of passenger automobiles to petition for alternative fuel economy standards. Should a petition be granted under section 32902(d), the low-volume manufacturer is required to meet the maximum feasible fuel economy standard that the Secretary of Transportation finds that the manufacturer can attain. In the case of a high-performance vehicle, this requirement can lead to greater fuel economy savings than results if a similar vehicle is merely averaged into a larger fleet. At the time the law was enacted, the threshold for petitioning for alternative standards was set at annual worldwide production of 10,000 passenger automobiles, which at that time made some 12 companies eligible.

Today the structure of the U.S. market for passenger automobiles is considerably different than it was in 1975. In particular, because of consolidation in the automobile industry, only three independent manufacturers designing for niche markets remain in the United States market. Most, but not all, niche manufacturers have been acquired by major manufacturers and so are able to avail themselves of both the vastly greater resources and flexibility of fleet averaging of those major manufacturers. Thus, the few remaining niche manufacturers are at a distinct disadvantage in meeting fuel economy standards not only in an absolute sense, but compared to other manufacturers of comparable vehicles.

I believe Congress's original intent in enacting the CAFE standards was not to competitively disadvantage small independent manufacturers. However, the fundamental change in the structure of the passenger vehicle marketplace has in fact disadvantaged the remaining low-volume manufacturers without furthering the CAFE goal of increasing fuel economy. I believe that changes in the marketplace have altered what should constitute a low-volume manufacturer, raising serious questions about the reasonableness of the 10,000 threshold for eligibility for alternative fuel economy standards. At the same time, I recognize that the threshold must not be so high as to competitively disadvantage major manufacturers.

In order to preserve the original intent of section 32902 to afford relief to low-volume manufacturers, Senator CHAMBLISS and I proposed and the Senate accepted a provision to set a new threshold for eligibility for alternative fuel economy standards for passenger automobiles by setting the threshold as a percentage of the worldwide market rather than an absolute number. This allows for a threshold that will adapt to changes in the marketplace, unlike the current threshold. This is the same as the language proposed by Senator SMITH in 2002 and included in the Kerry-McCain amendment to the then-pending CAFE bill.

The provision the Senate passed set the threshold for eligibility as a low-volume manufacturer above the current 10,000 but equivalent to less than ½ percent of the world-wide market.

It is my understanding that although the Senate voted on and passed this provision, the House asked that it be removed because they were concerned that a manufacturer who is covered by this new provision would no longer pay fines as a result of it. It is my understanding that under the terms of section 813 as drafted, the Secretary of Transportation—through NHTSA, we presume—conducts an investigation into the capabilities of any petitioner for consideration under this provision and decides whether or not to authorize an alternative standard that differs from the established CAFE standard, and if so, by how much. In the case of any manufacturer who petitions for an alternative standard, NHTSA may decide not to authorize a different standard or they could set an alternative standard that could still be unachievable in that model year. In either scenario above, a company would pay penalties for noncompliance and would not be relieved from paying penalties by anything in section 813. Obviously the hope would be that NHTSA would set a standard that could be achieved based on our maximum feasible technological capabilities.

I also understand the provision was removed because the House was concerned that the alternative standard for low-volume manufacturers is an exemption from meeting CAFE standards. Again, it is my understanding that section 813 is not an exemption because the provision is drafted so that it mirrors current law procedurally in that it authorizes the Secretary of Transportation—again, through NHTSA—to prescribe an alternative fuel economy standard if there is a finding that the petitioning manufacturer's ability to meet the standard prescribed by law is not achievable. Again, there is no provision that allows NHTSA to "exempt" a manufacturer. As we read it, the alternative standard must be achieved by the manufacturer in order to achieve compliance and not pay a penalty even if the standard exceeds that which the manufacturer claims it can meet. So in short, there is no exemption from CAFE and the standard established by NHTSA could still result in penalties for noncompliance.

It is also my understanding that the House is not on record as having voted on this provision, and that the House has not passed a CAFE standard this Congress.

Mr. KOHL. Mr. President, I rise today to talk about the Energy bill that passed with my support. The bill requires that 36 billion gallons of biofuels be blended with gasoline by 2022, and it establishes new appliance and lighting efficiency standards in government buildings. The bill also includes Federal grants and loan guarantees to promote research into fuel-efficient vehicles, including hybrids, advanced diesel and battery technologies.

The Energy bill also improves CAFE standards, requiring cars and light trucks to achieve an average of 35 miles per gallon by 2020. Increasing CAFE standards is a critical step that must be taken to reduce pollution and curb greenhouse gas emissions that cause global warming. Higher CAFE standards will also benefit our families and our communities by reducing the burden of high gas prices freeing up more discretionary income for working families to spend on necessities such as food, health care, and housing.

I was pleased that the final bill included an amendment I offered that would allow small manufacturers to access awards under the advanced technology vehicles manufacturing incentive title. Considering that small manufacturers that employ roughly 75 employees or less contribute 29.5 percent to all value added to automobiles, it made sense that they should have the opportunity to get these awards.

Taken together, this bill allows the United States to become more energy efficient in a cost effective and responsible way.

Mr. LEVIN. Mr. President, I will vote for Senate passage of the Energy Independence and Security Act of 2007. I voted earlier to invoke cloture and to move forward with the bill after receiving assurances that my understanding of congressional intent relative to the fuel economy provisions is correct. I anticipate that the bill will now be accepted by the House of Representatives.

I regret that it was necessary to drop the energy tax provisions. I believe it is particularly unfortunate that the energy tax provisions were dropped since many of these are important to continued development of biofuels and to development and commercialization of many advanced and renewable technologies. Included in these provisions were tax incentives for plug-in hybrids which offer potential for significant reduction in fuel consumption and greenhouse gas emissions. I hope that we will have another chance to enact these very important provisions.

With regard to the renewable electricity mandate, I regret that we were unable to come up with a formula for a renewable electricity mandate that could have garnered widespread support. I believe that a renewable electricity mandate is important to provide incentives for development of renewable resources, which could lead to the creation of numerous high-skill jobs and increase our country's energy security and independence. However, I also believe that a renewable energy mandate must be done in a way that does not have economically detrimental effects.

I also regret that this bill does not include more positive incentives for development of advanced vehicle technologies. There are a number of very important provisions included in the bill—including authorizations for grants, direct loans, and loan guarantees for advanced vehicle technologies and for advanced batteries and battery systems—that will be very helpful but I regret that the bill does not include tax incentives for retooling of manufacturing facilities to produce alternative technology vehicles and components. that would have provided an immediate economic benefit to the auto manufacturers and suppliers who will bear the burden of meeting the regulatory requirements of this legislation.

The fuel economy provisions of H.R. 6 as passed by the House are a significant improvement over what the Senate passed in June 2007 and that I opposed vigorously. The bill the Senate passed in June would have had a detrimental effect on both U.S. manufacturing and U.S. workers by requiring a combined car-truck standard and by not providing adequate flexibility for meeting the standards.

During the course of deliberations between the Senate and House, some concessions were obtained on some of the most important issues, including requiring separate car and truck standards, preserving domestic jobs with an antibacksliding provision, and extending existing fuel credits until 2014 to provide flexibility to our domestic manufacturers to make it more practically possible for them to reach the ambitious level of 35 mpg by 2020. Of great significance, the House of Representatives was able to maintain a key reform that we were able to obtain during Senate consideration of the bill to set fuel economy standards based upon vehicle attributes. By setting standards based on vehicle attributes, such as size or weight, rather than having a fleet-wide average for each company, we will end the many years of discriminatory impacts on domestic manufacturers imposed by the existing CAFE system.

Because it is essential to manufacturers that they are able to plan on the 35 mpg standard in 2020, it was important to remove any ambiguity that could arise in the future if EPA issues new rules to regulate greenhouse gas emissions from vehicles pursuant to its authority under the Clean Air Act. Earlier today, I entered into a colloquy with Senator INOUYE, chairman of the Commerce Committee, the committee of jurisdiction, and Senator FEINSTEIN, the primary sponsor and author of the 35 mpg in 2020 legislation, confirming our mutual understanding and interpretation of what the Congress is doing in this legislation and to make clear our mutual understanding that the standard with which all Federal regulations need to be consistent is the 35 m.p.g. in 2020 standard in this bill. The Supreme Court recently ruled that the Environmental Protection Agency has authority under the Clean Air Act to regulate greenhouse gas emissions from vehicles. It is extremely important that we make clear that it is congressional intent in this bill that any future regulations issued by the Environmental Protection Agency be consistent with the Department of Transportation's new fuel economy regulations that will reach an industry fleet wide level by 35 mpg by 2020.

Logic dictates that we read the law this way—certainly Congress would not knowingly enact new fuel economy standards that could be undercut in the future by other federal agencies adopting conflicting regulations. I was assured this morning by both Senator INOUYE and Senator FEINSTEIN that it is indeed the intent of the law they wrote that EPA regulations be consistent with NHTSA. With that understanding, I am supporting this legislation today.

Mr. HATCH. Mr. President, I would like to take just a moment to talk about the cloture vote on the Energy bill today. I have worked very closely with my good friend, Senator BAUCUS, the chairman of the Senate Finance Committee, to restructure the energy tax provisions in a way that reflects a more balanced energy policy. I have consistently opposed the energy tax package up to this point. I voted against the proposal in the Senate Finance Committee because I believed it did not reflect a balanced energy policy. Rather, it imposed new taxes on our Nation's oil companies, while doing too little to address one of our Nation's most pressing energy needs: our lack of domestic refining capacity.

I also voted against cloture on the energy proposal on the Senate floor in June before it was sent to conference, or what should have been a conference on the proposal. So many of us were not even afforded the courtesy of basic Senate procedure, and that was appalling. Thus, when the bill came back from the House with a House amendment earlier this month, I voted against cloture once again. It was my understanding that when cloture failed, solid commitments had been made to ensure the minority would be included in the formulation of a bill that would really address some of the very real energy problems we have in this country.

Based on this understanding and as a senior Republican on the Senate Finance Committee, I worked with my colleagues on the Finance Committee to improve the tax package. To the credit of Chairman BAUCUS and several members on both sides of the aisle, significant and important modifications were made to the tax portion of the Energy bill.

The new tax provisions included in this bill take some important steps toward balancing this bill in a way that will benefit U.S. consumers. The new severance tax on offshore production in the Gulf of Mexico had been dropped from the revised bill. This move alone restored more than $10 billion toward the effort to increase our domestic production of oil, provision to extend for 3 years a tax incentive that I had originally sponsored to increase refining capacity. Senator BAUCUS also dropped a tax increase on natural gas lines, which restored over $500 million to our natural gas infrastructure. Finally, a provision that would provide incentives for the conversion of hybrid electric vehicles to plug-in hybrid vehicles was included. This restored an important aspect of my legislation known as the FREEDOM Act, or S. 1617.

To say this bill is perfect would be an enormous stretch. I believe the tax package was improved, but it could still be a whole lot better. However, given the realities of Congress, I believed the more balanced tax bill was worthy of my support.

Also of great concern, this bill would apply new Davis Bacon requirements to energy production activities. Expansion of Davis Bacon is poor public policy and absolutely terrible energy policy. Now that cloture has failed and it is apparent the Energy bill cannot proceed, I encourage my colleagues to remove these provisions prior to any additional votes on an energy bill. I believe these provisions are one of the main reasons this bill is unable to secure enough support to proceed.

Mr. PRYOR. Mr. President, I would like to express my support for measures contained in the Energy bill, H.R. 6, designed to spur the design and construction of high-performance green buildings. After reviewing the bill, I am pleased with the approach title IV takes to green buildings by retaining the balanced provisions from the earlier Senate and House versions of the bill.

I am also pleased that the provision from the House-passed bill that specifically mentioned the Leadership in Energy and Environmental Design, LEED, Rating System was amended. The LEED Rating System does not recognize the energy and environmental benefits of wood building materials in its point structure. Wood products are among the most "green" of all building materials.

The Energy bill lays out general criteria that allow green building rating systems in the marketplace to compete for the Government's business. This is a sensible approach that will promote the concept of green building design without referencing one rating system over another.

It is important that the General Services Administration and other agencies ensure that the balanced spirit of this legislation is embraced. There are at least two green building rating systems being used by Federal agencies and the private marketplace now, and the competition among these two systems has resulted in improvements in both. The best approach is to permit the marketplace to decide which rating system is best suited for each project, and this legislation will allow all of rating systems to compete for Government contracts.

Mr. JOHNSON. Mr. President, today the Senate will approve landmark comprehensive energy legislation that over the next decade will lessen our reliance on foreign energy sources and dramatically increase the use of renewable fuels. Today's work is the culmination of a year-long debate on how best to wean Americans from the unhealthy addiction on foreign energy sources and record-high gasoline prices. We are going to accomplish these twin goals by boosting the role of renewable, homegrown fuel and through a long-term plan to make our cars and trucks use gasoline more efficiently. These two laudable goals will cut fuel use, spur investment into rural economies, decrease greenhouse gas emissions, and ultimately make energy more affordable for American families.

This bipartisan bill builds on the success of the Energy Policy Act of 2005, which authorized the first nationwide renewable fuel standard, RFS. I am proud to have played a role in passage of that bill through my work on the Senate Energy and Natural Resources Committee. The positive results of that bill are clear: ethanol and biodiesel production is booming, far outstripping the goals in that bill. Today's legislation builds on that success by realizing the tremendous growth in renewable fuels. We are going to dramatically increase the amount of renewable fuels, such as biodiesel and ethanol blended into the gasoline supply. In 2008, the United States will have the capacity to produce a minimum of 10 billion gallons of renewable fuels. The bill before the Senate today will ensure that we capture the promise of this tremendous growth by requiring the United States blend a minimum of 9 billion gallons of renewable fuels in the gasoline supply. Furthermore, this bill will ramp up the amount of ethanol and cellulosic ethanol produced in this country so that by 2020 the United States will produce a minimum of 36 billion gallons of renewable fuels. That is enough fuel to displace over 15 percent of the gasoline we use to power our trucks and cars.

South Dakota is prepared to do its part in meeting this ambitious goal. The 13 ethanol plants in South Dakota will produce 1 billion gallons of ethanol in 2008 by turning 250 million bushels of corn into the clean-burning fuel. The renewable fuels industry contributes approximately $2 billion in total economic benefits annually to my State while employing hundreds in all parts of South Dakota. South Dakota will now become an energy producer providing the energy and food a growing economy and prosperous nation requires.

Working together and placing partisan differences aside, the Congress is moving our country forward. We are going to produce more fuel from renewable resources and over the long-term decrease the amount of fossil fuels we need to import from unstable regions of the globe. This is a great bill for South Dakota and for our country, and I am glad that we will take this step together today.

Mr. CARDIN. Mr. President, it hasn't been easy, but the Senate is finally poised to pass H.R. 6, the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007. This bill contains important provisions to reduce our reliance on imported oil, bolster our national security, reduce greenhouse gas, GHG, emissions, and protect the environment.

The most important provision in this bill requires an increase in the average fleet fuel economy standards for cars and light trucks from 25 miles per gallon to 35 by 2020. This 40 percent increase is overdue, but most welcome. Maryland drivers will save an estimated $414 million at the gas pump annually by 2020 because of the increased fuel economy standards. The average family with two cars will save up to $1,000 a year. By 2020, the new fuel economy standards are expected to save 1.1 million barrels of oil per day. The standards will remove 192 million metric tons of global warming pollution annually by 2020. That is the equivalent of taking approximately 28 million cars off the road.

H.R. 6 raises the annual requirement for the amount of renewable fuels used in cars and trucks to 36 billion gallons by 2022. H.R. 6 makes a historic commitment to develop cellulosic ethanol by requiring that the United States produce 21 billion gallons of advanced biofuels, like cellulosic ethanol. Homegrown renewable fuels will replace the equivalent of all the oil we import from the Middle East today.

H.R. 6 establishes strong national efficiency standards for lightbulbs. Lightbulbs will be 30 percent more efficient by 2012 to 2014. The near-term savings from the standard are estimated to be $6 billion a year. The first part of the new standard will reduce carbon dioxide emissions by about 13 million metric tons, which is equivalent to approximately 24 new 500-megawatt coal plants. The second set of standards, effective in 2020, could at least double the initial savings of 65 billion kilowatt hours of electricity.

H.R. 6 contains provisions reported by the Senate Committee on Environment and Public Works, EPW, calling for a 30 percent reduction in energy consumption by 2015 in Federal buildings. That reduction would save approximately 60 trillion British thermal units, Btus, of energy, 15 million metric tons of carbon dioxide, and almost $4 billion in taxpayers' money. I worked hard with my colleagues on the EPW Committee to ensure that the strongest possible "green buildings" provisions would be included in H.R. 6. These provisions include my amendment that will put the Federal Government in the forefront of storm water management in the Nation. Virtually all Federal building projects will be required to use site planning, design, and construction techniques that will minimize storm water runoff. These storm water minimization methods are often inexpensive and highly effective. In many parts of the country, polluted storm water runoff is the leading cause of water quality problems.

So, Mr. President, H.R. 6 is a strong bill. But it is hard not to regret what has been negotiated out of the bill. Most important was the provision to require a renewable electricity mandate. I also regret the repeal of ill-advised tax breaks for oil companies that would have paid for tax incentives for renewables, including solar energy. The difficulty Congress and the administration have had reaching an agreement on this bill underscores the need for an amendment I successfully offered to establish an independent, bipartisan commission to monitor our Nation's progress in becoming energy independent and make consensus recommendations on how to achieve that independence. I am disappointed that my amendment did not survive conference committee deliberations.

H.R. 6 could have been a better bill if we had the votes, but it is a good bill. I consider it a solid "downpayment" on what we need to do as a Nation to make energy affordable and reliable, use it efficiently, cut GHG emissions, and protect the environment and enhance our competitiveness and national security.

Mr. DURBIN. Mr. President, the Senate is considering one of the most important pieces of legislation that I have worked on in my legislative career—the Energy Independence and Security Act of 2007.

I thank all the Senators who helped to craft this important bill.

This energy legislation will move America in a new direction—it will make us more independent as a Nation, strengthen our economy and protect our environment.

I am proud to support this legislation which will take meaningful steps to use our energy resources more wisely.

Without this legislation we will fail to protect our country, and our children, from the growing threats of global warming, which is a clear and present danger to the national security and the economy of the United States.

The bill we are considering today begins to reduce our dependence on fossil fuels and to reduce our greenhouse gas emissions.

For many years I have advocated for an increase in CAFE standards and have offered amendments to previous energy bills to achieve this important goal. I am pleased that for the first time in over 2 decades we will be voting on legislation that raises the fuel economy of our cars and trucks. After 22 years of allowing vehicles to average 27.5 miles per gallon, cars and trucks will need to average 35 miles per gallon by 2020.

The provision we are considering today is historic in another way, because both the auto industry and the auto workers union, as well as the environmental community, have endorsed this key provision in the bill and understand the importance of making and driving more fuel efficient vehicles here in the U.S.

This increase in the CAFE standards will save 18 billion gallons of gasoline per year in 2020, and it will help us reduce the greenhouse gases that cause global warming. New CAFE standards will help us avoid 206 million metric tons of greenhouse gases annually.

This is the equivalent of removing 30 million cars from the road in the year 2020.

This legislation will significantly lower our oil consumption and will decrease our dependence on foreign oil. This is one of the most effective ways we can reduce national gasoline consumption, extend our oil supply and reduce greenhouse gas emissions.

To help reduce our dependence on imported oil, and on oil consumption, this bill strengthens the renewable fuels standard. It sets clear benchmarks for higher levels of production of biofuels made from corn as well as other feedstocks, including soybean oil, switchgrass, and other sources of energy that will be developed in the future.

With this bill, we will shift some of our energy reliance from the oilfields of the Middle East to the corn fields of the Midwest.

The bill will ratchet up the schedule for the use of renewable fuels in our cars and trucks from the level of 7.5 billion gallons by 2012, as passed in the 2005 Energy Bill, to 15 billion gallons by 2015 and 36 billion gallons by 2022.

That represents a major advance in our commitment to renewable, home grown fuels that reduce emissions, mitigate global warming, and improve farmer income.

This is a strong market signal to ethanol, biodiesel, and other renewable energy investors that the Federal Government supports fuels that are more environmentally friendly and help to reduce our dependence on oil.

Unfortunately, the package we are considering today does not include a renewable electricity standard—RES.

It does, however, include tax incentives to support the development of renewable energy. It is my hope that in future energy legislation, we will be able to pass an RES to ensure that electric utility companies to use more wind, biomass, geothermal and solar to generate electricity.

Another important component of this bill are new standards for energy efficiency.

The bill will dramatically reduce energy consumption in Federal buildings and improve energy efficiency in appliances. Improving efficiency is the best way to use less energy and reduce emissions. And Americans will save billions of dollars on energy bills.

Reducing energy use by the Federal Government is not only good for the environment; it is good for the bottom line—our budget.

I am pleased to support this important and long over-due bill. This bill makes a substantial down payment on our commitment to slow global warming. We will begin to reduce oil consumption and energy use and promote research and development and help to promote America's creative ideas.

We want innovation to be the driver of our economy, not oil. We want more American jobs, a stronger economy and a cleaner environment.

We want a more secure future for America.

The bill that we are considering will go a long way toward achieving this goal.

Ms. SNOWE. Mr. President, I rise today to express my unequivocal support for landmark energy legislation before us today that will revive our long dormant energy policy. I want to especially recognize Senator FEINSTEIN for her resolve in including momentous, benchmark CAFE standards for the first time in three decades—without her tenacity this critical component would not be included in this legislation. Furthermore, I want to thank Senators INOUYE, STEVENS, BINGAMAN, and DOMENICI for crafting this historic legislation. And it has been a pleasure to work with Senator FEINSTEIN for the past 7 years toward this goal and authoring with her the CAFE measure that was the basis for the provision included in this bill, and that is central to our environmental well-being.

As record energy costs continue to saddle Americans and hamper the growth of our economy, this legislation is, quite frankly, long overdue. Since the Senate passed the Renewable Fuels, Consumer Protection and Energy Efficiency Act in June, our failed energy policy has proliferated into a crisis. Currently, in my home State of Maine, trucks remain idle because the prohibitive cost of diesel—an astonishing 43 percent higher than last year—has made trucking simply unprofitable and untenable for many. And as I speak, residents in Washington County in Maine as well as other areas around the State—are contemplating whether to purchase food, medicine or heat.

The reality is, our energy policy has ambled aimlessly for decades—and Mainers and Americans are quite literally paying the price. As a result, this timely energy legislation could not be more critical as it represents the initial step toward the boldness of leadership on this issue that the American people desire and require. Indeed, the bill before the Senate represents a departure—finally—from the regressive policies of the 20th century to a sustained long-term energy policy that both challenges and harnesses the U.S. preeminent attribute of innovation.

And this change comes not a moment too soon. The fact is, while each of us understands the unacceptable cost of gasoline, heating oil, and electricity for our constituents, we must also be cognizant that our energy policy has been a boon to America's adversaries. As Thomas Friedman recently remarked, petro-authoritarianism is sweeping the globe. In 2005, Iran earned $44.6 billion from crude oil exports when oil was $50 a barrel—now it is $90. The reality is, our current energy policy directly shifts America's hard-earned money to the least democratic countries and most dangerous in the world including Venezuela and indirectly to Iran.

Although this is, in itself, an undeniable reason to change our energy policy, our failed approaches of the past are also manifested in the challenge of global climate change. The release of the Intergovernmental Panel on Climate Change completed in mid-November concluded that climate change is "unequivocal" and accelerating. Indeed this summer, the Arctic Ocean exposed 1 million square miles of open water, the most that has been determined since measurements have been taken. Quite frankly, it is beyond dispute that the United States must take immediate action to reduce carbon emissions and stem climate change.

That is why this timely legislation is absolutely essential to our Nation's security and our environment—as well as our pocketbooks and wallets. Indeed this body is on the brink of forging an energy policy that would provide dividends to the American consumer, enhance American security, and reestablish American leadership on environmental issues by confronting climate change. The question now is, Will we?

We can't afford to wait and, on that note, I particularly want to highlight the inclusion of the CAFE provisions that will finally place this country on track to substantially improve our Nation's automobile fleet from 25.2 miles per gallon to 35 miles per gallon by 2020. Because this provision that Senator FEINSTEIN and I authored is the most significant step our Nation can take to address our long-term energy crisis.

As the New York Times stated on November 14th, "The single most effective way to address the problem of oil imports and consumption is to improve the efficiency of cars and light trucks, which use more than two-thirds of all the oil burned in the United States." This legislation will save Americans 1.1 million barrels of oil per day—nearly the same amount imported from Saudi Arabia. And at a time when thousands of families are struggling to provide the basic necessity of heat in their homes, indisputably we must not squander oil through inefficiency.

There is no question this is a measure whose time has long since come, given the last time Congress comprehensively adjusted CAFE standards was over 30 years ago, in 1975, when the price of gasoline was 60 cents per gallon. Yet all we have done in 32 years is raise CAFE by a measly 5 miles per gallon for light trucks and not at all for passenger vehicles. It is like the program that time forgot. That is why this provision is essential for any comprehensive energy legislation.

The legislation significantly before us achieves the goal of 35 miles per gallon by 2020 through an attribute-based system, incorporating the 2001 National Academy of Science's recommendation that "Consideration should be given to designing and evaluating an approach with fuel economy targets that are dependent on vehicle attributes such as vehicle weight." Why is this important? Because this concept maintains a critical component of America's automobile fleet, and that is consumer choice.

This is the innovative approach that Senator FEINSTEIN and I developed that focuses not on defacto mandates on what type of vehicles are built and sold but rather on the end result of overall fuel savings. And I am particularly pleased that the auto companies have recognized the merits in this proposal and support this initiative. This represents a sea change from the previous divisiveness of this central issue, and I want to applaud my colleagues who worked with Senator FEINSTEIN, Senator INOUYE, and I to craft this historic breakthrough that represents a new automotive era, ensuring that we will not return to the wasteful gas-guzzling days of the past.

Furthermore, this legislation provides critical tax incentives for energy efficiency and renewable energy, to wean ourselves off the expensive foreign petroleum that, as I have said, also serves to line the pockets of some of the world's most dangerous tyrants. This country, quite frankly, has abrogated its commitment to a substantial investment in altering our energy policy—a problem encapsulated in a special report in the Economist, which stated that, regrettably "America's incentives for clean energy" are "relatively modest compared to Europe's." Furthermore, the article illustrates that, "what one politician can mandate, another can terminate—and therein lies one of the biggest risks for clean energy. American politicians have periodically allowed a tax break for wind generation to expire, for example. This caused the industry to falter several times, before the credit was renewed again."

Accordingly, I am extremely disappointed that this legislation fails to extend the vital renewable production tax credit. If we truly want to alter our Nation's energy policy we must make substantial investments and it confounds me why we elected not to make that a national priority.

In addition, I want to voice my strong opposition to the inexplicable removal of the renewable portfolio standard to create a market for sustainable resources. The State of Maine has demonstrated that this provision stimulates the development of hydropower, wind, solar, tidal, and biomass energy with more than 30 percent of our energy flowing from these sources. Enactment of this strong RPS would have promoted fuel diversity and reduced our substantial dependence of natural gas. This reliance on natural gas was unfortunately illustrated in Maine last week when a Canadian supply disruption of imported natural gas forced to shut down two natural gas plants. Frankly, we must promote energy diversity to ensure energy reliance—and this strong Renewable Portfolio Standard that his legislation fails to include would have ensured that Americans would have received 15 percent of their electricity from renewable energy resources and ensured a basic level of diversity while promoting clean energy. I urge my colleagues to address this central issue in the future.

On the more positive side, I am pleased to have worked closely with Senator KERRY, Chairman of the Senate Small Business Committee, and also House Small Business Committee Chair VELÁZQUEZ and Ranking Member CHABOT, to fashion a bipartisan small business title to this Energy Bill. This title includes virtually all of the provisions in the "Small Business Energy Efficiency Act of 2007" (S. 1657), which Senator KERRY and I introduced in June.

This year, the Senate Committee on Small Business and Entrepreneurship, of which I am the ranking member, has paid particular attention to the effects of climate change and escalating fuel costs on small businesses, and the role America's entrepreneurs can play in affecting change in these areas. Chairman KERRY and I have already devoted two hearings during the 110th Congress to these subjects as clearly rising gas prices and global warming are having a devastating affect on the health of small business in this country.

As we all recognize, small business is the backbone of our Nation's economy. As the leading Republican on the Small Business Committee and as a longstanding steward of the environment, I firmly believe that small business has a pivotal role to play in finding a solution to global climate change. According to a recent survey conducted by the National Small Business Association, 75 percent of small businesses believe that energy efficiency can make a significant contribution to reducing greenhouse gas emissions. And yet, only 33 percent of those had successfully invested in energy efficiency programs for their businesses.

We must significantly improve energy efficiency investment by small businesses. To that end, the small business title in the Energy bill will make the SBA's Express Loan Program available to small businesses that wish to purchase renewable energy systems or make energy efficiency improvements to their businesses. I firmly believe that the SBA Express Loan will be an attractive option to small business owners looking to make their businesses more energy efficient and environmentally sound because of the program's quick turnaround time and the ability of participating lenders to use their own forms and procedures for fast approval.

Another key provision would encourage small business innovation in energy efficiency, by creating a priority under the Small Business Innovation Research, SBIR, program for solicitations by small businesses that participate in or conduct energy efficiency or renewable energy system research and development.

The small business title would also create a pilot, competitive grant program that would be administered through the national network of Small Business Development Centers, which would provide "energy audits" to small businesses to enhance their energy efficiency practices, as well as offer access to information and resources on energy efficiency practices.

Finally, the small business title will ensure that the SBA completes its requirements under the Energy Policy Act of 2005. Within 6 months of enactment, the SBA, through a final rulemaking, would be mandated to complete all of its requirements under the Energy Policy Act, including setting up a "Small Business Energy Clearinghouse" that builds on the Environmental Protection Agency's Energy Star program to assist small business in becoming more energy efficient. Frankly, I am alarmed by the lack of progress that SBA has made on these requirements, which President Bush signed into law nearly 2½ years ago. Unfortunately, this may be one more example of the administration's unwillingness to lead on actions to address global warming. By contrast, the small business title will help to ensure that the SBA finally completes its requirements under the Energy Policy Act and actually play a leading role in combating global climate change.

It is my hope that the small business title in the Energy bill will spur more small firms to make a smaller carbon "footprint" and play a leading role in the actions that are essential in combating global warming. Assisting small firms in this regard will not only help the environment but will also significantly lower the energy costs for cash-strapped small businesses.

Given our Nation's energy crisis, we must pursue every opportunity to pursue energy savings, and I therefore must express my strong disappointment that the issue of truck weights was not considered in this legislation. This is a timely issue that has unnecessarily placed the Maine trucking industry and the safety of our residents in jeopardy.

The issue, quite frankly, defies even the most elementary logic. Currently, arbitrary rules create two distinct truck weight limits that capriciously bisect the State at Augusta. Specifically, from the New Hampshire/Maine border to Augusta trucks weighing up to 100,000 pounds are allowed to travel on Interstate 95. However, beyond this point all the way from Augusta to Houlton—a distance of 200 miles—the regulation recedes to 80,000 pounds.

As a result, north of Augusta, heavy trucks are forced onto smaller, secondary roads that pass through our cities, towns, and villages and they fail to use the Federal highway system. This mosaic of Federal regulations unnecessarily costs our Nation energy by requiring additional truck trips to meet the needless 80,000 limitation. Truckers must make additional trips for the transportation of fish, lumber, blueberries, and potatoes, which increases the costs of these goods and regrettably has become a major safety issue on the secondary roads of Maine with these massive trucks speeding through Maine's communities. With diesel prices upwards of $3.70, the problem has burgeoned into a full crisis and this Federal medley of regulations must end and I urge my colleagues to support me in creating a uniform 100,000-limit restriction on Maine's Federal highways.

Overall, I am pleased that this legislation is reflective of the broad ramifications of our energy plan and provides the beginning of a commensurate response to our energy crisis. The manifestations of our current strategy are discernible in some of the greatest issues facing America. The critical issues of climate change, the trade imbalance, and a restricted foreign diplomacy in the Middle East are all directly related to our failed energy strategy. We are realizing, with increasing clarity, the consequences of an oil-based energy policy.

Now, with this Energy bill before us, this is a critical initial step but is only the first. A glaring absence in this bill is the preeminent issue of climate change: It is incumbent on this Congress to build momentum from the recent G8 meeting and pass legislation that reestablishes American leadership on this critical environmental issue. Currently, the entire world is meeting in Bali, Indonesia, waiting for an answer from America. The Environment and Public Work's Committee passage of the first comprehensive climate change legislation, coupled with the action today, resoundingly declares that American leadership is hopefully on its way. As I have worked with Senators MCCAIN and LIEBERMAN for 4 years on the Climate Stewardship Act, as well as Senator KERRY on Global Warming Reduction Act, I remain absolutely committed to passing climate change legislation. The legislation before the Senate does not replace the need for comprehensive climate legislation, and I look forward to bringing this fundamental energy and environmental issue to the floor of the Senate when we return after the New Year.

Again, this bill represents critical progress toward a comprehensive energy policy. I look forward to working with my colleagues on the additional components to finally achieve American energy independence.

I thank the Chair.

The PRESIDING OFFICER. Who seeks time?

Mr. DOMENICI. Mr. President, I believe we are out of time except for leader time.

The PRESIDING OFFICER. The minority has 3 minutes 54 seconds, not including the leader; and the majority has 1 minute 17 seconds, not including the leader.

Mr. DOMENICI. I have no other Senators who want to be heard on my side.

I yield back the remainder of our time, reserving the full leader's time at this point.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I particularly want to say how pleased I am Senator DOMENICI is still on the Senate floor. This is an extraordinary accomplishment for him. I congratulate him on his persistence and tenacity. Senator STEVENS has been deeply involved in this issue from the very beginning and has done an extraordinary job, and I want to congratulate both of these outstanding Senators for what is going to be an accomplishment that all of us can be proud of. I also commend Senator INOUYE and Senator BINGAMAN for their hard work as well. The final product is not perfect, but it is vastly better than the version that was sent to us by the House of Representatives.

We recognized in the Senate that the House bill couldn't pass the Senate and wouldn't be signed into law, so we fixed it, and now it will. The new fuel economy standards and the increase in renewable fuels represent a step forward in our common effort to make America more energy independent. This is something we can all be proud of as we leave to go home for the holiday recess.

This is a good accomplishment. It was achieved—as every good thing in the Senate always is—by cooperation between the parties. What we have done on this bill we have done together. In a year that has seen its fair share of partisan tensions, that is no small accomplishment either.

So, again, I congratulate the managers of the bill. I also thank my good friend, the majority leader, for bringing it back to the floor in a form that guarantees not only that it will pass the Senate but that it will be signed into law.

I am extremely pleased about this bipartisan accomplishment. I am extremely happy that we are about to show the American people we still have it in us to come together as a body and to achieve consensus on an issue that affects all of us.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, a note of information for all of the Senators: We are trying to work out something on the farm bill to complete it, and we are going to complete it this week. Right now, we have one obstacle, and it is an amendment dealing with firefighters. There is bipartisan support for it. I have told those people who like it and don't like it that we can do a number of things. We can have a voice vote on it; we can have side-by-sides. If the opponents of the legislation want a couple of second-degree amendments that relate to that, they can have that. If that doesn't work, I have no alternative but to file cloture on that amendment. If I do that tonight, there will be a cloture vote on Saturday. I don't want a cloture vote on Saturday—no one does—but we have no alternative. We have to finish what we have to do here.

Now, if I file cloture on it, maybe they would agree to allow us to have the cloture vote tomorrow.

We have some other things we need to do. Everyone should be alerted. With the permission of the—well, I don't need to say the "permission." Whenever we finish the firefighters amendment sometime tomorrow, cloture will be sought on the bill. We still have Republican and Democratic amendments out there floating around. Some people don't come and offer them; some people won't debate their amendments. Once the firefighter issue is out of the way, we are going to see if we can invoke cloture on the bill.

I think there is general consensus that, as with immigration, we have had enough of farm legislation this year. We have all been very patient. It has been a very distressing issue on occasion. We have done a lot of fingerpointing. It is time now that we pass the farm bill. So the issue relating to firefighting is on the bill. It was one of the Republicans' amendments, and now it is a Democratic amendment.

That is where we are. That has nothing to do with some real good news. I just wanted to alert everyone as to what we are doing.

Mr. President, we had a little going away party sponsored by the Republican leader and me yesterday in the Mansfield Room. It was a wonderful occasion. It was the farewell to Senator TRENT LOTT. I said something there that I am saying again here today. Edmund Burke, the famous Irish statesman and philosopher, said:

> All government, every virtue and every prudent act, is founded on compromise.

Listen to what this brilliant man said:

> All government, every virtue and every prudent act, is founded on compromise.

"Compromise" is not a dirty word. Consensus building is what we have to do. It can be frustrating. It can be exasperating. It can be maddening. But at the end of the day, compromise leads to progress. That is what we have today. Progress. The last time America raised fuel economy standards was 30 years ago. We didn't have airbags, the Internet was a science fiction fantasy, and the closest thing to GPS was a map. You went to a service station and they gave it to you. Today we have hybrid cars, hydrogen cars, ethanol cars, fully electric cars.

Now, after 30 years, we are going to pass a new fuel economy standard. This is not only important, it is historic. This is a good energy bill. There are so many heroes. One just walked past me: DIANNE FEINSTEIN. There is lots of credit to go around. It will save consumers money. It will begin to reverse our addiction to oil. It will take a small first step in our fight to turn the tide of global warming. Could this bill have been better? Of course it could have been better. Absolutely. But we are not going to talk today about what could have been in it to make it better. We have been through that. What we want to talk about today is this bill will be a win for the American people.

It may be a split decision, as we have in boxing matches, but if you have a split decision in a boxing match, there are still winners, and we have winners in this matter today. Who are the winners? Not me, not the Republican leader, none of the 98 other Senators are winners. It is a partnership. We have worked together. All Senators and all House Members are going to be able to walk out and hold their chests out, hold their heads high, and say: We passed an energy bill. Not only does Congress get credit for this, the White House gets credit for it. It sets new fuel economy standards for the first time in 30 years: 36 billion gallons of renewable fuel will replace oil by 2022. It creates new energy efficiency standards, everything from light bulbs, to refrigerators, to the construction of new buildings. Because of the Energy bill we will pass in just a few minutes, Americans will save money every day.

I say to the Senate, to the House of Representatives, to the President of the United States: Congratulations.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2008

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of H.J. Res. 69, the continuing resolution just received from the House; that the joint resolution be read three times, passed, and the motion to reconsider be laid upon the table, all without intervening action or debate.

I would tell everyone this is for 1 week.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The joint resolution (H.J. Res. 69) was ordered to a third reading, was read the third time, and passed.

ENERGY INDEPENDENCE AND SECURITY ACT OF 2007—Continued

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. ENSIGN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Nebraska (Mr. HAGEL).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 86, nays 8, as follows:

[Rollcall Vote No. 430 Leg.]

YEAS—86

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
Dole
Domenici
Dorgan
Durbin
Ensign
Feingold
Feinstein
Graham
Grassley
Gregg
Harkin
Hutchison
Inouye
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—8

Barrasso
Coburn
DeMint
Enzi
Hatch
Inhofe
Kyl
Stabenow

NOT VOTING—6

Biden
Clinton
Dodd
Hagel
McCain
Obama

The motion was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate concurs in the House amendment to the Senate amendment to the title of the bill, and the motions to reconsider are laid on the table.

The Senator from California.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to speak for a couple of minutes on the subject of the bill that passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, many years ago, exactly 6, Senator SNOWE and I began this effort. Prior to that time—and I give credit to Senators Dick Bryan and Slade Gorton, who began this effort back in 1993 with me. We tried to do a sense of the Senate. We didn't succeed. Then Senator SNOWE and I did the SUV loophole closer, and we didn't succeed. Then suddenly the times changed and we had introduced this bill in committee. Both the chairman, Senator INOUYE, the ranking member, Senator STEVENS, and the Commerce Committee allowed us to come before them and ply our troth of this bill. And we did. The Commerce Committee unanimously passed out the bill. That was in itself a stellar moment.

Then there was the House and there was the negotiation with Representative DINGELL and others. A bill finally emerged—a lot of trial, a lot of tribulation. But I owe a great deal to Senator SNOWE. I want her to know that. I thank her for her solidarity, for her intelligence, for working with me over these past 6 years. It has been a wonderful bipartisan relationship and one I will treasure.

I also thank Senator INOUYE as chairman of the committee and Senator STEVENS, Senators CANTWELL, KERRY, CARPER, DORGAN, and my pal and friend, Senator BOXER.

We had some great staff from my office. I thank them: John Watts, Matt Nelson, my LD, Chris Thompson, who participated in much of the negotiations. But I also give kudos to a member of Senator INOUYE's Commerce Committee staff, and his name is David Strickland. David Strickland knows more about automobiles than most people all put together in this Chamber. There may be a few exceptions, but I have never met anyone who knows more about the automobile. He conducted the negotiations with the House and worked very late hours. I want him to know how much his talent, his technical expertise is appreciated.

I see Senator CARPER. I think I mentioned him. We had many conversations over the recess on the bill. I thank him for his support and for his commitment to this bill.

This is not an easy bill to do because we know we have automobile producers in this country, and we know these companies have problems. Yet we also know time is marching on and the need to move fuel efficiency, which has not happened for 32 years, is important if we are going to solve the problems of climate change. This is a first big step.

Transportation is about a third of our greenhouse gas emissions. By 2025, this bill will reduce these emission from automobiles by about 18 percent from projected levels. It is about, by 2020, a 40-percent increase in mileage of automobiles. So it is important.

Oh, there is so much we do in this Chamber that is minutiae and often unrewarded. Once in a great while, you participate in the making of a bill which can change how things are done in the country. Once in a while, we all together can make a difference, and that happens when it is bipartisan. This bill was bipartisan. For that, I am very grateful.

So for all those who fought the good fight, who talked and walked the march, I say thank you. I think we have achieved something that is major, that is real, and that will greatly improve the situation. It may not be perfect, but the perfect, as they say, should not be the enemy of the good.

I also pay tribute and thank Senator LEVIN and Senator STABENOW. I know this is difficult, and I know how I would feel. I also believe the greater good of the United States is served by this legislation and, after all, that is all of our objectives.

I look forward to working with everyone in the future. It is a very happy evening for me. I thank everyone very much.

The PRESIDING OFFICER. The Senator from Iowa.

FARM, NUTRITION, AND BIOENERGY ACT OF 2007—Continued

Mr. GRASSLEY. Mr. President, I ask for the regular order on amendment No. 3823.

Mr. REID. Mr. President, was there a request?

Mr. GRASSLEY. I am asking for the regular order on amendment No. 3823.

Mr. REID. Mr. President, I am confident this is the right thing to do. The two managers of the bill are not here right now. Until they return, I think we should wait.

Mr. GRASSLEY. I ask for the regular order.

Mr. REID. I suggest the absence of a quorum.

I have no right to suggest the absence of a quorum. The Senator has the floor. I interrupted him.

Mr. GRASSLEY. The managers of the amendments are trying to get amendments brought up. I am ready to go, and they asked if I was ready to go.

Mr. REID. I say to my friend, I had conversations with the two of them. They are in the back coming up with something in writing to proceed through these amendments.

Go ahead. Regular order, Mr. President, fine.

AMENDMENT NO. 3823

The PRESIDING OFFICER. The amendment is now pending. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, amendment No. 3823 deals with agricultural competition and increased consolidation in the agricultural industry. The amendment is cosponsored by me, Senator GRASSLEY, and two Democrats—Senator KOHL and Senator HARKIN.

I wish to make it very clear—and I will get into some detail—there may be some people who feel the amendment I have put before the Senate is exactly the same as a bill Senator KOHL and I had introduced previously. It is very slimmed down from that bill. So any staff who is watching the debate and getting nervous about an amendment coming up that every big industry in the United States may find fault with, we are talking about a very slimmed-down version of it. I will explain all that shortly.

I have been concerned with competition in the agricultural marketplace and increased competition in the agricultural industry for quite some time now. You have heard me speak about it on the floor. We have had hearings on it. I had hearings in the Senate Finance Committee, as well as hearings I participated in under both Republican and Democratic chairmanships of the Judiciary Committee.

Agriculture, as you know, is a fairly risky business. I know that from personal experience because I have lived and worked on a farm all my life. But for some time, working in agriculture has become even more difficult for the little guy. The trend has been for companies in the agricultural sector to consolidate. I am talking about businesses that serve agriculture with input. I am talking about industry that processes agriculture. So there has been consolidation in that industry. I am not talking about the consolidation of farms. There has been that as well. That has been going on since 1790, when 90 percent of the people in this country were farmers. Today, 2 percent of the people in this country are farmers. I am talking about the impact of agriculture agribusiness consolidation and the impact upon the 2 percent of the people in this country who are farmers.

This consolidation has created new business giants impacting competition in the marketplace for the family farmers, for producers, and for consumers. Family farms and independent producers are feeling the pressure of concentration in agriculture. Small and independent producers are seeing fewer choices—who the farmer can buy from and to whom the farmer can sell.

All this consolidation in industry at both the horizontal and vertical levels leads to the very real possibility of fewer product choices and higher prices for consumers.

I don't believe all mergers are, per se, bad, and I don't believe all are wrong and all lead to unfairness. But I think at the same time we need to make sure—we need to make very sure—open and fair access to the marketplace is preserved for everyone. We need to make sure large businesses are not acting in a predatory or anticompetitive manner. We need to make sure family farmers and independent producers can compete on a level playing field. We need to make sure consumers have as many choices as possible.

So I am not talking just about mergers and lack of competition being harmful just to farmers, I am talking about the impact that might have on consumers paying more. The antitrust laws are all about protecting consumers, not about protecting producers. But in the case of family farmers, they are purchasers of input, and so they are consumers. But they also have to make sure that the marketplace is protected for the ultimate end-consumer, the consumer of our agricultural products.

By looking out for these things, you know what we end up doing, Mr. President? We keep our economy strong because of competition. We keep our agricultural community vibrant. We keep it competitive. And hopefully, in the end, we keep our consumers happy, with quality food at a relatively inexpensive price. American consumers don't know that, but they already have that environment from our farmers. We take too much for granted in America, so I am not so sure consumers know that, and I like to remind them from time to time.

So we have this amendment before us. It is an amendment cosponsored, as I said, by Senator KOHL and Senator HARKIN. The language of this amendment draws from a bill that Senator KOHL, Senator THUNE, and I introduced earlier this year—S. 1759. It is called the Agriculture Competition Enhancement Act, ACE for short. We call it the ACE Act. However—and this is the point I started out with—I wish to make clear that this amendment which is being offered to the farm bill is quite different from the ACE Act as originally introduced earlier this year. Amendment No. 3823, which I have called up here under regular order, does not include all the provisions of S. 1759 and either eliminates provisions in that bill or incorporates many changes to address concerns raised by members of the agricultural industry, by the administration, as well as Senators on both sides of the aisle.

I also worked with the chairman and ranking member of the Judiciary Committee because this bill, S. 1759, was referred to the Judiciary Committee. Because we are offering it as an amendment to this bill, I also worked with the ranking member of the Agriculture Committee to address issues that were in that original S. 1759, which I was hoping to offer here, to take care of some opposition to this bill coming up and yet still accomplishing quite a bit about the problems I see with lack of competition. So the amendment I have called up under regular order is the product of these discussions we had with business, with agricultural leaders, with the White House—or I should say with the administration generally, not necessarily the White House—and, of course, with the Judiciary Committee members and the ranking member of the Agriculture Committee.

Now, I want to explain what this bill does after having explained to you, as I just did, that it is not what we had introduced as a bill.

First, the amendment would create an Agriculture Competition Task Force to study problems in agricultural competition, establish ways to coordinate Federal and State activities to address competition problems in agriculture, and make recommendations to Congress. In particular, the task force would establish a smaller working group on buyer power to study the effects of concentration, the effects of monopsony, and the effects of oligopsony in agriculture, and make recommendations to the Department of Justice and to the Federal Trade Commission on and for agricultural guidelines. The task force will help give our antitrust regulators real insight and expertise specific to the farm community that I believe is currently lacking when they address competition issues in agriculture.

Second, the amendment would require the Justice Department and the Federal Trade Commission to issue agricultural guidelines, taking into account the special conditions of the agriculture industry, and require the Department of Justice and the Federal Trade Commission to report to Congress on the guidelines.

Both the Senate Judiciary Committee and the Agriculture Committee heard witnesses in several hearings testify that there is a need for agriculture-specific guidelines when the Department of Justice and the Federal Trade Commission look at agriculture mergers.

Currently, the Department of Justice and the Federal Trade Commission have guidelines for specific industries and issues, such as health care and intellectual property, but not for agriculture. So it makes sense—not just to me but to these many experts in agriculture and antitrust law that we heard in these several hearings before our committees—that our Federal regulators should have agricultural guidelines because of the special circumstances and special characteristics particular to the agriculture industry and particularly because there tends to be, in Washington, DC, outside of the Agriculture Department, little consideration and understanding of the unique industry of agriculture. Some people would say that even within the U.S. Department of Agriculture there is a lack of understanding in Washington, DC, of what the problems of agriculture are all about.

I don't pretend that even with the adoption of this amendment we are necessarily going to bring about the total understanding that there ought to be for the 2 percent of the people in this country who produce food for the other 98 percent, as well as a lot of surplus that is exported beyond. But whatever we can do to help, and particularly when there are policy decisions made dealing with agriculture when it is not fully understood, if we can just get some attention on agriculture in those areas, I think we will be taking a giant step forward.

Those characteristics I am talking about include monopsony, which is a situation where there is a single purchaser of goods, and oligopsony, which is a situation where there are few buyers who, at the same time, have a disproportionate amount of market power.

Third, the amendment would formalize the Department of Agriculture's review of agriculture mergers with the Justice Department and the Federal Trade Commission, requiring the Department of Agriculture to provide comments on larger mergers in the industry—mergers that submitted second requests for information under the Clayton Act. That is already a process that is in law.

Currently, the Justice Department or the Federal Trade Commission informally consults with the Department of Agriculture when they analyze ag mergers. These agencies have what we call a memorandum of understanding to consult with each other. But I believe, following on the advice of experts who have testified on this matter before the Agriculture Committee, that the current process—meaning the current process of the memorandum of understanding—does not sufficiently ensure that farm community concerns are adequately considered.

Far more than the Justice Department and far more than the Federal Trade Commission, the Department of Agriculture has extraordinary knowledge and expertise in agricultural matters. The Department of Agriculture formulates agricultural policy for our great Nation and works closely with the farm community and agricultural industry about various concerns. They have experts and economists who know and work with the data on a daily basis. The Department of Agriculture is the office that can best assess the true impact of ag mergers and other business transactions for farmers, ranchers, and independent producers, as well as the trickle-down effect on the consumer. So that is why it makes sense that the role the Department of Agriculture plays presently in antitrust review of ag mergers be more than just a memorandum of understanding; that, in fact, it be permanent and a formal role, not one that is informal and loosely contained in the memorandums.

Moreover, having such a requirement of formal participation or consultation is not some new novel idea. I wish I could claim a new novel idea. Other agencies, such as the Federal Communication Commission or the Department of Transportation, formally participate in the review of mergers in their industries. They render formal decisions that are then shared with the FTC or the Department of Justice. So along the lines of the precedent set by the FCC and the Department of Transportation, I am asking that we do the same thing with the Department of Agriculture and the FTC and the Department of Justice.

I hope I have described to you what is a very modest approach, much more modest than the ideas Senator KOHL and I had in the bill that I am saying I am offering a stripped-down version of here. I basically put in statute what the Department of Justice and the Federal Trade Commission are allegedly already supposed to be doing with the U.S. Department of Agriculture. The approach we advocate in this amendment will ensure that all of agriculture's concerns and needs are fully discussed when Federal agencies examine proposed ag business mergers. By guaranteeing inclusion and openness, we will go a long way toward alleviating understandable anxiety about an increasingly concentrated industry.

Finally, the amendment would provide for additional resources to the Department of Justice and the U.S. Department of Agriculture's GIPSA division to enhance their ability to look at agricultural transactions and competition issues.

I want my colleagues to know that we worked very closely with several agricultural and antitrust experts on the language contained in this very amendment, as we did in the original bill. The amendment is supported by a number of farm groups, and I would like to read these to you: the Organization for Competitive Markets, the Campaign for Contract Agriculture Reform, the Center for Rural Affairs, Food and Water Watch, the Institute for Agriculture and Trade Policy, R-CALF USA—and just in case people don't understand that acronym, those are people who are cattle producers but who aren't necessarily affiliated with the National Cattlemen's Association. They could have dual memberships, but they do have some different points of view. Then another organization is the Sustainable Agriculture Coalition, and lastly the Western Organization of Resource Councils.

Mr. President, I ask unanimous consent to have printed in the RECORD a December 10, 2007, letter in support of this amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECEMBER 10, 2007.

Re Agricultural Competition Enhancement Act.

Hon. CHARLES GRASSLEY,
Senate Office Building,
Washington, DC.
Hon. HERB KOHL,
Senate Office Building,
Washington, DC.

DEAR SENATORS GRASSLEY AND KOHL: We would like to thank you and express our support for the Agricultural Competition Enhancement Act, Amendments 3717, 3823 and 3631, proposed for inclusion in the Farm Bill. Agricultural producers face buyer power when selling their products—and seller power when buying. This market power scissors effect has devastated the economy of rural America. These Amendments can begin to reverse the process.

Congress created antitrust law in 1890. This body of law did not exist previously, except through a patchwork of common law doctrines and state statutes. The courts weakened the Sherman Act. Congress responded by enacting the Clayton Act. Then the Federal Trade Commission Act was passed. Some updating occurred in the 1970's. However, the last 30 years has seen competition falter in agriculture as antitrust law has been incrementally neutered. Powerful companies have opposed antitrust law for decades, with substantial recent success.

AMENDMENTS 3717 AND 3823

This Amendment will create the Agriculture Competition Task Force. The Task Force is necessary to focus on the agricultural concentration problem and solutions. We can no longer pretend that unfair and deceptive practices do not exist in the U.S. food industry, America's biggest industry.

New guidelines are needed at the Department of Justice specific to agriculture. DOJ admits that antitrust laws apply unaltered across the economy—thereby conceding the problem that must be solved. The current economywide guidelines are of only passing relevance to farmers, ranchers and growers. Those guidelines may apply to an industry dominated by five firms dealing vertically with an industry dominated by three firms. But the guidelines do not tackle the real problems of disparate farmers with no market power doing business with sophisticated, multinational firms.

Better methods must be developed to establish geographic and product markets. Black and white concentration thresholds must be devised to provide certainty and concentration. Neither judges nor Department of Justice officials have sufficiently grasped these issues in the recent past.

Rather they accept pleasing theories of competition that work in textbooks, but not on the ground.

The failures have been astounding. In this year alone, the Department of Justice approved a Southeast U.S. hog packing monopoly by allowing Smithfield Foods to acquire Premium Standard Farms. And DOJ also allowed Monsanto to acquire a near monopoly in the cotton seed market when acquiring Delta & Pine Land Company. Legislation is clearly needed.

AMENDMENT 3631

We also support Amendment 3631. The Post Merger Review provisions are needed to correct the past mistakes of DOJ that have harmed the agricultural economy by extracting wealth from farmers, ranchers and rural communities. We cannot continue protecting those accumulating market power. Studying those past mergers will reveal the worst past mistakes, and enable correction when warranted.

The Special Counsel for Agricultural Competition is also needed at the USDA. The Grain Inspection, Packers & Stockyards Administration has not been up to the task. GIPSA's competition activities should be transferred to more professional, accountable and well-funded staff.

We strongly support the Amendment's clarifications regarding the burden of proof in a merger case. Congress can and should make the policy decision that competition is often harmed by concentration. It is sensible to exempt mergers that are not problematic by allowing a defendant to prove the deal does not substantially lessen competition or create a monopoly.

This Amendment could be improved if it clarified that the benefits of any alleged efficiencies created by an acquisition must be passed on to consumers or producers, not merely maintained by the merged entities. Efficiencies benefiting the merged entities are emblematic of market power, not competition. Those efficiencies should be proved by clear and convincing evidence to dissuade judges from lazily accepting mere theories and arguments rather than factual proof.

DEPARTMENT OF JUSTICE OPPOSITION

We note the surprisingly strident opposition of the Department of Justice in a November 15, 2007 letter to Chairman Leahy. That opposition is ideological and turf-based, not substantive. Indeed, the letter is akin to an industry association press release.

Both DOJ and USDA have repeatedly failed their charge to enforce the law, protect competition, and eliminate ideology from decision making. Congress should not enable further failure.

DOJ makes some fairly large leaps of logic, stating that the Amendments would actually harm competition in agriculture. No sound basis exists for such a claim, and doubt is thus cast on the entire submission. Bureaucratic distaste for legislation does not beget economic harm.

The Constitutional concerns expressed by the Department are consistent with its new Unitary Executive theory that relegates Congress to a minor governmental role. Congress should be assertive in maintaining its authority, including the ability to establish Task Forces that assist the formation of merger review guidelines and enforcement policy.

DOJ also claims a Special Counsel for Competition at USDA "would harm American agriculture." This again is a leap of logic, sprung from ideology and bureaucratic turf protection rather than law or fact. DOJ's defense of USDA's Grain Inspection, Packers & Stockyards Administration fails to acknowledge the repeated GAO and USDA-OIG investigations showing incompetence at best, and falsifying reports to Congress at worst.

Indeed, the protestations prove the point—that change must be imposed from outside the agencies.

We commend you for taking this modest first step in antitrust improvement for production agriculture.

Signatory organizations,

Organization for Competitive Markets; Campaign for Contract Agriculture Reform; Center for Rural Affairs; Food & Water Watch; Institute for Agriculture and Trade Policy; R-CALF USA; Sustainable Agriculture Coalition; Western Organization of Resource Councils.

Mr. GRASSLEY. So my colleagues are clear, once again to repeat, Senator KOHL and I listened very carefully to the concerns expressed by companies and groups that contacted us about S. 1759, the original Agriculture Competition Enhancement Act—we call that ACE for short—and in response to those concerns, we made significant changes and elimination to the language which has been incorporated in this amendment. This amendment does not make any substantive changes in antitrust laws. I am going to address that a little more specifically because that is one of the things we have heard against this amendment. Maybe it would be an applicable criticism of the bill but not of this amendment.

Also, there is no mandatory adoption of the task force recommendations on the guidelines to which I have referred. The constitutional issues raised have been taken care of and more contentious provisions have been eliminated. The bottom line is the concerns that were raised by certain companies, as well as the Justice Department and the FTC, about our previous iterations of the ACE bill have been taken care of in the amendment. The bottom line is, this amendment is very much an attempt to address everyone's concerns and to reach a fair compromise because I think we could have gone a lot further and been even a lot more aggressive in dealing with agricultural competition issues. I had a hard time convincing Senator KOHL we ought to make these changes, but he has agreed as well.

There is a real need for this amendment. We need it to beef up our ability to address competition issues in agriculture and to address concerns with consolidation in the industry. My amendment is an itty-bitty step in the right direction; maybe some would say too small of a step but still a good first step at getting something done.

I urge my colleagues to support the Grassley-Kohl-Harkin amendment.

I do have some other things I want to say, but I do not want to take all the time right now. I do want to speak about some of the differences between what was in our bill and what is in our amendment. I am willing to yield the floor if other people want to speak on the amendment that I have before us.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I would like to speak on the Grassley amendment. I am certainly willing to yield to the Senator from Iowa, if he wants to have his colleague from Wisconsin speak right with him or if he wants to go afterwards.

Mr. KOHL. Mr. President, I rise today with Senator GRASSLEY in support of amendment No. 3823. Our amendment will significantly enhance the antitrust review given to mergers and acquisitions in the agricultural sector.

Concentration and consolidation in agriculture is a major concern for our hard working farmers. Due to the wave of mergers and acquisitions that have occurred throughout the agricultural sector in recent years, fewer and fewer food processors have captured a greater and greater share of the market for purchasing agricultural goods. Farmers have less choice of where to sell their products, and as a result the prices they receive continue to decline.

Our Nation's farmers—who comprise less than 2 percent of the population—produce the most abundant, wholesome, and by far the cheapest supply of food on the face of the Earth. However, the way in which that food is produced is rapidly changing, creating significant new challenges. We have witnessed a massive reorganization in our food chain due to the increasing numbers of mergers in the dairy, livestock, grain, rail, and biotechnology industries. In fact, the top four beef packers control 71 percent of the market, the top four pork processors control 63 percent of the market and the top four poultry processors control 50 percent of the market. During this period of enormous transformation in the agricultural industry, disparity in market power between family farmers and the large conglomerates all too often leaves the individual farmer with little choice regarding who will buy their products and under what terms.

The effects of this increasing consolidation are felt throughout the agricultural sector. Rather than buying on the open market, processors of farm commodities are relying more and more on contractual arrangements with farmers which bind farmers to sell a specified amount of product, for prices specified by the processors. In many cases, there is no longer a significant open market to which farmers and ranchers can turn. These contractual arrangements damage the independence of family farmers, leaving them little choice regarding what to grow and the terms on which to sell their products.

Agricultural consolidation has also been pronounced in the dairy sector. Mergers among milk processors have greatly concentrated the industry, and resulted in lower prices for dairy farmers. There have been serious allegations of anticompetitive conduct by one large dairy processor in Florida and elsewhere resulting from this highly concentrated market.

Unfortunately, in recent years our antitrust regulators at the Department of Justice have done little to stem the tide of ever increasing agricultural consolidation. This is why we are today offering this amendment to the farm bill.

Our amendment will significantly enhance the scrutiny given to agricultural mergers under the antitrust laws. It will establish an Agricultural Competition Task Force—made up of representatives of antitrust enforcement officials, State and Federal agriculture regulatory officials, State attorneys generals, industry experts, and representatives of small family farmers and ranchers—charged to investigate problems of competition in agriculture and make recommendations to Congress and enforcement agencies on ways to enhance competition.

Our amendment will also direct the Justice Department and Federal Trade Commission to develop, within 2 years, new guidelines for antitrust enforcement in the agricultural sector. These guidelines are to be written to prevent anticompetitive mergers in the agricultural industry. These guidelines will require the antitrust enforcement agencies to challenge any merger or acquisition in the agricultural sector, if the effect of that merger or acquisition may be to substantially lessen competition or to tend to create a monopoly. The development of such strong guidelines should deter anticompetitive mergers from even being attempted in the first place.

Our amendment will also provide a procedure for comments by the Secretary of Agriculture regarding proposed mergers and acquisitions in the agricultural sector. These comments should provide important expertise and enhance the merger review process of the antitrust agencies when reviewing agricultural mergers.

In sum, our amendment is a significant measure to combat the ever rising tide of consolidation in agriculture which threatens to swamp our Nation's hard working family farmers. I urge my colleagues to support amendment No. 3823.

Thank you, Mr. President. I yield the floor.

Mr. BROWNBACK. Mr. President, I want to speak in opposition to the Grassley amendment. I appreciate the heart of the Senator from Iowa, and his intent. He has been consistent. He has been longstanding and heartfelt on this issue. I have been in the meetings he has called with the head of packing and stockyard compensation about concerns of concentration in the agricultural industry. I have seen him press on this issue. I agree with his heart on this amendment and his effort and his desire.

I absolutely disagree with this amendment. I agree with the sentiment, what he is trying to get done. This is not the way. I would like to express to this body what I believe, clearly, will take place in my State were this amendment to pass.

The cattle industry is a major industry in my State. We are third in the number of cattle on ranches and feed yards—6.4 million. There are more than twice as many cattle than people in my State. It is big business. It is a feed yard business where a lot of cattle from all over the country come to be fed out and processed. It is a very big business. It is $6.25 billion in cash receipts a year in my State, my rural State.

This is a business where there are a lot of contractual engagements and obligations back and forth. A man may have cattle from Alabama, and he puts them on a feed yard near Dodge City, KS. The processing plant is near Dodge City and the feed yard may have a contractual arrangement with the processor, saying: I am going to deliver you a thousand head of cattle a day for every working day. That keeps your processing plant orderly and organized. In exchange for that, I am going to get a higher value of cattle that he then passes on to that Alabama cattleman who owns the cattle there.

It is an arrangement that has worked to produce a very highly effective system. Some people do not like the scale of it. In many respects I do not. I would rather it be dispersed to a huge number of family farms across the country the way it used to be, like the farm where I grew up where we had chickens and pigs and cattle. Instead, we have much more integrated operating units. But this would go right at the heart of this industry, as far as changing the burden of proof and changing it on one specific industry. It will not have the intended effect of recreating the family farm system. That is not what is going to be the spill-out of this.

What will end up taking place is the Alabama cattleman is going to end up getting less money for his cattle, and the consumer is going to get less of a directed product they want. I want to develop that for the body, to explain why I like the heart of the people proposing this, but this will not produce the results they want.

The amendment creates an Agricultural Competition Task Force with the stated purpose to examine problems in agricultural competition. The task force has virtually unlimited authority to investigate transactions and business arrangements in the livestock industry—read special counsel for agriculture. It puts in several millions of dollars in that area. The task force is unaccountable to anyone. It is not required to hold public meetings nor abide by the Administrative Procedure Act nor acquire evidence from all parties. Under this amendment, the livestock industry and entire agricultural industry could be subject to limitless reviews of transactions.

I think the biggest piece I have concern about—and I have concerns about this as a lawyer, and as an agricultural lawyer I have concerns about this. This is the area that I taught in. This is the area I have written in. I have written on the Packers and Stockyards Act. It is an important piece of legislation that this Government passed in the 1920s, when we had a very diffuse agriculture with a very monopolistic packing industry. We said this is not fair, so we are creating the Packers and Stockyards Act to oversee this structure. That is what they have been charged with doing.

In this particular amendment they would shift the burden of proof in the justice system and say this is a guilty transaction, monopolistic in nature, and then you prove your way out of it. To support that, I want to quote from the Department of Justice letter they wrote on the particular provisions. I understand my colleague from Iowa has changed some of the provisions but not this piece of it.

This would change the standards of certain mergers, acquisitions, and actions under the Clayton Act. That is the base bill. In particular, in all agricultural merger cases brought by the Government, Federal and State, and all private cases where the merging parties' combined market share is 20 percent or more—this is the DOJ letter—it puts the burden of proof on the defendant to show the transaction would not substantially impact or lessen competition or tend to create problems in the marketplace.

I am paraphrasing monopoly in the marketplace at the end.

The current setting is, no, we have to prove that against the individual or the group. To date, the Federal antitrust laws apply unaltered to mergers across virtually all industries, with the overriding objective to protect competition to the benefit of consumers because the Department has not been prevented from challenging anticompetitive mergers. They can challenge, and do now, in agriculture under the current legal standards. Shifting the burden of proof is unnecessary. This is a big deal, to shift the burden of proof on one particular industry, and then also to put in industry-specific guidelines.

Let me tell you what is taking place now. I described the situation of an Alabama cattle producer who puts cattle on feed in Kansas, who gets more money for his cattle because they are on feed there and because that feed yard guarantees a certain flow of cattle. If you put this in place, it has lawyers paid for by the Government to go out and examine any contract that is taking place. It can go, pick a feed yard, a Kansas feed yard, and it can go out and say: You have a contractual arrangement with this packer, and we are going to examine that.

Now, you pay for lawyers to say this is not a noncompetitive transaction—and they are going to have to hire lawyers to do that. They are going to end up having a big legal bill on a shifted burden, where the guilt is assumed, not innocence is assumed. It is going to be different from any other industry around. You are going to then have people driving down the price of the commodity. And you have a number of groups that are in these innovative market mechanisms. I described one earlier, a group of people at the Knight Feedyard that have certified hormone-free, antibiotic-free beef. It is a group of producers. They formed an association. They go to a big packer and say: Will you process our cattle and deliver it to the shelves in Connecticut and New York as hormone-free, additive-free, antibiotic-free beef? The packer agrees to do so. That is a contractual arrangement that will be subject to investigation, that will be presumed guilty under this.

My Kansas producers, under this innovative marketing approach that they initiated, get a substantial benefit by being able to market this sort of product that the consumer wants, and they have to go to a major packer to do it because he is the person—that is the group that can process cattle and get it to the shelf in a good quality state.

But my guys are the ones who get the money out of the system. They will be presumed guilty. It will be presumed to violate this. It will be subject to a great deal of legal investigation taking place, and my belief is it will not happen. Then my producers get less money for their cattle, and the consumers do not get the product they want. This is a specialty product that people want. It costs more to produce this type of beef and the consumer is not going to get that product and my cattlemen are going to get less money for their product.

I appreciate the heart of the proposal. What it is going to end up doing is getting less money to cattlemen in particular. I can't speak for other agricultural or livestock industries as well as I can for business that is in my State. The National Cattleman's Beef Association is strongly opposed to this amendment. The Department of Justice is opposed to this amendment for reasons of shifting standards for one industry but not for any others; for having different standards for that industry. The cattlemen believe it is going to hurt them substantially, subject them to a number of legal costs that they do not currently have and that they cannot afford to deal with. It is going to hurt the consumer as well.

While I appreciate the intent, I appreciate the presentation of it—my family farms. My brother is a farmer. This is not going to take us in the right direction. I believe the route to go is what we have been doing in the Packers and Stockyards Administration and having industry standards that are similar across all industries, and that we should support the Packers and Stockyards Administration, support the laws that are there, fund those entities—which I support doing—maintaining those standards but allowing these innovative approaches to take place for a major industry in my State and for my producers and cattle producers across the country.

I know others want to speak on this issue. I may speak on it again in a while.

I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I listened to the Senator from Kansas. I am a farmer. I am not a lawyer like he is. He is a lawyer and farmer, so he might have some intuition. But I would just like to have him come, and I will deliver it to his desk—he needs to read my amendment. What he has said is an analysis of the bill that Senator KOHL and I introduced, but that is not the amendment. Maybe he missed my opening remarks, but I went to great length in those opening remarks to explain how my amendment differs from the bill. I want to point that out to the Senator from Kansas because I think I have addressed every concern he has presented to the Senate in his very good speech.

I have taken care of his concerns, and I am going to mention those concerns he has brought up, and then I am going to go to some length to tell you how I have taken care of that. But there is no special counsel amendment in this bill, as the Senator from Kansas has said. There are no additional reviews of transactions that have already taken place. That was in the original bill. It is not in this amendment.

He spoke two or three times about changing the burden of proof. That was in the original bill. It is not in this slimmed-down amendment. There is no burden of proof shifting in the amendment.

The task force that we provided for has no review or study provisions in the amendment, as indicated by the Senator from Kansas.

Now I am going to go into some detail, because obviously people are not listening to anything I have said. I want to state in a more elaborate way how this bill differs—this amendment differs from the bill that I said Senator KOHL and I first introduced, and the length we went to take care of concerns that the White House, the administration has raised, concerns that both the ranking member and the chairman of the Judiciary Committee raised, because this bill was referred to Judiciary, and then lastly, working with the ranking member of the Agriculture Committee, to address concerns he had.

There has been a lot of smoke and mirrors—I think you heard some of that—about the provision of the bill, and most of those charges are not factual, as I have indicated.

The fact is, this amendment is very different from the bill Senator KOHL and I introduced earlier this year. This amendment is also different from another amendment I had already filed to this bill. Let me list some of the things that are not in our amendment that are before us in 3823.

I am hearing that people are concerned about the shifting of the burden of proof in the amendment. The burden-of-proof shifting provision that was in the prior iteration has been eliminated. It is not in this amendment. There are no substantive changes to antitrust laws at all.

I am hearing concerns about reviews that will be done after mergers have been approved. The provisions that allow the task force to do a study of agricultural mergers that were approved within the past 10 years have been eliminated, not in this amendment.

In addition, the provisions requiring the Justice Department and the Federal Trade Commission to review ag mergers 5 years after they have been approved have been eliminated as well.

The provision creating an Assistant Attorney General for Agricultural Antitrust at the Justice Department has been eliminated. In other words, it is not in the amendment pending before the Senate.

The constitutional concerns raised by the administration, not by Senator BROWNBACK, about the agricultural competition task force are gone, the constitutional concerns.

We changed the provisions requiring adoption by the Justice Department of task force working group recommendations on agricultural guidelines. The amendment now has the Justice Department and the Federal Trade Commission consulting with the task force working group on the guidelines.

Any so-called constitutional concerns have been eliminated. We have made other changes to the prior writings of this amendment and/or the bill, all of which were incorporated in amendment 3823. We made these changes to address concerns that we agreed with, and we made changes in order to reach a fair compromise.

The fact is, big business and the agricultural giants do not want anything that might put up any sort of review by people who know something about agriculture, of their expansion and concentration efforts. The fact is, our Federal antitrust regulators refuse to recognize that agriculture is unique and should have industry-specific guidelines to make sure that special circumstances of the agricultural landscape are considered.

This brings about consideration, this does not bring about any change. Any movement to them, no matter how small, to try to address concentration and competition issues in agriculture is going to be decried by the powerful interest groups and their lobbyists. So when something reasonable is suggested, such as the Grassley-Kohl-Harkin amendment No. 3823, we still are going to get the outrageous claims that this is a bad amendment. The reality is the sky is not falling.

I advise my colleagues, particularly the Senator from Kansas, to read the amendment. Forget about the bill he has been referring to. Instead, listen, and stop listening to those sensational cries being made by agribusiness and their allies. We need to pass this amendment.

I yield the floor.

Mrs. BOXER. Mr. President, what is the pending business?

The PRESIDING OFFICER. The amendment of the Senator from Iowa.

Mrs. BOXER. I ask my good friend if he would yield 1 minute to me to talk about an amendment that is coming later this evening.

Mr. GRASSLEY. I will probably do that. Let me make an inquiry. Can I do that, Mr. President, without setting aside or yielding my right to continue discussion of this amendment?

The PRESIDING OFFICER. The Senator may address another amendment without prejudice to the pending amendment.

Mr. GRASSLEY. I yield.

AMENDMENT NO. 3771

Mrs. BOXER. I thank my friend very much. I thank the chairman very much as well.

Senator BOND has filed an amendment to the farm bill that I hope the President sitting in the chair will listen to me about, because it would undercut crucial food safety, health, environment, consumer protection, and other laws, most of which come out of the Environment and Public Works Committee.

I am not going to go into it now, because it will be gone into later. But it would stop agencies such as the EPA from adopting or retaining safeguards for the American public.

It is opposed by the following: AFL-CIO, the American Lung Association, the Natural Resources Defense Council, the Consumer Federation, the Sierra Club, the Alliance for Justice, the National Audubon Society, the United Food and Commercial Workers, Humane Society, and many others.

It would require a complex, burdensome, and unnecessary regulatory analysis by Federal agencies. It would impose a maze of "regulatory flexibility," and all kinds of analyses so that it would stop us from moving forward to ensure our laws such as Clean Air, Safe Drinking Water, Clean Water, and Wholesome Meat and the Wholesome Poultry Products Act.

I simply flag this for colleagues who care about food safety, who care about clean water and safe drinking water, and hope we will have a resounding "no" vote or perhaps Senator BOND might rethink his amendment.

It gives special treatment to virtually any industry with even tenuous connections to agriculture in rulemakings. It gives special treatment to all "agricultural entities," defined so broadly as to include virtually any industry with any arguable connection to agriculture or forestry, such as the food processing corporations, pesticide companies, railroads, paper mills, shipping companies, and truck and tractor manufacturers.

It gives agribusiness corporations a special private right to privately comment on and seek to weaken Federal protections.

The amendment creates a special process, only applicable to EPA and the Department of the Interior rules in which only agricultural industry representatives get inside information and a private chance to lobby against potential new agency rules before the proposal becomes public. This could allow large corporations to delay or kill vital environmental and health protections against toxic pesticides, water or air pollution, and other important threats.

It creates a new lobbying/litigation shop at USDA to advocate for agribusiness. This new "Chief Council for Advocacy" would lobby agencies and even file amicus briefs in litigation challenging agency rules.

It provides special new special judicial review provisions that only "agricultural entities" can use, which would delay or undercut Federal safeguards. It gives special standing to "agricultural entities" to sue agencies for failing to comply with most of these requirements.

It requires Federal agencies to consider weakening all of its current rules. Every agency must review any rule it has on the books which has, or will have, a "significant economic impact upon a substantial number of agricultural entities" to see if "such rules should be continued without change, or should be amended or rescinded."

The Bond amendment would keep EPA and other agencies from doing their job to protect the American public. I urge all of my colleagues to vote "no" on the Bond amendment, SA 3771. It is bad for America's health and bad for our environment.

Mr. BROWNBACK. Mr. President, I wish to respond to the good Senator from Iowa and a couple of his comments about the amendment. But first I ask unanimous consent to insert in the RECORD after my statement a letter from the Department of Justice opposing the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. BROWNBACK. Mr. President, we just received this from the Department of Justice. They state in the first paragraph:

> The Department of Justice strongly opposes the amendment.

To read their summation sentence, which I do not think is fair, given the detail and the work the Senator from Iowa has gone into on this, and substantial changes that he has made—we have been reviewing his amendment. I have the amendment.

But in the DOJ summary sentence, they state this:

> However, DOJ believes certain provisions included in the amendment would not accomplish its stated goal of protecting rural communities and family farms and ranches, but instead would unnecessarily duplicate existing collaboration efforts, increase costs and uncertainty and may hinder effective antitrust enforcement and harm competition in agriculture and other industries. Therefore DOJ strongly opposes the amendment.

Then they go on further to develop the points they have here. As I said, I appreciate the modifications the Senator from Iowa has made. I can tell you in my State, and in the cattle industry, they view this as hurting the price that they are going to be able to get for cattle is the bottom line issue. They view this as driving up substantially their legal costs, and most farmers do not like to have any legal costs, let alone having a number of legal costs.

They believe this is going to do it, and that is not—that is coming from the National Cattlemen's Beef Association, it is coming from the Kansas Livestock Association, where I was a couple of weeks ago at their annual meeting. This was one of their lead concerns, and the reason it was one of their lead concerns is they are looking at that and saying: Look, we are going into a number of different marketing transactions now, and we feed cattle for a lot of people around the country.

My guess is a fair number of Iowa's cattle are on feed in my State in Kansas, and that that is taking place is a good thing. We invite more farms to come there because of the efficiency, of our feeding operations, because of the weather conditions for those, because of the packers that are located there, and the efficiency of being able to do that, and then of these innovative marketing arrangements so that they can get a premium price for Angus cattle that come out of Iowa or Alabama or California or somewhere else. They are able to get a premium price for those because they do special things. They say we are going to keep these Angus fed separately here, and we are going to track them through the whole system. Then we are going to make sure they are hormone free, if that is what the group wants, or we are going to do something else to have premium beef that is going to be marketed only in certain high-end restaurants.

All of that segments the marketplace, but those segmented marketplaces are through contractual arrangements, and they get a premium to the producer that will be under investigation with this. That is why DOJ opposes it. That is why the Kansas Livestock Association, when I was meeting with them, was very fearful of this.

I appreciate some of the changes that were made and were noted here. The base concerns remain what was stated here by the Department of Justice and by the Kansas livestock producers.

Now, different people look at this different ways. A lot of us are deeply concerned, and have been for some time, about the concentration that has taken place in the agriculture business. How do you go at it differently? I spent 6 years as agriculture secretary in Kansas, and many times was trying to come up with innovative, different market segments, whether we could do it on a small scale, farmers' markets, and getting products closer to consumers, whether we can do different products which are coming out now.

We are a big cotton producer in Kansas, looking at canola oil—some of it got going; some of it did not—or confection of sunflower seeds which are under contract, I might point out as well.

So we went through a period we are not making enough money off of the commodity-based business, and we have got to segment this. But when you segment it, that generally requires some sort of identity being preserved and some sort of contractual relationship. And, yes, you get a benefit for that, you get paid more than someone who just has a commodity product.

Well, now, if you say: You cannot do that, or if you do that, we are going to presume you are guilty and you are going to have to pay a lawyer to fight your way out of it. With all due respect to the people whose intent is pure on this, this is going to hurt producers in my State.

That is why many of them—not all, some—support this approach, but many would be strongly opposed to this, as the Department of Justice is.

I urge my colleagues to vote against it.

EXHIBIT 1

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington. DC, December 13, 2007.

Hon. PATRICK LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Department of Justice (DOJ) has reviewed Senate Amendment 3823 to H.R. 2419. DOJ works vigorously to ensure that the benefits of competition are maintained in all markets, including agricultural markets, to the benefit of American consumers. However, DOJ believes that certain provisions included in the amendment would not accomplish its stated goal of protecting rural communities and family farms and ranches, but instead would unnecessarily duplicate existing collaboration efforts, increase costs and uncertainty, and may hinder effective antitrust enforcement and harm competition in agriculture and other industries. Therefore, DOJ strongly opposes the Amendment.

Senate Amendment 3823 to H.R. 2419 calls on DOJ and the Federal Trade Commission (FTC) to issue agriculture merger guidelines. To date, the Federal antitrust laws apply unaltered to mergers across virtually all industries, with the overriding objective to protect competition to the benefit of consumers. As such, there is no need for any industry-specific merger guidelines. The Horizontal Merger Guidelines (Guidelines) issued by the DOJ and FTC apply consistently to mergers across the entire economy, and no need has been demonstrated to depart from that generally applicable approach. DOJ has not been prevented from challenging anti competitive mergers in agriculture under the current legal standards. To the extent that there is a suggestion that monopsony is a problem particularly significant to agriculture, the guidelines address monopsony and thus no industry specific guideline is warranted for that concern.

DOJ believes that current merger policy is sufficiently flexible to address market conditions that may be unique to agricultural markets. For example, DOJ and FTC recently issued a Commentary to the Horizontal Merger Guidelines (2006), which provides several examples of how agricultural matters are reviewed. This commentary, DOJ's merger challenges in matters such as General Mills/Pillsbury (2001), Archer-Daniels-Midland/Minnesota Corn Processors (2002), Syngenta/Advanta (2004). and Monsanto/DPt (2007), competitive impact statements issued as part of those challenges, and the closing statements DOJ has issued for certain agricultural matters, demonstrate that merger policy under the Guidelines is effective at protecting consumers and maintaining competition in agriculture industries. Changing the well-established policy is not necessary and could deter efficiency enhancing transactions that would benefit consumers by resulting in lower prices.

Subsection (c) of Senate Amendment 3823 creates an Agriculture Competition Task Force (Task Force), made up of representatives from DOJ, FTC, United States Department of Agriculture (USDA), State governments and attorneys general, small and independent farming interests, and academics or other experts. The Task Force is charged with devoting additional resources focused solely on agriculture industries to study competition issues, coordinate Federal and State activities to address "unfair and deceptive practices" and concentration, and work with representatives from rural communities to "identify abusive practices." In addition, the Task Force shall report on the state of family farmers and ranchers. DOJ believes such a task force would at best duplicate existing enforcement activities, and at worst could impede existing coordination between DOJ, USDA, and state governments by creating a bureaucratic structure that would increase the cost to the American taxpayer without any benefit to competition or independent farmers. Furthermore, to the extent the amendment requires consideration of the effects on "rural communities" there is no clear explanation regarding how this factor should be considered, and such consideration could be inconsistent with overall antitrust objectives.

Subsection (e) of this amendment requires notification to the USDA of Hart Scott Rodino (HSR) filings with the FTC and DOJ as well as the sharing with the Secretary of Agriculture of any second request materials obtained under such merger reviews. Under this section, USDA may submit and publish comments on whether mergers "present significant competition and buyer power concerns," such that further review by DOJ or the FTC is warranted. Congress provided essential confidentiality for HSR filings and for productions of documents under that process, and no need has been shown to change that important protection. Through the existing Memorandum of Understanding between DOJ, the FTC and USDA, the antitrust agencies seek expertise and information from USDA on agriculture matters, and as part of that cooperative relationship, USDA expresses its views regarding antitrust merger enforcement matters, and thus no need for radical change has been shown. In addition, concurrent jurisdiction likely would increase costs and time delays inherent in duplicative review and has the potential for inconsistent standards and outcomes.

DOJ shares the concern of the amendment's sponsors that agriculture, as a key part of our economy, should maintain its competitive nature so that producers and consumers alike benefit from adequate supply and choice of agricultural products at competitive prices. Moreover, we take seriously concerns expressed in the agriculture community about competitiveness in the agriculture sector. However, because Senate Amendment 3823 has several provisions that raise concerns for DOJ, both about unintended consequences as well as about competition and public policy, DOJ strongly opposes these provisions.

Thank you for the opportunity to provide our views on this proposed legislation. The Office of Management and Budget has advised us that there is no objection to this letter from the perspective of the Administration's program.

Sincerely,

BRIAN A. BENCZKOWSKI,
Principal Deputy Assistant Attorney General.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I do not have a whole lot more to say about this bill if you want to move on. But I do want to continue to correct a couple of things the Senator from Kansas has spoken about.

First, I was listening as he was quoting from the Department of Justice letter. And he may have a later letter, but those exact words that he was reading from appear in a November 15 letter that Senator LEAHY received as chairman of the Judiciary Committee with objections from the Department of Justice.

But those objections are about the bill S. 1759, the bill that I said we have modified considerably as an amendment here, so that it does not do all of the things that have been attributed to it.

Mr. BROWNBACK. If my colleague will yield, my letter is dated today, December 13. It is a subsequent letter to the letter the Senator is quoting from.

Mr. GRASSLEY. OK.

Mr. BROWNBACK. It is on the amendment.

Mr. GRASSLEY. But in the paragraph you were quoting, it says exactly the same thing in the letter I got of November 15 in which they were commenting on 1759, and they surely can't find the same fault with the amendment that they found with the bill because we met with them and made changes according to what they asked us to do.

My staff corrects me that we didn't actually meet with the Department of Justice, but we were well aware of the changes they were demanding, and those changes are taken into consideration in this legislation.

Then we keep hearing from the Senator from Kansas about investigations and reviews. Get that out of your system. I have spoken twice on that issue—no reviews, no investigation.

Then when you hear all of these faults the bill is going to bring about—you are going to increase the cost of food to the consumer or maybe decrease profitability to the farmer—I don't see that anything like that is a result of a task force that is going to help the Justice Department and the FTC in determining whether mergers are anticompetitive. These are guidelines. They are not making decisions. The Department of Justice and the FTC will be making those decisions. But is there anything wrong with having a little bit of input into agricultural issues before those two agencies from experts in this town in the Department of Agriculture who may have some understanding of agriculture? I don't think the sky is going to fall if you have that sort of input.

I hope we can vote on my amendment and move on. I will only speak to the extent I have to to continue to defend misunderstandings of what the amendment does as opposed to what the original bill did.

Mr. HATCH. Mr. President, today I rise in reluctant opposition to the amendment offered by my friend, the gentleman from Iowa.

Our Nation has been blessed with a judicial system dedicated to the principle of the rule of law. Each one of us no matter how: rich or poor; strong or weak; big or small; receive equal justice under the law.

In part, that is one of the reasons why our national competition policy is framed in general, universal terms. Specifically, the Sherman Act prohibits every "contract, combination or conspiracy, in restraint of trade;" and the Clayton Act prohibits all acquisitions whose effect "may be substantially to lessen competition."

There are many instances, where we have diverged from these principles, even for good cause. However, in many of these instances we have encountered numerous difficulties and our economy harmed by unexpected consequences.

One need only look at correcting legislation that the chairman of the Antitrust Subcommittee, Senator KOHL, recently offered eliminating railroad antitrust exemptions.

Senator KOHL believes, with a great deal of merit, that many shippers are being charged exorbitant prices to transport their goods by the railroads. In fact, the Antitrust Subcommittee, of which I am ranking Republican member, received a letter, as part of the subcommittee's hearing into railroad antitrust exemptions, from several States' attorneys general that discussed how foreign corporations are very reluctant to invest in new American manufacturing facilities if the proposed location of these facilities is serviced by only one railroad.

Senator KOHL's solution to this problem is to eliminate the special antitrust exemptions granted to railroad mergers.

Indeed, many Senators have argued for the repeal of the McCarran-Ferguson Act. As my colleagues know the McCarran-Ferguson Act exempts the business of insurance from Federal antitrust laws when and to the extent that business is regulated by State law.

These Senators believe that certain insurers took advantage of the McCarran-Ferguson exemption to implement a collective agreement to raise insurance prices on gulf coast residents still recovering from Hurricane Katrina.

Clearly, there is evidence of unattended consequences when special provisions are permitted in antitrust law.

That being said, there is a substantial difference between railroad antitrust exemptions, McCarran-Ferguson exemptions and creating new agriculture antitrust guidelines as called for by the Grassley amendment. I thoroughly recognize that the market relationship between the producer and the food packer desires special attention. However, the underlining concern is well founded: special antitrust rules for specific industries can have profound undesirable consequences and violate one of our national competition policies fundamental tenants: that antitrust law should be framed in general, universal terms. So the question I believe that we should be asking is if the remedy to this situation is additional, special legislation, or greater enforcement? Currently, the Department of Justice has devoted considerable effort to investigate agricultural mergers but the time might be coming where we need to increase those resources for the Department. Perhaps the creation of a new Deputy Assistant Attorney General, whose responsibilities are solely to investigate agriculture mergers, is the correct path.

My trepidations of industry-specific rules, such as those called for by the Grassley amendment, are that they are likely to create legal difficulties. First, industry-specific rules add to the danger of inconsistent enforcement across industries. Second, industry-specific rules introduce additional uncertainty, since it will not always be clear in which industry a particular product should be classified, and thus not clear which legal standard will apply. Finally, has shown that once you enact industry-specific rules other industries and constituency groups will request there own special antitrust rules.

So what should we do? Do we maintain our national competition policy which is framed in general, universal terms, or should we embrace through industry-specific enactments.

Well let's look at the record. During a period of ever increasing complex laws and regulations having general and simple rules makes antitrust law more understandable to both the legal and business community. The general language of current statutes provides courts and enforcement agencies valuable flexibility to incorporate the latest developments in business and economic learning. It should also be noted that, where industry-specific factors are important to reaching a correct decision in a particular case, the agencies and the courts are already fully authorized to consider those factors under current law. In particular, current antitrust principles can address issues of buyer power that have concerned some observers of agricultural mergers.

One should also remember that congressionally created Antitrust Modernization Commission concluded that "the basic framework for analyzing mergers followed by the U.S. enforcement agencies and courts is sound."

Therefore, I oppose Senator GRASSLEY's amendment. Senator GRASSLEY has a well-deserved reputation for standing up for and defending the American farmer. I agree that we must be vigilant in ensuring that the Department of Justice and Federal Trade Commission are diligent in enforcing antitrust laws—but those laws should be for all American economic endeavors, not fragmented as all too many of our laws have become.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank the Senator from Iowa for offering this amendment. I am a cosponsor and a proud supporter.

I have been listening to the debate taking place, and quite frankly I do not understand the opposition by the Senator from Kansas. After all, as Senator GRASSLEY pointed out, this is not the original bill. It was modified quite a bit.

All this amendment really does is create an Agriculture Competition Task Force to study problems in agricultural competition, establish ways to coordinate Federal and State activities, address unfair and deceptive practices in concentration, create a working group on buyer power to study effects of concentration in agriculture, and make recommendations to assist the Department of Justice and the Federal Trade Commission in drafting agricultural guidelines. I don't know that anything could be more advisory than that. All we are doing is saying, use the expertise they have at the Department of Agriculture to look at these issues and advise and inform DOJ. It doesn't say that DOJ has to do what they say. It doesn't say they have to follow everything they say. It is advisory. I don't see why there would be such an objection to this kind of advice which would be given to DOJ and the Federal Trade Commission. There are some other things in there, but that is sort of basically the essence.

Again, as many times as we have seen decisions come down from the Department of Justice and the Federal Trade Commission, you wonder if they have anybody over there who understands anything at all about rural

America. You wonder how many of these lawyers over there at the Department of Justice—I don't want to pick on any schools; we always say Harvard-trained lawyers and Yale-trained lawyers—have had any dirt under their fingernails from a farm or how many of them know anything about livestock issues.

This is a good amendment. Quite frankly, I am surprised there is this kind of opposition.

Having said that, I wonder if the Senator from Iowa—if we could ask to set the amendment aside temporarily so we can move on to a couple other amendments.

Mr. GRASSLEY. Before I consent to that, and I probably will, as the manager of the amendment, is there any determination you can give me when we can vote on this or are we going to stack votes and vote all at once?

Mr. HARKIN. We are working out a unanimous consent agreement now. It is bouncing back and forth. Hopefully within a few minutes or so, we will have that. I have a feeling these votes might be stacked. I can't say right now. I have a feeling they will probably be stacked.

Mr. GRASSLEY. I will not object.

Mr. BROWNBACK. Mr. President, may I inquire of the Senator from Iowa, if this is voted on, will this require a 60-vote threshold?

Mr. HARKIN. I asked my ranking member about that. He would insist on 60 votes. I am not insisting on 60 votes. He informed me that it would require 60 votes.

AMENDMENT NO. 3851 TO AMENDMENT NO. 3500

(Purpose: To promote legal certainty, enhance competition, and reduce systemic risk in markets for futures and over-the-counter derivatives, and for other purposes)

Mr. HARKIN. I ask unanimous consent that the pending amendment be set aside. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, Mr. CHAMBLISS, Mrs. FEINSTEIN, Mr. LEVIN, Ms. SNOWE, Mr. CRAPO, Mr. CONRAD, and Ms. CANTWELL, proposes an amendment numbered 3851 to amendment No. 3500.

Mr. HARKIN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I apologize for interrupting. We have been waiting for a lull in the debate. I will send a cloture motion to the desk.

I ask for the regular order with respect to amendment No. 3830.

While the staff is looking for the amendment, let me just say this is a motion I will file for cloture in regard to the firefighters amendment. We have tried almost all day to work out something. I thought we could work out something—side by sides, a couple of second-degree amendments. We have been unable to do so. We had a suggestion from the Republicans that we would have a voice vote. That didn't work out. We had a suggestion that maybe what we should do is try to do a freestanding bill at some later time. We were unable to get agreement to do that.

What we are going to have to do now, which is really too bad, is we are going to send this cloture motion to the desk. That will ripen 1 hour after we come in on Saturday. If Senators are willing to advance the vote, we can do it tomorrow, of course. That not being the case, we have no choice but to do it on Saturday. We have so many important things to do. We can't be stepping on ourselves with 30 hours postcloture.

I have told everyone, as soon as we finish this vote on this firefighting thing, we will have cloture on the bill. It doesn't matter what is pending, what is going on; we are going to have cloture on the bill. Then, when that is over, we have to have a vote on the motion to invoke cloture on the FISA legislation that has been reported by the Intelligence Committee and the Judiciary Committee. We have to finish that. The law expires on February 4 or 5. Senator FEINGOLD and Senator DODD have indicated to me on more than one occasion that they will not let us go to the bill without a 60-vote margin. So that is where we are. We need to get to that sometime early Monday to get through all the other things we have to do.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, would the Chair please state what the amendment is before the Senate right now?

The PRESIDING OFFICER. Amendment No. 3851.

Mr. HARKIN. Mr. President, that is the amendment I had sent to the desk prior to the quorum call being established?

The PRESIDING OFFICER. The Senator from Iowa is correct.

Mr. HARKIN. I thank the Chair.

This is basically an extension of the Commodity Exchange Act of 2013. I wish to state for the record we would not ordinarily include the Commodity Exchange Act in the farm bill, but for various reasons we were unable to reauthorize the CEA in the last Congress.

This amendment further regulates energy transactions that perform a significant price discovery function. This is an issue Senators FEINSTEIN and LEVIN have been working hard on.

The amendment also addresses fraud and retail transactions in foreign exchange markets. It gives the CFTC broader authority to prosecute fraud in other commodities such as heating oil. I am very pleased we are able to work through the reauthorization issues with the ranking member, Senator CRAPO, and numerous cosponsors of this amendment.

I yield the floor.

Mr. CHAMBLISS. Mr. President, I wish to thank the chairman for this and thank Senator FEINSTEIN, Senator CRAPO, and Senator LEVIN. All of us have been working on this issue for literally 3 years now. This is the culmination of an awful lot of sweat on the part of not only those individuals but the industry as a whole. This is a huge day for the futures industry. I thank the chairman.

Mr. HARKIN. I thank Senator CHAMBLISS. It is a great effort, a great product.

I see one of the main architects of the provisions of this bill, and I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I would like to indicate my full support for this. This effort actually began 6 years ago. Some of us were here then, including Senator CANTWELL who is here tonight, Senator HARKIN, Senator LEVIN, Senator SNOWE, Senator CONRAD, when we began this effort. It looks like opportunity and timing are once again coming together.

We have a bill that today has the general support of the Commodities Futures Trading Commission, the electronic exchange known as ICE, the New York Mercantile Exchange known as NYMEX, the Chicago Mercantile, and the President's Working Group. This legislation, supported by myself, Senator LEVIN, Senator SNOWE, as well as Senator CANTWELL—I have a list here—Senator CONRAD, obviously Senator CHAMBLISS, and Senator CRAPO would accomplish that. I would like to point out that under Senator LEVIN's leadership and his Permanent Subcommittee on Investigations, which did an investigation into the absence of oversight and transparency on some of these markets, became a guide for this push and effort.

I would like to very briefly say what this legislation does. It increases transparency in energy markets to deter traders from manipulating the price of oil and natural gas futures traded on electronic markets. Here is what it would do. First, it requires energy traders to keep records for a minimum of 5 years so there is transparency and an audit trail. Second, it requires electronic energy traders to report trading in significant price discovery contracts to the Commodities Futures Trading Commission so they would have the information to effectively oversee the energy futures market. Manipulators could then be identified and punished by the CFTC, and in the past there have been plenty of those. It cost the State of Washington—wounded them deeply—and it cost my State $40 billion in fraud and manipulation.

Third, the amendment gives the Commodities Futures Trading Commission new authority to punish manipulation, fraud, and price distortion.

Fourth, it requires electronic trading platforms to actively monitor their markets to prevent manipulation and price distortion of contracts that are significant in determining the price of the market.

These are the factors CFTC will consider in making that determination. The trading volume, whether significant volumes of a commodity are traded on a daily basis. Price referencing, if the contract is used by traders to help determine the price of subsequent contracts. Price linkage, if the contract is equivalent to a NYMEX contract and used the same way by traders.

For example, when Amaranth was directed to reduce their positions in regulated natural gas contracts, they simply moved their positions to the unregulated electronic natural gas contracts. The bottom line: This requirement would essentially say similar contracts on ICE and NYMEX will be regulated the same way.

In October, the four CFTC Commissioners released a report underscoring the critical need for increased oversight in U.S. energy markets. This bill includes what they asked for. We are very pleased. I am delighted the CFTC reauthorization is included in this package. Once again, this is a bipartisan bill. I wish to thank my main cosponsors: Senator LEVIN, Senator SNOWE, Senator CANTWELL, Senator CONRAD, and others who have been very helpful in this area. I believe we can pass this legislation, hopefully unanimously, tonight.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, the distinguished Senator from Maine wishes to speak for 3 minutes on this matter, and then I ask unanimous consent that I be recognized following her statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine is recognized.

Ms. SNOWE. Mr. President, I wish to express my appreciation to the Senator from California for spearheading this initiative that is so essential and so critical, particularly at this time as we have seen exorbitant increases and historical in energy prices. I also wish to thank Chairman HARKIN for his support and his leadership, as well as Senator CHAMBLISS and Senator CRAPO for their work on this essential issue and for their cooperation in working to help adopt this component as part of the pending farm bill.

Americans have lost confidence in our energy markets—particularly in the futures market. I have heard from numerous constituents who have long been skeptical about the price of gasoline and heating oil prices. Particularly in recent months, we have seen historical increases. Our trucking industry has held numerous meetings across the State because of the rising price of diesel fuel to $3.73 a gallon. These savvy consumers strongly suspect these prices are being manipulated. Frankly, their analysis is supported by a Senate subcommittee report, leading economists, the GAO and most recently the CFTC.

How can a market fundamentally change to such a degree that prices are skyrocketing by 43 percent in less than a year? That question is omnipresent in American society today. It is being asked by Mainers who are struggling with heating bills, the industrial sector struggling with electricity prices, and the transportation industry, which is concerned about how long they can sustain these prices.

The answer is certainly complex, but it is becoming patently clear that speculation in the unregulated exempt commodities market is exacerbating energy prices. Providing transparency to these dark markets is, bluntly, long overdue, and I ask my colleagues to support this legislation which, as Senator FEINSTEIN indicated, will provide transparency and accountability to these exempt security markets.

On October 25, a coalition of more than 80 national, regional, and State organizations came together to form the Energy Market Oversight Coalition and wrote each Member of the Senate asking them to finally close the Enron loophole. As the coalition stated in their letter to the Senate: To restore public confidence, all energy markets must be fair, orderly, and transparent so the prices paid by consumers reflect the true supply and demand.

In 2005, I requested a report from the Government Accountability Office on the issue of futures market manipulation. That report released on October 24 outlined three fundamental components to a functional futures market. One is access to current information; secondly, a large number of participants in the market; and third, transparency. It is this last piece that is sorely lacking in our markets today.

The current system with respect to exempt commercial markets lacks transparency and fails to provide an essential tenet to any futures market. Traders are able to avoid revelations of their identity within these exempt commercial markets. In fact, based on one of the investigations that took place by a Senate subcommittee, they discovered the Amaranth hedge fund had excessively traded natural gas contracts to such a degree that in 2006, it controlled 40 percent of all natural gas contracts in the New York Mercantile. One hedge fund controlled 40 percent of all the natural gas deliveries in the United States. The positions were so substantial the company could unilaterally alter the prices for natural gas. The New York Mercantile, which is subject to the CFTC regulation, required Amaranth in August of 2006 to reduce their holdings of natural gas contracts. Their response, the hedge fund's response, was simply to move its dealings to the exempt commodity market, thereby defeating the entire purpose of the CFTC regulation and cloaking its potentially manipulative market power for further regulation.

This is an unacceptable gap in the law, and that is why the legislation we are presenting tonight will address that, because it is long overdue. Even the CFTC reversed their decision and unanimously supported including this oversight as part of their jurisdiction and responsibility.

So I yield the floor.

Mr. BINGAMAN. Mr. President, I want to congratulate the primary sponsors of this amendment on achieving a hard-won compromise on an issue that has been intensely debated by Members of this body for a number of years. As I understand the purpose of the amendment, it would essentially close what is come to be known as the "Enron Loophole" in the Commodity Exchange Act, CEA.

This loophole in the law, included in the Commodity Futures Modernization Act, CFMA, of 2000, has allowed large volumes of energy derivatives contracts to be traded over-the-counter, OTC, and on electronic platforms, without the federal oversight necessary to protect both the integrity of the market and our nation's energy consumers.

Mr. President, my Committee—the Senate Committee on Energy and Natural Resources—first heard testimony on this issue on January 29, 2002. At that hearing, Mr. James Newsome, then the chairman of the Commodity Futures Trading Commission, described the impacts of the CFMA thusly:

> With respect to the energy markets, the CFMA exempts two types of markets from much of the CFTC's oversight. Such markets are described in Section 2(h) of the CEA, as amended by the CFMA. The Act defines exempt commodities as, roughly speaking, all commodities except agricultural and financial products. This category, which for the most part represents futures contracts based on metals and energy products may be traded on the two types of markets covered by

> Section 2(h). The first is bilateral, principal-to-principal trading between two eligible contract participants . . . The second is electronic multilateral trading among eligible commercial entities, which include, among others, eligible contract participants that can also demonstrate an ability to either make or take delivery of the underlying commodity and dealers that regularly provide hedging services to those with such ability.

It is my understanding that the amendment before us would address the current lack of regulatory authority governing the second category of trading that Mr. Newsome described back in 2002. It would grant the CFTC new authority to impose important requirements on electronic, OTC transactions that rely on the current exemption contained in Section 2(h)(3) of the CEA, but serve a significant price discovery function. These requirements include the implementation of market monitoring, the establishment of position limitations or accountability levels, the daily publication of trading information, and a number of other standards key to restoring transparency to this important corner of our energy markets.

Ensuring that proper oversight exists in these markets is of critical importance to our nation's energy consumers, and to the efficient operation of the physical, or cash, energy markets that fall under the purview of the Federal Energy Regulatory Commission—FERC—and my committee's jurisdiction. To illustrate why, I would like to once again go back to the testimony we heard at our January 2002 hearing. As described by Mr. Vincent Viola, the then-chairman of the NYMEX:

> [In] the energy marketplace, there is a very substantial interaction between NYMEX and the unregulated, physical and over-the-counter energy markets. The interaction was clearly apparent in the case of Enron.

Indeed, subsequent to that hearing, FERC, CFTC and the Department of Justice conducted investigations of the various aspects of what became perhaps one of the largest scandals in American corporate history. In its March 2003 "Final Report on Price Manipulation in Western Markets," the FERC staff reported the following:

> FERC Staff obtained information indicating that Enron traders potentially manipulated the price of natural gas at the Henry Hub in Louisiana to profit from positions taken in the over-the-counter—OTC—financial derivatives markets—OTC markets. It is staff's opinion that Enron traders, through transactions falling within the commission's jurisdiction and authorized through a blanket certificate, successfully manipulated the physical natural gas markets. The manipulation yielded profits in the financial OTC markets.

It was findings like these that motivated a number of Members of my Committee to work together to ensure FERC had the proper tools at its disposal, to stamp out the kind of manipulation that occurred during the Western energy crisis of 2000-2001. During consideration of the Energy Policy Act of 2005, EPACT 2005, Public Law 109-58, I was pleased to work with Senators CANTWELL, FEINSTEIN and WYDEN on these provisions, along with Senator DOMENICI, who then chaired the Energy Committee, and Senators CRAIG and SMITH.

Indeed, sections 315 and 1283 of EPACT 2005 added anti-manipulation provisions to both the Natural Gas Act and the Federal Power Act, respectively. Both make it unlawful for anyone to use "any manipulative or deceptive device or contrivance . . . in contravention of" the rules of the Federal Energy Regulatory Commission. Both closely track the language used in section 10(b) of the Securities and Exchange Act and define "any manipulative or deceptive device or contrivance" by reference to section 10(b). The Federal Energy Regulatory Commission issued a final rule implementing the two anti-manipulation provisions in January 2006.

The Energy Policy Act of 2005 provided FERC these much-needed, new authorities in response to the Western energy crisis. However, it is also clear that further regulatory authority is needed, to ensure the CFTC has the tools at its disposal to ensure the integrity of financial energy markets. The present circumstance is one in which the CFTC has essentially been blind to a large portion of these markets for a number of years. This is of critical concern to me, and to my committee, because—as Mr. Viola observed in 2002, and as Enron demonstrated—all of these markets are linked.

In fact, there is also significant reason to believe that these markets have become more fully intertwined since that hearing 5 years ago. In its 2006 State of the Markets Report, FERC devoted an entire section, section 7, to the "Growing Influence of Futures and Financial Energy Markets" on physical energy prices. The report notes that this impact is particularly acute as it relates to natural gas prices—but effects electricity prices as well, to the extent that a growing percentage of our nation's electric generating capacity is gas-fired. The FERC report details the link between prices set in the financial derivatives market, and the physical natural gas contracts that ultimately dictate the prices paid by American consumers.

Overall, I believe the current situation was most recently and accurately described by FERC Chairman Joseph Kelliher in December 12, 2007, testimony before the Subcommittee on Oversight and Investigations of the House Committee on Energy and Commerce:

> [It] is important to understand that price formation in sophisticated energy markets has become increasingly complex. Regulators must understand and consider the interplay between financial and futures energy markets, on the one hand, and physical energy markets, on the other hand. While FERC has jurisdiction over physical wholesale gas sales, and the Commodity Futures Trading Commission (CFTC) has jurisdiction over futures, the link between futures and physical markets cannot be overstated. In a sense, these markets have effectively converged. Manipulation does not recognize jurisdictional boundaries and we must be vigilant in monitoring the interplay of these markets if we are to adequately protect consumers.

For these reasons, I support the amendment being offered today. It would enhance the CFTC's authority to protect the integrity of financial energy markets, which in turn play an increasingly important price discovery role in physical energy markets. And it would do so in a manner that also preserves FERC's important role in guarding against market manipulation and protecting American natural gas and electricity consumers. For that, I congratulate the sponsors. In addition, I will enter into a colloquy with the distinguished Chairman of the Senate Agriculture Committee, Senator HARKIN, along with Senators FEINSTEIN and LEVIN, regarding the intent of this amendment with respect to its jurisdictional implications for FERC and the CFTC.

Mr. LEVIN. Mr. President, for the past five years, I have been working with my colleagues to close the Enron loophole that, since 2000, has exempted electronic energy markets for large traders from government oversight. This loophole opened the door to price manipulation and excessive speculation, and American consumers have been paying the price ever since with sky-high prices for crude oil, natural gas, gasoline, diesel fuel, home heating oil, propane, and other energy commodities vital to a functioning U.S. economy. That is why I am pleased to stand before the Senate today in support of bipartisan legislation, sponsored by Senator FEINSTEIN, myself, Senator SNOWE and others, that will close the Enron loophole and put the cop back on the beat in all U.S. energy markets in an effort to stop price manipulation and excessive speculation.

I would like to thank a number of my colleagues for not only making this bipartisan legislation possible, but also agreeing to include it in the farm bill today. Senator Harkin, chairman of the Committee on Agriculture, played a key role in getting us together and encouraging us to resolve our differences. Senator CHAMBLISS, the committee's ranking republican, agreed to address the problems we identified and helped work through our differences. Senator FEINSTEIN of California provided unending determination needed to get this problem solved. There are many more who played a critical role in this legislation as well, including

Senator BINGAMAN, Senator SNOWE, Senator DORGAN who cosponsored our original bill, S. 2058, the Close the Enron Loophole Act, and Senator CRAPO who helped us produce a bipartisan product.

I thank not only the Senators, but also their staffs who put in many hours on this legislation, provided invaluable expertise, and repeatedly came up with creative solutions to tough problems. I would like to thank in particular Dan Berkovitz of my subcommittee staff who has lived with this issue for the last 5 years and devoted so much time, work, and expertise to it.

A stable and affordable supply of energy is, of course, vital to the national and economic security of the United States. We need energy to heat and cool our homes and offices, to generate electricity for lighting, manufacturing, and vital services, and to power our transportation sector—automobiles, trucks, boats, and airplanes.

Over 80 percent of our energy comes from fossil fuels—oil, natural gas, and coal. About 50 percent is from oil and natural gas. The U.S. consumes around 20 million barrels of crude oil each day, over half of which is imported. About 90 percent of this oil is refined into products such as gasoline, home heating oil, jet fuel, and diesel fuel.

The crude oil market is the largest commodity market in the world, and hundreds of millions of barrels are traded daily in the various crude oil futures, over-the-counter, and spot markets. The world's leading exchanges for crude oil futures contracts are the New York Mercantile Exchange—NYMEX—and the Intercontinental Exchange, known as ICE Futures in London.

Natural gas heats the majority of American homes, is used to harvest crops, powers 20 percent of our electrical plants, and plays a critical role in many industries, including manufacturers of fertilizers, paints, medicines, and chemicals. It is one of the cleanest fuels we have, and we produce most of it ourselves with only 15 percent being imported, primarily from Canada. In 2005 alone, U.S. consumers and businesses spent about $200 billion on natural gas.

Today, only part of the natural gas futures market is regulated. Natural gas produced in the United States is traded on NYMEX and on an unregulated ICE electronic trading platform headquartered in Atlanta, GA. The price of natural gas in both the futures market and in the spot or physical market depends on the prices on both of these U.S. exchanges.

The "Enron loophole" is a provision that was inserted at the last minute, without opportunity for debate, into commodity legislation that was attached to an omnibus appropriations bill and passed by Congress in late December 2000, in the waning hours of the 106th Congress. This loophole exempted from U.S. government oversight the electronic trading of energy commodities by large traders. The loophole has helped foster the explosive growth of trading on unregulated electronic energy exchanges. It has also rendered U.S. energy markets more vulnerable to price manipulation and excessive speculation, with resulting price distortions.

Since 2001, the Permanent Subcommittee on Investigations, which I chair, has been examining the vulnerability of U.S. energy commodity markets to price manipulation and excessive speculation. Beginning in 2002, we have held 6 days of hearings and issued 4 reports on issues related to inflated energy prices.

The subcommittee first documented some of the weaknesses in U.S. crude oil markets in a 2003 staff report I released which found that crude oil prices were

> Affected by trading not only on regulated exchanges like the NYMEX, but also on unregulated "over-the-counter" (OTC) markets which have become major trading centers for energy contracts and derivatives. The lack of information on prices and large positions in these OTC markets makes it difficult in many instances, if not impossible in practice, to determine whether traders have manipulated crude oil prices.

In June 2006, the subcommittee issued a staff report entitled, "The Role of Market Speculation in Rising Oil and Gas Prices: A Need to Put the Cop Back on the Beat." This bipartisan staff report analyzed the extent to which the increasing amount of financial speculation in energy markets had contributed to the steep rise in energy prices over the past few years. The report concluded that: "[s]peculation has contributed to rising U.S. energy prices," and endorsed the estimate of various analysts that the influx of speculative investments into crude oil futures accounted for approximately $20 of the then-prevailing crude oil price of approximately $70 per barrel.

The 2006 report recommended that the CFTC be provided with the same authority to regulate and monitor electronic energy exchanges, such as ICE, as it has with respect to the fully regulated futures markets, such as NYMEX, to ensure that excessive speculation in the energy markets did not adversely effect the availability and affordability of vital energy commodities through unwarranted price increases.

In June 2007, the subcommittee released another bipartisan report—"Excessive Speculation in the Natural Gas Market." Our report found that a single hedge fund named Amaranth had dominated the U.S. natural gas market during the spring and summer of 2006, and Amaranth's large-scale trading significantly distorted natural gas prices from their fundamental values based on supply and demand.

The report concluded that the current regulatory system was unable to prevent these distortions because much of Amaranth's trading took place on an unregulated electronic market and recommended that Congress close the "Enron loophole" that exempted such markets from regulation.

The report describes in detail how Amaranth used the major unregulated electronic market, ICE, to amass huge positions in natural gas contracts, outside regulatory scrutiny, and beyond any regulatory authority. During the spring and summer of 2006, Amaranth held by far the largest positions of any trader in the natural gas market. According to traders interviewed by the subcommittee, during this period natural gas prices for the following winter were "clearly out of whack," at "ridiculous levels," and unrelated to supply and demand. At the subcommittee's hearing in June of this year, natural gas purchasers, such as the American Public Gas Association and the Industrial Energy Consumers of America, explained how these price distortions increased the cost of hedging for natural gas consumers, which ultimately led to increased costs for American industries and households. The Municipal Gas Authority of Georgia calculated that Amaranth's excesses increased the cost of their winter gas purchases by $18 million. Also at the hearing the New England Fuel Institute and the Petroleum Marketers Association of America made clear how rampant speculation in energy trading harms the smaller businesses that trade in energy commodities.

Finally, when Amaranth's positions on the regulated futures market, NYMEX, became so large that NYMEX directed Amaranth to reduce the size of its positions on NYMEX, Amaranth simply switched those positions to ICE, an unregulated market that is beyond the reach of the CFTC. In other words, in response to NYMEX's order, Amaranth did not reduce its size; it merely moved it from a regulated market to an unregulated market.

This regulatory system makes no sense. It is as if a cop on the beat tells a liquor store owner that he must obey the law and stop selling liquor to minors, yet the store owner is allowed to move his store across the street and sell to whomever he wants because the cop has no jurisdiction on the other side of the street and none of the same laws apply. The Amaranth case history shows it is clearly time to put the cop on the beat in all of our energy exchanges.

At the subcommittee's 2007 hearings, both of the major energy exchanges, NYMEX and ICE, testified that they would support a change in the law to eliminate the current exemption from regulation for electronic energy markets, in order to reduce the potential for manipulation and excessive speculation. Consumers and users of natural gas and other energy commodities—the

American Public Gas Association, the New England Fuel Institute, the Petroleum Marketers Association of America, and the Industrial Energy Consumers of America—also testified in favor of closing the Enron loophole. That testimony helped galvanize the current effort to produce legislation in this area.

Just last week, my subcommittee teamed up with Senator DORGAN's Subcommittee on Energy to hold still another hearing examining how excessive speculation is continuing to add to crude oil prices, harming consumers and the American economy as a whole. During that hearing, Senators from both sides of the aisle expressed the need to develop new tools to address this problem.

The legislation being added to the farm bill today will do just that. It will help fix a number of the problems identified in the subcommittee's hearings and reports. Most importantly, it will put an end to the Enron-inspired exemption from government oversight now provided to electronic energy trading markets set up for large traders. By ending that exemption, this legislation will restore the ability of the Commodity Futures Trading Commission—CFTC—to police all U.S. energy exchanges to prevent price manipulation and excessive speculation.

The legislation would do more than require CFTC oversight; it would also require electronic exchanges, for the first time, to begin policing their own trading operations and become self-regulatory organizations in the same manner as futures exchanges like NYMEX. Specifically, the legislation would establish 5 "core principles" to which electronic exchanges must adhere, each of which parallels core principles already applicable to other CFTC-regulated exchanges and clearing facilities. Implementing these core principles would require an electronic exchange to monitor the trading of contracts which the CFTC has determined affect energy prices, ensure these contracts are not susceptible to manipulation, require traders to supply information about these contracts when necessary, supply large trader reports to the CFTC related to these contracts, and publish daily trading data on the price, trading volume, opening and closing ranges, and open interest for these contracts.

In addition, the electronic exchanges would have to establish position limits and accountability levels for individual traders buying or selling these contracts in order to prevent price manipulation and excessive speculation. Electronic exchanges are intended to implement these position limits and accountability levels in the same way as futures exchanges like NYMEX. Moreover, it is intended that the CFTC will take steps to ensure that the position limits and accountability levels on all exchanges are comparable to prevent traders from playing one exchange off another.

In implementing these core principles, electronic exchanges are given the same flexibility accorded to other CFTC regulated entities, subject to CFTC approval. In addition, the legislation states explicitly that, when implementing the requirements for position limits, accountability levels, and emergency authority to require reductions of positions, the electronic exchanges are allowed to take into account differences between trades which are cleared and not cleared, and the CFTC would police implementation of those core principles in an appropriate manner recognizing those differences.

Although the legislation provides an electronic trading facility with flexibility to implement the core principles, in the same manner as futures exchanges have with respect to the core principles applicable to them, and the flexibility to take into account the differences between cleared and uncleared trades in certain circumstances, in all instances the CFTC has the ultimate responsibility and authority to interpret the core principles, establish rules or guidance as to how they should be applied, and determine whether a facility or exchange is complying with the core principles.

The legislation would also require electronic exchanges to establish procedures to prevent conflicts of interest and anti-trust violations in their operations. These provisions parallel core principles already applicable to other CFTC-regulated exchanges and clearing facilities and are intended to function in a similar manner. These provisions are not restricted to trades involving contracts that affect energy prices, but apply to the entire exchange to ensure it operates in a fair manner.

In addition to requiring electronic exchanges to become self-regulatory organizations, the legislation would require the CFTC to oversee these exchanges in the same general way that it currently oversees futures exchanges like NYMEX. The legislation also, however, assigns the CFTC a unique responsibility not present in its oversight of other types of exchanges and clearing facilities. The legislation would require the CFTC to review the contracts on each electronic exchange to identify those which "perform a significant price discovery function" or, in other words, have a significant effect on energy prices. The CFTC would make this determination by looking at such factors as whether the electronic exchange's contract is explicitly linked to a contract used on a futures exchange; whether the electronic exchange's contract price is used by traders to set prices in other contracts; whether traders take positions in the contract and use those positions to arbitrage prices in other energy markets; and whether the contract is traded in sufficient volume to affect market prices. The CFTC can also look at other factors to determine if a contract is affecting energy prices. Contracts designated by the CFTC as performing a significant price discovery function are those that would be policed by both the exchange and the CFTC.

The legislation directs the CFTC to conduct a rulemaking to implement this requirement. The legislation also states clearly that a CFTC determination that a contract performs a significant price discovery function is a determination that is within the Commission's discretion; this determination is not intended to be subject to formal challenge through administrative proceedings. The legislation would also require the CFTC to review the contracts at an electronic exchange on at least an annual basis to determine which perform significant price discovery functions. This review is not intended to require the CFTC to conduct an exhaustive examination of every contract traded on an electronic exchange, but instead to concentrate on those contracts that are most likely to meet the criteria for performing a significant price discovery function. The legislation also directs the electronic exchange to bring to the CFTC's attention any contract which it believes is affecting energy prices.

To enable the CFTC to conduct oversight of its operations, in particular to prevent price manipulation and excessive speculation, electronic exchanges are required to file large trader reports with the CFTC for trades involving contracts that perform a significant price discovery function. These are the same large trader reports already filed by other CFTC-regulated exchanges and clearing facilities. In addition, electronic exchanges found to be trading contracts that perform a significant price discovery function are treated as a "registered entity" under the Commodity Exchange Act. This designation ensures that the CFTC has the same enforcement authority over electronic exchanges as it has with respect to other exchanges and clearing facilities to ensure compliance with its regulatory and statutory requirements.

One last issue. Another provision in the legislation states that its provisions are not intended to limit or affect the jurisdiction of the CFTC or any other agency involved with protecting our markets from price manipulation and excessive speculation. A legal battle is going on in the courts right now over enforcement actions by the CFTC and the Federal Energy Regulatory Commission accusing Amaranth of manipulating or attempting to manipulate natural gas prices. This legislation is not intended to affect that court battle in any way. We are all waiting to see how it plays out and how the courts will interpret the law. This legislation is intended to play an absolutely neutral role in those enforcement actions, and should not be interpreted as changing the status quo in any way.

The provisions I have just discussed are the product of lengthy negotiations and compromises over the best way to close the Enron loophole. They seek to provide stronger government oversight of U.S. energy markets, while preserving the legitimate trading operations of electronic exchanges like ICE. Senator FEINSTEIN and I have introduced a number of bills over the years to tackle this problem, each of which took a somewhat different approach to strike the right balance. My latest effort, introduced a few months ago with Senator DORGAN and others, was S. 2058, the Close the Enron Loophole Act. While that bill is more comprehensive than the legislation being added to the farm bill today, the combined legislation before us now preserves our bill's intent and ensures that both the exchanges and the CFTC can enforce prohibitions against price manipulation and excessive speculation. That, to me, is the most important aspect of the legislation and why I support it today.

The legislation reflects input from the CFTC, industry, consumer groups, and a wide range of Senators. Some compromises were made, but again, those compromises did not weaken the ability of the CFTC to police out energy markets—in fact, if this legislation is enacted into law, the CFTC will be in a stronger position since 2000 to protect our markets from trading abuses.

The House is working on similar legislation, so I am hopeful that we can get something enacted into law as part of the farm bill early next year. I will be working to ensure that the enforcement provisions we have worked so hard to include in this legislation are preserved.

In addition to these provisions closing the Enron loophole, the farm bill will include a host of other provisions to reauthorize and strengthen the Commodity Exchange Act. Those provisions include stronger civil and criminal penalties for manipulation, better enforcement authority for currency exchange trading abuses, among others, all of which I support. I thank my colleagues for including them in the farm bill as well.

Preventing price manipulation and excessive speculation in U.S. energy markets is not an easy undertaking. I thank my colleagues, industry, consumers and others for their good-faith suggestions to improve the legislation that is now before the Senate. Recent cases have shown that market abuses and failures did not stop with the fall of Enron. They are still with us. We cannot afford to let the current situation continue, allowing energy traders to use unregulated markets to avoid regulated markets. It is time to put the cop back on the beat in all U.S. energy markets. The stakes for our energy security and for competition in the market place are too high to do otherwise.

INTENT OF THE COMMODITY EXCHANGE ACT

Mr. BINGAMAN. Mr. President, I believe the primary sponsors of this amendment, as well as the distinguished chairman of the Senate Agriculture Committee, Senator HARKIN, share my desire for the Federal Energy Regulatory Commission, FERC, and Commodity Futures Trading Commission, CFTC, to coordinate seamlessly in their efforts to oversee the increasingly interdependent energy markets under their respective jurisdictions. Moreover, it is important to clarify that nothing included in this amendment would interfere or prejudice the respective Commissions' ongoing, enforcement-related proceedings and litigation.

I would like to inquire of the chairman of the Agriculture Committee, Senator HARKIN, do you concur in my assessment that nothing in this amendment would prejudice or interfere with ongoing, energy market enforcement-related litigation or administrative proceedings currently involving FERC and the CFTC?

Mr. HARKIN. Yes, I agree with the assessment of the chairman of the Energy and Natural Resources Committee.

Mr. BINGAMAN. Likewise, I believe we have taken pains in this amendment to ensure that the current jurisdictional boundaries between the two Commissions are maintained, with respect to the authorities of FERC under the Federal Power and Natural Gas Acts, and the CFTC under the Commodity Exchange Act. How do you view this matter?

Mr. HARKIN. Again, I concur with the Senator from New Mexico. Nothing in this amendment would erode either Commission's authorities under the statutes that you have cited.

Mr. BINGAMAN. Finally, I ask if, in your view, anything contained in this amendment would limit FERC's existing ability to gain information from market participants?

Mr. HARKIN. No, this amendment would not infringe on FERC's current ability to gain information from market participants.

Mr. BINGMAN. Thank you. I would like to now ask a few questions of the senior senator from California, Senator FEINSTEIN, one of the primary authors of this amendment, as well as one of the coauthors of sections 315 and 1283 in the Energy Policy Act of 2005 (P.L. 109-58), which gave FERC additional antimanipulation authorities under the Federal Power and Natural Gas Acts. In your view, does anything contained in this amendment undermine or alter those authorities?

Mrs. FEINSTEIN. No. In my view, nothing contained in this amendment would or is intended to undermine or alter those important, new authorities. We have sought to make this clear, with the inclusion in section 13203 of paragraph (c)(2), which preserves FERC's existing authorities.

Mr. BINGAMAN. I would also like to make an inquiry of the senior Senator from Michigan, Senator LEVIN, another primary author of the amendment now before the Senate. As I understand this amendment, it expands the CFTC's authorities with respect to the requirements it may impose on transactions it deems "significant price discovery contracts." This "significant price discovery contract" determination may be applied to contracts, agreements, and transactions that are conducted in reliance on the exemption included in section 2(h)(3) of the Commodity Exchange Act. As a conforming matter, paragraph (c)(1) of section 13203 extends the CFTC's exclusive jurisdiction over these "significant price discovery contracts."

As the Senator from Michigan knows, the meaning and expanse of CFTC's exclusive jurisdiction over the regulation of futures markets is currently the subject of litigation. As we have heard from the chairman of the Agriculture Committee and Senator FEINSTEIN, another one of the amendment's authors, this amendment was written to ensure it would not interfere with any such ongoing litigation; and further, to maintain the current jurisdictional division between FERC and the CFTC. I am satisfied with those assurances.

But in addition, as a forward-looking matter, it is important to clarify the intent of the amendment with respect to this new class of "significant price discovery contracts." I am aware of the fact that certain electronic trading facilities that currently operate under the exemption included in section 2(h)(3) of the Commodity Exchange Act for purposes of trading energy swaps also trade physical—or cash—contracts in electricity and natural gas. For oversight and enforcement purposes, it is crucial that FERC retain its jurisdiction over these physical energy transactions. In your view, how would the amendment impact FERC's jurisdiction over these transactions?

Mr. LEVIN. The Senator from New Mexico raises an interesting and important question, on which I have conferred with the CFTC. In addition to the savings clause in section 13203(c)(2) that preserves FERC's jurisdiction under its statutes as a threshold matter, I believe that FERC's jurisdiction over these transactions would, in any event, be preserved. It is my view that the kinds of cash transactions that you cite would not be captured within the amendment's "significant price discovery contract" test. The test is reserved for those transactions conducted "in reliance" on the exemption in paragraph 2(h)(3) of the Commodity Exchange Act. Because the CEA does not apply to cash transactions for purposes of regulation, these transactions cannot, by definition, be conducted "in reliance" on this exemption. As such, FERC's authority in this area is preserved on all accounts.

Mr. BINGAMAN. I have a similar question as it relates to the status and functions of regional transmission organizations, RTOs, under this language. RTOs often deal in the auction of financial transmission rights and ancillary services associated with the orderly operation of electricity markets. Do you believe this "significant price discovery contract" provision would impact FERC's authority in this area?

Mr. LEVIN. For many of the same reasons I have cited in relation to natural gas markets, I believe—and it is certainly my intention, as one of the amendment's authors—that FERC's authority over RTOs would be unaffected. To my knowledge, no RTO operates pursuant to the exemption in paragraph 2(h)(3) of the Commodity Exchange Act. Moreover, the savings clause in section 13203(c)(2) makes abundantly clear that FERC's existing authorities are preserved.

Mr. BINGAMAN. I thank the Senators for their assurances in this regard, and congratulate them on their amendment.

ROLLING SPOT CONTRACTS

Mr. HARKIN. This bill includes reauthorization of the Commodity Exchange Act. One of the issues addressed in the reauthorization is the problem of so-called "rolling spot" contracts, a type of contract that unscrupulous criminals use to defraud retail customers while avoiding the jurisdiction of the Commission. Because of several adverse court decisions addressing rolling spot contracts used in retail foreign exchange fraud, the Commission has been severely hampered in its efforts to protect consumers.

This reauthorization clarifies the jurisdiction of the Commission over these "rolling spot" contracts. In addition, because these "rolling spot" contracts have begun to be used in other commodities such as metals, this reauthorization clarifies the Commission's authority to address "rolling spot" contracts should they spread to other agricultural or exempt commodities.

Mr. CHAMBLISS. Will the gentleman yield for a question?

Mr. HARKIN. Yes.

Mr. CHAMBLISS. Is it the intent of the provision to imply or provide that agricultural or exempt futures contracts that are not currently legal futures contracts, are somehow legal because of these new provisions?

Mr. HARKIN. No. The provisions explicitly say that they have no effect on whether contracts are considered legal futures contracts or not.

Mr. CHAMBLISS. I thank the Senator.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, it is with some consternation that I rise this evening. We have an amendment that is very important to working men and women in this country. Basically, what it allows is firefighters and police to organize collectively. It is very important that they have that opportunity. That is the legislation before this body, the amendment dealing with firefighters.

The pleasant thing about this amendment is that it is bipartisan. We have 64 Senators who would have voted for this amendment. We have tried very hard. Everybody knows that I have four Democratic Senators running for President. They are all wonderful, good legislators, and wonderful human beings. One of them is going to be President of the United States, more than likely, next year. But we have tried all day to get a vote. As I indicated a little while ago, we will take a 60-vote margin, a side-by-side or a second-degree amendment, a freestanding bill or whatever other variation I can think of.

My friends are very good—the opponents of this legislation. There are not a lot of them, but there are a few. They know the rules, and they know how difficult it is when we are less than 3 weeks before the first primary, the caucus in Iowa, to get these four Senators here. They were here this morning. There were two important bills, one on energy and one on a farm issue. They were scheduled to come back here. One of them is on a plane coming back here for a morning vote. The word got out that we needed them here. So there has been this stalling. We have no alternative but to come back and fight another day. I say to all Senators that this is a bipartisan bill.

I see my friend on the floor, Judd Gregg. We would not be where we are tonight but for him. It is true. I mean, it is not often that on a labor issue you have someone of his stature on the other side of the aisle supporting this legislation. But I respect those few Senators who object to this. They have the legal rights and procedural rights that they do, and getting my Presidentials back here on Saturday would be hard. We know it is a difficult time for everybody on a Saturday.

AMENDMENT NO. 3830, WITHDRAWN

Without belaboring the issue, I ask unanimous consent to now withdraw amendment No. 3830.

Mr. KENNEDY. Mr. President, reserving the right to object, I will not object, but I want to, first of all, thank our majority leader for his comments. Just before the request is agreed to, I want to remind the Members of the Senate that private workers have the opportunity under the labor laws to get the kinds of protections and rights we are talking about; public workers do not. The public workers, who have been on the front lines of so many of the challenges we are facing in our society, deserve these rights.

Public safety workers put their lives on the line every day they go to work. They are on the frontlines of our effort to keep America safe.

We ask much from them. When the California wildfires threatened lives and property, we asked that they battle those blazes. When natural disasters strike, we expect them to be the first on the scene. And on September 11th, they were the heroes that restored our hope.

These heroic men and women have earned our thanks and respect. All they asked of this body was the right to enjoy the same basic rights that private sector workers enjoy. The right to have a voice at the table when decisions are made that are critical to their safety and their livelihood.

The bipartisan amendment that we offered would have guaranteed every first responder the right to collective bargaining. Many of our first responders already have this fundamental right. This amendment would have provided these basic rights for those who don't and it would have done so in a reasonable manner. For States that currently accord public safety officers these rights, the amendment would have no affect. For States that don't currently provide these rights, the amendment would not trample on their rights. They would have ample opportunity to establish their own collective bargaining systems, or ask the Federal Labor Relations Authority for help. The choice would belong to the state.

The public safety officers came to us with a modest request. Tonight, a minority of the Senate said no to their request. Despite the broad bipartisan support we had for this amendment, we could not get past the obstructions of those who were determined to deny our Nation's first responders their basic rights.

This fight is not over. I pledge to our Nation's brave firefighters, police officers, and emergency medical technicians, that we will bring this legislation back to the Senate again and again until the Senate says "yes" to them. Each day they face hazards that put their lives at risk, and as we enjoy the security that their sacrifice provides, they should know that they have allies in the Senate that will keep fighting for them.

While we may not have succeeded today, we will bring this legislation back to the floor of the U.S. Senate soon and we will pass it.

Our public safety officers deserve no less.

I thank the leader for all of his strong support for this legislation, and

I indicate that I, for one—and there are many others—will come back and revisit this issue at an early time. So I don't object to the request, but I do want to state that this issue is going to be front and center before the Senate in the near future.

The PRESIDING OFFICER (Mr. CASEY). Without objection, the amendment is withdrawn.

AMENDMENT NO. 3851

Mr. REID. Mr. President, it is my understanding that the Feinstein amendment is ready to be adopted.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the Feinstein amendment.

The amendment (No. 3851) was agreed to.

Mr. HARKIN. Mr. President, I ask unanimous consent to add onto that amendment Senators DORGAN, DURBIN, and CONRAD as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask the Chair, under the order now before the Senate—

Mr. SANDERS. I object.

Mr. REID. I haven't said anything yet. Mr. President, I ask that the Chair inform the Senator from Nevada if I am right, that under a previously entered order I have a right, after consultation with the Republican leader, to ask that there be cloture right now or whatever time I choose?

The PRESIDING OFFICER. Under the substitute amendment to the bill, that is correct.

Mr. REID. So, Mr. President, under the order that is before the Senate, we are going to have a cloture vote on the farm bill after weeks and weeks. Now, I understand there are people who are disappointed. We still have a significant number of amendments. After adding up those that have been objected to, there are 15 by one Senator. So we have 15 plus 11—a lot of amendments.

The time has come that we stop this. We need the farm bill. We need to get a conference. I believe, after conversations I have had with the Republican leader, that this is a bill we can go to conference on. So the time is here. We don't have time for 26 more amendments.

We had a briefing in S-407 today. I don't know how people are going to vote on domestic surveillance and other types of surveillance, but it is an important issue that we have an obligation as Senators to resolve. We had the head of the national intelligence agency there, Judge Mukasey. We have to do that. I am going to move to that bill tomorrow.

As I have stated on the floor, Senator FEINGOLD and Senator DODD are not going to let us move to that. I have filed cloture on that bill. I know people are disappointed, but we have no alternative. I guess there is an alternative, but I don't think people want to be around here in the middle of next week to finish the farm bill. We will have cloture on it tonight and, as far as I am concerned, we can have final passage as soon as we finish the cloture vote.

For all Senators, the cloture vote will take place at 9 o'clock tonight on the farm bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I ask unanimous consent that I be recognized to speak as in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I wish to say a few words about an event that happened earlier this evening, and that is the passage of the Energy bill with a great bipartisan vote in the Senate.

In my view, this is the signature agenda of the 21st century. I am very proud of the work that went into fashioning that bill by the Energy Committee, the Commerce Committee, as well as a package we attempted to get in there by the Finance Committee.

At the end of the day, this package which moves on to the House and then to the President for his signature will do some historic things for the clean energy economy for America.

The first thing it will do is make sure CAFE standards are up to where they should have been a long time ago, with much more highly efficient vehicles in our country as our national fleet will be in a position to have the kind of oil savings that will lead us to energy independence and help get rid of the addiction on foreign oil that currently compromises the foreign policy of the United States.

Second, we will start addressing the issue of global warming by making sure we look at a national carbon assessment, the sequestration program that will help us capture and store carbon as part of the remedy to deal with the problem of global warming.

Finally, moving forward with renewable fuels, many of us recognize it is rural America that is going to help us grow our way to energy independence, and the 25-25 resolution that is included in the energy legislation sets out a national vision for us to get to 25 percent of our energy coming from renewable energy resources.

I know there were many people who worked on this legislation. I thank and commend all of those who were involved in putting it together. On my staff, in particular: Steve Black, who had been very involved in the crafting of the 2005 Energy Policy Act; Suzanne Wells, who has been a fellow in my office and worked on this issue for almost as long as Steve Black; Ben Brown, a new fellow in my office; Tracy Ross, a young employee in my office who was part of this energy team, along with Brendan McGuire, Grant Leslie—a whole host of others—Jeff Lane in my office also was involved.

I also thank the staff of the committees because I know the staff members of both the Energy and Commerce Committees worked day and night to get us a good energy package.

I would be remiss if I did not say something about Russ Sullivan and the great staff of the Finance Committee, headed by our chair, MAX BAUCUS. The Finance Committee functions completely on every cylinder and is a stellar committee, a group of staff members that makes us very proud and serves as a role model for the rest of the committees in the Senate.

It is a historic night for us with the passage of the energy legislation.

As we move closer toward the passage of the 2007 farm bill, I also commend all of my colleagues who have worked so hard in trying to get us to a procedural way forward to get us to the completion of this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. GREGG. Mr. President, I wish to speak briefly on the practical implications of what we are about to do. I appreciate the positions the leaders of the bill are in. They worked hard to get this bill through.

Obviously, I don't support the bill, but I feel they have every right to finish it. They have the votes to pass it, and there is no reason there should be dilatory delays. But there are three major events that are going to be impacted by this exercise.

The first is an amendment which I had pending which would have given people relief when their homes are foreclosed on so they would not get hit with a tax bill. It appears that amendment, on which there was general consensus, will not be brought up and voted on. That is unfortunate. I hope we can come to this from another angle.

I spoke with the chairman of the Finance Committee. He and the Finance Committee members are trying to find some way to accomplish that. I think it is wrong, when people have their home foreclosed, that they have the IRS follow them to wherever they are going, the apartment they have to move to, to hit them with a tax bill for that foreclosure.

The second issue is a proposal I had—the Senator in the chair also had a proposal on this issue—which was to get some funds in LIHEAP. All of us who live in the colder regions of this country have seen our oil bills go up dramatically. There is a lot of pressure on low-income people, and the LIHEAP funds, which help low-income people deal with that pressure, are simply not going to be adequate. They are just not going to be adequate.

The Senator from Vermont had an amendment in this area. I had an amendment in this area. Unfortunately, they both will fall.

The third issue is the firefighters, fully explained by Senator REID, the majority leader. I appreciate his kind words relative to my efforts in this area. I am sorry we will not be able to accomplish this effort at this time. This is an important issue. I do hope we will come back to it. I know it is high on the list of the majority leader and also high on my list.

I regret the procedure that has to take place. Obviously, it is the prerogative of the leadership to do this. I can understand why they are doing it. They have been on the bill a number of weeks. The first couple of weeks we could not offer amendments. That was not our fault. As a practical matter, this session is coming to a close, and they want to wrap up the bill. And as a practical matter, the bill should be wrapped up.

I regret some of these amendments that I think are very important to Americans, especially those in cold climates having to deal with heating bills and those who have had homes foreclosed, and Americans who protect us through fighting fires, those amendments will not be considered.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I rise to thank the leadership for taking this bull by the horns and dealing with a circumstance that changed rather dramatically in the last several hours.

I know there are colleagues who are disappointed that they are not going to be able to offer amendments that are unrelated to the farm bill to this legislation. But if you put yourself in the position of the leadership, they were faced with an impossible situation, a situation that was made more difficult by the way events unfolded.

We had 20 amendments on a side that were in order, 40 amendments in total. That could include amendments that were related to the farm bill as well as those unrelated. Amendments were filed. Not all 40 had been filed. There were still, I believe, at least eight slots. So when the leadership looked at the time—and the fact is, here we are, almost 9 o'clock on Thursday night—and they looked at the other business that has to be done, it didn't fit together.

We could be in a circumstance in which things that must be done for us to conclude business for the year could not be concluded because it would take unanimous consent to go off the farm bill now that we are on it. Anybody could object. So they had to find a way to reach conclusion. The rules of the Senate required this circumstance. I know there is disappointment, but our leaders face a very difficult set of choices, and if they wanted to get the business of the Congress done this year by next Friday, they had no alternative but to do what the leaders collectively decided to do tonight.

I know there is disappointment, but there was no choice, if the business of the Senate was to get concluded.

I salute the leadership. I thank Senator REID for his strong leadership. I thank Senator MCCONNELL. I especially thank the bill managers, Senator HARKIN and Senator CHAMBLISS, who have worked tirelessly to get this bill done and under extremely difficult circumstances where they have had the bill interrupted every few hours to handle other legislation, and we have Presidential candidates on both sides who are not here. So these managers are told: You can't vote now, you can't vote then, you have an event here, you have an event there. They were put in an absolutely unbelievably difficult situation, and they have handled it with grace. We should thank them for how well they have done to clear amendments. But they had no choice if this work was to get done.

So thanks to the leaders. I know there are people who are upset, but I say thanks to the leaders.

Mr. HARKIN. Mr. President, will the Senator yield?

Mr. CONRAD. I will be happy to yield.

Mr. HARKIN. Mr. President, I thank the Senator for his comments, and I thank him for all his help throughout a long year in the Agriculture Committee, helping us with our budget problems and getting us to this point.

I appreciated the fact that the Senator said the managers had handled this bill with grace. The Senator doesn't see what I do when I go home. I act out my frustrations later.

I say to the Senator, it has been frustrating, but that is the process of the Senate. The Senator is absolutely right, our leader is correct in calling for cloture. I am not disappointed. I am managing the bill under the rules we had, which was to try to accommodate as many amendments as possible, to move them as rapidly as possible, to get votes on them. Let's face it, we have had enough, and we have had enough amendments and we debated them.

This is a good bill. Some of the amendments that were not adopted maybe I wish were, and some that were adopted maybe I wish were not. That is the process. It is a good bill with which to go to conference. It is a bill that does a lot, as the Senator knows, in energy, it does a lot in conservation, and it provides a great safety net for our farmers, and what we do for specialty crops that we have never done before in any farm bill, and what we do for nutrition. We answer the call of church groups and people around the country who said we had to do more to take care of low-income people in the Nation and to meet our obligations to the poorest among our society. We have done that in this bill. We have done great work in the food stamp and nutrition programs.

It is a good bill. All of us worked very hard on it. We will go to cloture this evening. Quite frankly, I am not disappointed. I am happy we are bringing this to a close so we can get to conference. I hope we can get the conference concluded by the time we get back in January so we can have a conference report sometime toward the end of January.

I thank the Senator from North Dakota for his many kindnesses, for all of the hard work he has done, and his staff through this long process in getting us here. I thank him very much.

Mr. CONRAD. Mr. President, I thank the chairman for his vision and his leadership. This is a bill of which we can all be proud. This is a bill that strengthens the safety net. This is a bill that increases resources for conservation by $4 billion. This increases the resources over the so-called base line for nutrition by $5 billion. This increases the resources for speciality crops by $2.5 billion, an unprecedented commitment of resources for that purpose. This is a bill that has permanent disaster assistance. This is a bill that is paid for and paid for honestly. This is a bill that does not add a dime to the deficit or the debt. It deserves our vote for cloture tonight.

All of those who are concerned about farm and ranch families, this is their opportunity to demonstrate that support and that concern by supporting cloture on this bill.

I especially thank the chairman of the committee, Senator HARKIN, the ranking member, Senator CHAMBLISS, and again the strong leadership of the majority leader, Senator REID, for bringing cloture before the body tonight. This bill needed to end for the Senate to conclude its business for the year.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, it is time for the vote to take place in a minute or two. I inform all Members that we will have this cloture vote tonight, and then we are under the rules that there will be 30 hours following completion of that vote. It is my intention, and I think everyone's intention here, to finish this bill and not have it spill into Saturday. We are going to deal with germane amendments pursuant to the rules of the Senate. The managers will work on those during the evening and hopefully early tomorrow we can finish this bill.

Remember, tomorrow we have to finish FHA modernization, and we have to finish the Defense authorization bill. We have a limited time agreement on both of those, an hour each at this time. There may be other issues we are going to try to do. At least that is what we need to do.

Also, as I indicated, before we close business tomorrow, we are going to file cloture on the FISA legislation.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I, too, wish to urge my colleagues to vote for cloture this evening on the farm bill. This is bringing a long debate to its finality and to a close that is good for American agriculture.

Actually, the American people today are going to get an energy bill to promote renewable energy, and they are going to get a farm bill that strengthens the safety net and makes a strong commitment to conservation. Many of the programs funded in this bill do an awful lot to support conservation across this country. In many respects, the conservation title of the farm bill, I would argue, is probably one of the best environmental stewardship policies we have put in place in the Congress.

It also adds an energy policy that will complement what was done today in the Energy bill—the renewable fuels standard—which will increase the amount of renewable energy that will be used in this country. In order to reach that standard, we are going to have to use more and more cellulosic ethanol, which is the next generation of biofuels in this country, and the farm bill has in its energy title some incentives for energy-dedicated crops that can be used in the production of cellulosic ethanol.

I think this energy policy and the energy title, the conservation title, the commodity title of this bill, and many of the other provisions are good for American agriculture. It has been a long battle, and we still have a long ways ahead of us. We have to go to conference with the House and get a bill the President will sign, but this will help move this process forward, and it is high time we got an opportunity to push to a final vote and final passage.

So I urge my colleagues to vote for cloture this evening.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Harkin substitute amendment No. 3500 to H.R. 2419, the farm bill.

Tom Harkin, Russell D. Feingold, Jon Tester, Dick Durbin, Benjamin L. Cardin, Frank R. Lautenberg, John Kerry, Ted Kennedy, Byron L. Dorgan, Barack Obama, Ben Nelson, Amy Klobuchar, Sherrod Brown, S. Whitehouse, Tim Johnson, Jim Webb, Hillary Rodham Clinton.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on amendment No. 3500, offered by the Senator from Iowa, Mr. HARKIN, to H.R. 2419, farm bill, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. BOXER), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Nebraska (Mr. HAGEL), the Senator from Mississippi (Mr. LOTT), the Senator from Arizona (Mr. MCCAIN), and the Senator from Alaska (Mr. STEVENS).

The PRESIDING OFFICER (Mr. CASEY). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 78, nays 12, as follows:

[Rollcall Vote No. 431 Leg.]

YEAS—78

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Bingaman
Brown
Brownback
Bunning
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Conrad
Corker
Cornyn
Craig
Crapo
Dole
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Graham
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Schumer
Sessions
Shelby
Smith
Snowe
Stabenow
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—12

Bond
Collins
DeMint
Ensign
Grassley
Gregg
Kyl
Lautenberg
Menendez
Sanders
Specter
Sununu

NOT VOTING—10

Biden
Boxer
Burr
Clinton
Dodd
Hagel
Lott
McCain
Obama
Stevens

The PRESIDING OFFICER. On this vote, the yeas are 78, the nays are 12. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. HARKIN. Mr. President, we are now operating postcloture on the farm bill. As we know, there are 30 hours. And germane amendments are obviously acceptable postcloture.

Right now I am working with Senator CHAMBLISS to try to come up with a roadmap on how we proceed on this yet this evening and tomorrow. We had basically a kind of a finite list. Since there were only 20 amendments allowed on either side, we kind of know what that universe is.

Prior to the cloture vote, we were down to about 11—if the Chair will indulge me, 11 votes that could be held. Now some of those, it is just my own observation, without being the Parliamentarian, are nongermane.

For example, one of my own amendments I can truthfully say is not germane. The others I do not know, and those will have to be decided by the Parliamentarian. I would say, however, if there is anyone here who has a germane amendment—and I do believe perhaps the Feingold-Menendez amendment appears to be fully germane.

Now, again, there may be an objection raised to that, and the Parliamentarian will have to decide it, but that seems to me—that seems to be one in front of us now that is germane. I would say if the authors of that amendment, either Mr. FEINGOLD or Mr. MENENDEZ, were willing to debate that amendment this evening, under some reasonable time limit, we would like to do that.

So I hope that is at least one we might get to tonight that looks to be thoroughly germane to the bill. There is the Grassley-Kohl amendment. I am not certain about that one. That one is maybe a little bit more uncertain. But, again, that is up to the Parliamentarian to decide. But at least that decision could be made, and we might be able to move ahead.

So with the concurrence of my ranking member——

Mr. CHAMBLISS. I believe the Coburn amendment is also germane.

Mr. HARKIN. Right. The Coburn amendment is probably germane.

Mr. CHAMBLISS. If the Chair would agree, I think we probably ought to maybe go into a quorum call and let the Parliamentarian decide what is germane and what is not. If we find one that is germane, let's go ahead with that one while they are making a decision on the rest of them.

Mr. HARKIN. I agree. The only reason I was saying this is, keep in mind there is a limited amount of time. So I am saying, anyone who believes they have a germane amendment in this list, they ought to probably want to debate it tonight.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3736 WITHDRAWN

Mr. HARKIN. I ask unanimous consent that the Wyden amendment No. 3736 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALIFORNIA'S SUGAR ALLOCATION

Mrs. BOXER. Mr. President, I thank Senator HARKIN for joining me to discuss the important issue of California's sugar allocation. I appreciate his leadership in bringing a farm bill forward for the Senate's consideration.

Mr. HARKIN. I thank the Senator. It is my understanding that she would like to speak about an issue facing the sugar beet industry in California.

Mrs. BOXER. That is correct. The sugar marketing allocation formula in the 2002 farm bill took 2.5 percent of the total national allocation away from California because of the closure of sugar refineries in Woodland, CA, and Tracy, CA, between 1998 and 2000.

Since that time, there have been numerous other closures, including Bayrd, NE; Greeley, CO; Moses Lake, WA; Carrollton, MI; Nyssa, OR; and Hereford, TX. However, under the current farm bill structure, only California was penalized by downward allocation adjustments due to refinery closures. Refinery closures in California fell within an arbitrary base period in the 2002 farm bill that penalized States that had refinery closures by reducing their allocation. The six other States that have seen refineries close since the arbitrary period ended have not had any allocation taken away.

Mr. HARKIN. I ask the Senator, how has this decrease in California's portion of the national allocation impacted growers and other sugar beet refineries in your State?

Mrs. BOXER. Sugar beets are an important crop for many growers throughout California's San Joaquin and Imperial Valleys. Growers in California want to keep producing sugar beets, but processing refineries in California are in danger of closing if they do not recover the marketing allocation they lost in the last farm bill.

If the allocation formula is not corrected to provide California with its fair share, the entire sugar beet industry in my State, with the hundreds of jobs it supports, will be in serious jeopardy.

California's sugar beet industry is an important contributor to the economies of the rural communities where they are located. The city of Mendota, located in western Fresno County, has one of the highest unemployment rates in the State, a problem that will certainly be exacerbated by the possible closure of the refinery. The Mendota facility employs 300 full-time workers and as many as 500 to 600 workers when running at full capacity.

The importance of the refinery to the local economy becomes clearer when you consider that according to the city's estimate there are 1,767 jobs available in Mendota. At full capacity the refinery accounts for more than one-third of the city's employment base.

The farm gate value of sugar beets in California is approximately $66.7 million, and when sugar and the value of its byproducts are included, sugar beets in California contribute $130.8 million annually to the California economy.

Mr. HARKIN. How much more in allocation would California need to keep the facility in Mendota open?

Mrs. BOXER. My growers have assured me that if the allocation is there, they will be able to grow the sugar beets necessary to meet the need. They have told me that under the 2002 farm bill, they lost 133,750 tons raw value in allocation and would need near that amount to keep the Mendota refinery open.

Senator HARKIN, as much as 74,900 tons raw value in allocation is being reassigned this year from sugar cane growers, and another 6,800 tons raw value in allocation is being reassigned from growers in Puerto Rico.

Mr. HARKIN. I appreciate the Senator providing that information. Can she suggest a possible solution that would allow the Mendota refinery to remain open?

Mrs. BOXER. My growers tell me that they would be willing to purchase the plant from the Southern Minnesota Company. Southern Minnesota would include 64,200 tons raw value of sugar allotment in selling the plant to California sugar beet growers. With a guarantee that Congress would provide 53,500 tons raw value in additional sugar allotment for California equaling a total allocation of approximately 117,000 tons raw value, the purchase of the Mendota refinery by California's sugar beet growers would be economically viable.

Since it will take approximately 53,500 tons raw value in additional sugar allotment in California to keep the Mendota refinery in operation, and 81,700 tons raw value is being reassigned from sugarcane growers this year, perhaps it would be possible to assign the necessary amount of excess sugarcane allocation to California in order to keep the Mendota refinery operating.

Mr. HARKIN. I will raise this issue when the Senate and House meet to finalize a farm bill conference report.

Mrs. BOXER. I thank the Senator.

Mr. WYDEN. Mr. President, I rise to discuss the amendment that Senator HARKIN and I offered to make some modifications to the bioenergy crop transition program in the committee bill. First, however, I want to thank the Republican manager of the bill, Senator CHAMBLISS, and his staff for working with me and my staff, and with Senator HARKIN and his staff to address this issue.

As I said the other evening, we are importing $1 billion worth of oil a day from other countries. Bioenergy crops provide a real opportunity to spend that money here at home and help our farmers and rural communities in the process.

The bill that was reported by the Agriculture Committee proposed a program to help make this a reality by making payments to farmers to transition to these new energy crops. This was a good idea, but Senator HARKIN and I were concerned that the program would lead to unintended consequences. We have now reached agreement on a managers' amendment that goes a very long way toward addressing our concerns.

The agreement that we have reached improves the program in ways that will protect the environment and make it a more cost-effective program.

The program will now include eligibility criteria for bioenergy crops to ensure that crops that are invasive species or could become invasive species are not eligible for the program.

The program will now ensure that only lands that have already been farmed are eligible and that we are not promoting the conversion of native grasslands or forests to production of bioenergy crops.

The program will now have a formal application and selection process so that we can be sure that the limited amount of funds available is spent in the most productive way.

In deciding how these transition assistance payments are made, the Secretary of Agriculture will now have to consider the likelihood that the proposed establishment of the crop will, in fact, be viable in the proposed location.

The Secretary will also need to consider the impact that the proposed bioenergy crop, and the process of turning it into fuel or energy, will have on wildlife, air, soil, and water quality and availability.

And the Secretary will have to consider the potential for economic benefits to farmers and ranchers and impacts on their communities.

We have also added planning grants to help farmers and ranchers make the decision to grow these new bioenergy crops and to assemble enough acreage that can support the development of bioenergy facilities to use them.

Finally, we have added an additional requirement that participants in the program agree to implement a plan to protect land, water, soil, and wildlife.

I think these are real improvements in the bill. I again want to thank Senator CHAMBLISS and his staff for working with us to make this program that truly will help move us toward a new energy future that will benefit our farmers, our rural communities, and the environment.

Mr. SPECTER. Mr. President, I have sought recognition to comment on an amendment to the farm bill that I have cosponsored which will provide needed tax relief to homeowners facing foreclosure as a result of the sub-prime mortgage crisis.

The Gregg amendment No. 3674, will allow foreclosed homeowners to avoid the additional hardship of being taxed on cancelled debt income. Under current law, if a homeowner has an obligation to a bank of $150,000 and the home is foreclosed on and sold for $100,000, the $50,000 difference is treated as personal income and the IRS sends that individual a tax bill. With the rate of foreclosures and mortgage defaults rising to new levels, now is not the time for the Federal Government to be kicking homeowners when they are down. In addition, as some lenders are renegotiating loans with borrowers to keep them in their home, the exclusion of cancelled mortgage debt income is a necessary step to ensure that homeowner retention efforts are not thwarted by tax policy.

This amendment provides a targeted exclusion from taxation for canceled mortgage debt for those individuals most in need of assistance. It covers discharges of indebtedness between January 1, 2007, and January 1, 2010. In addition, the amendment would only apply if the home facing foreclosure is the taxpayer's principal residence and the exclusion is only available on mortgage indebtedness of up to $1 million.

On a related note, I have introduced S. 2133, the Home Owners "Mortgage and Equity Savings Act," to help distressed homeowners who file for bankruptcy. The amount of a debt forgiven or discharged in bankruptcy is not deemed income. This amendment is important companion legislation in that it would help those who are able to renegotiate their mortgages, or who face foreclosure, but do not go into bankruptcy.

I urge my colleagues to support the Gregg amendment.

Mr. CRAPO. Mr. President, over the past years Congress has wrestled with the question of what was the appropriate level of regulation of futures exchanges and derivative markets. I have been very concerned about the potential efforts to change the manner in which we regulate derivatives or to impact the manner in which derivatives operate in the economy. It is critical that we strike the appropriate balance between protecting consumers and markets from trading abuse while ensuring continued growth and innovation in the U.S. markets.

The President's Working Group on Financial Markets, PWG, has played an important role in this debate by explaining why proposals that we have faced in the last few years for additional regulation of energy derivatives were not warranted, and has urged Congress to be aware of the potential for unintended consequences that would harm America's financial markets.

I have been repeatedly warned by our federal financial regulators that the importance of derivative markets in the U.S. economy should not be taken lightly, as businesses, financial institutions, and investors throughout the economy rely on these risk management tools. Derivatives markets have contributed significantly to our economy's ability to withstand and respond to various market stresses and imbalances.

In September of 2007, the Commodity Futures Trading Commission, CFTC, held a hearing to examine the oversight of trading on regulated futures exchanges or exempt commercial markets. Based on this hearing, the CFTC reported that the current risk-based, tiered regulatory structure has successfully encouraged financial innovation, competition, and modernization. However, the CFTC also found that additional oversight was warranted for certain contracts traded on an ECM that serve a significant price discovery function in order to detect and prevent manipulation. The CFTC proposed four legislative recommendations that were endorsed by the PWG.

In September of 2007, the Commodity Futures Trading Commission held a hearing to examine the oversight of trading on regulated futures exchanges and exempt commercial markets. Based on this hearing, the CFTC reported that the current risk-based, tiered regulatory structure has successfully encouraged financial innovation, competition, and modernization. However, the CFTC also found that additional oversight was warranted for certain contracts traded on an ECM that serves a significant price discovery function in order to detect and prevent manipulation. The CFTC proposed four legislative recommendations that were endorsed by the PWG.

It is for this reason that I decided to work with a bipartisan group of Senators who also wanted to address the appropriate level of regulation of futures exchanges and over-the-counter derivative transactions. I want to thank Senate Agriculture Committee Chairman HARKIN, Senate Agriculture Committee Ranking Member CHAMBLISS, Senator FEINSTEIN, Senator SNOWE, Senator LEVIN, and Senator COLEMAN for all their work.

I appreciate their willingness to work off the framework that was endorsed by the PWG and believe this allowed all of us to reach a deal. This was a significant concession to some Senators who have supported an alternative approach, and I would like to thank them for doing so.

In addition, this amendment extends the reauthorization of the CFTC, clarifies the CFTC authority over off-exchange retail foreign currency transactions, clarifies the antifraud authority over principal-to-principal transactions, increases civil and criminal penalties, and makes technical and conforming amendments. These provisions were also largely based off the framework that was endorsed by the PWG letter of November of 2007.

Earlier this week the House Agriculture Committee approved by voice vote a similar measure to reauthorize the Commodity Futures Trading Commission. It is my hope that in a conference the House and Senate will reconcile their differences over the reauthorization period and Zelener related issues.

I strongly believe that Congress needs to reauthorize the CFTC and frankly, so that we can give this agency all the tools it needs to protect investors and promote the futures industry and preserve the integrity of our markets. Moreover, the Senate must act to confirm Walt Lukken as Chairman of the CFTC. He has demonstrated throughout this reauthorization process the strong leadership that is essential to managing an agency. I want to commend him, his fellow commissioners, and staff for all their tremendous work.

MORNING BUSINESS

Mr. HARKIN. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CIA DESTRUCTION OF INTERROGATION RECORDINGS

Mr. DURBIN. Mr. President, it seems that every week there is a new revelation about how this administration has engaged in activity that is not consistent with American laws or values when it comes to the issue of torture.

Last week, CIA Director Michael Hayden acknowledged that Central Intelligence Agency officials destroyed videotapes of detainees being subjected to so-called "enhanced interrogation techniques." These techniques reportedly include forms of torture like waterboarding. The New York Times reported, "The tapes were destroyed in part because officers were concerned that video showing harsh interrogation methods could expose agency officials to legal risks."

The CIA apparently withheld information about the existence of interrogation videotapes from official proceedings, including the 9/11 Commission and the Federal court hearing the case of Zacarias Moussaoui. General Hayden asserts that the videotapes were destroyed "in line with the law," but it is the Justice Department's role to determine whether the law was broken.

Last week I asked Attorney General Mukasey to investigate whether CIA officials who covered up the existence of these videotapes violated the law. To his credit, the Attorney General has begun a preliminary inquiry.

This week there is a new revelation. The CIA has already acknowledged videotaping interrogations of detainees in CIA custody. Now it appears that there may be videotapes of detainees who the CIA transferred or rendered to other countries to be interrogated.

According to the Chicago Tribune, in February 2003, the CIA detained a man named Abu Omar in Italy. The CIA then took Abu Omar to Egypt and turned him over to the Egyptian government. Abu Omar claims he was tortured and that his Egyptian interrogators recorded, "the sounds of my torture and my cries."

In response to this story, CIA spokesman Paul Gimigliano said he could not "speak to the taping practices of other intelligence services." Notice what he did not say. He did not say whether the CIA is aware of foreign countries recording interrogations of detainees who were transferred to them by the CIA. In fact, if the CIA sends a detainee to a foreign country for the purpose of interrogation, it seems reasonable to expect that we would monitor the interrogation by video or audio recording or by some other means.

Why are we sending detainees to other countries to be interrogated in the first place? Under the Bush administration, the CIA has reportedly transferred detainees to countries that routinely engage in torture so that these detainees can be interrogated using torture techniques that would not be permissible under U.S. law. The administration calls this practice rendition. Others call it by a different name outsourcing torture.

The Torture Convention, which the United States has ratified, makes it illegal to transfer individuals to countries where they are likely to be tortured. The administration has said that it stands by this legal prohibition.

However, the administration has said that it will transfer a detainee to a country that routinely engages in torture if the State Department receives so-called "diplomatic assurances" that the detainee will not be tortured. Based on diplomatic assurances, the administration has reportedly sent detainees to countries that systematically engage in torture, including Egypt, Saudi Arabia, and Syria. Some of these detainees, like Abu Omar, say that they were then tortured in these countries. Now there may be video or audio taped evidence of that.

Even with diplomatic assurances, should we be sending people to countries like Egypt to be interrogated? Every year, our State Department issues Country Reports on the human rights practices of countries around the world. Here is what the most recent Country Report on Egypt says:

> Principal methods of torture . . . included stripping and blindfolding victims; suspending victims from a ceiling or doorframe with feet just touching the floor; beating victims with fists, whips, metal rods, or other objects; using electrical shocks; and dousing victims with cold water.

The State Department claims that it monitors compliance with diplomatic assurances. Experts point out that it is very difficult to monitor whether a country has kept its promise not to torture someone. Now it appears that there may be recordings to help the State Department make this determination.

This week's news raises many questions:

> Have recordings been made of interrogations of detainees who were rendered by the CIA to foreign countries?
>
> Were these recordings made at the request of the CIA?
>
> Are these recordings in the possession of the CIA?
>
> Have these recordings been destroyed by or at the request of the CIA?
>
> Do these recordings contain evidence that detainees were tortured?
>
> Has the State Department reviewed these recordings to determine whether foreign countries have complied with their "diplomatic assurances" not to torture detainees who we transfer to them?

Yesterday, I sent a letter to CIA Director Michael Hayden to ask him about the CIA's involvement in these recordings. I also sent a letter to Secretary of State Condoleezza Rice asking her whether the State Department has reviewed these recordings to determine whether detainees we have transferred to foreign countries were tortured. And, finally, I sent a letter to Attorney General Mukasey asking him to expand the Justice Department's inquiry into the CIA torture tapes to cover recordings of detainees who the CIA sent to foreign countries for the purposes of interrogation.

I am glad that Attorney General has opened a preliminary inquiry into this issue. Now comes the difficult part getting to ground truth. Unfortunately, there certainly will be more revelations to come. It will be a long time before we get to the bottom of this torture scandal. I fear it will be even longer before we undo the damage done to America's image and our values.

FURTHER CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, section 307 of S. Con. Res. 21, the 2008 budget resolution, permits the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other appropriate levels for legislation, including one or more bills and amendments, that reauthorizes the 2002 farm bill or similar or related programs, provides for revenue changes, or any combination thereof. Section 307 authorizes the revisions provided that certain conditions are met, including that amounts provided in the legislation for the above purposes not exceed $20 billion over the period of fiscal years 2007 through 2012 and that the legislation not worsen the deficit over the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

I find that Senate amendment No. 3819 offered by Senator BROWN to Senate amendment No. 3500, an amendment in the nature of a substitute to H.R. 2419, satisfies the conditions of the deficit-neutral reserve fund for the farm bill. Therefore, pursuant to section 307, I am adjusting the aggregates in the 2008 budget resolution, as well as the allocation provided to the Senate Agriculture, Nutrition, and Forestry Committee.

I ask unanimous consent that the following revisions to S. Con. Res. 21 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Concurrent Resolution on the Budget for Fiscal Year 2008—S. Con. Res. 21; Further Revisions to the Conference Agreement Pursuant to Section 307 Deficit-Neutral Reserve Fund for the Farm Bill

[In billions of dollars]

Section 101 (1)(A) Federal Revenues:	
FY 2007	1,900.340
FY 2008	2,024.835
FY 2009	2,121.607
FY 2010	2,176.229
FY 2011	2,357.094
FY 2012	2,498.971
(1)(B) Change in Federal Revenues:	
FY 2007	−4.366
FY 2008	−25.961
FY 2009	14.681
FY 2010	12.508
FY 2011	−37.456
FY 2012	−98.125
(2) New Budget Authority:	
FY 2007	2,371.470
FY 2008	2,508.879
FY 2009	2,526.003

Concurrent Resolution on the Budget for Fiscal Year 2008—S. Con. Res. 21; Further Revisions to the Conference Agreement Pursuant to Section 307 Deficit-Neutral Reserve Fund for the Farm Bill—Continued

FY 2010	2,581.239
FY 2011	2,696.657
FY 2012	2,737.412
(3) Budget Outlays:	
FY 2007	2,294.862
FY 2008	2,471.563
FY 2009	2,573.042
FY 2010	2,609.763
FY 2011	2,702.677
FY 2012	2,716.475

Concurrent Resolution on the Budget for Fiscal Year 2008—S. Con. Res. 21; Further Revisions to the Conference Agreement Pursuant to Section 307 Deficit-Neutral Reserve Fund for the Farm Bill

[In billions of dollars]

Current Allocation to Senate Agriculture, Nutrition, and Forestry Committee:	
FY 2007 Budget Authority	14,284
FY 2007 Outlays	14,056
FY 2008 Budget Authority	17,088
FY 2008 Outlays	14,629
FY 2008–2012 Budget Authority	76,881
FY 2008–2012 Outlays	71,049
Adjustments:	
FY 2007 Budget Authority	0
FY 2007 Outlays	0
FY 2008 Budget Authority	46
FY 2008 Outlays	15
FY 2008–2012 Budget Authority	−510
FY 2008–2012 Outlays	−136
Revised Allocation to Senate Agriculture, Nutrition, and Forestry Committee:	
FY 2007 Budget Authority	14,284
FY 2007 Outlays	14,056
FY 2008 Budget Authority	17,134
FY 2008 Outlays	14,644
FY 2008–2012 Budget Authority	76,371
FY 2008–2012 Outlays	70,913

FURTHER CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, earlier today, pursuant to section 307 of S. Con. Res. 21, I filed revisions to S. Con Res. 21, the 2008 budget resolution. Those revisions were made for Senate amendment No. 3819, an amendment offered to Senate amendment No. 3500, an amendment in the nature of a substitute to H.R. 2419.

The Senate did not adopt Senate amendment No. 3819. As a consequence, I am further revising the 2008 budget resolution and reversing the adjustments made pursuant to section 307 to the aggregates and the allocation provided to the Senate Agriculture, Nutrition, and Forestry Committee for Senate amendment No. 3819.

I ask unanimous consent to have the following revisions to S. Con. Res. 21 printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Concurrent Resolution on the Budget for Fiscal Year 2008—S. Con. Res. 21; Further Revisions to the Conference Agreement Pursuant to Section 307 Deficit-Neutral Reserve Fund for the Farm Bill

[In billions of dollars]

Section 101	
(1)(A) Federal Revenues:	
FY 2007	1,900.340
FY 2008	2,024.835
FY 2009	2,121.607
FY 2010	2,176.229
FY 2011	2,357.094
FY 2012	2,498.971
(1)(B) Change in Federal Revenues:	
FY 2007	−4.366
FY 2008	−25.961
FY 2009	14.681
FY 2010	12.508
FY 2011	−37.456
FY 2012	−98.125
(2) New Budge Authority:	
FY 2007	2,371.470
FY 2008	2,508.833
FY 2009	2,526.124
FY 2010	2,581.369
FY 2011	2,696.797
FY 2012	2,737.578
(3) Budget Outlays:	
FY 2007	2,294.862
FY 2008	2,471.548
FY 2009	2,573.005
FY 2010	2,609.873
FY 2011	2,702.839
FY 2012	2,716.392

Concurrent Resolution on the Budget for Fiscal Year 2008—S. Con. Res. 21; Further Revisions to the Conference Agreement Pursuant to Section 307 Deficit-Neutral Reserve Fund for the Farm Bill

[In millions of dollars]

Current Allocation to Senate Agriculture, Nutrition, and Forestry Committee:	
FY 2007 Budget Authority	14,284
FY 2007 Outlays	14,056
FY 2008 Budget Authority	17,134
FY 2008 Outlays	14,644
FY 2008–2012 Budget Authority	76,371
FY 2008–2012 Outlays	70,913
Adjustments:	
FY 2007 Budget Authority	0
FY 2007 Outlays	0
FY 2008 Budget Authority	−46
FY 2008 Outlays	−15
FY 2008–2012 Budget Authority	510
FY 2008–2012 Outlays	136
Revised Allocation to Senate Agriculture, Nutrition, and Forestry Committee:	
FY 2007 Budget Authority	14,284
FY 2007 Outlays	14,056
FY 2008 Budget Authority	17,088
FY 2008 Outlays	14,629
FY 2008–2012 Budget Authority	76,881
FY 2008–2012 Outlays	71,049

CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, section 308(a) of S. Con. Res. 21, the 2008 budget resolution, permits the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other appropriate levels and limits in the resolution for energy legislation that meets certain conditions, including that such legislation not worsen the deficit over the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

I find that H.R. 6, the Energy Independence and Security Act of 2007, satisfies the conditions of the deficit-neutral reserve fund for energy legislation. Therefore, pursuant to section 308(a), I am adjusting the aggregates in the 2008 budget resolution, as well as the allocation provided to the Senate Energy and Natural Resources Committee.

I ask unanimous consent to have the following revisions to S. Con. Res. 21 printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

Concurrent Resolution on the Budget for Fiscal Year 2008—S. Con. Res. 21; Revisions to the Conference Agreement Pursuant to Section 308(a) Deficit-Neutral Reserve Fund for Energy Legislation

[In billions of dollars]

Section 101	
(1)(A) Federal Revenues:	
FY 2007	1,900.340
FY 2008	2,025.851
FY 2009	2,121.871
FY 2010	2,175.887
FY 2011	2,357.053
FY 2012	2,499.050
(1)(B) Change in Federal Revenues:	
FY 2007	−4.366
FY 2008	−24.945
FY 2009	14.945
FY 2010	12.166
FY 2011	−37.497
FY 2012	−98.046
(2) New Budget Authority:	
FY 2007	2,371.470
FY 2008	2,508.899
FY 2009	2,526.205
FY 2010	2,581.535
FY 2011	2,696.951
FY 2012	2,737.742
(3) Budget Outlays:	
FY 2007	2,294.862
FY 2008	2,471.612
FY 2009	2,573.079
FY 2010	2,610.024
FY 2011	2,702.968
FY 2012	2,716.556

Concurrent Resolution on the Budget for Fiscal Year 2008—S. Con. Res. 21; Revisions to the Conference Agreement Pursuant to Section 308(a) Deficit-Neutral Reserve Fund for Energy Legislation

[In millions of dollars]

Current Allocation to Senate Energy and Natural Resources Committee:	
FY 2007 Budget Authority	5,016
FY 2007 Outlays	5,484
FY 2008 Budget Authority	5,071
FY 2008 Outlays	4,757
FY 2008–2012 Budget Authority	25,838
FY 2008–2012 Outlays	24,730
Adjustments:	
FY 2007 Budget Authority	0
FY 2007 Outlays	0
FY 2008 Budget Authority	66
FY 2008 Outlays	64
FY 2008–2012 Budget Authority	631
FY 2008–2012 Outlays	582
Revised Allocation to Senate Energy and Natural Resources Committee:	
FY 2007 Budget Authority	5,016
FY 2007 Outlays	5,484

Concurrent Resolution on the Budget for Fiscal Year 2008—S. Con. Res. 21; Revisions to the Conference Agreement Pursuant to Section 308(a) Deficit-Neutral Reserve Fund for Energy Legislation—Continued

FY 2008 Budget Authority	5,137
FY 2008 Outlays	4,821
FY 2008-2012 Budget Authority	26,469
FY 2008-2012 Outlays	25,312

HONORING OUR ARMED FORCES

SERGEANT FIRST CLASS JAMES DOSTER

Mrs. LINCOLN. Mr. President, I rise today to remember a great Arkansan, SFC James D. Doster, of White Hall, AR, who was killed on September 29, 2007, in Baghdad, Iraq. A soldier in the B Company, 2nd Battalion, 16th Infantry Regiment, 1st Infantry Division based in Fort Riley, KS, Sergeant First Class Doster died from injuries sustained when an improvised explosive device, IED, detonated near his vehicle. He was 38 years old at the time of his death.

Sergeant First Class Doster graduated from White Hall High School and attended Hendrix College in Conway for 1 year before joining the Army. He served for nearly 17 years, including a tour during Operation Desert Storm in Iraq. When that conflict ended, he continued to serve, mostly as a recruiter.

A devoted husband and father, Sergeant First Class Doster is survived by his wife Amanda and two young girls, Kathryn and Grace. He is also survived by his mother, Billie K. Doster of White Hall, and brother, Robert Doster of Albuquerque, NM. His father, the late Charles C. Doster, Jr., passed away last year.

Mr. President, it is truly a sad day that our Nation has lost another great patriot. Sergeant First Class Doster served our Nation proudly for so many years, and his loss will be felt throughout the Jefferson County community. My thoughts and prayers are with his family during their time of grief.

SPECIALIST TODD A. MOTLEY

Mr. President, it is with great sadness that I rise today to pay tribute to a citizen with family roots in Arkansas who served his country with honor, Specialist Todd A. Motley of Clare, MI. In support of Operation Iraqi Freedom, Specialist Motley was one of four soldiers who lost their lives during combat operations outside Baghdad on September 14, 2007. Specialist Motley, along with SSG Terry Wagoner of Piedmont, SC, SPC Jonathan Rivandeneira of Jackson Heights, NY, and PVT Christopher McCloud of Malakoff, TX, suffered mortal wounds upon the detonation of an improvised explosive device near their vehicle. Each of the men was assigned to B Troop, 6th Squadron, 9th Cavalry Regiment, 1st Cavalry Division, Fort Hood, TX.

Motley joined the Army in March 2005 after graduating Clare Pioneer High School in 2003. "Todd was one of your 'once-in-a-lifetime' kids," says Pioneer principal Lori Enos. Enos described Motley as creative, loyal and "outgoing but not obnoxious."

As a testament to Motley's character, hundreds of residents and schoolchildren in and around the community of Harrison, MI, lined the streets and waved small American flags as the funeral procession drove past.

"He came in to talk about serving in the military, and about his experiences. He was promoting finishing school, hanging in there, and not giving up. If you have a goal, keep pushing to reach that goal," says Principal Enos about Motley's speech he gave at the Alternative High School in the Clare Public School District only 1 year earlier. "He emphasized that."

SPC Todd Motley is survived in Arkansas by his wife Karen, of Clare, his two daughters Hannah and Kaylee, also of Clare, his brothers Ian and Nickolas, his maternal grandmother Marcia Dolin, and his mother Renee, all of Hoxie, AR.

SPECIALIST TYLER R. SEIDEMAN

Mr. President, the town of Lincoln, AR, in the northwest part of my State, lost its first casualty to the war in Iraq on August 22, 2007, when SPC Tyler R. Seideman was killed in a helicopter crash. He was only 20 years old.

Specialist Seideman joined the Army after his best friend, Logan Biswell, enlisted a few years ago. Although they were assigned to different units, both were sent to Iraq, and Specialist Seideman served with the 2nd Battalion, 35th Infantry Regiment, 25th Infantry Division based in Schofield Barracks, HI.

Specialist Seideman was one of 14 other Americans killed aboard a Blackhawk helicopter that suffered mechanical problems and crashed in northern Iraq. There were no survivors.

Tyler was always a popular young man in his town of Lincoln. He was considered a good athlete and played both football and baseball for his hometown team, the Lincoln High School Wolves. His former coach remembered him as a leader known for his fighting spirit. In an interview with the Arkansas Democrat Gazette, former Lincoln High coach Mike Guthrie said that he "was a hard worker and a good kid. He stuck with it during lean times when we weren't very good, but he was a good athlete who played both ways and gave it everything he had."

At his funeral, friends remembered him as the kind of guy who "would give you the shirt off his back if you needed it." Others mentioned that he would always joke around or would be quick with a smile. Another high school friend called him "a gentleman and a great role model."

Specialist Seideman was given a full military funeral and was buried at the National Cemetery in Fayetteville. He is survived by his parents William and Lee Ann Seideman of Lincoln and his sisters Kiera and Kristen. Our thoughts and prayers will continue to be with the Seidemans and the community of Lincoln during this difficult time.

PRIVATE NATHAN Z. THACKER

Mr. President, Arkansas lost another young man last week when 18-year-old Army PVT Nathan Thacker from Greenbrier was killed on October 13 by a roadside bomb in Kirkuk, Iraq. Three other soldiers were injured, one seriously.

He had been in Iraq less than 2 weeks and was assigned to the 2nd Battalion, 22nd Infantry Regiment, 10th Mountain Division out of Fort Drum, NY.

Private Thacker's parents, Stephen and Darlene, remembered him as a son who felt obligated to serve his country. "He believed in doing his duty," his father said in an interview with the Arkansas Democrat Gazette. Although he was nervous about going to Iraq, his father noted that Nathan told him " 'It's my job now, and I need to do it.' He was very duty conscious, a good boy."

Private Thacker attended Guy-Perkins High School in Guy, AR. Although he left school early, he received his general education development diploma last year. His former principal, David Westenhover, recalled that he was one of the first students he met when he became principal. "He was just one you could count on to be in class and do his work. He was not disruptive. Citizenship was definitely a plus for him."

One of his teachers, Stacy Ralls, taught Nate, as they called him, in science classes. She told a local TV station that Private Thacker "liked to have fun, he always had a smile for you." She said that he was great at building friendships with a wide variety of other students. "It's not every kid you encounter, seems to have these qualities, he had those qualities." She felt that he died a hero and will miss him greatly.

His father has said that he will receive a full military-honor funeral in Greenbrier. Private Thacker was the third youngest of seven children.

SPECIALIST DAVID L. WATSON

Mr. President, Arkansas lost another great patriot when SPC David L. Watson of Newport, AR, died on September 22, 2007, in Baqubah, Iraq, from a noncombat accident in support of Operation Iraqi Freedom. Specialist Watson was a combat medic assigned to Headquarters and Headquarters Company, 2nd Battalion, 23rd Infantry Regiment, 2nd Infantry Division, based out of Fort Lewis, WA. His brigade deployed to Iraq in April 2007.

"He was an excellent student. He never complained, and he was easy to get along with," recalls Ruth Jones, a retired Tuckerman High School teacher of Specialist Watson's past.

Cathy Platt, a friend of Watson's, said, "Some go to Iraq because they have to, David went because he wanted to. [Watson's death] is a shock to the whole community."

These quotes give us great insight about a man held in the highest standards by all those who knew him. "He went to Iraq not to take lives, but to save them," said his wife Lisa. Pictures of Watson and his family reflect his shining light of care, love, and devotion not only to his family but to everyone he met. His wife Lisa recalls, "David never met a stranger."

SPC David Watson is survived in Arkansas by his mother Linda Watson, of Newport; his wife Lisa Watson and two children, Dayton, 4, and Caelan, 8, also of Newport; two brothers, Bryant and Derek, of Tuckerman and Newport; two sisters, Christal Hill and Nikki Moore, of Conway and Little Rock; grandmother Ernestine Watson, of Tuckerman; grandparents O.C. and Velma Bobo, of Tuckerman; and father- and mother-in-law Johnny and Brenda Powell, both of Newport.

SPECIALIST DONOVAN D. WITHAM

Mr. President, I rise today to honor the life of SPC Donovan D. Witham of Malvern, AR. Specialist Witham was killed by an improvised explosive device that detonated near his vehicle outside Baghdad, Iraq. The blast killed a second soldier, SSG Sandy R. Britt of Apopka, FL. Both men were assigned to the 1st Squadron, 73rd Cavalry Regiment, 82nd Airborne Division based in Fort Bragg, NC.

Specialist Witham graduated from Glen Rose High School in Malvern where he excelled in football and track. He was also active in other activities such as student council, choir, and the Drama Club.

When Specialist Witham joined the Army in November 2005, he became a military police officer and was assigned to the 82nd Airborne in that role. However, he soon took on the additional role of a paratrooper. His troop commander, MAJ Mark Lastoria, described Specialist Witham as a soldier who "represented everything good about our paratroopers. He was a volunteer amongst volunteers by not only becoming a military police officer, but also a paratrooper. He always strived to be the best at everything he did. He will be deeply missed and always remembered by those of us who had the honor to serve with him."

He was a decorated solider who received the Bronze Star Medal, the Purple Heart, the National Defense Medal, the Iraq Campaign Medal, the Global War on Terrorism Service Medal, the Army Service Ribbon, the Combat Action Badge, and the Parachutist's Medal.

At this time of mourning, our thoughts and prayers are with his family and friends. He is survived by his mother and stepfather, Martha and Richard Lanius of Malvern, and three sisters, Amber Sharp and husband Steve of Magnolia; Jamie Witham of Benton; and Virginia Bennett of Magnolia. He is also survived by Julie DeBoer of Michigan, to whom his mother said he planned to propose marriage in December. The loss of this young man will be felt by us all.

SERGEANT MICHAEL YARBROUGH

Mr. President, I rise to honor a selfless soldier who gave his life in Iraq last month, Sgt Michael J. Yarbrough of Malvern. On September 6, Sergeant Yarbrough was killed by a roadside bomb in Iraq's Anbar Province. Also killed in the blast were SSgt John Stock, Cpl Bryan Scripsick, and Cpl Christopher Poole. The death of these four young men brought the total number of Marine deaths in Afghanistan and Iraq over 1,000. All four men were assigned to the 3rd Assault Amphibious Battalion, 1st Marine Division, I Marine Expeditionary Force based at Camp Pendleton, CA.

Sergeant Yarbrough was also the second graduate of Glen Rose High School in Malvern killed in action within a month's time. Spc Donovan Witham, also of Malvern, died on August 21 from a roadside bomb near Baghdad. In an interview with the Arkansas Democrat Gazette, Glen Rose Middle School principal Tim Holicer somberly noted, "We are still grieving the loss of one, and here we have another one of our young men to be killed in Iraq. That's as hard on everybody around here as anything."

According to Sergeant Yarbrough's mother, Rhonda Fain-Yarbrough, her son wasn't scheduled to be in Iraq. He volunteered to return for a third tour after he heard that another soldier's wife was expecting a baby. "Michael didn't want to see him go, so he took his place." He told her that "as long as my men are there, I'm going to be there with them."

As the Yarbrough family and Malvern community grieve, we grieve with them. He will be remembered by those who loved him as a young man who was destined to be a soldier. "Ever since he was a little boy, he would march around with a stick on his shoulder, saying 'I'm going to be in the Army, Mom, I'm going to be in the Army,'" Mrs. Fain-Yarbrough told the Arkansas Democrat Gazette. True to his word, he enlisted after September 11, 2001.

For his efforts, Sergeant Yarbrough was awarded a Purple Heart, Combat Action Ribbon, The National Defense Service Medal, and the Iraqi Campaign Medal, among others. He is survived by his wife Mary Ann Yarbrough; his mother Rhonda Fain-Yarbrough of Benton; and father Jerry Yarbrough of Gurdon. In addition, his grandmother Dolline Fain, and two sisters, Christy Smith of Arkadelphia and Misty Hutcheson of Traskwood, as well as their families will most certainly miss him. A grateful nation's thoughts and prayers go out to you at this difficult time.

FEDERAL ENERGY REGULATORY COMMISSION

Mrs. FEINSTEIN. Mr. President, the Federal Energy Regulatory Commission, FERC, is currently considering the renewal of the California Department of Water Resources, DWR, license for the Oroville Facilities hydroelectric project in Butte County, CA.

DWR is exempt from paying State, local, or a Federal tax associated with the Oroville Project and has not compensated Butte County for the services it provides for the project and its visitors. Butte County believes the relicensing is an opportunity to mitigate the county's revenue losses, which are estimated at nearly $6.9 million per year.

FERC's Final Environmental Impact Statement also acknowledges that the Oroville Project has a negative fiscal impact on Butte County.

I have sent a letter to FERC asking that they consider efforts to mitigate Butte County's revenue loss and treat all parties equitably during the Oroville Project relicensing proceedings, and I ask unanimous consent to have text of this letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, December 13, 2007.

Chairman JOSEPH T. KELLIHER,
Commissioner SUEDEEN G. KELLY,
Commissioner PHILIP MOELLER,
Commissioner MARC SPITZER,
Commissioner JOHN WELLINGHOFF,
Federal Energy Regulatory Commission, Washington, DC.

DEAR CHAIRMAN KELLIHER AND COMMISSIONERS: I am writing in regards to the relicensing proceedings for the Oroville Facilities hydroelectric project (Project P–2100) currently before the Commission. As you know, Butte County is required to provide services associated with the Oroville Facilities Project and its visitors, including law enforcement, fire and rescue, and road maintenance services.

The Commission's Final Environmental Impact Statement acknowledges the negative net fiscal impact the Oroville Facilities Project may impose on Butte County. As you prepare your final decision regarding the relicensing, I encourage you to consider efforts to mitigate the County's revenue loss. I am hopeful that all parties involved with the relicensing of the Oroville Facilities will be regarded equitably. Thank you for your attention to this matter.

Sincerely,

DIANNE FEINSTEIN,
U.S. Senator.

THE MATTHEW SHEPARD ACT OF 2007

Mr. SMITH. Mr. President, I wish to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

Steven Domer, an Oklahoma City, OK, resident, went missing on October 26, 2007. The following day, police found his torched car and his body was found in a nearby ravine days later. On November 7, 2007, Darrell Madden was arrested for the shooting death of his friend Bradley Qualls. Both men were seen with the 62-year-old Domer the day of his disappearance and are believed to have been involved in his murder. Madden has been charged with murder for allegedly strangling Domer to death. Investigations have uncovered that Madden was a sergeant in a White supremacist group and targeted Domer because he was gay. Domer's murder was allegedly a rite of passage for Qualls to rise to the next level within the organization. The district attorney prosecuting the case will present evidence to prove that Domer was targeted because he was gay. Oklahoma is one of seventeen States whose hate crime laws do not cover those targeted based on sexual orientation.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Matthew Shepard Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

LAUNCH OF USASPENDING.GOV

Mr. OBAMA. Mr. President, I am very pleased to celebrate today's launch of USAspending.gov. This is an important day, an important milestone on the path to greater openness and transparency in the Federal Government. This site helps us to achieve a very simple and powerful vision: a vision that, in a democracy, the people ought to know what their Government is doing: how the Government is raising and spending money, how it is making and enforcing law, how it is supporting projects, how decisions are being made, and how results are being evaluated.

It is not a Democratic vision or a Republican vision. It is a commonsense vision of Government transparency and accessibility. It is a vision that rejects the idea that Government actions and decisions should be kept secret or classified. It is a vision that believes that information is at the heart of democracy and that we all must resist the dangerous trend of withholding or classifying or burying information that the American people have a right to know and need to know if they are to hold their leaders accountable.

I have been very troubled by the extent to which America has become a nation of government secrets. More and more information is kept secret or made intolerably complicated and inaccessible. More and more decisions are made behind closed doors with access limited to insiders and lobbyists.

USAspending.gov along with watchdog groups will give us all tools to help buck that trend. It will help by opening Government processes up to public view. It will provide a window into the Federal budget so all Americans can see how their tax dollars are being spent—how their Nation's resources are being used and obligated, where money is going as well as where it is not going. We will be able to see which grantees and contractors are receiving money and the congressional district where the contract's services are performed. We will see which agencies are purchasing what, from whom, and where. Technology makes it possible for every American to know what is happening and to hold elected officials accountable.

If Government spending can't withstand public scrutiny, then the money shouldn't be spent. If a Government agency isn't willing to be held accountable for the grants or contracts it awards, then that agency shouldn't have control over Federal resources. Whether you believe the Government ought to spend more money or spend less, you should certainly be able to agree that the Government ought to spend every penny efficiently and transparently. Democrats and Republicans can all agree that wasteful spending is unacceptable, whether it is by FEMA, HUD, DOD, or any other Federal agency.

Transparency by itself is not enough, but transparency is the first step to holding Government accountable for its actions. Transparency is a prerequisite to oversight and financial control. We can't reduce waste, fraud, and abuse without knowing how, where, and why Federal money is flowing out the door.

USAspending.gov is a very good beginning. The Web site does not yet deliver everything that it is required to under the law, but its limitations and shortcomings are transparent, and it will get better and more complete week after week. I am also confident that people will use the site and will provide feedback directly on the site's community "Wiki" function for collecting and sharing public comments. This will raise the expectations of all Americans for greater transparency, access, and accountability. Now it will be up to us elected officials to meet those expectations.

It is important to point out that this site would not have been possible without the grassroots efforts of watchdog groups across the political spectrum who lobbied for passage of the Federal Funding Accountability and Transparency Act, which Senator COBURN and I like to call the Transparency Act. The story behind the Transparency Act embodies the best of our democratic traditions—a bipartisan effort fueled by ordinary people who refused to accept that the Government couldn't make public information freely and simply available. Throughout this process, it has been an honor to work with Senator COBURN and to witness the dedicated work of the staff at OMB.

ADDITIONAL STATEMENTS

TRIBUTE TO COACH SONNY LUBICK

• Mr. ALLARD. Mr. President, I wish to pay tribute to a legend in the Colorado State University and Fort Collins, CO, community: Coach Sonny Lubick. For 15 seasons, he led the CSU Rams to a record of 108–74, six conference titles, and nine bowl games.

Originally from Butte, MT, Coach Lubick graduated from the University of Montana-Western in 1960 and began his coaching career 10 years later at Montana State University. After eight seasons as an assistant coach, he was promoted to head coach. His hard work and early success served as the foundation for what would become a remarkable coaching career.

After serving as an assistant coach for various other programs, Coach Lubick accepted the head coaching position at Colorado State University prior to the 1993 season. He began by implementing an aggressive effort to recruit players and expand the program beyond anything previously achieved. With new recruits and under new leadership, the CSU Rams reached new heights during Coach Lubick's second year with CSU. During that remarkable season, the Rams finished with a 10–2 record, clinching the university's first ever WAC Championship and a trip to the Holiday Bowl. The 1994 season was the beginning of a new era in Colorado State football, earning Sonny Lubick National Coach of the Year honors from Sports Illustrated magazine. Lubick also joined an elite list of coaches in 2005, as active Division IA coaches with 100 or more career wins with their current institution. This group includes only nine members.

The success Coach Lubick's program achieved led to the construction of the McGraw Athletic Center in 1999, and recently the university has announced its intention to build indoor practice facilities and an academic and training center, both of which are attributed to Sonny Lubick's leadership and efforts. Coach Lubick's personal philosophy of responsibility, character, respect, and perspective has been the driving force behind the success of both the football team and the surrounding community.

Sonny Lubick's family-oriented approach to coaching and life has earned a multitude of accolades. In 2003 he was recognized as "Father of the Year" by the American Diabetes Association—Colorado Chapter. That same year he was also named one of the four national finalists for the Eddie Robinson Coach of Distinction Award for his community service. Coach Lubick regularly gives his time to St. Jude's Children's Hospital and several other local charities. In 2005 the Fort Collins Board of Realtors named Coach Lubick "Citizen of the Year," and most recently the Fort Collins Chamber of Commerce awarded him the Collins Award, given to local figures that exemplify leadership and service to the community.

Coach Sonny Lubick's charisma and good nature have made him an icon among students, fans, friends, and Coloradans. This popularity was cemented when a large donation was made to renovate CSU's stadium under the condition that the field would be named for Coach Lubick. Today, the Colorado State Rams meet their opponents in Hughes Stadium, rushing out on to Sonny Lubick Field.

As an alumnus of Colorado State University, I want to thank Coach Lubick for his dedicated service and leadership to the football team, the university, and the community.●

REMEMBERING LODICE GRANT

● Mr. CRAPO. Mr. President, on October 9, 2007, a beloved Idahoan passed away. Lodice Grant was raised in Nampa and, after moving out of State for a number of years, moved back to Nampa for the remainder of her life. She was small in stature but strong in her direction and devotion. She was a friend of mine and, together with her husband of 51 years, Fred Kelly Grant, worked closely with me in recent years on the Owyhee Initiative. Before her children were born, Lodice worked as the assistant sales manager for the University of Chicago Press and the Johns Hopkins University Press. Prior to her move back to Nampa, Lodice became the sales manager for Johns Hopkins University Press, earning such an outstanding reputation that noted authors refused to have anyone but her serve as their principal assistant and adviser as they were publishing their works. In Nampa, Lodice raised two boys and dedicated much of her time to working for and supporting the Roman Catholic Church in Caldwell and then for the Diocese of Idaho.

When Lodice retired from the church in 2003, she continued her staunch support of her husband's work as legal counsel for Owyhee County; they both made improving Owyhee County the capstone of their labor and life's work over the past few years. Lodice was a pillar of strength for her entire family. Her influence for good and her acts of service benefited countless people who loved her and will miss her energy, friendship, and spirit. She tended people in the same way she lovingly tended her beautiful yard and garden—with tenderness, careful attention, and tireless devotion. I was blessed to know her, and I offer my heartfelt condolences to Fred, their children Andy and Jon, five grandchildren, and family and friends during this difficult time.●

CONGRATULATING DR. WALTER BRYZIK

● Mr. LEVIN. Mr. President, I would like to recognize Dr. Walter Bryzik as he retires after 40 years of service to the men and women of our Armed Forces and our Nation. Since 1968, Dr. Bryzik has held a variety of positions at the U.S. Army Tank-Automotive Research, Development and Engineering Center, TARDEC, in Warren, MI, and is retiring early next year as its chief scientist. His career is one to be admired and he will be surely missed by all of us who are fortunate enough to have worked closely with him.

As he rose to become the Army's senior technical leader in ground system technology, Dr. Bryzik established a legacy of accomplishment that will be difficult to equal. Ten years ago, he was promoted to the highest scientific professional rank in the Army. In 2004, he was presented with the Distinguished Presidential Rank Award for his leadership and technical contributions to the U.S. Government.

Dr. Bryzik's generation of scientists and engineers, and the technologies and systems they developed, are the forgotten part of America's success in winning the Cold War. I often worry that we aren't doing enough to replace this generation of innovators—especially with the quality of individuals like Dr. Bryzik. However, Dr. Bryzik is making an important contribution to this effort. Outside of TARDEC, he has served on the faculty of Wayne State University as a professor in the Department of Engineering, another example of his commitment to the development of the next generation of our Nation's engineers and to the service of his community.

However, most important among his accomplishments are the technologies that Dr. Bryzik helped develop and transition to soldiers in the field. His efforts have helped give our service men and women the most cutting-edge, effective technology possible, and that has been a critical advantage for our Armed Forces as they engage our adversaries around the world. Most importantly, the technological advancements that Dr. Bryzik has overseen have saved lives.

Throughout his career, Dr. Bryzik has been an invaluable resource to me and my staff. In addition to his insight and expert counsel, he has a remarkable ability to convert highly technical subjects into language that the rest of us can understand! I am told he has mentored at least five generations of my staff and helped them navigate the complexities of the work done at TARDEC and throughout the Army.

I am sure my colleagues will join me in congratulating Dr. Bryzik on an extraordinary career and thanking him for his decades of service to our Nation, the Army and TARDEC.●

100TH ANNIVERSARY OF THE OUACHITA NATIONAL FOREST

● Mrs. LINCOLN. M. President, it is no surprise why Arkansas is called the Natural State. That is because we have been blessed with a tremendous abundance of mountains, hills, streams, rivers, and lakes that contribute to the beauty of our great State. For generations, national parks and outdoor recreation have played a big part in the lives of Arkansans. They also have been the source of our large tourism industry, attracting tens of thousands of visitors to our State to enjoy all that nature offers.

One of the crown jewels of our National Forest System is the Ouachita National Forest. Encompassing 1.8 million acres and stretching from western Arkansas to southeastern Oklahoma, the Ouachita National Forest is the largest and oldest national forest in the South. In fact, on December 18, 2007, the Ouachita National Forest will celebrate its 100th anniversary.

Originally named the Arkansas National Forest, the Ouachita National Forest was created from public lands south of the Arkansas River by President Theodore Roosevelt on December 18, 1907. In 1926, President Calvin Coolidge renamed the forest the Ouachita National Forest to reflect the name of the mountains and river that run primarily through it.

Home to breathtaking mountain views and picturesque streams and lakes, outdoor enthusiasts enjoy recreational activities like camping, boating, biking, and hiking on some of the 37 trails that run throughout the national forest. Its thriving wilderness areas provide ample grounds for fisherman and hunters, including nine different turkey hunting areas throughout the park. The forest also supplies ample timber resources to meet the needs of our Nation.

As the 100th anniversary of the Ouachita National Forest approaches, I wish to express my appreciation for the lasting impact that the national forest has made for the people of Arkansas, Oklahoma, and our great Nation. Ouachita Forest supervisor Norman Wagoner has encouraged citizens to join the park staff in celebrating this historic anniversary at any of the forest's 11 district offices on December 18. The meet and greet will be a wonderful time to reflect on the past contributions of the park and the tremendous role it has played in Arkansas' heritage.●

CASIMIR LENARD

● Ms. MIKULSKI. Mr. President, today I wish to pay tribute to the life and legacy of a great American who passed away last week—Casimir Lenard.

Cas Lenard was an American patriot, who also made a tremendous contribution to strengthening the friendship between the United States and Poland. He served bravely in three U.S. wars. He was a leader in the Polish American Community. He was also a beloved husband to the late Myra Lenard, his partner in life and his partner in his work on behalf of the Polish American community.

Cas Lenard was born in Chicago to a family of Polish immigrants. Like so many children of immigrants, Cas Lenard embraced his country while never forgetting his homeland.

After hearing that the Nazis had invaded Poland in 1939, Cas joined the Chicago Black Horse Troop, 106th Cavalry, Illinois National Guard. Two years later, he requested and was assigned to the 1st U.S. Infantry Division—the first U.S. Army unit to go overseas. From 1942-1945, Cas was engaged in overseas combat duty, participating in the Operation Torch landing at Oran, North Africa, the invasion of Sicily, and in the D-Day amphibious landing at Omaha Beach, Normandy.

After his discharge from the Army in 1945, Cas married his beloved wife, Myra, and began working in the family restaurant business in Chicago. Again heeding the call to service, Cas volunteered for active duty and served for 6 years during the Korean War. In 1962, he was selected for a 5-year tour of active duty with the General Staff at the Pentagon, where he became Chief of the Army Intelligence Reserve Office. Cas then went on to serve in Vietnam and at the U.S. Army Institute of Land Combat at Ft. Belvoir, Virginia.

After 30 years of distinguished service, Cas retired from the military and was awarded many citations, including the Silver Star Medal with Cluster, the Legion of Merit, the Meritorious Service Medal, the Bronze Star Medal with "V" for Valor, the French Croix de Guerre with Palm, seven overseas campaign ribbons, and the Normandy Medal of the Jubilee of Liberty.

I got to know Cas and Myra Lenard because of their work with the Polish American Congress—where Cas served as its first executive director in Washington.

Cas and Myra worked tirelessly to support the Solidarity movement in Poland. And when the wall came down, Cas and Myra Lenard were strong advocates for Poland's membership in the North Atlantic Treaty Organization, NATO. The Lenards were there every step of the way—organizing the Polish American community to educate their Senators about how Poland's membership in NATO would strengthen America's security.

For all of his efforts on behalf of Polish Americans and for improving Poland's position in the world, Cas received many awards, including the Commander's Cross of the Order of Merit of the Republic of Poland, the Founders Award by the Polish American Congress, and the Polish American Congress Medal of Freedom.

Cas Lenard's life was a triumph. His legacy is a deep friendship and alliance between the United States and a free, democratic Poland. His children and grandchildren are in my thoughts and prayers.●

TRIBUTE TO FIVE VERMONT COMMUNITY LEADERS

● Mr. SANDERS. Mr. President, today I would like to make you aware of five individuals who were recently recognized at the Central Vermont Community Action Council's annual meeting.

Sergio Colon moved to White River Junction with his two adopted sons after his community in Port Charlotte, FL, was devastated by Hurricane Charlie in 2004. A single father working hard to make ends meet, Sergio at one point was forced to move his family to a homeless shelter in Vermont. Yet, even while his family relied on social services to get by, he volunteered for multiple organizations just as he had always done in Florida. Sergio has since returned to college to work on his psychology degree and is currently looking for a job in human services so he can continue to help people who are struggling.

Borgi von Trapp has been a leader in her community for many years. In 1993, Borgi, a mother of six children, founded Children First, an organization devoted to designing and implementing creative educational environments for children. A year later, she helped develop the Mad River Green Farmers' Market, a successful incubator for locally owned, innovative, healthy, and creative businesses. Since then it has grown to include more than 50 full time vendors and over 12,000 customers per season. Borgi is a model of community leadership and creative learning.

Sherrie Pomainville was a single mother for 22 years, raising four children on a minimum-wage salary. She knew the value of education and worked to obtain it. With the help of the Reach Up Program, she was one of the first clients to successfully complete the postsecondary Education program and earn a bachelor's degree in social work. In 2002, Sherrie graduated cum laude and was on the National Association for Social Workers Board for 3 years. This has allowed her to make a better life for herself and her children, while at the same time giving back to the community that helped her. She currently works for various community organizations in southwestern Vermont.

Jessica Kelley has been actively involved as a parent volunteer in Head Start and an important advocate for children and families in her community. She has served on the Head Start Policy Council for the past 2 years and last year was elected the parent representative of the Vermont Head Start Association. In this role, Jessica attends statewide meetings and participates in policy discussions and initiatives, such as parent leadership, Head Start reauthorization, and No Child Left Behind legislation.

Lydia Chartier is a tireless community leader in the Northeast Kingdom of Vermont. Presently, she donates most of her time to Lincoln Center Child Care, where she uses her own vast experience to assist support staff and other volunteers. She also serves as an invaluable resource to the Lincoln Center's staff. In addition, Lydia volunteers at her church, her son's school, and on many other community projects. If there is a good community event happening, there can be little doubt that Lydia is aware of it and promoting it. But most of all, Lydia is dedicated to ending poverty and doing whatever it takes to help those in need.

The quality of life in Vermont, and in our Nation, is strengthened by individuals like these five community leaders, men and women who work to improve our communities and who strive to give back to the places in which they live. I commend their great contributions and the contributions of many like them across the nation to our American society.●

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

The President pro tempore (Mr. BYRD) announced that on today, December 13, 2007, he had signed the following enrolled bills, previously signed by the Speaker of the House:

H.R. 365. An act to provide for a research program for remediation of closed methamphetamine production laboratories, and for other purposes.

H.R. 4252. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through May 23, 2008, and for other purposes.

ENROLLED BILL SIGNED

At 11:46 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4343. An act to amend title 49, United States Code, to modify age standards for pilots engaged in commercial aviation operations.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

At 12:07 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate: .

H.R. 3985. An act to amend title 49, United States Code, to direct the Secretary of Transportation to register a person providing transportation by an over-the-road bus as a motor carrier of passengers only if the person is willing and able to comply with certain accessibility requirements in addition to other existing requirements, and for other purposes.

The message also announced that pursuant to section 4404(c)(2) of the Congressional Hunger Fellows Act of 2002 (2 U.S.C. 1161), and the order of the House of January 4, 2007, the Speaker appoints the following member to the Board of Trustees of the Congressional Hunger Fellows Program for a term of four years: Mr. JAMES P. MCGOVERN of Worcester, Massachusetts.

The message further announced that the House being in possession of the official papers, the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H.R. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes, shall be, and they are hereby, discharged to the end that H.R. 3093 and its accompanying papers, be, and they are hereby, laid on the table.

At 2:55 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H. J. Res. 69. Joint resolution making further continuing appropriations for the fiscal year 2008, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2082) to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED

At 7:37 p.m., a message from the House of Representatives, delivered by Ms. Brandon, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H. J. Res. 69. Joint resolution making further continuing appropriations for the fiscal year 2008, and for other purposes.

The enrolled joint resolution was subsequently signed by the President pro tempore (Mr. BYRD).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3985. An act to amend title 49, United States Code, to direct the Secretary of Transportation to register a person providing transportation by an over-the-road bus as a motor carrier of passengers only if the person is willing and able to comply with certain accessibility requirements in addition to other existing requirements, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 4299. An act to extend the Terrorism Insurance Program of the Department of the Treasury, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2461. A bill to authorize the transfer of certain earmarked funds to accounts for operations and activities in Iraq and Afghanistan.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2483. A bill to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 388. A resolution designating the week of February 4 through February 8, 2008, as "National Teen Dating Violence Awareness and Prevention Week".

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title and with an amended preamble:

S. Res. 396. A resolution expressing the sense of the Senate that the hanging of nooses for the purpose of intimidation should be thoroughly investigated by Federal, State, and local law enforcement authorities and that any criminal violations should be vigorously prosecuted.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment:

S. 1829. A bill to reauthorize programs under the Missing Children's Assistance Act.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 2344. A bill to create a competitive grant program to provide for age-appropriate Internet education for children.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BAUCUS for the Committee on Finance.

Christopher A. Padilla, of the District of Columbia, to be Under Secretary of Commerce for International Trade.

*Benjamin Eric Sasse, of Nebraska, to be an Assistant Secretary of Health and Human Services.

*Christina H. Pearson, of Maryland, to be an Assistant Secretary of Health and Human Services.

*Charles E.F. Millard, of New York, to be Director of the Pension Benefit Guaranty Corporation.

By Mr. AKAKA for the Committee on Veterans' Affairs.

*James B. Peake, of the District of Columbia, to be Secretary of Veterans Affairs.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BAYH (for himself and Mr. GRAHAM):

S. 2463. A bill to amend the Immigration and Nationality Act and title 18, United States Code, to combat the crime of alien smuggling and related activities, and for other purposes; to the Committee on the Judiciary.

By Mr. KENNEDY:

S. 2464. A bill to amend title XVIII of the Social Security Act to provide for coverage of federally recommended vaccines under Medicare part B; to the Committee on Finance.

By Mr. KENNEDY:

S. 2465. A bill to amend title XIX of the Social Security Act to include all public clinics for the distribution of pediatric vaccines under the Medicaid program; to the Committee on Finance.

By Mr. KENNEDY:

S. 2466. A bill to amend the Public Health Service Act to increase the availability of vaccines, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KENNEDY:

S. 2467. A bill to amend the Social Security Act, the Federal Food, Drug, and Cosmetic Act, and the Public Health Service Act to ensure a sufficient supply of vaccines, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BARRASSO:

S. 2468. A bill to authorize the Secretary of Agriculture (acting through the Chief of the Forest Service) to enter into a cooperative agreement with the State of Wyoming to allow the State of Wyoming to conduct certain forest and watershed restoration services, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. INOUYE (for himself and Mr. DORGAN):

S. 2469. A bill to amend the Communications Act of 1934 to prevent the granting of regulatory forbearance by default; to the

Committee on Commerce, Science, and Transportation.

By Mr. GRASSLEY (for himself and Mr. SCHUMER):

S. 2470. A bill to amend the Controlled Substances Act to prevent the abuse of dehydroepiandrosterone, and for other purposes; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. AKAKA, and Mr. OBAMA):

S. 2471. A bill to amend title 38, United States Code, to improve the enforcement of the Uniformed Services Employment and Reemployment Rights Act of 1994, and for other purposes; to the Committee on Veterans' Affairs .

By Mr. DODD (for himself and Mr. SMITH):

S. 2472. A bill to amend the U.S. Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003; to the Committee on Foreign Relations.

By Mr. HARKIN (for himself and Mr. KOHL):

S. 2473. A bill to amend the Employee Retirement Income Security Act of 1974 to provide special reporting and disclosure rules for individual account plans and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CORNYN:

S. 2474. A bill to provide additional resources and funding to address inspection delays at United States ports of entry on the Southern border, open additional inspection lanes, hire more inspectors, and provide recruitment and retention incentives for United States customs and Border Protection officers who serve on the Northern and Southern borders; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ROBERTS (for himself, Mr. BROWNBACK, and Mr. INHOFE):

S. 2475. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to provide an exception for certain States with respect to the distribution of amounts by the Secretary of the Interior from the Abandoned Mine Reclamation Fund; to the Committee on Energy and Natural Resources.

By Mrs. CLINTON:

S. 2476. A bill to amend the Public Health Service Act to improve immunization rates by increasing the supply of vaccines; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEMINT (for himself, Mr. COBURN, Mr. BROWNBACK, Mr. INHOFE, Mr. BURR, Mr. CORKER, and Mr. VITTER):

S. 2477. A bill to amend the Public Health Service Act to provide for cooperative governing of individual health insurance coverage offered in interstate commerce; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SUNUNU (for himself and Mr. GREGG):

S. 2478. A bill to designate the facility of the United States Postal Service located at 59 Colby Corner in East Hampstead, New Hampshire, as the "Captain Jonathan D. Grassbaugh Post Office"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BROWN (for himself and Mr. CORNYN):

S. 2479. A bill to catalyze change in the care and treatment of diabetes in the United States; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CLINTON (for herself and Mr. HARKIN):

S. 2480. A bill to require the Secretary of Health and Human Services to publicly disclose the identity of long-term care facilities listed under the Special Focus Facility Program of the Centers for Medicare & Medicaid Services; to the Committee on Finance.

By Mr. FEINGOLD (for himself, Mr. LAUTENBERG, Mr. KENNEDY, Mr. DURBIN, Ms. STABENOW, Mr. DODD, Ms. MIKULSKI, Mr. KERRY, Mrs. CLINTON, Ms. CANTWELL, Mr. OBAMA, Mr. MENENDEZ, Mr. BROWN, and Mr. CARDIN):

S. 2481. A bill to prohibit racial profiling; to the Committee on the Judiciary.

By Mr. NELSON of Florida:

S. 2482. A bill to repeal the provision of title 46, United States Code, requiring a license for employment in the business of salvaging on the coast of Florida; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN:

S. 2483. A bill to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes; read the first time.

By Mr. HATCH (for himself, Ms. MIKULSKI, Mr. ENZI, and Mr. HARKIN):

S. 2484. A bill to rename the National Institute of Child Health and Human Development as the Eunice Kennedy Shriver National Institute of Child Health and Human Development; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. CLINTON (for herself and Mr. NELSON of Florida):

S. Res. 404. A resolution congratulating all member states of the International Commission for the International Tracing Service (ITS) on ratifying the May 2006 protocol granting open access to a vast archives on the Holocaust and other World War II materials, located at Bad Arolsen, Germany; to the Committee on Foreign Relations.

By Mr. GRASSLEY (for himself, Mr. BROWNBACK, Mr. COBURN, Mr. CORNYN, Mr. DEMINT, Mr. HATCH, Mr. ROBERTS, Mr. SUNUNU, Mrs. DOLE, Mr. ALLARD, Mr. BUNNING, Ms. SNOWE, Mr. DOMENICI, Mr. MARTINEZ, Mr. ENSIGN, Mr. COLEMAN, Mr. VITTER, Mr. HAGEL, Mr. SHELBY, Mr. THUNE, Mr. BENNETT, Mr. CRAPO, Mr. CRAIG, Mr. SESSIONS, Mr. KYL, Mr. SMITH, Mr. GRAHAM, Mr. INHOFE, and Mr. CORKER):

S. Res. 405. A resolution recognizing the life and contributions of Henry John Hyde; considered and agreed to.

ADDITIONAL COSPONSORS

S. 38

At the request of Mr. OBAMA, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 38, a bill to require the Secretary of Veterans Affairs to establish a program for the provision of readjustment and mental health services to veterans who served in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 431

At the request of Mr. SCHUMER, the names of the Senator from Maryland (Mr. CARDIN), the Senator from California (Mrs. FEINSTEIN), the Senator from Texas (Mr. CORNYN) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 431, a bill to require convicted sex offenders to register online identifiers, and for other purposes.

S. 450

At the request of Mr. ENSIGN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 450, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 557

At the request of Mr. SCHUMER, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 557, a bill to amend the Internal Revenue Code of 1986 to make permanent the depreciation classification of motorsports entertainment complexes.

S. 762

At the request of Mr. GRASSLEY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 762, a bill to include dehydroepiandrosterone as an anabolic steroid.

S. 805

At the request of Mr. DURBIN, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 805, a bill to amend the Foreign Assistance Act of 1961 to assist countries in sub-Saharan Africa in the effort to achieve internationally recognized goals in the treatment and prevention of HIV/AIDS and other major diseases and the reduction of maternal and child mortality by improving human health care capacity and improving retention of medical health professionals in sub-Saharan Africa, and for other purposes.

S. 877

At the request of Mr. SCHUMER, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 877, a bill to amend the Controlled Substances Act to add human growth hormone to schedule III, to prohibit the sale of prescriptions for controlled substances for illegitimate purposes, and for other purposes.

S. 1097

At the request of Mrs. CLINTON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1097, a bill to amend title 10, United States Code, to provide for the award of a military service medal to members of the Armed Forces who served honorably during the Cold War era.

S. 1125

At the request of Mr. LOTT, the name of the Senator from North Carolina

(Mr. BURR) was added as a cosponsor of S. 1125, a bill to amend the Internal Revenue Code of 1986 to provide incentives to encourage investment in the expansion of freight rail infrastructure capacity and to enhance modal tax equity.

S. 1580

At the request of Mr. INOUYE, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1580, a bill to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes.

S. 1711

At the request of Mr. BIDEN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1711, a bill to target cocaine kingpins and address sentencing disparity between crack and powder cocaine.

S. 1771

At the request of Mr. PRYOR, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1771, a bill to increase the safety of swimming pools and spas by requiring the use of proper anti-entrapment drain covers and pool and spa drainage systems, to educate the public about pool and spa safety, and for other purposes.

S. 2071

At the request of Mrs. FEINSTEIN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 2071, a bill to enhance the ability to combat methamphetamine.

S. 2119

At the request of Mr. JOHNSON, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2140

At the request of Mr. DORGAN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2140, a bill to award a Congressional Gold Medal to Francis Collins, in recognition of his outstanding contributions and leadership in the fields of medicine and genetics.

S. 2243

At the request of Mr. SPECTER, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2243, a bill to strongly encourage the Government of Saudi Arabia to end its support for institutions that fund, train, incite, encourage, or in any other way aid and abet terrorism, to secure full Saudi cooperation in the investigation of terrorist incidents, to denounce Saudi sponsorship of extremist Wahhabi ideology, and for other purposes.

S. 2387

At the request of Mrs. FEINSTEIN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 2387, a bill to establish guidelines and incentives for States to establish arsonist registries and to require the Attorney General to establish a national arsonist registry and notification program, and for other purposes.

S. 2400

At the request of Mr. THUNE, his name was added as a cosponsor of S. 2400, a bill to amend title 37, United States Code, to require the Secretary of Defense to continue to pay to a member of the Armed Forces who is retired or separated from the Armed Forces due to a combat-related injury certain bonuses that the member was entitled to before the retirement or separation and would continue to be entitled to if the member was not retired or separated, and for other purposes.

At the request of Mr. STEVENS, his name was added as a cosponsor of S. 2400, supra.

S. 2420

At the request of Mr. SCHUMER, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2420, a bill to encourage the donation of excess food to nonprofit organizations that provide assistance to food-insecure people in the United States in contracts entered into by executive agencies for the provision, service, or sale of food.

S. 2439

At the request of Mr. MENENDEZ, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2439, a bill to require the National Incident Based Reporting System, the Uniform Crime Reporting Program, and the Law Enforcement National Data Exchange Program to list cruelty to animals as a separate offense category.

S. 2453

At the request of Mr. ALEXANDER, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2453, a bill to amend title VII of the Civil Rights Act of 1964 to clarify requirements relating to nondiscrimination on the basis of national origin.

S. 2460

At the request of Mrs. DOLE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2460, a bill to extend by one year the moratorium on implementation of a rule relating to the Federal-State financial partnership under Medicaid and the State Children's Health Insurance Program and on finalization of a rule regarding graduate medical education under Medicaid and to include a moratorium on the finalization of the outpatient Medicaid rule making similar changes.

S. CON. RES. 53

At the request of Mr. ISAKSON, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Florida (Mr. MARTINEZ), the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. Con. Res. 53, a concurrent resolution condemning the kidnapping and hostage-taking of 3 United States citizens for over 4 years by the Revolutionary Armed Forces of Colombia (FARC), and demanding their immediate and unconditional release.

S. RES. 396

At the request of Mr. CARDIN, the names of the Senator from Utah (Mr. HATCH), the Senator from Vermont (Mr. LEAHY), the Senator from Pennsylvania (Mr. SPECTER), the Senator from New York (Mrs. CLINTON), the Senator from New York (Mr. SCHUMER), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Illinois (Mr. OBAMA), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Delaware (Mr. BIDEN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Iowa (Mr. GRASSLEY), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Oklahoma (Mr. COBURN) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. Res. 396, a resolution expressing the sense of the Senate that the hanging of nooses for the purpose of intimidation should be thoroughly investigated by Federal, State, and local law enforcement authorities and that any criminal violations should be vigorously prosecuted.

S. RES. 401

At the request of Mr. LIEBERMAN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. Res. 401, a resolution to provide Internet access to certain Congressional Research Service publications.

S. RES. 402

At the request of Mr. GRASSLEY, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of S. Res. 402, a resolution recognizing the life and contributions of Henry John Hyde.

AMENDMENT NO. 3674

At the request of Mr. GREGG, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of amendment No. 3674 proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

AMENDMENT NO. 3830

At the request of Mr. KENNEDY, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of amendment No. 3830 proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BARRASSO:

S. 2468. A bill to authorize the Secretary of Agriculture (acting through the Chief of the Forest Service) to enter into a cooperative agreement with the State of Wyoming to allow the State of Wyoming to conduct certain forest and watershed restoration services, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BARRASSO. I am proud to introduce the Wyoming Forest and Watershed Restoration Act of 2007. This legislation authorizes cooperative action between the U.S. Forest Service and the State of Wyoming to complete forest health projects on private, State and Federal lands.

Almost half of Wyoming's lands are controlled by Federal agencies. We have over 9 million acres of National Forest lands in Wyoming, including seven National Forests. Our State has a long history of forestry, grazing and multiple use of public lands. Recreation and tourism on our public lands is a pillar of our economy. The people of Wyoming are stewards of our public lands and our State depends on the public lands for our future.

It is my goal to enact common-sense policies that address the needs of Wyoming and sustainable management of our Federal lands. Our forests, like those of all States across the West, are facing management challenges. We have an opportunity to set policies that will encourage forest health.

We face an urgent problem with bark beetle infestation. Forests between Interstate 70 in Colorado and Interstate 80 in Wyoming are being killed by these beetles. We have thousands upon thousands of acres that are dying. On the Medicine-Bow Forest, for instance, over 75,000 acres of trees are infected by bark beetles. Forest Service analysis shows the epidemic could grow to 350,000 acres and cover approximately ⅓ of the forest in the next few years.

We can stem the spread of this infestation and save our forests, with quick action on thousands of acres. That kind of response will take coordinated management among all partners private, State, and Federal. Preventing forest fires, addressing watershed health and conserving wildlife habitat require the same "big picture" thinking. We have to address threats like bark beetles by taking on forest health projects on a landscape level.

Resource issues don't stop at fencelines, and neither should our policy.

The Wyoming Forest and Watershed Restoration Act of 2007 would set in place a comprehensive management policy. This act would allow the State of Wyoming to go forward with forest health projects as agreed to by the Forest Service. The agencies can cooperatively pursue projects that address our landscape needs. Private, State, and Federal lands can get the on-the-ground management they desperately need.

I am pleased to introduce this legislation today. It is of great importance to the people of Wyoming. I hope my colleagues will proceed quickly with its passage to enhance our State's response to the growing forest health problems. The people of Wyoming demand on-the-ground results. This legislation can deliver those results. I hope we can pass it expediently.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2468

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wyoming Forest and Watershed Restoration Act of 2007".

SEC. 2. FOREST AND WATERSHED RESTORATION.

(a) DEFINITIONS.—In this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of Agriculture (acting through the Chief of the Forest Service), with respect to National Forest System land.

(2) STATE.—The term "State" means the State of Wyoming.

(b) COOPERATIVE AGREEMENT.—

(1) AUTHORITY OF SECRETARY.—Until September 30, 2017, in accordance with paragraphs (2), (3), and (6), the Secretary may enter into a cooperative agreement or contract (including a sole source contract) with the State to allow the State forester of the State to conduct forest and watershed restoration services on land that is—

(A) under the jurisdiction of the Secretary; and

(B) located in the State.

(2) PROJECT BASIS.—Each restoration service that is the subject of a cooperative agreement or contract described in paragraph (1) shall be—

(A) carried out on a project-to-project basis; or

(B) made ready to be carried out under any existing authority of the Secretary.

(3) AUTHORIZED SERVICES.—In carrying out services in accordance with a cooperative agreement or contract entered into between the Secretary and the State under paragraph (1), the State shall conduct certain appropriate services, including—

(A) the treatment of insect-infected trees;

(B) the reduction of hazardous fuels; and

(C) any other activity designed to restore or improve a forest or watershed (including any fish or wildlife habitat), as determined by the Secretary.

(4) STATE AS AGENT.—

(A) IN GENERAL.—Except as provided in paragraph (6), a cooperative agreement or contract entered into by the Secretary and the State under paragraph (1) may allow the State forester of the State to serve as an agent of the Forest Service in carrying out any service described in paragraph (3).

(B) AUTHORITY TO SUBCONTRACT.—In accordance with the laws of the State, in carrying out any authorized service described in paragraph (3), the State forester of the State may enter into a subcontract with any other entity to carry out the services of the State forester of the State.

(5) APPLICABILITY OF NATIONAL FOREST MANAGEMENT ACT OF 1976.—Subsections (d) and (g) of section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a) shall not apply to any service performed by the State forester of the State in accordance with a cooperative agreement or contract entered into by the Secretary and the State under paragraph (1).

(6) RETENTION OF CERTAIN RESPONSIBILITIES.—With respect to any authorized service described in paragraph (3), the Secretary, through a cooperative agreement or contract entered into by the Secretary and the State under paragraph (1), shall not allow the State to make any decision required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

By Mr. KENNEDY (for himself, Mr. AKAKA, and Mr. OBAMA):

S. 2471. A bill to amend title 38, United States Code, to improve the enforcement of the Uniformed Services Employment and Reemployment Rights Act of 1994, and for other purposes; to the Committee on Veterans' Affairs.

Mr. KENNEDY. Mr. President, since the terrorist attacks of 9/11, more than 1.5 million of our servicemen and women have been sent to Iraq, Afghanistan, and other nations. We have mobilized more than 630,000 members of the National Guard and Reserves, including 92,000 who are on active duty right now.

These service men and women have courageously defended our country overseas, but tens of thousands of them have come home to find that they have lost their employment benefits or even their jobs, and the Government has failed to defend their rights.

Today, Senator Daniel Akaka and I are introducing legislation to guarantee that veterans won't have to wait years for the Government to act to restore their benefits or return to work.

Thirteen years ago, Congress enacted the Uniformed Services Employment and Reemployment Rights Act, specifically to protect our servicemembers when they return home. We understood that, to maintain strong focus and a strong National Guard and Reserves, servicemembers needed confidence that they could return to their civilian jobs when they came home from their tours of duty. That legislation was a clear promise that the Federal Government would step in and defend servicemembers who were wrongly denied their jobs or benefits. We pledged that the Department of Labor would investigate violations of the act, and that if employers refused to follow the law, the Attorney General would take employers to court to protect our servicemembers' rights.

Today, however, the administration has clearly broken that promise to enforce the law and get our veterans back to work.

Last month, during a Senate Committee hearing, I released a Department of Defense survey showing that for tens of thousands of veterans, their service to our country has cost them the salary they deserve, their health care, their pensions, or even their jobs. Among members of the Reserves and National Guard, nearly 11,000 were denied prompt reemployment. More than 22,000 lost seniority and rightful pay. Nearly 20,000 had their pensions reduced. More than 15,000 did not receive the training they needed to resume their former jobs. Nearly 11,000 did not get their health insurance back.

The problem is that employers aren't following the law, and Federal agencies aren't effectively enforcing it. Mr. President, 38 percent of servicemembers who asked the Department of Labor to defend their rights did not receive a prompt response. Servicemembers are forced to wait months or years even to find out whether the Government will agree to represent them and defend their rights. One veteran waited 7 years before the Department of Labor told him whether it would take his case to court. No veteran can afford to wait seven months to return to work or have his health insurance reinstated, let alone wait 7 years.

With these unbelievable delays, it is not surprising that 44 percent of servicemembers who asked the Department of Labor for help said that they were dissatisfied with the assistance they received. When servicemen and women hear about these delays, they ask themselves, "Why should I even bother to ask for help."

In fact, the Pentagon tells us that 77 percent of servicemembers whose rights are violated don't contact anyone to defend their rights. They simply give up. Nearly half of them say that they have no confidence that the Government will resolve their problems, or that it is just not worth the effort.

Even worse, a quarter of them don't even know where they can go for help. It is beyond dispute that the administration has broken its promise to help them.

Our veterans deserve better than this. They deserve to know that their Government is working as quickly as possible to get them back to work and restore their benefits.

The current law needs reform as well. It makes no sense to have four different agencies tracking the problems of our servicemembers in four different ways. We also need to know whether disabled veterans are being properly assisted in making their own difficult transition back to work.

It is time for the administration to keep its promise, and end the long delays for veterans who need help in defending their rights. The bill that Senator AKAKA and I are introducing imposes timely and reasonable deadlines on Federal agencies to investigate complaints, to attempt to resolve them, and, if necessary, to refer them for litigation.

The legislation also makes the Federal enforcement of the law more transparent and responsive to the needs of veterans. It assures veterans that they won't have to wait years for an answer about whether they will receive the help they deserve.

By imposing timely deadlines on the Federal agencies, we are also stepping up the pressure on employers that violate the rights of our brave soldiers. With these new deadlines, employers won't be able to drag their heels as the Department of Labor spends months or years investigating violations. They will know that they have to settle each veteran's case quickly and fairly, or else face the U.S. Government in court.

The legislation also implements a number of reforms recommended by the Government Accountability Office—reforms that have received bipartisan support in the House of Representatives. In particular, our bill requires agencies to gather and report information on these cases in a uniform manner, so that we can understand trends and better address the needs of each servicemember. Agencies will also be required to report on cases involving veterans with disabilities, so that we have accurate information on the reemployment problems of our wounded soldiers.

Enacting this legislation alone obviously won't end the job discrimination that too many servicemembers face when they come home. But it will certainly improve the assistance they receive in obtaining the help they have earned and deserve.

Our legislation has the support of the Nation's largest veterans' organization, the American Legion, which emphasizes that the "enforcement of veterans' employment and reemployment rights . . . can only be achieved through aggressive oversight and timely investigation." This legislation, the American Legion says, will "strengthen veterans' employment and reemployment rights" by imposing "timely, realistic deadlines on Federal agencies to process" their claims. We are proud to have the American Legion's support for this legislation.

We know we can never truly repay our veterans for their immense sacrifices. They have fought hard for our country, and it is up to us to fight just as hard for them when they return home to the heroes' welcome they so justly deserve. An important part of that welcome is keeping the promise that we made to them to protect their employment rights when they return. That is what this legislation seeks to do, and I urge my colleagues to enact it as soon as possible.

Mr. AKAKA. Mr. President, I am pleased to join with my good friend and distinguished colleague from Massachusetts, Senator KENNEDY, in introducing S. 2471, the proposed USERRA Enforcement Improvement Act of 2007. This measure is intended to make substantial improvements in the manner in which claims made under the Uniformed Services Employment and Reemployment Rights Act of 1994—USERRA—are processed and to help ensure that individuals' complaints are addressed in a prompt and efficient manner.

Our troops are returning home from battle, and many of them seek to return to the jobs that they held prior to their military service, particularly those serving in Guard and Reserve units. USERRA, which is set forth in chapter 43 of title 38, U.S. Code, provides these servicemembers with certain protections. USERRA also sets out certain responsibilities for employers, including to reemploy returning veterans in their previous jobs.

As Chairman of the Senate Veterans' Affairs Committee, I held two hearings earlier this year on issues relating to veterans' employment, including one focusing exclusively on the pilot project for processing USERRA claims in the Federal sector and the jurisdictional questions involving the Department of Labor and the Office of Special Counsel. I must admit to being particularly upset with the volume of USERRA claims related to Federal service. It is simply wrong that individuals who were sent to war by their Government should, upon their return, be put in the position of having to do battle with that same Government in order to regain their jobs and benefits.

Out of those hearings, and an oversight hearing held by the Senate Health, Education, Labor, and Pension Committee, chaired by Senator KENNEDY, we have learned a great deal about the manner in which USERRA claims are investigated, resolved, or referred to other appropriate entities for enforcement actions. By and large, the process is seamless and frequently involves employer education in terms of helping them understand their obligations under the law. Still too often, many claims are quite complicated and involve what are sometimes called "escalator claims," where an individual is seeking to be re-instated in a position with quite complicated benefits, seniority, health care and fiduciary issues. I believe that anytime an individual is denied their USERRA rights is one time too many. However, I understand that the confusion and misunderstanding that can exist for the employer—particularly a small employer or one who may only have one employee who is a member of the Guard or reserve—can be frustrating.

The legislation we are introducing today seeks to establish reasonable time frames for the USERRA process. When veterans turn to the government to protect their employment rights, they deserve solutions, not delays. It is my hope that this legislation will assist the federal government in protecting the employment rights of veterans.

Our legislation would, in brief, require those filing complaints to be notified within 5 days of the establishment of a claim, require that complaints be investigated and a decision made with respect to the need for further referral within 90 days, and require prompt referral to other agencies. The Government Accountability Office would be required to submit quarterly reports on the processing of claims. Finally, data collected by the Employers' Support of the Guard and Reserve, a voluntary organization within the Department of Defense, would be required to be included in the Secretary of Labor's annual report on USERRA. With respect to this ESRG reporting requirement, it should be noted that this provision has already passed both bodies in the context of the pending conference agreement on the National Defense Authorization Act for fiscal year 2008, and it is included here in the event that legislation is not enacted.

I stress that our goal is to improve the current process. We want in no way to place strictures on the program that might result in less than satisfactory consideration and pursuit of claims. I intend to pursue the concerns of all of those involved in these claims—the Departments of Labor, Defense, and Justice, the Office of Personnel Management and the Office of the Special Counsel—through the legislative process in the next session. Should the need for refinements in the measure as it is introduced today become apparent, they will be carefully considered. I know that the Senator from Massachusetts will join me in that endeavor.

By Mr. DODD (for himself and Mr. SMITH):

S. 2472. A bill to amend the U.S. Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003; to the Committee on Foreign Relations.

Mr. DODD. Mr. President, I am pleased to rise today with my colleague Senator GORDON SMITH to introduce the Global Pediatric HIV/AIDS Prevention and Treatment Act. Millions across the world recently observed the 20th World AIDS Day on December 1, a day of mourning, solidarity, and hope: mourning for the more than 25 million killed already in the AIDS pandemic; solidarity with the 33.2 million living with HIV today; and hope that this plague will be conquered in our time—with an achievable goal of realizing the birth of an HIV-free generation.

In the U.S., we have reached a point where a child living with HIV/AIDS no longer faces certain death. Thanks to anti-retroviral, ARV, therapy, many children born infected with HIV/AIDS now have the opportunity to grow up healthy. However, long-term survival is a dream that eludes most of the 2.5 million HIV-infected children around the world.

Of the more than 2.5 million new HIV infections in 2007, more than 420,000 were in children. But while children account for almost 16 percent of all new HIV infections, they make up only 9 percent of those on treatment under the President's Emergency Plan for AIDS Relief, PEPFAR. Without proper care and treatment, half of these newly-infected children will die before their second birthday and 75 percent will die before their fifth.

Every day, approximately 1,100 children across the globe are infected with HIV, the vast majority through mother-to-child transmission during pregnancy, labor or delivery or soon after through breastfeeding. Approximately 90 percent of these infections occur in Africa. With no medical intervention, HIV-positive mothers have a 25 to 30 percent chance of passing the virus to their babies during pregnancy and childbirth. Yet, a single dose of an ARV drug given once to the mother at the onset of labor and once to the baby during the first three days of life reduces transmission of HIV by approximately 50 percent. Providing the full range of interventions, as is the standard of care in the U.S., can further reduce the rate of mother-to-child transmission of HIV to as little as 2 percent. However, according to UNAIDS, the Joint United Nations Programme on HIV/AIDS, less than 10 percent of pregnant women with HIV in resource-poor countries have access to prevention of mother-to-child transmission, PMTCT, services.

Significant barriers to PMTCT and the equal care and treatment of HIV-infected children continue to exist. Among the barriers to PMTCT services is their poor integration into the healthcare system, the lack of infrastructure and poor quality health facilities, low utilization of pre-natal services, and a high percentage of unattended at-home births. Because children are not just small adults, providing care and treatment presents special challenges such as limited access to reliable HIV testing for the youngest children, a shortage of providers trained in delivering pediatric care, weak linkages between services to prevent mother-to-child transmission and care and treatment programs, and the need for additional, low-cost formulations of HIV/AIDS medications.

The unfortunate reality of current HIV/AIDS treatment programs is that they will become unsustainable in the long-term unless the number of new HIV infections is reduced globally. The importance of PMTCT for the prevention of the spread of HIV cannot be overstated. According to UNAIDS, prevention of mother-to-child HIV transmission requires a comprehensive package of services that includes preventing primary HIV infection in women, preventing unintended pregnancies in women with HIV infection, preventing transmission from HIV-infected pregnant women to their infants, and providing care, treatment and support for HIV-infected women and their families. A 2003 study found that by adding family planning through PMTCT services in 14 high prevalence countries, more than 150,000 unintended pregnancies were averted, child infections averted nearly doubled, and child deaths averted nearly quadrupled. Studies also show that current levels of contraceptive use in sub-Saharan Africa are already preventing an estimated 22 percent of HIV-positive births.

For many pregnant mothers, PMTCT services may be the only entry point for health care services for themselves and their families. That is why it is essential that PMTCT services be integrated with prevention, care and treatment services. With adequate integration of those services and strategies to ensure successful follow-up and continuity of care, we can significantly improve the outcomes for HIV-affected women and families.

The legislation I am introducing today, the Global Pediatric HIV/AIDS Prevention and Treatment Act, will help prevent thousands of new pediatric HIV infections in the years to come and improve the treatment of children living with HIV/AIDS throughout the world. The legislation will bring our international HIV/AIDS efforts in line with the infection rate of children, by establishing a target that, within 5 years, 15 percent of those receiving care and treatment under PEPFAR should be children.

The legislation establishes another 5-year target to help prevent mother-to-child transmission of HIV. In those countries most affected, 80 percent of pregnant women should receive HIV counseling and testing, with all those testing positive receiving anti-retroviral medication for the prevention of mother-to-child transmission of HIV.

Under the legislation, the U.S. comprehensive, 5-year global strategy to combat global HIV/AIDS must also integrate prevention, care and treatment with prevention of mother-to-child transmission programs, as soon as feasible and consistent with the national government policies of the foreign countries of PEPFAR countries in order to improve outcomes for HIV-affected women and families and to promote follow-up and continuity of care.

Lastly, the legislation authorizes the creation of a Prevention of Mother-to-Child Transmission Expert Panel to provide an objective review of PMTCT activities funded under PEPFAR and to provide recommendations to the Office of the Global AIDS Coordinator for scale-up of mother-to-child transmission prevention services under PEPFAR in order to reach the newly-established target for PTMCT. The Panel consists of no more than 15 members, to be appointed by the coordinator, and will terminate once it submits its report containing recommendations, findings and conclusions to the coordinator, Congress, and is made public.

To be clear, this legislation does not establish any earmarks within PEPFAR. It does not dictate how much money should be spent on specific activities. I, for one, oppose the current policy under PEPFAR which dictates that one-third of all prevention funds be reserved for abstinence-until-marriage programs, to the detriment of other more effective programs that are producing better results. Certainly abstinence programs have a role to play in PEPFAR, but they should not draw funding away from other, more effective programs. Therefore, it is my hope that Congress does away with that earmark when it reauthorizes PEPFAR, and instead allows for flexibility within PEPFAR.

Instead, the legislation sets 5-year targets that are focused on those receiving services without specifying how much money any given country should spend on specific services to reach the target. I believe this approach is consistent with the April 2007 Institute of Medicine report on PEPFAR which called on Congress to replace arbitrary budget directives with specific targets accounting for the unique epidemics in specific countries, as well as existing available resources. Removal of budget restrictions and the implementation of program targets, such as those authorized under this legislation, would allow local providers to invest in the services and activities most needed to achieve national goals for prevention, care, and treatment.

The struggle against this disease continues on all fronts. Just recently, a report showed that right here in Washington, D.C., the city is in the grip of a "modern epidemic," with one in 20 residents HIV-infected, a rate ten times the national average. In my own State of Connecticut, the need for care and treatment services is at an all time high, while the funding to meet this increased need has declined.

As we take stock of the HIV/AIDS pandemic and our progress against it, we must bear in mind the special vulnerability of the world's children. With this legislation we can increase the number of children receiving care and treatment under PEPFAR and expand access to PMTCT services in order to prevent thousands of new pediatric HIV infections.

I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2472

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Global Pediatric HIV/AIDS Prevention and Treatment Act".

SEC. 2. FINDINGS.

Section 2 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (26 U.S.C. 7601) is amended—

(1) in paragraph (3), by adding at the end the following:

"(D) In 2007, the rate at which children accessed treatment failed to keep pace with new pediatric infections. While children account for almost 16 percent of all new HIV infections, they make up only 9 percent of those receiving treatment under this Act.";

(2) by amending paragraph (16) to read as follows:

"(16) Basic interventions to prevent new HIV infections and to bring care and treatment to people living with AIDS, such as voluntary counseling and testing, are achieving meaningful results and are cost-effective. The challenge is to expand these interventions to a national basis in a coherent and sustainable manner."; and

(3) by amending paragraph (20) to read as follows:

"(20) With no medical intervention, mothers infected with HIV have a 25 to 30 percent chance of passing the virus to their babies during pregnancy and childbirth. A simple and effective intervention can significantly reduce mother to child transmission of HIV. A single dose of an anti-retroviral drug given once to the mother at the onset of labor, and once to the baby during the first 3 days of life reduces transmission by approximately 50 percent. Other more complex drug regimens can further reduce transmission from mother-to-child. A dramatic expansion of access to prevention of mother-to-child transmission services is critical to preventing thousands of new pediatric HIV infections.".

SEC. 3. POLICY PLANNING AND COORDINATION.

Section 101(b)(3) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7611(b)(3)) is amended by adding at the end the following:

"(X) A description of the activities that will be conducted to achieve the targets described in paragraphs (1) and (2) of section 312(b).".

SEC. 4. BILATERAL EFFORTS.

(a) ASSISTANCE TO COMBAT HIV/AIDS.—Section 104A of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b–2) is amended—

(1) in subsection (d)(1)—

(A) by amending subparagraph (E) to read as follows:

"(E) assistance to—

"(i) achieve the target described in section 312(b)(1) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003; and

"(ii) promote infant feeding options for HIV positive mothers that are consistent with the most recent infant feeding recommendations and guidelines supported by the World Health Organization ;";

(B) in subparagraph (G), by striking "and" at the end;

(C) in subparagraph (H), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(I) assistance to achieve the target described in section 312(b)(2) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003."; and

(2) in subsection (e)(2)(C)—

(A) in clause (iii), by striking "and" at the end;

(B) in clause (iv), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(v) the number of HIV-infected children currently receiving antiretroviral medications in each country under the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003.".

(b) ASSISTANCE TO CHILDREN AND FAMILIES.—Subtitle B of Title III of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7651 et seq.) is amended by striking sections 311 and 312 and inserting the following:

"SEC. 311. FINDINGS.

"Congress makes the following findings:

"(1) Every day, approximately 1,100 children around the world are infected with HIV, the vast majority through mother-to-child transmission during pregnancy, labor or delivery or soon after through breast-feeding. Approximately 90 percent of these infections occur in Africa.

"(2) With no medical intervention, mothers infected with HIV have a 25 to 30 percent chance of passing the virus to their babies during pregnancy and childbirth. A single dose of an anti-retroviral drug given once to the mother at the onset of labor, and once to the baby during the first 3 days of life reduces transmission by approximately 50 percent.

"(3) Providing the full range of interventions, as is the standard of care in the United States, could reduce the rate of mother-to-child transmission of HIV to as little as 2 percent.

"(4) Global coverage of services to prevent transmission from mother-to-child remains unacceptably low. The Joint United Nations Program on HIV/AIDS (UNAIDS) reports that fewer than 10 percent of pregnant women with HIV in resource-poor countries have access to prevention of mother-to-child transmission services.

"(5) Prevention of mother-to-child transmission programs provide health benefits for women and children beyond preventing the vertical transmission of HIV. They serve as an entry point for mothers to access treatment for their own HIV infection, allowing them to stay healthy and to care for their children. Efforts to connect and integrate prevention of mother-to-child transmission and HIV care, treatment and prevention programs are crucial to achieving improved outcomes for HIV-affected and HIV-infected women and families.

"(6) Access to comprehensive HIV prevention services must be drastically scaled-up among pregnant women infected with HIV and pregnant women not infected with HIV to further protect themselves and their partners against the sexual transmission of HIV/AIDS.

"(7) Preventing unintended pregnancy among HIV-infected women is recognized by the World Health Organization and the Office of the United States Global AIDS Coordinator to be an integral component of prevention of mother-to-child transmission programs. To further reduce infection rates, women accessing prevention of mother-to-child transmission services must have access to a range of high-quality family planning and reproductive health care, so they can make informed decisions about future pregnancies and contraception.

"(8) In 2007, the rate at which children were accessing treatment failed to keep pace with new pediatric infections. While children account for almost 16 percent of all new HIV infections, they make up only 9 percent of those on treatment under this Act.

"(9) Of the more than 2,500,000 people who were newly infected with HIV in 2007, more than 420,000 were children.

"(10) Without proper care and treatment, half of newly HIV-infected children will die before they reach 2 years of age, and 75 percent will die before 5 years of age.

"(11) Because children are not just small adults, providing HIV care and treatment presents special challenges, including—

"(A) limited access to reliable HIV testing for the youngest children;

"(B) a shortage of providers trained in delivering pediatric care;

"(C) weak linkages between services to prevent mother-to-child transmission and care and treatment programs; and

"(D) the need for low-cost pediatric formulations of HIV/AIDS medications.

"SEC. 312. POLICY AND REQUIREMENTS.

"(a) POLICY.—

"(1) IN GENERAL.—The United States Government's response to the global HIV/AIDS pandemic should place high priority on—

"(A) the prevention of mother-to-child transmission of HIV/AIDS; and

"(B) the care and treatment of all children affected by HIV/AIDS, including children orphaned by AIDS.

"(2) COLLABORATION.—The United States Government should work in collaboration with foreign governments, donors, the private sector, nongovernmental organizations, and other key stakeholders.

"(b) REQUIREMENTS.—The comprehensive, 5-year, global strategy required under section 101 shall—

"(1) establish a target for prevention of mother-to-child transmission efforts that by 2013, in those countries most affected by HIV—

"(A) 80 percent of pregnant women receive HIV counseling and testing; and

"(B) all of the pregnant women receiving HIV counseling and testing who test positive for HIV receive anti-retroviral medications for prevention of mother-to-child transmission of HIV;

"(2) establish a target requiring that by 2013, children account for at least 15 percent of those receiving treatment under this Act;

"(3) integrate prevention, care, and treatment with prevention of mother-to-child transmission programs, as soon as feasible and consistent with the national government policies of the foreign countries in which programs under this Act are administered, to improve outcomes for HIV-affected women and families and to promote follow-up and continuity of care;

"(4) expand programs designed to care for children orphaned by AIDS; and

"(5) develop a time line for expanding access to more effective mother-to-child transmission prevention regimens, consistent with the national government policies of the foreign countries in which programs under this Act are administered and the goal of moving towards universal use of such regimens as rapidly as possible.

"(c) APPLICATION OF REQUIREMENTS.—All strategic planning documents and bilateral funding agreements developed under the authority of the Office of the United States Global AIDS Coordinator, including country operating plans and any subsequent mechanisms through which funding under this Act is obligated, shall be consistent with, and in furtherance of, the requirements under subsection (b).

"(d) PREVENTION OF MOTHER-TO-CHILD TRANSMISSION EXPERT PANEL.—

"(1) ESTABLISHMENT.—The Coordinator of United States Government Activities to Combat HIV/AIDS Globally (referred to in this section as the 'Coordinator') shall establish a panel of experts to be known as the Prevention of Mother to Child Transmission Panel (referred to in this section as the 'Panel') to—

"(A) provide an objective review of activities to prevent mother-to-child transmission of HIV that receive financial assistance under this Act; and

"(B) provide recommendations to the Coordinator and to the appropriate committees of Congress for scale-up of mother-to-child transmission prevention services under this Act in order to achieve the target established in subsection (b)(1).

"(2) MEMBERSHIP.—The Panel shall be convened and chaired by the Coordinator, who shall serve as a nonvoting member. The Panel shall consist of not more than 15 members (excluding the Coordinator), to be appointed by the Coordinator not later than 60 days after the date of the enactment of this Act, including—

"(A) 2 members from the Department of Health and Human Services with expertise relating to the prevention of mother-to-child transmission activities;

"(B) 2 members from the United States Agency for International Development with expertise relating to the prevention of mother-to-child transmission activities;

"(C) 2 representatives from among health ministers of national governments of foreign countries in which programs under this Act are administered;

"(D) 3 members representing organizations implementing prevention of mother-to-child transmission activities under this Act;

"(E) 2 health care researchers with expertise relating to global HIV/AIDS activities; and

"(F) representatives from among patient advocate groups, health care professionals, persons living with HIV/AIDS, and non-governmental organizations with expertise relating to the prevention of mother-to-child transmission activities, giving priority to individuals in foreign countries in which programs under this Act are administered.

"(3) DUTIES OF PANEL.—The Panel shall—

"(A) review activities receiving financial assistance under this Act to prevent mother-to-child transmission of HIV and assess the effectiveness of current activities in reaching the target described in subsection (b)(1);

"(B) review scientific evidence related to the provision of mother-to-child transmission prevention services, including programmatic data and data from clinical trials;

"(C) review and assess ways in which the Office of the United States Global AIDS Coordinator and programs funded under this Act collaborate with international and multilateral entities on efforts to prevent mother-to-child transmission of HIV in affected countries;

"(D) identify barriers and challenges to increasing access to mother-to-child transmission prevention services and evaluate potential mechanisms to alleviate those barriers and challenges;

"(E) identify the extent to which stigma has hindered pregnant women from obtaining HIV counseling and testing or returning for results, and provide recommendations to address such stigma and its effects;

"(F) identify opportunities to improve linkages between mother-to-child transmission prevention services and care and treatment programs;

"(G) evaluate the adequacy of financial assistance provided under this Act for mother-to-child transmission of HIV prevention services; and

"(H) recommend levels of financial assistance and specific activities to facilitate reaching the target described in subsection (b)(1).

"(4) REPORT.—

"(A) IN GENERAL.—Not later than 14 months after the date of the enactment of this Act, the Panel shall submit a report containing a detailed statement of the recommendations, findings, and conclusions of the Panel to the appropriate congressional committees.

"(B) AVAILABILITY.—The report submitted under subparagraph (A) shall be made available to the public.

"(C) CONSIDERATION BY COORDINATOR.—The Coordinator shall—

"(i) consider any recommendations contained in the report submitted under subparagraph (A); and

"(ii) include in the annual report required under section 104A(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b-2(e)) a description of the activities conducted in response to the recommendations made by the Panel and an explanation of any recommendations not implemented at the time of the report.

"(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Panel such sums as may be necessary for each of the fiscal years 2009 through 2011 to carry out this section.

"(6) TERMINATION.—The Panel shall terminate on the date that is 60 days after the date on which the Panel submits the report to Congress under paragraph (4).".

(c) ANNUAL REPORT ELEMENTS.—Section 313(b)(2) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7653(b)(2)) is amended—

(1) in subparagraph (C), by striking "and" at the end;

(2) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(E) coordination and collaboration with governments, donors, the private sector, nongovernmental organizations, and other key stakeholders to achieve the target described in section 312(b)(1); and

"(F) the number of women offered and receiving the 4 components of a comprehensive strategy to prevent mother-to-child transmission of HIV, as recommended by the World Health Organization.".

By Mr. HARKIN (for himself and Mr. KOHL):

S. 2473. A bill to amend the Employee Retirement Income Security Act of 1974 to provide special reporting and disclosure rules for individual account plans and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I am here today to introduce, along with Senator KOHL, the Defined Contribution Fee Disclosure Act. This legislation is designed to address what may seem at first glance like a small issue, but in fact has a dramatic impact on the retirement security of millions of

Americans who have 401(k) plans. Not many people realize this, but the Employee Retirement Income Security act, ERISA, does not require plan sponsors to provide participants with information on the level of fees that participants are charged by the various plans they have to choose between.

The number of people participating in defined contribution plans grows every year, and unfortunately, these plans are a bigger part of their nest egg as employers freeze their defined benefit plans. One of the key challenges as we move away from guaranteed benefits is making sure people have all the relevant information to help them decide which plan will best serve their needs. Recently, AARP conducted a survey in which it asked individuals with 401(k) plans if they even knew what they paid each year in fees. Only 17 percent of people asked said that they know what their fee levels were.

This is far from an academic matter. In fact, this could be disastrous for folks when they reach retirement. One person—who wishes to remain anonymous—recently shared with me a story that highlights what's at stake. She noticed one day that her 401(k) wasn't actually earning anything at all. After some examination, she found that the agent who set up the plan for the company received a fee of 2 percent annually for the first five years, reduced to .25 percent after that, paid by the employees and not the company. The investment firm charged a fee of 1.25 percent which they said was standard for companies with under $1 million in their 401ks. So, last year, she was paying 3.25 percent in fees and earning less than 4 percent from her money market fund. She didn't have a clue about the fees until she inquired after she realized she wasn't making any money on the fund.

So looking back at this AARP survey, of those 17 percent who said they knew what their fees were, 33 percent thought they weren't being charged any fees at all. Some companies will even tell people they are not being charged fees. While it is true that in some cases, employers pay fees, that is hardly the norm. And investment managers don't do their jobs for charity. These fees that people don't know about can have a big effect on what they end up with at retirement.

The U.S. Government Accountability Office recently estimated that a 45 year old with $20,000 in his 401(k) would have $70,555 at age 65 for his retirement, assuming he was getting a 6.5 percent return and only paying 0.5 percent in fees. But that figure decreases dramatically if the fees are increased by just a single percentage point, to 1.5 percent. At that figure the same individual, investing the same amount of money, would have only $58,400 for his retirement, or more than $12,000 less.

AARP took the GAO assumptions and created some additional examples. Consider this case: if a 35 year old invested $20,000 in a 401(k) plan over 30 years, paying 0.5 percent in fees, that individual would have $132,287 for retirement. But increase the fees to 1.5 percent, and the amount available for retirement is only $99,679—that is a 25 percent reduction in the account balance. Even if the fee only increased from 0.5 percent to 1 percent, the value of the retirement account would be reduced by $17,417, or a little over 13 percent over the 30-year period.

If you awoke one day to find that your bank account, or your retirement account, had declined in value by 25 percent, you would understandably be alarmed, and you would act quickly to fix the problem. But with high 401(k) fees, the reduction in benefits isn't immediately obvious. It happens slowly, over time, and often flies under people's radar screens because they are not told the level of fees they are paying, or they don't understand that some 401(k) plans charge far lower fees for providing the same amount of services. It is that problem—that information gap—that the Defined Contribution Fee Disclosure Act is designed to fix.

My bill would provide participants with easily understandable information about the fees that they are paying. This information will be provided to them before they pick which plans they want to invest in, and again, regularly, on their quarterly statements.

In addition, this bill does something even more important: it would require companies to disclose more information to plan sponsors. Right now, if you provide your workers with a 401(k) plan, you are required to act prudently and in their sole interest in your fiduciary duties. However, there are hidden fees that are sometimes not disclosed even to plan sponsors, and sometimes those sponsors also are not told about business arrangements between service providers to steer participants into investment options in which they have a stake, a classic conflict of interest.

To fix this, the bill would require 401(k) plan providers to disclose all fees and relationships between service providers to the people selecting the plan a company will ultimately offer. The bottom line is that we want to create a situation where companies are picking several good options for their employees that all have decent reliable returns and fair fees.

One thing my bill does not do is set a limit on fees that can be charged. As I have noted, high fees can make a real difference in account balances at retirement, but so can high returns, in a more positive direction, obviously. Sometimes, it is well worth paying higher fees if a small increase in fees will have a big effect on returns. In addition, some people want to purchase insurance products so that every month, they are buying a more secure piece of retirement. That is just fine, and my bill doesn't touch that. People who fully understand the real cost of a guaranteed return at retirement are the kind of people who appreciate, and will push for, more defined benefit plans. But they can't do that if they don't know what it costs.

The bottom line is that people need to be investing more, and more confidently, in the 401(k) plans they are being offered. This is especially critical in a world where defined benefit plans are increasingly being slashed and frozen. For a growing number of workers, their only source of retirement income is their 401(k).

Congress needs to focus more squarely on how we get workers to participate in the plans they have available, and what we can do to make sure the savings they grow in them are adequate. When people know they are being given all the facts in an easy-to-understand manner, they are more likely to contribute. And when the fiduciaries who are supposed to be looking out for them make sure all of their options are good, they end up saving more money at the end of the day.

This bill is a win for companies who want to provide their workers with a secure retirement, it is a win for 401(k) providers who have been providing reasonable fees all along, and it is a win for every American who has one of these plans. My colleagues and I introducing this measure have worked with interested parties on every side of this issue to make sure we're taking into account everyone's views. We also intend to work closely with the Department of Labor on their proposed regulations on this issue. While we believe that Congress has an obligation to address this issue, if we can all work together to develop regulations that address this issue in a way that will truly help participants and beneficiaries get a good deal, I am certainly not opposed to getting this done administratively. I strongly encourage my colleagues to cosponsor this measure.

Mr. KOHL. Mr. President, I rise today to bring attention to the hidden fees associated with 401(k) plans, an important issue affecting the retirement security of millions of Americans. These fees, currently not disclosed to plan participants, can have a drastic effect on one's retirement savings.

More and more Americans are relying on defined contribution plans, such as 401(k) plans, to provide their retirement income. Although these plans have only been in existence since the 1980s, they now cover over 50 million people and exceed $2.5 trillion in total assets. Of those private sector workers with any type of retirement benefit; two thirds have only their 401(k) savings to secure their financial wellbeing in retirement.

Although 401(k)s have become the primary pension fund for most Americans, there are few requirements for fee disclosure to fund managers, and there are absolutely no regulations requiring that plan participants be notified about how much they are paying in fees. Most fees are either absent or obscured in participant statements and investment reports. Not surprisingly, studies have shown that fewer than one in five participants know the fees they are paying. Unfortunately, this lack of disclosure and lack of understanding can have serious consequences on an individual's retirement savings.

The slightest difference in fees can translate into a staggering depletion in savings, greatly affecting one's ability to build a secure retirement. According to the Congressional Research Service, families who save their retirement funds in high-fee accounts could have one-quarter less in retirement than those who work for employers who offer low-fee accounts. For couples who save over their entire lifetime, the CRS study found that an annual fee of 2 percent could reduce savings by nearly $130,000, compared to a more reasonable fee of 0.4 percent.

Today, Senators HARKIN and I are introducing the Defined Contribution Fee Disclosure Act of 2007. We believe consumers have the right to clearly know how much products and services are costing them. Our bill will help shed some light on these fees by requiring complete transparency to both employers and participants. This will allow employers to negotiate with pension fund managers, in order to get the lowest possible fees for their employees. Participants will be able to make informed choices between investment options and potentially increase their retirement savings by thousands of dollars. Ultimately, this legislation will help lower costs for everyone by fostering competition among pension managers.

I strongly encourage my colleagues to cosponsor this measure.

By Mr. ROBERTS (for himself, Mr. BROWNBACK, and Mr. INHOFE):

S. 2475. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to provide an exception for certain States with respect to the distribution of amounts by the Secretary of the Interior from the Abandoned Mine Reclamation Fund; to the Committee on Energy and Natural Resources.

Mr. ROBERTS. Mr. President, I rise today to offer legislation to allow seven States to more aggressively address the health and safety issues that threaten the citizens in their State, and do so immediately. I commend my fellow Kansas colleague, Congresswoman NANCY BOYDA, for introducing similar legislation in the House.

Last December, Congress passed amendments to the Surface Mining Control and Reclamation Act in the Tax Relief and Health Care Act of 2006 to extend the Abandoned Mines Land Trust Fund for 15 additional years. These amendments established a new distribution formula that works through a 4 year,program that phases in funding. Unfortunately, there are currently seven States that do not meet the active mining threshold to meet the minimum funding threshold. Today, I offer legislation that would allow "minimum program states" like Kansas to receive their full funding levels of $3 million starting in the fiscal year 2008, instead of requiring the minimum States to follow the percentage distribution formula. This legislation will assist several other States including Missouri, Iowa, Arkansas, Oklahoma, Alaska, and Maryland. With this funding, States can begin to protect their residents from the dangers of abandoned mines sooner rather than later.

By Mr. SUNUNU (for himself and Mr. GREGG):

S. 2478. A bill to designate the facility of the United States Postal Service located at 59 Colby Corner in East Hampstead, New Hampshire, as the "Captain Jonathan D. Grassbaugh Post Office"; to the Committee on Homeland Security and Governmental Affairs.

Mr. SUNUNU. Mr. President, on behalf of Hampstead, NH, middle school students, school board officials, board of selectmen, and residents, I rise to honor a fallen hero, U.S. Army Ranger CAPT Jonathan David Grassbaugh, by introducing a bill to designate the United States Postal Service facility at 59 Colby Corner in East Hampstead, NH, as the Captain Jonathan D. Grassbaugh Post Office.

Jon, as he was called by his family and friends, moved to East Hampstead, NH, from St. Marys, OH, in 1989. He attended Hampstead Central Elementary School and Hampstead Middle School, where his mother, Patricia, is principal.

Jon graduated high school from Phillips Exeter Academy, in Exeter, NH, where he was a 4-year honor student in the Class of 1999. Jon left a remarkable impression on the Phillips Exeter community; remembered for his manifestation of the motto "Non Sibi" or "Not for Oneself," a Latin phrase inscribed on the Academy's seal. Jon exemplified his passion for life through his persistent dedication to his studies, tireless volunteer efforts in school and the local community, commitment to the academy's radio station, Grainger Observatory, and the school's Washington internship program.

Jon's illustrious high school years were prologue to a promising future, full of infinite potential. Jon enrolled at Johns Hopkins University, where he graduated in 2003, earning a bachelors degree in computer science from the renowned Whiting School of Engineering.

At a young age, Jon's family instilled in him the importance of volunteerism and service to the U.S. Jon's father, Mark, proudly served 3½ years as an Army Ranger during Vietnam, and his older brother, West Point alum and Dartmouth Medical School graduate, Army Captain Dr. Jason Grassbaugh, is currently serving as an orthopedic surgeon in Fort Lewis, WA. Jon continued this family tradition of service, joining the Johns Hopkins Army ROTC program, and eventually becoming battalion commander his senior year. He also became a proud member of the Pershing Rifles fraternal organization, captained the Ranger Challenge Team, and won the national two-man duet drill team competition.

In a storybook setting, Jon met Jenna Parkinson, a freshman ROTC cadet from Boxborough MA, during his senior year. Jon and Jenna slowly grew closer, watching movies together during spring break, sharing flights to and from school, and attending the military ball. A few short years later, Jon proposed to Jenna on April 30, 2005, and the young couple subsequently married on June 9, 2006, in a Cape Cod ceremony. Prior to their wedding day, Jon and Jenna filled out a questionnaire for their officiate, which asked, "Where is a sacred spot, a place where you feel most connected, most at peace and most inspired?" Jon's answer came in three loving words: "With my wife."

Following graduation, Jon completed U.S. Army Ranger School in April 2004 and served his country both at home and abroad. He was assigned to the 7th Cavalry in the Republic of South Korea and served as a member of the Army Hurricane Katrina Relief Team. Later, Jon was assigned to the 5th Squadron, 73rd Cavalry Regiment, 3rd Brigade Combat Team, 82nd Airborne Division in Fort Bragg, NC, where he and the now U.S. Army 2nd Lieutenant Jenna Grassbaugh would reside.

Shortly after Jon and Jenna were married, he was deployed for a second tour of duty, in Iraq. Tragically, on April 7, 2007, Jon was one of four soldiers who died while conducting a combat logistics patrol in Zaganiyah, Iraq. Throughout Jon's distinguished military service, he received a number of accolades and commendations, including: the Bronze Star Medal, Purple Heart Medal, Meritorious Service Medal, Army Commendation Medal, Joint Service Achievement Medal, Army Achievement Medal, National Defense Service Medal, Iraqi Campaign Medal, Global War on Terrorism Service Medal, Korean Defense Service Medal, Humanitarian Service Medal, Army Service Ribbon, Ranger Tab, Combat Action Badge, and Parachutist Badge.

Jon is remembered as a confident and mentally strong leader, whose poise under pressure, intelligence, compassion, and love for God, country and family transcends his passing. His valor on the field of battle was equally as impressive as his undying loyalty to and love for his squadron. One well-known anecdote recalls a combat operation in which Jon had pizza flown by helicopter from 100 kilometers away to where his troops were conducting combat operations in an effort to lift morale. Jon left a legacy that continues to inspire our Nation's future leaders from Hampstead and Exeter, NH, Johns Hopkins, and those he proudly served beside in Iraq.

On a deep and personal note, for those who had the sincere privilege and honor to meet Jon, it was evident his exuberance for life and new experiences, ingenuity, and academic acumen destined him for greatness. By the time of his death, Jon had achieved more than most individuals do in a lifetime, a testimonial to his family's love and guidance through his young life, and Jenna's warmth and support as he fought for our Nation.

Today, Jonathan Grassbaugh rests in peace at one of our Nation's most hallowed and sacred grounds, Arlington National Cemetery—his rightful place among generations of brave Americans who sacrificed their lives in defense of this country. His loved ones will forever remember him as a loving husband, son, brother, and friend. Let it be known, the citizens of New Hampshire and our Nation are eternally in debt to Jonathan David Grassbaugh, an honorable son of New Hampshire, an American Patriot, and a guardian of liberty.

Mr. President, I ask unanimous consent that a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be placed in the Record, as follows:

TOWN OF HAMPSTEAD,
OFFICE OF THE SELECTMEN,
Hampstead, NH, December, 2007.

Re Petition of dedication.

Office of U.S. Senator JOHN E. SUNUNU,
Elm Street,
Manchester, NH.

DEAR SENATOR SUNUNU, Students of the Hampstead Middle: School prepared a petition to support honoring Captain Jonathan Grassbaugh, who gave his life for our country. The petition seeks to honor him by dedicating the East Hampstead, NH, 03826 Post Office in his name.

The petition was presented to the Hampstead Board of Selectmen on Monday, December 10, 2007.

The Board of Selectmen accepted the petition and voted unanimously to support the project.

Please find enclosed the petition along with the signatures of 526 individuals.

Thank you for your help in moving this project forward.

Very Truly Yours,
RICHARD H. HARTUNG,
Chairman.
PRISCILLA R. LINDQUIST,
Selectman.
JIM STEWART,
Selectman.

BY Mr. BROWN (for himself and Mr. CORNYN):

S. 2479. A bill to catalyze change in the care and treatment of diabetes in the United States; to the Committee on Health, Education, Labor, and Pensions.

Mr. BROWN. Mr. President, today, I am introducing, along with Senator CORNYN, an important bill—the Catalyst for Better Diabetes Care Act—that will enhance and better coordinate our Nation's fight against diabetes.

It is estimated that one out of every three Americans born after the year 2000 will develop diabetes in their lifetime. This startling statistic should be reason enough for this body to act swiftly and decisively on this issue. We must increase our investment into this deadly and costly disease before the epidemic reaches overwhelming proportions. The Catalyst for Better Diabetes Care Act marks an important step in this effort by focusing the government's attention on specific areas in diabetes care that can and must be improved.

First, we must ensure that all Americans are aware of the importance and availability of diabetes screening. Like any preventable and manageable disease, early diagnosis of diabetes is key. Yet millions of Americans—nearly a third of the 20-plus million Americans with diabetes—have diabetes but don't know it. Recognizing the enormity of this problem, many of us in Congress fought hard in recent years to include a diabetes screening benefit in Medicare, a program that already spends a third of its total budget on diabetes patients. Now the challenge is to ensure that Americans are fully utilizing this and other screening opportunities, which is exactly what this bill aims to do. By establishing a collaboration and outreach program within the Department of Health and Human Services, HHS, this act would help reduce the number of Americans with diabetes who remain undiagnosed.

The private sector also has a role to play in this fight. Thankfully, many companies have already started investing in employee wellness programs that reward pro-active, preventative care. With chronic diseases like diabetes driving up health insurance costs for individuals and employers, it is critical that new, pre-emptive approaches to health care are encouraged. This bill would create an advisory group in HHS to determine which wellness programs work and which do not, information that will encourage employers to provide effective diabetes prevention programs.

It is also critical to carefully monitor our effectiveness in combating diabetes and the impact of this disabling and deadly condition on our nation. With that information in hand, we will be far better equipped to determine the nature and scope of diabetes prevention and treatment strategies. The bill includes two key provisions to address this need. It would create a National Diabetes Report Card that provides crucial information on diabetes' impact on the nation. The report card would be published every 2 years. It would also take steps to ensure accurate data on diabetes morbidity and mortality. Diabetes is often not listed anywhere on death certificates as a cause of death. This bill would ensure the training of physicians on properly completing birth and death certificates and improving the collection of diabetes data.

Finally, this act would commission an Institute of Medicine study on diabetes medical education to ensure that physician training—which currently requires less than four hours of diabetes education—is keeping pace with the growing threat diabetes poses to the public's health. The study would make a recommendation as to the appropriate level of diabetes medical education that should be required prior to licensure, board certification, and board recertification.

Our country faces a tremendously challenging fight against diabetes, but it is one we can and will win. The Catalyst for Better Diabetes Care Act is a targeted and cost-effective bill that will push us toward victory. Let us act quickly and pass this bill.

By Mr. FEINGOLD (for himself, Mr. LAUTENBERG, Mr. KENNEDY, Mr. DURBIN, Ms. STABENOW, Mr. DODD, Ms. MIKULSKI, Mr. KERRY, Mrs. CLINTON, Ms. CANTWELL, Mr. OBAMA, Mr. MENENDEZ, Mr. BROWN, and Mr. CARDIN):

S. 2481. A bill to prohibit racial profiling; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, today I will introduce the End Racial Profiling Act of 2007.

Ending racial profiling in America has been a priority for me for many years. I worked with the senior Senator from New Jersey, Senator LAUTENBERG, back in 1999 on a bill to collect statistics on traffic stops, which is where the problem of racial profiling was first revealed. Many studies from around the country now confirm that racial profiling is indeed a real problem that wastes police resources and diminishes trust between police departments and the communities they protect.

In 2001, in his first State of the Union address, President Bush told the American people that "racial profiling is wrong and we will end it in America." He asked the Attorney General to implement a policy to end racial profiling. The Department of Justice released a Fact Sheet and Policy Guidance addressing racial profiling in 2003, stating that racial profiling is wrong and ineffective and perpetuates negative racial stereotypes in our country. Though these guidelines are helpful, they do not end racial profiling and they do not have the force of law. Unfortunately, more than 6 years after the President's promise to the country, we have not yet ended racial profiling in this country.

The End Racial Profiling Act of 2007 will do what the President promised; it will help America achieve the goal of bringing an end to racial profiling. This bill bans racial profiling and requires Federal, State, and local law enforcement officers to take steps to end this practice.

Racial profiling is the practice by which some law enforcement agents treat differently African Americans, Latinos, Asian Americans, Arab Americans and others simply because of their race, ethnicity, national origin, or perceived religion. I have the utmost respect for law enforcement agents, and I believe that most of them do not engage in this practice. Nonetheless, reports in States from New Jersey to Florida, and Maryland to Texas all show that African Americans, Hispanics, and members of other minority groups were stopped by some police far more often than their share of the population and the crime rates for those racial categories.

Passing this bill is even more urgent after 9/11, as we have seen racial profiling used against Arab and Muslim Americans or Americans perceived to be Arab or Muslim. The 9/11 attacks were horrific, and I share the determination of many Americans that finding those responsible and preventing future attacks should be this Nation's top priority. This is a challenge that our country can and must meet. But to do that we need improved intelligence and law enforcement. Making assumptions based on racial, ethnic, or religious stereotypes will not protect our nation from crime or from future terrorist attacks.

A report released in May by the Department of Justice's Bureau of Justice Statistics, covering 2005 data, found that while an African American person is now almost equally likely to be stopped as a white person, he or she is more than two and a half times more likely to be searched, more than twice as likely to be arrested, and more than three and a half times more likely to experience the use of force. Yet, according to studies from multiple police jurisdictions, these encounters with law enforcement are less likely to reveal criminal activity on the part of African Americans than whites. The flagrancy of this flawed and irrational practice has led Harvard Law School professor Charles Ogletree to observe, "If I'm dressed in a knit cap and hooded jacket, I'm probable cause."

The disparities outlined above, which also apply to other ethnic groups, have led the International Association of Chiefs of Police to call for an end to racial profiling. In addition, police departments around the country have independently developed programs and policies to prevent racial profiling and comply with the Department of Justice's policy guidance. In my own State of Wisconsin, law enforcement officials have taken steps to train police officers, improve academy training, establish model policies prohibiting racial profiling, and improve relations with our State's diverse communities. I applaud the efforts of Wisconsin law enforcement. This is excellent progress and shows widespread recognition that racial profiling harms our society. But like the DOJ policy guidance, local programs don't have the force of law behind them. The Federal government must step up, as President Bush promised. It must play a vital role in protecting civil rights and acting as a model for State and local law enforcement.

Now, perhaps more than ever before, our Nation cannot afford to waste precious law enforcement resources or alienate Americans by tolerating discriminatory practices. The mass detention of hundreds of Middle Eastern and Arab men on minor violations after 9/11, for example, resulted in not a single terrorism charge. These detentions did, however, shatter the lives of many people with no connection to terrorism whatsoever through lengthy disappearances, detentions, and deportations.

Similarly, when the Federal Government required the registration of individuals from Arab or Muslim countries in 2002, between 500 and 1,000 registrants who voluntarily complied were detained in the Los Angeles/Orange County area alone. Such heavy-handed tactics do not help us in fighting terrorism—they shut off dialogue and make good people unwilling to risk interaction with their Government. Treating sympathetic communities as suspicious ones is counterproductive, and it is wrong.

It is past time for Congress and the President to enact comprehensive Federal legislation that will end racial profiling once and for all. In clear language, the End Racial Profiling Act of 2007 bans racial profiling. It defines racial profiling in terms that are consistent with the Department of Justice's Policy Guidance. But this bill does more than prohibit and define racial profiling—it gives law enforcement agencies and officers the tools necessary to end the harmful practice. For that reason, the End Racial Profiling Act of 2007 is a pro-law enforcement bill.

This bill would allow the Justice Department or individuals to enforce the prohibition by filing a suit for injunctive relief. The bill would also require Federal, State, and local law enforcement agencies to adopt policies prohibiting racial profiling, implement effective complaint procedures or create independent auditor programs, implement disciplinary procedures for officers who engage in the practice, and collect data on routine and spontaneous investigatory activities. In addition, it requires the Attorney General to report to Congress so Congress and the American people can monitor whether the steps outlined in the bill to prevent and end racial profiling have been effective.

This bill also authorizes the Attorney General to provide incentive grants to help law enforcement comply with the ban on racial profiling, including funds to conduct training of police officers or purchase in-car video cameras.

Like the bill I introduced in 2005, this year's bill contains a significant improvement over previous versions. In some early proposals, DOJ grants for State and local law enforcement agencies were tied to the agency having some kind of procedure for handling complaints of racial profiling. At the suggestion of experts in the field, the bill now requires law enforcement agencies to adopt either an administrative complaint procedure or an independent auditor program to be eligible for DOJ grants. The Attorney General must promulgate regulations that set out the types of procedures and audit programs that will be sufficient. We believe that the independent auditor option will be preferable for many local law enforcement agencies, and such programs have proven to be an effective way to discourage racial profiling. Also, the Attorney General is required to conduct a 2-year demonstration project to help law enforcement agencies with data collection.

Let me emphasize that local, State, and Federal law enforcement agents play a vital role in protecting the public from crime and protecting the Nation from terrorism. The vast majority of law enforcement agents nationwide discharge their duties professionally and without bias and we are all indebted to them for their courage and dedication. This bill should not be misinterpreted as a criticism of those who put their lives on the line for the rest of us each and every day. Rather, it is a statement that the use of race, ethnicity, religion, or national origin in deciding which persons should be subject to traffic stops, stops and frisks, questioning, searches, and seizures is wrong and ineffective, except where there is specific information linking persons of a particular race, ethnicity, religion, or national origin to a crime.

The provisions in this bill will help restore the trust and confidence of the communities that our law enforcement have pledged to serve and protect. That confidence is crucial to our success in stopping crime and in stopping terrorism. The End Racial Profiling Act of

2007 is good for law enforcement and good for America.

I urge the President to make good on his pledge to end racial profiling, and I urge my colleagues to join me in supporting the End Racial Profiling Act of 2007.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 2481

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "End Racial Profiling Act of 2007" or "ERPA".

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings, purposes, and intent.
Sec. 3. Definitions.

TITLE I—PROHIBITION OF RACIAL PROFILING

Sec. 101. Prohibition.
Sec. 102. Enforcement.

TITLE II—PROGRAMS TO ELIMINATE RACIAL PROFILING BY FEDERAL LAW ENFORCEMENT AGENCIES

Sec. 201. Policies to eliminate racial profiling.

TITLE III—PROGRAMS TO ELIMINATE RACIAL PROFILING BY STATE, LOCAL, AND INDIAN TRIBAL LAW ENFORCEMENT AGENCIES

Sec. 301. Policies required for grants.
Sec. 302. Administrative complaint procedure or independent auditor program required for grants.
Sec. 303. Involvement of Attorney General.
Sec. 304. Data collection demonstration project.
Sec. 305. Best practices development grants.
Sec. 306. Authorization of appropriations.

TITLE IV—DATA COLLECTION

Sec. 401. Attorney General to issue regulations.
Sec. 402. Publication of data.
Sec. 403. Limitations on publication of data.

TITLE V—DEPARTMENT OF JUSTICE REGULATIONS AND REPORTS ON RACIAL PROFILING IN THE UNITED STATES

Sec. 501. Attorney General to issue regulations and reports.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Severability.
Sec. 602. Savings clause.

SEC. 2. FINDINGS, PURPOSES, AND INTENT.

(a) Findings.—Congress finds the following:

(1) Federal, State, and local law enforcement agents play a vital role in protecting the public from crime and protecting the Nation from terrorism. The vast majority of law enforcement agents nationwide discharge their duties professionally and without bias.

(2) The use by police officers of race, ethnicity, national origin, or religion in deciding which persons should be subject to traffic stops, stops and frisks, questioning, searches, and seizures is improper.

(3) In his address to a joint session of Congress on February 27, 2001, President George W. Bush declared that "racial profiling is wrong and we will end it in America.". He directed the Attorney General to implement this policy.

(4) In June 2003, the Department of Justice issued a Policy Guidance regarding racial profiling by Federal law enforcement agencies which stated: "Racial profiling in law enforcement is not merely wrong, but also ineffective. Race-based assumptions in law enforcement perpetuate negative racial stereotypes that are harmful to our rich and diverse democracy, and materially impair our efforts to maintain a fair and just society.".

(5) The Department of Justice Guidance is a useful first step, but does not achieve the President's stated goal of ending racial profiling in America, as—

(A) it does not apply to State and local law enforcement agencies;

(B) it does not contain a meaningful enforcement mechanism;

(C) it does not require data collection; and

(D) it contains an overbroad exception for immigration and national security matters.

(6) Current efforts by State and local governments to eradicate racial profiling and redress the harms it causes, while also laudable, have been limited in scope and insufficient to address this national problem. Therefore, Federal legislation is needed.

(7) Statistical evidence from across the country demonstrates that racial profiling is a real and measurable phenomenon.

(8) As of November 15, 2000, the Department of Justice had 14 publicly noticed, ongoing, pattern or practice investigations involving allegations of racial profiling and had filed 5 pattern or practice lawsuits involving allegations of racial profiling, with 4 of those cases resolved through consent decrees.

(9) A large majority of individuals subjected to stops and other enforcement activities based on race, ethnicity, national origin, or religion are found to be law abiding and therefore racial profiling is not an effective means to uncover criminal activity.

(10) A 2001 Department of Justice report on citizen-police contacts that occurred in 1999, found that, although Blacks and Hispanics were more likely to be stopped and searched, they were less likely to be in possession of contraband. On average, searches and seizures of Black drivers yielded evidence only 8 percent of the time, searches and seizures of Hispanic drivers yielded evidence only 10 percent of the time, and searches and seizures of White drivers yielded evidence 17 percent of the time.

(11) A 2000 General Accounting Office report on the activities of the United States Customs Service during fiscal year 1998 found that—

(A) Black women who were United States citizens were 9 times more likely than White women who were United States citizens to be x-rayed after being frisked or patted down;

(B) Black women who were United States citizens were less than half as likely as White women who were United States citizens to be found carrying contraband; and

(C) in general, the patterns used to select passengers for more intrusive searches resulted in women and minorities being selected at rates that were not consistent with the rates of finding contraband.

(12) A 2005 report of the Bureau of Justice Statistics of the Department of Justice on citizen-police contacts that occurred in 2002, found that, although Whites, Blacks, and Hispanics were stopped by the police at the same rate—

(A) Blacks and Hispanics were much more likely to be arrested than Whites;

(B) Hispanics were much more likely to be ticketed than Blacks or Whites;

(C) Blacks and Hispanics were much more likely to report the use or threatened use of force by a police officer;

(D) Blacks and Hispanics were much more likely to be handcuffed than Whites; and

(E) Blacks and Hispanics were much more likely to have their vehicles searched than Whites.

(13) In some jurisdictions, local law enforcement practices, such as ticket and arrest quotas and similar management practices, may have the unintended effect of encouraging law enforcement agents to engage in racial profiling.

(14) Racial profiling harms individuals subjected to it because they experience fear, anxiety, humiliation, anger, resentment, and cynicism when they are unjustifiably treated as criminal suspects. By discouraging individuals from traveling freely, racial profiling impairs both interstate and intrastate commerce.

(15) Racial profiling damages law enforcement and the criminal justice system as a whole by undermining public confidence and trust in the police, the courts, and the criminal law.

(16) In the wake of the September 11, 2001, terrorist attacks, many Arabs, Muslims, Central and South Asians, and Sikhs, as well as other immigrants and Americans of foreign descent, were treated with generalized suspicion and subjected to searches and seizures based upon religion and national origin, without trustworthy information linking specific individuals to criminal conduct. Such profiling has failed to produce tangible benefits, yet has created a fear and mistrust of law enforcement agencies in these communities.

(17) Racial profiling violates the equal protection clause of the fourteenth amendment to the Constitution of the United States. Using race, ethnicity, religion, or national origin as a proxy for criminal suspicion violates the constitutional requirement that police and other government officials accord to all citizens the equal protection of the law. Batson v. Kentucky, 476 U.S. 79 (1986); Palmore v. Sidoti, 466 U.S. 429 (1984).

(18) Racial profiling is not adequately addressed through suppression motions in criminal cases for 2 reasons. First, the Supreme Court held, in Whren v. United States, 517 U.S. 806 (1996), that the racially discriminatory motive of a police officer in making an otherwise valid traffic stop does not warrant the suppression of evidence under the fourth amendment to the Constitution of the United States. Second, since most stops do not result in the discovery of contraband, there is no criminal prosecution and no evidence to suppress.

(19) A comprehensive national solution is needed to address racial profiling at the Federal, State, and local levels. Federal support is needed to combat racial profiling through specialized training of law enforcement agents, improved management systems, and the acquisition of technology such as in-car video cameras.

(b) Purposes.—The purposes of this Act are—

(1) to enforce the constitutional right to equal protection of the laws, pursuant to the fifth amendment and section 5 of the fourteenth amendment to the Constitution of the United States;

(2) to enforce the constitutional right to protection against unreasonable searches and seizures, pursuant to the fourteenth amendment to the Constitution of the United States;

(3) to enforce the constitutional right to interstate travel, pursuant to section 2 of article IV of the Constitution of the United States; and

(4) to regulate interstate commerce, pursuant to clause 3 of section 8 of article I of the Constitution of the United States.

(c) INTENT.—This Act is not intended to and should not impede the ability of Federal, State, and local law enforcement to protect the country and its people from any threat, be it foreign or domestic.

SEC. 3. DEFINITIONS.

In this Act:

(1) COVERED PROGRAM.—The term "covered program" means any program or activity funded in whole or in part with funds made available under—

(A) the Edward Byrne Memorial State and Local Law Enforcement Assistance Program (part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.)); and

(B) the "Cops on the Beat" program under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.), but not including any program, project, or other activity specified in section 1701(b)(13) of that Act (42 U.S.C. 3796dd(b)(13)).

(2) GOVERNMENTAL BODY.—The term "governmental body" means any department, agency, special purpose district, or other instrumentality of Federal, State, local, or Indian tribal government.

(3) INDIAN TRIBE.—The term "Indian tribe" has the same meaning as in section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603)).

(4) LAW ENFORCEMENT AGENCY.—The term "law enforcement agency" means any Federal, State, local, or Indian tribal public agency engaged in the prevention, detection, or investigation of violations of criminal, immigration, or customs laws.

(5) LAW ENFORCEMENT AGENT.—The term "law enforcement agent" means any Federal, State, local, or Indian tribal official responsible for enforcing criminal, immigration, or customs laws, including police officers and other agents of a law enforcement agency.

(6) RACIAL PROFILING.—The term "racial profiling" means the practice of a law enforcement agent or agency relying, to any degree, on race, ethnicity, national origin, or religion in selecting which individual to subject to routine or spontaneous investigatory activities or in deciding upon the scope and substance of law enforcement activity following the initial investigatory procedure, except when there is trustworthy information, relevant to the locality and timeframe, that links a person of a particular race, ethnicity, national origin, or religion to an identified criminal incident or scheme.

(7) ROUTINE OR SPONTANEOUS INVESTIGATORY ACTIVITIES.—The term "routine or spontaneous investigatory activities" means the following activities by a law enforcement agent:

(A) Interviews.

(B) Traffic stops.

(C) Pedestrian stops.

(D) Frisks and other types of body searches.

(E) Consensual or nonconsensual searches of the persons or possessions (including vehicles) of motorists or pedestrians.

(F) Inspections and interviews of entrants into the United States that are more extensive than those customarily carried out.

(G) Immigration related workplace investigations.

(H) Such other types of law enforcement encounters compiled by the Federal Bureau of Investigation and the Justice Departments Bureau of Justice Statistics.

(8) REASONABLE REQUEST.—The term "reasonable request" means all requests for information, except for those that—

(A) are immaterial to the investigation;

(B) would result in the unnecessary exposure of personal information; or

(C) would place a severe burden on the resources of the law enforcement agency given its size.

(9) UNIT OF LOCAL GOVERNMENT.—The term "unit of local government" means—

(A) any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State;

(B) any law enforcement district or judicial enforcement district that—

(i) is established under applicable State law; and

(ii) has the authority to, in a manner independent of other State entities, establish a budget and impose taxes;

(C) any Indian tribe that performs law enforcement functions, as determined by the Secretary of the Interior; or

(D) for the purposes of assistance eligibility, any agency of the government of the District of Columbia or the Federal Government that performs law enforcement functions in and for—

(i) the District of Columbia; or

(ii) any Trust Territory of the United States.

TITLE I—PROHIBITION OF RACIAL PROFILING

SEC. 101. PROHIBITION.

No law enforcement agent or law enforcement agency shall engage in racial profiling.

SEC. 102. ENFORCEMENT.

(a) REMEDY.—The United States, or an individual injured by racial profiling, may enforce this title in a civil action for declaratory or injunctive relief, filed either in a State court of general jurisdiction or in a district court of the United States.

(b) PARTIES.—In any action brought under this title, relief may be obtained against—

(1) any governmental body that employed any law enforcement agent who engaged in racial profiling;

(2) any agent of such body who engaged in racial profiling; and

(3) any person with supervisory authority over such agent.

(c) NATURE OF PROOF.—Proof that the routine or spontaneous investigatory activities of law enforcement agents in a jurisdiction have had a disparate impact on racial, ethnic, or religious minorities shall constitute prima facie evidence of a violation of this title.

(d) ATTORNEY'S FEES.—In any action or proceeding to enforce this title against any governmental unit, the court may allow a prevailing plaintiff, other than the United States, reasonable attorney's fees as part of the costs, and may include expert fees as part of the attorney's fee.

TITLE II—PROGRAMS TO ELIMINATE RACIAL PROFILING BY FEDERAL LAW ENFORCEMENT AGENCIES

SEC. 201. POLICIES TO ELIMINATE RACIAL PROFILING.

(a) IN GENERAL.—Federal law enforcement agencies shall—

(1) maintain adequate policies and procedures designed to eliminate racial profiling; and

(2) cease existing practices that permit racial profiling.

(b) POLICIES.—The policies and procedures described in subsection (a)(1) shall include—

(1) a prohibition on racial profiling;

(2) training on racial profiling issues as part of Federal law enforcement training;

(3) the collection of data in accordance with the regulations issued by the Attorney General under section 401;

(4) procedures for receiving, investigating, and responding meaningfully to complaints alleging racial profiling by law enforcement agents;

(5) policies requiring that corrective action be taken when law enforcement agents are determined to have engaged in racial profiling; and

(6) such other policies or procedures that the Attorney General deems necessary to eliminate racial profiling.

TITLE III—PROGRAMS TO ELIMINATE RACIAL PROFILING BY STATE, LOCAL, AND INDIAN TRIBAL LAW ENFORCEMENT AGENCIES

SEC. 301. POLICIES REQUIRED FOR GRANTS.

(a) IN GENERAL.—An application by a State, a unit of local government, or a State, local, or Indian tribal law enforcement agency for funding under a covered program shall include a certification that such State, unit of local government, or law enforcement agency, and any law enforcement agency to which it will distribute funds—

(1) maintains adequate policies and procedures designed to eliminate racial profiling; and

(2) has eliminated any existing practices that permit or encourage racial profiling.

(b) POLICIES.—The policies and procedures described in subsection (a)(1) shall include—

(1) a prohibition on racial profiling;

(2) training on racial profiling issues as part of law enforcement training;

(3) the collection of data in accordance with the regulations issued by the Attorney General under section 401;

(4) participation in an administrative complaint procedure or independent auditor program that meets the requirements of section 302;

(5) policies requiring that corrective action be taken when law enforcement agents are determined to have engaged in racial profiling; and

(6) such other policies or procedures that the Attorney General deems necessary to eliminate racial profiling.

(c) EFFECTIVE DATE.—This section shall take effect 12 months after the date of enactment of this Act.

SEC. 302. ADMINISTRATIVE COMPLAINT PROCEDURE OR INDEPENDENT AUDITOR PROGRAM REQUIRED FOR GRANTS.

(a) ESTABLISHMENT OF ADMINISTRATIVE COMPLAINT PROCEDURE OR INDEPENDENT AUDITOR PROGRAM.—An application by a State or unit of local government for funding under a covered program shall include a certification that the applicant has established and is maintaining, for each law enforcement agency of the applicant, either—

(1) an administrative complaint procedure that meets the requirements of subsection (b); or

(2) an independent auditor program that meets the requirements of subsection (c).

(b) REQUIREMENTS FOR ADMINISTRATIVE COMPLAINT PROCEDURE.—To meet the requirements of this subsection, an administrative complaint procedure shall—

(1) allow any person who believes there has been a violation of section 101 to file a complaint;

(2) allow a complaint to be made—

(A) in writing or orally;

(B) in person or by mail, telephone, facsimile, or electronic mail; and

(C) anonymously or through a third party;

(3) require that the complaint be investigated and heard by an independent review board that—

(A) is located outside of any law enforcement agency or the law office of the State or unit of local government;

(B) includes, as at least a majority of its members, individuals who are not employees of the State or unit of local government;

(C) does not include as a member any individual who is then serving as a law enforcement agent;

(D) possesses the power to request all relevant information from a law enforcement agency; and

(E) possesses staff and resources sufficient to perform the duties assigned to the independent review board under this subsection;

(4) provide that the law enforcement agency shall comply with all reasonable requests for information in a timely manner;

(5) require the review board to inform the Attorney General when a law enforcement agency fails to comply with a request for information under this subsection;

(6) provide that a hearing be held, on the record, at the request of the complainant;

(7) provide for an appropriate remedy, and publication of the results of the inquiry by the review board, if the review board determines that a violation of section 101 has occurred;

(8) provide that the review board shall dismiss the complaint and publish the results of the inquiry by the review board, if the review board determines that no violation has occurred;

(9) provide that the review board shall make a final determination with respect to a complaint in a reasonably timely manner;

(10) provide that a record of all complaints and proceedings be sent to the Civil Rights Division and the Bureau of Justice Statistics of the Department of Justice;

(11) provide that no published information shall reveal the identity of the law enforcement officer, the complainant, or any other individual who is involved in a detention; and

(12) otherwise operate in a manner consistent with regulations promulgated by the Attorney General under section 303.

(c) REQUIREMENTS FOR INDEPENDENT AUDITOR PROGRAM.—To meet the requirements of this subsection, an independent auditor program shall—

(1) provide for the appointment of an independent auditor who is not a sworn officer or employee of a law enforcement agency;

(2) provide that the independent auditor be given staff and resources sufficient to perform the duties of the independent auditor program under this section;

(3) provide that the independent auditor be given full access to all relevant documents and data of a law enforcement agency;

(4) require the independent auditor to inform the Attorney General when a law enforcement agency fails to comply with a request for information under this subsection;

(5) require the independent auditor to issue a public report each year that—

(A) addresses the efforts of each law enforcement agency of the State or unit of local government to combat racial profiling; and

(B) recommends any necessary changes to the policies and procedures of any law enforcement agency;

(6) require that each law enforcement agency issue a public response to each report issued by the auditor under paragraph (5);

(7) provide that the independent auditor, upon determining that a law enforcement agency is not in compliance with this Act, shall forward the public report directly to the Attorney General;

(8) provide that the independent auditor shall engage in community outreach on racial profiling issues; and

(9) otherwise operate in a manner consistent with regulations promulgated by the Attorney General under section 303.

(d) LOCAL USE OF STATE COMPLAINT PROCEDURE OR INDEPENDENT AUDITOR PROGRAM.—

(1) IN GENERAL.—A State shall permit a unit of local government within its borders to use the administrative complaint procedure or independent auditor program it establishes under this section.

(2) EFFECT OF USE.—A unit of local government shall be deemed to have established and maintained an administrative complaint procedure or independent auditor program for purposes of this section if the unit of local government uses the administrative complaint procedure or independent auditor program of either the State in which it is located, or another unit of local government in the State in which it is located.

(e) EFFECTIVE DATE.—This section shall go into effect 12 months after the date of enactment of this Act.

SEC. 303. INVOLVEMENT OF ATTORNEY GENERAL.

(a) REGULATIONS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act and in consultation with stakeholders, including Federal, State, and local law enforcement agencies and community, professional, research, and civil rights organizations, the Attorney General shall issue regulations for the operation of the administrative complaint procedures and independent auditor programs required under subsections (b) and (c) of section 302.

(2) GUIDELINES.—The regulations issued under paragraph (1) shall contain guidelines that ensure the fairness, effectiveness, and independence of the administrative complaint procedures and independent auditor programs.

(b) NONCOMPLIANCE.—If the Attorney General determines that the recipient of any covered grant is not in compliance with the requirements of section 301 or 302 or the regulations issued under subsection (a), the Attorney General shall withhold, in whole or in part, funds for 1 or more covered grants, until the grantee establishes compliance.

(c) PRIVATE PARTIES.—The Attorney General shall provide notice and an opportunity for private parties to present evidence to the Attorney General that a grantee is not in compliance with the requirements of this title.

SEC. 304. DATA COLLECTION DEMONSTRATION PROJECT.

(a) IN GENERAL.—The Attorney General shall, through competitive grants or contracts, carry out a 2-year demonstration project for the purpose of developing and implementing data collection on hit rates for stops and searches. The data shall be disaggregated by race, ethnicity, national origin, and religion.

(b) COMPETITIVE AWARDS.—The Attorney General shall provide not more than 5 grants or contracts to police departments that—

(1) are not already collecting data voluntarily or otherwise; and

(2) serve communities where there is a significant concentration of racial or ethnic minorities.

(c) REQUIRED ACTIVITIES.—Activities carried out under subsection (b) shall include—

(1) developing a data collection tool;

(2) training of law enforcement personnel on data collection;

(3) collecting data on hit rates for stops and searches; and

(4) reporting the compiled data to the Attorney General.

(d) EVALUATION.—Not later than 3 years after the date of enactment of this Act, the Attorney General shall enter into a contract with an institution of higher education to analyze the data collected by each of the 5 sites funded under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out activities under this section—

(1) $5,000,000, over a 2-year period for a demonstration project on 5 sites; and

(2) $500,000 to carry out the evaluation in subsection (d).

SEC. 305. BEST PRACTICES DEVELOPMENT GRANTS.

(a) GRANT AUTHORIZATION.—The Attorney General, through the Bureau of Justice Assistance, may make grants to States, law enforcement agencies, and units of local government to develop and implement best practice devices and systems to eliminate racial profiling.

(b) USE OF FUNDS.—The funds provided under subsection (a) may be used for—

(1) the development and implementation of training to prevent racial profiling and to encourage more respectful interaction with the public;

(2) the acquisition and use of technology to facilitate the collection of data regarding routine investigatory activities sufficient to permit an analysis of these activities by race, ethnicity, national origin, and religion;

(3) the analysis of data collected by law enforcement agencies to determine whether the data indicate the existence of racial profiling;

(4) the acquisition and use of technology to verify the accuracy of data collection, including in-car video cameras and portable computer systems;

(5) the development and acquisition of early warning systems and other feedback systems that help identify officers or units of officers engaged in, or at risk of engaging in, racial profiling or other misconduct, including the technology to support such systems;

(6) the establishment or improvement of systems and procedures for receiving, investigating, and responding meaningfully to complaints alleging racial, ethnic, or religious bias by law enforcement agents;

(7) the establishment or improvement of management systems to ensure that supervisors are held accountable for the conduct of their subordinates; and

(8) the establishment and maintenance of an administrative complaint procedure or independent auditor program under section 302.

(c) EQUITABLE DISTRIBUTION.—The Attorney General shall ensure that grants under this section are awarded in a manner that reserves an equitable share of funding for small and rural law enforcement agencies.

(d) APPLICATION.—Each State, local law enforcement agency, or unit of local government desiring a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE IV—DATA COLLECTION

SEC. 401. ATTORNEY GENERAL TO ISSUE REGULATIONS.

(a) REGULATIONS.—Not later than 6 months after the enactment of this Act, the Attorney General, in consultation with stakeholders, including Federal, State, and local law enforcement agencies and community, professional, research, and civil rights organizations, shall issue regulations for the collection and compilation of data under sections 201 and 301.

(b) REQUIREMENTS.—The regulations issued under subsection (a) shall—

(1) provide for the collection of data on all routine or spontaneous investigatory activities;

(2) provide that the data collected shall—

(A) be collected by race, ethnicity, national origin, gender, and religion, as perceived by the law enforcement officer;

(B) include the date, time, and location of the investigatory activities; and

(C) include detail sufficient to permit an analysis of whether a law enforcement agency is engaging in racial profiling;

(3) provide that a standardized form shall be made available to law enforcement agencies for the submission of collected data to the Department of Justice;

(4) provide that law enforcement agencies shall compile data on the standardized form created under paragraph (3), and submit the form to the Civil Rights Division and the Bureau of Justice Statistics of the Department of Justice;

(5) provide that law enforcement agencies shall maintain all data collected under this Act for not less than 4 years;

(6) include guidelines for setting comparative benchmarks, consistent with best practices, against which collected data shall be measured; and

(7) provide that the Bureau of Justice Statistics shall—

(A) analyze the data for any statistically significant disparities, including—

(i) disparities in the percentage of drivers or pedestrians stopped relative to the proportion of the population passing through the neighborhood;

(ii) disparities in the percentage of false stops relative to the percentage of drivers or pedestrians stopped; and

(iii) disparities in the frequency of searches performed on minority drivers and the frequency of searches performed on nonminority drivers; and

(B) not later than 3 years after the date of enactment of this Act, and annually thereafter, prepare a report regarding the findings of the analysis conducted under subparagraph (A) and provide the report to Congress and make the report available to the public, including on a website of the Department of Justice.

SEC. 402. PUBLICATION OF DATA.

The Bureau of Justice Statistics shall provide to Congress and make available to the public, together with each annual report described in section 401, the data collected pursuant to this Act.

SEC. 403. LIMITATIONS ON PUBLICATION OF DATA.

The name or identifying information of a law enforcement officer, complainant, or any other individual involved in any activity for which data is collected and compiled under this Act shall not be—

(1) released to the public;

(2) disclosed to any person, except for such disclosures as are necessary to comply with this Act;

(3) subject to disclosure under section 552 of title 5, United States Code (commonly know as the Freedom of Information Act).

TITLE V—DEPARTMENT OF JUSTICE REGULATIONS AND REPORTS ON RACIAL PROFILING IN THE UNITED STATES

SEC. 501. ATTORNEY GENERAL TO ISSUE REGULATIONS AND REPORTS.

(a) REGULATIONS.—In addition to the regulations required under sections 303 and 401, the Attorney General shall issue such other regulations as the Attorney General determines are necessary to implement this Act.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and each year thereafter, the Attorney General shall submit to Congress a report on racial profiling by law enforcement agencies.

(2) SCOPE.—Each report submitted under paragraph (1) shall include—

(A) a summary of data collected under sections 201(b)(3) and 301(b)(1)(C) and from any other reliable source of information regarding racial profiling in the United States;

(B) a discussion of the findings in the most recent report prepared by the Bureau of Justice Statistics under section 401(a)(8);

(C) the status of the adoption and implementation of policies and procedures by Federal law enforcement agencies under section 201;

(D) the status of the adoption and implementation of policies and procedures by State and local law enforcement agencies under sections 301 and 302; and

(E) a description of any other policies and procedures that the Attorney General believes would facilitate the elimination of racial profiling.

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. SEVERABILITY.

If any provision of this Act or the application of such provision to any person or circumstance is held to be unconstitutional, the remainder of this Act and the application of the provisions of this Act to any person or circumstance shall not be affected thereby.

SEC. 602. SAVINGS CLAUSE.

Nothing in this Act shall be construed to limit legal or administrative remedies under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983), section 210401 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14141), the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3701 et seq.), and title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

By Mr. BINGAMAN:

S. 2483. A bill to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes; read the first time.

Mr. BINGAMAN. Mr. President, today I am introducing the National Forests, Parks, Public Land, and Reclamation Project Authorization Act of 2007, a collection of approximately 50 individual bills under the jurisdiction of the Committee on Energy and Natural Resources. All of the individual provisions included in this bill have been passed by the House of Representatives, and most have also been favorably reported from the Energy and Natural Resources Committee. I believe everything included within this bill is non-controversial and it is my hope that the Senate will pass this bill expeditiously.

Mr. President, I ask unanimous consent that a table listing the various measures included in this bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FOREST SERVICE AUTHORIZATIONS

Sec. 101 Wild Sky wilderness (H.R. 886/S. 520)

Sec. 102 Jim Weaver trail (H.R. 247)

BUREAU OF LAND MANAGEMENT AUTHORIZATIONS

Sec. 201 Piedras Blancas Historic Light Station (H.R. 276)

Sec. 202 Nevada National Guard land conveyance (H.R. 815/S. 1608)

NATIONAL PARK SERVICE AUTHORIZATIONS

Sec. 301 National Park Service cooperative agreements (H.R. 658/S. 241)

Sec. 311 Carl Sandburg NHS boundary adjustment (H.R. 1100/S. 488)

Sec. 312 Lowell NHP boundary adjustment (H.R. 299/S. 867)

Sec. 313 Mesa Verde NP boundary adjustment (H.R. 783/S. 126)

Sec. 321 Newtonia Civil War battlefields study (H.R. 376)

Sec. 322 Soldiers' Memorial Military Museum study (H.R. 1047)

Sec. 323 Wolf House study (H.R. 3998/S. 1941)

Sec. 324 Space Shuttle Columbia study (H.R. 807)

Sec. 325 Cesar Chavez study (H.R. 359/S. 327)

Sec. 326 Taunton, MA study (H.R. 1021/S. 1184)

Sec. 331 Francis Marion Commemorative Work (H.R. 497/S. 312)

Sec. 332 Eisenhower Memorial Commission (H.R. 2094/S. 890)

Sec. 333 American Latino museum commission (H.R. 512/S. 500)

Sec. 334 Hudson-Fulton Champlain commissions (H.R. 1520/S. 1148)

Sec. 335 National Museum of Wildlife Art (H. Con. Res. 116/S. Con. Res. 6)

Sec. 336 Ellis Island Library redesignation (H.R. 759)

Sec. 341 Star-Spangled Banner National Historic Trail (H.R. 1388/S. 797)

Sec. 342 Lewis & Clark NHT visitor center conveyance (H.R. 761/S. 471)

Sec. 343 Lewis & Clark NHT study of Eastern States (H.R. 3998/S. 1991)

Sec. 344 Eightmile River Wild & Scenic River designation (H.R. 986/ S. 553)

Sec. 351 Denali National Park Exchange with Alaska Railroad (H.R. 830/ S. 1808)

Sec. 361 Underground Railroad Network (H.R. 1239/S. 1709)

Sec. 371 Grand Canyon National Park Subcontractors (H.R. 1191)

NATIONAL HERITAGE AREAS

Subtitle A Journey Through Hallowed Ground NHA (H.R. 1483/S. 289)

Subtitle B Niagara Falls National Heritage Area (H.R. 1483/S. 800)

Subtitle C Abraham Lincoln National Heritage Area (H.R. 1483/S. 955)

Subtitle D Extension of Existing Heritage Area Authorities (H.R. 1483/S. 817)

Subtitle E Technical Corrections and Additions (H.R. 1483)

Sec. 471 National Coal Heritage Area amendments (H.R. 1483/S. 817)

Sec. 472 Rivers of Steel NHA addition (H.R. 1483/S. 817)

Sec. 473 South Carolina NHA addition (H.R. 1483/S. 817)

Sec. 474 Ohio and Erie Canal NHA amendments (H.R. 1483/S. 817)

Sec. 475 New Jersey Coastal Heritage Trail (H.R. 1483/S. 1039)

Sec. 481 Columbia-Pacific heritage area study (H.R. 407/S. 257)

Sec. 482 Abraham Lincoln heritage sites in Kentucky (S. 955)

BUREAU OF RECLAMATION AND U.S. GEOLOGICAL SURVEY AUTHORIZATIONS

Sec. 501 Alaska water resources study (H.R. 1114/S. 200)

Sec. 502 Redwood Valley Water District payment schedule (H.R. 235/S. 1112)

Sec. 503 American River Pump Station project transfer (H.R. 482)

Sec. 504 Watkins Dam enlargement (H.R. 839/S. 512)

Sec. 505 New Mexico water planning assistance (H.R. 1904/S. 255)

Sec. 506 Yakima Project lands and building conveyance (H.R. 386/S. 235)

Sec. 507 Juab County, Utah conjunctive water use (H.R. 1736/S. 1110)

Sec. 508 A&B Irrigation District contract repayment (H.R. 467/S. 220)

Sec. 509 Oregon Water Resources (H.R. 495)

Sec. 510 Republican River Basin study (H.R. 1025)

Sec. 511 Eastern Municipal Water District (H.R. 30)

Sec. 512 Inland Empire recycling projects (H.R. 122/S. 1054)

Sec. 513 Bay Area regional recycling program (H.R. 1526/S. 1475)

Sec. 514 Bureau of Reclamation site security (H.R. 1662/S. 1258)

DEPARTMENT OF ENERGY AUTHORIZATIONS

Sec. 601 Energy technology transfer (H.R. 85)

Sec. 602 Steel & Aluminum Act amendments (H.R. 1126)

Title VII Commonwealth of the Northern Mariana Islands (H.R. 3079/ S. 1634)

Title VIII Compact of Free Association Amendments (H.R. 2705/S. 283)

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 404—CONGRATULATING ALL MEMBER STATES OF THE INTERNATIONAL COMMISSION FOR THE INTERNATIONAL TRACING SERVICE (ITS) ON RATIFYING THE MAY 2006 PROTOCOL GRANTING OPEN ACCESS TO A VAST ARCHIVES ON THE HOLOCAUST AND OTHER WORLD WAR II MATERIALS, LOCATED AT BAD AROLSEN, GERMANY

Mrs. CLINTON (for herself and Mr. NELSON of Florida) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 404

Whereas, for the past 62 years, until November 28, 2007, the International Tracing Service (ITS) archives located in Bad Arolsen, Germany remained the largest closed Holocaust-era archives in the world;

Whereas, while Holocaust survivors and their descendants have had limited access to individual records, reports suggest that they faced long delays, incomplete information, and even unresponsiveness when they tried to access the materials in the archives;

Whereas the 1955 Bonn Accords established the International Commission (on which 11 member nations sit: Belgium, France, Germany, Greece, Israel, Italy, Luxembourg, the Netherlands, Poland, the United Kingdom, and the United States) responsible for overseeing the administration of the ITS Holocaust archives, which includes 17,500,000 individual names and 50,000,000 documents;

Whereas, until ITC received the ratification of the 2006 amendments to the Bonn Accords from the last remaining member nation on November 28, 2007, the materials remained inaccessible to researchers and research institutions;

Whereas the International Committee of the Red Cross (ICRC) and the Director of the ITS, who is an ICRC employee, oversee the day-to-day operations of the ITS and report to the International Commission for the ITS at its annual meetings;

Whereas the new International Committee of the Red Cross leadership at the ITS should be commended for their commitment to providing expedited and comprehensive responses to Holocaust survivor requests for information, and for their efforts to complete the digitization of all archives as soon as possible;

Whereas, since the inception of the ITS, the Government of Germany has financed its operations;

Whereas, beginning in the late 1990s, the United States Holocaust Memorial Museum (Holocaust Museum), Holocaust survivor organizations, and others began exerting pressure on International Commission members to allow unfettered access to the ITS archives;

Whereas, following years of delay, in May 2006 in Luxembourg the International Commission of the ITS agreed upon amendments to the Bonn Accords which would grant researchers access to the archives and would allow each Commission member country to receive a digitized copy of the archives and make them available to researchers, consistent with their own country's respective archival and privacy laws and practices;

Whereas the first 3 Commission member states to ratify the amendments were the United States, Israel, and Poland, all 3 of which are home to hundreds of thousands of survivors of Nazi brutality;

Whereas the Holocaust Museum has worked assiduously for years to ensure the timely release of the archives to survivors and the public;

Whereas the Department of State has been engaged in diplomatic efforts with other Commission member nations to provide open access to the archives;

Whereas the House of Representatives unanimously passed H. Res. 240 on April 25, 2007, and the United States Senate passed S. Res. 141 on May 1, 2007, urging all member countries of the International Commission of the ITS who have yet to ratify the May 2006 amendments to the 1955 Bonn Accords to expedite the ratification process, to allow for open access to the archives;

Whereas, on May 15, 2007, the International Commission voted in favor of a United States proposal to allow immediate transfer of a digital copy of archived materials to any of the 11 member states that have adopted the May 2006 amendments to the Bonn Accords, and thereafter, transfer of materials to both the Holocaust Museum and to Yad Vashem, the Holocaust Martyrs' and Heroes' Remembrance Authority in Israel, was initiated;

Whereas, while it is not possible to fully compensate Holocaust survivors for the pain, suffering, and loss of loved ones they have experienced, it is a moral and justifiable imperative for Holocaust survivors and their families to be offered expedited open access to these archives;

Whereas time is of the essence in order for Holocaust researchers to access the archives while eyewitnesses to the horrific atrocities of Nazi Germany are still alive;

Whereas opening the historic record is a vital contribution to the world's collective memory and understanding of the Holocaust and ensures that unchecked anti-Semitism and complete disrespect for the value of human life—including the crimes committed against non-Jewish victims—which made such horrors possible are never again permitted to take hold;

Whereas, despite overwhelming international recognition of the unconscionable horrors of the Holocaust and its devastating impact on world Jewry, there has been a sharp increase in anti-Semitism and Holocaust denial across the globe in recent years; and

Whereas it is critical that the international community continue to heed the lessons of the Holocaust, one of the darkest periods in the history of humankind, and take immediate and decisive measures to combat the scourge of anti-Semitism: Now, therefore, be it

Resolved, That the Senate—

(1) commends in the strongest terms all nations that worked expeditiously to ratify the amendments to the Bonn Accords to allow for open access to the Holocaust Archives located at Bad Arolsen, Germany;

(2) congratulates the dedication, commitment, and collaborative efforts of the United States Holocaust Memorial Museum, the Department of State, and the International Committee of the Red Cross to open the archives;

(3) encourages the United States Holocaust Memorial Museum and the International Committee of the Red Cross to act with all possible urgency to create appropriate conditions to ensure that survivors, their families, and researchers have direct access to the archives and are offered effective assistance in navigating and interpreting these archives;

(4) remembers and pays tribute to the murder of 6,000,000 innocent Jews and more than 5,000,000 other innocent victims during the Holocaust by Nazi perpetrators and their collaborators; and

(5) must remain vigilant in combating global anti-Semitism, intolerance, and bigotry.

SENATE RESOLUTION 405—RECOGNIZING THE LIFE AND CONTRIBUTIONS OF HENRY JOHN HYDE

Mr. GRASSLEY (for himself, Mr. BROWNBACK, Mr. COBURN, Mr. CORNYN, Mr. DEMINT, Mr. HATCH, Mr. ROBERTS, Mr. SUNUNU, Mrs. DOLE, Mr. ALLARD, Mr. BUNNING, Ms. SNOWE, Mr. DOMENICI, Mr. MARTINEZ, Mr. ENSIGN, Mr. COLEMAN, Mr. VITTER, Mr. HAGEL, Mr. SHELBY, Mr. THUNE, Mr. BENNETT, Mr. CRAPO, Mr. CRAIG, Mr. SESSIONS, Mr. KYL, Mr. SMITH, Mr. GRAHAM, Mr. INHOFE, and Mr. CORKER) submitted the following resolution; which was considered and agreed to:

S. RES. 405

Whereas Representative Henry John Hyde of Illinois was born in Chicago, Cook County, Illinois, on April 18, 1924;

Whereas Henry Hyde excelled as a student both at Georgetown University, at which he helped take the Hoyas basketball team to the National Collegiate Athletic Association semifinals in 1943 and from which he graduated with a bachelor of science degree in 1947, and at Loyola University Chicago School of Law, from which he graduated in 1949;

Whereas Henry Hyde served his country for his entire adult life, as an officer of the United States Navy from 1944 to 1946, where he served in combat in the Philippines during World War II, in the United States Navy Reserve from 1946 to 1968, from which he retired at the rank of Commander, as a member of the Illinois House of Representatives from 1967 to 1974 and Majority Leader of that body from 1971 to 1972, as a delegate to the Illinois Republican State Conventions from 1958 to 1974, and as a Republican Member of the United States House of Representatives for 16 Congresses, over 3 decades from January 3, 1975, to January 3, 2007;

Whereas Henry Hyde served as the Ranking Member on the Select Committee on Intelligence of the House of Representatives from 1985 to 1991, in the 99th through 101st Congresses, and as chairman of the Committee on the Judiciary of the House of Representatives from the 104th through 106th Congresses and the Committee on International Relations from the 107th through 109th Congresses;

Whereas, in his capacity as a United States Representative, Henry Hyde tirelessly served as a champion for children, both born and unborn, and relentlessly defended the rule of law;

Whereas Henry Hyde demonstrated his commitment to the rule of law during his tenure in the House of Representatives, once stating, "The rule of law is no pious aspiration from a civics textbook. The rule of law is what stands between us and the arbitrary exercise of power by the state. The rule of law is the safeguard of our liberties. The rule of law is what allows us to live our freedom in ways that honor the freedom of others while strengthening the common good. . . If across the river in Arlington Cemetery there are American heroes who died in defense of the rule of law, can we give less than the full measure of our devotion to that great cause?";

Whereas Henry Hyde was a key player in some of the highest level debates concerning the response to the terrorist attacks on our Nation on September 11, 2001;

Whereas Henry Hyde received the Presidential Medal of Freedom, the Nation's highest civilian honor, on November 5, 2007, at a ceremony at which President George W. Bush explained about Representative Hyde, "He used his persuasive powers for noble causes. He stood for a strong and purposeful America—confident in freedom's advance, and firm in freedom's defense. He stood for limited, accountable government, and the equality of every person before the law. He was a gallant champion of the weak and forgotten, and a fearless defender of life in all its seasons.";

Whereas Henry Hyde's greatest legacy is as the author, during his freshman term in the House of Representatives, of an amendment to the 1976 Departments of Labor and Health, Education, and Welfare Appropriations Act—commonly referred to as the Hyde Amendment—that prohibits Federal dollars from being used to pay for the abortion of unborn babies, which conservative figures estimate has saved at least 1,000,000 lives;

Whereas Henry Hyde lived by the belief that we will all be judged by our Creator in the end for our actions here on Earth, which he once explained on the floor of the House of Representatives by saying, "Our moment in history is marked by a mortal conflict between a culture of life and a culture of death. God put us in the world to do noble things, to love and to cherish our fellow human beings, not to destroy them. Today we must choose sides.";

Whereas Henry Hyde selflessly battled for the causes that formed the core of his beliefs until the end of his life, and was greatly respected by his friends and adversaries alike for his dedication and will remain a role model for advocates of those causes by virtue of his conviction, passion, wisdom, and character; and

Whereas Henry Hyde was preceded in death by his first wife, Jeanne, and his son Hank, and is survived by his second wife, Judy, his sons Robert and Anthony and daughter Laura, 3 stepchildren, Susan, Mitch, and Stephen, 7 grandchildren, and 7 step-grandchildren: Now, therefore, be it

Resolved, That the Senate—

(1) notes with deep sorrow the death of Henry John Hyde on November 29, 2007, in Chicago;

(2) extends its heartfelt sympathy to the family of Henry Hyde;

(3) recognizes the life of service and the outstanding contributions of Henry Hyde; and

(4) directs the Secretary of the Senate to transmit a copy of this resolution to the family of Henry Hyde.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3849. Ms. MIKULSKI (for herself and Mr. SPECTER) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table.

SA 3850. Mr. REID proposed an amendment to the bill H.R. 6, to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers, to increase the efficiency of products, buildings, and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes.

SA 3851. Mr. HARKIN (for himself, Mr. CHAMBLISS, Mrs. FEINSTEIN, Mr. LEVIN, Ms. SNOWE, Mr. CRAPO, Mr. CONRAD, Ms. CANTWELL, Ms. COLLINS, Mr. DORGAN, Mr. DURBIN, Mr. LIEBERMAN, and Mr. SCHUMER) proposed an amendment to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

SA 3852. Mr. HARKIN (for Mr. DODD) proposed an amendment to the bill S. 1858, to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

TEXT OF AMENDMENTS

SA 3849. Ms. MIKULSKI (for herself and Mr. SPECTER) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1045, after line 2, insert the following:

SEC. 7505. STUDIES AND REPORTS BY THE DEPARTMENT OF AGRICULTURE AND THE NATIONAL ACADEMY OF SCIENCES ON FOOD PRODUCTS FROM CLONED ANIMALS.

(a) STUDY BY THE DEPARTMENT OF AGRICULTURE.—

(1) IN GENERAL.—The Secretary of Agriculture, in coordination with the Economic Research Service, and after consultation with the Secretary of Health and Human Services, shall conduct a study and report to Congress on the state of domestic and international markets for products from cloned animals, including consumer acceptance. Such report shall be submitted to Congress no later than 180 days after the date of enactment of this Act.

(2) CONTENT.—The study and report under paragraph (1) shall include a description of how countries regulate the importation of food and agricultural products (including dairy products), the basis for such regulations, and potential obstacles to trade.

(b) STUDY WITH THE NATIONAL ACADEMY OF SCIENCES.—

(1) IN GENERAL.—The Secretary of Agriculture shall contract with the National Academy of Sciences to conduct a study and report to Congress regarding the safety of food products derived from cloned animals and the health effects and costs attributable to milk from cloned animals in the food supply. Such report shall be submitted to Congress no later than 1 year after the date of enactment of this Act.

(2) CONTENT.—The study and report under paragraph (1) shall include—

(A) a review and an assessment of whether the studies (including peer review studies), data, and analysis used in the draft risk assessment issued by the Food and Drug Administration entitled *Animal Cloning: A Draft Risk Assessment* (issued on December 28, 2006) supported the conclusions drawn by such draft risk assessment and—

(i) whether there were a sufficient number of studies to support such conclusions; and

(ii) whether additional pertinent studies and data exist which were not considered in the draft risk assessment and how this additional information affects the conclusions drawn in such draft risk assessment; and

(B) an evaluation and measurement of the potential public health effects and associated health care costs, including any consumer behavior changes and negative impacts on nutrition, health, and chronic diseases that may result from any decrease in dairy consumption, attributable to the commercialization of milk from cloned animals and their progeny.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to impede ongoing scientific research in artificial reproductive health technologies.

(d) TIMEFRAME OF FINAL RISK ASSESSMENT.—Notwithstanding any other provision of law, the Secretary of Health and Human

Services (acting through the Commissioner of Food and Drugs) shall not issue the final risk assessment on the safety of cloned animals and food products derived from cloned animals until the date that the Secretary of Agriculture completes the studies required under this section.

(e) CONTINUANCE OF MORATORIUM.—Any voluntary moratorium on introducing food from cloned animals or their progeny into the food supply shall remain in effect at least until the date that the Secretary of Health and Human Services (acting through the Commissioner of Food and Drugs) issues the final risk assessment described in subsection (d).

SA 3850. Mr. REID proposed an amendment to the bill H.R. 6, to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers, to increase the efficiency of products, buildings, and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes; as follows:

In lieu of the matter proposed to be inserted by the amendment of the House to the amendment of the Senate to the text of the bill H.R. 6, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Energy Independence and Security Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Relationship to other law.

TITLE I—ENERGY SECURITY THROUGH IMPROVED VEHICLE FUEL ECONOMY

Subtitle A—Increased Corporate Average Fuel Economy Standards

Sec. 101. Short title.
Sec. 102. Average fuel economy standards for automobiles and certain other vehicles.
Sec. 103. Definitions.
Sec. 104. Credit trading program.
Sec. 105. Consumer information.
Sec. 106. Continued applicability of existing standards.
Sec. 107. National Academy of Sciences studies.
Sec. 108. National Academy of Sciences study of medium-duty and heavy-duty truck fuel economy.
Sec. 109. Extension of flexible fuel vehicle credit program.
Sec. 110. Periodic review of accuracy of fuel economy labeling procedures.
Sec. 111. Consumer tire information.
Sec. 112. Use of civil penalties for research and development.
Sec. 113. Exemption from separate calculation requirement.

Subtitle B—Improved Vehicle Technology

Sec. 131. Transportation electrification.
Sec. 132. Domestic manufacturing conversion grant program.
Sec. 133. Inclusion of electric drive in Energy Policy Act of 1992.
Sec. 134. Loan guarantees for fuel-efficient automobile parts manufacturers.
Sec. 135. Advanced battery loan guarantee program.
Sec. 136. Advanced technology vehicles manufacturing incentive program.

Subtitle C—Federal Vehicle Fleets

Sec. 141. Federal vehicle fleets.
Sec. 142. Federal fleet conservation requirements.

TITLE II—ENERGY SECURITY THROUGH INCREASED PRODUCTION OF BIOFUELS

Subtitle A—Renewable Fuel Standard

Sec. 201. Definitions.
Sec. 202. Renewable fuel standard.
Sec. 203. Study of impact of Renewable Fuel Standard.
Sec. 204. Environmental and resource conservation impacts.
Sec. 205. Biomass based diesel and biodiesel labeling.
Sec. 206. Study of credits for use of renewable electricity in electric vehicles.
Sec. 207. Grants for production of advanced biofuels.
Sec. 208. Integrated consideration of water quality in determinations on fuels and fuel additives.
Sec. 209. Anti-backsliding.
Sec. 210. Effective date, savings provision, and transition rules.

Subtitle B—Biofuels Research and Development

Sec. 221. Biodiesel.
Sec. 222. Biogas.
Sec. 223. Grants for biofuel production research and development in certain States.
Sec. 224. Biorefinery energy efficiency.
Sec. 225. Study of optimization of flexible fueled vehicles to use E-85 fuel.
Sec. 226. Study of engine durability and performance associated with the use of biodiesel.
Sec. 227. Study of optimization of biogas used in natural gas vehicles.
Sec. 228. Algal biomass.
Sec. 229. Biofuels and biorefinery information center.
Sec. 230. Cellulosic ethanol and biofuels research.
Sec. 231. Bioenergy research and development, authorization of appropriation.
Sec. 232. Environmental research and development.
Sec. 233. Bioenergy research centers.
Sec. 234. University based research and development grant program.

Subtitle C—Biofuels Infrastructure

Sec. 241. Prohibition on franchise agreement restrictions related to renewable fuel infrastructure.
Sec. 242. Renewable fuel dispenser requirements.
Sec. 243. Ethanol pipeline feasibility study.
Sec. 244. Renewable fuel infrastructure grants.
Sec. 245. Study of the adequacy of transportation of domestically-produced renewable fuel by railroads and other modes of transportation.
Sec. 246. Federal fleet fueling centers.
Sec. 247. Standard specifications for biodiesel.
Sec. 248. Biofuels distribution and advanced biofuels infrastructure.

Subtitle D—Environmental Safeguards

Sec. 251. Waiver for fuel or fuel additives.

TITLE III—ENERGY SAVINGS THROUGH IMPROVED STANDARDS FOR APPLIANCE AND LIGHTING

Subtitle A—Appliance Energy Efficiency

Sec. 301. External power supply efficiency standards.
Sec. 302. Updating appliance test procedures.
Sec. 303. Residential boilers.
Sec. 304. Furnace fan standard process.
Sec. 305. Improving schedule for standards updating and clarifying State authority.
Sec. 306. Regional standards for furnaces, central air conditioners, and heat pumps.
Sec. 307. Procedure for prescribing new or amended standards.
Sec. 308. Expedited rulemakings.
Sec. 309. Battery chargers.
Sec. 310. Standby mode.
Sec. 311. Energy standards for home appliances.
Sec. 312. Walk-in coolers and walk-in freezers.
Sec. 313. Electric motor efficiency standards.
Sec. 314. Standards for single package vertical air conditioners and heat pumps.
Sec. 315. Improved energy efficiency for appliances and buildings in cold climates.
Sec. 316. Technical corrections.

Subtitle B—Lighting Energy Efficiency

Sec. 321. Efficient light bulbs.
Sec. 322. Incandescent reflector lamp efficiency standards.
Sec. 323. Public building energy efficient and renewable energy systems.
Sec. 324. Metal halide lamp fixtures.
Sec. 325. Energy efficiency labeling for consumer electronic products.

TITLE IV—ENERGY SAVINGS IN BUILDINGS AND INDUSTRY

Sec. 401. Definitions.

Subtitle A—Residential Building Efficiency

Sec. 411. Reauthorization of weatherization assistance program.
Sec. 412. Study of renewable energy rebate programs.
Sec. 413. Energy code improvements applicable to manufactured housing.

Subtitle B—High-Performance Commercial Buildings

Sec. 421. Commercial high-performance green buildings.
Sec. 422. Zero Net Energy Commercial Buildings Initiative.
Sec. 423. Public outreach.

Subtitle C—High-Performance Federal Buildings

Sec. 431. Energy reduction goals for Federal buildings.
Sec. 432. Management of energy and water efficiency in Federal buildings.
Sec. 433. Federal building energy efficiency performance standards.
Sec. 434. Management of Federal building efficiency .
Sec. 435. Leasing.
Sec. 436. High-performance green Federal buildings.
Sec. 437. Federal green building performance.
Sec. 438. Storm water runoff requirements for Federal development projects.
Sec. 439. Cost-effective technology acceleration program.
Sec. 440. Authorization of appropriations.
Sec. 441. Public building life-cycle costs.

Subtitle D—Industrial Energy Efficiency

Sec. 451. Industrial energy efficiency.
Sec. 452. Energy-intensive industries program.
Sec. 453. Energy efficiency for data center buildings.

Subtitle E—Healthy High-Performance Schools

Sec. 461. Healthy high-performance schools.
Sec. 462. Study on indoor environmental quality in schools.

Subtitle F—Institutional Entities

Sec. 471. Energy sustainability and efficiency grants and loans for institutions.

Subtitle G—Public and Assisted Housing

Sec. 481. Application of International Energy Conservation Code to public and assisted housing.

Subtitle H—General Provisions

Sec. 491. Demonstration project.
Sec. 492. Research and development.
Sec. 493. Environmental Protection Agency demonstration grant program for local governments.
Sec. 494. Green Building Advisory Committee.
Sec. 495. Advisory Committee on Energy Efficiency Finance.

TITLE V—ENERGY SAVINGS IN GOVERNMENT AND PUBLIC INSTITUTIONS

Subtitle A—United States Capitol Complex

Sec. 501. Capitol complex photovoltaic roof feasibility studies.
Sec. 502. Capitol complex E-85 refueling station.
Sec. 503. Energy and environmental measures in Capitol complex master plan.
Sec. 504. Promoting maximum efficiency in operation of Capitol power plant.
Sec. 505. Capitol power plant carbon dioxide emissions feasibility study and demonstration projects.

Subtitle B—Energy Savings Performance Contracting

Sec. 511. Authority to enter into contracts; reports.
Sec. 512. Financing flexibility.
Sec. 513. Promoting long-term energy savings performance contracts and verifying savings.
Sec. 514. Permanent reauthorization.
Sec. 515. Definition of energy savings.
Sec. 516. Retention of savings.
Sec. 517. Training Federal contracting officers to negotiate energy efficiency contracts.
Sec. 518. Study of energy and cost savings in nonbuilding applications.

Subtitle C—Energy Efficiency in Federal Agencies

Sec. 521. Installation of photovoltaic system at Department of Energy headquarters building.
Sec. 522. Prohibition on incandescent lamps by Coast Guard.
Sec. 523. Standard relating to solar hot water heaters.
Sec. 524. Federally-procured appliances with standby power.
Sec. 525. Federal procurement of energy efficient products.
Sec. 526. Procurement and acquisition of alternative fuels.
Sec. 527. Government efficiency status reports.
Sec. 528. OMB government efficiency reports and scorecards.
Sec. 529. Electricity sector demand response.

Subtitle D—Energy Efficiency of Public Institutions

Sec. 531. Reauthorization of State energy programs.
Sec. 532. Utility energy efficiency programs.

Subtitle E—Energy Efficiency and Conservation Block Grants

Sec. 541. Definitions.
Sec. 542. Energy Efficiency and Conservation Block Grant Program.
Sec. 543. Allocation of funds.
Sec. 544. Use of funds.
Sec. 545. Requirements for eligible entities.
Sec. 546. Competitive grants.
Sec. 547. Review and evaluation.
Sec. 548. Funding.

TITLE VI—ACCELERATED RESEARCH AND DEVELOPMENT

Subtitle A—Solar Energy

Sec. 601. Short title.
Sec. 602. Thermal energy storage research and development program.
Sec. 603. Concentrating solar power commercial application studies.
Sec. 604. Solar energy curriculum development and certification grants.
Sec. 605. Daylighting systems and direct solar light pipe technology.
Sec. 606. Solar Air Conditioning Research and Development Program.
Sec. 607. Photovoltaic demonstration program.

Subtitle B—Geothermal Energy

Sec. 611. Short title.
Sec. 612. Definitions.
Sec. 613. Hydrothermal research and development.
Sec. 614. General geothermal systems research and development.
Sec. 615. Enhanced geothermal systems research and development.
Sec. 616. Geothermal energy production from oil and gas fields and recovery and production of geopressured gas resources.
Sec. 617. Cost sharing and proposal evaluation.
Sec. 618. Center for geothermal technology transfer.
Sec. 619. GeoPowering America.
Sec. 620. Educational pilot program.
Sec. 621. Reports.
Sec. 622. Applicability of other laws.
Sec. 623. Authorization of appropriations.
Sec. 624. International geothermal energy development.
Sec. 625. High cost region geothermal energy grant program.

Subtitle C—Marine and Hydrokinetic Renewable Energy Technologies

Sec. 631. Short title.
Sec. 632. Definition.
Sec. 633. Marine and hydrokinetic renewable energy research and development.
Sec. 634. National Marine Renewable Energy Research, Development, and Demonstration Centers.
Sec. 635. Applicability of other laws.
Sec. 636. Authorization of appropriations.

Subtitle D—Energy Storage for Transportation and Electric Power

Sec. 641. Energy storage competitiveness.

Subtitle E—Miscellaneous Provisions

Sec. 651. Lightweight materials research and development.
Sec. 652. Commercial insulation demonstration program.
Sec. 653. Technical criteria for clean coal power Initiative.
Sec. 654. H-Prize.
Sec. 655. Bright Tomorrow Lighting Prizes.
Sec. 656. Renewable Energy innovation manufacturing partnership.

TITLE VII—CARBON CAPTURE AND SEQUESTRATION

Subtitle A—Carbon Capture and Sequestration Research, Development, and Demonstration

Sec. 701. Short title.
Sec. 702. Carbon capture and sequestration research, development, and demonstration program.
Sec. 703. Carbon capture.
Sec. 704. Review of large-scale programs.
Sec. 705. Geologic sequestration training and research.
Sec. 706. Relation to Safe Drinking Water Act.
Sec. 707. Safety research.
Sec. 708. University based research and development grant program.

Subtitle B—Carbon Capture and Sequestration Assessment and Framework

Sec. 711. Carbon dioxide sequestration capacity assessment.
Sec. 712. Assessment of carbon sequestration and methane and nitrous oxide emissions from ecosystems.
Sec. 713. Carbon dioxide sequestration inventory.
Sec. 714. Framework for geological carbon sequestration on public land.

TITLE VIII—IMPROVED MANAGEMENT OF ENERGY POLICY

Subtitle A—Management Improvements

Sec. 801. National media campaign.
Sec. 802. Alaska Natural Gas Pipeline administration.
Sec. 803. Renewable energy deployment.
Sec. 804. Coordination of planned refinery outages.
Sec. 805. Assessment of resources.
Sec. 806. Sense of Congress relating to the use of renewable resources to generate energy.
Sec. 807. Geothermal assessment, exploration information, and priority activities.

Subtitle B—Prohibitions on Market Manipulation and False Information

Sec. 811. Prohibition on market manipulation.
Sec. 812. Prohibition on false information.
Sec. 813. Enforcement by the Federal Trade Commission.
Sec. 814. Penalties.
Sec. 815. Effect on other laws.

TITLE IX—INTERNATIONAL ENERGY PROGRAMS

Sec. 901. Definitions.

Subtitle A—Assistance to Promote Clean and Efficient Energy Technologies in Foreign Countries

Sec. 911. United States assistance for developing countries.
Sec. 912. United States exports and outreach programs for India, China, and other countries.
Sec. 913. United States trade missions to encourage private sector trade and investment.
Sec. 914. Actions by Overseas Private Investment Corporation.
Sec. 915. Actions by United States Trade and Development Agency.
Sec. 916. Deployment of international clean and efficient energy technologies and investment in global energy markets.
Sec. 917. United States-Israel energy cooperation.

Subtitle B—International Clean Energy Foundation

Sec. 921. Definitions.
Sec. 922. Establishment and management of Foundation.
Sec. 923. Duties of Foundation.
Sec. 924. Annual report.
Sec. 925. Powers of the Foundation; related provisions.

Sec. 926. General personnel authorities.
Sec. 927. Authorization of appropriations.

Subtitle C—Miscellaneous Provisions

Sec. 931. Energy diplomacy and security within the Department of State.
Sec. 932. National Security Council reorganization.
Sec. 933. Annual national energy security strategy report.
Sec. 934. Convention on Supplementary Compensation for Nuclear Damage contingent cost allocation.
Sec. 935. Transparency in extractive industries resource payments.

TITLE X—GREEN JOBS

Sec. 1001. Short title.
Sec. 1002. Energy efficiency and renewable energy worker training program.

TITLE XI—ENERGY TRANSPORTATION AND INFRASTRUCTURE

Subtitle A—Department of Transportation

Sec. 1101. Office of Climate Change and Environment.

Subtitle B—Railroads

Sec. 1111. Advanced technology locomotive grant pilot program.
Sec. 1112. Capital grants for class II and class III railroads.

Subtitle C—Marine Transportation

Sec. 1121. Short sea transportation initiative.
Sec. 1122. Short sea shipping eligibility for capital construction fund.
Sec. 1123. Short sea transportation report.

Subtitle D—Highways

Sec. 1131. Increased Federal share for CMAQ projects.
Sec. 1132. Distribution of rescissions.
Sec. 1133. Sense of Congress regarding use of complete streets design techniques.

TITLE XII—SMALL BUSINESS ENERGY PROGRAMS

Sec. 1201. Express loans for renewable energy and energy efficiency.
Sec. 1202. Pilot program for reduced 7(a) fees for purchase of energy efficient technologies.
Sec. 1203. Small business energy efficiency.
Sec. 1204. Larger 504 loan limits to help business develop energy efficient technologies and purchases.
Sec. 1205. Energy saving debentures.
Sec. 1206. Investments in energy saving small businesses.
Sec. 1207. Renewable fuel capital investment company.
Sec. 1208. Study and report.

TITLE XIII—SMART GRID

Sec. 1301. Statement of policy on modernization of electricity grid.
Sec. 1302. Smart grid system report.
Sec. 1303. Smart grid advisory committee and smart grid task force.
Sec. 1304. Smart grid technology research, development, and demonstration.
Sec. 1305. Smart grid interoperability framework.
Sec. 1306. Federal matching fund for smart grid investment costs.
Sec. 1307. State consideration of smart grid.
Sec. 1308. Study of the effect of private wire laws on the development of combined heat and power facilities.
Sec. 1309. DOE study of security attributes of smart grid systems.

TITLE XIV—POOL AND SPA SAFETY

Sec. 1401. Short title.
Sec. 1402. Findings.
Sec. 1403. Definitions.
Sec. 1404. Federal swimming pool and spa drain cover standard.
Sec. 1405. State swimming pool safety grant program.
Sec. 1406. Minimum State law requirements.
Sec. 1407. Education program.
Sec. 1408. CPSC report.

TITLE XV—REVENUE PROVISIONS

Sec. 1500. Amendment of 1986 Code.
Sec. 1501. Extension of additional 0.2 percent FUTA surtax.
Sec. 1502. 7-year amortization of geological and geophysical expenditures for certain major integrated oil companies.

TITLE XVI—EFFECTIVE DATE

Sec. 1601. Effective date.

SEC. 2. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—The term "Department" means the Department of Energy.

(2) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(3) SECRETARY.—The term "Secretary" means the Secretary of Energy.

SEC. 3. RELATIONSHIP TO OTHER LAW.

Except to the extent expressly provided in this Act or an amendment made by this Act, nothing in this Act or an amendment made by this Act supersedes, limits the authority provided or responsibility conferred by, or authorizes any violation of any provision of law (including a regulation), including any energy or environmental law or regulation.

TITLE I—ENERGY SECURITY THROUGH IMPROVED VEHICLE FUEL ECONOMY

Subtitle A—Increased Corporate Average Fuel Economy Standards

SEC. 101. SHORT TITLE.

This subtitle may be cited as the "Ten-in-Ten Fuel Economy Act".

SEC. 102. AVERAGE FUEL ECONOMY STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.

(a) INCREASED STANDARDS.—Section 32902 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "NON-PASSENGER AUTOMOBILES.—" and inserting "PRESCRIPTION OF STANDARDS BY REGULATION.—";

(B) by striking "(except passenger automobiles)" in subsection (a); and

(C) by striking the last sentence;

(2) by striking subsection (b) and inserting the following:

"(b) STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.—

"(1) IN GENERAL.—The Secretary of Transportation, after consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall prescribe separate average fuel economy standards for—

"(A) passenger automobiles manufactured by manufacturers in each model year beginning with model year 2011 in accordance with this subsection;

"(B) non-passenger automobiles manufactured by manufacturers in each model year beginning with model year 2011 in accordance with this subsection; and

"(C) work trucks and commercial medium-duty or heavy-duty on-highway vehicles in accordance with subsection (k).

"(2) FUEL ECONOMY STANDARDS FOR AUTOMOBILES.—

"(A) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2011 THROUGH 2020.—The Secretary shall prescribe a separate average fuel economy standard for passenger automobiles and a separate average fuel economy standard for non-passenger automobiles for each model year beginning with model year 2011 to achieve a combined fuel economy average for model year 2020 of at least 35 miles per gallon for the total fleet of passenger and non-passenger automobiles manufactured for sale in the United States for that model year.

"(B) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2021 THROUGH 2030.—For model years 2021 through 2030, the average fuel economy required to be attained by each fleet of passenger and non-passenger automobiles manufactured for sale in the United States shall be the maximum feasible average fuel economy standard for each fleet for that model year.

"(C) PROGRESS TOWARD STANDARD REQUIRED.—In prescribing average fuel economy standards under subparagraph (A), the Secretary shall prescribe annual fuel economy standard increases that increase the applicable average fuel economy standard ratably beginning with model year 2011 and ending with model year 2020.

"(3) AUTHORITY OF THE SECRETARY.—The Secretary shall—

"(A) prescribe by regulation separate average fuel economy standards for passenger and non-passenger automobiles based on 1 or more vehicle attributes related to fuel economy and express each standard in the form of a mathematical function; and

"(B) issue regulations under this title prescribing average fuel economy standards for at least 1, but not more than 5, model years.

"(4) MINIMUM STANDARD.—In addition to any standard prescribed pursuant to paragraph (3), each manufacturer shall also meet the minimum standard for domestically manufactured passenger automobiles, which shall be the greater of—

"(A) 27.5 miles per gallon; or

"(B) 92 percent of the average fuel economy projected by the Secretary for the combined domestic and non-domestic passenger automobile fleets manufactured for sale in the United States by all manufacturers in the model year, which projection shall be published in the Federal Register when the standard for that model year is promulgated in accordance with this section."; and

(3) in subsection (c)—

(A) by striking "(1) Subject to paragraph (2) of this subsection, the" and inserting "The"; and

(B) by striking paragraph (2).

(b) FUEL ECONOMY STANDARD FOR COMMERCIAL MEDIUM-DUTY AND HEAVY-DUTY ON-HIGHWAY VEHICLES AND WORK TRUCKS.—Section 32902 of title 49, United States Code, is amended by adding at the end the following:

"(k) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLES AND WORK TRUCKS.—

"(1) STUDY.—Not later than 1 year after the National Academy of Sciences publishes the results of its study under section 108 of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall examine the fuel efficiency of commercial medium- and heavy-duty on-highway vehicles and work trucks and determine—

"(A) the appropriate test procedures and methodologies for measuring the fuel efficiency of such vehicles and work trucks;

"(B) the appropriate metric for measuring and expressing commercial medium- and heavy-duty on-highway vehicle and work truck fuel efficiency performance, taking into consideration, among other things, the work performed by such on-highway vehicles and work trucks and types of operations in which they are used;

"(C) the range of factors, including, without limitation, design, functionality, use, duty cycle, infrastructure, and total overall energy consumption and operating costs that affect commercial medium- and heavy-duty on-highway vehicle and work truck fuel efficiency; and

"(D) such other factors and conditions that could have an impact on a program to improve commercial medium- and heavy-duty on-highway vehicle and work truck fuel efficiency.

"(2) RULEMAKING.—Not later than 24 months after completion of the study required under paragraph (1), the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, by regulation, shall determine in a rulemaking proceeding how to implement a commercial medium- and heavy-duty on-highway vehicle and work truck fuel efficiency improvement program designed to achieve the maximum feasible improvement, and shall adopt and implement appropriate test methods, measurement metrics, fuel economy standards, and compliance and enforcement protocols that are appropriate, cost-effective, and technologically feasible for commercial medium- and heavy-duty on-highway vehicles and work trucks. The Secretary may prescribe separate standards for different classes of vehicles under this subsection.

"(3) LEAD-TIME; REGULATORY STABILITY.—The commercial medium- and heavy-duty on-highway vehicle and work truck fuel economy standard adopted pursuant to this subsection shall provide not less than—

"(A) 4 full model years of regulatory lead-time; and

"(B) 3 full model years of regulatory stability.".

SEC. 103. DEFINITIONS.

(a) IN GENERAL.—Section 32901(a) of title 49, United States Code, is amended—

(1) by striking paragraph (3) and inserting the following:

"(3) except as provided in section 32908 of this title, 'automobile' means a 4-wheeled vehicle that is propelled by fuel, or by alternative fuel, manufactured primarily for use on public streets, roads, and highways and rated at less than 10,000 pounds gross vehicle weight, except—

"(A) a vehicle operated only on a rail line;

"(B) a vehicle manufactured in different stages by 2 or more manufacturers, if no intermediate or final-stage manufacturer of that vehicle manufactures more than 10,000 multi-stage vehicles per year; or

"(C) a work truck.";

(2) by redesignating paragraphs (7) through (16) as paragraphs (8) through (17), respectively;

(3) by inserting after paragraph (6) the following:

"(7) 'commercial medium- and heavy-duty on-highway vehicle' means an on-highway vehicle with a gross vehicle weight rating of 10,000 pounds or more.";

(4) in paragraph (9)(A), as redesignated, by inserting "or a mixture of biodiesel and diesel fuel meeting the standard established by the American Society for Testing and Materials or under section 211(u) of the Clean Air Act (42 U.S.C. 7545(u)) for fuel containing 20 percent biodiesel (commonly known as 'B20')" after "alternative fuel";

(5) by redesignating paragraph (17), as redesignated, as paragraph (18);

(6) by inserting after paragraph (16), as redesignated, the following:

"(17) 'non-passenger automobile' means an automobile that is not a passenger automobile or a work truck."; and

(7) by adding at the end the following:

"(19) 'work truck' means a vehicle that—

"(A) is rated at between 8,500 and 10,000 pounds gross vehicle weight; and

"(B) is not a medium-duty passenger vehicle (as defined in section 86.1803-01 of title 40, Code of Federal Regulations, as in effect on the date of the enactment of the Ten-in-Ten Fuel Economy Act).".

SEC. 104. CREDIT TRADING PROGRAM.

(a) IN GENERAL.—Section 32903 of title 49, United States Code, is amended—

(1) by striking "section 32902(b)-(d) of this title" each place it appears and inserting "subsections (a) through (d) of section 32902";

(2) in subsection (a)(2)—

(A) by striking "3 consecutive model years" and inserting "5 consecutive model years";

(B) by striking "clause (1) of this subsection," and inserting "paragraph (1)";

(3) by redesignating subsection (f) as subsection (h); and

(4) by inserting after subsection (e) the following:

"(f) CREDIT TRADING AMONG MANUFACTURERS.—

"(1) IN GENERAL.—The Secretary of Transportation may establish, by regulation, a fuel economy credit trading program to allow manufacturers whose automobiles exceed the average fuel economy standards prescribed under section 32902 to earn credits to be sold to manufacturers whose automobiles fail to achieve the prescribed standards such that the total oil savings associated with manufacturers that exceed the prescribed standards are preserved when trading credits to manufacturers that fail to achieve the prescribed standards.

"(2) LIMITATION.—The trading of credits by a manufacturer to the category of passenger automobiles manufactured domestically is limited to the extent that the fuel economy level of such automobiles shall comply with the requirements of section 32902(b)(4), without regard to any trading of credits from other manufacturers.

"(g) CREDIT TRANSFERRING WITHIN A MANUFACTURER'S FLEET.—

"(1) IN GENERAL.—The Secretary of Transportation shall establish by regulation a fuel economy credit transferring program to allow any manufacturer whose automobiles exceed any of the average fuel economy standards prescribed under section 32902 to transfer the credits earned under this section and to apply such credits within that manufacturer's fleet to a compliance category of automobiles that fails to achieve the prescribed standards.

"(2) YEARS FOR WHICH USED.—Credits transferred under this subsection are available to be used in the same model years that the manufacturer could have applied such credits under subsections (a), (b), (d), and (e), as well as for the model year in which the manufacturer earned such credits.

"(3) MAXIMUM INCREASE.—The maximum increase in any compliance category attributable to transferred credits is—

"(A) for model years 2011 through 2013, 1.0 mile per gallon;

"(B) for model years 2014 through 2017, 1.5 miles per gallon; and

"(C) for model year 2018 and subsequent model years, 2.0 miles per gallon.

"(4) LIMITATION.—The transfer of credits by a manufacturer to the category of passenger automobiles manufactured domestically is limited to the extent that the fuel economy level of such automobiles shall comply with the requirements under section 32904(b)(4), without regard to any transfer of credits from other categories of automobiles described in paragraph (6)(B).

"(5) YEARS AVAILABLE.—A credit may be transferred under this subsection only if it is earned after model year 2010.

"(6) DEFINITIONS.—In this subsection:

"(A) FLEET.—The term 'fleet' means all automobiles manufactured by a manufacturer in a particular model year.

"(B) COMPLIANCE CATEGORY OF AUTOMOBILES.—The term 'compliance category of automobiles' means any of the following 3 categories of automobiles for which compliance is separately calculated under this chapter:

"(i) Passenger automobiles manufactured domestically.

"(ii) Passenger automobiles not manufactured domestically.

"(iii) Non-passenger automobiles.".

(b) CONFORMING AMENDMENTS.—

(1) LIMITATIONS.—Section 32902(h) of title 49, United States Code, is amended—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(3) may not consider, when prescribing a fuel economy standard, the trading, transferring, or availability of credits under section 32903.".

(2) SEPARATE CALCULATIONS.—Section 32904(b)(1)(B) is amended by striking "chapter." and inserting "chapter, except for the purposes of section 32903.".

SEC. 105. CONSUMER INFORMATION.

Section 32908 of title 49, United States Code, is amended by adding at the end the following:

"(g) CONSUMER INFORMATION.—

"(1) PROGRAM.—The Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall develop and implement by rule a program to require manufacturers—

"(A) to label new automobiles sold in the United States with—

"(i) information reflecting an automobile's performance on the basis of criteria that the Administrator shall develop, not later than 18 months after the date of the enactment of the Ten-in-Ten Fuel Economy Act, to reflect fuel economy and greenhouse gas and other emissions over the useful life of the automobile;

"(ii) a rating system that would make it easy for consumers to compare the fuel economy and greenhouse gas and other emissions of automobiles at the point of purchase, including a designation of automobiles—

"(I) with the lowest greenhouse gas emissions over the useful life of the vehicles;. and

"(II) the highest fuel economy; and

"(iii) a permanent and prominent display that an automobile is capable of operating on an alternative fuel; and

"(B) to include in the owner's manual for vehicles capable of operating on alternative fuels information that describes that capability and the benefits of using alternative fuels, including the renewable nature and environmental benefits of using alternative fuels.

"(2) CONSUMER EDUCATION.—

"(A) IN GENERAL.—The Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall develop and implement by rule a consumer education program to improve consumer understanding of automobile performance described in paragraph (1)(A)(i) and to inform consumers of the benefits of using alternative fuel in automobiles and the location of stations with alternative fuel capacity.

"(B) FUEL SAVINGS EDUCATION CAMPAIGN.—The Secretary of Transportation shall establish a consumer education campaign on the fuel savings that would be recognized from the purchase of vehicles equipped with thermal management technologies, including energy efficient air conditioning systems and glass.

"(3) FUEL TANK LABELS FOR ALTERNATIVE FUEL AUTOMOBILES.—The Secretary of Transportation shall by rule require a label to be attached to the fuel compartment of vehicles capable of operating on alternative fuels, with the form of alternative fuel stated on the label. A label attached in compliance with the requirements of section 32905(h) is deemed to meet the requirements of this paragraph.

"(4) RULEMAKING DEADLINE.—The Secretary of Transportation shall issue a final rule under this subsection not later than 42 months after the date of the enactment of the Ten-in-Ten Fuel Economy Act.".

SEC. 106. CONTINUED APPLICABILITY OF EXISTING STANDARDS.

Nothing in this subtitle, or the amendments made by this subtitle, shall be construed to affect the application of section 32902 of title 49, United States Code, to passenger automobiles or non-passenger automobiles manufactured before model year 2011.

SEC. 107. NATIONAL ACADEMY OF SCIENCES STUDIES.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall execute an agreement with the National Academy of Sciences to develop a report evaluating vehicle fuel economy standards, including—

(1) an assessment of automotive technologies and costs to reflect developments since the Academy's 2002 report evaluating the corporate average fuel economy standards was conducted;

(2) an analysis of existing and potential technologies that may be used practically to improve automobile and medium-duty and heavy-duty truck fuel economy;

(3) an analysis of how such technologies may be practically integrated into the automotive and medium-duty and heavy-duty truck manufacturing process; and

(4) an assessment of how such technologies may be used to meet the new fuel economy standards under chapter 329 of title 49, United States Code, as amended by this subtitle.

(b) REPORT.—The Academy shall submit the report to the Secretary, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Energy and Commerce of the House of Representatives, with its findings and recommendations not later than 5 years after the date on which the Secretary executes the agreement with the Academy.

(c) QUINQUENNIAL UPDATES.—After submitting the initial report, the Academy shall update the report at 5 year intervals thereafter through 2025.

SEC. 108. NATIONAL ACADEMY OF SCIENCES STUDY OF MEDIUM-DUTY AND HEAVY-DUTY TRUCK FUEL ECONOMY.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall execute an agreement with the National Academy of Sciences to develop a report evaluating medium-duty and heavy-duty truck fuel economy standards, including—

(1) an assessment of technologies and costs to evaluate fuel economy for medium-duty and heavy-duty trucks;

(2) an analysis of existing and potential technologies that may be used practically to improve medium-duty and heavy-duty truck fuel economy;

(3) an analysis of how such technologies may be practically integrated into the medium-duty and heavy-duty truck manufacturing process;

(4) an assessment of how such technologies may be used to meet fuel economy standards to be prescribed under section 32902(k) of title 49, United States Code, as amended by this subtitle; and

(5) associated costs and other impacts on the operation of medium-duty and heavy-duty trucks, including congestion.

(b) REPORT.—The Academy shall submit the report to the Secretary, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Energy and Commerce of the House of Representatives, with its findings and recommendations not later than 1 year after the date on which the Secretary executes the agreement with the Academy.

SEC. 109. EXTENSION OF FLEXIBLE FUEL VEHICLE CREDIT PROGRAM.

(a) IN GENERAL.—Section 32906 of title 49, United States Code, is amended to read as follows:

"§ 32906. Maximum fuel economy increase for alternative fuel automobiles

"(a) IN GENERAL.—For each of model years 1993 through 2019 for each category of automobile (except an electric automobile), the maximum increase in average fuel economy for a manufacturer attributable to dual fueled automobiles is—

"(1) 1.2 miles a gallon for each of model years 1993 through 2014;

"(2) 1.0 miles per gallon for model year 2015;

"(3) 0.8 miles per gallon for model year 2016;

"(4) 0.6 miles per gallon for model year 2017;

"(5) 0.4 miles per gallon for model year 2018;

"(6) 0.2 miles per gallon for model year 2019; and

"(7) 0 miles per gallon for model years after 2019.

"(b) CALCULATION.—In applying subsection (a), the Administrator of the Environmental Protection Agency shall determine the increase in a manufacturer's average fuel economy attributable to dual fueled automobiles by subtracting from the manufacturer's average fuel economy calculated under section 32905(e) the number equal to what the manufacturer's average fuel economy would be if it were calculated by the formula under section 32904(a)(1) by including as the denominator for each model of dual fueled automobiles the fuel economy when the automobiles are operated on gasoline or diesel fuel.".

(b) CONFORMING AMENDMENTS.—Section 32905 of title 49, United States Code, is amended—

(1) in subsection (b), by striking "1993-2010," and inserting "1993 through 2019,";

(2) in subsection (d), by striking "1993-2010," and inserting "1993 through 2019,";

(3) by striking subsections (f) and (g); and

(4) by redesignating subsection (h) as subsection (f).

(c) B20 BIODIESEL FLEXIBLE FUEL CREDIT.—Section 32905(b)(2) of title 49, United States Code, is amended to read as follows:

"(2) .5 divided by the fuel economy—

"(A) measured under subsection (a) when operating the model on alternative fuel; or

"(B) measured based on the fuel content of B20 when operating the model on B20, which is deemed to contain 0.15 gallon of fuel.".

SEC. 110. PERIODIC REVIEW OF ACCURACY OF FUEL ECONOMY LABELING PROCEDURES.

Beginning in December, 2009, and not less often than every 5 years thereafter, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation, shall—

(1) reevaluate the fuel economy labeling procedures described in the final rule published in the Federal Register on December 27, 2006 (71 Fed. Reg. 77,872; 40 C.F.R. parts 86 and 600) to determine whether changes in the factors used to establish the labeling procedures warrant a revision of that process; and

(2) submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives that describes the results of the reevaluation process.

SEC. 111. CONSUMER TIRE INFORMATION.

(a) IN GENERAL.—Chapter 323 of title 49, United States Code, is amended by inserting after section 32304 the following:

"§ 32304A. Consumer tire information

"(a) RULEMAKING.—

"(1) IN GENERAL.—Not later than 24 months after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation shall, after notice and opportunity for comment, promulgate rules establishing a national tire fuel efficiency consumer information program for replacement tires designed for use on motor vehicles to educate consumers about the effect of tires on automobile fuel efficiency, safety, and durability.

"(2) ITEMS INCLUDED IN RULE.—The rulemaking shall include—

"(A) a national tire fuel efficiency rating system for motor vehicle replacement tires to assist consumers in making more educated tire purchasing decisions;

"(B) requirements for providing information to consumers, including information at the point of sale and other potential information dissemination methods, including the Internet;

"(C) specifications for test methods for manufacturers to use in assessing and rating tires to avoid variation among test equipment and manufacturers; and

"(D) a national tire maintenance consumer education program including, information on tire inflation pressure, alignment, rotation, and tread wear to maximize fuel efficiency, safety, and durability of replacement tires.

"(3) APPLICABILITY.—This section shall apply only to replacement tires covered under section 575.104(c) of title 49, Code of Federal Regulations, in effect on the date of the enactment of the Ten-in-Ten Fuel Economy Act.

"(b) CONSULTATION.—The Secretary shall consult with the Secretary of Energy and the Administrator of the Environmental Protection Agency on the means of conveying tire fuel efficiency consumer information.

"(c) REPORT TO CONGRESS.—The Secretary shall conduct periodic assessments of the rules promulgated under this section to determine the utility of such rules to consumers, the level of cooperation by industry, and the contribution to national goals pertaining to energy consumption. The Secretary shall transmit periodic reports detailing the findings of such assessments to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce.

"(d) TIRE MARKING.—The Secretary shall not require permanent labeling of any kind on a tire for the purpose of tire fuel efficiency information.

"(e) APPLICATION WITH STATE AND LOCAL LAWS AND REGULATIONS.—Nothing in this section prohibits a State or political subdivision thereof from enforcing a law or regulation on tire fuel efficiency consumer information that was in effect on January 1, 2006. After a requirement promulgated under this section is in effect, a State or political subdivision thereof may adopt or enforce a law or regulation on tire fuel efficiency consumer information enacted or promulgated after January 1, 2006, if the requirements of that law or regulation are identical to the requirement promulgated under this section. Nothing in this section shall be construed to preempt a State or political subdivision thereof from regulating the fuel efficiency of tires (including establishing testing methods for determining compliance with such standards) not otherwise preempted under this chapter.".

(b) ENFORCEMENT.—Section 32308 of title 49, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d)and (e), respectively; and

(2) by inserting after subsection (b) the following:

"(c) SECTION 32304A.—Any person who fails to comply with the national tire fuel efficiency information program under section 32304A is liable to the United States Government for a civil penalty of not more than $50,000 for each violation.".

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 323 of title 49, United States Code, is amended by inserting after the item relating to section 32304 the following:

"32304A. Consumer tire information".

SEC. 112. USE OF CIVIL PENALTIES FOR RESEARCH AND DEVELOPMENT.

Section 32912 of title 49, United States Code, is amended by adding at the end the following:

"(e) USE OF CIVIL PENALTIES.—For fiscal year 2008 and each fiscal year thereafter, from the total amount deposited in the general fund of the Treasury during the preceding fiscal year from fines, penalties, and other funds obtained through enforcement actions conducted pursuant to this section (including funds obtained under consent decrees), the Secretary of the Treasury, subject to the availability of appropriations, shall—

"(1) transfer 50 percent of such total amount to the account providing appropriations to the Secretary of Transportation for the administration of this chapter, which shall be used by the Secretary to support rulemaking under this chapter; and

"(2) transfer 50 percent of such total amount to the account providing appropriations to the Secretary of Transportation for the administration of this chapter, which shall be used by the Secretary to carry out a program to make grants to manufacturers for retooling, reequipping, or expanding existing manufacturing facilities in the United States to produce advanced technology vehicles and components.".

SEC. 113. EXEMPTION FROM SEPARATE CALCULATION REQUIREMENT.

(a) REPEAL.—Paragraphs (6), (7), and (8) of section 32904(b) of title 49, United States Code, are repealed.

(b) EFFECT OF REPEAL ON EXISTING EXEMPTIONS.—Any exemption granted under section 32904(b)(6) of title 49, United States Code, prior to the date of the enactment of this Act shall remain in effect subject to its terms through model year 2013.

(c) ACCRUAL AND USE OF CREDITS.—Any manufacturer holding an exemption under section 32904(b)(6) of title 49, United States Code, prior to the date of the enactment of this Act may accrue and use credits under sections 32903 and 32905 of such title begining with model year 2011.

Subtitle B—Improved Vehicle Technology

SEC. 131. TRANSPORTATION ELECTRIFICATION.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) BATTERY.—The term "battery" means an electrochemical energy storage system powered directly by electrical current.

(3) ELECTRIC TRANSPORTATION TECHNOLOGY.—The term "electric transportation technology" means—

(A) technology used in vehicles that use an electric motor for all or part of the motive power of the vehicles, including battery electric, hybrid electric, plug-in hybrid electric, fuel cell, and plug-in fuel cell vehicles, or rail transportation; or

(B) equipment relating to transportation or mobile sources of air pollution that use an electric motor to replace an internal combustion engine for all or part of the work of the equipment, including—

(i) corded electric equipment linked to transportation or mobile sources of air pollution; and

(ii) electrification technologies at airports, ports, truck stops, and material-handling facilities.

(4) NONROAD VEHICLE.—The term "nonroad vehicle" means a vehicle—

(A) powered—

(i) by a nonroad engine, as that term is defined in section 216 of the Clean Air Act (42 U.S.C. 7550); or

(ii) fully or partially by an electric motor powered by a fuel cell, a battery, or an off-board source of electricity; and

(B) that is not a motor vehicle or a vehicle used solely for competition.

(5) PLUG-IN ELECTRIC DRIVE VEHICLE.—The term "plug-in electric drive vehicle" means a vehicle that—

(A) draws motive power from a battery with a capacity of at least 4 kilowatt-hours;

(B) can be recharged from an external source of electricity for motive power; and

(C) is a light-, medium-, or heavy-duty motor vehicle or nonroad vehicle (as those terms are defined in section 216 of the Clean Air Act (42 U.S.C. 7550)).

(6) QUALIFIED ELECTRIC TRANSPORTATION PROJECT.—The term "qualified electric transportation project" means an electric transportation technology project that would significantly reduce emissions of criteria pollutants, greenhouse gas emissions, and petroleum, including—

(A) shipside or shoreside electrification for vessels;

(B) truck-stop electrification;

(C) electric truck refrigeration units;

(D) battery powered auxiliary power units for trucks;

(E) electric airport ground support equipment;

(F) electric material and cargo handling equipment;

(G) electric or dual-mode electric rail;

(H) any distribution upgrades needed to supply electricity to the project; and

(I) any ancillary infrastructure, including panel upgrades, battery chargers, in-situ transformers, and trenching.

(b) PLUG-IN ELECTRIC DRIVE VEHICLE PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish a competitive program to provide grants on a cost-shared basis to State governments, local governments, metropolitan transportation authorities, air pollution control districts, private or nonprofit entities, or combinations of those governments, authorities, districts, and entities, to carry out 1 or more projects to encourage the use of plug-in electric drive vehicles or other emerging electric vehicle technologies, as determined by the Secretary.

(2) ADMINISTRATION.—The Secretary shall, in consultation with the Secretary of Transportation and the Administrator, establish requirements for applications for grants under this section, including reporting of data to be summarized for dissemination to grantees and the public, including safety, vehicle, and component performance, and vehicle and component life cycle costs.

(3) PRIORITY.—In making awards under this subsection, the Secretary shall—

(A) give priority consideration to applications that—

(i) encourage early widespread use of vehicles described in paragraph (1); and

(ii) are likely to make a significant contribution to the advancement of the production of the vehicles in the United States; and

(B) ensure, to the maximum extent practicable, that the program established under this subsection includes a variety of applications, manufacturers, and end-uses.

(4) REPORTING.—The Secretary shall require a grant recipient under this subsection to submit to the Secretary, on an annual basis, data relating to safety, vehicle performance, life cycle costs, and emissions of vehicles demonstrated under the grant, including emissions of greenhouse gases.

(5) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to a grant made under this subsection.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $90,000,000 for each of fiscal years 2008 through 2012, of which not less than ⅓ of the total amount appropriated shall be available each fiscal year to make grants to local and municipal governments.

(c) NEAR-TERM TRANSPORTATION SECTOR ELECTRIFICATION PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation and the Administrator, shall establish a program to provide grants for the conduct of qualified electric transportation projects.

(2) PRIORITY.—In providing grants under this subsection, the Secretary shall give priority to large-scale projects and large-scale aggregators of projects.

(3) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to a grant made under this subsection.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $95,000,000 for each of fiscal years 2008 through 2013.

(d) EDUCATION PROGRAM.—

(1) IN GENERAL.—The Secretary shall develop a nationwide electric drive transportation technology education program under which the Secretary shall provide—

(A) teaching materials to secondary schools and high schools; and

(B) assistance for programs relating to electric drive system and component engineering to institutions of higher education.

(2) ELECTRIC VEHICLE COMPETITION.—The program established under paragraph (1) shall include a plug-in hybrid electric vehicle competition for institutions of higher education, which shall be known as the "Dr. Andrew Frank Plug-In Electric Vehicle Competition".

(3) ENGINEERS.—In carrying out the program established under paragraph (1), the Secretary shall provide financial assistance to institutions of higher education to create new, or support existing, degree programs to ensure the availability of trained electrical and mechanical engineers with the skills necessary for the advancement of—

(A) plug-in electric drive vehicles; and

(B) other forms of electric drive transportation technology vehicles.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

SEC. 132. DOMESTIC MANUFACTURING CONVERSION GRANT PROGRAM.

Section 712 of the Energy Policy Act of 2005 (42 U.S.C. 16062) is amended to read as follows:

"SEC. 712. DOMESTIC MANUFACTURING CONVERSION GRANT PROGRAM.

"(a) PROGRAM.—

"(1) IN GENERAL.—The Secretary shall establish a program to encourage domestic production and sales of efficient hybrid and advanced diesel vehicles and components of those vehicles.

"(2) INCLUSIONS.—The program shall include grants to automobile manufacturers and suppliers and hybrid component manufacturers to encourage domestic production of efficient hybrid, plug-in electric hybrid, plug-in electric drive, and advanced diesel vehicles.

"(3) PRIORITY.—Priority shall be given to the refurbishment or retooling of manufacturing facilities that have recently ceased operation or will cease operation in the near future.

"(b) COORDINATION WITH STATE AND LOCAL PROGRAMS.—The Secretary may coordinate implementation of this section with State and local programs designed to accomplish similar goals, including the retention and retraining of skilled workers from the manufacturing facilities, including by establishing matching grant arrangements.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section.".

SEC. 133. INCLUSION OF ELECTRIC DRIVE IN ENERGY POLICY ACT OF 1992.

Section 508 of the Energy Policy Act of 1992 (42 U.S.C. 13258) is amended—

(1) by redesignating subsections (a) through (d) as subsections (b) through (e), respectively;

(2) by inserting before subsection (b) the following:

"(a) DEFINITIONS.—In this section:

"(1) FUEL CELL ELECTRIC VEHICLE.—The term 'fuel cell electric vehicle' means an onroad or nonroad vehicle that uses a fuel cell (as defined in section 803 of the Spark M. Matsunaga Hydrogen Act of 2005 (42 U.S.C. 16152)).

"(2) HYBRID ELECTRIC VEHICLE.—The term 'hybrid electric vehicle' means a new qualified hybrid motor vehicle (as defined in section 30B(d)(3) of the Internal Revenue Code of 1986).

"(3) MEDIUM- OR HEAVY-DUTY ELECTRIC VEHICLE.—The term 'medium- or heavy-duty electric vehicle' means an electric, hybrid electric, or plug-in hybrid electric vehicle with a gross vehicle weight of more than 8,501 pounds.

"(4) NEIGHBORHOOD ELECTRIC VEHICLE.—The term 'neighborhood electric vehicle' means a 4-wheeled on-road or nonroad vehicle that—

"(A) has a top attainable speed in 1 mile of more than 20 mph and not more than 25 mph on a paved level surface; and

"(B) is propelled by an electric motor and on-board, rechargeable energy storage system that is rechargeable using an off-board source of electricity.

"(5) PLUG-IN ELECTRIC DRIVE VEHICLE.—The term 'plug-in electric drive vehicle' means a vehicle that—

"(A) draws motive power from a battery with a capacity of at least 4 kilowatt-hours;

"(B) can be recharged from an external source of electricity for motive power; and

"(C) is a light-, medium-, or heavy duty motor vehicle or nonroad vehicle (as those terms are defined in section 216 of the Clean Air Act (42 U.S.C. 7550).";

(3) in subsection (b) (as redesignated by paragraph (1))—

(A) by striking "The Secretary" and inserting the following:

"(1) ALLOCATION.—The Secretary"; and

(B) by adding at the end the following:

"(2) ELECTRIC VEHICLES.—Not later than January 31, 2009, the Secretary shall—

"(A) allocate credit in an amount to be determined by the Secretary for—

"(i) acquisition of—

"(I) a hybrid electric vehicle;

"(II) a plug-in electric drive vehicle;

"(III) a fuel cell electric vehicle;

"(IV) a neighborhood electric vehicle; or

"(V) a medium- or heavy-duty electric vehicle; and

"(ii) investment in qualified alternative fuel infrastructure or nonroad equipment, as determined by the Secretary; and

"(B) allocate more than 1, but not to exceed 5, credits for investment in an emerging technology relating to any vehicle described in subparagraph (A) to encourage—

"(i) a reduction in petroleum demand;

"(ii) technological advancement; and

"(iii) a reduction in vehicle emissions.";

(4) in subsection (c) (as redesignated by paragraph (1)), by striking "subsection (a)" and inserting "subsection (b)"; and

(5) by adding at the end the following:

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2013.".

SEC. 134. LOAN GUARANTEES FOR FUEL-EFFICIENT AUTOMOBILE PARTS MANUFACTURERS.

(a) IN GENERAL.—Section 712(a)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16062(a)(2)) (as amended by section 132) is amended by inserting "and loan guarantees under section 1703" after "grants".

(b) CONFORMING AMENDMENT.—Section 1703(b) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)) is amended by striking paragraph (8) and inserting the following:

"(8) Production facilities for the manufacture of fuel efficient vehicles or parts of those vehicles, including electric drive vehicles and advanced diesel vehicles.".

SEC. 135. ADVANCED BATTERY LOAN GUARANTEE PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to provide guarantees of loans by private institutions for the construction of facilities for the manufacture of advanced vehicle batteries and battery systems that are developed and produced in the United States, including advanced lithium ion batteries and hybrid electrical system and component manufacturers and software designers.

(b) REQUIREMENTS.—The Secretary may provide a loan guarantee under subsection (a) to an applicant if—

(1) without a loan guarantee, credit is not available to the applicant under reasonable terms or conditions sufficient to finance the construction of a facility described in subsection (a);

(2) the prospective earning power of the applicant and the character and value of the security pledged provide a reasonable assurance of repayment of the loan to be guaranteed in accordance with the terms of the loan; and

(3) the loan bears interest at a rate determined by the Secretary to be reasonable, taking into account the current average yield on outstanding obligations of the United States with remaining periods of maturity comparable to the maturity of the loan.

(c) CRITERIA.—In selecting recipients of loan guarantees from among applicants, the Secretary shall give preference to proposals that—

(1) meet all applicable Federal and State permitting requirements;

(2) are most likely to be successful; and

(3) are located in local markets that have the greatest need for the facility.

(d) MATURITY.—A loan guaranteed under subsection (a) shall have a maturity of not more than 20 years.

(e) TERMS AND CONDITIONS.—The loan agreement for a loan guaranteed under subsection (a) shall provide that no provision of the loan agreement may be amended or waived without the consent of the Secretary.

(f) ASSURANCE OF REPAYMENT.—The Secretary shall require that an applicant for a loan guarantee under subsection (a) provide an assurance of repayment in the form of a performance bond, insurance, collateral, or other means acceptable to the Secretary in an amount equal to not less than 20 percent of the amount of the loan.

(g) GUARANTEE FEE.—The recipient of a loan guarantee under subsection (a) shall pay the Secretary an amount determined by the Secretary to be sufficient to cover the administrative costs of the Secretary relating to the loan guarantee.

(h) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of all guarantees made under this section. Any such guarantee made by the Secretary shall be conclusive evidence of the eligibility of the loan for the guarantee with respect to principal and interest. The validity of the guarantee shall be incontestable in the hands of a holder of the guaranteed loan.

(i) REPORTS.—Until each guaranteed loan under this section has been repaid in full, the Secretary shall annually submit to Congress a report on the activities of the Secretary under this section.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(k) TERMINATION OF AUTHORITY.—The authority of the Secretary to issue a loan guarantee under subsection (a) terminates on the date that is 10 years after the date of enactment of this Act.

SEC. 136. ADVANCED TECHNOLOGY VEHICLES MANUFACTURING INCENTIVE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADVANCED TECHNOLOGY VEHICLE.—The term "advanced technology vehicle" means a light duty vehicle that meets—

(A) the Bin 5 Tier II emission standard established in regulations issued by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)), or a lower-numbered Bin emission standard;

(B) any new emission standard in effect for fine particulate matter prescribed by the Administrator under that Act (42 U.S.C. 7401 et seq.); and

(C) at least 125 percent of the average base year combined fuel economy for vehicles with substantially similar attributes.

(2) COMBINED FUEL ECONOMY.—The term "combined fuel economy" means—

(A) the combined city/highway miles per gallon values, as reported in accordance with section 32904 of title 49, United States Code; and

(B) in the case of an electric drive vehicle with the ability to recharge from an offboard source, the reported mileage, as determined in a manner consistent with the Society of Automotive Engineers recommended practice for that configuration or a similar practice recommended by the Secretary.

(3) ENGINEERING INTEGRATION COSTS.—The term "engineering integration costs" includes the cost of engineering tasks relating to—

(A) incorporating qualifying components into the design of advanced technology vehicles; and

(B) designing tooling and equipment and developing manufacturing processes and material suppliers for production facilities that produce qualifying components or advanced technology vehicles.

(4) QUALIFYING COMPONENTS.—The term "qualifying components" means components that the Secretary determines to be—

(A) designed for advanced technology vehicles; and

(B) installed for the purpose of meeting the performance requirements of advanced technology vehicles.

(b) ADVANCED VEHICLES MANUFACTURING FACILITY.—The Secretary shall provide facility funding awards under this section to automobile manufacturers and component suppliers to pay not more than 30 percent of the cost of—

(1) reequipping, expanding, or establishing a manufacturing facility in the United States to produce—

(A) qualifying advanced technology vehicles; or

(B) qualifying components; and

(2) engineering integration performed in the United States of qualifying vehicles and qualifying components.

(c) PERIOD OF AVAILABILITY.—An award under subsection (b) shall apply to—

(1) facilities and equipment placed in service before December 30, 2020; and

(2) engineering integration costs incurred during the period beginning on the date of enactment of this Act and ending on December 30, 2020.

(d) DIRECT LOAN PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and subject to the availability of appropriated funds, the Secretary shall carry out a program to provide a total of not more than $25,000,000,000 in loans to eligible individuals and entities (as determined by the Secretary) for the costs of activities described in subsection (b).

(2) APPLICATION.—An applicant for a loan under this subsection shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a written assurance that—

(A) all laborers and mechanics employed by contractors or subcontractors during construction, alteration, or repair that is financed, in whole or in part, by a loan under this section shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with sections 3141–3144, 3146, and 3147 of title 40, United States Code; and

(B) the Secretary of Labor shall, with respect to the labor standards described in this paragraph, have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. App.) and section 3145 of title 40, United States Code.

(3) SELECTION OF ELIGIBLE PROJECTS.—The Secretary shall select eligible projects to receive loans under this subsection in cases in which, as determined by the Secretary, the award recipient—

(A) is financially viable without the receipt of additional Federal funding associated with the proposed project;

(B) will provide sufficient information to the Secretary for the Secretary to ensure that the qualified investment is expended efficiently and effectively; and

(C) has met such other criteria as may be established and published by the Secretary.

(4) RATES, TERMS, AND REPAYMENT OF LOANS.—A loan provided under this subsection—

(A) shall have an interest rate that, as of the date on which the loan is made, is equal to the cost of funds to the Department of the Treasury for obligations of comparable maturity;

(B) shall have a term equal to the lesser of—

(i) the projected life, in years, of the eligible project to be carried out using funds from the loan, as determined by the Secretary; and

(ii) 25 years;

(C) may be subject to a deferral in repayment for not more than 5 years after the date on which the eligible project carried out using funds from the loan first begins operations, as determined by the Secretary; and

(D) shall be made by the Federal Financing Bank.

(e) IMPROVEMENT.—The Secretary shall issue regulations that require that, in order for an automobile manufacturer to be eligible for an award or loan under this section during a particular year, the adjusted average fuel economy of the manufacturer for light duty vehicles produced by the manufacturer during the most recent year for which data are available shall be not less than the average fuel economy for all light duty vehicles of the manufacturer for model year 2005. In order to determine fuel economy baselines for eligibility of a new manufacturer or a manufacturer that has not produced previously produced equivalent vehicles, the Secretary may substitute industry averages.

(f) FEES.—Administrative costs shall be no more than $100,000 or 10 basis point of the loan.

(g) PRIORITY.—The Secretary shall, in making awards or loans to those manufacturers that have existing facilities, give priority to those facilities that are oldest or have been in existence for at least 20 years. Such facilities can currently be sitting idle.

(h) SET ASIDE FOR SMALL AUTOMOBILE MANUFACTURERS AND COMPONENT SUPPLIERS.—

(1) DEFINITION OF COVERED FIRM.—In this subsection, the term "covered firm" means a firm that—

(A) employs less than 500 individuals; and

(B) manufactures automobiles or components of automobiles.

(2) SET ASIDE.—Of the amount of funds that are used to provide awards for each fiscal year under subsection (b), the Secretary shall use not less than 10 percent to provide awards to covered firms or consortia led by a covered firm.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

Subtitle C—Federal Vehicle Fleets

SEC. 141. FEDERAL VEHICLE FLEETS.

Section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

"(f) VEHICLE EMISSION REQUIREMENTS.—

"(1) DEFINITIONS.—In this subsection:

"(A) FEDERAL AGENCY.—The term 'Federal agency' does not include any office of the legislative branch, except that it does include the House of Representatives with respect to an acquisition described in paragraph (2)(C).

"(B) MEDIUM DUTY PASSENGER VEHICLE.—The term 'medium duty passenger vehicle' has the meaning given that term section 523.2 of title 49 of the Code of Federal Regulations, as in effect on the date of enactment of this paragraph.

"(C) MEMBER'S REPRESENTATIONAL ALLOWANCE.—The term 'Member's Representational Allowance' means the allowance described in section 101(a) of the House of Representatives Administrative Reform Technical Corrections Act (2 U.S.C. 57b(a)).

"(2) PROHIBITION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), no Federal agency shall acquire a light duty motor vehicle or medium duty passenger vehicle that is not a low greenhouse gas emitting vehicle.

"(B) EXCEPTION.—The prohibition in subparagraph (A) shall not apply to acquisition of a vehicle if the head of the agency certifies in writing, in a separate certification for each individual vehicle purchased, either—

"(i) that no low greenhouse gas emitting vehicle is available to meet the functional needs of the agency and details in writing the functional needs that could not be met with a low greenhouse gas emitting vehicle; or

"(ii) that the agency has taken specific alternative more cost-effective measures to reduce petroleum consumption that—

"(I) have reduced a measured and verified quantity of greenhouse gas emissions equal to or greater than the quantity of greenhouse gas reductions that would have been achieved through acquisition of a low greenhouse gas emitting vehicle over the lifetime of the vehicle; or

"(II) will reduce each year a measured and verified quantity of greenhouse gas emissions equal to or greater than the quantity of greenhouse gas reductions that would have been achieved each year through acquisition of a low greenhouse gas emitting vehicle.

"(C) SPECIAL RULE FOR VEHICLES PROVIDED BY FUNDS CONTAINED IN MEMBERS' REPRESENTATIONAL ALLOWANCE.—This paragraph shall apply to the acquisition of a light duty motor vehicle or medium duty passenger vehicle using any portion of a Member's Representational Allowance, including an acquisition under a long-term lease.

"(3) GUIDANCE.—

"(A) IN GENERAL.—Each year, the Administrator of the Environmental Protection Agency shall issue guidance identifying the makes and model numbers of vehicles that are low greenhouse gas emitting vehicles.

"(B) CONSIDERATION.—In identifying vehicles under subparagraph (A), the Administrator shall take into account the most stringent standards for vehicle greenhouse gas emissions applicable to and enforceable against motor vehicle manufacturers for vehicles sold anywhere in the United States.

"(C) REQUIREMENT.—The Administrator shall not identify any vehicle as a low greenhouse gas emitting vehicle if the vehicle emits greenhouse gases at a higher rate than such standards allow for the manufacturer's fleet average grams per mile of carbon dioxide-equivalent emissions for that class of vehicle, taking into account any emissions allowances and adjustment factors such standards provide.".

SEC. 142. FEDERAL FLEET CONSERVATION REQUIREMENTS.

Part J of title III of the Energy Policy and Conservation Act (42 U.S.C. 6374 et seq.) is amended by adding at the end the following:

"SEC. 400FF. FEDERAL FLEET CONSERVATION REQUIREMENTS.

"(a) MANDATORY REDUCTION IN PETROLEUM CONSUMPTION.—

"(1) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Secretary shall issue regulations for Federal fleets subject to section 400AA to require that, beginning in fiscal year 2010, each Federal agency shall reduce petroleum consumption and increase alternative fuel consumption each year by an amount necessary to meet the goals described in paragraph (2).

"(2) GOALS.—The goals of the requirements under paragraph (1) are that not later than October 1, 2015, and for each year thereafter, each Federal agency shall achieve at least a 20 percent reduction in annual petroleum consumption and a 10 percent increase in annual alternative fuel consumption, as calculated from the baseline established by the Secretary for fiscal year 2005.

"(3) MILESTONES.—The Secretary shall include in the regulations described in paragraph (1)—

"(A) interim numeric milestones to assess annual agency progress towards accomplishing the goals described in that paragraph; and

"(B) a requirement that agencies annually report on progress towards meeting each of the milestones and the 2015 goals.

"(b) PLAN.—

"(1) REQUIREMENT.—

"(A) IN GENERAL.—The regulations under subsection (a) shall require each Federal agency to develop a plan, and implement the measures specified in the plan by dates specified in the plan, to meet the required petroleum reduction levels and the alternative fuel consumption increases, including the milestones specified by the Secretary.

"(B) INCLUSIONS.—The plan shall—

"(i) identify the specific measures the agency will use to meet the requirements of subsection (a)(2); and

"(ii) quantify the reductions in petroleum consumption or increases in alternative fuel consumption projected to be achieved by each measure each year.

"(2) MEASURES.—The plan may allow an agency to meet the required petroleum reduction level through—

"(A) the use of alternative fuels;

"(B) the acquisition of vehicles with higher fuel economy, including hybrid vehicles, neighborhood electric vehicles, electric vehicles, and plug-in hybrid vehicles if the vehicles are commercially available;

"(C) the substitution of cars for light trucks;

"(D) an increase in vehicle load factors;

"(E) a decrease in vehicle miles traveled;

"(F) a decrease in fleet size; and

"(G) other measures.".

TITLE II—ENERGY SECURITY THROUGH INCREASED PRODUCTION OF BIOFUELS

Subtitle A—Renewable Fuel Standard

SEC. 201. DEFINITIONS.

Section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)) is amended to read as follows:

"(1) DEFINITIONS.—In this section:

"(A) ADDITIONAL RENEWABLE FUEL.—The term 'additional renewable fuel' means fuel that is produced from renewable biomass and that is used to replace or reduce the quantity of fossil fuel present in home heating oil or jet fuel.

"(B) ADVANCED BIOFUEL.—

"(i) IN GENERAL.—The term 'advanced biofuel' means renewable fuel, other than ethanol derived from corn starch, that has lifecycle greenhouse gas emissions, as determined by the Administrator, after notice and opportunity for comment, that are at least 50 percent less than baseline lifecycle greenhouse gas emissions.

"(ii) INCLUSIONS.—The types of fuels eligible for consideration as 'advanced biofuel' may include any of the following:

"(I) Ethanol derived from cellulose, hemicellulose, or lignin.

"(II) Ethanol derived from sugar or starch (other than corn starch).

"(III) Ethanol derived from waste material, including crop residue, other vegetative waste material, animal waste, and food waste and yard waste.

"(IV) Biomass-based diesel.

"(V) Biogas (including landfill gas and sewage waste treatment gas) produced through the conversion of organic matter from renewable biomass.

"(VI) Butanol or other alcohols produced through the conversion of organic matter from renewable biomass.

"(VII) Other fuel derived from cellulosic biomass.

"(C) BASELINE LIFECYCLE GREENHOUSE GAS EMISSIONS.—The term 'baseline lifecycle greenhouse gas emissions' means the average lifecycle greenhouse gas emissions, as determined by the Administrator, after notice and opportunity for comment, for gasoline or diesel (whichever is being replaced by the renewable fuel) sold or distributed as transportation fuel in 2005.

"(D) BIOMASS-BASED DIESEL.—The term 'biomass-based diesel' means renewable fuel that is biodiesel as defined in section 312(f) of the Energy Policy Act of 1992 (42 U.S.C. 13220(f)) and that has lifecycle greenhouse gas emissions, as determined by the Administrator, after notice and opportunity for comment, that are at least 50 percent less than the baseline lifecycle greenhouse gas emissions. Notwithstanding the preceding sentence, renewable fuel derived from co-processing biomass with a petroleum feedstock shall be advanced biofuel if it meets the requirements of subparagraph (B), but is not biomass-based diesel.

"(E) CELLULOSIC BIOFUEL.—The term 'cellulosic biofuel' means renewable fuel derived from any cellulose, hemicellulose, or lignin that is derived from renewable biomass and that has lifecycle greenhouse gas emissions, as determined by the Administrator, that are at least 60 percent less than the baseline lifecycle greenhouse gas emissions.

"(F) CONVENTIONAL BIOFUEL.—The term 'conventional biofuel' means renewable fuel that is ethanol derived from corn starch

"(G) GREENHOUSE GAS.—The term 'greenhouse gas' means carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, sulfur hexafluoride. The Administrator may include any other anthropogenically-emitted gas that is determined by the Administrator, after notice and comment, to contribute to global warming.

"(H) LIFECYCLE GREENHOUSE GAS EMISSIONS.—The term 'lifecycle greenhouse gas emissions' means the aggregate quantity of greenhouse gas emissions (including direct emissions and significant indirect emissions such as significant emissions from land use changes), as determined by the Administrator, related to the full fuel lifecycle, including all stages of fuel and feedstock production and distribution, from feedstock generation or extraction through the distribution and delivery and use of the finished fuel to the ultimate consumer, where the mass values for all greenhouse gases are adjusted to account for their relative global warming potential.

"(I) RENEWABLE BIOMASS.—The term 'renewable biomass' means each of the following:

"(i) Planted crops and crop residue harvested from agricultural land cleared or cultivated at any time prior to the enactment of this sentence that is either actively managed or fallow, and nonforested.

"(ii) Planted trees and tree residue from actively managed tree plantations on non-federal land cleared at any time prior to enactment of this sentence, including land belonging to an Indian tribe or an Indian individual, that is held in trust by the United States or subject to a restriction against alienation imposed by the United States.

"(iii) Animal waste material and animal byproducts.

"(iv) Slash and pre-commercial thinnings that are from non-federal forestlands, including forestlands belonging to an Indian tribe or an Indian individual, that are held in trust by the United States or subject to a restriction against alienation imposed by the United States, but not forests or forestlands that are ecological communities with a global or State ranking of critically imperiled, imperiled, or rare pursuant to a State Natural Heritage Program, old growth forest, or late successional forest.

"(v) Biomass obtained from the immediate vicinity of buildings and other areas regularly occupied by people, or of public infrastructure, at risk from wildfire.

"(vi) Algae.

"(vii) Separated yard waste or food waste, including recycled cooking and trap grease.

"(J) RENEWABLE FUEL.—The term 'renewable fuel' means fuel that is produced from renewable biomass and that is used to replace or reduce the quantity of fossil fuel present in a transportation fuel.

"(K) SMALL REFINERY.—The term 'small refinery' means a refinery for which the average aggregate daily crude oil throughput for a calendar year (as determined by dividing the aggregate throughput for the calendar year by the number of days in the calendar year) does not exceed 75,000 barrels.

"(L) TRANSPORTATION FUEL.—The term 'transportation fuel' means fuel for use in motor vehicles, motor vehicle engines, nonroad vehicles, or nonroad engines (except for ocean-going vessels).".

SEC. 202. RENEWABLE FUEL STANDARD.

(a) RENEWABLE FUEL PROGRAM.—Paragraph (2) of section 211(o) (42 U.S.C. 7545(o)(2)) of the Clean Air Act is amended as follows:

(1) REGULATIONS.—Clause (i) of subparagraph (A) is amended by adding the following at the end thereof: "Not later than 1 year after the date of enactment of this sentence, the Administrator shall revise the regulations under this paragraph to ensure that transportation fuel sold or introduced into commerce in the United States (except in noncontiguous States or territories), on an annual average basis, contains at least the applicable volume of renewable fuel, advanced biofuel, cellulosic biofuel, and biomass-based diesel, determined in accordance with subparagraph (B) and, in the case of any such renewable fuel produced from new facilities that commence construction after the date of enactment of this sentence, achieves at least a 20 percent reduction in lifecycle greenhouse gas emissions compared to baseline lifecycle greenhouse gas emissions."

(2) APPLICABLE VOLUMES OF RENEWABLE FUEL.—Subparagraph (B) is amended to read as follows:

"(B) APPLICABLE VOLUMES.—

"(i) CALENDAR YEARS AFTER 2005.—

"(I) RENEWABLE FUEL.—For the purpose of subparagraph (A), the applicable volume of renewable fuel for the calendar years 2006 through 2022 shall be determined in accordance with the following table:

"Calendar year:	**Applicable volume of renewable fuel (in billions of gallons):**
2006	4.0
2007	4.7
2008	9.0
2009	11.1
2010	12.95
2011	13.95
2012	15.2
2013	16.55
2014	18.15
2015	20.5
2016	22.25
2017	24.0
2018	26.0
2019	28.0
2020	30.0
2021	33.0
2022	36.0

"(II) ADVANCED BIOFUEL.—For the purpose of subparagraph (A), of the volume of renewable fuel required under subclause (I), the applicable volume of advanced biofuel for the calendar years 2009 through 2022 shall be determined in accordance with the following table:

"Calendar year:	**Applicable volume of advanced biofuel (in billions of gallons):**
2009	0.6
2010	0.95
2011	1.35
2012	2.0
2013	2.75
2014	3.75
2015	5.5
2016	7.25
2017	9.0
2018	11.0
2019	13.0
2020	15.0
2021	18.0
2022	21.0

"(III) CELLULOSIC BIOFUEL.—For the purpose of subparagraph (A), of the volume of advanced biofuel required under subclause (II), the applicable volume of cellulosic biofuel for the calendar years 2010 through 2022 shall be determined in accordance with the following table:

"Calendar year:	**Applicable volume of cellulosic biofuel (in billions of gallons):**
2010	0.1
2011	0.25
2012	0.5
2013	1.0
2014	1.75
2015	3.0
2016	4.25
2017	5.5
2018	7.0
2019	8.5
2020	10.5
2021	13.5
2022	16.0

"(IV) BIOMASS-BASED DIESEL.—For the purpose of subparagraph (A), of the volume of advanced biofuel required under subclause (II), the applicable volume of biomass-based diesel for the calendar years 2009 through 2012 shall be determined in accordance with the following table:

"Calendar year:	**Applicable volume of biomass-based diesel (in billions of gallons):**
2009	0.5
2010	0.65
2011	0.80
2012	1.0

"(ii) OTHER CALENDAR YEARS.—For the purposes of subparagraph (A), the applicable volumes of each fuel specified in the tables in clause (i) for calendar years after the calendar years specified in the tables shall be determined by the Administrator, in coordination with the Secretary of Energy and the Secretary of Agriculture, based on a review of the implementation of the program during calendar years specified in the tables, and an analysis of—

"(I) the impact of the production and use of renewable fuels on the environment, including on air quality, climate change, conversion of wet lands, eco-systems, wildlife habitat, water quality, and water supply;

"(II) the impact of renewable fuels on the energy security of the United States;

"(III) the expected annual rate of future commercial production of renewable fuels, including advanced biofuels in each category (cellulosic biofuel and biomass-based diesel);

"(IV) the impact of renewable fuels on the infrastructure of the United States, including deliverability of materials, goods, and products other than renewable fuel, and the sufficiency of infrastructure to deliver and use renewable fuel;

"(V) the impact of the use of renewable fuels on the cost to consumers of transportation fuel and on the cost to transport goods; and

"(VI) the impact of the use of renewable fuels on other factors, including job creation, the price and supply of agricultural commodities, rural economic development, and food prices.

The Administrator shall promulgate rules establishing the applicable volumes under this clause no later than 14 months before the first year for which such applicable volume will apply.

"(iii) APPLICABLE VOLUME OF ADVANCED BIOFUEL.—For the purpose of making the determinations in clause (ii), for each calendar year, the applicable volume of advanced biofuel shall be at least the same percentage of the applicable volume of renewable fuel as in calendar year 2022.

"(iv) APPLICABLE VOLUME OF CELLULOSIC BIOFUEL.—For the purpose of making the determinations in clause (ii), for each calendar year, the applicable volume of cellulosic biofuel established by the Administrator shall be based on the assumption that the Administrator will not need to issue a waiver for such years under paragraph (7)(D).

"(v) MINIMUM APPLICABLE VOLUME OF BIOMASS-BASED DIESEL.—For the purpose of making the determinations in clause (ii), the applicable volume of biomass-based diesel shall not be less than the applicable volume listed in clause (i)(IV) for calendar year 2012.".

(b) APPLICABLE PERCENTAGES.—Paragraph (3) of section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)(3)) is amended as follows:

(1) In subparagraph (A), by striking "2011" and inserting "2021".

(2) In subparagraph (A), by striking "gasoline" and inserting "transportation fuel, biomass-based diesel, and cellulosic biofuel".

(3) In subparagraph (B), by striking "2012" and inserting "2021" in clause (i).

(4) In subparagraph (B), by striking "gasoline" and inserting "transportation fuel" in clause (ii)(II).

(c) MODIFICATION OF GREENHOUSE GAS PERCENTAGES.—Paragraph (4) of section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)(4)) is amended to read as follows:

"(4) MODIFICATION OF GREENHOUSE GAS REDUCTION PERCENTAGES.—

"(A) IN GENERAL.—The Administrator may, in the regulations under the last sentence of paragraph (2)(A)(i), adjust the 20 percent, 50 percent, and 60 percent reductions in lifecycle greenhouse gas emissions specified in paragraphs (2)(A)(i)(relating to renewable fuel), (1)(D) (relating to biomass-based diesel), (1)(B)(i)(relating to advanced biofuel), and (1)(E) (relating to cellulosic biofuel) to a lower percentage. For the 50 and 60 percent reductions, the Administrator may make such an adjustment only if he determines that generally such reduction is not commercially feasible for fuels made using a variety of feedstocks, technologies, and processes to meet the applicable reduction.

"(B) AMOUNT OF ADJUSTMENT.—In promulgating regulations under this paragraph, the specified 50 percent reduction in greenhouse gas emissions from advanced biofuel and in biomass-based diesel may not be reduced below 40 percent. The specified 20 percent reduction in greenhouse gas emissions from renewable fuel may not be reduced below 10 percent, and the specified 60 percent reduction in greenhouse gas emissions from cellulosic biofuel may not be reduced below 50 percent.

"(C) ADJUSTED REDUCTION LEVELS.—An adjustment under this paragraph to a percent less than the specified 20 percent greenhouse gas reduction for renewable fuel shall be the minimum possible adjustment, and the adjusted greenhouse gas reduction shall be established by the Administrator at the maximum achievable level, taking cost in consideration, for natural gas fired corn-based ethanol plants, allowing for the use of a variety of technologies and processes. An adjustment in the 50 or 60 percent greenhouse gas levels shall be the minimum possible adjustment for the fuel or fuels concerned, and the adjusted greenhouse gas reduction shall be established at the maximum achievable level, taking cost in consideration, allowing for the use of a variety of feedstocks, technologies, and processes.

"(D) 5-YEAR REVIEW.—Whenever the Administrator makes any adjustment under this paragraph, not later than 5 years thereafter he shall review and revise (based upon the same criteria and standards as required for the initial adjustment) the regulations establishing the adjusted level.

"(E) SUBSEQUENT ADJUSTMENTS.—After the Administrator has promulgated a final rule under the last sentence of paragraph (2)(A)(i) with respect to the method of determining lifecycle greenhouse gas emissions, except as provided in subparagraph (D), the Administrator may not adjust the percent greenhouse gas reduction levels unless he determines that there has been a significant change in the analytical methodology used for determining the lifecycle greenhouse gas emissions. If he makes such determination, he may adjust the 20, 50, or 60 percent reduction levels through rulemaking using the criteria and standards set forth in this paragraph.

"(F) LIMIT ON UPWARD ADJUSTMENTS.—If, under subparagraph (D) or (E), the Administrator revises a percent level adjusted as provided in subparagraph (A), (B), and (C) to a higher percent, such higher percent may not exceed the applicable percent specified in paragraph (2)(A)(i), (1)(D),(1)(B)(i), or (1)(E).

"(G) APPLICABILITY OF ADJUSTMENTS.—If the Administrator adjusts, or revises, a percent level referred to in this paragraph or makes a change in the analytical methodology used for determining the lifecycle greenhouse gas emissions, such adjustment, revision, or change (or any combination thereof) shall only apply to renewable fuel from new facilities that commence construction after the effective date of such adjustment, revision, or change.".

(d) CREDITS FOR ADDITIONAL RENEWABLE FUEL.—Paragraph (5) of section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)(5)) is amended by adding the following new subparagraph at the end thereof:

"(E) CREDITS FOR ADDITIONAL RENEWABLE FUEL.—The Administrator may issue regulations providing (i) for the generation of an appropriate amount of credits by any person that refines, blends, or imports additional renewable fuels specified by the Administrator and (ii) for the use of such credits by the generator, or the transfer of all or a portion of the credits to another person, for the purpose of complying with paragraph (2).".

(e) WAIVERS.—

(1) IN GENERAL.—Paragraph (7)(A) of section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)(7)(A)) is amended by inserting ", by any person subject to the requirements of this subsection, or by the Administrator on his own motion" after "one or more States" in subparagraph (A) and by striking out "State" in subparagraph (B).

(2) CELLULOSIC BIOFUEL.—Paragraph (7) of section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)(7)) is amended by adding the following at the end thereof:

"(D) CELLULOSIC BIOFUEL.—(i) For any calendar year for which the projected volume of cellulosic biofuel production is less than the minimum applicable volume established under paragraph (2)(B), as determined by the Administrator based on the estimate provided under paragraph (3)(A), not later than November 30 of the preceding calendar year, the Administrator shall reduce the applicable volume of cellulosic biofuel required under paragraph (2)(B) to the projected volume available during that calendar year. For any calendar year in which the Administrator makes such a reduction, the Administrator may also reduce the applicable volume of renewable fuel and advanced biofuels requirement established under paragraph (2)(B) by the same or a lesser volume.

"(ii) Whenever the Administrator reduces the minimum cellulosic biofuel volume under this subparagraph, the Administrator shall make available for sale cellulosic biofuel credits at the higher of $0.25 per gallon or the amount by which $3.00 per gallon exceeds the average wholesale price of a gallon of gasoline in the United States. Such amounts shall be adjusted for inflation by the Administrator for years after 2008.

"(iii) 18 months after date of enactment of this subparagraph, the Administrator shall promulgate regulations to govern the issuance of credits under this subparagraph. The regulations shall set forth the method for determining the exact price of credits in the event of a waiver. The price of such credits shall not be changed more frequently than once each quarter. These regulations shall include such provisions, including limiting the credits' uses and useful life, as the Administrator deems appropriate to assist market liquidity and transparency, to provide appropriate certainty for regulated entities and renewable fuel producers, and to limit any potential misuse of cellulosic biofuel credits to reduce the use of other renewable fuels, and for such other purposes as the Administrator determines will help achieve the goals of this subsection. The regulations shall limit the number of cellulosic biofuel credits for any calendar year to the minimum applicable volume (as reduced under this subparagraph) of cellulosic biofuel for that year.".

(3) BIOMASS-BASED DIESEL.—Paragraph (7) of section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)(7)) is amended by adding the following at the end thereof:

"(E) BIOMASS-BASED DIESEL.—

"(i) MARKET EVALUATION.—The Administrator, in consultation with the Secretary of Energy and the Secretary of Agriculture, shall periodically evaluate the impact of the biomass-based diesel requirements established under this paragraph on the price of diesel fuel.

"(ii) WAIVER.—If the Administrator determines that there is a significant renewable feedstock disruption or other market circumstances that would make the price of biomass-based diesel fuel increase significantly, the Administrator, in consultation with the Secretary of Energy and the Secretary of Agriculture, shall issue an order to reduce, for up to a 60-day period, the quantity of biomass-based diesel required under subparagraph (A) by an appropriate quantity that does not exceed 15 percent of the applicable annual requirement for biomass-based diesel. For any calendar year in which the Administrator makes a reduction under this subparagraph, the Administrator may also reduce the applicable volume of renewable fuel and advanced biofuels requirement established under paragraph (2)(B) by the same or a lesser volume.

"(iii) EXTENSIONS.—If the Administrator determines that the feedstock disruption or circumstances described in clause (ii) is continuing beyond the 60-day period described in clause (ii) or this clause, the Administrator, in consultation with the Secretary of Energy and the Secretary of Agriculture, may issue an order to reduce, for up to an additional 60-day period, the quantity of biomass-based diesel required under subparagraph (A) by an appropriate quantity that does not exceed an additional 15 percent of the applicable annual requirement for biomass-based diesel.

"(F) MODIFICATION OF APPLICABLE VOLUMES.—For any of the tables in paragraph (2)(B), if the Administrator waives—

"(i) at least 20 percent of the applicable volume requirement set forth in any such table for 2 consecutive years; or

"(ii) at least 50 percent of such volume requirement for a single year,

the Administrator shall promulgate a rule (within one year after issuing such waiver) that modifies the applicable volumes set forth in the table concerned for all years following the final year to which the waiver applies, except that no such modification in applicable volumes shall be made for any year before 2016. In promulgating such a rule, the Administrator shall comply with the processes, criteria, and standards set forth in paragraph (2)(B)(ii).".

SEC. 203. STUDY OF IMPACT OF RENEWABLE FUEL STANDARD.

(a) IN GENERAL.—The Secretary of Energy, in consultation with the Secretary of Agriculture and the Administrator of the Environmental Protection Agency, shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a study to assess the impact of the requirements described in section 211(o) of the Clean Air Act on each industry relating to the production of feed grains, livestock, food, forest products, and energy.

(b) PARTICIPATION.—In conducting the study under this section, the National Academy of Sciences shall seek the participation, and consider the input, of—

(1) producers of feed grains;

(2) producers of livestock, poultry, and pork products;

(3) producers of food and food products;

(4) producers of energy;

(5) individuals and entities interested in issues relating to conservation, the environment, and nutrition;

(6) users and consumer of renewable fuels;

(7) producers and users of biomass feedstocks; and

(8) land grant universities.

(c) CONSIDERATIONS.—In conducting the study, the National Academy of Sciences shall consider—

(1) the likely impact on domestic animal agriculture feedstocks that, in any crop year, are significantly below current projections;

(2) policy options to alleviate the impact on domestic animal agriculture feedstocks that are significantly below current projections; and

(3) policy options to maintain regional agricultural and silvicultural capability.

(d) COMPONENTS.—The study shall include—

(1) a description of the conditions under which the requirements described in section 211(o) of the Clean Air Act should be suspended or reduced to prevent adverse impacts to domestic animal agriculture feedstocks described in subsection (c)(2) or regional agricultural and silvicultural capability described in subsection (c)(3); and

(2) recommendations for the means by which the Federal Government could prevent or minimize adverse economic hardships and impacts.

(e) DEADLINE FOR COMPLETION OF STUDY.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the results of the study under this section.

(f) PERIODIC REVIEWS.—Section 211(o) of the Clean Air Act is amended by adding the following at the end thereof:

"(11) PERIODIC REVIEWS.—To allow for the appropriate adjustment of the requirements described in subparagraph (B) of paragraph (2), the Administrator shall conduct periodic reviews of—

"(A) existing technologies;

"(B) the feasibility of achieving compliance with the requirements; and

"(C) the impacts of the requirements described in subsection (a)(2) on each individual and entity described in paragraph (2).".

SEC. 204. ENVIRONMENTAL AND RESOURCE CONSERVATION IMPACTS.

(a) IN GENERAL.—Not later than 3 years after the enactment of this section and every 3 years thereafter, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Agriculture and the Secretary of Energy, shall assess and report to Congress on the impacts to date and likely future impacts of the requirements of section 211(o) of the Clean Air Act on the following:

(1) Environmental issues, including air quality, effects on hypoxia, pesticides, sediment, nutrient and pathogen levels in waters, acreage and function of waters, and soil environmental quality.

(2) Resource conservation issues, including soil conservation, water availability, and ecosystem health and biodiversity, including impacts on forests, grasslands, and wetlands.

(3) The growth and use of cultivated invasive or noxious plants and their impacts on the environment and agriculture.

In advance of preparing the report required by this subsection, the Administrator may seek the views of the National Academy of Sciences or another appropriate independent research institute. The report shall include the annual volume of imported renewable fuels and feedstocks for renewable fuels, and the environmental impacts outside the United States of producing such fuels and feedstocks. The report required by this subsection shall include recommendations for actions to address any adverse impacts found.

(b) EFFECT ON AIR QUALITY AND OTHER ENVIRONMENTAL REQUIREMENTS.—Except as provided in section 211(o)(13) of the Clean Air Act, nothing in the amendments made by this title to section 211(o) of the Clean Air Act shall be construed as superseding, or limiting, any more environmentally protective requirement under the Clean Air Act, or under any other provision of State or Federal law or regulation, including any environmental law or regulation.

SEC. 205. BIOMASS BASED DIESEL AND BIODIESEL LABELING.

(a) IN GENERAL.—Each retail diesel fuel pump shall be labeled in a manner that informs consumers of the percent of biomass-based diesel or biodiesel that is contained in the biomass-based diesel blend or biodiesel blend that is offered for sale, as determined by the Federal Trade Commission.

(b) LABELING REQUIREMENTS.—Not later than 180 days after the date of enactment of this section, the Federal Trade Commission shall promulgate biodiesel labeling requirements as follows:

(1) Biomass-based diesel blends or biodiesel blends that contain less than or equal to 5 percent biomass-based diesel or biodiesel by volume and that meet ASTM D975 diesel specifications shall not require any additional labels.

(2) Biomass based diesel blends or biodiesel blends that contain more than 5 percent biomass-based diesel or biodiesel by volume but not more than 20 percent by volume shall be labeled "contains biomass-based diesel or biodiesel in quantities between 5 percent and 20 percent".

(3) Biomass-based diesel or biodiesel blends that contain more than 20 percent biomass based or biodiesel by volume shall be labeled "contains more than 20 percent biomass-based diesel or biodiesel".

(c) DEFINITIONS.—In this section:

(1) ASTM.—The term "ASTM" means the American Society of Testing and Materials.

(2) BIOMASS-BASED DIESEL.—The term "biomass-based diesel" means biodiesel as defined in section 312(f) of the Energy Policy Act of 1992 (42 U.S.C. 13220(f)).

(3) BIODIESEL.—The term "biodiesel" means the monoalkyl esters of long chain fatty acids derived from plant or animal matter that meet—

(A) the registration requirements for fuels and fuel additives under this section; and

(B) the requirements of ASTM standard D6751.

(4) BIOMASS-BASED DIESEL AND BIODIESEL BLENDS.—The terms "biomass-based diesel blend" and "biodiesel blend" means a blend of "biomass-based diesel" or "biodiesel" fuel that is blended with petroleum based diesel fuel.

SEC. 206. STUDY OF CREDITS FOR USE OF RENEWABLE ELECTRICITY IN ELECTRIC VEHICLES.

(a) DEFINITION OF ELECTRIC VEHICLE.—In this section, the term "electric vehicle" means an electric motor vehicle (as defined in section 601 of the Energy Policy Act of 1992 (42 U.S.C. 13271)) for which the rechargeable storage battery—

(1) receives a charge directly from a source of electric current that is external to the vehicle; and

(2) provides a minimum of 80 percent of the motive power of the vehicle.

(b) STUDY.—The Administrator of the Environmental Protection Agency shall conduct a study on the feasibility of issuing credits under the program established under section 211(o) of the Clean Air Act to electric vehicles powered by electricity produced from renewable energy sources.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Energy and Commerce of the United States House of Representatives a report that describes the results of the study, including a description of—

(1) existing programs and studies on the use of renewable electricity as a means of powering electric vehicles; and

(2) alternatives for—

(A) designing a pilot program to determine the feasibility of using renewable electricity to power electric vehicles as an adjunct to a renewable fuels mandate;

(B) allowing the use, under the pilot program designed under subparagraph (A), of electricity generated from nuclear energy as an additional source of supply;

(C) identifying the source of electricity used to power electric vehicles; and

(D) equating specific quantities of electricity to quantities of renewable fuel under section 211(o) of the Clean Air Act.

SEC. 207. GRANTS FOR PRODUCTION OF ADVANCED BIOFUELS.

(a) IN GENERAL.—The Secretary of Energy shall establish a grant program to encourage the production of advanced biofuels.

(b) REQUIREMENTS AND PRIORITY.—In making grants under this section, the Secretary—

(1) shall make awards to the proposals for advanced biofuels with the greatest reduction in lifecycle greenhouse gas emissions compared to the comparable motor vehicle fuel lifecycle emissions during calendar year 2005; and

(2) shall not make an award to a project that does not achieve at least a 80 percent reduction in such lifecycle greenhouse gas emissions.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000,000 for the period of fiscal years 2008 through 2015.

SEC. 208. INTEGRATED CONSIDERATION OF WATER QUALITY IN DETERMINATIONS ON FUELS AND FUEL ADDITIVES.

Section 211(c)(1) of the Clean Air Act (42 U.S.C. 7545(c)(1)) is amended as follows:

(1) By striking "nonroad vehicle (A) if in the judgment of the Administrator" and inserting "nonroad vehicle if, in the judgment of the Administrator, any fuel or fuel additive or" ; and

(2) In subparagraph (A), by striking "air pollution which" and inserting "air pollution or water pollution (including any degradation in the quality of groundwater) that".

SEC. 209. ANTI-BACKSLIDING.

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended by adding at the end the following:

"(v) PREVENTION OF AIR QUALITY DETERIORATION.—

"(1) STUDY.—

"(A) IN GENERAL.—Not later than 18 months after the date of enactment of this subsection, the Administrator shall complete a study to determine whether the renewable fuel volumes required by this section will adversely impact air quality as a result of changes in vehicle and engine emissions of air pollutants regulated under this Act.

"(B) CONSIDERATIONS.—The study shall include consideration of—

"(i) different blend levels, types of renewable fuels, and available vehicle technologies; and

"(ii) appropriate national, regional, and local air quality control measures.

"(2) REGULATIONS.—Not later than 3 years after the date of enactment of this subsection, the Administrator shall—

"(A) promulgate fuel regulations to implement appropriate measures to mitigate, to the greatest extent achievable, considering the results of the study under paragraph (1), any adverse impacts on air quality, as the result of the renewable volumes required by this section; or

"(B) make a determination that no such measures are necessary.".

SEC. 210. EFFECTIVE DATE, SAVINGS PROVISION, AND TRANSITION RULES.

(a) TRANSITION RULES.—(1) For calendar year 2008, transportation fuel sold or introduced into commerce in the United States (except in noncontiguous States or territories), that is produced from facilities that commence construction after the date of enactment of this Act shall be treated as renewable fuel within the meaning of section 211(o) of the Clean Air Act only if it achieves at least a 20 percent reduction in lifecycle greenhouse gas emissions compared to baseline lifecycle greenhouse gas emissions. For calendar years 2008 and 2009, any ethanol plant that is fired with natural gas, biomass, or any combination thereof is deemed to be in compliance with such 20 percent reduction requirement and with the 20 percent reduction requirement of section 211(o)(1) of the Clean Air Act. The terms used in this subsection shall have the same meaning as provided in the amendment made by this Act to section 211(o) of the Clean Air Act.

(2) Until January 1, 2009, the Administrator of the Environmental Protection Agency shall implement section 211(o) of the Clean Air Act and the rules promulgated under that section in accordance with the provisions of that section as in effect before the enactment of this Act and in accordance with the rules promulgated before the enactment of this Act, except that for calendar year 2008, the number "9.0" shall be substituted for the number "5.4" in the table in section 211(o)(2)(B) and in the corresponding rules promulgated to carry out those provisions. The Administrator is authorized to take such other actions as may be necessary to carry out this paragraph notwithstanding any other provision of law.

(b) SAVINGS CLAUSE.—Section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) is amended by adding the following new paragraph at the end thereof:

"(12) EFFECT ON OTHER PROVISIONS.—Nothing in this subsection, or regulations issued pursuant to this subsection, shall affect or be construed to affect the regulatory status of carbon dioxide or any other greenhouse gas, or to expand or limit regulatory authority regarding carbon dioxide or any other greenhouse gas, for purposes of other provisions (including section 165) of this Act. The previous sentence shall not affect implementation and enforcement of this subsection.".

(c) EFFECTIVE DATE.—The amendments made by this title to section 211(o) of the Clean Air Act shall take effect January 1, 2009, except that the Administrator shall promulgate regulations to carry out such amendments not later than one year after the enactment of this Act.

Subtitle B—Biofuels Research and Development

SEC. 221. BIODIESEL.

(a) BIODIESEL STUDY.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall submit to Congress a report on any research and development challenges inherent in increasing the proportion of diesel fuel sold in the United States that is biodiesel.

(b) MATERIAL FOR THE ESTABLISHMENT OF STANDARDS.—The Director of the National Institute of Standards and Technology, in consultation with the Secretary, shall make publicly available the physical property data and characterization of biodiesel and other biofuels as appropriate.

SEC. 222. BIOGAS.

Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall submit to Congress a report on any research and development challenges inherent in increasing the amount of transportation fuels sold in the United States that are fuel with biogas or a blend of biogas and natural gas.

SEC. 223. GRANTS FOR BIOFUEL PRODUCTION RESEARCH AND DEVELOPMENT IN CERTAIN STATES.

(a) IN GENERAL.—The Secretary shall provide grants to eligible entities for research, development, demonstration, and commercial application of biofuel production technologies in States with low rates of ethanol production, including low rates of production of cellulosic biomass ethanol, as determined by the Secretary.

(b) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall—

(1)(A) be an institution of higher education (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)), including tribally controlled colleges or universities, located in a State described in subsection (a); or

(B) be a consortium including at least 1 such institution of higher education, and industry, State agencies, Indian tribal agencies, National Laboratories, or local government agencies located in the State; and

(2) have proven experience and capabilities with relevant technologies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $25,000,000 for each of fiscal years 2008 through 2010.

SEC. 224. BIOREFINERY ENERGY EFFICIENCY.

Section 932 of Energy Policy Act of 2005 (42 U.S.C. 16232) is amended by adding at the end the following new subsections:

"(g) BIOREFINERY ENERGY EFFICIENCY.—The Secretary shall establish a program of research, development, demonstration, and commercial application for increasing energy efficiency and reducing energy consumption in the operation of biorefinery facilities.

"(h) RETROFIT TECHNOLOGIES FOR THE DEVELOPMENT OF ETHANOL FROM CELLULOSIC MATERIALS.—The Secretary shall establish a program of research, development, demonstration, and commercial application on technologies and processes to enable biorefineries that exclusively use corn grain or corn starch as a feedstock to produce ethanol to be retrofitted to accept a range of biomass, including lignocellulosic feedstocks.".

SEC. 225. STUDY OF OPTIMIZATION OF FLEXIBLE FUELED VEHICLES TO USE E–85 FUEL.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall conduct a study of whether optimizing flexible fueled vehicles to operate using E–85 fuel would increase the fuel efficiency of flexible fueled vehicles.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Science and Technology and the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, and the Committee on Commerce, Science, and Transportation of the Senate, a report that describes the results of the study under this section, including any recommendations of the Secretary.

SEC. 226. STUDY OF ENGINE DURABILITY AND PERFORMANCE ASSOCIATED WITH THE USE OF BIODIESEL.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall initiate a study on the effects of the use of biodiesel on the performance and durability of engines and engine systems.

(b) COMPONENTS.—The study under this section shall include—

(1) an assessment of whether the use of biodiesel lessens the durability and performance of conventional diesel engines and engine systems; and

(2) an assessment of the effects referred to in subsection (a) with respect to biodiesel blends at varying concentrations, including the following percentage concentrations of biodiesel:

(A) 5 percent biodiesel.

(B) 10 percent biodiesel.

(C) 20 percent biodiesel.

(D) 30 percent biodiesel.

(E) 100 percent biodiesel.

(c) REPORT.—Not later than 24 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Science and Technology and the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the Senate, a report that describes the results of the study under this section, including any recommendations of the Secretary.

SEC. 227. STUDY OF OPTIMIZATION OF BIOGAS USED IN NATURAL GAS VEHICLES.

(a) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Transportation, shall conduct a study of methods of increasing the fuel efficiency of vehicles using biogas by optimizing natural gas vehicle systems that can operate on biogas, including the advancement of vehicle fuel systems and the combination of hybrid-electric and plug-in hybrid electric drive platforms with natural gas vehicle systems using biogas.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, and the Committee on Commerce, Science, and Transportation of the Senate, and to the Committee on Science and Technology and the Committee on Energy and Commerce of the House of Representatives, a report that describes the results of the study, including any recommendations of the Secretary.

SEC. 228. ALGAL BIOMASS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the progress of the research and development that is being conducted on the use of algae as a feedstock for the production of biofuels.

(b) CONTENTS.—The report shall identify continuing research and development challenges and any regulatory or other barriers found by the Secretary that hinder the use of this resource, as well as recommendations on how to encourage and further its development as a viable transportation fuel.

SEC. 229. BIOFUELS AND BIOREFINERY INFORMATION CENTER.

(a) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture, shall establish a biofuels and biorefinery information center to make available to interested parties information on—

(1) renewable fuel feedstocks, including the varieties of fuel capable of being produced from various feedstocks;

(2) biorefinery processing techniques related to various renewable fuel feedstocks;

(3) the distribution, blending, storage, and retail dispensing infrastructure necessary for the transport and use of renewable fuels;

(4) Federal and State laws and incentives related to renewable fuel production and use;

(5) renewable fuel research and development advancements;

(6) renewable fuel development and biorefinery processes and technologies;

(7) renewable fuel resources, including information on programs and incentives for renewable fuels;

(8) renewable fuel producers;

(9) renewable fuel users; and

(10) potential renewable fuel users.

(b) ADMINISTRATION.—In administering the biofuels and biorefinery information center, the Secretary shall—

(1) continually update information provided by the center;

(2) make information available relating to processes and technologies for renewable fuel production;

(3) make information available to interested parties on the process for establishing a biorefinery; and

(4) make information and assistance provided by the center available through a toll-free telephone number and website.

(c) COORDINATION AND NONDUPLICATION.—To maximum extent practicable, the Secretary shall ensure that the activities under this section are coordinated with, and do not duplicate the efforts of, centers at other government agencies.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 230. CELLULOSIC ETHANOL AND BIOFUELS RESEARCH.

(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term "eligible entity" means—

(1) an 1890 Institution (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7061));

(2) a part B institution (as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061)) (commonly referred to as "Historically Black Colleges and Universities");

(3) a tribal college or university (as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)); or

(4) a Hispanic-serving institution (as defined in section 502(a) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)).

(b) GRANTS.—The Secretary shall make cellulosic ethanol and biofuels research and development grants to 10 eligible entities selected by the Secretary to receive a grant under this section through a peer-reviewed competitive process.

(c) COLLABORATION.—An eligible entity that is selected to receive a grant under subsection (b) shall collaborate with 1 of the Bioenergy Research Centers of the Office of Science of the Department.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to make grants described in subsection (b) $50,000,000 for fiscal year 2008, to remain available until expended.

SEC. 231. BIOENERGY RESEARCH AND DEVELOPMENT, AUTHORIZATION OF APPROPRIATION.

Section 931 of the Energy Policy Act of 2005 (42 U.S.C. 16231) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(4) $963,000,000 for fiscal year 2010."; and

(2) in subsection (c)—

(A) in paragraph (2)—

(i) by striking "$251,000,000" and inserting "$377,000,000"; and

(ii) by striking "and" at the end;

(B) in paragraph (3)—

(i) by striking "$274,000,000" and inserting "$398,000,000"; and

(ii) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(4) $419,000,000 for fiscal year 2010, of which $150,000,000 shall be for section 932(d).".

SEC. 232. ENVIRONMENTAL RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Section 977 of the Energy Policy Act of 2005 (42 U.S.C. 16317) is amended—

(1) in subsection (a)(1), by striking "and computational biology" and inserting "computational biology, and environmental science"; and

(2) in subsection (b)—

(A) in paragraph (1), by inserting "in sustainable production systems that reduce greenhouse gas emissions" after "hydrogen";

(B) in paragraph (3), by striking "and" at the end;

(C) by redesignating paragraph (4) as paragraph (5); and

(D) by inserting after paragraph (3) the following:

"(4) develop cellulosic and other feedstocks that are less resource and land intensive and that promote sustainable use of resources, including soil, water, energy, forests, and land, and ensure protection of air, water, and soil quality; and".

(b) TOOLS AND EVALUATION.—Section 307(d) of the Biomass Research and Development Act of 2000 (7 U.S.C. 8606(d)) is amended—

(1) in paragraph (3)(E), by striking "and" at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(5) the improvement and development of analytical tools to facilitate the analysis of life-cycle energy and greenhouse gas emissions, including emissions related to direct and indirect land use changes, attributable to all potential biofuel feedstocks and production processes; and

"(6) the systematic evaluation of the impact of expanded biofuel production on the environment, including forest lands, and on the food supply for humans and animals.".

(c) SMALL-SCALE PRODUCTION AND USE OF BIOFUELS.—Section 307(e) of the Biomass Research and Development Act of 2000 (7 U.S.C. 8606(e)) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(4) to facilitate small-scale production, local, and on-farm use of biofuels, including the development of small-scale gasification technologies for production of biofuel from cellulosic feedstocks.".

SEC. 233. BIOENERGY RESEARCH CENTERS.

Section 977 of the Energy Policy Act of 2005 (42 U.S.C. 16317) is amended by adding at the end the following:

"(f) BIOENERGY RESEARCH CENTERS.—

"(1) ESTABLISHMENT OF CENTERS.—In carrying out the program under subsection (a), the Secretary shall establish at least 7 bioenergy research centers, which may be of varying size.

"(2) GEOGRAPHIC DISTRIBUTION.—The Secretary shall establish at least 1 bioenergy research center in each Petroleum Administration for Defense District or Subdistrict of a Petroleum Administration for Defense District.

"(3) GOALS.—The goals of the centers established under this subsection shall be to accelerate basic transformational research and development of biofuels, including biological processes.

"(4) SELECTION AND DURATION.—

"(A) IN GENERAL.—A center under this subsection shall be selected on a competitive basis for a period of 5 years.

"(B) REAPPLICATION.—After the end of the period described in subparagraph (A), a grantee may reapply for selection on a competitive basis.

"(5) INCLUSION.—A center that is in existence on the date of enactment of this subsection—

"(A) shall be counted towards the requirement for establishment of at least 7 bioenergy research centers; and

"(B) may continue to receive support for a period of 5 years beginning on the date of establishment of the center.".

SEC. 234. UNIVERSITY BASED RESEARCH AND DEVELOPMENT GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a competitive grant program, in a geographically diverse manner, for projects submitted for consideration by institutions of higher education to conduct research and development of renewable energy technologies. Each grant made shall not exceed $2,000,000.

(b) ELIGIBILITY.—Priority shall be given to institutions of higher education with—

(1) established programs of research in renewable energy;

(2) locations that are low income or outside of an urbanized area;

(3) a joint venture with an Indian tribe; and

(4) proximity to trees dying of disease or insect infestation as a source of woody biomass.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $25,000,000 for carrying out this section.

(d) DEFINITIONS.—In this section:

(1) INDIAN TRIBE.—The term "Indian tribe" has the meaning as defined in section 126(c) of the Energy Policy Act of 2005.

(2) RENEWABLE ENERGY.—The term "renewable energy" has the meaning as defined in section 902 of the Energy Policy Act of 2005.

(3) URBANIZED AREA.—The term "urbanized area" has the mean as defined by the U.S. Bureau of the Census.

Subtitle C—Biofuels Infrastructure

SEC. 241. PROHIBITION ON FRANCHISE AGREEMENT RESTRICTIONS RELATED TO RENEWABLE FUEL INFRASTRUCTURE.

(a) IN GENERAL.—Title I of the Petroleum Marketing Practices Act (15 U.S.C. 2801 et seq.) is amended by adding at the end the following:

"SEC. 107. PROHIBITION ON RESTRICTION OF INSTALLATION OF RENEWABLE FUEL PUMPS.

"(a) DEFINITION.—In this section:

"(1) RENEWABLE FUEL.—The term 'renewable fuel' means any fuel—

"(A) at least 85 percent of the volume of which consists of ethanol; or

"(B) any mixture of biodiesel and diesel or renewable diesel (as defined in regulations adopted pursuant to section 211(o) of the Clean Air Act (40 CFR, Part 80)), determined without regard to any use of kerosene and containing at least 20 percent biodiesel or renewable diesel.

"(2) FRANCHISE-RELATED DOCUMENT.—The term 'franchise-related document' means—

"(A) a franchise under this Act; and

"(B) any other contract or directive of a franchisor relating to terms or conditions of the sale of fuel by a franchisee.

"(b) PROHIBITIONS.—

"(1) IN GENERAL.—No franchise-related document entered into or renewed on or after the date of enactment of this section shall contain any provision allowing a franchisor to restrict the franchisee or any affiliate of the franchisee from—

"(A) installing on the marketing premises of the franchisee a renewable fuel pump or tank, except that the franchisee's franchisor may restrict the installation of a tank on leased marketing premises of such franchisor;

"(B) converting an existing tank or pump on the marketing premises of the franchisee for renewable fuel use, so long as such tank or pump and the piping connecting them are either warranted by the manufacturer or certified by a recognized standards setting organization to be suitable for use with such renewable fuel;

"(C) advertising (including through the use of signage) the sale of any renewable fuel;

"(D) selling renewable fuel in any specified area on the marketing premises of the franchisee (including any area in which a name or logo of a franchisor or any other entity appears);

"(E) purchasing renewable fuel from sources other than the franchisor if the franchisor does not offer its own renewable fuel for sale by the franchisee;

"(F) listing renewable fuel availability or prices, including on service station signs, fuel dispensers, or light poles; or

"(G) allowing for payment of renewable fuel with a credit card,

so long as such activities described in subparagraphs (A) through (G) do not constitute mislabeling, misbranding, willful adulteration, or other trademark violations by the franchisee.

"(2) EFFECT OF PROVISION.—Nothing in this section shall be construed to preclude a franchisor from requiring the franchisee to obtain reasonable indemnification and insurance policies.

"(c) EXCEPTION TO 3-GRADE REQUIREMENT.—No franchise-related document that requires that 3 grades of gasoline be sold by the applicable franchisee shall prevent the franchisee from selling an renewable fuel in lieu of 1, and only 1, grade of gasoline.".

(b) ENFORCEMENT.—Section 105 of the Petroleum Marketing Practices Act (15 U.S.C. 2805) is amended by striking "102 or 103" each place it appears and inserting "102, 103, or 107".

(c) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 101(13) of the Petroleum Marketing Practices Act (15 U.S.C. 2801(13)) is amended by aligning the margin of subparagraph (C) with subparagraph (B).

(2) TABLE OF CONTENTS.—The table of contents of the Petroleum Marketing Practices Act (15 U.S.C. 2801 note) is amended—

(A) by inserting after the item relating to section 106 the following:

"Sec. 107. Prohibition on restriction of installation of renewable fuel pumps."; and

(B) by striking the item relating to section 202 and inserting the following:

"Sec. 202. Automotive fuel rating testing and disclosure requirements.".

SEC. 242. RENEWABLE FUEL DISPENSER REQUIREMENTS.

(a) MARKET PENETRATION REPORTS.—The Secretary, in consultation with the Secretary of Transportation, shall determine and report to Congress annually on the market penetration for flexible-fuel vehicles in use within geographic regions to be established by the Secretary.

(b) DISPENSER FEASIBILITY STUDY.—Not later than 24 months after the date of enactment of this Act, the Secretary, in consultation with the Department of Transportation, shall report to the Congress on the feasibility of requiring motor fuel retailers to install E–85 compatible dispensers and related systems at retail fuel facilities in regions where flexible-fuel vehicle market penetration has reached 15 percent of motor vehicles. In conducting such study, the Secretary shall consider and report on the following factors:

(1) The commercial availability of E–85 fuel and the number of competing E–85 wholesale suppliers in a given region.

(2) The level of financial assistance provided on an annual basis by the Federal Government, State governments, and nonprofit entities for the installation of E–85 compatible infrastructure.

(3) The number of retailers whose retail locations are unable to support more than 2 underground storage tank dispensers.

(4) The expense incurred by retailers in the installation and sale of E–85 compatible dispensers and related systems and any potential effects on the price of motor vehicle fuel.

SEC. 243. ETHANOL PIPELINE FEASIBILITY STUDY.

(a) IN GENERAL.—The Secretary, in coordination with the Secretary of Transportation, shall conduct a study of the feasibility of the construction of pipelines dedicated to the transportation of ethanol.

(b) FACTORS FOR CONSIDERATION.—In conducting the study under subsection (a), the Secretary shall take into consideration—

(1) the quantity of ethanol production that would make dedicated pipelines economically viable;

(2) existing or potential barriers to the construction of pipelines dedicated to the transportation of ethanol, including technical, siting, financing, and regulatory barriers;

(3) market risk (including throughput risk) and means of mitigating the risk;

(4) regulatory, financing, and siting options that would mitigate the risk and help ensure the construction of 1 or more pipelines dedicated to the transportation of ethanol;

(5) financial incentives that may be necessary for the construction of pipelines dedicated to the transportation of ethanol, including the return on equity that sponsors of the initial dedicated ethanol pipelines will require to invest in the pipelines;

(6) technical factors that may compromise the safe transportation of ethanol in pipelines, including identification of remedial and preventive measures to ensure pipeline integrity; and

(7) such other factors as the Secretary considers to be appropriate.

(c) REPORT.—Not later than 15 months after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study conducted under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $1,000,000 for each of fiscal years 2008 and 2009, to remain available until expended.

SEC. 244. RENEWABLE FUEL INFRASTRUCTURE GRANTS.

(a) DEFINITION OF RENEWABLE FUEL BLEND.—For purposes of this section, the term "renewable fuel blend" means gasoline blend that contain not less than 11 percent, and not more than 85 percent, renewable fuel or diesel fuel that contains at least 10 percent renewable fuel.

(b) INFRASTRUCTURE DEVELOPMENT GRANTS.—

(1) ESTABLISHMENT.—The Secretary shall establish a program for making grants for providing assistance to retail and wholesale motor fuel dealers or other entities for the installation, replacement, or conversion of motor fuel storage and dispensing infrastructure to be used exclusively to store and dispense renewable fuel blends.

(2) SELECTION CRITERIA.—Not later than 12 months after the date of enactment of this Act, the Secretary shall establish criteria for evaluating applications for grants under this subsection that will maximize the availability and use of renewable fuel blends, and that will ensure that renewable fuel blends are available across the country. Such criteria shall provide for—

(A) consideration of the public demand for each renewable fuel blend in a particular geographic area based on State registration records showing the number of flexible-fuel vehicles;

(B) consideration of the opportunity to create or expand corridors of renewable fuel blend stations along interstate or State highways;

(C) consideration of the experience of each applicant with previous, similar projects;

(D) consideration of population, number of flexible-fuel vehicles, number of retail fuel outlets, and saturation of flexible-fuel vehicles; and

(E) priority consideration to applications that—

(i) are most likely to maximize displacement of petroleum consumption, measured as a total quantity and a percentage;

(ii) are best able to incorporate existing infrastructure while maximizing, to the extent practicable, the use of renewable fuel blends; and

(iii) demonstrate the greatest commitment on the part of the applicant to ensure funding for the proposed project and the greatest likelihood that the project will be maintained or expanded after Federal assistance under this subsection is completed.

(3) LIMITATIONS.—Assistance provided under this subsection shall not exceed—

(A) 33 percent of the estimated cost of the installation, replacement, or conversion of motor fuel storage and dispensing infrastructure; or

(B) $180,000 for a combination of equipment at any one retail outlet location.

(4) OPERATION OF RENEWABLE FUEL BLEND STATIONS.—The Secretary shall establish rules that set forth requirements for grant recipients under this section that include providing to the public the renewable fuel blends, establishing a marketing plan that informs consumers of the price and availability of the renewable fuel blends, clearly labeling the dispensers and related equipment, and providing periodic reports on the status of the renewable fuel blend sales, the type and amount of the renewable fuel blends dispensed at each location, and the average price of such fuel.

(5) NOTIFICATION REQUIREMENTS.—Not later than the date on which each renewable fuel blend station begins to offer renewable fuel blends to the public, the grant recipient that used grant funds to construct or upgrade such station shall notify the Secretary of such opening. The Secretary shall add each new renewable fuel blend station to the renewable fuel blend station locator on its Website when it receives notification under this subsection.

(6) DOUBLE COUNTING.—No person that receives a credit under section 30C of the Internal Revenue Code of 1986 may receive assistance under this section.

(7) RESERVATION OF FUNDS.—The Secretary shall reserve funds appropriated for the renewable fuel blends infrastructure development grant program for technical and marketing assistance described in subsection (c).

(c) RETAIL TECHNICAL AND MARKETING ASSISTANCE.—The Secretary shall enter into contracts with entities with demonstrated experience in assisting retail fueling stations in installing refueling systems and marketing renewable fuel blends nationally, for the provision of technical and marketing assistance to recipients of grants under this section. Such assistance shall include—

(1) technical advice for compliance with applicable Federal and State environmental requirements;

(2) help in identifying supply sources and securing long-term contracts; and

(3) provision of public outreach, education, and labeling materials.

(d) REFUELING INFRASTRUCTURE CORRIDORS.—

(1) IN GENERAL.—The Secretary shall establish a competitive grant pilot program (referred to in this subsection as the "pilot program"), to be administered through the Vehicle Technology Deployment Program of the Department, to provide not more than 10 geographically-dispersed project grants to State governments, Indian tribal governments, local governments, metropolitan transportation authorities, or partnerships of those entities to carry out 1 or more projects for the purposes described in paragraph (2).

(2) GRANT PURPOSES.—A grant under this subsection shall be used for the establishment of refueling infrastructure corridors, as designated by the Secretary, for renewable fuel blends, including—

(A) installation of infrastructure and equipment necessary to ensure adequate distribution of renewable fuel blends within the corridor;

(B) installation of infrastructure and equipment necessary to directly support vehicles powered by renewable fuel blends; and

(C) operation and maintenance of infrastructure and equipment installed as part of a project funded by the grant.

(3) APPLICATIONS.—

(A) REQUIREMENTS.—

(i) IN GENERAL.—Subject to clause (ii), not later than 90 days after the date of enactment of this Act, the Secretary shall issue requirements for use in applying for grants under the pilot program.

(ii) MINIMUM REQUIREMENTS.—At a minimum, the Secretary shall require that an application for a grant under this subsection—

(I) be submitted by—

(aa) the head of a State, tribal, or local government or a metropolitan transportation authority, or any combination of those entities; and

(bb) a registered participant in the Vehicle Technology Deployment Program of the Department; and

(II) include—

(aa) a description of the project proposed in the application, including the ways in which the project meets the requirements of this subsection;

(bb) an estimate of the degree of use of the project, including the estimated size of fleet of vehicles operated with renewable fuels blend available within the geographic region of the corridor, measured as a total quantity and a percentage;

(cc) an estimate of the potential petroleum displaced as a result of the project (measured as a total quantity and a percentage), and a plan to collect and disseminate petroleum displacement and other relevant data relating to the project to be funded under the grant, over the expected life of the project;

(dd) a description of the means by which the project will be sustainable without Federal assistance after the completion of the term of the grant;

(ee) a complete description of the costs of the project, including acquisition, construction, operation, and maintenance costs over the expected life of the project; and

(ff) a description of which costs of the project will be supported by Federal assistance under this subsection.

(B) PARTNERS.—An applicant under subparagraph (A) may carry out a project under the pilot program in partnership with public and private entities.

(4) SELECTION CRITERIA.—In evaluating applications under the pilot program, the Secretary shall—

(A) consider the experience of each applicant with previous, similar projects; and

(B) give priority consideration to applications that—

(i) are most likely to maximize displacement of petroleum consumption, measured as a total quantity and a percentage;

(ii) are best able to incorporate existing infrastructure while maximizing, to the extent practicable, the use of advanced biofuels;

(iii) demonstrate the greatest commitment on the part of the applicant to ensure funding for the proposed project and the greatest likelihood that the project will be maintained or expanded after Federal assistance under this subsection is completed;

(iv) represent a partnership of public and private entities; and

(v) exceed the minimum requirements of paragraph (3)(A)(ii).

(5) PILOT PROJECT REQUIREMENTS.—

(A) MAXIMUM AMOUNT.—The Secretary shall provide not more than $20,000,000 in Federal assistance under the pilot program to any applicant.

(B) COST SHARING.—The non-Federal share of the cost of any activity relating to renewable fuel blend infrastructure development carried out using funds from a grant under this subsection shall be not less than 20 percent.

(C) MAXIMUM PERIOD OF GRANTS.—The Secretary shall not provide funds to any applicant under the pilot program for more than 2 years.

(D) DEPLOYMENT AND DISTRIBUTION.—The Secretary shall seek, to the maximum extent practicable, to ensure a broad geographic distribution of project sites funded by grants under this subsection.

(E) TRANSFER OF INFORMATION AND KNOWLEDGE.—The Secretary shall establish mechanisms to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(6) SCHEDULE.—

(A) INITIAL GRANTS.—

(i) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register, Commerce Business Daily, and such other publications as the Secretary considers to be appropriate, a notice and request for applications to carry out projects under the pilot program.

(ii) DEADLINE.—An application described in clause (i) shall be submitted to the Secretary by not later than 180 days after the date of publication of the notice under that clause.

(iii) INITIAL SELECTION.—Not later than 90 days after the date by which applications for grants are due under clause (ii), the Secretary shall select by competitive, peer-reviewed proposal up to 5 applications for projects to be awarded a grant under the pilot program.

(B) ADDITIONAL GRANTS.—

(i) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall publish in the Federal Register, Commerce Business Daily, and such other publications as the Secretary considers to be appropriate, a notice and request for additional applications to carry out projects under the pilot program that incorporate the information and knowledge obtained through the implementation of the first round of projects authorized under the pilot program.

(ii) DEADLINE.—An application described in clause (i) shall be submitted to the Secretary by not later than 180 days after the date of publication of the notice under that clause.

(iii) INITIAL SELECTION.—Not later than 90 days after the date by which applications for grants are due under clause (ii), the Secretary shall select by competitive, peer-reviewed proposal such additional applications for projects to be awarded a grant under the pilot program as the Secretary determines to be appropriate.

(7) REPORTS TO CONGRESS.—

(A) INITIAL REPORT.—Not later than 60 days after the date on which grants are awarded under this subsection, the Secretary shall submit to Congress a report containing—

(i) an identification of the grant recipients and a description of the projects to be funded under the pilot program;

(ii) an identification of other applicants that submitted applications for the pilot program but to which funding was not provided; and

(iii) a description of the mechanisms used by the Secretary to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(B) EVALUATION.—Not later than 2 years after the date of enactment of this Act, and annually thereafter until the termination of the pilot program, the Secretary shall submit to Congress a report containing an evaluation of the effectiveness of the pilot program, including an assessment of the petroleum displacement and benefits to the environment derived from the projects included in the pilot program.

(e) RESTRICTION.—No grant shall be provided under subsection (b) or (c) to a large, vertically integrated oil company.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $200,000,000 for each of the fiscal years 2008 through 2014.

SEC. 245. STUDY OF THE ADEQUACY OF TRANSPORTATION OF DOMESTICALLY-PRODUCED RENEWABLE FUEL BY RAILROADS AND OTHER MODES OF TRANSPORTATION.

(a) STUDY.—

(1) IN GENERAL.—The Secretary, in coordination with the Secretary of Transportation, shall jointly conduct a study of the adequacy of transportation of domestically-produced renewable fuels by railroad and other modes of transportation as designated by the Secretaries.

(2) COMPONENTS.—In conducting the study under paragraph (1), the Secretaries shall—

(A) consider the adequacy of existing railroad and other transportation and distribution infrastructure, equipment, service and capacity to move the necessary quantities of domestically-produced renewable fuel within the timeframes;

(B)(i) consider the projected costs of moving the domestically-produced renewable fuel by railroad and other modes transportation; and

(ii) consider the impact of the projected costs on the marketability of the domestically-produced renewable fuel;

(C) identify current and potential impediments to the reliable transportation and distribution of adequate supplies of domestically-produced renewable fuel at reasonable prices, including practices currently utilized by domestic producers, shippers, and receivers of renewable fuels;

(D) consider whether adequate competition exists within and between modes of transportation for the transportation and distribution of domestically-produced renewable fuel and, whether inadequate competition leads to an unfair price for the transportation and distribution of domestically-produced renewable fuel or unacceptable service for transportation of domestically-produced renewable fuel;

(E) consider whether Federal agencies have adequate legal authority to address instances of inadequate competition when inadequate competition is found to prevent domestic producers for renewable fuels from obtaining a fair and reasonable transportation price or acceptable service for the transportation and distribution of domestically-produced renewable fuels;

(F) consider whether Federal agencies have adequate legal authority to address railroad and transportation service problems that may be resulting in inadequate supplies of domestically-produced renewable fuel in any area of the United States;

(G) consider what transportation infrastructure capital expenditures may be necessary to ensure the reliable transportation of adequate supplies of domestically-produced renewable fuel at reasonable prices within the United States and which public and private entities should be responsible for making such expenditures; and

(H) provide recommendations on ways to facilitate the reliable transportation of adequate supplies of domestically-produced renewable fuel at reasonable prices.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretaries shall jointly submit to the Committee on Commerce, Science and Transportation, the Committee on Energy and Natural Resources, and the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives a report that describes the results of the study conducted under subsection (a).

SEC. 246. FEDERAL FLEET FUELING CENTERS.

(a) IN GENERAL.—Not later than January 1, 2010, the head of each Federal agency shall install at least 1 renewable fuel pump at each Federal fleet fueling center in the United States under the jurisdiction of the head of the Federal agency.

(b) REPORT.—Not later than October 31 of the first calendar year beginning after the date of the enactment of this Act, and each October 31 thereafter, the President shall submit to Congress a report that describes the progress toward complying with subsection (a), including identifying—

(1) the number of Federal fleet fueling centers that contain at least 1 renewable fuel pump; and

(2) the number of Federal fleet fueling centers that do not contain any renewable fuel pumps.

(c) DEPARTMENT OF DEFENSE FACILITY.—This section shall not apply to a Department of Defense fueling center with a fuel turnover rate of less than 100,000 gallons of fuel per year.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 247. STANDARD SPECIFICATIONS FOR BIODIESEL.

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended by redesignating subsection (s) as subsection (t), redesignating subsection (r) (relating to conversion assistance for cellulosic biomass, waste-derived ethanol, approved renewable fuels) as subsection (s) and by adding the following new subsection at the end thereof:

"(u) STANDARD SPECIFICATIONS FOR BIODIESEL.—(1) Unless the American Society for Testing and Materials has adopted a standard for diesel fuel containing 20 percent biodiesel (commonly known as 'B20') within 1 year after the date of enactment of this subsection, the Administrator shall initiate a rulemaking to establish a uniform per gallon fuel standard for such fuel and designate an identification number so that vehicle manufacturers are able to design engines to use fuel meeting such standard.

"(2) Unless the American Society for Testing and Materials has adopted a standard for diesel fuel containing 5 percent biodiesel (commonly known as 'B5') within 1 year after the date of enactment of this subsection, the Administrator shall initiate a rulemaking to establish a uniform per gallon fuel standard for such fuel and designate an identification so that vehicle manufacturers are able to design engines to use fuel meeting such standard.

"(3) Whenever the Administrator is required to initiate a rulemaking under paragraph (1) or (2), the Administrator shall promulgate a final rule within 18 months after the date of the enactment of this subsection.

"(4) Not later than 180 days after the enactment of this subsection, the Administrator shall establish an annual inspection and enforcement program to ensure that diesel fuel containing biodiesel sold or distributed in interstate commerce meets the standards established under regulations under this section, including testing and certification for compliance with applicable standards of the American Society for Testing and Materials. There are authorized to be appropriated to carry out the inspection and enforcement program under this paragraph $3,000,000 for each of fiscal years 2008 through 2010.

"(5) For purposes of this subsection, the term 'biodiesel' has the meaning provided by section 312(f) of Energy Policy Act of 1992 (42 U.S.C. 13220(f)).".

SEC. 248. BIOFUELS DISTRIBUTION AND ADVANCED BIOFUELS INFRASTRUCTURE.

(a) IN GENERAL.—The Secretary, in coordination with the Secretary of Transportation and in consultation with the Administrator of the Environmental Protection Agency, shall carry out a program of research, development, and demonstration relating to existing transportation fuel distribution infrastructure and new alternative distribution infrastructure.

(b) FOCUS.—The program described in subsection (a) shall focus on the physical and chemical properties of biofuels and efforts to prevent or mitigate against adverse impacts of those properties in the areas of—

(1) corrosion of metal, plastic, rubber, cork, fiberglass, glues, or any other material used in pipes and storage tanks;

(2) dissolving of storage tank sediments;

(3) clogging of filters;

(4) contamination from water or other adulterants or pollutants;

(5) poor flow properties related to low temperatures;

(6) oxidative and thermal instability in long-term storage and uses;

(7) microbial contamination;

(8) problems associated with electrical conductivity; and

(9) such other areas as the Secretary considers appropriate.

Subtitle D—Environmental Safeguards

SEC. 251. WAIVER FOR FUEL OR FUEL ADDITIVES.

Section 211(f)(4) of the Clean Air Act (42 U.S.C. 7545(f)) is amended to read as follows:

"(4) The Administrator, upon application of any manufacturer of any fuel or fuel additive, may waive the prohibitions established under paragraph (1) or (3) of this subsection or the limitation specified in paragraph (2) of this subsection, if he determines that the applicant has established that such fuel or fuel additive or a specified concentration thereof, and the emission products of such fuel or fuel additive or specified concentration thereof, will not cause or contribute to a failure of any emission control device or system (over the useful life of the motor vehicle, motor vehicle engine, nonroad engine or nonroad vehicle in which such device or system is used) to achieve compliance by the vehicle or engine with the emission standards with respect to which it has been certified pursuant to sections 206 and 213(a). The Administrator shall take final action to grant or deny an application submitted under this paragraph, after public notice and comment, within 270 days of the receipt of such an application.".

TITLE III—ENERGY SAVINGS THROUGH IMPROVED STANDARDS FOR APPLIANCE AND LIGHTING

Subtitle A—Appliance Energy Efficiency

SEC. 301. EXTERNAL POWER SUPPLY EFFICIENCY STANDARDS.

(a) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended—

(1) in paragraph (36)—

(A) by striking "(36) The" and inserting the following:

"(36) EXTERNAL POWER SUPPLY.—

"(A) IN GENERAL.—The"; and

(B) by adding at the end the following:

"(B) ACTIVE MODE.—The term 'active mode' means the mode of operation when an external power supply is connected to the main electricity supply and the output is connected to a load.

"(C) CLASS A EXTERNAL POWER SUPPLY.—

"(i) IN GENERAL.—The term 'class A external power supply' means a device that—

"(I) is designed to convert line voltage AC input into lower voltage AC or DC output;

"(II) is able to convert to only 1 AC or DC output voltage at a time;

"(III) is sold with, or intended to be used with, a separate end-use product that constitutes the primary load;

"(IV) is contained in a separate physical enclosure from the end-use product;

"(V) is connected to the end-use product via a removable or hard-wired male/female electrical connection, cable, cord, or other wiring; and

“(VI) has nameplate output power that is less than or equal to 250 watts.

“(ii) EXCLUSIONS.—The term ‘class A external power supply’ does not include any device that—

“(I) requires Federal Food and Drug Administration listing and approval as a medical device in accordance with section 513 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c); or

“(II) powers the charger of a detachable battery pack or charges the battery of a product that is fully or primarily motor operated.

“(D) NO-LOAD MODE.—The term ‘no-load mode’ means the mode of operation when an external power supply is connected to the main electricity supply and the output is not connected to a load.”; and

(2) by adding at the end the following:

“(52) DETACHABLE BATTERY.—The term ‘detachable battery’ means a battery that is—

“(A) contained in a separate enclosure from the product; and

“(B) intended to be removed or disconnected from the product for recharging.”.

(b) TEST PROCEDURES.—Section 323(b) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)) is amended by adding at the end the following:

“(17) CLASS A EXTERNAL POWER SUPPLIES.—Test procedures for class A external power supplies shall be based on the ‘Test Method for Calculating the Energy Efficiency of Single-Voltage External AC–DC and AC–AC Power Supplies’ published by the Environmental Protection Agency on August 11, 2004, except that the test voltage specified in section 4(d) of that test method shall be only 115 volts, 60 Hz.”.

(c) EFFICIENCY STANDARDS FOR CLASS A EXTERNAL POWER SUPPLIES.—Section 325(u) of the Energy Policy and Conservation Act (42 U.S.C. 6295(u)) is amended by adding at the end the following:

“(6) EFFICIENCY STANDARDS FOR CLASS A EXTERNAL POWER SUPPLIES.—

“(A) IN GENERAL.—Subject to subparagraphs (B) through (D), a class A external power supply manufactured on or after the later of July 1, 2008, or the date of enactment of this paragraph shall meet the following standards:

“Active Mode	
“Nameplate Output	**Required Efficiency (decimal equivalent of a percentage)**
Less than 1 watt	0.5 times the Nameplate Output
From 1 watt to not more than 51 watts	The sum of 0.09 times the Natural Logarithm of the Nameplate Output and 0.5
Greater than 51 watts	0.85
“No-Load Mode	
“Nameplate Output	**Maximum Consumption**
Not more than 250 watts	0.5 watts

“(B) NONCOVERED SUPPLIES.—A class A external power supply shall not be subject to subparagraph (A) if the class A external power supply is—

“(i) manufactured during the period beginning on July 1, 2008, and ending on June 30, 2015; and

“(ii) made available by the manufacturer as a service part or a spare part for an end-use product—

“(I) that constitutes the primary load; and

“(II) was manufactured before July 1, 2008.

“(C) MARKING.—Any class A external power supply manufactured on or after the later of July 1, 2008 or the date of enactment of this paragraph shall be clearly and permanently marked in accordance with the External Power Supply International Efficiency Marking Protocol, as referenced in the ‘Energy Star Program Requirements for Single Voltage External AC–DC and AC–AC Power Supplies, version 1.1’ published by the Environmental Protection Agency.

“(D) AMENDMENT OF STANDARDS.—

“(i) FINAL RULE BY JULY 1, 2011.—

“(I) IN GENERAL.—Not later than July 1, 2011, the Secretary shall publish a final rule to determine whether the standards established under subparagraph (A) should be amended.

“(II) ADMINISTRATION.—The final rule shall—

“(aa) contain any amended standards; and

“(bb) apply to products manufactured on or after July 1, 2013.

“(ii) FINAL RULE BY JULY 1, 2015.—

“(I) IN GENERAL.—Not later than July 1, 2015 the Secretary shall publish a final rule to determine whether the standards then in effect should be amended.

“(II) ADMINISTRATION.—The final rule shall—

“(aa) contain any amended standards; and

“(bb) apply to products manufactured on or after July 1, 2017.

“(7) END-USE PRODUCTS.—An energy conservation standard for external power supplies shall not constitute an energy conservation standard for the separate end-use product to which the external power supplies is connected.”.

SEC. 302. UPDATING APPLIANCE TEST PROCEDURES.

(a) CONSUMER APPLIANCES.—Section 323(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)(1)) is amended by striking “(1)” and all that follows through the end of the paragraph and inserting the following:

“(1) TEST PROCEDURES.—

“(A) AMENDMENT.—At least once every 7 years, the Secretary shall review test procedures for all covered products and—

“(i) amend test procedures with respect to any covered product, if the Secretary determines that amended test procedures would more accurately or fully comply with the requirements of paragraph (3); or

“(ii) publish notice in the Federal Register of any determination not to amend a test procedure.”.

(b) INDUSTRIAL EQUIPMENT.—Section 343(a) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)) is amended by striking “(a)” and all that follows through the end of paragraph (1) and inserting the following:

“(a) PRESCRIPTION BY SECRETARY; REQUIREMENTS.—

“(1) TEST PROCEDURES.—

“(A) AMENDMENT.—At least once every 7 years, the Secretary shall conduct an evaluation of each class of covered equipment and—

“(i) if the Secretary determines that amended test procedures would more accurately or fully comply with the requirements of paragraphs (2) and (3), shall prescribe test procedures for the class in accordance with this section; or

“(ii) shall publish notice in the Federal Register of any determination not to amend a test procedure.”.

SEC. 303. RESIDENTIAL BOILERS.

Section 325(f) of the Energy Policy and Conservation Act (42 U.S.C. 6295(f)) is amended—

(1) in the subsection heading, by inserting “AND BOILERS” after “FURNACES”;

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following:

“(3) BOILERS.—

“(A) IN GENERAL.—Subject to subparagraphs (B) and (C), boilers manufactured on or after September 1, 2012, shall meet the following requirements:

Boiler Type	Minimum Annual Fuel Utilization Efficiency	Design Requirements
Gas Hot Water	82%	No Constant Burning Pilot, Automatic Means for Adjusting Water Temperature
Gas Steam	80%	No Constant Burning Pilot
Oil Hot Water	84%	Automatic Means for Adjusting Temperature
Oil Steam	82%	None
Electric Hot Water	None	Automatic Means for Adjusting Temperature
Electric Steam	None	None

"(B) AUTOMATIC MEANS FOR ADJUSTING WATER TEMPERATURE.—

"(i) IN GENERAL.—The manufacturer shall equip each gas, oil, and electric hot water boiler (other than a boiler equipped with a tankless domestic water heating coil) with automatic means for adjusting the temperature of the water supplied by the boiler to ensure that an incremental change in inferred heat load produces a corresponding incremental change in the temperature of water supplied.

"(ii) SINGLE INPUT RATE.—For a boiler that fires at 1 input rate, the requirements of this subparagraph may be satisfied by providing an automatic means that allows the burner or heating element to fire only when the means has determined that the inferred heat load cannot be met by the residual heat of the water in the system.

"(iii) NO INFERRED HEAT LOAD.—When there is no inferred heat load with respect to a hot water boiler, the automatic means described in clause (i) and (ii) shall limit the temperature of the water in the boiler to not more than 140 degrees Fahrenheit.

"(iv) OPERATION.—A boiler described in clause (i) or (ii) shall be operable only when the automatic means described in clauses (i), (ii), and (iii) is installed.

"(C) EXCEPTION.—A boiler that is manufactured to operate without any need for electricity or any electric connection, electric gauges, electric pumps, electric wires, or electric devices shall not be required to meet the requirements of this paragraph.".

SEC. 304. FURNACE FAN STANDARD PROCESS.

Paragraph (4)(D) of section 325(f) of the Energy Policy and Conservation Act (42 U.S.C. 6295(f)) (as redesignated by section 303(4)) is amended by striking "the Secretary may" and inserting "not later than December 31, 2013, the Secretary shall".

SEC. 305. IMPROVING SCHEDULE FOR STANDARDS UPDATING AND CLARIFYING STATE AUTHORITY.

(a) CONSUMER APPLIANCES.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended by striking subsection (m) and inserting the following:

"(m) AMENDMENT OF STANDARDS.—

"(1) IN GENERAL.—Not later than 6 years after issuance of any final rule establishing or amending a standard, as required for a product under this part, the Secretary shall publish—

"(A) a notice of the determination of the Secretary that standards for the product do not need to be amended, based on the criteria established under subsection (n)(2); or

"(B) a notice of proposed rulemaking including new proposed standards based on the criteria established under subsection (o) and the procedures established under subsection (p).

"(2) NOTICE.—If the Secretary publishes a notice under paragraph (1), the Secretary shall—

"(A) publish a notice stating that the analysis of the Department is publicly available; and

"(B) provide an opportunity for written comment.

"(3) AMENDMENT OF STANDARD; NEW DETERMINATION.—

"(A) AMENDMENT OF STANDARD.—Not later than 2 years after a notice is issued under paragraph (1)(B), the Secretary shall publish a final rule amending the standard for the product.

"(B) NEW DETERMINATION.—Not later than 3 years after a determination under paragraph (1)(A), the Secretary shall make a new determination and publication under subparagraph (A) or (B) of paragraph (1).

"(4) APPLICATION TO PRODUCTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), an amendment prescribed under this subsection shall apply to—

"(i) with respect to refrigerators, refrigerator-freezers, freezers, room air conditioners, dishwashers, clothes washers, clothes dryers, fluorescent lamp ballasts, and kitchen ranges and ovens, such a product that is manufactured after the date that is 3 years after publication of the final rule establishing an applicable standard; and

"(ii) with respect to central air conditioners, heat pumps, water heaters, pool heaters, direct heating equipment, and furnaces, such a product that is manufactured after the date that is 5 years after publication of the final rule establishing an applicable standard.

"(B) OTHER NEW STANDARDS.—A manufacturer shall not be required to apply new standards to a product with respect to which other new standards have been required during the prior 6-year period.

"(5) REPORTS.—The Secretary shall promptly submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate—

"(A) a progress report every 180 days on compliance with this section, including a specific plan to remedy any failures to comply with deadlines for action established under this section; and

"(B) all required reports to the Court or to any party to the Consent Decree in State of New York v Bodman, Consolidated Civil Actions No.05 Civ. 7807 and No.05 Civ. 7808.".

(b) INDUSTRIAL EQUIPMENT.—Section 342(a)(6) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(6)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by striking "(6)(A)(i)" and all that follows through the end of subparagraph (B) and inserting the following:

"(6) AMENDED ENERGY EFFICIENCY STANDARDS.—

"(A) IN GENERAL.—

"(i) ANALYSIS OF POTENTIAL ENERGY SAVINGS.—If ASHRAE/IES Standard 90.1 is amended with respect to any small commercial package air conditioning and heating equipment, large commercial package air conditioning and heating equipment, very large commercial package air conditioning and heating equipment, packaged terminal air conditioners, packaged terminal heat pumps, warm-air furnaces, packaged boilers, storage water heaters, instantaneous water heaters, or unfired hot water storage tanks, not later than 180 days after the amendment of the standard, the Secretary shall publish in the Federal Register for public comment an analysis of the energy savings potential of amended energy efficiency standards.

"(ii) AMENDED UNIFORM NATIONAL STANDARD FOR PRODUCTS.—

"(I) IN GENERAL.—Except as provided in subclause (II), not later than 18 months after the date of publication of the amendment to the ASHRAE/IES Standard 90.1 for a product described in clause (i), the Secretary shall establish an amended uniform national standard for the product at the minimum level specified in the amended ASHRAE/IES Standard 90.1.

"(II) MORE STRINGENT STANDARD.—Subclause (I) shall not apply if the Secretary determines, by rule published in the Federal Register, and supported by clear and convincing evidence, that adoption of a uniform national standard more stringent than the amended ASHRAE/IES Standard 90.1 for the product would result in significant additional conservation of energy and is technologically feasible and economically justified.

"(B) RULE.—If the Secretary makes a determination described in clause (ii)(II) for a product described in clause (i), not later than 30 months after the date of publication of the amendment to the ASHRAE/IES Standard 90.1 for the product, the Secretary shall issue the rule establishing the amended standard.

"(C) AMENDMENT OF STANDARD.—

"(i) IN GENERAL.—Not later than 6 years after issuance of any final rule establishing or amending a standard, as required for a product under this part, the Secretary shall publish—

"(I) a notice of the determination of the Secretary that standards for the product do not need to be amended, based on the criteria established under subparagraph (A); or

"(II) a notice of proposed rulemaking including new proposed standards based on the criteria and procedures established under subparagraph (B).

"(ii) NOTICE.—If the Secretary publishes a notice under clause (i), the Secretary shall—

"(I) publish a notice stating that the analysis of the Department is publicly available; and

"(II) provide an opportunity for written comment.

"(iii) AMENDMENT OF STANDARD; NEW DETERMINATION.—

"(I) AMENDMENT OF STANDARD.—Not later than 2 years after a notice is issued under clause (i)(II), the Secretary shall publish a final rule amending the standard for the product.

"(II) NEW DETERMINATION.—Not later than 3 years after a determination under clause (i)(I), the Secretary shall make a new determination and publication under subclause (I) or (II) of clause (i).

"(iv) APPLICATION TO PRODUCTS.—An amendment prescribed under this subsection shall apply to products manufactured after a date that is the later of—

"(I) the date that is 3 years after publication of the final rule establishing a new standard; or

"(II) the date that is 6 years after the effective date of the current standard for a covered product.

"(v) REPORTS.—The Secretary shall promptly submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a progress report every 180 days on compliance with this subparagraph, including a specific plan to remedy any failures to comply with deadlines for action established under this subparagraph.".

SEC. 306. REGIONAL STANDARDS FOR FURNACES, CENTRAL AIR CONDITIONERS, AND HEAT PUMPS.

(a) IN GENERAL.—Section 325(o) of the Energy Policy and Conservation Act (42 U.S.C. 6295(o)) is amended by adding at the end the following:

"(6) REGIONAL STANDARDS FOR FURNACES, CENTRAL AIR CONDITIONERS, AND HEAT PUMPS.—

"(A) IN GENERAL.—In any rulemaking to establish a new or amended standard, the Secretary may consider the establishment of separate standards by geographic region for furnaces (except boilers), central air conditioners, and heat pumps.

"(B) NATIONAL AND REGIONAL STANDARDS.—

"(i) NATIONAL STANDARD.—If the Secretary establishes a regional standard for a product, the Secretary shall establish a base national standard for the product.

"(ii) REGIONAL STANDARDS.—If the Secretary establishes a regional standard for a product, the Secretary may establish more restrictive standards for the product by geographic region as follows:

"(I) For furnaces, the Secretary may establish 1 additional standard that is applicable in a geographic region defined by the Secretary.

"(II) For any cooling product, the Secretary may establish 1 or 2 additional standards that are applicable in 1 or 2 geographic regions as may be defined by the Secretary.

"(C) BOUNDARIES OF GEOGRAPHIC REGIONS.—

"(i) IN GENERAL.—Subject to clause (ii), the boundaries of additional geographic regions established by the Secretary under this paragraph shall include only contiguous States.

"(ii) ALASKA AND HAWAII.—The States of Alaska and Hawaii may be included under this paragraph in a geographic region that the States are not contiguous to.

"(iii) INDIVIDUAL STATES.—Individual States shall be placed only into a single region under this paragraph.

"(D) PREREQUISITES.—In establishing additional regional standards under this paragraph, the Secretary shall—

"(i) establish additional regional standards only if the Secretary determines that—

"(I) the establishment of additional regional standards will produce significant energy savings in comparison to establishing only a single national standard; and

"(II) the additional regional standards are economically justified under this paragraph; and

"(ii) consider the impact of the additional regional standards on consumers, manufacturers, and other market participants, including product distributors, dealers, contractors, and installers.

"(E) APPLICATION; EFFECTIVE DATE.—

"(i) BASE NATIONAL STANDARD.—Any base national standard established for a product under this paragraph shall—

"(I) be the minimum standard for the product; and

"(II) apply to all products manufactured or imported into the United States on and after the effective date for the standard.

"(ii) REGIONAL STANDARDS.—Any additional and more restrictive regional standard established for a product under this paragraph shall apply to any such product installed on or after the effective date of the standard in States in which the Secretary has designated the standard to apply.

"(F) CONTINUATION OF REGIONAL STANDARDS.—

"(i) IN GENERAL.—In any subsequent rulemaking for any product for which a regional standard has been previously established, the Secretary shall determine whether to continue the establishment of separate regional standards for the product.

"(ii) REGIONAL STANDARD NO LONGER APPROPRIATE.—Except as provided in clause (iii), if the Secretary determines that regional standards are no longer appropriate for a product, beginning on the effective date of the amended standard for the product—

"(I) there shall be 1 base national standard for the product with Federal enforcement; and

"(II) State authority for enforcing a regional standard for the product shall terminate.

"(iii) REGIONAL STANDARD APPROPRIATE BUT STANDARD OR REGION CHANGED.—

"(I) STATE NO LONGER CONTAINED IN REGION.—Subject to subclause (III), if a State is no longer contained in a region in which a regional standard that is more stringent than the base national standard applies, the authority of the State to enforce the regional standard shall terminate.

"(II) STANDARD OR REGION REVISED SO THAT EXISTING REGIONAL STANDARD EQUALS BASE NATIONAL STANDARD.—If the Secretary revises a base national standard for a product or the geographic definition of a region so that an existing regional standard for a State is equal to the revised base national standard—

"(aa) the authority of the State to enforce the regional standard shall terminate on the effective date of the revised base national standard; and

"(bb) the State shall be subject to the revised base national standard.

"(III) STANDARD OR REGION REVISED SO THAT EXISTING REGIONAL STANDARD EQUALS BASE NATIONAL STANDARD.—If the Secretary revises a base national standard for a product or the geographic definition of a region so that the standard for a State is lower than the previously approved regional standard, the State may continue to enforce the previously approved standard level.

"(iv) WAIVER OF FEDERAL PREEMPTION.—Nothing in this paragraph diminishes the authority of a State to enforce a State regulation for which a waiver of Federal preemption has been granted under section 327(d).

"(G) ENFORCEMENT.—

"(i) BASE NATIONAL STANDARD.—

"(I) IN GENERAL.—The Secretary shall enforce any base national standard.

"(II) TRADE ASSOCIATION CERTIFICATION PROGRAMS.—In enforcing the base national standard, the Secretary shall use, to the maximum extent practicable, national standard nationally recognized certification programs of trade associations.

"(ii) REGIONAL STANDARDS.—

"(I) ENFORCEMENT PLAN.—Not later than 90 days after the date of the issuance of a final rule that establishes a regional standard, the Secretary shall initiate a rulemaking to develop and implement an effective enforcement plan for regional standards for the products that are covered by the final rule.

"(II) RESPONSIBLE ENTITIES.—Any rules regarding enforcement of a regional standard shall clearly specify which entities are legally responsible for compliance with the standards and for making any required information or labeling disclosures.

"(III) FINAL RULE.—Not later than 15 months after the date of the issuance of a final rule that establishes a regional standard for a product, the Secretary shall promulgate a final rule covering enforcement of regional standards for the product.

"(IV) INCORPORATION BY STATES AND LOCALITIES.—A State or locality may incorporate any Federal regional standard into State or local building codes or State appliance standards.

"(V) STATE ENFORCEMENT.—A State agency may seek enforcement of a Federal regional standard in a Federal court of competent jurisdiction.

"(H) INFORMATION DISCLOSURE.—

"(i) IN GENERAL.—Not later than 90 days after the date of the publication of a final rule that establishes a regional standard for a product, the Federal Trade Commission shall undertake a rulemaking to determine the appropriate 1 or more methods for disclosing information so that consumers, distributors, contractors, and installers can easily determine whether a specific piece of equipment that is installed in a specific building is in conformance with the regional standard that applies to the building.

"(ii) METHODS.—A method of disclosing information under clause (i) may include—

"(I) modifications to the Energy Guide label; or

"(II) other methods that make it easy for consumers and installers to use and understand at the point of installation.

"(iii) COMPLETION OF RULEMAKING.—The rulemaking shall be completed not later 15 months after the date of the publication of a final rule that establishes a regional standard for a product.".

(b) PROHIBITED ACTS.—Section 332(a) of the Energy Policy and Conservation Act (42 U.S.C. 6302(a)) is amended—

(1) in paragraph (4), by striking "or" after the semicolon at the end;

(2) in paragraph (5), by striking "part." and inserting "part, except to the extent that the new covered product is covered by a regional standard that is more stringent than the base national standard; or"; and

(3) by adding at the end the following:

"(6) for any manufacturer or private labeler to knowingly sell a product to a distributor, contractor, or dealer with knowledge that the entity routinely violates any regional standard applicable to the product.".

(c) CONSIDERATION OF PRICES AND OPERATING PATTERNS.—Section 342(a)(6)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(6)(B)) is amended by adding at the end the following:

"(iii) CONSIDERATION OF PRICES AND OPERATING PATTERNS.—If the Secretary is considering revised standards for air-cooled 3-phase central air conditioners and central air conditioning heat pumps with less 65,000 Btu per hour (cooling capacity), the Secretary shall use commercial energy prices and operating patterns in all analyses conducted by the Secretary.".

SEC. 307. PROCEDURE FOR PRESCRIBING NEW OR AMENDED STANDARDS.

Section 325(p) of the Energy Policy and Conservation Act (42 U.S.C. 6925(p)) is amended—

(1) by striking paragraph (1); and

(2) by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

SEC. 308. EXPEDITED RULEMAKINGS.

(a) PROCEDURE FOR PRESCRIBING NEW OR AMENDED STANDARDS.—Section 325(p) of the Energy Policy and Conservation Act (42 U.S.C. 6295(p)) (as amended by section 307) is amended by adding at the end the following:

"(4) DIRECT FINAL RULES.—

"(A) IN GENERAL.—On receipt of a statement that is submitted jointly by interested persons that are fairly representative of relevant points of view (including representatives of manufacturers of covered products, States, and efficiency advocates), as determined by the Secretary, and contains recommendations with respect to an energy or water conservation standard—

"(i) if the Secretary determines that the recommended standard contained in the statement is in accordance with subsection (o) or section 342(a)(6)(B), as applicable, the Secretary may issue a final rule that establishes an energy or water conservation standard and is published simultaneously with a notice of proposed rulemaking that proposes a new or amended energy or water conservation standard that is identical to the standard established in the final rule to establish the recommended standard (referred to in this paragraph as a 'direct final rule'); or

"(ii) if the Secretary determines that a direct final rule cannot be issued based on the statement, the Secretary shall publish a notice of the determination, together with an explanation of the reasons for the determination.

“(B) PUBLIC COMMENT.—The Secretary shall solicit public comment for a period of at least 110 days with respect to each direct final rule issued by the Secretary under subparagraph (A)(i).

“(C) WITHDRAWAL OF DIRECT FINAL RULES.—

“(i) IN GENERAL.—Not later than 120 days after the date on which a direct final rule issued under subparagraph (A)(i) is published in the Federal Register, the Secretary shall withdraw the direct final rule if—

“(I) the Secretary receives 1 or more adverse public comments relating to the direct final rule under subparagraph (B)(i) or any alternative joint recommendation; and

“(II) based on the rulemaking record relating to the direct final rule, the Secretary determines that such adverse public comments or alternative joint recommendation may provide a reasonable basis for withdrawing the direct final rule under subsection (o), section 342(a)(6)(B), or any other applicable law.

“(ii) ACTION ON WITHDRAWAL.—On withdrawal of a direct final rule under clause (i), the Secretary shall—

“(I) proceed with the notice of proposed rulemaking published simultaneously with the direct final rule as described in subparagraph (A)(i); and

“(II) publish in the Federal Register the reasons why the direct final rule was withdrawn.

“(iii) TREATMENT OF WITHDRAWN DIRECT FINAL RULES.—A direct final rule that is withdrawn under clause (i) shall not be considered to be a final rule for purposes of subsection (o).

“(D) EFFECT OF PARAGRAPH.—Nothing in this paragraph authorizes the Secretary to issue a direct final rule based solely on receipt of more than 1 statement containing recommended standards relating to the direct final rule.”.

(b) CONFORMING AMENDMENT.—Section 345(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6316(b)(1)) is amended in the first sentence by inserting “section 325(p)(5),” after “The provisions of”.

SEC. 309. BATTERY CHARGERS.

Section 325(u)(1)(E) of the Energy Policy and Conservation Act (42 U.S.C. 6295(u)(1)(E)) is amended—

(1) by striking “(E)(i) Not” and inserting the following:

“(E) EXTERNAL POWER SUPPLIES AND BATTERY CHARGERS.—

“(i) ENERGY CONSERVATION STANDARDS.—

“(I) EXTERNAL POWER SUPPLIES.—Not”;

(2) by striking “3 years” and inserting “2 years”;

(3) by striking “battery chargers and” each place it appears; and

(4) by adding at the end the following :

“(II) BATTERY CHARGERS.—Not later than July 1, 2011, the Secretary shall issue a final rule that prescribes energy conservation standards for battery chargers or classes of battery chargers or determine that no energy conservation standard is technically feasible and economically justified.”.

SEC. 310. STANDBY MODE.

Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended—

(1) in subsection (u)—

(A) by striking paragraphs (2), (3), and (4); and

(B) by redesignating paragraph (5) and (6) as paragraphs (2) and (3), respectively;

(2) by redesignating subsection (gg) as subsection (hh);

(3) by inserting after subsection (ff) the following:

“(gg) STANDBY MODE ENERGY USE.—

“(1) DEFINITIONS.—

“(A) IN GENERAL.—Unless the Secretary determines otherwise pursuant to subparagraph (B), in this subsection:

“(i) ACTIVE MODE.—The term ‘active mode’ means the condition in which an energy-using product—

“(I) is connected to a main power source;

“(II) has been activated; and

“(III) provides 1 or more main functions.

“(ii) OFF MODE.—The term ‘off mode’ means the condition in which an energy-using product—

“(I) is connected to a main power source; and

“(II) is not providing any standby or active mode function.

“(iii) STANDBY MODE.—The term ‘standby mode’ means the condition in which an energy-using product—

“(I) is connected to a main power source; and

“(II) offers 1 or more of the following user-oriented or protective functions:

“(aa) To facilitate the activation or deactivation of other functions (including active mode) by remote switch (including remote control), internal sensor, or timer.

“(bb) Continuous functions, including information or status displays (including clocks) or sensor-based functions.

“(B) AMENDED DEFINITIONS.—The Secretary may, by rule, amend the definitions under subparagraph (A), taking into consideration the most current versions of Standards 62301 and 62087 of the International Electrotechnical Commission.

“(2) TEST PROCEDURES.—

“(A) IN GENERAL.—Test procedures for all covered products shall be amended pursuant to section 323 to include standby mode and off mode energy consumption, taking into consideration the most current versions of Standards 62301 and 62087 of the International Electrotechnical Commission, with such energy consumption integrated into the overall energy efficiency, energy consumption, or other energy descriptor for each covered product, unless the Secretary determines that—

“(i) the current test procedures for a covered product already fully account for and incorporate the standby mode and off mode energy consumption of the covered product; or

“(ii) such an integrated test procedure is technically infeasible for a particular covered product, in which case the Secretary shall prescribe a separate standby mode and off mode energy use test procedure for the covered product, if technically feasible.

“(B) DEADLINES.—The test procedure amendments required by subparagraph (A) shall be prescribed in a final rule no later than the following dates:

“(i) December 31, 2008, for battery chargers and external power supplies.

“(ii) March 31, 2009, for clothes dryers, room air conditioners, and fluorescent lamp ballasts.

“(iii) June 30, 2009, for residential clothes washers.

“(iv) September 30, 2009, for residential furnaces and boilers.

“(v) March 31, 2010, for residential water heaters, direct heating equipment, and pool heaters.

“(vi) March 31, 2011, for residential dishwashers, ranges and ovens, microwave ovens, and dehumidifiers.

“(C) PRIOR PRODUCT STANDARDS.—The test procedure amendments adopted pursuant to subparagraph (B) shall not be used to determine compliance with product standards established prior to the adoption of the amended test procedures.

“(3) INCORPORATION INTO STANDARD.—

“(A) IN GENERAL.—Subject to subparagraph (B), based on the test procedures required under paragraph (2), any final rule establishing or revising a standard for a covered product, adopted after July 1, 2010, shall incorporate standby mode and off mode energy use into a single amended or new standard, pursuant to subsection (o), if feasible.

“(B) SEPARATE STANDARDS.—If not feasible, the Secretary shall prescribe within the final rule a separate standard for standby mode and off mode energy consumption, if justified under subsection (o).”; and

(4) in paragraph (2) of subsection (hh) (as redesignated by paragraph (2)) , by striking “(ff)” each place it appears and inserting “(gg)”.

SEC. 311. ENERGY STANDARDS FOR HOME APPLIANCES.

(a) APPLIANCES.—

(1) DEHUMIDIFIERS.—Section 325(cc) of the Energy Policy and Conservation Act (42 U.S.C. 6295(cc)) is amended by striking paragraph (2) and inserting the following:

“(2) DEHUMIDIFIERS MANUFACTURED ON OR AFTER OCTOBER 1, 2012.—Dehumidifiers manufactured on or after October 1, 2012, shall have an Energy Factor that meets or exceeds the following values:

“Product Capacity (pints/day):	Minimum Energy Factor (liters/KWh)
Up to 35.00	1.35
35.01-45.00	1.50
45.01-54.00	1.60
54.01-75.00	1.70
Greater than 75.00	2.5.”.

(2) RESIDENTIAL CLOTHES WASHERS AND RESIDENTIAL DISHWASHERS.—Section 325(g) of the Energy Policy and Conservation Act (42 U.S.C. 6295(g)) is amended by adding at the end the following:

“(9) RESIDENTIAL CLOTHES WASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2011.—

“(A) IN GENERAL.—A top-loading or front-loading standard-size residential clothes washer manufactured on or after January 1, 2011, shall have—

“(i) a Modified Energy Factor of at least 1.26; and

“(ii) a water factor of not more than 9.5.

“(B) AMENDMENT OF STANDARDS.—

“(i) IN GENERAL.—Not later than December 31, 2011, the Secretary shall publish a final rule determining whether to amend the standards in effect for clothes washers manufactured on or after January 1, 2015.

"(ii) AMENDED STANDARDS.—The final rule shall contain any amended standards.

"(10) RESIDENTIAL DISHWASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2010.—

"(A) IN GENERAL.—A dishwasher manufactured on or after January 1, 2010, shall—

"(i) for a standard size dishwasher not exceed 355 kwh/year and 6.5 gallon per cycle; and

"(ii) for a compact size dishwasher not exceed 260 kwh/year and 4.5 gallons per cycle.

"(B) AMENDMENT OF STANDARDS.—

"(i) IN GENERAL.—Not later than January 1, 2015, the Secretary shall publish a final rule determining whether to amend the standards for dishwashers manufactured on or after January 1, 2018.

"(ii) AMENDED STANDARDS.—The final rule shall contain any amended standards.".

(3) REFRIGERATORS AND FREEZERS.—Section 325(b) of the Energy Policy and Conservation Act (42 U.S.C. 6295(b)) is amended by adding at the end the following:

"(4) REFRIGERATORS AND FREEZERS MANUFACTURED ON OR AFTER JANUARY 1, 2014.—

"(A) IN GENERAL.—Not later than December 31, 2010, the Secretary shall publish a final rule determining whether to amend the standards in effect for refrigerators, refrigerator-freezers, and freezers manufactured on or after January 1, 2014.

"(B) AMENDED STANDARDS.—The final rule shall contain any amended standards.".

(b) ENERGY STAR.—Section 324A(d)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6294a(d)(2)) is amended by striking "January 1, 2010" and inserting "July 1, 2009".

SEC. 312. WALK-IN COOLERS AND WALK-IN FREEZERS.

(a) DEFINITIONS.—Section 340 of the Energy Policy and Conservation Act (42 U.S.C. 6311) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (G) through (K) as subparagraphs (H) through (L), respectively; and

(B) by inserting after subparagraph (F) the following:

"(G) Walk-in coolers and walk-in freezers.";

(2) by redesignating paragraphs (20) and (21) as paragraphs (21) and (22), respectively; and

(3) by inserting after paragraph (19) the following:

"(20) WALK-IN COOLER; WALK-IN FREEZER.—

"(A) IN GENERAL.—The terms 'walk-in cooler' and 'walk-in freezer' mean an enclosed storage space refrigerated to temperatures, respectively, above, and at or below 32 degrees Fahrenheit that can be walked into, and has a total chilled storage area of less than 3,000 square feet.

"(B) EXCLUSION.—The terms 'walk-in cooler' and 'walk-in freezer' do not include products designed and marketed exclusively for medical, scientific, or research purposes.".

(b) STANDARDS.—Section 342 of the Energy Policy and Conservation Act (42 U.S.C. 6313) is amended by adding at the end the following:

"(f) WALK-IN COOLERS AND WALK-IN FREEZERS.—

"(1) IN GENERAL.—Subject to paragraphs (2) through (5), each walk-in cooler or walk-in freezer manufactured on or after January 1, 2009, shall—

"(A) have automatic door closers that firmly close all walk-in doors that have been closed to within 1 inch of full closure, except that this subparagraph shall not apply to doors wider than 3 feet 9 inches or taller than 7 feet;

"(B) have strip doors, spring hinged doors, or other method of minimizing infiltration when doors are open;

"(C) contain wall, ceiling, and door insulation of at least R-25 for coolers and R-32 for freezers, except that this subparagraph shall not apply to glazed portions of doors nor to structural members;

"(D) contain floor insulation of at least R-28 for freezers;

"(E) for evaporator fan motors of under 1 horsepower and less than 460 volts, use—

"(i) electronically commutated motors (brushless direct current motors); or

"(ii) 3-phase motors;

"(F) for condenser fan motors of under 1 horsepower, use—

"(i) electronically commutated motors;

"(ii) permanent split capacitor-type motors; or

"(iii) 3-phase motors; and

"(G) for all interior lights, use light sources with an efficacy of 40 lumens per watt or more, including ballast losses (if any), except that light sources with an efficacy of 40 lumens per watt or less, including ballast losses (if any), may be used in conjunction with a timer or device that turns off the lights within 15 minutes of when the walk-in cooler or walk-in freezer is not occupied by people.

"(2) ELECTRONICALLY COMMUTATED MOTORS.—

"(A) IN GENERAL.—The requirements of paragraph (1)(E)(i) for electronically commutated motors shall take effect January 1, 2009, unless, prior to that date, the Secretary determines that such motors are only available from 1 manufacturer.

"(B) OTHER TYPES OF MOTORS.—In carrying out paragraph (1)(E)(i) and subparagraph (A), the Secretary may allow other types of motors if the Secretary determines that, on average, those other motors use no more energy in evaporator fan applications than electronically commutated motors.

"(C) MAXIMUM ENERGY CONSUMPTION LEVEL.—The Secretary shall establish the maximum energy consumption level under subparagraph (B) not later than January 1, 2010.

"(3) ADDITIONAL SPECIFICATIONS.—Each walk-in cooler or walk-in freezer with transparent reach-in doors manufactured on or after January 1, 2009, shall also meet the following specifications:

"(A) Transparent reach-in doors for walk-in freezers and windows in walk-in freezer doors shall be of triple-pane glass with either heat-reflective treated glass or gas fill.

"(B) Transparent reach-in doors for walk-in coolers and windows in walk-in cooler doors shall be—

"(i) double-pane glass with heat-reflective treated glass and gas fill; or

"(ii) triple-pane glass with either heat-reflective treated glass or gas fill.

"(C) If the appliance has an antisweat heater without antisweat heat controls, the appliance shall have a total door rail, glass, and frame heater power draw of not more than 7.1 watts per square foot of door opening (for freezers) and 3.0 watts per square foot of door opening (for coolers).

"(D) If the appliance has an antisweat heater with antisweat heat controls, and the total door rail, glass, and frame heater power draw is more than 7.1 watts per square foot of door opening (for freezers) and 3.0 watts per square foot of door opening (for coolers), the antisweat heat controls shall reduce the energy use of the antisweat heater in a quantity corresponding to the relative humidity in the air outside the door or to the condensation on the inner glass pane.

"(4) PERFORMANCE-BASED STANDARDS.—

"(A) IN GENERAL.—Not later than January 1, 2012, the Secretary shall publish performance-based standards for walk-in coolers and walk-in freezers that achieve the maximum improvement in energy that the Secretary determines is technologically feasible and economically justified.

"(B) APPLICATION.—

"(i) IN GENERAL.—Except as provided in clause (ii), the standards shall apply to products described in subparagraph (A) that are manufactured beginning on the date that is 3 years after the final rule is published.

"(ii) DELAYED EFFECTIVE DATE.—If the Secretary determines, by rule, that a 3-year period is inadequate, the Secretary may establish an effective date for products manufactured beginning on the date that is not more than 5 years after the date of publication of a final rule for the products.

"(5) AMENDMENT OF STANDARDS.—

"(A) IN GENERAL.—Not later than January 1, 2020, the Secretary shall publish a final rule to determine if the standards established under paragraph (4) should be amended.

"(B) APPLICATION.—

"(i) IN GENERAL.—Except as provided in clause (ii), the rule shall provide that the standards shall apply to products manufactured beginning on the date that is 3 years after the final rule is published.

"(ii) DELAYED EFFECTIVE DATE.—If the Secretary determines, by rule, that a 3-year period is inadequate, the Secretary may establish an effective date for products manufactured beginning on the date that is not more than 5 years after the date of publication of a final rule for the products.".

(c) TEST PROCEDURES.—Section 343(a) of the Energy Policy and Conservation Act (42 U.S.C. 6314(a)) is amended by adding at the end the following:

"(9) WALK-IN COOLERS AND WALK-IN FREEZERS.—

"(A) IN GENERAL.—For the purpose of test procedures for walk-in coolers and walk-in freezers:

"(i) The R value shall be the 1/K factor multiplied by the thickness of the panel.

"(ii) The K factor shall be based on ASTM test procedure C518-2004.

"(iii) For calculating the R value for freezers, the K factor of the foam at 20°F (average foam temperature) shall be used.

"(iv) For calculating the R value for coolers, the K factor of the foam at 55°F (average foam temperature) shall be used.

"(B) TEST PROCEDURE.—

"(i) IN GENERAL.—Not later than January 1, 2010, the Secretary shall establish a test procedure to measure the energy-use of walk-in coolers and walk-in freezers.

"(ii) COMPUTER MODELING.—The test procedure may be based on computer modeling, if the computer model or models have been verified using the results of laboratory tests on a significant sample of walk-in coolers and walk-in freezers.".

(d) LABELING.—Section 344(e) of the Energy Policy and Conservation Act (42 U.S.C. 6315(e)) is amended by inserting "walk-in coolers and walk-in freezers," after "commercial clothes washers," each place it appears.

(e) ADMINISTRATION, PENALTIES, ENFORCEMENT, AND PREEMPTION.—Section 345 of the Energy Policy and Conservation Act (42 U.S.C. 6316) is amended—

(1) by striking "subparagraphs (B), (C), (D), (E), and (F)" each place it appears and inserting "subparagraphs (B) through (G)"; and

(2) by adding at the end the following:

"(h) WALK-IN COOLERS AND WALK-IN FREEZERS.—

"(1) COVERED TYPES.—

"(A) RELATIONSHIP TO OTHER LAW.—

"(i) IN GENERAL.—Except as otherwise provided in this subsection, section 327 shall apply to walk-in coolers and walk-in freezers for which standards have been established under paragraphs (1), (2), and (3) of section 342(f) to the same extent and in the same manner as the section applies under part A on the date of enactment of this subsection.

"(ii) STATE STANDARDS.—Any State standard prescribed before the date of enactment of this subsection shall not be preempted until the standards established under paragraphs (1) and (2) of section 342(f) take effect.

"(B) ADMINISTRATION.—In applying section 327 to equipment under subparagraph (A), paragraphs (1), (2), and (3) of subsection (a) shall apply.

"(2) FINAL RULE NOT TIMELY.—

"(A) IN GENERAL.—If the Secretary does not issue a final rule for a specific type of walk-in cooler or walk-in freezer within the time frame established under paragraph (4) or (5) of section 342(f), subsections (b) and (c) of section 327 shall no longer apply to the specific type of walk-in cooler or walk-in freezer during the period—

"(i) beginning on the day after the scheduled date for a final rule; and

"(ii) ending on the date on which the Secretary publishes a final rule covering the specific type of walk-in cooler or walk-in freezer.

"(B) STATE STANDARDS.—Any State standard issued before the publication of the final rule shall not be preempted until the standards established in the final rule take effect.

"(3) CALIFORNIA.—Any standard issued in the State of California before January 1, 2011, under title 20 of the California Code of Regulations, that refers to walk-in coolers and walk-in freezers, for which standards have been established under paragraphs (1), (2), and (3) of section 342(f), shall not be preempted until the standards established under section 342(f)(3) take effect.".

SEC. 313. ELECTRIC MOTOR EFFICIENCY STANDARDS.

(a) DEFINITIONS.—Section 340(13) of the Energy Policy and Conservation Act (42 U.S.C. 6311(13)) is amended—

(1) by redesignating subparagraphs (B) through (H) as subparagraphs (C) through (I), respectively; and

(2) by striking "(13)(A)" and all that follows through the end of subparagraph (A) and inserting the following:

"(13) ELECTRIC MOTOR.—

"(A) GENERAL PURPOSE ELECTRIC MOTOR (SUBTYPE I).—The term 'general purpose electric motor (subtype I)' means any motor that meets the definition of 'General Purpose' as established in the final rule issued by the Department of Energy entitled 'Energy Efficiency Program for Certain Commercial and Industrial Equipment: Test Procedures, Labeling, and Certification Requirements for Electric Motors' (10 C.F.R. 431), as in effect on the date of enactment of the Energy Independence and Security Act of 2007.

"(B) GENERAL PURPOSE ELECTRIC MOTOR (SUBTYPE II).—The term 'general purpose electric motor (subtype II)' means motors incorporating the design elements of a general purpose electric motor (subtype I) that are configured as 1 of the following:

"(i) A U-Frame Motor.

"(ii) A Design C Motor.

"(iii) A close-coupled pump motor.

"(iv) A Footless motor.

"(v) A vertical solid shaft normal thrust motor (as tested in a horizontal configuration).

"(vi) An 8-pole motor (900 rpm).

"(vii) A poly-phase motor with voltage of not more than 600 volts (other than 230 or 460 volts).".

(b) STANDARDS.—

(1) AMENDMENT.—Section 342(b) of the Energy Policy and Conservation Act (42 U.S.C. 6313(b)) is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following:

"(2) ELECTRIC MOTORS.—

"(A) GENERAL PURPOSE ELECTRIC MOTORS (SUBTYPE I).—Except as provided in subparagraph (B), each general purpose electric motor (subtype I) with a power rating of 1 horsepower or greater, but not greater than 200 horsepower, manufactured (alone or as a component of another piece of equipment) after the 3-year period beginning on the date of enactment of the Energy Independence and Security Act of 2007, shall have a nominal full load efficiency that is not less than as defined in NEMA MG–1 (2006) Table 12–12.

"(B) FIRE PUMP MOTORS.—Each fire pump motor manufactured (alone or as a component of another piece of equipment) after the 3-year period beginning on the date of enactment of the Energy Independence and Security Act of 2007 shall have nominal full load efficiency that is not less than as defined in NEMA MG–1 (2006) Table 12–11.

"(C) GENERAL PURPOSE ELECTRIC MOTORS (SUBTYPE II).—Each general purpose electric motor (subtype II) with a power rating of 1 horsepower or greater, but not greater than 200 horsepower, manufactured (alone or as a component of another piece of equipment) after the 3-year period beginning on the date of enactment of the Energy Independence and Security Act of 2007, shall have a nominal full load efficiency that is not less than as defined in NEMA MG–1 (2006) Table 12–11.

"(D) NEMA DESIGN B, GENERAL PURPOSE ELECTRIC MOTORS.—Each NEMA Design B, general purpose electric motor with a power rating of more than 200 horsepower, but not greater than 500 horsepower, manufactured (alone or as a component of another piece of equipment) after the 3-year period beginning on the date of enactment of the Energy Independence and Security Act of 2007, shall have a nominal full load efficiency that is not less than as defined in NEMA MG–1 (2006) Table 12–11.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) take effect on the date that is 3 years after the date of enactment of this Act.

SEC. 314. STANDARDS FOR SINGLE PACKAGE VERTICAL AIR CONDITIONERS AND HEAT PUMPS.

(a) DEFINITIONS.—Section 340 of the Energy Policy and Conservation Act (42 U.S.C. 6311) is amended by adding at the end the following:

"(22) SINGLE PACKAGE VERTICAL AIR CONDITIONER.—The term 'single package vertical air conditioner' means air-cooled commercial package air conditioning and heating equipment that—

"(A) is factory-assembled as a single package that—

"(i) has major components that are arranged vertically;

"(ii) is an encased combination of cooling and optional heating components; and

"(iii) is intended for exterior mounting on, adjacent interior to, or through an outside wall;

"(B) is powered by a single- or 3-phase current;

"(C) may contain 1 or more separate indoor grilles, outdoor louvers, various ventilation options, indoor free air discharges, ductwork, well plenum, or sleeves; and

"(D) has heating components that may include electrical resistance, steam, hot water, or gas, but may not include reverse cycle refrigeration as a heating means.

"(23) SINGLE PACKAGE VERTICAL HEAT PUMP.—The term 'single package vertical heat pump' means a single package vertical air conditioner that—

"(A) uses reverse cycle refrigeration as its primary heat source; and

"(B) may include secondary supplemental heating by means of electrical resistance, steam, hot water, or gas.".

(b) STANDARDS.—Section 342(a) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)) is amended—

(1) in the first sentence of each of paragraphs (1) and (2), by inserting "(including single package vertical air conditioners and single package vertical heat pumps)" after "heating equipment" each place it appears;

(2) in paragraph (1), by striking "but before January 1, 2010,";

(3) in the first sentence of each of paragraphs (7), (8), and (9), by inserting "(other than single package vertical air conditioners and single package vertical heat pumps)" after "heating equipment" each place it appears;

(4) in paragraph (7)—

(A) by striking "manufactured on or after January 1, 2010,";

(B) in each of subparagraphs (A), (B), and (C), by striking "The" and inserting "For equipment manufactured on or after January 1, 2010, the"; and

(C) by adding at the end the following:

"(D) For equipment manufactured on or after the later of January 1, 2008, or the date that is 180 days after the date of enactment of the Energy Independence and Security Act of 2007—

"(i) the minimum seasonal energy efficiency ratio of air-cooled 3-phase electric central air conditioners and central air conditioning heat pumps less than 65,000 Btu per hour (cooling capacity), split systems, shall be 13.0;

"(ii) the minimum seasonal energy efficiency ratio of air-cooled 3-phase electric central air conditioners and central air conditioning heat pumps less than 65,000 Btu per hour (cooling capacity), single package, shall be 13.0;

"(iii) the minimum heating seasonal performance factor of air-cooled 3-phase electric central air conditioning heat pumps less than 65,000 Btu per hour (cooling capacity), split systems, shall be 7.7; and

"(iv) the minimum heating seasonal performance factor of air-cooled three-phase electric central air conditioning heat pumps less than 65,000 Btu per hour (cooling capacity), single package, shall be 7.7."; and

(5) by adding at the end the following:

"(10) SINGLE PACKAGE VERTICAL AIR CONDITIONERS AND SINGLE PACKAGE VERTICAL HEAT PUMPS.—

"(A) IN GENERAL.—Single package vertical air conditioners and single package vertical heat pumps manufactured on or after January 1, 2010, shall meet the following standards:

"(i) The minimum energy efficiency ratio of single package vertical air conditioners less than 65,000 Btu per hour (cooling capacity), single-phase, shall be 9.0.

"(ii) The minimum energy efficiency ratio of single package vertical air conditioners less than 65,000 Btu per hour (cooling capacity), three-phase, shall be 9.0.

"(iii) The minimum energy efficiency ratio of single package vertical air conditioners at or above 65,000 Btu per hour (cooling capacity) but less than 135,000 Btu per hour (cooling capacity), shall be 8.9.

"(iv) The minimum energy efficiency ratio of single package vertical air conditioners at or above 135,000 Btu per hour (cooling capacity) but less than 240,000 Btu per hour (cooling capacity), shall be 8.6.

"(v) The minimum energy efficiency ratio of single package vertical heat pumps less than 65,000 Btu per hour (cooling capacity), single-phase, shall be 9.0 and the minimum coefficient of performance in the heating mode shall be 3.0.

"(vi) The minimum energy efficiency ratio of single package vertical heat pumps less than 65,000 Btu per hour (cooling capacity), three-phase, shall be 9.0 and the minimum coefficient of performance in the heating mode shall be 3.0.

"(vii) The minimum energy efficiency ratio of single package vertical heat pumps at or above 65,000 Btu per hour (cooling capacity) but less than 135,000 Btu per hour (cooling capacity), shall be 8.9 and the minimum coefficient of performance in the heating mode shall be 3.0.

"(viii) The minimum energy efficiency ratio of single package vertical heat pumps at or above 135,000 Btu per hour (cooling capacity) but less than 240,000 Btu per hour (cooling capacity), shall be 8.6 and the minimum coefficient of performance in the heating mode shall be 2.9.

"(B) REVIEW.—Not later than 3 years after the date of enactment of this paragraph, the Secretary shall review the most recently published ASHRAE/IES Standard 90.1 with respect to single package vertical air conditioners and single package vertical heat pumps in accordance with the procedures established under paragraph (6).".

SEC. 315. IMPROVED ENERGY EFFICIENCY FOR APPLIANCES AND BUILDINGS IN COLD CLIMATES.

(a) RESEARCH.—Section 911(a)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16191(a)(2)) is amended—

(1) in subparagraph (C), by striking "and" at the end;

(2) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(E) technologies to improve the energy efficiency of appliances and mechanical systems for buildings in cold climates, including combined heat and power units and increased use of renewable resources, including fuel.".

(b) REBATES.—Section 124 of the Energy Policy Act of 2005 (42 U.S.C. 15821) is amended—

(1) in subsection (b)(1), by inserting ", or products with improved energy efficiency in cold climates," after "residential Energy Star products"; and

(2) in subsection (e), by inserting "or product with improved energy efficiency in a cold climate" after "residential Energy Star product" each place it appears.

SEC. 316. TECHNICAL CORRECTIONS.

(a) DEFINITION OF F96T12 LAMP.—

(1) IN GENERAL.—Section 135(a)(1)(A)(ii) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 624) is amended by striking "C78.1–1978(R1984)" and inserting "C78.3–1978(R1984)".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on August 8, 2005.

(b) DEFINITION OF FLUORESCENT LAMP.—Section 321(30)(B)(viii) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(B)(viii)) is amended by striking "82" and inserting "87".

(c) MERCURY VAPOR LAMP BALLASTS.—

(1) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) (as amended by section 301(a)(2)) is amended—

(A) by striking paragraphs (46) through (48) and inserting the following:

"(46) HIGH INTENSITY DISCHARGE LAMP.—

"(A) IN GENERAL.—The term 'high intensity discharge lamp' means an electric-discharge lamp in which—

"(i) the light-producing arc is stabilized by the arc tube wall temperature; and

"(ii) the arc tube wall loading is in excess of 3 Watts/cm^{2}.

"(B) INCLUSIONS.—The term 'high intensity discharge lamp' includes mercury vapor, metal halide, and high-pressure sodium lamps described in subparagraph (A).

"(47) MERCURY VAPOR LAMP.—

"(A) IN GENERAL.—The term 'mercury vapor lamp' means a high intensity discharge lamp in which the major portion of the light is produced by radiation from mercury typically operating at a partial vapor pressure in excess of 100,000 Pa (approximately 1 atm).

"(B) INCLUSIONS.—The term 'mercury vapor lamp' includes clear, phosphor-coated, and self-ballasted screw base lamps described in subparagraph (A).

"(48) MERCURY VAPOR LAMP BALLAST.—The term 'mercury vapor lamp ballast' means a device that is designed and marketed to start and operate mercury vapor lamps intended for general illumination by providing the necessary voltage and current."; and

(B) by adding at the end the following:

"(53) SPECIALTY APPLICATION MERCURY VAPOR LAMP BALLAST.—The term 'specialty application mercury vapor lamp ballast' means a mercury vapor lamp ballast that—

"(A) is designed and marketed for operation of mercury vapor lamps used in quality inspection, industrial processing, or scientific use, including fluorescent microscopy and ultraviolet curing; and

"(B) in the case of a specialty application mercury vapor lamp ballast, the label of which—

"(i) provides that the specialty application mercury vapor lamp ballast is 'For specialty applications only, not for general illumination'; and

"(ii) specifies the specific applications for which the ballast is designed.".

(2) STANDARD SETTING AUTHORITY.—Section 325(ee) of the Energy Policy and Conservation Act (42 U.S.C. 6295(ee)) is amended by inserting "(other than specialty application mercury vapor lamp ballasts)" after "ballasts".

(d) ENERGY CONSERVATION STANDARDS.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended—

(1) in subsection (v)—

(A) in the subsection heading, by striking "CEILING FANS AND";

(B) by striking paragraph (1); and

(C) by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively; and

(2) in subsection (ff)—

(A) in paragraph (1)(A)—

(i) by striking clause (iii);

(ii) by redesignating clause (iv) as clause (iii); and

(iii) in clause (iii)(II) (as so redesignated), by inserting "fans sold for" before "outdoor"; and

(B) in paragraph (4)(C)—

(i) in the matter preceding clause (i), by striking "subparagraph (B)" and inserting "subparagraph (A)"; and

(ii) by striking clause (ii) and inserting the following:

"(ii) shall be packaged with lamps to fill all sockets.";

(C) in paragraph (6), by redesignating subparagraphs (C) and (D) as clauses (i) and (ii), respectively, of subparagraph (B); and

(D) in paragraph (7), by striking "327" the second place it appears and inserting "324".

Subtitle B—Lighting Energy Efficiency

SEC. 321. EFFICIENT LIGHT BULBS.

(a) ENERGY EFFICIENCY STANDARDS FOR GENERAL SERVICE INCANDESCENT LAMPS.—

(1) DEFINITION OF GENERAL SERVICE INCANDESCENT LAMP.—Section 321(30) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)) is amended—

(A) by striking subparagraph (D) and inserting the following:

"(D) GENERAL SERVICE INCANDESCENT LAMP.—

"(i) IN GENERAL.—The term 'general service incandescent lamp' means a standard incandescent or halogen type lamp that—

"(I) is intended for general service applications;

"(II) has a medium screw base;

"(III) has a lumen range of not less than 310 lumens and not more than 2,600 lumens; and

"(IV) is capable of being operated at a voltage range at least partially within 110 and 130 volts.

"(ii) EXCLUSIONS.—The term 'general service incandescent lamp' does not include the following incandescent lamps:

"(I) An appliance lamp.

"(II) A black light lamp.

"(III) A bug lamp.

"(IV) A colored lamp.

"(V) An infrared lamp.

"(VI) A left-hand thread lamp.

"(VII) A marine lamp.

"(VIII) A marine signal service lamp.

"(IX) A mine service lamp.

"(X) A plant light lamp.

"(XI) A reflector lamp.

"(XII) A rough service lamp.

"(XIII) A shatter-resistant lamp (including a shatter-proof lamp and a shatter-protected lamp).

"(XIV) A sign service lamp.

"(XV) A silver bowl lamp.

"(XVI) A showcase lamp.

"(XVII) A 3-way incandescent lamp.

"(XVIII) A traffic signal lamp.

"(XIX) A vibration service lamp.

"(XX) A G shape lamp (as defined in ANSI C78.20 -2003 andC79.1-2002with a diameter of 5 inches or more.

"(XXI) A T shape lamp (as defined in ANSIC78.20-2003 and C79.1-2002) and that uses not more than 40 watts or has a length of more than 10 inches.

"(XXII) A B, BA, CA, F, G16–1/2,G–25;G30, S, or M–14 lamp (as defined in ANSI C79.1-2002 and ANSI C78.20-2003) of 40 watts or less."; and

(B) by adding at the end the following:

"(T) APPLIANCE LAMP.—The term 'appliance lamp' means any lamp that—

"(i) is specifically designed to operate in a household appliance, has a maximum wattage of 40 watts, and is sold at retail, including an oven lamp, refrigerator lamp, and vacuum cleaner lamp; and “(ii) is designated and marketed for the intended application, with—

“(I) the designation on the lamp packaging; and

“(II) marketing materials that identify the lamp as being for appliance use.

“(U) CANDELABRA BASE INCANDESCENT LAMP.—The term ‘candelabra base incandescent lamp’ means a lamp that uses candelabra screw base as described in ANSI C81.61-2006, Specifications for Electric Bases, common designations E11 and E12.

“(V) INTERMEDIATE BASE INCANDESCENT LAMP.—The term ‘intermediate base incandescent lamp’ means a lamp that uses an intermediate screw base as described in ANSI C81.61-2006, Specifications for Electric Bases, common designation E17.

“(W) MODIFIED SPECTRUM.—The term ‘modified spectrum’ means, with respect to an incandescent lamp, an incandescent lamp that—

“(i) is not a colored incandescent lamp; and

“(ii) when operated at the rated voltage and wattage of the incandescent lamp—

“(I) has a color point with (x,y) chromaticity coordinates on the Commission Internationale de l’Eclairage (C.I.E.) 1931 chromaticity diagram that lies below the blackbody locus; and

“(II) has a color point with (x,y) chromaticity coordinates on the C.I.E. 1931 chromaticity diagram that lies at least 4 MacAdam steps (as referenced in IESNA LM16) distant from the color point of a clear lamp with the same filament and bulb shape, operated at the same rated voltage and wattage.

“(X) ROUGH SERVICE LAMP.—The term ‘rough service lamp’ means a lamp that—

“(i) has a minimum of 5 supports with filament configurations that are C–7A, C–11, C–17, and C–22 as listed in Figure 6–12 of the 9th edition of the IESNA Lighting handbook, or similar configurations where lead wires are not counted as supports; and

“(ii) is designated and marketed specifically for ‘rough service’ applications, with—

“(I) the designation appearing on the lamp packaging; and

“(II) marketing materials that identify the lamp as being for rough service.

“(Y) 3-WAY INCANDESCENT LAMP.—The term ‘3-way incandescent lamp’ includes an incandescent lamp that—

“(i) employs 2 filaments, operated separately and in combination, to provide 3 light levels; and

“(ii) is designated on the lamp packaging and marketing materials as being a 3-way incandescent lamp.

“(Z) SHATTER-RESISTANT LAMP, SHATTER-PROOF LAMP, OR SHATTER-PROTECTED LAMP.—The terms ‘shatter-resistant lamp’, ‘shatter-proof lamp’, and ‘shatter-protected lamp’ mean a lamp that—

“(i) has a coating or equivalent technology that is compliant with NSF/ANSI 51 and is designed to contain the glass if the glass envelope of the lamp is broken; and

“(ii) is designated and marketed for the intended application, with—

“(I) the designation on the lamp packaging; and

“(II) marketing materials that identify the lamp as being shatter-resistant, shatter-proof, or shatter-protected.

“(AA) VIBRATION SERVICE LAMP.—The term ‘vibration service lamp’ means a lamp that—

“(i) has filament configurations that are C–5, C–7A, or C–9, as listed in Figure 6–12 of the 9th Edition of the IESNA Lighting Handbook or similar configurations;

“(ii) has a maximum wattage of 60 watts;

“(iii) is sold at retail in packages of 2 lamps or less; and

“(iv) is designated and marketed specifically for vibration service or vibration-resistant applications, with—

“(I) the designation appearing on the lamp packaging; and

“(II) marketing materials that identify the lamp as being vibration service only.

“(BB) GENERAL SERVICE LAMP.—

“(i) IN GENERAL.—The term ‘general service lamp’ includes—

“(I) general service incandescent lamps;

“(II) compact fluorescent lamps;

“(III) general service light-emitting diode (LED or OLED) lamps; and

“(IV) any other lamps that the Secretary determines are used to satisfy lighting applications traditionally served by general service incandescent lamps.

“(ii) EXCLUSIONS.—The term ‘general service lamp’ does not include—

“(I) any lighting application or bulb shape described in any of subclauses (I) through (XXII) of subparagraph (D)(ii); or

“(II) any general service fluorescent lamp or incandescent reflector lamp.

“(CC) LIGHT-EMITTING DIODE; LED.—

“(i) IN GENERAL.—The terms ‘light-emitting diode’ and ‘LED’ means a p–n junction solid state device the radiated output of which is a function of the physical construction, material used, and exciting current of the device.

“(ii) OUTPUT.—The output of a light-emitting diode may be in—

“(I) the infrared region;

“(II) the visible region; or

“(III) the ultraviolet region.

“(DD) ORGANIC LIGHT-EMITTING DIODE; OLED.—The terms ‘organic light-emitting diode’ and ‘OLED’ mean a thin-film light-emitting device that typically consists of a series of organic layers between 2 electrical contacts (electrodes).

“(EE) COLORED INCANDESCENT LAMP.—The term ‘colored incandescent lamp’ means an incandescent lamp designated and marketed as a colored lamp that has—

“(i) a color rendering index of less than 50, as determined according to the test method given in C.I.E. publication 13.3–1995; or

“(ii) a correlated color temperature of less than 2,500K, or greater than 4,600K, where correlated temperature is computed according to the Journal of Optical Society of America, Vol. 58, pages 1528–1595 (1986).”.

(2) COVERAGE.—Section 322(a)(14) of the Energy Policy and Conservation Act (42 U.S.C. 6292(a)(14)) is amended by inserting “, general service incandescent lamps,” after “fluorescent lamps”.

(3) ENERGY CONSERVATION STANDARDS.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended—

(A) in subsection (i)—

(i) in the section heading, by inserting “, GENERAL SERVICE INCANDESCENT LAMPS, INTERMEDIATE BASE INCANDESCENT LAMPS, CANDELABRA BASE INCANDESCENT LAMPS,” after “FLUORESCENT LAMPS”;

(ii) in paragraph (1)—

(I) in subparagraph (A)—

(aa) by inserting “, general service incandescent lamps, intermediate base incandescent lamps, candelabra base incandescent lamps,” after “fluorescent lamps”;

(bb) by inserting “, new maximum wattage,” after “lamp efficacy”; and

(cc) by inserting after the table entitled “INCANDESCENT REFLECTOR LAMPS” the following:

“GENERAL SERVICE INCANDESCENT LAMPS

Rated Lumen Ranges	Maximum Rate Wattage	Minimum Rate Lifetime	Effective Date
1490–2600	72	1,000 hrs	1/1/2012
1050–1489	53	1,000 hrs	1/1/2013
750–1049	43	1,000 hrs	1/1/2014
310–749	29	1,000 hrs	1/1/2014

“MODIFIED SPECTRUM GENERAL SERVICE INCANDESCENT LAMPS

Rated Lumen Ranges	Maximum Rate Wattage	Minimum Rate Lifetime	Effective Date
1118–1950	72	1,000 hrs	1/1/2012
788–1117	53	1,000 hrs	1/1/2013
563–787	43	1,000 hrs	1/1/2014
232–562	29	1,000 hrs	1/1/2014”;

and

(II) by striking subparagraph (B) and inserting the following:

"(B) APPLICATION.—

"(i) APPLICATION CRITERIA.—This subparagraph applies to each lamp that—

"(I) is intended for a general service or general illumination application (whether incandescent or not);

"(II) has a medium screw base or any other screw base not defined in ANSI C81.61-2006;

"(III) is capable of being operated at a voltage at least partially within the range of 110 to 130 volts; and

"(IV) is manufactured or imported after December 31, 2011.

"(ii) REQUIREMENT.—For purposes of this paragraph, each lamp described in clause (i) shall have a color rendering index that is greater than or equal to—

"(I) 80 for nonmodified spectrum lamps; or

"(II) 75 for modified spectrum lamps.

"(C) CANDELABRA INCANDESCENT LAMPS AND INTERMEDIATE BASE INCANDESCENT LAMPS.—

"(i) CANDELABRA BASE INCANDESCENT LAMPS.—A candelabra base incandescent lamp shall not exceed 60 rated watts.

"(ii) INTERMEDIATE BASE INCANDESCENT LAMPS.—An intermediate base incandescent lamp shall not exceed 40 rated watts.

"(D) EXEMPTIONS.—

"(i) PETITION.—Any person may petition the Secretary for an exemption for a type of general service lamp from the requirements of this subsection.

"(ii) CRITERIA.—The Secretary may grant an exemption under clause (i) only to the extent that the Secretary finds, after a hearing and opportunity for public comment, that it is not technically feasible to serve a specialized lighting application (such as a military, medical, public safety, or certified historic lighting application) using a lamp that meets the requirements of this subsection.

"(iii) ADDITIONAL CRITERION.—To grant an exemption for a product under this subparagraph, the Secretary shall include, as an additional criterion, that the exempted product is unlikely to be used in a general service lighting application.

"(E) EXTENSION OF COVERAGE.—

"(i) PETITION.—Any person may petition the Secretary to establish standards for lamp shapes or bases that are excluded from the definition of general service lamps.

"(ii) INCREASED SALES OF EXEMPTED LAMPS.—The petition shall include evidence that the availability or sales of exempted incandescent lamps have increased significantly since the date on which the standards on general service incandescent lamps were established.

"(iii) CRITERIA.—The Secretary shall grant a petition under clause (i) if the Secretary finds that—

"(I) the petition presents evidence that demonstrates that commercial availability or sales of exempted incandescent lamp types have increased significantly since the standards on general service lamps were established and likely are being widely used in general lighting applications; and

"(II) significant energy savings could be achieved by covering exempted products, as determined by the Secretary based on sales data provided to the Secretary from manufacturers and importers.

"(iv) NO PRESUMPTION.—The grant of a petition under this subparagraph shall create no presumption with respect to the determination of the Secretary with respect to any criteria under a rulemaking conducted under this section.

"(v) EXPEDITED PROCEEDING.—If the Secretary grants a petition for a lamp shape or base under this subparagraph, the Secretary shall—

"(I) conduct a rulemaking to determine standards for the exempted lamp shape or base; and

"(II) complete the rulemaking not later than 18 months after the date on which notice is provided granting the petition.

"(F) DEFINITION OF EFFECTIVE DATE.—In this paragraph, except as otherwise provided in a table contained in subparagraph (A), the term 'effective date' means the last day of the month specified in the table that follows October 24, 1992.";

(iii) in paragraph (5), in the first sentence, by striking "and general service incandescent lamps";

(iv) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(v) by inserting after paragraph (5) the following:

"(6) STANDARDS FOR GENERAL SERVICE LAMPS.—

"(A) RULEMAKING BEFORE JANUARY 1, 2014.—

"(i) IN GENERAL.—Not later than January 1, 2014, the Secretary shall initiate a rulemaking procedure to determine whether—

"(I) standards in effect for general service lamps should be amended to establish more stringent standards than the standards specified in paragraph (1)(A); and

"(II) the exemptions for certain incandescent lamps should be maintained or discontinued based, in part, on exempted lamp sales collected by the Secretary from manufacturers.

"(ii) SCOPE.—The rulemaking—

"(I) shall not be limited to incandescent lamp technologies; and

"(II) shall include consideration of a minimum standard of 45 lumens per watt for general service lamps.

"(iii) AMENDED STANDARDS.—If the Secretary determines that the standards in effect for general service incandescent lamps should be amended, the Secretary shall publish a final rule not later than January 1, 2017, with an effective date that is not earlier than 3 years after the date on which the final rule is published.

"(iv) PHASED-IN EFFECTIVE DATES.—The Secretary shall consider phased-in effective dates under this subparagraph after considering—

"(I) the impact of any amendment on manufacturers, retiring and repurposing existing equipment, stranded investments, labor contracts, workers, and raw materials; and

"(II) the time needed to work with retailers and lighting designers to revise sales and marketing strategies.

"(v) BACKSTOP REQUIREMENT.—If the Secretary fails to complete a rulemaking in accordance with clauses (i) through (iv) or if the final rule does not produce savings that are greater than or equal to the savings from a minimum efficacy standard of 45 lumens per watt, effective beginning January 1, 2020, the Secretary shall prohibit the sale of any general service lamp that does not meet a minimum efficacy standard of 45 lumens per watt.

"(vi) STATE PREEMPTION.—Neither section 327(b) nor any other provision of law shall preclude California or Nevada from adopting, effective beginning on or after January 1, 2018—

"(I) a final rule adopted by the Secretary in accordance with clauses (i) through (iv);

"(II) if a final rule described in subclause (I) has not been adopted, the backstop requirement under clause (v); or

"(III) in the case of California, if a final rule described in subclause (I) has not been adopted, any California regulations relating to these covered products adopted pursuant to State statute in effect as of the date of enactment of the Energy Independence and Security Act of 2007.

"(B) RULEMAKING BEFORE JANUARY 1, 2020.—

"(i) IN GENERAL.—Not later than January 1, 2020, the Secretary shall initiate a rulemaking procedure to determine whether—

"(I) standards in effect for general service incandescent lamps should be amended to reflect lumen ranges with more stringent maximum wattage than the standards specified in paragraph (1)(A); and

"(II) the exemptions for certain incandescent lamps should be maintained or discontinued based, in part, on exempted lamp sales data collected by the Secretary from manufacturers.

"(ii) SCOPE.—The rulemaking shall not be limited to incandescent lamp technologies.

"(iii) AMENDED STANDARDS.—If the Secretary determines that the standards in effect for general service incandescent lamps should be amended, the Secretary shall publish a final rule not later than January 1, 2022, with an effective date that is not earlier than 3 years after the date on which the final rule is published.

"(iv) PHASED-IN EFFECTIVE DATES.—The Secretary shall consider phased-in effective dates under this subparagraph after considering—

"(I) the impact of any amendment on manufacturers, retiring and repurposing existing equipment, stranded investments, labor contracts, workers, and raw materials; and

"(II) the time needed to work with retailers and lighting designers to revise sales and marketing strategies."; and

(B) in subsection (l), by adding at the end the following:

"(4) ENERGY EFFICIENCY STANDARDS FOR CERTAIN LAMPS.—

"(A) IN GENERAL.—The Secretary shall prescribe an energy efficiency standard for rough service lamps, vibration service lamps, 3-way incandescent lamps, 2,601-3,300 lumen general service incandescent lamps, and shatter-resistant lamps only in accordance with this paragraph.

"(B) BENCHMARKS.—Not later than 1 year after the date of enactment of this paragraph, the Secretary, in consultation with the National Electrical Manufacturers Association, shall—

"(i) collect actual data for United States unit sales for each of calendar years 1990 through 2006 for each of the 5 types of lamps described in subparagraph (A) to determine the historical growth rate of the type of lamp; and

"(ii) construct a model for each type of lamp based on coincident economic indicators that closely match the historical annual growth rate of the type of lamp to provide a neutral comparison benchmark to model future unit sales after calendar year 2006.

"(C) ACTUAL SALES DATA.—

"(i) IN GENERAL.—Effective for each of calendar years 2010 through 2025, the Secretary, in consultation with the National Electrical Manufacturers Association, shall—

"(I) collect actual United States unit sales data for each of 5 types of lamps described in subparagraph (A); and

"(II) not later than 90 days after the end of each calendar year, compare the lamp sales in that year with the sales predicted by the comparison benchmark for each of the 5 types of lamps described in subparagraph (A).

"(ii) CONTINUATION OF TRACKING.—

"(I) DETERMINATION.—Not later than January 1, 2023, the Secretary shall determine if actual sales data should be tracked for the lamp types described in subparagraph (A) after calendar year 2025.

"(II) CONTINUATION.—If the Secretary finds that the market share of a lamp type described in subparagraph (A) could significantly erode the market share for general service lamps, the Secretary shall continue to track the actual sales data for the lamp type.

"(D) ROUGH SERVICE LAMPS.—

"(i) IN GENERAL.—Effective beginning with the first year that the reported annual sales rate for rough service lamps demonstrates actual unit sales of rough service lamps that achieve levels that are at least 100 percent higher than modeled unit sales for that same year, the Secretary shall—

"(I) not later than 90 days after the end of the previous calendar year, issue a finding that the index has been exceeded; and

"(II) not later than the date that is 1 year after the end of the previous calendar year, complete an accelerated rulemaking to establish an energy conservation standard for rough service lamps.

"(ii) BACKSTOP REQUIREMENT.—If the Secretary fails to complete an accelerated rulemaking in accordance with clause (i)(II), effective beginning 1 year after the date of the issuance of the finding under clause (i)(I), the Secretary shall require rough service lamps to—

"(I) have a shatter-proof coating or equivalent technology that is compliant with NSF/ANSI 51 and is designed to contain the glass if the glass envelope of the lamp is broken and to provide effective containment over the life of the lamp;

"(II) have a maximum 40-watt limitation; and

"(III) be sold at retail only in a package containing 1 lamp.

"(E) VIBRATION SERVICE LAMPS.—

"(i) IN GENERAL.—Effective beginning with the first year that the reported annual sales rate for vibration service lamps demonstrates actual unit sales of vibration service lamps that achieve levels that are at least 100 percent higher than modeled unit sales for that same year, the Secretary shall—

"(I) not later than 90 days after the end of the previous calendar year, issue a finding that the index has been exceeded; and

"(II) not later than the date that is 1 year after the end of the previous calendar year, complete an accelerated rulemaking to establish an energy conservation standard for vibration service lamps.

"(ii) BACKSTOP REQUIREMENT.—If the Secretary fails to complete an accelerated rulemaking in accordance with clause (i)(II), effective beginning 1 year after the date of the issuance of the finding under clause (i)(I), the Secretary shall require vibration service lamps to—

"(I) have a maximum 40-watt limitation; and

"(II) be sold at retail only in a package containing 1 lamp.

"(F) 3-WAY INCANDESCENT LAMPS.—

"(i) IN GENERAL.—Effective beginning with the first year that the reported annual sales rate for 3-way incandescent lamps demonstrates actual unit sales of 3-way incandescent lamps that achieve levels that are at least 100 percent higher than modeled unit sales for that same year, the Secretary shall—

"(I) not later than 90 days after the end of the previous calendar year, issue a finding that the index has been exceeded; and

"(II) not later than the date that is 1 year after the end of the previous calendar year, complete an accelerated rulemaking to establish an energy conservation standard for 3-way incandescent lamps.

"(ii) BACKSTOP REQUIREMENT.—If the Secretary fails to complete an accelerated rulemaking in accordance with clause (i)(II), effective beginning 1 year after the date of issuance of the finding under clause (i)(I), the Secretary shall require that—

"(I) each filament in a 3-way incandescent lamp meet the new maximum wattage requirements for the respective lumen range established under subsection (i)(1)(A); and

"(II) 3-way lamps be sold at retail only in a package containing 1 lamp.

"(G) 2,601–3,300 LUMEN GENERAL SERVICE INCANDESCENT LAMPS.—Effective beginning with the first year that the reported annual sales rate demonstrates actual unit sales of 2,601–3,300 lumen general service incandescent lamps in the lumen range of 2,601 through 3,300 lumens (or, in the case of a modified spectrum, in the lumen range of 1,951 through 2,475 lumens) that achieve levels that are at least 100 percent higher than modeled unit sales for that same year, the Secretary shall impose—

"(i) a maximum 95-watt limitation on general service incandescent lamps in the lumen range of 2,601 through 3,300 lumens; and

"(ii) a requirement that those lamps be sold at retail only in a package containing 1 lamp.

"(H) SHATTER-RESISTANT LAMPS.—

"(i) IN GENERAL.—Effective beginning with the first year that the reported annual sales rate for shatter-resistant lamps demonstrates actual unit sales of shatter-resistant lamps that achieve levels that are at least 100 percent higher than modeled unit sales for that same year, the Secretary shall—

"(I) not later than 90 days after the end of the previous calendar year, issue a finding that the index has been exceeded; and

"(II) not later than the date that is 1 year after the end of the previous calendar year, complete an accelerated rulemaking to establish an energy conservation standard for shatter-resistant lamps.

"(ii) BACKSTOP REQUIREMENT.—If the Secretary fails to complete an accelerated rulemaking in accordance with clause (i)(II), effective beginning 1 year after the date of issuance of the finding under clause (i)(I), the Secretary shall impose—

"(I) a maximum wattage limitation of 40 watts on shatter resistant lamps; and

"(II) a requirement that those lamps be sold at retail only in a package containing 1 lamp.

"(I) RULEMAKINGS BEFORE JANUARY 1, 2025.—

"(i) IN GENERAL.—Except as provided in clause (ii), if the Secretary issues a final rule prior to January 1, 2025, establishing an energy conservation standard for any of the 5 types of lamps for which data collection is required under any of subparagraphs (D) through (G), the requirement to collect and model data for that type of lamp shall terminate unless, as part of the rulemaking, the Secretary determines that continued tracking is necessary.

"(ii) BACKSTOP REQUIREMENT.—If the Secretary imposes a backstop requirement as a result of a failure to complete an accelerated rulemaking in accordance with clause (i)(II) of any of subparagraphs (D) through (G), the requirement to collect and model data for the applicable type of lamp shall continue for an additional 2 years after the effective date of the backstop requirement.".

(b) CONSUMER EDUCATION AND LAMP LABELING.—Section 324(a)(2)(C) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)(2)(C)) is amended by adding at the end the following:

"(iii) RULEMAKING TO CONSIDER EFFECTIVENESS OF LAMP LABELING.—

"(I) IN GENERAL.—Not later than 1 year after the date of enactment of this clause, the Commission shall initiate a rulemaking to consider—

"(aa) the effectiveness of current lamp labeling for power levels or watts, light output or lumens, and lamp lifetime; and

"(bb) alternative labeling approaches that will help consumers to understand new high-efficiency lamp products and to base the purchase decisions of the consumers on the most appropriate source that meets the requirements of the consumers for lighting level, light quality, lamp lifetime, and total lifecycle cost.

"(II) COMPLETION.—The Commission shall—

"(aa) complete the rulemaking not later than the date that is 30 months after the date of enactment of this clause; and

"(bb) consider reopening the rulemaking not later than 180 days before the effective dates of the standards for general service incandescent lamps established under section 325(i)(1)(A), if the Commission determines that further labeling changes are needed to help consumers understand lamp alternatives.".

(c) MARKET ASSESSMENTS AND CONSUMER AWARENESS PROGRAM.—

(1) IN GENERAL.—In cooperation with the Administrator of the Environmental Protection Agency, the Secretary of Commerce, the Federal Trade Commission, lighting and retail industry associations, energy efficiency organizations, and any other entities that the Secretary of Energy determines to be appropriate, the Secretary of Energy shall—

(A) conduct an annual assessment of the market for general service lamps and compact fluorescent lamps—

(i) to identify trends in the market shares of lamp types, efficiencies, and light output levels purchased by residential and nonresidential consumers; and

(ii) to better understand the degree to which consumer decisionmaking is based on lamp power levels or watts, light output or lumens, lamp lifetime, and other factors, including information required on labels mandated by the Federal Trade Commission;

(B) provide the results of the market assessment to the Federal Trade Commission for consideration in the rulemaking described in section 324(a)(2)(C)(iii) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)(2)(C)(iii)); and

(C) in cooperation with industry trade associations, lighting industry members, utilities, and other interested parties, carry out a proactive national program of consumer awareness, information, and education that broadly uses the media and other effective communication techniques over an extended period of time to help consumers understand the lamp labels and make energy-efficient lighting choices that meet the needs of consumers.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $10,000,000 for each of fiscal years 2009 through 2012.

(d) GENERAL RULE OF PREEMPTION FOR ENERGY CONSERVATION STANDARDS BEFORE FEDERAL STANDARD BECOMES EFFECTIVE FOR A PRODUCT.—Section 327(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6297(b)(1)) is amended—

(1) by inserting "(A)" after "(1)";

(2) by inserting "or" after the semicolon at the end; and

(3) by adding at the end the following:

"(B) in the case of any portion of any regulation that establishes requirements for general service incandescent lamps, intermediate base incandescent lamps, or candelabra base lamps, was enacted or adopted by the States of California or Nevada before December 4, 2007, except that—

"(i) the regulation adopted by the California Energy Commission with an effective date of January 1, 2008, shall only be effective until the effective date of the Federal standard for the applicable lamp category under subparagraphs (A), (B), and (C) of section 325(i)(1);

"(ii) the States of California and Nevada may, at any time, modify or adopt a State standard for general service lamps to conform with Federal standards with effective dates no earlier than 12 months prior to the Federal effective dates prescribed under subparagraphs (A), (B), and (C) of section 325(i)(1), at which time any prior regulations adopted by the States of California or Nevada shall no longer be effective; and

"(iii) all other States may, at any time, modify or adopt a State standard for general service lamps to conform with Federal standards and effective dates.".

(e) PROHIBITED ACTS.—Section 332(a) of the Energy Policy and Conservation Act (42 U.S.C. 6302(a)) is amended—

(1) in paragraph (4), by striking "or" at the end;

(2) in paragraph (5), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(6) for any manufacturer, distributor, retailer, or private labeler to distribute in commerce an adapter that—

"(A) is designed to allow an incandescent lamp that does not have a medium screw base to be installed into a fixture or lampholder with a medium screw base socket; and

"(B) is capable of being operated at a voltage range at least partially within 110 and 130 volts.".

(f) ENFORCEMENT.—Section 334 of the Energy Policy and Conservation Act (42 U.S.C. 6304) is amended by inserting after the second sentence the following: "Any such action to restrain any person from distributing in commerce a general service incandescent lamp that does not comply with the applicable standard established under section 325(i) or an adapter prohibited under section 332(a)(6) may also be brought by the attorney general of a State in the name of the State.".

(g) RESEARCH AND DEVELOPMENT PROGRAM.—

(1) IN GENERAL.—The Secretary may carry out a lighting technology research and development program—

(A) to support the research, development, demonstration, and commercial application of lamps and related technologies sold, offered for sale, or otherwise made available in the United States; and

(B) to assist manufacturers of general service lamps in the manufacturing of general service lamps that, at a minimum, achieve the wattage requirements imposed as a result of the amendments made by subsection (a).

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $10,000,000 for each of fiscal years 2008 through 2013.

(3) TERMINATION OF AUTHORITY.—The program under this subsection shall terminate on September 30, 2015.

(h) REPORTS TO CONGRESS.—

(1) REPORT ON MERCURY USE AND RELEASE.—Not later than 1 year after the date of enactment of this Act, the Secretary , in cooperation with the Administrator of the Environmental Protection Agency, shall submit to Congress a report describing recommendations relating to the means by which the Federal Government may reduce or prevent the release of mercury during the manufacture, transportation, storage, or disposal of light bulbs.

(2) REPORT ON RULEMAKING SCHEDULE.—Beginning on July 1, 2013 and semiannually through July 1, 2016, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on—

(A) whether the Secretary will meet the deadlines for the rulemakings required under this section;

(B) a description of any impediments to meeting the deadlines; and

(C) a specific plan to remedy any failures, including recommendations for additional legislation or resources.

(3) NATIONAL ACADEMY REVIEW.—

(A) IN GENERAL.—Not later than December 31, 2009, the Secretary shall enter into an arrangement with the National Academy of Sciences to provide a report by December 31, 2013, and an updated report by July 31, 2015. The report should include—

(i) the status of advanced solid state lighting research, development, demonstration and commercialization;

(ii) the impact on the types of lighting available to consumers of an energy conservation standard requiring a minimum of 45 lumens per watt for general service lighting effective in 2020; and

(iii) the time frame for the commercialization of lighting that could replace current incandescent and halogen incandescent lamp technology and any other new technologies developed to meet the minimum standards required under subsection (a) (3) of this section.

(B) REPORTS.—The reports shall be transmitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

SEC. 322. INCANDESCENT REFLECTOR LAMP EFFICIENCY STANDARDS.

(a) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) (as amended by section 316(c)(1)(D)) is amended—

(1) in paragraph (30)(C)(ii)—

(A) in the matter preceding subclause (I)—

(i) by striking "or similar bulb shapes (excluding ER or BR)" and inserting "ER, BR, BPAR, or similar bulb shapes"; and

(ii) by striking "2.75" and inserting "2.25"; and

(B) by striking "is either—" and all that follows through subclause (II) and inserting "has a rated wattage that is 40 watts or higher"; and

(2) by adding at the end the following:

"(54) BPAR INCANDESCENT REFLECTOR LAMP.—The term 'BPAR incandescent reflector lamp' means a reflector lamp as shown in figure C78.21-278 on page 32 of ANSI C78.21-2003.

"(55) BR INCANDESCENT REFLECTOR LAMP; BR30; BR40.—

"(A) BR INCANDESCENT REFLECTOR LAMP.—The term 'BR incandescent reflector lamp' means a reflector lamp that has—

"(i) a bulged section below the major diameter of the bulb and above the approximate baseline of the bulb, as shown in figure 1 (RB) on page 7 of ANSI C79.1-1994, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph); and

"(ii) a finished size and shape shown in ANSI C78.21-1989, including the referenced reflective characteristics in part 7 of ANSI C78.21-1989, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph).

"(B) BR30.—The term 'BR30' means a BR incandescent reflector lamp with a diameter of 30/8ths of an inch.

"(C) BR40.—The term 'BR40' means a BR incandescent reflector lamp with a diameter of 40/8ths of an inch.

"(56) ER INCANDESCENT REFLECTOR LAMP; ER30; ER40.—

"(A) ER INCANDESCENT REFLECTOR LAMP.—The term 'ER incandescent reflector lamp' means a reflector lamp that has—

"(i) an elliptical section below the major diameter of the bulb and above the approximate baseline of the bulb, as shown in figure 1 (RE) on page 7 of ANSI C79.1-1994, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph); and

"(ii) a finished size and shape shown in ANSI C78.21-1989, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph).

"(B) ER30.—The term 'ER30' means an ER incandescent reflector lamp with a diameter of 30/8ths of an inch.

"(C) ER40.—The term 'ER40' means an ER incandescent reflector lamp with a diameter of 40/8ths of an inch.

"(57) R20 INCANDESCENT REFLECTOR LAMP.—The term 'R20 incandescent reflector lamp' means a reflector lamp that has a face diameter of approximately 2.5 inches, as shown in figure 1(R) on page 7 of ANSI C79.1-1994.".

(b) STANDARDS FOR FLUORESCENT LAMPS AND INCANDESCENT REFLECTOR LAMPS.—Section 325(i) of the Energy Policy and Conservation Act (42 U.S.C. 6995(i)) is amended by striking paragraph (1) and inserting the following:

"(1) STANDARDS.—

"(A) DEFINITION OF EFFECTIVE DATE.—In this paragraph (other than subparagraph (D)), the term 'effective date' means, with respect to each type of lamp specified in a table contained in subparagraph (B), the last day of the period of months corresponding to that type of lamp (as specified in the table) that follows October 24, 1992.

"(B) MINIMUM STANDARDS.—Each of the following general service fluorescent lamps and incandescent reflector lamps manufactured after the effective date specified in the tables contained in this paragraph shall meet or exceed the following lamp efficacy and CRI standards:

"FLUORESCENT LAMPS

Lamp Type	Nominal Lamp Wattage	Minimum CRI	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
4-foot medium bi-pin	>35 W	69	75.0	36
	≤35 W	45	75.0	36
2-foot U-shaped	>35 W	69	68.0	36
	≤35 W	45	64.0	36
8-foot slimline	65 W	69	80.0	18
	≤65 W	45	80.0	18
8-foot high output	>100 W	69	80.0	18
	≤100 W	45	80.0	18

"INCANDESCENT REFLECTOR LAMPS

Nominal Lamp Wattage	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
40–50	10.5	36
51–66	11.0	36
67–85	12.5	36
86–115	14.0	36
116–155	14.5	36
156–205	15.0	36

"(C) EXEMPTIONS.—The standards specified in subparagraph (B) shall not apply to the following types of incandescent reflector lamps:

"(i) Lamps rated at 50 watts or less that are ER30, BR30, BR40, or ER40 lamps.

"(ii) Lamps rated at 65 watts that are BR30, BR40, or ER40 lamps.

"(iii) R20 incandescent reflector lamps rated 45 watts or less.

"(D) EFFECTIVE DATES.—

"(i) ER, BR, AND BPAR LAMPS.—The standards specified in subparagraph (B) shall apply with respect to ER incandescent reflector lamps, BR incandescent reflector lamps, BPAR incandescent reflector lamps, and similar bulb shapes on and after January 1, 2008.

"(ii) LAMPS BETWEEN 2.25–2.75 INCHES IN DIAMETER.—The standards specified in subparagraph (B) shall apply with respect to incandescent reflector lamps with a diameter of more than 2.25 inches, but not more than 2.75 inches, on and after the later of January 1, 2008, or the date that is 180 days after the date of enactment of the Energy Independence and Security Act of 2007.".

SEC. 323. PUBLIC BUILDING ENERGY EFFICIENT AND RENEWABLE ENERGY SYSTEMS.

(a) ESTIMATE OF ENERGY PERFORMANCE IN PROSPECTUS.—Section 3307(b) of title 40, United States Code, is amended—

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting "; and"; and

(3) by inserting after paragraph (6) the following:

"(7) with respect to any prospectus for the construction, alteration, or acquisition of any building or space to be leased, an estimate of the future energy performance of the building or space and a specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.".

(b) MINIMUM PERFORMANCE REQUIREMENTS FOR LEASED SPACE.—Section 3307 of such title is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following:

"(f) MINIMUM PERFORMANCE REQUIREMENTS FOR LEASED SPACE.—With respect to space to be leased, the Administrator shall include, to the maximum extent practicable, minimum performance requirements requiring energy efficiency and the use of renewable energy.".

(c) USE OF ENERGY EFFICIENT LIGHTING FIXTURES AND BULBS.—

(1) IN GENERAL.—Chapter 33 of such title is amended—

(A) by redesignating sections 3313, 3314, and 3315 as sections 3314, 3315, and 3316, respectively; and

(B) by inserting after section 3312 the following:

"§3313. Use of energy efficient lighting fixtures and bulbs

"(a) CONSTRUCTION, ALTERATION, AND ACQUISITION OF PUBLIC BUILDINGS.—Each public building constructed, altered, or acquired by the Administrator of General Services shall be equipped, to the maximum extent feasible as determined by the Administrator, with lighting fixtures and bulbs that are energy efficient.

"(b) MAINTENANCE OF PUBLIC BUILDINGS.—Each lighting fixture or bulb that is replaced by the Administrator in the normal course of maintenance of public buildings shall be replaced, to the maximum extent feasible, with a lighting fixture or bulb that is energy efficient.

"(c) CONSIDERATIONS.—In making a determination under this section concerning the feasibility of installing a lighting fixture or bulb that is energy efficient, the Administrator shall consider—

"(1) the life-cycle cost effectiveness of the fixture or bulb;

"(2) the compatibility of the fixture or bulb with existing equipment;

"(3) whether use of the fixture or bulb could result in interference with productivity;

"(4) the aesthetics relating to use of the fixture or bulb; and

"(5) such other factors as the Administrator determines appropriate.

"(d) ENERGY STAR.—A lighting fixture or bulb shall be treated as being energy efficient for purposes of this section if—

"(1) the fixture or bulb is certified under the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a);

"(2) in the case of all light-emitting diode (LED) luminaires, lamps, and systems whose efficacy (lumens per watt) and Color Rendering Index (CRI) meet the Department of Energy requirements for minimum luminaire efficacy and CRI for the Energy Star certification, as verified by an independent third-party testing laboratory that the Administrator and the Secretary of Energy determine conducts its tests according to the procedures and recommendations of the Illuminating Engineering Society of North America, even if the luminaires, lamps, and systems have not received such certification; or

"(3) the Administrator and the Secretary of Energy have otherwise determined that the fixture or bulb is energy efficient.

"(e) ADDITIONAL ENERGY EFFICIENT LIGHTING DESIGNATIONS.—The Administrator of the Environmental Protection Agency and the Secretary of Energy shall give priority to establishing Energy Star performance criteria or Federal Energy Management Program designations for additional lighting product categories that are appropriate for use in public buildings.

"(f) GUIDELINES.—The Administrator shall develop guidelines for the use of energy efficient lighting technologies that contain mercury in child care centers in public buildings.

"(g) APPLICABILITY OF BUY AMERICAN ACT.—Acquisitions carried out pursuant to this section shall be subject to the requirements of the Buy American Act (41 U.S.C. 10c et seq.).

"(h) EFFECTIVE DATE.—The requirements of subsections (a) and (b) shall take effect one year after the date of enactment of this subsection.".

(2) CLERICAL AMENDMENT.—The analysis for such chapter is amended by striking the items relating to sections 3313, 3314, and 3315 and inserting the following:

"3313. Use of energy efficient lighting fixtures and bulbs.
"3314. Delegation.
"3315. Report to Congress.
"3316. Certain authority not affected.".

(d) EVALUATION FACTOR.—Section 3310 of such title is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(2) by inserting after paragraph (2) the following:

"(3) shall include in the solicitation for any lease requiring a prospectus under section 3307 an evaluation factor considering the extent to which the offeror will promote energy efficiency and the use of renewable energy;".

SEC. 324. METAL HALIDE LAMP FIXTURES.

(a) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) (as amended by section 322(a)(2)) is amended by adding at the end the following:

"(58) BALLAST.—The term 'ballast' means a device used with an electric discharge lamp to obtain necessary circuit conditions (voltage, current, and waveform) for starting and operating.

"(59) BALLAST EFFICIENCY.—

"(A) IN GENERAL.—The term 'ballast efficiency' means, in the case of a high intensity discharge fixture, the efficiency of a lamp and ballast combination, expressed as a percentage, and calculated in accordance with the following formula: Efficiency = P_{out}/P_{in}.

"(B) EFFICIENCY FORMULA.—For the purpose of subparagraph (A)—

"(i) P_{out} shall equal the measured operating lamp wattage;

"(ii) P_{in} shall equal the measured operating input wattage;

"(iii) the lamp, and the capacitor when the capacitor is provided, shall constitute a nominal system in accordance with the ANSI Standard C78.43-2004;

"(iv) for ballasts with a frequency of 60 Hz, P_{in} and P_{out} shall be measured after lamps have been stabilized according to section 4.4 of ANSI Standard C82.6-2005 using a wattmeter with accuracy specified in section 4.5 of ANSI Standard C82.6-2005; and

"(v) for ballasts with a frequency greater than 60 Hz, P_{in} and P_{out} shall have a basic accuracy of ± 0.5 percent at the higher of—

"(I) 3 times the output operating frequency of the ballast; or

"(II) 2 kHz for ballast with a frequency greater than 60 Hz.

"(C) MODIFICATION.—The Secretary may, by rule, modify the definition of 'ballast efficiency' if the Secretary determines that the modification is necessary or appropriate to carry out the purposes of this Act.

"(60) ELECTRONIC BALLAST.—The term 'electronic ballast' means a device that uses semiconductors as the primary means to control lamp starting and operation.

"(61) GENERAL LIGHTING APPLICATION.—The term 'general lighting application' means lighting that provides an interior or exterior area with overall illumination.

"(62) METAL HALIDE BALLAST.—The term 'metal halide ballast' means a ballast used to start and operate metal halide lamps.

"(63) METAL HALIDE LAMP.—The term 'metal halide lamp' means a high intensity discharge lamp in which the major portion of the light is produced by radiation of metal halides and their products of dissociation, possibly in combination with metallic vapors.

"(64) METAL HALIDE LAMP FIXTURE.—The term 'metal halide lamp fixture' means a light fixture for general lighting application designed to be operated with a metal halide lamp and a ballast for a metal halide lamp.

"(65) PROBE-START METAL HALIDE BALLAST.—The term 'probe-start metal halide ballast' means a ballast that—

"(A) starts a probe-start metal halide lamp that contains a third starting electrode (probe) in the arc tube; and

"(B) does not generally contain an igniter but instead starts lamps with high ballast open circuit voltage.

"(66) PULSE-START METAL HALIDE BALLAST.—

"(A) IN GENERAL.—The term 'pulse-start metal halide ballast' means an electronic or electromagnetic ballast that starts a pulse-start metal halide lamp with high voltage pulses.

"(B) STARTING PROCESS.—For the purpose of subparagraph (A)—

"(i) lamps shall be started by first providing a high voltage pulse for ionization of the gas to produce a glow discharge; and

"(ii) to complete the starting process, power shall be provided by the ballast to sustain the discharge through the glow-to-arc transition.".

(b) COVERAGE.—Section 322(a) of the Energy Policy and Conservation Act (42 U.S.C. 6292(a)) is amended—

(1) by redesignating paragraph (19) as paragraph (20); and

(2) by inserting after paragraph (18) the following:

"(19) Metal halide lamp fixtures.".

(c) TEST PROCEDURES.—Section 323(b) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)) (as amended by section 301(b)) is amended by adding at the end the following:

"(18) METAL HALIDE LAMP BALLASTS.—Test procedures for metal halide lamp ballasts shall be based on ANSI Standard C82.6-2005, entitled 'Ballasts for High Intensity Discharge Lamps—Method of Measurement'.".

(d) LABELING.—Section 324(a)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)(2)) is amended—

(1) by redesignating subparagraphs (C) through (G) as subparagraphs (D) through (H), respectively; and

(2) by inserting after subparagraph (B) the following:

"(C) METAL HALIDE LAMP FIXTURES.—

"(i) IN GENERAL.—The Commission shall issue labeling rules under this section applicable to the covered product specified in section 322(a)(19) and to which standards are applicable under section 325.

"(ii) LABELING.—The rules shall provide that the labeling of any metal halide lamp fixture manufactured on or after the later of January 1, 2009, or the date that is 270 days after the date of enactment of this subparagraph, shall indicate conspicuously, in a manner prescribed by the Commission under subsection (b) by July 1, 2008, a capital letter 'E' printed within a circle on the packaging of the fixture, and on the ballast contained in the fixture.".

(e) STANDARDS.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) (as amended by section 310) is amended—

(1) by redesignating subsection (hh) as subsection (ii);

(2) by inserting after subsection (gg) the following:

"(hh) METAL HALIDE LAMP FIXTURES.—

"(1) STANDARDS.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), metal halide lamp fixtures designed to be operated with lamps rated greater than or equal to 150 watts but less than or equal to 500 watts shall contain—

"(i) a pulse-start metal halide ballast with a minimum ballast efficiency of 88 percent;

"(ii) a magnetic probe-start ballast with a minimum ballast efficiency of 94 percent; or

"(iii) a nonpulse-start electronic ballast with—

"(I) a minimum ballast efficiency of 92 percent for wattages greater than 250 watts; and

"(II) a minimum ballast efficiency of 90 percent for wattages less than or equal to 250 watts.

"(B) EXCLUSIONS.—The standards established under subparagraph (A) shall not apply to—

"(i) fixtures with regulated lag ballasts;

"(ii) fixtures that use electronic ballasts that operate at 480 volts; or

"(iii) fixtures that—

"(I) are rated only for 150 watt lamps;

"(II) are rated for use in wet locations, as specified by the National Electrical Code 2002, section 410.4(A); and

"(III) contain a ballast that is rated to operate at ambient air temperatures above 50C, as specified by UL 1029-2001.

"(C) APPLICATION.—The standards established under subparagraph (A) shall apply to metal halide lamp fixtures manufactured on or after the later of—

"(i) January 1, 2009; or

"(ii) the date that is 270 days after the date of enactment of this subsection.

"(2) FINAL RULE BY JANUARY 1, 2012.—

"(A) IN GENERAL.—Not later than January 1, 2012, the Secretary shall publish a final rule to determine whether the standards established under paragraph (1) should be amended.

"(B) ADMINISTRATION.—The final rule shall—

"(i) contain any amended standard; and

"(ii) apply to products manufactured on or after January 1, 2015.

"(3) FINAL RULE BY JANUARY 1, 2019.—

"(A) IN GENERAL.—Not later than January 1, 2019, the Secretary shall publish a final rule to determine whether the standards then in effect should be amended.

"(B) ADMINISTRATION.—The final rule shall—

"(i) contain any amended standards; and

"(ii) apply to products manufactured after January 1, 2022.

"(4) DESIGN AND PERFORMANCE REQUIREMENTS.—Notwithstanding any other provision of law, any standard established pursuant to this subsection may contain both design and performance requirements."; and

(3) in paragraph (2) of subsection (ii) (as redesignated by paragraph (2)), by striking "(gg)" each place it appears and inserting "(hh)".

(f) EFFECT ON OTHER LAW.—Section 327(c) of the Energy Policy and Conservation Act (42 U.S.C. 6297(c)) is amended—

(1) in paragraph (8)(B), by striking the period at the end and inserting "; and"; and

(2) by adding at the end the following:

"(9) is a regulation concerning metal halide lamp fixtures adopted by the California Energy Commission on or before January 1, 2011, except that—

"(A) if the Secretary fails to issue a final rule within 180 days after the deadlines for rulemakings in section 325(hh), notwithstanding any other provision of this section, preemption shall not apply to a regulation concerning metal halide lamp fixtures adopted by the California Energy Commission—

"(i) on or before July 1, 2015, if the Secretary fails to meet the deadline specified in section 325(hh)(2); or

"(ii) on or before July 1, 2022, if the Secretary fails to meet the deadline specified in section 325(hh)(3).".

SEC. 325. ENERGY EFFICIENCY LABELING FOR CONSUMER ELECTRONIC PRODUCTS.

(a) IN GENERAL.—Section 324(a) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)) (as amended by section 324(d)) is amended—

(1) in paragraph (2), by adding at the end the following:

"(I) LABELING REQUIREMENTS.—

"(i) IN GENERAL.—Subject to clauses (ii) through (iv), not later than 18 months after the date of issuance of applicable Department of Energy testing procedures, the Commission, in consultation with the Secretary and the Administrator of the Environmental Protection Agency (acting through the Energy Star program), shall, by regulation, prescribe labeling or other disclosure requirements for the energy use of—

"(I) televisions;

"(II) personal computers;

"(III) cable or satellite set-top boxes;

"(IV) stand-alone digital video recorder boxes; and

"(V) personal computer monitors.

"(ii) ALTERNATE TESTING PROCEDURES.—In the absence of applicable testing procedures described in clause (i) for products described in subclauses (I) through (V) of that clause, the Commission may, by regulation, prescribe labeling or other disclosure requirements for a consumer product category described in clause (i) if the Commission—

"(I) identifies adequate non-Department of Energy testing procedures for those products; and

"(II) determines that labeling of, or other disclosures relating to, those products is likely to assist consumers in making purchasing decisions.

"(iii) DEADLINE AND REQUIREMENTS FOR LABELING.—

"(I) DEADLINE.—Not later than 18 months after the date of promulgation of any requirements under clause (i) or (ii), the Commission shall require labeling of, or other disclosure requirements for, electronic products described in clause (i).

"(II) REQUIREMENTS.—The requirements prescribed under clause (i) or (ii) may include specific requirements for each electronic product to be labeled with respect to the placement, size, and content of Energy Guide labels.

"(iv) DETERMINATION OF FEASIBILITY.—Clause (i) or (ii) shall not apply in any case in which the Commission determines that labeling in accordance with this subsection—

"(I) is not technologically or economically feasible; or

"(II) is not likely to assist consumers in making purchasing decisions."; and

(2) by adding at the end the following:

"(6) AUTHORITY TO INCLUDE ADDITIONAL PRODUCT CATEGORIES.—The Commission may, by regulation, require labeling or other disclosures in accordance with this subsection for any consumer product not specified in this subsection or section 322 if the Commission determines that labeling for the product is likely to assist consumers in making purchasing decisions.".

(b) CONTENT OF LABEL.—Section 324(c) of the Energy Policy and Conservation Act (42 U.S.C. 6924(c)) is amended by adding at the end the following:

"(9) DISCRETIONARY APPLICATION.—The Commission may apply paragraphs (1), (2), (3), (5), and (6) of this subsection to the labeling of any product covered by paragraph (2)(I) or (6) of subsection (a).".

TITLE IV—ENERGY SAVINGS IN BUILDINGS AND INDUSTRY

SEC. 401. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of General Services.

(2) ADVISORY COMMITTEE.—The term "Advisory Committee" means the Green Building Advisory Committee established under section 484.

(3) COMMERCIAL DIRECTOR.—The term "Commercial Director" means the individual appointed to the position established under section 421.

(4) CONSORTIUM.—The term "Consortium" means the High-Performance Green Building Partnership Consortium created in response to section 436(c)(1) to represent the private sector in a public-private partnership to promote high-performance green buildings and zero-net-energy commercial buildings.

(5) COST-EFFECTIVE LIGHTING TECHNOLOGY.—

(A) IN GENERAL.—The term "cost-effective lighting technology" means a lighting technology that—

(i) will result in substantial operational cost savings by ensuring an installed consumption of not more than 1 watt per square foot; or

(ii) is contained in a list under—

(I) section 553 of Public Law 95–619 (42 U.S.C. 8259b);

(II) Federal acquisition regulation 23–203; and

(III) is at least as energy-conserving as required by other provisions of this Act, including the requirements of this title and title III which shall be applicable to the extent that they would achieve greater energy savings than provided under clause (i) or this clause.

(B) INCLUSIONS.—The term "cost-effective lighting technology" includes—

(i) lamps;

(ii) ballasts;

(iii) luminaires;

(iv) lighting controls;

(v) daylighting; and

(vi) early use of other highly cost-effective lighting technologies.

(6) COST-EFFECTIVE TECHNOLOGIES AND PRACTICES.—The term "cost-effective technologies and practices" means a technology or practice that—

(A) will result in substantial operational cost savings by reducing electricity or fossil fuel consumption, water, or other utility costs, including use of geothermal heat pumps;

(B) complies with the provisions of section 553 of Public Law 95–619 (42 U.S.C. 8259b) and Federal acquisition regulation 23–203; and

(C) is at least as energy and water conserving as required under this title, including sections 431 through 435, and title V, including section 511 through 525, which shall be applicable to the extent that they are more stringent or require greater energy or water savings than required by this section.

(7) FEDERAL DIRECTOR.—The term "Federal Director" means the individual appointed to the position established under section 436(a).

(8) FEDERAL FACILITY.—The term "Federal facility" means any building that is constructed, renovated, leased, or purchased in part or in whole for use by the Federal Government.

(9) OPERATIONAL COST SAVINGS.—

(A) IN GENERAL.—The term "operational cost savings" means a reduction in end-use operational costs through the application of cost-effective technologies and practices or geothermal heat pumps, including a reduction in electricity consumption relative to consumption by the same customer or at the same facility in a given year, as defined in guidelines promulgated by the Administrator pursuant to section 329(b) of the Clean Air Act, that achieves cost savings sufficient to pay the incremental additional costs of using cost-effective technologies and practices including geothermal heat pumps by not later than the later of the date established under sections 431 through 434, or—

(i) for cost-effective technologies and practices, the date that is 5 years after the date of installation; and

(ii) for geothermal heat pumps, as soon as practical after the date of installation of the applicable geothermal heat pump.

(B) INCLUSIONS.—The term "operational cost savings" includes savings achieved at a facility as a result of—

(i) the installation or use of cost-effective technologies and practices; or

(ii) the planting of vegetation that shades the facility and reduces the heating, cooling, or lighting needs of the facility.

(C) EXCLUSION.—The term "operational cost savings" does not include savings from measures that would likely be adopted in the absence of cost-effective technology and practices programs, as determined by the Administrator.

(10) GEOTHERMAL HEAT PUMP.—The term "geothermal heat pump" means any heating or air conditioning technology that—

(A) uses the ground or ground water as a thermal energy source to heat, or as a thermal energy sink to cool, a building; and

(B) meets the requirements of the Energy Star program of the Environmental Protection Agency applicable to geothermal heat pumps on the date of purchase of the technology.

(11) GSA FACILITY.—

(A) IN GENERAL.—The term "GSA facility" means any building, structure, or facility, in whole or in part (including the associated support systems of the building, structure, or facility) that—

(i) is constructed (including facilities constructed for lease), renovated, or purchased, in whole or in part, by the Administrator for use by the Federal Government; or

(ii) is leased, in whole or in part, by the Administrator for use by the Federal Government—

(I) except as provided in subclause (II), for a term of not less than 5 years; or

(II) for a term of less than 5 years, if the Administrator determines that use of cost-effective technologies and practices would result in the payback of expenses.

(B) INCLUSION.—The term "GSA facility" includes any group of buildings, structures, or facilities described in subparagraph (A) (including the associated energy-consuming support systems of the buildings, structures, and facilities).

(C) EXEMPTION.—The Administrator may exempt from the definition of "GSA facility" under this paragraph a building, structure, or facility that meets the requirements of section 543(c) of Public Law 95–619 (42 U.S.C. 8253(c)).

(12) HIGH-PERFORMANCE BUILDING.—The term "high performance building" means a building that integrates and optimizes on a life cycle basis all major high performance attributes, including energy conservation, environment, safety, security, durability, accessibility, cost-benefit, productivity, sustainability, functionality, and operational considerations.

(13) HIGH-PERFORMANCE GREEN BUILDING.—The term "high-performance green building" means a high-performance building that, during its life-cycle, as compared with similar buildings (as measured by Commercial Buildings Energy Consumption Survey or Residential Energy Consumption Survey data from the Energy Information Agency)—

(A) reduces energy, water, and material resource use;

(B) improves indoor environmental quality, including reducing indoor pollution, improving thermal comfort, and improving lighting and acoustic environments that affect occupant health and productivity;

(C) reduces negative impacts on the environment throughout the life-cycle of the building, including air and water pollution and waste generation;

(D) increases the use of environmentally preferable products, including biobased, recycled content, and nontoxic products with lower life-cycle impacts;

(E) increases reuse and recycling opportunities;

(F) integrates systems in the building;

(G) reduces the environmental and energy impacts of transportation through building location and site design that support a full range of transportation choices for users of the building; and

(H) considers indoor and outdoor effects of the building on human health and the environment, including—

(i) improvements in worker productivity;

(ii) the life-cycle impacts of building materials and operations; and

(iii) other factors that the Federal Director or the Commercial Director consider to be appropriate.

(14) LIFE-CYCLE.—The term "life-cycle", with respect to a high-performance green

building, means all stages of the useful life of the building (including components, equipment, systems, and controls of the building) beginning at conception of a high-performance green building project and continuing through site selection, design, construction, landscaping, commissioning, operation, maintenance, renovation, deconstruction or demolition, removal, and recycling of the high-performance green building.

(15) LIFE-CYCLE ASSESSMENT.—The term "life-cycle assessment" means a comprehensive system approach for measuring the environmental performance of a product or service over the life of the product or service, beginning at raw materials acquisition and continuing through manufacturing, transportation, installation, use, reuse, and end-of-life waste management.

(16) LIFE-CYCLE COSTING.—The term "life-cycle costing", with respect to a high-performance green building, means a technique of economic evaluation that—

(A) sums, over a given study period, the costs of initial investment (less resale value), replacements, operations (including energy use), and maintenance and repair of an investment decision; and

(B) is expressed—

(i) in present value terms, in the case of a study period equivalent to the longest useful life of the building, determined by taking into consideration the typical life of such a building in the area in which the building is to be located; or

(ii) in annual value terms, in the case of any other study period.

(17) OFFICE OF COMMERCIAL HIGH-PERFORMANCE GREEN BUILDINGS.—The term "Office of Commercial High-Performance Green Buildings" means the Office of Commercial High-Performance Green Buildings established under section 421(a).

(18) OFFICE OF FEDERAL HIGH-PERFORMANCE GREEN BUILDINGS.—The term "Office of Federal High-Performance Green Buildings" means the Office of Federal High-Performance Green Buildings established under section 436(a).

(19) PRACTICES.—The term "practices" means design, financing, permitting, construction, commissioning, operation and maintenance, and other practices that contribute to achieving zero-net-energy buildings or facilities.

(20) ZERO-NET-ENERGY COMMERCIAL BUILDING.—The term "zero-net-energy commercial building" means a commercial building that is designed, constructed, and operated to—

(A) require a greatly reduced quantity of energy to operate;

(B) meet the balance of energy needs from sources of energy that do not produce greenhouse gases;

(C) therefore result in no net emissions of greenhouse gases; and

(D) be economically viable.

Subtitle A—Residential Building Efficiency

SEC. 411. REAUTHORIZATION OF WEATHERIZATION ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended by striking " appropriated $500,000,000 for fiscal year 2006, $600,000,000 for fiscal year 2007, and $700,000,000 for fiscal year 2008" and inserting "appropriated—

"(1) $750,000,000 for fiscal year 2008;

"(2) $900,000,000 for fiscal year 2009;

"(3) $1,050,000,000 for fiscal year 2010;

"(4) $1,200,000,000 for fiscal year 2011; and

"(5) $1,400,000,000 for fiscal year 2012.".

(b) SUSTAINABLE ENERGY RESOURCES FOR CONSUMERS GRANTS.—

(1) IN GENERAL.—The Secretary may make funding available to local weatherization agencies from amounts authorized under the amendment made by subsection (a) to expand the weatherization assistance program for residential buildings to include materials, benefits, and renewable and domestic energy technologies not covered by the program (as of the date of enactment of this Act), if the State weatherization grantee certifies that the applicant has the capacity to carry out the proposed activities and that the grantee will include the project in the financial oversight of the grantee of the weatherization assistance program.

(2) PRIORITY.—In selecting grant recipients under this subsection, the Secretary shall give priority to—

(A) the expected effectiveness and benefits of the proposed project to low- and moderate-income energy consumers;

(B) the potential for replication of successful results;

(C) the impact on the health and safety and energy costs of consumers served; and

(D) the extent of partnerships with other public and private entities that contribute to the resources and implementation of the program, including financial partnerships.

(3) FUNDING.—

(A) IN GENERAL.—Except as provided in paragraph (2), the amount of funds used for projects described in paragraph (1) may equal up to 2 percent of the amount of funds made available for any fiscal year under section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872).

(B) EXCEPTION.—No funds may be used for sustainable energy resources for consumers grants for a fiscal year under this subsection if the amount of funds made available for the fiscal year to carry out the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.) is less than $275,000,000.

(c) DEFINITION OF STATE.—Section 412 of the Energy Conservation and Production Act (42 U.S.C. 6862) is amended by striking paragraph (8) and inserting the following:

"(8) STATE.—The term 'State' means—

"(A) a State;

"(B) the District of Columbia;

"(C) the Commonwealth of Puerto Rico; and

"(D) any other territory or possession of the United States.".

SEC. 412. STUDY OF RENEWABLE ENERGY REBATE PROGRAMS.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary shall conduct, and submit to Congress a report on, a study regarding the rebate programs established under sections 124 and 206(c) of the Energy Policy Act of 2005 (42 U.S.C. 15821, 15853).

(b) COMPONENTS.—In conducting the study, the Secretary shall—

(1) develop a plan for how the rebate programs would be carried out if the programs were funded; and

(2) determine the minimum amount of funding the program would need to receive in order to accomplish the goals of the programs.

SEC. 413. ENERGY CODE IMPROVEMENTS APPLICABLE TO MANUFACTURED HOUSING.

(a) ESTABLISHMENT OF STANDARDS.—

(1) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, the Secretary shall by regulation establish standards for energy efficiency in manufactured housing.

(2) NOTICE, COMMENT, AND CONSULTATION.—Standards described in paragraph (1) shall be established after—

(A) notice and an opportunity for comment by manufacturers of manufactured housing and other interested parties; and

(B) consultation with the Secretary of Housing and Urban Development, who may seek further counsel from the Manufactured Housing Consensus Committee.

(b) REQUIREMENTS.—

(1) INTERNATIONAL ENERGY CONSERVATION CODE.—The energy conservation standards established under this section shall be based on the most recent version of the International Energy Conservation Code (including supplements), except in cases in which the Secretary finds that the code is not cost-effective, or a more stringent standard would be more cost-effective, based on the impact of the code on the purchase price of manufactured housing and on total life-cycle construction and operating costs.

(2) CONSIDERATIONS.—The energy conservation standards established under this section may—

(A) take into consideration the design and factory construction techniques of manufactured homes;

(B) be based on the climate zones established by the Department of Housing and Urban Development rather than the climate zones under the International Energy Conservation Code; and

(C) provide for alternative practices that result in net estimated energy consumption equal to or less than the specified standards.

(3) UPDATING.—The energy conservation standards established under this section shall be updated not later than—

(A) 1 year after the date of enactment of this Act; and

(B) 1 year after any revision to the International Energy Conservation Code.

(c) ENFORCEMENT.—Any manufacturer of manufactured housing that violates a provision of the regulations under subsection (a) is liable to the United States for a civil penalty in an amount not exceeding 1 percent of the manufacturer's retail list price of the manufactured housing.

Subtitle B—High-Performance Commercial Buildings

SEC. 421. COMMERCIAL HIGH-PERFORMANCE GREEN BUILDINGS.

(a) DIRECTOR OF COMMERCIAL HIGH-PERFORMANCE GREEN BUILDINGS.—Notwithstanding any other provision of law, the Secretary, acting through the Assistant Secretary of Energy Efficiency and Renewable Energy, shall appoint a Director of Commercial High-Performance Green Buildings to a position in the career-reserved Senior Executive service, with the principal responsibility to—

(1) establish and manage the Office of Commercial High-Performance Green Buildings; and

(2) carry out other duties as required under this subtitle.

(b) QUALIFICATIONS.—The Commercial Director shall be an individual, who by reason of professional background and experience, is specifically qualified to carry out the duties required under this subtitle.

(c) DUTIES.—The Commercial Director shall, with respect to development of high-performance green buildings and zero-energy commercial buildings nationwide—

(1) coordinate the activities of the Office of Commercial High-Performance Green Buildings with the activities of the Office of Federal High-Performance Green Buildings;

(2) develop the legal predicates and agreements for, negotiate, and establish one or

more public-private partnerships with the Consortium, members of the Consortium, and other capable parties meeting the qualifications of the Consortium, to further such development;

(3) represent the public and the Department in negotiating and performing in accord with such public-private partnerships;

(4) use appropriated funds in an effective manner to encourage the maximum investment of private funds to achieve such development;

(5) promote research and development of high performance green buildings, consistent with section 423; and

(6) jointly establish with the Federal Director a national high-performance green building clearinghouse in accordance with section 423(1), which shall provide high-performance green building information and disseminate research results through—

(A) outreach;

(B) education; and

(C) the provision of technical assistance.

(d) REPORTING.—The Commercial Director shall report directly to the Assistant Secretary for Energy Efficiency and Renewable Energy, or to other senior officials in a way that facilitates the integrated program of this subtitle for both energy efficiency and renewable energy and both technology development and technology deployment.

(e) COORDINATION.—The Commercial Director shall ensure full coordination of high-performance green building information and activities, including activities under this subtitle, within the Federal Government by working with the General Services Administration and all relevant agencies, including, at a minimum—

(1) the Environmental Protection Agency;

(2) the Office of the Federal Environmental Executive;

(3) the Office of Federal Procurement Policy;

(4) the Department of Energy, particularly the Federal Energy Management Program;

(5) the Department of Health and Human Services;

(6) the Department of Housing and Urban Development;

(7) the Department of Defense;

(8) the National Institute of Standards and Technology;

(9) the Department of Transportation;

(10) the Office of Science Technology and Policy; and

(11) such nonprofit high-performance green building rating and analysis entities as the Commercial Director determines can offer support, expertise, and review services.

(f) HIGH-PERFORMANCE GREEN BUILDING PARTNERSHIP CONSORTIUM.—

(1) RECOGNITION.—Not later than 90 days after the date of enactment of this Act, the Commercial Director shall formally recognize one or more groups that qualify as a high-performance green building partnership consortium.

(2) REPRESENTATION TO QUALIFY.—To qualify under this section, any consortium shall include representation from—

(A) the design professions, including national associations of architects and of professional engineers;

(B) the development, construction, financial, and real estate industries;

(C) building owners and operators from the public and private sectors;

(D) academic and research organizations, including at least one national laboratory with extensive commercial building energy expertise;

(E) building code agencies and organizations, including a model energy code-setting organization;

(F) independent high-performance green building associations or councils;

(G) experts in indoor air quality and environmental factors;

(H) experts in intelligent buildings and integrated building information systems;

(I) utility energy efficiency programs;

(J) manufacturers and providers of equipment and techniques used in high performance green buildings;

(K) public transportation industry experts; and

(L) nongovernmental energy efficiency organizations.

(3) FUNDING.—The Secretary may make payments to the Consortium pursuant to the terms of a public-private partnership for such activities of the Consortium undertaken under such a partnership as described in this subtitle directly to the Consortium or through one or more of its members.

(g) REPORT.—Not later than 2 years after the date of enactment of this Act, and biennially thereafter, the Commercial Director, in consultation with the Consortium, shall submit to Congress a report that—

(1) describes the status of the high-performance green building initiatives under this subtitle and other Federal programs affecting commercial high-performance green buildings in effect as of the date of the report, including—

(A) the extent to which the programs are being carried out in accordance with this subtitle; and

(B) the status of funding requests and appropriations for those programs; and

(2) summarizes and highlights development, at the State and local level, of high-performance green building initiatives, including executive orders, policies, or laws adopted promoting high-performance green building (including the status of implementation of those initiatives).

SEC. 422. ZERO NET ENERGY COMMERCIAL BUILDINGS INITIATIVE.

(a) DEFINITIONS.—In this section:

(1) CONSORTIUM.—The term "consortium" means a High-Performance Green Building Consortium selected by the Commercial Director.

(2) INITIATIVE.—The term "initiative" means the Zero-Net-Energy Commercial Buildings Initiative established under subsection (b)(1).

(3) ZERO-NET-ENERGY COMMERCIAL BUILDING.—The term "zero-net-energy commercial building" means a high-performance commercial building that is designed, constructed, and operated—

(A) to require a greatly reduced quantity of energy to operate;

(B) to meet the balance of energy needs from sources of energy that do not produce greenhouse gases;

(C) in a manner that will result in no net emissions of greenhouse gases; and

(D) to be economically viable.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Commercial Director shall establish an initiative, to be known as the "Zero-Net-Energy Commercial Buildings Initiative"—

(A) to reduce the quantity of energy consumed by commercial buildings located in the United States; and

(B) to achieve the development of zero net energy commercial buildings in the United States.

(2) CONSORTIUM.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commercial Director shall competitively select, and enter into an agreement with, a consortium to develop and carry out the initiative.

(B) AGREEMENTS.—In entering into an agreement with a consortium under subparagraph (A), the Commercial Director shall use the authority described in section 646(g) of the Department of Energy Organization Act (42 U.S.C. 7256(g)), to the maximum extent practicable.

(c) GOAL OF INITIATIVE.—The goal of the initiative shall be to develop and disseminate technologies, practices, and policies for the development and establishment of zero net energy commercial buildings for—

(1) any commercial building newly constructed in the United States by 2030;

(2) 50 percent of the commercial building stock of the United States by 2040; and

(3) all commercial buildings in the United States by 2050.

(d) COMPONENTS.—In carrying out the initiative, the Commercial Director, in consultation with the consortium, may—

(1) conduct research and development on building science, design, materials, components, equipment and controls, operation and other practices, integration, energy use measurement, and benchmarking;

(2) conduct pilot programs and demonstration projects to evaluate replicable approaches to achieving energy efficient commercial buildings for a variety of building types in a variety of climate zones;

(3) conduct deployment, dissemination, and technical assistance activities to encourage widespread adoption of technologies, practices, and policies to achieve energy efficient commercial buildings;

(4) conduct other research, development, demonstration, and deployment activities necessary to achieve each goal of the initiative, as determined by the Commercial Director, in consultation with the consortium;

(5) develop training materials and courses for building professionals and trades on achieving cost-effective high-performance energy efficient buildings;

(6) develop and disseminate public education materials to share information on the benefits and cost-effectiveness of high-performance energy efficient buildings;

(7) support code-setting organizations and State and local governments in developing minimum performance standards in building codes that recognize the ready availability of many technologies utilized in high-performance energy efficient buildings;

(8) develop strategies for overcoming the split incentives between builders and purchasers, and landlords and tenants, to ensure that energy efficiency and high-performance investments are made that are cost-effective on a lifecycle basis; and

(9) develop improved means of measurement and verification of energy savings and performance for public dissemination.

(e) COST SHARING.—In carrying out this section, the Commercial Director shall require cost sharing in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $20,000,000 for fiscal year 2008;

(2) $50,000,000 for each of fiscal years 2009 and 2010;

(3) $100,000,000 for each of fiscal years 2011 and 2012; and

(4) $200,000,000 for each of fiscal years 2013 through 2018.

SEC. 423. PUBLIC OUTREACH.

The Commercial Director and Federal Director, in coordination with the Consortium, shall carry out public outreach to inform individuals and entities of the information and services available Governmentwide by—

(1) establishing and maintaining a national high-performance green building clearinghouse, including on the internet, that—

(A) identifies existing similar efforts and coordinates activities of common interest; and

(B) provides information relating to high-performance green buildings, including hyperlinks to internet sites that describe the activities, information, and resources of—

(i) the Federal Government;

(ii) State and local governments;

(iii) the private sector (including nongovernmental and nonprofit entities and organizations); and

(iv) international organizations;

(2) identifying and recommending educational resources for implementing high-performance green building practices, including security and emergency benefits and practices;

(3) providing access to technical assistance, tools, and resources for constructing high-performance green buildings, particularly tools to conduct life-cycle costing and life-cycle assessment;

(4) providing information on application processes for certifying a high-performance green building, including certification and commissioning;

(5) providing to the public, through the Commercial Director, technical and research information or other forms of assistance or advice that would be useful in planning and constructing high-performance green buildings;

(6) using such additional methods as are determined by the Commercial Director to be appropriate to conduct public outreach;

(7) surveying existing research and studies relating to high-performance green buildings; and

(8) coordinating activities of common interest.

Subtitle C—High-Performance Federal Buildings

SEC. 431. ENERGY REDUCTION GOALS FOR FEDERAL BUILDINGS.

Section 543(a)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a)(1)) is amended by striking the table and inserting the following:

"Fiscal Year	Percentage reduction
2006	2
2007	4
2008	9
2009	12
2010	15
2011	18
2012	21
2013	24
2014	27
2015	30."

SEC. 432. MANAGEMENT OF ENERGY AND WATER EFFICIENCY IN FEDERAL BUILDINGS.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended by adding at the end the following:

"(f) USE OF ENERGY AND WATER EFFICIENCY MEASURES IN FEDERAL BUILDINGS.—

"(1) DEFINITIONS.—In this subsection:

"(A) COMMISSIONING.—The term 'commissioning', with respect to a facility, means a systematic process—

"(i) of ensuring, using appropriate verification and documentation, during the period beginning on the initial day of the design phase of the facility and ending not earlier than 1 year after the date of completion of construction of the facility, that all facility systems perform interactively in accordance with—

"(I) the design documentation and intent of the facility; and

"(II) the operational needs of the owner of the facility, including preparation of operation personnel; and

"(ii) the primary goal of which is to ensure fully functional systems that can be properly operated and maintained during the useful life of the facility.

"(B) ENERGY MANAGER.—

"(i) IN GENERAL.—The term 'energy manager', with respect to a facility, means the individual who is responsible for—

"(I) ensuring compliance with this subsection by the facility; and

"(II) reducing energy use at the facility.

"(ii) INCLUSIONS.—The term 'energy manager' may include—

"(I) a contractor of a facility;

"(II) a part-time employee of a facility; and

"(III) an individual who is responsible for multiple facilities.

"(C) FACILITY.—

"(i) IN GENERAL.—The term 'facility' means any building, installation, structure, or other property (including any applicable fixtures) owned or operated by, or constructed or manufactured and leased to, the Federal Government.

"(ii) INCLUSIONS.—The term 'facility' includes—

"(I) a group of facilities at a single location or multiple locations managed as an integrated operation; and

"(II) contractor-operated facilities owned by the Federal Government.

"(iii) EXCLUSIONS.—The term 'facility' does not include any land or site for which the cost of utilities is not paid by the Federal Government.

"(D) LIFE CYCLE COST-EFFECTIVE.—The term 'life cycle cost-effective', with respect to a measure, means a measure the estimated savings of which exceed the estimated costs over the lifespan of the measure, as determined in accordance with section 544.

"(E) PAYBACK PERIOD.—

"(i) IN GENERAL.—Subject to clause (ii), the term 'payback period', with respect to a measure, means a value equal to the quotient obtained by dividing—

"(I) the estimated initial implementation cost of the measure (other than financing costs); by

"(II) the annual cost savings resulting from the measure, including—

"(aa) net savings in estimated energy and water costs; and

"(bb) operations, maintenance, repair, replacement, and other direct costs.

"(ii) MODIFICATIONS AND EXCEPTIONS.—The Secretary, in guidelines issued pursuant to paragraph (6), may make such modifications and provide such exceptions to the calculation of the payback period of a measure as the Secretary determines to be appropriate to achieve the purposes of this Act.

"(F) RECOMMISSIONING.—The term 'recommissioning' means a process—

"(i) of commissioning a facility or system beyond the project development and warranty phases of the facility or system; and

"(ii) the primary goal of which is to ensure optimum performance of a facility, in accordance with design or current operating needs, over the useful life of the facility, while meeting building occupancy requirements.

"(G) RETROCOMMISSIONING.—The term 'retrocommissioning' means a process of commissioning a facility or system that was not commissioned at time of construction of the facility or system.

"(2) FACILITY ENERGY MANAGERS.—

"(A) IN GENERAL.—Each Federal agency shall designate an energy manager responsible for implementing this subsection and reducing energy use at each facility that meets criteria under subparagraph (B).

"(B) COVERED FACILITIES.—The Secretary shall develop criteria, after consultation with affected agencies, energy efficiency advocates, and energy and utility service providers, that cover, at a minimum, Federal facilities, including central utility plants and distribution systems and other energy intensive operations, that constitute at least 75 percent of facility energy use at each agency.

"(3) ENERGY AND WATER EVALUATIONS.—

"(A) EVALUATIONS.—Effective beginning on the date that is 180 days after the date of enactment of this subsection and annually thereafter, energy managers shall complete, for each calendar year, a comprehensive energy and water evaluation for approximately 25 percent of the facilities of each agency that meet the criteria under paragraph (2)(B) in a manner that ensures that an evaluation of each such facility is completed at least once every 4 years.

"(B) RECOMMISSIONING AND RETROCOMMISSIONING.—As part of the evaluation under subparagraph (A), the energy manager shall identify and assess recommissioning measures (or, if the facility has never been commissioned, retrocommissioning measures) for each such facility.

"(4) IMPLEMENTATION OF IDENTIFIED ENERGY AND WATER EFFICIENCY MEASURES.—Not later than 2 years after the completion of each evaluation under paragraph (3), each energy manager may—

"(A) implement any energy- or water-saving measure that the Federal agency identified in the evaluation conducted under paragraph (3) that is life cycle cost-effective; and

"(B) bundle individual measures of varying paybacks together into combined projects.

"(5) FOLLOW-UP ON IMPLEMENTED MEASURES.—For each measure implemented under paragraph (4), each energy manager shall ensure that—

"(A) equipment, including building and equipment controls, is fully commissioned at acceptance to be operating at design specifications;

"(B) a plan for appropriate operations, maintenance, and repair of the equipment is in place at acceptance and is followed;

"(C) equipment and system performance is measured during its entire life to ensure proper operations, maintenance, and repair; and

"(D) energy and water savings are measured and verified.

"(6) GUIDELINES.—

"(A) IN GENERAL.—The Secretary shall issue guidelines and necessary criteria that each Federal agency shall follow for implementation of—

"(i) paragraphs (2) and (3) not later than 180 days after the date of enactment of this subsection; and

"(ii) paragraphs (4) and (5) not later than 1 year after the date of enactment of this subsection.

"(B) RELATIONSHIP TO FUNDING SOURCE.—The guidelines issued by the Secretary under subparagraph (A) shall be appropriate and uniform for measures funded with each type of funding made available under paragraph

(10), but may distinguish between different types of measures project size, and other criteria the Secretary determines are relevant.

"(7) WEB-BASED CERTIFICATION.—

"(A) IN GENERAL.—For each facility that meets the criteria established by the Secretary under paragraph (2)(B), the energy manager shall use the web-based tracking system under subparagraph (B) to certify compliance with the requirements for—

"(i) energy and water evaluations under paragraph (3);

"(ii) implementation of identified energy and water measures under paragraph (4); and

"(iii) follow-up on implemented measures under paragraph (5).

"(B) DEPLOYMENT.—

"(i) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall develop and deploy a web-based tracking system required under this paragraph in a manner that tracks, at a minimum—

"(I) the covered facilities;

"(II) the status of meeting the requirements specified in subparagraph (A);

"(III) the estimated cost and savings for measures required to be implemented in a facility;

"(IV) the measured savings and persistence of savings for implemented measures; and

"(V) the benchmarking information disclosed under paragraph (8)(C).

"(ii) EASE OF COMPLIANCE.—The Secretary shall ensure that energy manager compliance with the requirements in this paragraph, to the maximum extent practicable—

"(I) can be accomplished with the use of streamlined procedures and templates that minimize the time demands on Federal employees; and

"(II) is coordinated with other applicable energy reporting requirements.

"(C) AVAILABILITY.—

"(i) IN GENERAL.—Subject to clause (ii), the Secretary shall make the web-based tracking system required under this paragraph available to Congress, other Federal agencies, and the public through the Internet.

"(ii) EXEMPTIONS.—At the request of a Federal agency, the Secretary may exempt specific data for specific facilities from disclosure under clause (i) for national security purposes.

"(8) BENCHMARKING OF FEDERAL FACILITIES.—

"(A) IN GENERAL.—The energy manager shall enter energy use data for each metered building that is (or is a part of) a facility that meets the criteria established by the Secretary under paragraph (2)(B) into a building energy use benchmarking system, such as the Energy Star Portfolio Manager.

"(B) SYSTEM AND GUIDANCE.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall—

"(i) select or develop the building energy use benchmarking system required under this paragraph for each type of building; and

"(ii) issue guidance for use of the system.

"(C) PUBLIC DISCLOSURE.—Each energy manager shall post the information entered into, or generated by, a benchmarking system under this subsections, on the web-based tracking system under paragraph (7)(B). The energy manager shall update such information each year, and shall include in such reporting previous years' information to allow changes in building performance to be tracked over time.

"(9) FEDERAL AGENCY SCORECARDS.—

"(A) IN GENERAL.—The Director of the Office of Management and Budget shall issue semiannual scorecards for energy management activities carried out by each Federal agency that includes—

"(i) summaries of the status of implementing the various requirements of the agency and its energy managers under this subsection; and

"(ii) any other means of measuring performance that the Director considers appropriate.

"(B) AVAILABILITY.—The Director shall make the scorecards required under this paragraph available to Congress, other Federal agencies, and the public through the Internet.

"(10) FUNDING AND IMPLEMENTATION.—

"(A) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

"(B) FUNDING OPTIONS.—

"(i) IN GENERAL.—To carry out this subsection, a Federal agency may use any combination of—

"(I) appropriated funds made available under subparagraph (A); and

"(II) private financing otherwise authorized under Federal law, including financing available through energy savings performance contracts or utility energy service contracts.

"(ii) COMBINED FUNDING FOR SAME MEASURE.—A Federal agency may use any combination of appropriated funds and private financing described in clause (i) to carry out the same measure under this subsection.

"(C) IMPLEMENTATION.—Each Federal agency may implement the requirements under this subsection itself or may contract out performance of some or all of the requirements.

"(11) RULE OF CONSTRUCTION.—This subsection shall not be construed to require or to obviate any contractor savings guarantees.".

SEC. 433. FEDERAL BUILDING ENERGY EFFICIENCY PERFORMANCE STANDARDS.

(a) STANDARDS.—Section 305(a)(3) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)) is amended by adding at the end the following new subparagraph:

"(D) Not later than 1 year after the date of enactment of the Energy Independence and Security Act of 2007, the Secretary shall establish, by rule, revised Federal building energy efficiency performance standards that require that:

"(i) For new Federal buildings and Federal buildings undergoing major renovations, with respect to which the Administrator of General Services is required to transmit a prospectus to Congress under section 3307 of title 40, United States Code, in the case of public buildings (as defined in section 3301 of title 40, United States Code), or of at least $2,500,000 in costs adjusted annually for inflation for other buildings:

"(I) The buildings shall be designed so that the fossil fuel-generated energy consumption of the buildings is reduced, as compared with such energy consumption by a similar building in fiscal year 2003 (as measured by Commercial Buildings Energy Consumption Survey or Residential Energy Consumption Survey data from the Energy Information Agency), by the percentage specified in the following table:

"Fiscal Year	Percentage Reduction
2010	55
2015	65
2020	80
2025	90
2030	100.

"(II) Upon petition by an agency subject to this subparagraph, the Secretary may adjust the applicable numeric requirement under subclause (I) downward with respect to a specific building, if the head of the agency designing the building certifies in writing that meeting such requirement would be technically impracticable in light of the agency's specified functional needs for that building and the Secretary concurs with the agency's conclusion. This subclause shall not apply to the General Services Administration.

"(III) Sustainable design principles shall be applied to the siting, design, and construction of such buildings. Not later than 90 days after the date of enactment of the Energy Independence and Security Act of 2007, the Secretary, after reviewing the findings of the Federal Director under section 436(h) of that Act, in consultation with the Administrator of General Services, and in consultation with the Secretary of Defense for considerations relating to those facilities under the custody and control of the Department of Defense, shall identify a certification system and level for green buildings that the Secretary determines to be the most likely to encourage a comprehensive and environmentally-sound approach to certification of green buildings. The identification of the certification system and level shall be based on a review of the Federal Director's findings under section 436(h) of the Energy Independence and Security Act of 2007 and the criteria specified in clause (iii), shall identify the highest level the Secretary determines is appropriate above the minimum level required for certification under the system selected, and shall achieve results at least comparable to the system used by and highest level referenced by the General Services Administration as of the date of enactment of the Energy Independence and Security Act of 2007. Within 90 days of the completion of each study required by clause (iv), the Secretary, in consultation with the Administrator of General Services, and in consultation with the Secretary of Defense for considerations relating to those facilities under the custody and control of the Department of Defense, shall review and update the certification system and level, taking into account the conclusions of such study.

"(ii) In establishing criteria for identifying major renovations that are subject to the requirements of this subparagraph, the Secretary shall take into account the scope, degree, and types of renovations that are likely to provide significant opportunities for substantial improvements in energy efficiency.

"(iii) In identifying the green building certification system and level, the Secretary shall take into consideration—

"(I) the ability and availability of assessors and auditors to independently verify the criteria and measurement of metrics at the scale necessary to implement this subparagraph;

"(II) the ability of the applicable certification organization to collect and reflect public comment;

"(III) the ability of the standard to be developed and revised through a consensus-based process;

"(IV) an evaluation of the robustness of the criteria for a high-performance green building, which shall give credit for promoting—

"(aa) efficient and sustainable use of water, energy, and other natural resources;

"(bb) use of renewable energy sources;

"(cc) improved indoor environmental quality through enhanced indoor air quality, thermal comfort, acoustics, day lighting, pollutant source control, and use of low-emission materials and building system controls; and

"(dd) such other criteria as the Secretary determines to be appropriate; and

"(V) national recognition within the building industry.

"(iv) At least once every five years, and in accordance with section 436 of the Energy Independence and Security Act of 2007, the Administrator of General Services shall conduct a study to evaluate and compare available third-party green building certification systems and levels, taking into account the criteria listed in clause (iii).

"(v) The Secretary may by rule allow Federal agencies to develop internal certification processes, using certified professionals, in lieu of certification by the certification entity identified under clause (i)(III). The Secretary shall include in any such rule guidelines to ensure that the certification process results in buildings meeting the applicable certification system and level identified under clause (i)(III). An agency employing an internal certification process must continue to obtain external certification by the certification entity identified under clause (i)(III) for at least 5 percent of the total number of buildings certified annually by the agency.

"(vi) With respect to privatized military housing, the Secretary of Defense, after consultation with the Secretary may, through rulemaking, develop alternative criteria to those established by subclauses (I) and (III) of clause (i) that achieve an equivalent result in terms of energy savings, sustainable design, and green building performance.

"(vii) In addition to any use of water conservation technologies otherwise required by this section, water conservation technologies shall be applied to the extent that the technologies are life-cycle cost-effective.".

(b) DEFINITIONS.—Section 303(6) of the Energy Conservation and Production Act (42 U.S.C. 6832(6)) is amended by striking "which is not legally subject to State or local building codes or similar requirements." and inserting ". Such term shall include buildings built for the purpose of being leased by a Federal agency, and privatized military housing.".

(c) REVISION OF FEDERAL ACQUISITION REGULATION.—Not later than 2 years after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to require Federal officers and employees to comply with this section and the amendments made by this section in the acquisition, construction, or major renovation of any facility. The members of the Federal Acquisition Regulatory Council (established under section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421)) shall consult with the Federal Director and the Commercial Director before promulgating regulations to carry out this subsection.

(d) GUIDANCE.—Not later than 90 days after the date of promulgation of the revised regulations under subsection (c), the Administrator for Federal Procurement Policy shall issue guidance to all Federal procurement executives providing direction and instructions to renegotiate the design of proposed facilities and major renovations for existing facilities to incorporate improvements that are consistent with this section.

SEC. 434. MANAGEMENT OF FEDERAL BUILDING EFFICIENCY.

(a) LARGE CAPITAL ENERGY INVESTMENTS.—Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended by adding at the end the following:

"(f) LARGE CAPITAL ENERGY INVESTMENTS.—

"(1) IN GENERAL.—Each Federal agency shall ensure that any large capital energy investment in an existing building that is not a major renovation but involves replacement of installed equipment (such as heating and cooling systems), or involves renovation, rehabilitation, expansion, or remodeling of existing space, employs the most energy efficient designs, systems, equipment, and controls that are life-cycle cost effective.

"(2) PROCESS FOR REVIEW OF INVESTMENT DECISIONS.—Not later than 180 days after the date of enactment of this subsection, each Federal agency shall—

"(A) develop a process for reviewing each decision made on a large capital energy investment described in paragraph (1) to ensure that the requirements of this subsection are met; and

"(B) report to the Director of the Office of Management and Budget on the process established.

"(3) COMPLIANCE REPORT.—Not later than 1 year after the date of enactment of this subsection, the Director of the Office of Management and Budget shall evaluate and report to Congress on the compliance of each agency with this subsection.".

(b) METERING.—Section 543(e)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8253(e)(1)) is amended by inserting after the second sentence the following: "Not later than October 1, 2016, each agency shall provide for equivalent metering of natural gas and steam, in accordance with guidelines established by the Secretary under paragraph (2).".

SEC. 435. LEASING.

(a) IN GENERAL.—Except as provided in subsection (b), effective beginning on the date that is 3 years after the date of enactment of this Act, no Federal agency shall enter into a contract to lease space in a building that has not earned the Energy Star label in the most recent year.

(b) EXCEPTION.—

(1) APPLICATION.—This subsection applies if—

(A) no space is available in a building described in subsection (a) that meets the functional requirements of an agency, including locational needs;

(B) the agency proposes to remain in a building that the agency has occupied previously;

(C) the agency proposes to lease a building of historical, architectural, or cultural significance (as defined in section 3306(a)(4) of title 40, United States Code) or space in such a building; or

(D) the lease is for not more than 10,000 gross square feet of space.

(2) BUILDINGS WITHOUT ENERGY STAR LABEL.—If 1 of the conditions described in paragraph (2) is met, the agency may enter into a contract to lease space in a building that has not earned the Energy Star label in the most recent year if the lease contract includes provisions requiring that, prior to occupancy or, in the case of a contract described in paragraph (1)(B), not later than 1 year after signing the contract, the space will be renovated for all energy efficiency and conservation improvements that would be cost effective over the life of the lease, including improvements in lighting, windows, and heating, ventilation, and air conditioning systems.

(c) REVISION OF FEDERAL ACQUISITION REGULATION.—

(1) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Federal Acquisition Regulation described in section 6(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(a)) shall be revised to require Federal officers and employees to comply with this section in leasing buildings.

(2) CONSULTATION.—The members of the Federal Acquisition Regulatory Council established under section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421)) shall consult with the Federal Director and the Commercial Director before promulgating regulations to carry out this subsection.

SEC. 436. HIGH-PERFORMANCE GREEN FEDERAL BUILDINGS.

(a) ESTABLISHMENT OF OFFICE.—Not later than 60 days after the date of enactment of this Act, the Administrator shall establish within the General Services Administration an Office of Federal High-Performance Green Buildings, and appoint an individual to serve as Federal Director in, a position in the career-reserved Senior Executive service, to—

(1) establish and manage the Office of Federal High-Performance Green Buildings; and

(2) carry out other duties as required under this subtitle.

(b) COMPENSATION.—The compensation of the Federal Director shall not exceed the maximum rate of basic pay for the Senior Executive Service under section 5382 of title 5, United States Code, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of that title.

(c) DUTIES.—The Federal Director shall—

(1) coordinate the activities of the Office of Federal High-Performance Green Buildings with the activities of the Office of Commercial High-Performance Green Buildings, and the Secretary, in accordance with section 305(a)(3)(D) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(D));

(2) ensure full coordination of high-performance green building information and activities within the General Services Administration and all relevant agencies, including, at a minimum—

(A) the Environmental Protection Agency;

(B) the Office of the Federal Environmental Executive;

(C) the Office of Federal Procurement Policy;

(D) the Department of Energy;

(E) the Department of Health and Human Services;

(F) the Department of Defense;

(G) the Department of Transportation;

(H) the National Institute of Standards and Technology; and

(I) the Office of Science and Technology Policy;

(3) establish a senior-level Federal Green Building Advisory Committee under section 474, which shall provide advice and recommendations in accordance with that section and subsection (d);

(4) identify and every 5 years reassess improved or higher rating standards recommended by the Advisory Committee;

(5) ensure full coordination, dissemination of information regarding, and promotion of the results of research and development information relating to Federal high-performance green building initiatives;

(6) identify and develop Federal high-performance green building standards for all types of Federal facilities, consistent with the requirements of this subtitle and section 305(a)(3)(D) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(D));

(7) establish green practices that can be used throughout the life of a Federal facility;

(8) review and analyze current Federal budget practices and life-cycle costing issues, and make recommendations to Congress, in accordance with subsection (d); and

(9) identify opportunities to demonstrate innovative and emerging green building technologies and concepts.

(d) ADDITIONAL DUTIES.—The Federal Director, in consultation with the Commercial Director and the Advisory Committee, and consistent with the requirements of section 305(a)(3)(D) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(D)) shall—

(1) identify, review, and analyze current budget and contracting practices that affect achievement of high-performance green buildings, including the identification of barriers to high-performance green building life-cycle costing and budgetary issues;

(2) develop guidance and conduct training sessions with budget specialists and contracting personnel from Federal agencies and budget examiners to apply life-cycle cost criteria to actual projects;

(3) identify tools to aid life-cycle cost decisionmaking; and

(4) explore the feasibility of incorporating the benefits of high-performance green buildings, such as security benefits, into a cost-budget analysis to aid in life-cycle costing for budget and decisionmaking processes.

(e) INCENTIVES.—Within 90 days after the date of enactment of this Act, the Federal Director shall identify incentives to encourage the expedited use of high-performance green buildings and related technology in the operations of the Federal Government, in accordance with the requirements of section 305(a)(3)(D) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(D)), including through—

(1) the provision of recognition awards; and

(2) the maximum feasible retention of financial savings in the annual budgets of Federal agencies for use in reinvesting in future high-performance green building initiatives.

(f) REPORT.—Not later than 2 years after the date of enactment of this Act, and biennially thereafter, the Federal Director, in consultation with the Secretary, shall submit to Congress a report that—

(1) describes the status of compliance with this subtitle, the requirements of section 305(a)(3)(D) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(D)), and other Federal high-performance green building initiatives in effect as of the date of the report, including—

(A) the extent to which the programs are being carried out in accordance with this subtitle and the requirements of section 305(a)(3)(D) of that Act; and

(B) the status of funding requests and appropriations for those programs;

(2) identifies within the planning, budgeting, and construction process all types of Federal facility procedures that may affect the certification of new and existing Federal facilities as high-performance green buildings under the provisions of section 305(a)(3)(D) of that Act and the criteria established in subsection (h);

(3) identifies inconsistencies, as reported to the Advisory Committee, in Federal law with respect to product acquisition guidelines and high-performance product guidelines;

(4) recommends language for uniform standards for use by Federal agencies in environmentally responsible acquisition;

(5) in coordination with the Office of Management and Budget, reviews the budget process for capital programs with respect to alternatives for—

(A) restructuring of budgets to require the use of complete energy and environmental cost accounting;

(B) using operations expenditures in budget-related decisions while simultaneously incorporating productivity and health measures (as those measures can be quantified by the Office of Federal High-Performance Green Buildings, with the assistance of universities and national laboratories);

(C) streamlining measures for permitting Federal agencies to retain all identified savings accrued as a result of the use of life-cycle costing for future high-performance green building initiatives; and

(D) identifying short-term and long-term cost savings that accrue from high-performance green buildings, including those relating to health and productivity;

(6) identifies green, self-sustaining technologies to address the operational needs of Federal facilities in times of national security emergencies, natural disasters, or other dire emergencies;

(7) summarizes and highlights development, at the State and local level, of high-performance green building initiatives, including executive orders, policies, or laws adopted promoting high-performance green building (including the status of implementation of those initiatives); and

(8) includes, for the 2-year period covered by the report, recommendations to address each of the matters, and a plan for implementation of each recommendation, described in paragraphs (1) through (7).

(g) IMPLEMENTATION.—The Office of Federal High-Performance Green Buildings shall carry out each plan for implementation of recommendations under subsection (f)(8).

(h) IDENTIFICATION OF CERTIFICATION SYSTEM.—

(1) IN GENERAL.—For the purpose of this section, not later than 60 days after the date of enactment of this Act, the Federal Director shall identify and shall provide to the Secretary pursuant to section 305(a)(3)(D) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(D)), a certification system that the Director determines to be the most likely to encourage a comprehensive and environmentally-sound approach to certification of green buildings.

(2) BASIS.—The system identified under paragraph (1) shall be based on—

(A) a study completed every 5 years and provided to the Secretary pursuant to section 305(a)(3)(D) of that Act, which shall be carried out by the Federal Director to compare and evaluate standards;

(B) the ability and availability of assessors and auditors to independently verify the criteria and measurement of metrics at the scale necessary to implement this subtitle;

(C) the ability of the applicable standard-setting organization to collect and reflect public comment;

(D) the ability of the standard to be developed and revised through a consensus-based process;

(E) an evaluation of the robustness of the criteria for a high performance green building, which shall give credit for promoting—

(i) efficient and sustainable use of water, energy, and other natural resources;

(ii) use of renewable energy sources;

(iii) improved indoor environmental quality through enhanced indoor air quality, thermal comfort, acoustics, day lighting, pollutant source control, and use of low-emission materials and building system controls;

(iv) reduced impacts from transportation through building location and site design that promote access by public transportation; and

(v) such other criteria as the Federal Director determines to be appropriate; and

(F) national recognition within the building industry.

SEC. 437. FEDERAL GREEN BUILDING PERFORMANCE.

(a) IN GENERAL.—Not later than October 31 of each of the 2 fiscal years following the fiscal year in which this Act is enacted, and at such times thereafter as the Comptroller General of the United States determines to be appropriate, the Comptroller General of the United States shall, with respect to the fiscal years that have passed since the preceding report—

(1) conduct an audit of the implementation of this subtitle, section 305(a)(3)(D) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(D)), and section 435; and

(2) submit to the Federal Director, the Advisory Committee, the Administrator, and Congress a report describing the results of the audit.

(b) CONTENTS.—An audit under subsection (a) shall include a review, with respect to the period covered by the report under subsection (a)(2), of—

(1) budget, life-cycle costing, and contracting issues, using best practices identified by the Comptroller General of the United States and heads of other agencies in accordance with section 436(d);

(2) the level of coordination among the Federal Director, the Office of Management and Budget, the Department of Energy, and relevant agencies;

(3) the performance of the Federal Director and other agencies in carrying out the implementation plan;

(4) the design stage of high-performance green building measures;

(5) high-performance building data that were collected and reported to the Office; and

(6) such other matters as the Comptroller General of the United States determines to be appropriate.

(c) ENVIRONMENTAL STEWARDSHIP SCORECARD.—The Federal Director shall consult with the Advisory Committee to enhance, and assist in the implementation of, the Office of Management and Budget government efficiency reports and scorecards under section 528 and the Environmental Stewardship Scorecard announced at the White House summit on Federal sustainable buildings in January 2006, to measure the implementation by each Federal agency of sustainable design and green building initiatives.

SEC. 438. STORM WATER RUNOFF REQUIREMENTS FOR FEDERAL DEVELOPMENT PROJECTS.

The sponsor of any development or redevelopment project involving a Federal facility with a footprint that exceeds 5,000 square feet shall use site planning, design, construction, and maintenance strategies for the property to maintain or restore, to the maximum extent technically feasible, the predevelopment hydrology of the property with regard to the temperature, rate, volume, and duration of flow.

SEC. 439. COST-EFFECTIVE TECHNOLOGY ACCELERATION PROGRAM.

(a) DEFINITION OF ADMINISTRATOR.—In this section, the term "Administrator" means the Administrator of General Services.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Administrator shall establish a program to accelerate the use of more cost-effective technologies and practices at GSA facilities.

(2) REQUIREMENTS.—The program established under this subsection shall—

(A) ensure centralized responsibility for the coordination of cost reduction-related recommendations, practices, and activities of all relevant Federal agencies;

(B) provide technical assistance and operational guidance to applicable tenants to achieve the goal identified in subsection (c)(2)(B)(ii);

(C) establish methods to track the success of Federal departments and agencies with respect to that goal; and

(D) be fully coordinated with and no less stringent nor less energy-conserving or water-conserving than required by other provisions of this Act and other applicable law, including sections 321 through 324, 431 through 438, 461, 511 through 518, and 523 through 525 and amendments made by those sections.

(c) ACCELERATED USE OF TECHNOLOGIES.—

(1) REVIEW.—

(A) IN GENERAL.—As part of the program under this section, not later than 90 days after the date of enactment of this Act, the Administrator shall conduct a review of—

(i) current use of cost-effective lighting technologies and geothermal heat pumps in GSA facilities; and

(ii) the availability to managers of GSA facilities of cost-effective lighting technologies and geothermal heat pumps.

(B) REQUIREMENTS.—The review under subparagraph (A) shall—

(i) examine the use of cost-effective lighting technologies, geothermal heat pumps, and other cost-effective technologies and practices by Federal agencies in GSA facilities; and

(ii) as prepared in consultation with the Administrator of the Environmental Protection Agency, identify cost-effective lighting technology and geothermal heat pump technology standards that could be used for all types of GSA facilities.

(2) REPLACEMENT.—

(A) IN GENERAL.—As part of the program under this section, not later than 180 days after the date of enactment of this Act, the Administrator shall establish, using available appropriations and programs implementing sections 432 and 525 (and amendments made by those sections), a cost-effective lighting technology and geothermal heat pump technology acceleration program to achieve maximum feasible replacement of existing lighting, heating, cooling technologies with cost-effective lighting technologies and geothermal heat pump technologies in each GSA facility. Such program shall fully comply with the requirements of sections 321 through 324, 431 through 438, 461, 511 through 518, and 523 through 525 and amendments made by those sections and any other provisions of law, which shall be applicable to the extent that they are more stringent or would achieve greater energy savings than required by this section.

(B) ACCELERATION PLAN TIMETABLE.—

(i) IN GENERAL.—To implement the program established under subparagraph (A), not later than 1 year after the date of enactment of this Act, the Administrator shall establish a timetable of actions to comply with the requirements of this section and sections 431 through 435, whichever achieves greater energy savings most expeditiously, including milestones for specific activities needed to replace existing lighting, heating, cooling technologies with cost-effective lighting technologies and geothermal heat pump technologies, to the maximum extent feasible (including at the maximum rate feasible), at each GSA facility.

(ii) GOAL.—The goal of the timetable under clause (i) shall be to complete, using available appropriations and programs implementing sections 431 through 435 (and amendments made by those sections), maximum feasible replacement of existing lighting, heating, and cooling technologies with cost-effective lighting technologies and geothermal heat pump technologies consistent with the requirements of this section and sections 431 through 435, whichever achieves greater energy savings most expeditiously. Notwithstanding any provision of this section, such program shall fully comply with the requirements of the Act including sections 321 through 324, 431 through 438, 461, 511 through 518, and 523 through 525 and amendments made by those sections and other provisions of law, which shall be applicable to the extent that they are more stringent or would achieve greater energy or water savings than required by this section.

(d) GSA FACILITY TECHNOLOGIES AND PRACTICES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Administrator shall—

(A) ensure that a manager responsible for implementing section 432 and for accelerating the use of cost-effective technologies and practices is designated for each GSA facility; and

(B) submit to Congress a plan to comply with section 432, this section, and other applicable provisions of this Act and applicable law with respect to energy and water conservation at GSA facilities.

(2) MEASURES.—The plan shall implement measures required by such other provisions of law in accordance with those provisions, and shall implement the measures required by this section to the maximum extent feasible (including at the maximum rate feasible) using available appropriations and programs implementing sections 431 through 435 and 525 (and amendments made by those sections), by not later than the date that is 5 years after the date of enactment of this Act.

(3) CONTENTS OF PLAN.—The plan shall—

(A) with respect to cost-effective technologies and practices—

(i) identify the specific activities needed to comply with sections 431 through 435;

(ii) identify the specific activities needed to achieve at least a 20-percent reduction in operational costs through the application of cost-effective technologies and practices from 2003 levels at GSA facilities by not later than 5 years after the date of enactment of this Act;

(iii) describe activities required and carried out to estimate the funds necessary to achieve the reduction described in clauses (i) and (ii);

(B) include an estimate of the funds necessary to carry out this section;

(C) describe the status of the implementation of cost-effective technologies and practices at GSA facilities, including—

(i) the extent to which programs, including the program established under subsection (b), are being carried out in accordance with this subtitle; and

(ii) the status of funding requests and appropriations for those programs;

(D) identify within the planning, budgeting, and construction processes, all types of GSA facility-related procedures that inhibit new and existing GSA facilities from implementing cost-effective technologies;

(E) recommend language for uniform standards for use by Federal agencies in implementing cost-effective technologies and practices;

(F) in coordination with the Office of Management and Budget, review the budget process for capital programs with respect to alternatives for—

(i) implementing measures that will assure that Federal agencies retain all identified savings accrued as a result of the use of cost-effective technologies, consistent with section 543(a)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a)(1), and other applicable law; and

(ii) identifying short- and long-term cost savings that accrue from the use of cost-effective technologies and practices;

(G) with respect to cost-effective technologies and practices, achieve substantial operational cost savings through the application of the technologies; and

(H) include recommendations to address each of the matters, and a plan for implementation of each recommendation, described in subparagraphs (A) through (G).

(4) ADMINISTRATION.—Notwithstanding any provision of this section, the program required under this section shall fully comply with the requirements of sections 321 through 324, 431 through 438, 461, 511 through 518, and 523 through 525 and amendments made by those sections, which shall be applicable to the extent that they are more stringent or would achieve greater energy or water savings than required by this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.

SEC. 440. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out sections 434 through 439 and 482 $4,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.

SEC. 441. PUBLIC BUILDING LIFE-CYCLE COSTS.

Section 544(a)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8254(a)(1)) is amended by striking "25" and inserting "40".

Subtitle D—Industrial Energy Efficiency

SEC. 451. INDUSTRIAL ENERGY EFFICIENCY.

(a) IN GENERAL.—Title III of the Energy Policy and Conservation Act (42 U.S.C. 6291 et seq.) is amended by inserting after part D the following:

"PART E—INDUSTRIAL ENERGY EFFICIENCY

"SEC. 371. DEFINITIONS.

"In this part:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

"(2) COMBINED HEAT AND POWER.—The term 'combined heat and power system' means a facility that—

"(A) simultaneously and efficiently produces useful thermal energy and electricity; and

"(B) recovers not less than 60 percent of the energy value in the fuel (on a higher-heating-value basis) in the form of useful thermal energy and electricity.

"(3) NET EXCESS POWER.—The term 'net excess power' means, for any facility, recoverable waste energy recovered in the form of electricity in quantities exceeding the total consumption of electricity at the specific time of generation on the site at which the facility is located.

"(4) PROJECT.—The term 'project' means a recoverable waste energy project or a combined heat and power system project.

"(5) RECOVERABLE WASTE ENERGY.—The term 'recoverable waste energy' means waste energy from which electricity or useful thermal energy may be recovered through modification of an existing facility or addition of a new facility.

"(6) REGISTRY.—The term 'Registry' means the Registry of Recoverable Waste Energy Sources established under section 372(d).

"(7) USEFUL THERMAL ENERGY.—The term 'useful thermal energy' means energy—

"(A) in the form of direct heat, steam, hot water, or other thermal form that is used in production and beneficial measures for heating, cooling, humidity control, process use, or other valid thermal end-use energy requirements; and

"(B) for which fuel or electricity would otherwise be consumed.

"(8) WASTE ENERGY.—The term 'waste energy' means—

"(A) exhaust heat or flared gas from any industrial process;

"(B) waste gas or industrial tail gas that would otherwise be flared, incinerated, or vented;

"(C) a pressure drop in any gas, excluding any pressure drop to a condenser that subsequently vents the resulting heat; and

"(D) such other forms of waste energy as the Administrator may determine.

"(9) OTHER TERMS.—The terms 'electric utility', 'nonregulated electric utility', 'State regulated electric utility', and other terms have the meanings given those terms in title I of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2611 et seq.).

"SEC. 372. SURVEY AND REGISTRY.

"(a) RECOVERABLE WASTE ENERGY INVENTORY PROGRAM.—

"(1) IN GENERAL.—The Administrator, in cooperation with the Secretary and State energy offices, shall establish a recoverable waste energy inventory program.

"(2) SURVEY.—The program shall include—

"(A) an ongoing survey of all major industrial and large commercial combustion sources in the United States (as defined by the Administrator) and the sites at which the sources are located; and

"(B) a review of each source for the quantity and quality of waste energy produced at the source.

"(b) CRITERIA.—

"(1) IN GENERAL.—Not later than 270 days after the date of enactment of the Energy Independence and Security Act of 2007, the Administrator shall publish a rule for establishing criteria for including sites in the Registry.

"(2) INCLUSIONS.—The criteria shall include—

"(A) a requirement that, to be included in the Registry, a project at the site shall be determined to be economically feasible by virtue of offering a payback of invested costs not later than 5 years after the date of first full project operation (including incentives offered under this part);

"(B) standards to ensure that projects proposed for inclusion in the Registry are not developed or used for the primary purpose of making sales of excess electric power under the regulatory provisions of this part; and

"(C) procedures for contesting the listing of any source or site on the Registry by any State, utility, or other interested person.

"(c) TECHNICAL SUPPORT.—On the request of the owner or operator of a source or site included in the Registry, the Secretary shall—

"(1) provide to owners or operators of combustion sources technical support; and

"(2) offer partial funding (in an amount equal to not more than ½ of total costs) for feasibility studies to confirm whether or not investment in recovery of waste energy or combined heat and power at a source would offer a payback period of 5 years or less.

"(d) REGISTRY.—

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Energy Independence and Security Act of 2007, the Administrator shall establish a Registry of Recoverable Waste Energy Sources, and sites on which the sources are located, that meet the criteria established under subsection (b).

"(B) UPDATES; AVAILABILITY.—The Administrator shall—

"(i) update the Registry on a regular basis; and

"(ii) make the Registry available to the public on the website of the Environmental Protection Agency.

"(C) CONTESTING LISTING.—Any State, electric utility, or other interested person may contest the listing of any source or site by submitting a petition to the Administrator.

"(2) CONTENTS.—

"(A) IN GENERAL.—The Administrator shall register and include on the Registry all sites meeting the criteria established under subsection (b).

"(B) QUANTITY OF RECOVERABLE WASTE ENERGY.—The Administrator shall—

"(i) calculate the total quantities of potentially recoverable waste energy from sources at the sites, nationally and by State; and

"(ii) make public—

"(I) the total quantities described in clause (i); and

"(II) information on the criteria pollutant and greenhouse gas emissions savings that might be achieved with recovery of the waste energy from all sources and sites listed on the Registry.

"(3) AVAILABILITY OF INFORMATION.—

"(A) IN GENERAL.—The Administrator shall notify owners or operators of recoverable waste energy sources and sites listed on the Registry prior to publishing the listing.

"(B) DETAILED QUANTITATIVE INFORMATION.—

"(i) IN GENERAL.—Except as provided in clause (ii), the owner or operator of a source at a site may elect to have detailed quantitative information concerning the site not made public by notifying the Administrator of the election.

"(ii) LIMITED AVAILABILITY.—The information shall be made available to—

"(I) the applicable State energy office; and

"(II) any utility requested to support recovery of waste energy from the source pursuant to the incentives provided under section 374.

"(iii) STATE TOTALS.—Information concerning the site shall be included in the total quantity of recoverable waste energy for a State unless there are fewer than 3 sites in the State.

"(4) REMOVAL OF PROJECTS FROM REGISTRY.—

"(A) IN GENERAL.—Subject to subparagraph (B), as a project achieves successful recovery of waste energy, the Administrator shall—

"(i) remove the related sites or sources from the Registry; and

"(ii) designate the removed projects as eligible for incentives under section 374.

"(B) LIMITATION.—No project shall be removed from the Registry without the consent of the owner or operator of the project if—

"(i) the owner or operator has submitted a petition under section 374; and

"(ii) the petition has not been acted on or denied.

"(5) INELIGIBILITY OF CERTAIN SOURCES.—The Administrator shall not list any source constructed after the date of the enactment of the Energy Independence and Security Act of 2007 on the Registry if the Administrator determines that the source—

"(A) was developed for the primary purpose of making sales of excess electric power under the regulatory provisions of this part; or

"(B) does not capture at least 60 percent of the total energy value of the fuels used (on a higher-heating-value basis) in the form of useful thermal energy, electricity, mechanical energy, chemical output, or any combination thereof.

"(e) SELF-CERTIFICATION.—

"(1) IN GENERAL.—Subject to any procedures that are established by the Administrator, an owner, operator, or third-party developer of a recoverable waste energy project that qualifies under standards established by the Administrator may self-certify the sites or sources of the owner, operator, or developer to the Administrator for inclusion in the Registry.

"(2) REVIEW AND APPROVAL.—To prevent a fraudulent listing, a site or source shall be included on the Registry only if the Administrator reviews and approves the self-certification.

"(f) NEW FACILITIES.—As a new energy-consuming industrial facility is developed after the date of enactment of the Energy Independence and Security Act of 2007, to the extent the facility may constitute a site with recoverable waste energy that may qualify for inclusion on the Registry, the Administrator may elect to include the facility on the Registry, at the request of the owner, operator, or developer of the facility, on a conditional basis with the site to be removed from the Registry if the development ceases or the site fails to qualify for listing under this part.

"(g) OPTIMUM MEANS OF RECOVERY.—For each site listed in the Registry, at the request of the owner or operator of the site, the Administrator shall offer, in cooperation with Clean Energy Application Centers operated by the Secretary of Energy, suggestions for optimum means of recovery of value from waste energy stream in the form of electricity, useful thermal energy, or other energy-related products.

"(h) REVISION.—Each annual report of a State under section 548(a) of the National Energy Conservation Policy Act (42 U.S.C. 8258(a)) shall include the results of the survey for the State under this section.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to—

"(1) the Administrator to create and maintain the Registry and services authorized by this section, $1,000,000 for each of fiscal years 2008 through 2012; and

"(2) the Secretary—

"(A) to assist site or source owners and operators in determining the feasibility of projects authorized by this section, $2,000,000 for each of fiscal years 2008 through 2012; and

"(B) to provide funding for State energy office functions under this section, $5,000,000.

"SEC. 373. WASTE ENERGY RECOVERY INCENTIVE GRANT PROGRAM.

"(a) ESTABLISHMENT.—The Secretary shall establish in the Department of Energy a waste energy recovery incentive grant program to provide incentive grants to—

"(1) owners and operators of projects that successfully produce electricity or incremental useful thermal energy from waste energy recovery;

"(2) utilities purchasing or distributing the electricity; and

"(3) States that have achieved 80 percent or more of recoverable waste heat recovery opportunities.

"(b) GRANTS TO PROJECTS AND UTILITIES.—

"(1) IN GENERAL.—The Secretary shall make grants under this section—

"(A) to the owners or operators of waste energy recovery projects; and

"(B) in the case of excess power purchased or transmitted by a electric utility, to the utility.

"(2) PROOF.—Grants may only be made under this section on receipt of proof of waste energy recovery or excess electricity generation, or both, from the project in a form prescribed by the Secretary.

"(3) EXCESS ELECTRIC ENERGY.—

"(A) IN GENERAL.—In the case of waste energy recovery, a grant under this section shall be made at the rate of $10 per megawatt hour of documented electricity produced from recoverable waste energy (or by prevention of waste energy in the case of a new facility) by the project during the first 3 calendar years of production, beginning on or after the date of enactment of the Energy Independence and Security Act of 2007.

"(B) UTILITIES.—If the project produces net excess power and an electric utility purchases or transmits the excess power, 50 percent of so much of the grant as is attributable to the net excess power shall be paid to the electric utility purchasing or transporting the net excess power.

"(4) USEFUL THERMAL ENERGY.—In the case of waste energy recovery that produces useful thermal energy that is used for a purpose different from that for which the project is principally designed, a grant under this section shall be made to the owner or operator of the waste energy recovery project at the rate of $10 for each 3,412,000 Btus of the excess thermal energy used for the different purpose.

"(c) GRANTS TO STATES.—In the case of any State that has achieved 80 percent or more of waste heat recovery opportunities identified by the Secretary under this part, the Administrator shall make a 1-time grant to the State in an amount of not more than $1,000 per megawatt of waste-heat capacity recovered (or a thermal equivalent) to support State-level programs to identify and achieve additional energy efficiency.

"(d) ELIGIBILITY.—The Secretary shall—

"(1) establish rules and guidelines to establish eligibility for grants under subsection (b);

"(2) publicize the availability of the grant program known to owners or operators of recoverable waste energy sources and sites listed on the Registry; and

"(3) award grants under the program on the basis of the merits of each project in recovering or preventing waste energy throughout the United States on an impartial, objective, and not unduly discriminatory basis.

"(e) LIMITATION.—The Secretary shall not award grants to any person for a combined heat and power project or a waste heat recovery project that qualifies for specific Federal tax incentives for combined heat and power or for waste heat recovery.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary—

"(1) to make grants to projects and utilities under subsection (b)—

"(A) $100,000,000 for fiscal year 2008 and $200,000,000 for each of fiscal years 2009 through 2012; and

"(B) such additional amounts for fiscal year 2008 and each fiscal year thereafter as may be necessary for administration of the waste energy recovery incentive grant program; and

"(2) to make grants to States under subsection (b), $10,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.

"SEC. 374. ADDITIONAL INCENTIVES FOR RECOVERY, USE, AND PREVENTION OF INDUSTRIAL WASTE ENERGY.

"(a) CONSIDERATION OF STANDARD.—

"(1) IN GENERAL.—Not later than 180 days after the receipt by a State regulatory authority (with respect to each electric utility for which the authority has ratemaking authority), or nonregulated electric utility, of a request from a project sponsor or owner or operator, the State regulatory authority or nonregulated electric utility shall—

"(A) provide public notice and conduct a hearing respecting the standard established by subsection (b); and

"(B) on the basis of the hearing, consider and make a determination whether or not it is appropriate to implement the standard to carry out the purposes of this part.

"(2) RELATIONSHIP TO STATE LAW.—For purposes of any determination under paragraph (1) and any review of the determination in any court, the purposes of this section supplement otherwise applicable State law.

"(3) NONADOPTION OF STANDARD.—Nothing in this part prohibits any State regulatory authority or nonregulated electric utility from making any determination that it is not appropriate to adopt any standard described in paragraph (1), pursuant to authority under otherwise applicable State law.

"(b) STANDARD FOR SALES OF EXCESS POWER.—For purposes of this section, the standard referred to in subsection (a) shall provide that an owner or operator of a waste energy recovery project identified on the Registry that generates net excess power shall be eligible to benefit from at least 1 of the options described in subsection (c) for disposal of the net excess power in accordance with the rate conditions and limitations described in subsection (d).

"(c) OPTIONS.—The options referred to in subsection (b) are as follows:

"(1) SALE OF NET EXCESS POWER TO UTILITY.—The electric utility shall purchase the net excess power from the owner or operator of the eligible waste energy recovery project during the operation of the project under a contract entered into for that purpose.

"(2) TRANSPORT BY UTILITY FOR DIRECT SALE TO THIRD PARTY.—The electric utility shall transmit the net excess power on behalf of the project owner or operator to up to 3 separate locations on the system of the utility for direct sale by the owner or operator to third parties at those locations.

"(3) TRANSPORT OVER PRIVATE TRANSMISSION LINES.—The State and the electric utility shall permit, and shall waive or modify such laws as would otherwise prohibit, the construction and operation of private electric wires constructed, owned, and operated by the project owner or operator, to transport the power to up to 3 purchasers within a 3-mile radius of the project, allowing the wires to use or cross public rights-of-way, without subjecting the project to regulation as a public utility, and according the wires the same treatment for safety, zoning, land use, and other legal privileges as apply or would apply to the wires of the utility, except that—

"(A) there shall be no grant of any power of eminent domain to take or cross private property for the wires; and

"(B) the wires shall be physically segregated and not interconnected with any portion of the system of the utility, except on the customer side of the revenue meter of the utility and in a manner that precludes any possible export of the electricity onto the utility system, or disruption of the system.

"(4) AGREED ON ALTERNATIVES.—The utility and the owner or operator of the project may reach agreement on any alternate arrangement and payments or rates associated with the arrangement that is mutually satisfactory and in accord with State law.

"(d) RATE CONDITIONS AND CRITERIA.—

"(1) DEFINITIONS.—In this subsection:

"(A) PER UNIT DISTRIBUTION COSTS.—The term 'per unit distribution costs' means (in kilowatt hours) the quotient obtained by dividing—

"(i) the depreciated book-value distribution system costs of a utility; by

"(ii) the volume of utility electricity sales or transmission during the previous year at the distribution level.

"(B) PER UNIT DISTRIBUTION MARGIN.—The term 'per unit distribution margin' means—

"(i) in the case of a State-regulated electric utility, a per-unit gross pretax profit equal to the product obtained by multiplying—

"(I) the State-approved percentage rate of return for the utility for distribution system assets; by

"(II) the per unit distribution costs; and

"(ii) in the case of a nonregulated utility, a per unit contribution to net revenues determined multiplying—

"(I) the percentage (but not less than 10 percent) obtained by dividing—

"(aa) the amount of any net revenue payment or contribution to the owners or subscribers of the nonregulated utility during the prior year; by

"(bb) the gross revenues of the utility during the prior year to obtain a percentage; by

"(II) the per unit distribution costs.

"(C) PER UNIT TRANSMISSION COSTS.—The term 'per unit transmission costs' means the total cost of those transmission services purchased or provided by a utility on a per-kilowatt-hour basis as included in the retail rate of the utility.

"(2) OPTIONS.—The options described in paragraphs (1) and (2) in subsection (c) shall be offered under purchase and transport rate conditions that reflect the rate components defined under paragraph (1) as applicable under the circumstances described in paragraph (3).

"(3) APPLICABLE RATES.—

"(A) RATES APPLICABLE TO SALE OF NET EXCESS POWER.—

"(i) IN GENERAL.—Sales made by a project owner or operator of a facility under the option described in subsection (c)(1) shall be paid for on a per kilowatt hour basis that shall equal the full undiscounted retail rate paid to the utility for power purchased by the facility minus per unit distribution costs, that applies to the type of utility purchasing the power.

"(ii) VOLTAGES EXCEEDING 25 KILOVOLTS.—If the net excess power is made available for purchase at voltages that must be transformed to or from voltages exceeding 25 kilovolts to be available for resale by the utility, the purchase price shall further be reduced by per unit transmission costs.

"(B) RATES APPLICABLE TO TRANSPORT BY UTILITY FOR DIRECT SALE TO THIRD PARTIES.—

"(i) IN GENERAL.—Transportation by utilities of power on behalf of the owner or operator of a project under the option described in subsection (c)(2) shall incur a transportation rate that shall equal the per unit distribution costs and per unit distribution margin, that applies to the type of utility transporting the power.

"(ii) VOLTAGES EXCEEDING 25 KILOVOLTS.—If the net excess power is made available for transportation at voltages that must be transformed to or from voltages exceeding 25 kilovolts to be transported to the designated third-party purchasers, the transport rate shall further be increased by per unit transmission costs.

"(iii) STATES WITH COMPETITIVE RETAIL MARKETS FOR ELECTRICITY.—In a State with a competitive retail market for electricity, the applicable transportation rate for similar transportation shall be applied in lieu of any rate calculated under this paragraph.

"(4) LIMITATIONS.—

"(A) IN GENERAL.—Any rate established for sale or transportation under this section shall—

"(i) be modified over time with changes in the underlying costs or rates of the electric utility; and

"(ii) reflect the same time-sensitivity and billing periods as are established in the retail sales or transportation rates offered by the utility.

"(B) LIMITATION.—No utility shall be required to purchase or transport a quantity of net excess power under this section that exceeds the available capacity of the wires, meter, or other equipment of the electric utility serving the site unless the owner or operator of the project agrees to pay necessary and reasonable upgrade costs.

"(e) PROCEDURAL REQUIREMENTS FOR CONSIDERATION AND DETERMINATION.—

"(1) PUBLIC NOTICE AND HEARING.—

"(A) IN GENERAL.—The consideration referred to in subsection (a) shall be made after public notice and hearing.

"(B) ADMINISTRATION.—The determination referred to in subsection (a) shall be—

"(i) in writing;

"(ii) based on findings included in the determination and on the evidence presented at the hearing; and

"(iii) available to the public.

"(2) INTERVENTION BY ADMINISTRATOR.—The Administrator may intervene as a matter of right in a proceeding conducted under this section—

"(A) to calculate—

"(i) the energy and emissions likely to be saved by electing to adopt 1 or more of the options; and

"(ii) the costs and benefits to ratepayers and the utility; and

"(B) to advocate for the waste-energy recovery opportunity.

"(3) PROCEDURES.—

"(A) IN GENERAL.—Except as otherwise provided in paragraphs (1) and (2), the procedures for the consideration and determination referred to in subsection (a) shall be the procedures established by the State regulatory authority or the nonregulated electric utility.

"(B) MULTIPLE PROJECTS.—If there is more than 1 project seeking consideration simultaneously in connection with the same utility, the proceeding may encompass all such projects, if full attention is paid to individual circumstances and merits and an individual judgment is reached with respect to each project.

"(f) IMPLEMENTATION.—

"(1) IN GENERAL.—The State regulatory authority (with respect to each electric utility for which the authority has ratemaking authority) or nonregulated electric utility may, to the extent consistent with otherwise applicable State law—

"(A) implement the standard determined under this section; or

"(B) decline to implement any such standard.

"(2) NONIMPLEMENTATION OF STANDARD.—

"(A) IN GENERAL.—If a State regulatory authority (with respect to each electric utility for which the authority has ratemaking authority) or nonregulated electric utility declines to implement any standard established by this section, the authority or nonregulated electric utility shall state in writing the reasons for declining to implement the standard.

"(B) AVAILABILITY TO PUBLIC.—The statement of reasons shall be available to the public.

"(C) ANNUAL REPORT.—The Administrator shall include in an annual report submitted to Congress a description of the lost opportunities for waste-heat recovery from the project described in subparagraph (A), specifically identifying the utility and stating the quantity of lost energy and emissions savings calculated.

"(D) NEW PETITION.—If a State regulatory authority (with respect to each electric utility for which the authority has ratemaking authority) or nonregulated electric utility declines to implement the standard established by this section, the project sponsor may submit a new petition under this section with respect to the project at any time after the date that is 2 years after the date on which the State regulatory authority or nonregulated utility declined to implement the standard.

"SEC. 375. CLEAN ENERGY APPLICATION CENTERS.

"(a) RENAMING.—

"(1) IN GENERAL.—The Combined Heat and Power Application Centers of the Department of Energy are redesignated as Clean Energy Application Centers.

"(2) REFERENCES.—Any reference in any law, rule, regulation, or publication to a Combined Heat and Power Application Center shall be treated as a reference to a Clean Energy Application Center.

"(b) RELOCATION.—

"(1) IN GENERAL.—In order to better coordinate efforts with the separate Industrial Assessment Centers and to ensure that the energy efficiency and, when applicable, the renewable nature of deploying mature clean energy technology is fully accounted for, the Secretary shall relocate the administration of the Clean Energy Application Centers to the Office of Energy Efficiency and Renewable Energy within the Department of Energy.

"(2) OFFICE OF ELECTRICITY DELIVERY AND ENERGY RELIABILITY.—The Office of Electricity Delivery and Energy Reliability shall—

"(A) continue to perform work on the role of technology described in paragraph (1) in support of the grid and the reliability and security of the technology; and

"(B) shall assist the Clean Energy Application Centers in the work of the Centers with regard to the grid and with electric utilities.

"(c) GRANTS.—

"(1) IN GENERAL.—The Secretary shall make grants to universities, research centers, and other appropriate institutions to ensure the continued operations and effectiveness of 8 Regional Clean Energy Application Centers in each of the following regions (as designated for such purposes as of the date of the enactment of the Energy Independence and Security Act of 2007):

"(A) Gulf Coast.

"(B) Intermountain.

"(C) Mid-Atlantic.

"(D) Midwest.

"(E) Northeast.

"(F) Northwest.

"(G) Pacific.

"(H) Southeast.

"(2) ESTABLISHMENT OF GOALS AND COMPLIANCE.—In making grants under this subsection, the Secretary shall ensure that sufficient goals are established and met by each Center throughout the program duration concerning outreach and technology deployment.

"(d) ACTIVITIES.—

"(1) IN GENERAL.—Each Clean Energy Application Center shall—

"(A) operate a program to encourage deployment of clean energy technologies through education and outreach to building and industrial professionals; and other individuals and organizations with an interest in efficient energy use; and

"(B) provide project specific support to building and industrial professionals through assessments and advisory activities.

"(2) TYPES OF ACTIVITIES.—Funds made available under this section may be used—

"(A) to develop and distribute informational materials on clean energy technologies, including continuation of the 8 websites in existence on the date of enactment of the Energy Independence and Security Act of 2007;

"(B) to develop and conduct target market workshops, seminars, internet programs, and other activities to educate end users, regulators, and stakeholders in a manner that leads to the deployment of clean energy technologies;

"(C) to provide or coordinate onsite assessments for sites and enterprises that may consider deployment of clean energy technology;

"(D) to perform market research to identify high profile candidates for clean energy deployment;

"(E) to provide consulting support to sites considering deployment of clean energy technologies;

"(F) to assist organizations developing clean energy technologies to overcome barriers to deployment; and

"(G) to assist companies and organizations with performance evaluations of any clean energy technology implemented.

"(e) DURATION.—

"(1) IN GENERAL.—A grant awarded under this section shall be for a period of 5 years

"(2) ANNUAL EVALUATIONS.—Each grant shall be evaluated annually for the continuation of the grant based on the activities and results of the grant.

"(f) AUTHORIZATION.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2008 through 2012.".

(b) TABLE OF CONTENTS.—The table of contents of the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by inserting after the items relating to part D of title III the following:

"PART E—INDUSTRIAL ENERGY EFFICIENCY

"Sec. 371. Definitions.
"Sec. 372. Survey and Registry.
"Sec. 373.Waste energy recovery incentive grant program.
"Sec. 374. Additional incentives for recovery, utilization and prevention of industrial waste energy.
"Sec. 375. Clean Energy Application Centers.".

SEC. 452. ENERGY-INTENSIVE INDUSTRIES PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) an energy-intensive industry;

(B) a national trade association representing an energy-intensive industry; or

(C) a person acting on behalf of 1 or more energy-intensive industries or sectors, as determined by the Secretary.

(2) ENERGY-INTENSIVE INDUSTRY.—The term "energy-intensive industry" means an industry that uses significant quantities of energy as part of its primary economic activities, including—

(A) information technology, including data centers containing electrical equipment used in processing, storing, and transmitting digital information;

(B) consumer product manufacturing;

(C) food processing;

(D) materials manufacturers, including—

(i) aluminum;

(ii) chemicals;

(iii) forest and paper products;

(iv) metal casting;

(v) glass;

(vi) petroleum refining;

(vii) mining; and

(viii) steel;

(E) other energy-intensive industries, as determined by the Secretary.

(3) FEEDSTOCK.—The term "feedstock" means the raw material supplied for use in manufacturing, chemical, and biological processes.

(4) PARTNERSHIP.—The term "partnership" means an energy efficiency partnership established under subsection (c)(1)(A).

(5) PROGRAM.—The term "program" means the energy-intensive industries program established under subsection (b).

(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program under which the Secretary, in cooperation with energy-intensive industries and national industry trade associations representing the energy-intensive industries, shall support, research, develop, and promote the use of new materials processes, technologies, and techniques to optimize energy efficiency and the economic competitiveness of the United States' industrial and commercial sectors.

(c) PARTNERSHIPS.—

(1) IN GENERAL.—As part of the program, the Secretary shall establish energy efficiency partnerships between the Secretary and eligible entities to conduct research on, develop, and demonstrate new processes, technologies, and operating practices and techniques to significantly improve the energy efficiency of equipment and processes used by energy-intensive industries, including the conduct of activities to—

(A) increase the energy efficiency of industrial processes and facilities;

(B) research, develop, and demonstrate advanced technologies capable of energy intensity reductions and increased environmental performance; and

(C) promote the use of the processes, technologies, and techniques described in subparagraphs (A) and (B).

(2) ELIGIBLE ACTIVITIES.—Partnership activities eligible for funding under this subsection include—

(A) feedstock and recycling research, development, and demonstration activities to identify and promote—

(i) opportunities for meeting industry feedstock requirements with more energy efficient and flexible sources of feedstock or energy supply;

(ii) strategies to develop and deploy technologies that improve the quality and quantity of feedstocks recovered from process and waste streams; and

(iii) other methods using recycling, reuse, and improved industrial materials;

(B) research to develop and demonstrate technologies and processes that utilize alternative energy sources to supply heat, power, and new feedstocks for energy-intensive industries;

(C) research to achieve energy efficiency in steam, power, control system, and process heat technologies, and in other manufacturing processes; and

(D) industrial and commercial energy efficiency and sustainability assessments to—

(i) assist individual industrial and commercial sectors in developing tools, techniques, and methodologies to assess—

(I) the unique processes and facilities of the sectors;

(II) the energy utilization requirements of the sectors; and

(III) the application of new, more energy efficient technologies; and

(ii) conduct energy savings assessments;

(E) the incorporation of technologies and innovations that would significantly improve the energy efficiency and utilization of energy-intensive commercial applications; and

(F) any other activities that the Secretary determines to be appropriate.

(3) PROPOSALS.—

(A) IN GENERAL.—To be eligible for funding under this subsection, a partnership shall submit to the Secretary a proposal that describes the proposed research, development, or demonstration activity to be conducted by the partnership.

(B) REVIEW.—After reviewing the scientific, technical, and commercial merit of a proposals submitted under subparagraph (A), the Secretary shall approve or disapprove the proposal.

(C) COMPETITIVE AWARDS.—The provision of funding under this subsection shall be on a competitive basis.

(4) COST-SHARING REQUIREMENT.—In carrying out this section, the Secretary shall require cost sharing in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(d) GRANTS.—The Secretary may award competitive grants for innovative technology research, development and demonstrations to universities, individual inventors, and small companies, based on energy savings potential, commercial viability, and technical merit.

(e) INSTITUTION OF HIGHER EDUCATION-BASED INDUSTRIAL RESEARCH AND ASSESSMENT CENTERS.—The Secretary shall provide funding to institution of higher education-based industrial research and assessment centers, whose purpose shall be—

(1) to identify opportunities for optimizing energy efficiency and environmental performance;

(2) to promote applications of emerging concepts and technologies in small and medium-sized manufacturers;

(3) to promote research and development for the use of alternative energy sources to supply heat, power, and new feedstocks for energy-intensive industries;

(4) to coordinate with appropriate Federal and State research offices, and provide a clearinghouse for industrial process and energy efficiency technical assistance resources; and

(5) to coordinate with State-accredited technical training centers and community colleges, while ensuring appropriate services to all regions of the United States.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this section—

(A) $184,000,000 for fiscal year 2008;

(B) $190,000,000 for fiscal year 2009;

(C) $196,000,000 for fiscal year 2010;

(D) $202,000,000 for fiscal year 2011;

(E) $208,000,000 for fiscal year 2012; and

(F) such sums as are necessary for fiscal year 2013 and each fiscal year thereafter.

(2) PARTNERSHIP ACTIVITIES.—Of the amounts made available under paragraph (1), not less than 50 percent shall be used to pay the Federal share of partnership activities under subsection (c).

(3) COORDINATION AND NONDUPLICATION.—The Secretary shall coordinate efforts under this section with other programs of the Department and other Federal agencies to avoid duplication of effort.

SEC. 453. ENERGY EFFICIENCY FOR DATA CENTER BUILDINGS.

(a) DEFINITIONS.—In this section:

(1) DATA CENTER.—The term "data center" means any facility that primarily contains electronic equipment used to process, store, and transmit digital information, which may be—

(A) a free-standing structure; or

(B) a facility within a larger structure, that uses environmental control equipment to maintain the proper conditions for the operation of electronic equipment.

(2) DATA CENTER OPERATOR.—The term "data center operator" means any person or government entity that builds or operates a data center or purchases data center services, equipment, and facilities.

(b) VOLUNTARY NATIONAL INFORMATION PROGRAM.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary and the Administrator of the Environmental Protection Agency shall, after consulting with information technology industry and other interested parties, initiate a voluntary national information program for those types of data centers and data center equipment and facilities that are widely used and for which there is a potential for significant data center energy savings as a result of the program.

(2) REQUIREMENTS.—The program described in paragraph (1) shall—

(A) address data center efficiency holistically, reflecting the total energy consumption of data centers as whole systems, including both equipment and facilities;

(B) consider prior work and studies undertaken in this area, including by the Environmental Protection Agency and the Department of Energy;

(C) consistent with the objectives described in paragraph (1), determine the type of data center and data center equipment and facilities to be covered under the program;

(D) produce specifications, measurements, best practices, and benchmarks that will enable data center operators to make more informed decisions about the energy efficiency and costs of data centers, and that take into account—

(i) the performance and use of servers, data storage devices, and other information technology equipment;

(ii) the efficiency of heating, ventilation, and air conditioning, cooling, and power conditioning systems, provided that no modification shall be required of a standard then in effect under the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.) for any covered heating, ventilation, air-conditioning, cooling or power-conditioning product;

(iii) energy savings from the adoption of software and data management techniques; and

(iv) other factors determined by the organization described in subsection (c);

(E) allow for creation of separate specifications, measurements, and benchmarks based on data center size and function, as well as other appropriate characteristics;

(F) advance the design and implementation of efficiency technologies to the maximum extent economically practical;

(G) provide to data center operators in the private sector and the Federal Government information about best practices and purchasing decisions that reduce the energy consumption of data centers; and

(H) publish the information described in subparagraph (G), which may be disseminated through catalogs, trade publications, the Internet, or other mechanisms, that will allow data center operators to assess the energy consumption and potential cost savings of alternative data centers and data center equipment and facilities.

(3) PROCEDURES.—The program described in paragraph (1) shall be developed in consultation with and coordinated by the organization described in subsection (c) according to commonly accepted procedures for the development of specifications, measurements, and benchmarks.

(c) DATA CENTER EFFICIENCY ORGANIZATION.—

(1) IN GENERAL.—After the establishment of the program described in subsection (b), the Secretary and the Administrator shall jointly designate an information technology industry organization to consult with and to coordinate the program.

(2) REQUIREMENTS.—The organization designated under paragraph (1), whether preexisting or formed specifically for the purposes of subsection (b), shall—

(A) consist of interested parties that have expertise in energy efficiency and in the development, operation, and functionality of computer data centers, information technology equipment, and software, as well as representatives of hardware manufacturers, data center operators, and facility managers;

(B) obtain and address input from Department of Energy National Laboratories or any college, university, research institution, industry association, company, or public interest group with applicable expertise in any of the areas listed in paragraph (1);

(C) follow commonly accepted procedures for the development of specifications and accredited standards development processes;

(D) have a mission to develop and promote energy efficiency for data centers and information technology; and

(E) have the primary responsibility to consult in the development and publishing of the information, measurements, and benchmarks described in subsection (b) and transmission of the information to the Secretary and the Administrator for consideration under subsection (d).

(d) MEASUREMENTS AND SPECIFICATIONS.—

(1) IN GENERAL.—The Secretary and the Administrator shall consider the specifications, measurements, and benchmarks described in subsection (b) for use by the Federal Energy Management Program, the Energy Star Program, and other efficiency programs of the Department of Energy and Environmental Protection Agency, respectively.

(2) REJECTIONS.—If the Secretary or the Administrator rejects 1 or more specifications, measurements, or benchmarks described in subsection (b), the rejection shall be made consistent with section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note; Public Law 104–113).

(3) DETERMINATION OF IMPRACTICABILITY.—A determination that a specification, measurement, or benchmark described in subsection (b) is impractical may include consideration of the maximum efficiency that is technologically feasible and economically justified.

(e) MONITORING.—The Secretary and the Administrator shall—

(1) monitor and evaluate the efforts to develop the program described in subsection (b); and

(2) not later than 3 years after the date of enactment of this Act, make a determination as to whether the program is consistent with the objectives of subsection (b).

(f) ALTERNATIVE SYSTEM.—If the Secretary and the Administrator make a determination under subsection (e) that a voluntary national information program for data centers consistent with the objectives of subsection (b) has not been developed, the Secretary and the Administrator shall, after consultation with the National Institute of Standards and Technology and not later than 2 years after the determination, develop and implement the program under subsection (b).

(g) PROTECTION OF PROPRIETARY INFORMATION.—The Secretary, the Administrator, or the data center efficiency organization shall not disclose any proprietary information or trade secrets provided by any individual or company for the purposes of carrying out this section or the program established under this section.

Subtitle E—Healthy High-Performance Schools

SEC. 461. HEALTHY HIGH-PERFORMANCE SCHOOLS.

(a) AMENDMENT.—The Toxic Substances Control Act (15 U.S.C. 2601 et seq.) is amended by adding at the end the following new title:

“TITLE V—HEALTHY HIGH-PERFORMANCE SCHOOLS

“SEC. 501. GRANTS FOR HEALTHY SCHOOL ENVIRONMENTS.

“(a) IN GENERAL.—The Administrator, in consultation with the Secretary of Education, may provide grants to States for use in—

“(1) providing technical assistance for programs of the Environmental Protection Agency (including the Tools for Schools Program and the Healthy School Environmental Assessment Tool) to schools for use in addressing environmental issues; and

“(2) development and implementation of State school environmental health programs that include—

“(A) standards for school building design, construction, and renovation; and

“(B) identification of ongoing school building environmental problems, including contaminants, hazardous substances, and pollutant emissions, in the State and recommended solutions to address those problems, including assessment of information on the exposure of children to environmental hazards in school facilities.

“(b) SUNSET.—The authority of the Administrator to carry out this section shall expire 5 years after the date of enactment of this section.

“SEC. 502. MODEL GUIDELINES FOR SITING OF SCHOOL FACILITIES.

“Not later than 18 months after the date of enactment of this section, the Administrator, in consultation with the Secretary of Education and the Secretary of Health and Human Services, shall issue voluntary school site selection guidelines that account for—

“(1) the special vulnerability of children to hazardous substances or pollution exposures in any case in which the potential for contamination at a potential school site exists;

“(2) modes of transportation available to students and staff;

“(3) the efficient use of energy; and

“(4) the potential use of a school at the site as an emergency shelter.

“SEC. 503. PUBLIC OUTREACH.

“(a) REPORTS.—The Administrator shall publish and submit to Congress an annual report on all activities carried out under this title, until the expiration of authority described in section 501(b).

“(b) PUBLIC OUTREACH.—The Federal Director appointed under section 436(a) of the Energy Independence and Security Act of 2007 (in this title referred to as the ‘Federal Director’) shall ensure, to the maximum extent practicable, that the public clearinghouse established under section 423(1) of the Energy Independence and Security Act of 2007 receives and makes available information on the exposure of children to environmental hazards in school facilities, as provided by the Administrator.

“SEC. 504. ENVIRONMENTAL HEALTH PROGRAM.

“(a) IN GENERAL.—Not later than 2 years after the date of enactment of this section, the Administrator, in consultation with the Secretary of Education, the Secretary of Health and Human Services, and other relevant agencies, shall issue voluntary guidelines for use by the State in developing and implementing an environmental health program for schools that—

“(1) takes into account the status and findings of Federal initiatives established under this title or subtitle C of title IV of the Energy Independence and Security Act of 2007 and other relevant Federal law with respect to school facilities, including relevant updates on trends in the field, such as the impact of school facility environments on student and staff—

“(A) health, safety, and productivity; and

“(B) disabilities or special needs;

“(2) takes into account studies using relevant tools identified or developed in accordance with section 492 of the Energy Independence and Security Act of 2007;

“(3) takes into account, with respect to school facilities, each of—

“(A) environmental problems, contaminants, hazardous substances, and pollutant emissions, including—

“(i) lead from drinking water;

“(ii) lead from materials and products;

“(iii) asbestos;

“(iv) radon;

“(v) the presence of elemental mercury releases from products and containers;

“(vi) pollutant emissions from materials and products; and

“(vii) any other environmental problem, contaminant, hazardous substance, or pollutant emission that present or may present a risk to the health of occupants of the school facilities or environment;

“(B) natural day lighting;

“(C) ventilation choices and technologies;

“(D) heating and cooling choices and technologies;

“(E) moisture control and mold;

“(F) maintenance, cleaning, and pest control activities;

“(G) acoustics; and

“(H) other issues relating to the health, comfort, productivity, and performance of occupants of the school facilities;

“(4) provides technical assistance on siting, design, management, and operation of school facilities, including facilities used by students with disabilities or special needs;

"(5) collaborates with federally funded pediatric environmental health centers to assist in on-site school environmental investigations;

"(6) assists States and the public in better understanding and improving the environmental health of children; and

"(7) takes into account the special vulnerability of children in low-income and minority communities to exposures from contaminants, hazardous substances, and pollutant emissions.

"(b) Public Outreach.—The Federal Director and Commercial Director shall ensure, to the maximum extent practicable, that the public clearinghouse established under section 423 of the Energy Independence and Security Act of 2007 receives and makes available—

"(1) information from the Administrator that is contained in the report described in section 503(a); and

"(2) information on the exposure of children to environmental hazards in school facilities, as provided by the Administrator.

"SEC. 505. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title $1,000,000 for fiscal year 2009, and $1,500,000 for each of fiscal years 2010 through 2013, to remain available until expended.".

(b) Table of Contents Amendment.—The table of contents for the Toxic Substances Control Act (15 U.S.C. 2601 et seq.) is amended by adding at the end the following:

"TITLE V—HEALTHY HIGH-PERFORMANCE SCHOOLS

"Sec. 501. Grants for healthy school environments.
"Sec. 502. Model guidelines for siting of school facilities.
"Sec. 503. Public outreach.
"Sec. 504. Environmental health program.
"Sec. 505. Authorization of appropriations.".

SEC. 462. STUDY ON INDOOR ENVIRONMENTAL QUALITY IN SCHOOLS.

(a) In General.—The Administrator of the Environmental Protection Agency shall enter into an arrangement with the Secretary of Education and the Secretary of Energy to conduct a detailed study of how sustainable building features such as energy efficiency affect multiple perceived indoor environmental quality stressors on students in K–12 schools.

(b) Contents.—The study shall—

(1) investigate the combined effect building stressors such as heating, cooling, humidity, lighting, and acoustics have on building occupants' health, productivity, and overall well-being;

(2) identify how sustainable building features, such as energy efficiency, are influencing these human outcomes singly and in concert; and

(3) ensure that the impacts of the indoor environmental quality are evaluated as a whole.

(c) Authorization of Appropriations.—There are authorized to be appropriated for carrying out this section $200,000 for each of the fiscal years 2008 through 2012.

Subtitle F—Institutional Entities

SEC. 471. ENERGY SUSTAINABILITY AND EFFICIENCY GRANTS AND LOANS FOR INSTITUTIONS.

Part G of title III of the Energy Policy and Conservation Act is amended by inserting after section 399 (42 U.S.C. 6371h) the following:

"SEC. 399A. ENERGY SUSTAINABILITY AND EFFICIENCY GRANTS AND LOANS FOR INSTITUTIONS.

"(a) Definitions.—In this section:

"(1) Combined heat and power.—The term 'combined heat and power' means the generation of electric energy and heat in a single, integrated system, with an overall thermal efficiency of 60 percent or greater on a higher-heating-value basis.

"(2) District energy systems.—The term 'district energy systems' means systems providing thermal energy from a renewable energy source, thermal energy source, or highly efficient technology to more than 1 building or fixed energy-consuming use from 1 or more thermal-energy production facilities through pipes or other means to provide space heating, space conditioning, hot water, steam, compression, process energy, or other end uses for that energy.

"(3) Energy sustainability.—The term 'energy sustainability' includes using a renewable energy source, thermal energy source, or a highly efficient technology for transportation, electricity generation, heating, cooling, lighting, or other energy services in fixed installations.

"(4) Institution of higher education.—The term 'institution of higher education' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

"(5) Institutional entity.—The term 'institutional entity' means an institution of higher education, a public school district, a local government, a municipal utility, or a designee of 1 of those entities.

"(6) Renewable energy source.—The term 'renewable energy source' has the meaning given the term in section 609 of the Public Utility Regulatory Policies Act of 1978 (7 U.S.C. 918c).

"(7) Sustainable energy infrastructure.—The term 'sustainable energy infrastructure' means—

"(A) facilities for production of energy from renewable energy sources, thermal energy sources, or highly efficient technologies, including combined heat and power or other waste heat use; and

"(B) district energy systems.

"(8) Thermal energy source.—The term 'thermal energy source' means—

"(A) a natural source of cooling or heating from lake or ocean water; and

"(B) recovery of useful energy that would otherwise be wasted from ongoing energy uses.

"(b) Technical Assistance Grants.—

"(1) In general.—Subject to the availability of appropriated funds, the Secretary shall implement a program of information dissemination and technical assistance to institutional entities to assist the institutional entities in identifying, evaluating, designing, and implementing sustainable energy infrastructure projects in energy sustainability.

"(2) Assistance.—The Secretary shall support institutional entities in—

"(A) identification of opportunities for sustainable energy infrastructure;

"(B) understanding the technical and economic characteristics of sustainable energy infrastructure;

"(C) utility interconnection and negotiation of power and fuel contracts;

"(D) understanding financing alternatives;

"(E) permitting and siting issues;

"(F) obtaining case studies of similar and successful sustainable energy infrastructure systems; and

"(G) reviewing and obtaining computer software for assessment, design, and operation and maintenance of sustainable energy infrastructure systems.

"(3) Eligible costs for technical assistance grants.—On receipt of an application of an institutional entity, the Secretary may make grants to the institutional entity to fund a portion of the cost of—

"(A) feasibility studies to assess the potential for implementation or improvement of sustainable energy infrastructure;

"(B) analysis and implementation of strategies to overcome barriers to project implementation, including financial, contracting, siting, and permitting barriers; and

"(C) detailed engineering of sustainable energy infrastructure.

"(c) Grants for Energy Efficiency Improvement and Energy Sustainability.—

"(1) Grants.—

"(A) In general.—The Secretary shall award grants to institutional entities to carry out projects to improve energy efficiency on the grounds and facilities of the institutional entity.

"(B) Requirement.—To the extent that applications have been submitted, grants under subparagraph (A) shall include not less than 1 grant each year to an institution of higher education in each State.

"(C) Minimum funding.—Not less than 50 percent of the total funding for all grants under this subsection shall be awarded in grants to institutions of higher education.

"(2) Criteria.—Evaluation of projects for grant funding shall be based on criteria established by the Secretary, including criteria relating to—

"(A) improvement in energy efficiency;

"(B) reduction in greenhouse gas emissions and other air emissions, including criteria air pollutants and ozone-depleting refrigerants;

"(C) increased use of renewable energy sources or thermal energy sources;

"(D) reduction in consumption of fossil fuels;

"(E) active student participation; and

"(F) need for funding assistance.

"(3) Condition.—As a condition of receiving a grant under this subsection, an institutional entity shall agree—

"(A) to implement a public awareness campaign concerning the project in the community in which the institutional entity is located; and

"(B) to submit to the Secretary, and make available to the public, reports on any efficiency improvements, energy cost savings, and environmental benefits achieved as part of a project carried out under paragraph (1), including quantification of the results relative to the criteria described under paragraph (2).

"(d) Grants for Innovation in Energy Sustainability.—

"(1) Grants.—

"(A) In general.—The Secretary shall award grants to institutional entities to engage in innovative energy sustainability projects.

"(B) Requirement.—To the extent that applications have been submitted, grants under subparagraph (A) shall include not less than 2 grants each year to institutions of higher education in each State.

"(C) Minimum funding.—Not less than 50 percent of the total funding for all grants under this subsection shall be awarded in grants to institutions of higher education.

"(2) Innovation projects.—An innovation project carried out with a grant under this subsection shall—

"(A) involve—

"(i) an innovative technology that is not yet commercially available; or

"(ii) available technology in an innovative application that maximizes energy efficiency and sustainability;

"(B) have the greatest potential for testing or demonstrating new technologies or processes; and

"(C) to the extent undertaken by an institution of higher education, ensure active student participation in the project, including the planning, implementation, evaluation, and other phases of projects.

"(3) CONDITION.—As a condition of receiving a grant under this subsection, an institutional entity shall agree to submit to the Secretary, and make available to the public, reports that describe the results of the projects carried out using grant funds.

"(e) ALLOCATION TO INSTITUTIONS OF HIGHER EDUCATION WITH SMALL ENDOWMENTS.—

"(1) IN GENERAL.—Of the total amount of grants provided to institutions of higher education for a fiscal year under this section, the Secretary shall provide not less than 50 percent of the amount to institutions of higher education that have an endowment of not more than $100,000,000.

"(2) REQUIREMENT.—To the extent that applications have been submitted, at least 50 percent of the amount described in paragraph (1) shall be provided to institutions of higher education that have an endowment of not more than $50,000,000.

"(f) GRANT AMOUNTS.—

"(1) IN GENERAL.—If the Secretary determines that cost sharing is appropriate, the amounts of grants provided under this section shall be limited as provided in this subsection.

"(2) TECHNICAL ASSISTANCE GRANTS.—In the case of grants for technical assistance under subsection (b), grant funds shall be available for not more than—

"(A) an amount equal to the lesser of—

"(i) $50,000; or

"(ii) 75 percent of the cost of feasibility studies to assess the potential for implementation or improvement of sustainable energy infrastructure;

"(B) an amount equal to the lesser of—

"(i) $90,000; or

"(ii) 60 percent of the cost of guidance on overcoming barriers to project implementation, including financial, contracting, siting, and permitting barriers; and

"(C) an amount equal to the lesser of—

"(i) $250,000; or

"(ii) 40 percent of the cost of detailed engineering and design of sustainable energy infrastructure.

"(3) GRANTS FOR EFFICIENCY IMPROVEMENT AND ENERGY SUSTAINABILITY.—In the case of grants for efficiency improvement and energy sustainability under subsection (c), grant funds shall be available for not more than an amount equal to the lesser of—

"(A) $1,000,000; or

"(B) 60 percent of the total cost.

"(4) GRANTS FOR INNOVATION IN ENERGY SUSTAINABILITY.—In the case of grants for innovation in energy sustainability under subsection (d), grant funds shall be available for not more than an amount equal to the lesser of—

"(A) $500,000; or

"(B) 75 percent of the total cost.

"(g) LOANS FOR ENERGY EFFICIENCY IMPROVEMENT AND ENERGY SUSTAINABILITY.—

"(1) IN GENERAL.—Subject to the availability of appropriated funds, the Secretary shall provide loans to institutional entities for the purpose of implementing energy efficiency improvements and sustainable energy infrastructure.

"(2) TERMS AND CONDITIONS.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, loans made under this subsection shall be on such terms and conditions as the Secretary may prescribe.

"(B) MATURITY.—The final maturity of loans made within a period shall be the lesser of, as determined by the Secretary—

"(i) 20 years; or

"(ii) 90 percent of the useful life of the principal physical asset to be financed by the loan.

"(C) DEFAULT.—No loan made under this subsection may be subordinated to another debt contracted by the institutional entity or to any other claims against the institutional entity in the case of default.

"(D) BENCHMARK INTEREST RATE.—

"(i) IN GENERAL.—Loans under this subsection shall be at an interest rate that is set by reference to a benchmark interest rate (yield) on marketable Treasury securities with a similar maturity to the direct loans being made.

"(ii) MINIMUM.—The minimum interest rate of loans under this subsection shall be at the interest rate of the benchmark financial instrument.

"(iii) NEW LOANS.—The minimum interest rate of new loans shall be adjusted each quarter to take account of changes in the interest rate of the benchmark financial instrument.

"(E) CREDIT RISK.—The Secretary shall—

"(i) prescribe explicit standards for use in periodically assessing the credit risk of making direct loans under this subsection; and

"(ii) find that there is a reasonable assurance of repayment before making a loan.

"(F) ADVANCE BUDGET AUTHORITY REQUIRED.—New direct loans may not be obligated under this subsection except to the extent that appropriations of budget authority to cover the costs of the new direct loans are made in advance, as required by section 504 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c).

"(3) CRITERIA.—Evaluation of projects for potential loan funding shall be based on criteria established by the Secretary, including criteria relating to—

"(A) improvement in energy efficiency;

"(B) reduction in greenhouse gas emissions and other air emissions, including criteria air pollutants and ozone-depleting refrigerants;

"(C) increased use of renewable electric energy sources or renewable thermal energy sources;

"(D) reduction in consumption of fossil fuels; and

"(E) need for funding assistance, including consideration of the size of endowment or other financial resources available to the institutional entity.

"(4) LABOR STANDARDS.—

"(A) IN GENERAL.—All laborers and mechanics employed by contractors or subcontractors in the performance of construction, repair, or alteration work funded in whole or in part under this section shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with sections 3141 through 3144, 3146, and 3147 of title 40, United States Code. The Secretary shall not approve any such funding without first obtaining adequate assurance that required labor standards will be maintained upon the construction work.

"(B) AUTHORITY AND FUNCTIONS.—The Secretary of Labor shall have, with respect to the labor standards specified in paragraph (1), the authority and functions set forth in Reorganization Plan Number 14 of 1950 (15 Fed. Reg. 3176; 64 Stat. 1267) and section 3145 of title 40, United States Code.

"(h) PROGRAM PROCEDURES.—Not later than 180 days after the date of enactment of this section, the Secretary shall establish procedures for the solicitation and evaluation of potential projects for grant and loan funding and administration of the grant and loan programs.

"(i) AUTHORIZATION.—

"(1) GRANTS.—There is authorized to be appropriated for the cost of grants authorized in subsections (b), (c), and (d) $250,000,000 for each of fiscal years 2009 through 2013, of which not more than 5 percent may be used for administrative expenses.

"(2) LOANS.—There is authorized to be appropriated for the initial cost of direct loans authorized in subsection (g) $500,000,000 for each of fiscal years 2009 through 2013, of which not more than 5 percent may be used for administrative expenses.".

Subtitle G—Public and Assisted Housing

SEC. 481. APPLICATION OF INTERNATIONAL ENERGY CONSERVATION CODE TO PUBLIC AND ASSISTED HOUSING.

Section 109 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12709) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(C), by striking ", where such standards are determined to be cost effective by the Secretary of Housing and Urban Development"; and

(B) in the first sentence of paragraph (2)—

(i) by striking "Council of American Building Officials Model Energy Code, 1992" and inserting "2006 International Energy Conservation Code"; and

(ii) by striking ", and, with respect to rehabilitation and new construction of public and assisted housing funded by HOPE VI revitalization grants under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), the 2003 International Energy Conservation Code";

(2) in subsection (b)—

(A) in the heading, by striking "**MODEL ENERGY CODE.**—" and inserting "**INTERNATIONAL ENERGY CONSERVATION CODE.**—";

(B) by inserting "and rehabilitation" after "all new construction"; and

(C) by striking ", and, with respect to rehabilitation and new construction of public and assisted housing funded by HOPE VI revitalization grants under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), the 2003 International Energy Conservation Code";

(3) in subsection (c)—

(A) in the heading, by striking "**MODEL ENERGY CODE AND**"; and

(B) by striking ", or, with respect to rehabilitation and new construction of public and assisted housing funded by HOPE VI revitalization grants under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), the 2003 International Energy Conservation Code";

(4) by adding at the end the following:

"(d) FAILURE TO AMEND THE STANDARDS.—If the Secretary of Housing and Urban Development and the Secretary of Agriculture have not, within 1 year after the requirements of the 2006 IECC or the ASHRAE Standard 90.1-2004 are revised, amended the standards or made a determination under subsection (c), all new construction and rehabilitation of housing specified in subsection (a) shall meet the requirements of the revised code or standard if—

"(1) the Secretary of Housing and Urban Development or the Secretary of Agriculture make a determination that the revised codes do not negatively affect the availability or affordability of new construction of assisted housing and single family and multifamily residential housing (other than manufactured homes) subject to mortgages insured under the National Housing Act (12 U.S.C. 1701 et seq.) or insured, guaranteed, or made by the Secretary of Agriculture under title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.), respectively; and

"(2) the Secretary of Energy has made a determination under section 304 of the Energy Conservation and Production Act (42 U.S.C. 6833) that the revised code or standard would improve energy efficiency.";

(5) by striking "CABO Model Energy Code, 1992" each place it appears and inserting "the 2006 IECC"; and

(6) by striking "1989" each place it appears and inserting "2004".

Subtitle H—General Provisions

SEC. 491. DEMONSTRATION PROJECT.

(a) IN GENERAL.—The Federal Director and the Commercial Director shall establish guidelines to implement a demonstration project to contribute to the research goals of the Office of Commercial High-Performance Green Buildings and the Office of Federal High-Performance Green Buildings.

(b) PROJECTS.—In accordance with guidelines established by the Federal Director and the Commercial Director under subsection (a) and the duties of the Federal Director and the Commercial Director described in this title, the Federal Director or the Commercial Director shall carry out—

(1) for each of fiscal years 2009 through 2014, 1 demonstration project per year of green features in a Federal building selected by the Federal Director in accordance with relevant agencies and described in subsection (c)(1), that—

(A) provides for instrumentation, monitoring, and data collection related to the green features, for study of the impact of the features on overall enrgy use and operational costs, and for the evaluation of the information obtained through the conduct of projects and activities under this title; and

(B) achieves the highest rating offered by the high performance green building system identified pursuant to section 436(h);

(2) no fewer than 4 demonstration projects at 4 universities, that, as competitively selected by the Commercial Director in accordance with subsection (c)(2), have—

(A) appropriate research resources and relevant projects to meet the goals of the demonstration project established by the Office of Commercial High-Performance Green Buildings; and

(B) the ability—

(i) to serve as a model for high-performance green building initiatives, including research and education by achieving the highest rating offered by the high performance green building system identified pursuant to section 436(h);

(ii) to identify the most effective ways o use high-performance green building and landscape technologies to engage and educate undergraduate and graduate students;

(iii) to effectively implement a high-performance green building education program for students and occupants;

(iv) to demonstrate the effectiveness of various high-performance technologies, including their impacts on energy use and operational costs, in each of the 4 climatic regions of the United States described in subsection (c)(2)(B); and

(v) to explore quantifiable and nonquantifiable beneficial impacts on public health and employee and student performance;

(3) demonstration projects to evaluate replicable approaches of achieving high performance in actual building operation in various types of commercial buildings in various climates; and

(4) deployment activities to disseminate information on and encourage widespread adoption of technologies, practices, and policies to achieve zero-net-energy commercial buildings or low energy use and effective monitoring of energy use in commercial buildings.

(c) CRITERIA.—

(1) FEDERAL FACILITIES.—With respect to the existing or proposed Federal facility at which a demonstration project under this section is conducted, the Federal facility shall—

(A) be an appropriate model for a project relating to—

(i) the effectiveness of high-performance technologies;

(ii) analysis of materials, components, systems, and emergency operations in the building, and the impact of those materials, components, and systems, including the impact on the health of building occupants;

(iii) life-cycle costing and life-cycle assessment of building materials and systems; and

(iv) location and design that promote access to the Federal facility through walking, biking, and mass transit; and

(B) possess sufficient technological and organizational adaptability.

(2) UNIVERSITIES.—With respect to the 4 universities at which a demonstration project under this section is conducted—

(A) the universities should be selected, after careful review of all applications received containing the required information, as determined by the Commercial Director, based on—

(i) successful and established public-private research and development partnerships;

(ii) demonstrated capabilities to construct or renovate buildings that meet high indoor environmental quality standards;

(iii) organizational flexibility;

(iv) technological adaptability;

(v) the demonstrated capacity of at least 1 university to replicate lessons learned among nearby or sister universities, preferably by participation in groups or consortia that promote sustainability;

(vi) the demonstrated capacity of at least 1 university to have officially-adopted, institution-wide "high-performance green building" guidelines for all campus building projects; and

(vii) the demonstrated capacity of at least 1 university to have been recognized by similar institutions as a national leader in sustainability education and curriculum for students of the university; and

(B) each university shall be located in a different climatic region of the United States, each of which regions shall have, as determined by the Office of Commercial High-Performance Green Buildings—

(i) a hot, dry climate;

(ii) a hot, humid climate;

(iii) a cold climate; or

(iv) a temperate climate (including a climate with cold winters and humid summers).

(d) APPLICATIONS.—To receive a grant under subsection (b), an eligible applicant shall submit to the Federal Director or the Commercial Director an application at such time, in such manner, and containing such information as the Director may require, including a written assurance that all laborers and mechanics employed by contractors or subcontractors during construction, alteration, or repair that is financed, in whole or in part, by a grant under this section shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with sections 3141 through 3144, 3146, and 3147 of title 40, United States Code. The Secretary of Labor shall, with respect to the labor standards described in this subsection, have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. App.) and section 3145 of title 40, United States Code.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter through September 30, 2014—

(1) the Federal Director and the Commercial Director shall submit to the Secretary a report that describes the status of the demonstration projects; and

(2) each University at which a demonstration project under this section is conducted shall submit to the Secretary a report that describes the status of the demonstration projects under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the demonstration project described in section (b)(1) $10,000,000 for the period of fiscal years 2008 through 2012, and to carry out the demonstration project described in section (b)(2), $10,000,000 for the period of fiscal years 2008 through 2012, to remain available until expended.

SEC. 492. RESEARCH AND DEVELOPMENT.

(a) ESTABLISHMENT.—The Federal Director and the Commercial Director, jointly and in coordination with the Advisory Committee, shall—

(1)(A) survey existing research and studies relating to high-performance green buildings; and

(B) coordinate activities of common interest;

(2) develop and recommend a high-performance green building research plan that—

(A) identifies information and research needs, including the relationships between human health, occupant productivity, safety, security, and accessibility and each of—

(i) emissions from materials and products in the building;

(ii) natural day lighting;

(iii) ventilation choices and technologies;

(iv) heating, cooling, and system control choices and technologies;

(v) moisture control and mold;

(vi) maintenance, cleaning, and pest control activities;

(vii) acoustics;

(viii) access to public transportation; and

(ix) other issues relating to the health, comfort, productivity, and performance of occupants of the building;

(B) promotes the development and dissemination of high-performance green building measurement tools that, at a minimum, may be used—

(i) to monitor and assess the life-cycle performance of facilities (including demonstration projects) built as high-performance green buildings; and

(ii) to perform life-cycle assessments; and

(C) identifies and tests new and emerging technologies for high performance green buildings;

(3) assist the budget and life-cycle costing functions of the Directors' Offices under section 436(d);

(4) study and identify potential benefits of green buildings relating to security, natural disaster, and emergency needs of the Federal Government; and

(5) support other research initiatives determined by the Directors' Offices.

(b) INDOOR AIR QUALITY.—The Federal Director, in consultation with the Administrator of the Environmental Protection

Agency and the Advisory Committee, shall develop and carry out a comprehensive indoor air quality program for all Federal facilities to ensure the safety of Federal workers and facility occupants—

(1) during new construction and renovation of facilities; and

(2) in existing facilities.

SEC. 493. ENVIRONMENTAL PROTECTION AGENCY DEMONSTRATION GRANT PROGRAM FOR LOCAL GOVERNMENTS.

Title III of the Clean Air Act (42 U.S.C. 7601 et seq.) is amended by adding at the end the following:

"SEC. 329. DEMONSTRATION GRANT PROGRAM FOR LOCAL GOVERNMENTS.

"(a) GRANT PROGRAM.—

"(1) IN GENERAL.—The Administrator shall establish a demonstration program under which the Administrator shall provide competitive grants to assist local governments (such as municipalities and counties), with respect to local government buildings—

"(A) to deploy cost-effective technologies and practices; and

"(B) to achieve operational cost savings, through the application of cost-effective technologies and practices, as verified by the Administrator.

"(2) COST SHARING.—

"(A) IN GENERAL.—The Federal share of the cost of an activity carried out using a grant provided under this section shall be 40 percent.

"(B) WAIVER OF NON-FEDERAL SHARE.—The Administrator may waive up to 100 percent of the local share of the cost of any grant under this section should the Administrator determine that the community is economically distressed, pursuant to objective economic criteria established by the Administrator in published guidelines.

"(3) MAXIMUM AMOUNT.—The amount of a grant provided under this subsection shall not exceed $1,000,000.

"(b) GUIDELINES.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Administrator shall issue guidelines to implement the grant program established under subsection (a).

"(2) REQUIREMENTS.—The guidelines under paragraph (1) shall establish—

"(A) standards for monitoring and verification of operational cost savings through the application of cost-effective technologies and practices reported by grantees under this section;

"(B) standards for grantees to implement training programs, and to provide technical assistance and education, relating to the retrofit of buildings using cost-effective technologies and practices; and

"(C) a requirement that each local government that receives a grant under this section shall achieve facility-wide cost savings, through renovation of existing local government buildings using cost-effective technologies and practices, of at least 40 percent as compared to the baseline operational costs of the buildings before the renovation (as calculated assuming a 3-year, weather-normalized average).

"(c) COMPLIANCE WITH STATE AND LOCAL LAW.—Nothing in this section or any program carried out using a grant provided under this section supersedes or otherwise affects any State or local law, to the extent that the State or local law contains a requirement that is more stringent than the relevant requirement of this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2007 through 2012.

"(e) REPORTS.—

"(1) IN GENERAL.—The Administrator shall provide annual reports to Congress on cost savings achieved and actions taken and recommendations made under this section, and any recommendations for further action.

"(2) FINAL REPORT.—The Administrator shall issue a final report at the conclusion of the program, including findings, a summary of total cost savings achieved, and recommendations for further action.

"(f) TERMINATION.—The program under this section shall terminate on September 30, 2012.

"(g) DEFINITIONS.—In this section, the terms 'cost effective technologies and practices' and 'operating cost savings' shall have the meanings defined in section 401 of the Energy Independence and Security Act of 2007.".

SEC. 494. GREEN BUILDING ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Federal Director, in coordination with the Commercial Director, shall establish an advisory committee, to be known as the "Green Building Advisory Committee".

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Committee shall be composed of representatives of, at a minimum—

(A) each agency referred to in section 421(e); and

(B) other relevant agencies and entities, as determined by the Federal Director, including at least 1 representative of each of—

(i) State and local governmental green building programs;

(ii) independent green building associations or councils;

(iii) building experts, including architects, material suppliers, and construction contractors;

(iv) security advisors focusing on national security needs, natural disasters, and other dire emergency situations;

(v) public transportation industry experts; and

(vi) environmental health experts, including those with experience in children's health.

(2) NON-FEDERAL MEMBERS.—The total number of non-Federal members on the Committee at any time shall not exceed 15.

(c) MEETINGS.—The Federal Director shall establish a regular schedule of meetings for the Committee.

(d) DUTIES.—The Committee shall provide advice and expertise for use by the Federal Director in carrying out the duties under this subtitle, including such recommendations relating to Federal activities carried out under sections 434 through 436 as are agreed to by a majority of the members of the Committee.

(e) FACA EXEMPTION.—The Committee shall not be subject to section 14 of the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 495. ADVISORY COMMITTEE ON ENERGY EFFICIENCY FINANCE.

(a) ESTABLISHMENT.—The Secretary, acting through the Assistant Secretary of Energy for Energy Efficiency and Renewable Energy, shall establish an Advisory Committee on Energy Efficiency Finance to provide advice and recommendations to the Department on energy efficiency finance and investment issues, options, ideas, and trends, and to assist the energy community in identifying practical ways of lowering costs and increasing investments in energy efficiency technologies.

(b) MEMBERSHIP.—The advisory committee established under this section shall have a balanced membership that shall include members with expertise in—

(1) availability of seed capital;

(2) availability of venture capital;

(3) availability of other sources of private equity;

(4) investment banking with respect to corporate finance;

(5) investment banking with respect to mergers and acquisitions;

(6) equity capital markets;

(7) debt capital markets;

(8) research analysis;

(9) sales and trading;

(10) commercial lending; and

(11) residential lending.

(c) TERMINATION.—The Advisory Committee on Energy Efficiency Finance shall terminate on the date that is 10 years after the date of enactment of this Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to the Secretary for carrying out this section.

TITLE V—ENERGY SAVINGS IN GOVERNMENT AND PUBLIC INSTITUTIONS

Subtitle A—United States Capitol Complex

SEC. 501. CAPITOL COMPLEX PHOTOVOLTAIC ROOF FEASIBILITY STUDIES.

(a) STUDIES.—The Architect of the Capitol may conduct feasibility studies regarding construction of photovoltaic roofs for the Rayburn House Office Building and the Hart Senate Office Building.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Architect of the Capitol shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Rules and Administration of the Senate a report on the results of the feasibility studies and recommendations regarding construction of photovoltaic roofs for the buildings referred to in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000.

SEC. 502. CAPITOL COMPLEX E-85 REFUELING STATION.

(a) CONSTRUCTION.—The Architect of the Capitol may construct a fuel tank and pumping system for E-85 fuel at or within close proximity to the Capitol Grounds Fuel Station.

(b) USE.—The E-85 fuel tank and pumping system shall be available for use by all legislative branch vehicles capable of operating with E-85 fuel, subject to such other legislative branch agencies reimbursing the Architect of the Capitol for the costs of E-85 fuel used by such other legislative branch vehicles.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $640,000 for fiscal year 2008.

SEC. 503. ENERGY AND ENVIRONMENTAL MEASURES IN CAPITOL COMPLEX MASTER PLAN.

(a) IN GENERAL.—To the maximum extent practicable, the Architect of the Capitol shall include energy efficiency and conservation measures, greenhouse gas emission reduction measures, and other appropriate environmental measures in the Capitol Complex Master Plan.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Architect of the Capitol shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Rules and Administration of the Senate a report on the energy efficiency and conservation measures, greenhouse gas emission reduction measures, and other appropriate environmental measures included in the Capitol Complex Master Plan pursuant to subsection (a).

SEC. 504. PROMOTING MAXIMUM EFFICIENCY IN OPERATION OF CAPITOL POWER PLANT.

(a) STEAM BOILERS.—

(1) IN GENERAL.—The Architect of the Capitol shall take such steps as may be necessary to operate the steam boilers at the Capitol Power Plant in the most energy efficient manner possible to minimize carbon emissions and operating costs, including adjusting steam pressures and adjusting the operation of the boilers to take into account variations in demand, including seasonality, for the use of the system.

(2) EFFECTIVE DATE.—The Architect shall implement the steps required under paragraph (1) not later than 30 days after the date of the enactment of this Act.

(b) CHILLER PLANT.—

(1) IN GENERAL.—The Architect of the Capitol shall take such steps as may be necessary to operate the chiller plant at the Capitol Power Plant in the most energy efficient manner possible to minimize carbon emissions and operating costs, including adjusting water temperatures and adjusting the operation of the chillers to take into account variations in demand, including seasonality, for the use of the system.

(2) EFFECTIVE DATE.—The Architect shall implement the steps required under paragraph (1) not later than 30 days after the date of the enactment of this Act.

(c) METERS.—Not later than 90 days after the date of the enactment of this Act, the Architect of the Capitol shall evaluate the accuracy of the meters in use at the Capitol Power Plant and correct them as necessary.

(d) REPORT ON IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Architect of the Capitol shall complete the implementation of the requirements of this section and submit a report describing the actions taken and the energy efficiencies achieved to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate.

SEC. 505. CAPITOL POWER PLANT CARBON DIOXIDE EMISSIONS FEASIBILITY STUDY AND DEMONSTRATION PROJECTS.

The first section of the Act of March 4, 1911 (2 U.S.C. 2162; 36 Stat. 1414, chapter 285) is amended in the seventh undesignated paragraph (relating to the Capitol power plant) under the heading "Public Buildings", under the heading "Under the Department of Interior"—

(1) by striking "ninety thousand dollars:" and inserting $90,000."; and

(2) by striking "Provided, That hereafter the" and all that follows through the end of the proviso and inserting the following:

"(a) DESIGNATION.—The heating, lighting, and power plant constructed under the terms of the Act approved April 28, 1904 (33 Stat. 479, chapter 1762) shall be known as the 'Capitol Power Plant'.

"(b) DEFINITION.—In this section, the term 'carbon dioxide energy efficiency' means the quantity of electricity used to power equipment for carbon dioxide capture and storage or use.

"(c) FEASIBILITY STUDY.—The Architect of the Capitol shall conduct a feasibility study evaluating the available methods to capture, store, and use carbon dioxide emitted from the Capitol Power Plant as a result of burning fossil fuels. In carrying out the feasibility study, the Architect of the Capitol is encouraged to consult with individuals with expertise in carbon capture and storage or use, including experts with the Environmental Protection Agency, Department of Energy, academic institutions, non-profit organizations, and industry, as appropriate. The study shall consider—

"(1) the availability of technologies to capture and store or use Capitol Power Plant carbon dioxide emissions;

"(2) strategies to conserve energy and reduce carbon dioxide emissions at the Capitol Power Plant; and

"(3) other factors as determined by the Architect of the Capitol.

"(d) DEMONSTRATION PROJECTS.—

"(1) IN GENERAL.—If the feasibility study determines that a demonstration project to capture and store or use Capitol Power Plant carbon dioxide emissions is technologically feasible and economically justified (including direct and indirect economic and environmental benefits), the Architect of the Capitol may conduct one or more demonstration projects to capture and store or use carbon dioxide emitted from the Capitol Power Plant as a result of burning fossil fuels.

"(2) FACTORS FOR CONSIDERATION.—In carrying out such demonstration projects, the Architect of the Capitol shall consider—

"(A) the amount of Capitol Power Plant carbon dioxide emissions to be captured and stored or used;

"(B) whether the proposed project is able to reduce air pollutants other than carbon dioxide;

"(C) the carbon dioxide energy efficiency of the proposed project;

"(D) whether the proposed project is able to use carbon dioxide emissions;

"(E) whether the proposed project could be expanded to significantly increase the amount of Capitol Power Plant carbon dioxide emissions to be captured and stored or used;

"(F) the potential environmental, energy, and educational benefits of demonstrating the capture and storage or use of carbon dioxide at the U.S. Capitol; and

"(G) other factors as determined by the Architect of the Capitol.

"(3) TERMS AND CONDITIONS.—A demonstration project funded under this section shall be subject to such terms and conditions as the Architect of the Capitol may prescribe.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the feasibility study and demonstration project $3,000,000. Such sums shall remain available until expended.".

Subtitle B—Energy Savings Performance Contracting

SEC. 511. AUTHORITY TO ENTER INTO CONTRACTS; REPORTS.

(a) IN GENERAL.—Section 801(a)(2)(D) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)(D)) is amended—

(1) in clause (ii), by inserting "and" after the semicolon at the end;

(2) by striking clause (iii); and

(3) by redesignating clause (iv) as clause (iii).

(b) REPORTS.—Section 548(a)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8258(a)(2)) is amended by inserting "and any termination penalty exposure" after "the energy and cost savings that have resulted from such contracts".

(c) CONFORMING AMENDMENT.—Section 2913 of title 10, United States Code, is amended by striking subsection (e).

SEC. 512. FINANCING FLEXIBILITY.

Section 801(a)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)) is amended by adding at the end the following:

"(E) FUNDING OPTIONS.—In carrying out a contract under this title, a Federal agency may use any combination of—

"(i) appropriated funds; and

"(ii) private financing under an energy savings performance contract.".

SEC. 513. PROMOTING LONG-TERM ENERGY SAVINGS PERFORMANCE CONTRACTS AND VERIFYING SAVINGS.

Section 801(a)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)) (as amended by section 512) is amended—

(1) in subparagraph (D), by inserting "beginning on the date of the delivery order" after "25 years"; and

(2) by adding at the end the following:

"(F) PROMOTION OF CONTRACTS.—In carrying out this section, a Federal agency shall not—

"(i) establish a Federal agency policy that limits the maximum contract term under subparagraph (D) to a period shorter than 25 years; or

"(ii) limit the total amount of obligations under energy savings performance contracts or other private financing of energy savings measures.

"(G) MEASUREMENT AND VERIFICATION REQUIREMENTS FOR PRIVATE FINANCING.—

"(i) IN GENERAL.—In the case of energy savings performance contracts, the evaluations and savings measurement and verification required under paragraphs (2) and (4) of section 543(f) shall be used by a Federal agency to meet the requirements for the need for energy audits, calculation of energy savings, and any other evaluation of costs and savings needed to implement the guarantee of savings under this section.

"(ii) MODIFICATION OF EXISTING CONTRACTS.—Not later than 18 months after the date of enactment of this subparagraph, each Federal agency shall, to the maximum extent practicable, modify any indefinite delivery and indefinite quantity energy savings performance contracts, and other indefinite delivery and indefinite quantity contracts using private financing, to conform to the amendments made by subtitle B of title V of the Energy Independence and Security Act of 2007.".

SEC. 514. PERMANENT REAUTHORIZATION.

Section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287) is amended by striking subsection (c).

SEC. 515. DEFINITION OF ENERGY SAVINGS.

Section 804(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(2)) is amended—

(1) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and indenting appropriately;

(2) by striking "means a reduction" and inserting "means—

"(A) a reduction";

(3) by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

"(B) the increased efficient use of an existing energy source by cogeneration or heat recovery;

"(C) if otherwise authorized by Federal or State law (including regulations), the sale or transfer of electrical or thermal energy generated on-site from renewable energy sources or cogeneration, but in excess of Federal needs, to utilities or non-Federal energy users; and

"(D) the increased efficient use of existing water sources in interior or exterior applications.".

SEC. 516. RETENTION OF SAVINGS.

Section 546(c) of the National Energy Conservation Policy Act (42 U.S.C. 8256(c)) is amended by striking paragraph (5).

SEC. 517. TRAINING FEDERAL CONTRACTING OFFICERS TO NEGOTIATE ENERGY EFFICIENCY CONTRACTS.

(a) PROGRAM.—The Secretary shall create and administer in the Federal Energy Management Program a training program to educate Federal contract negotiation and contract management personnel so that the contract officers are prepared to—

(1) negotiate energy savings performance contracts;

(2) conclude effective and timely contracts for energy efficiency services with all companies offering energy efficiency services; and

(3) review Federal contracts for all products and services for the potential energy efficiency opportunities and implications of the contracts.

(b) SCHEDULE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall plan, staff, announce, and begin training under the Federal Energy Management Program.

(c) PERSONNEL TO BE TRAINED.—Personnel appropriate to receive training under the Federal Energy Management Program shall be selected by and sent for the training from—

(1) the Department of Defense;

(2) the Department of Veterans Affairs;

(3) the Department;

(4) the General Services Administration;

(5) the Department of Housing and Urban Development;

(6) the United States Postal Service; and

(7) all other Federal agencies and departments that enter contracts for buildings, building services, electricity and electricity services, natural gas and natural gas services, heating and air conditioning services, building fuel purchases, and other types of procurement or service contracts determined by the Secretary, in carrying out the Federal Energy Management Program, to offer the potential for energy savings and greenhouse gas emission reductions if negotiated with taking into account those goals.

(d) TRAINERS.—Training under the Federal Energy Management Program may be conducted by—

(1) attorneys or contract officers with experience in negotiating and managing contracts described in subsection (c)(7) from any agency, except that the Secretary shall reimburse the related salaries and expenses of the attorneys or contract officers from amounts made available for carrying out this section to the extent the attorneys or contract officers are not employees of the Department; and

(2) private experts hired by the Secretary for the purposes of this section, except that the Secretary may not hire experts who are simultaneously employed by any company under contract to provide energy efficiency services to the Federal Government.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $750,000 for each of fiscal years 2008 through 2012.

SEC. 518. STUDY OF ENERGY AND COST SAVINGS IN NONBUILDING APPLICATIONS.

(a) DEFINITIONS.—In this section:

(1) NONBUILDING APPLICATION.—The term "nonbuilding application" means—

(A) any class of vehicles, devices, or equipment that is transportable under the power of the applicable vehicle, device, or equipment by land, sea, or air and that consumes energy from any fuel source for the purpose of—

(i) that transportation; or

(ii) maintaining a controlled environment within the vehicle, device, or equipment; and

(B) any federally-owned equipment used to generate electricity or transport water.

(2) SECONDARY SAVINGS.—

(A) IN GENERAL.—The term "secondary savings" means additional energy or cost savings that are a direct consequence of the energy savings that result from the energy efficiency improvements that were financed and implemented pursuant to an energy savings performance contract.

(B) INCLUSIONS.—The term "secondary savings" includes—

(i) energy and cost savings that result from a reduction in the need for fuel delivery and logistical support;

(ii) personnel cost savings and environmental benefits; and

(iii) in the case of electric generation equipment, the benefits of increased efficiency in the production of electricity, including revenues received by the Federal Government from the sale of electricity so produced.

(b) STUDY.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary and the Secretary of Defense shall jointly conduct, and submit to Congress and the President a report of, a study of the potential for the use of energy savings performance contracts to reduce energy consumption and provide energy and cost savings in nonbuilding applications.

(2) REQUIREMENTS.—The study under this subsection shall include—

(A) an estimate of the potential energy and cost savings to the Federal Government, including secondary savings and benefits, from increased efficiency in nonbuilding applications;

(B) an assessment of the feasibility of extending the use of energy savings performance contracts to nonbuilding applications, including an identification of any regulatory or statutory barriers to that use; and

(C) such recommendations as the Secretary and Secretary of Defense determine to be appropriate.

Subtitle C—Energy Efficiency in Federal Agencies

SEC. 521. INSTALLATION OF PHOTOVOLTAIC SYSTEM AT DEPARTMENT OF ENERGY HEADQUARTERS BUILDING.

(a) IN GENERAL.—The Administrator of General Services shall install a photovoltaic system, as set forth in the Sun Wall Design Project, for the headquarters building of the Department located at 1000 Independence Avenue, SW., Washington, DC, commonly known as the Forrestal Building.

(b) FUNDING.—There shall be available from the Federal Buildings Fund established by section 592 of title 40, United States Code, $30,000,000 to carry out this section. Such sums shall be derived from the unobligated balance of amounts made available from the Fund for fiscal year 2007, and prior fiscal years, for repairs and alternations and other activities (excluding amounts made available for the energy program). Such sums shall remain available until expended.

SEC. 522. PROHIBITION ON INCANDESCENT LAMPS BY COAST GUARD.

(a) PROHIBITION.—Except as provided by subsection (b), on and after January 1, 2009, a general service incandescent lamp shall not be purchased or installed in a Coast Guard facility by or on behalf of the Coast Guard.

(b) EXCEPTION.—A general service incandescent lamp may be purchased, installed, and used in a Coast Guard facility whenever the application of a general service incandescent lamp is—

(1) necessary due to purpose or design, including medical, security, and industrial applications;

(2) reasonable due to the architectural or historical value of a light fixture installed before January 1, 2009; or

(3) the Commandant of the Coast Guard determines that operational requirements necessitate the use of a general service incandescent lamp.

(c) LIMITATION.—In this section, the term "facility" does not include a vessel or aircraft of the Coast Guard.

SEC. 523. STANDARD RELATING TO SOLAR HOT WATER HEATERS.

Section 305(a)(3)(A) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(A)) is amended—

(1) in clause (i)(II), by striking "and" at the end;

(2) in clause (ii), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(iii) if lifecycle cost-effective, as compared to other reasonably available technologies, not less than 30 percent of the hot water demand for each new Federal building or Federal building undergoing a major renovation be met through the installation and use of solar hot water heaters.".

SEC. 524. FEDERALLY-PROCURED APPLIANCES WITH STANDBY POWER.

Section 553 of the National Energy Conservation Policy Act (42 U.S.C. 8259b) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

"(e) FEDERALLY-PROCURED APPLIANCES WITH STANDBY POWER.—

"(1) DEFINITION OF ELIGIBLE PRODUCT.—In this subsection, the term 'eligible product' means a commercially available, off-the-shelf product that—

"(A)(i) uses external standby power devices; or

"(ii) contains an internal standby power function; and

"(B) is included on the list compiled under paragraph (4).

"(2) FEDERAL PURCHASING REQUIREMENT.—Subject to paragraph (3), if an agency purchases an eligible product, the agency shall purchase—

"(A) an eligible product that uses not more than 1 watt in the standby power consuming mode of the eligible product; or

"(B) if an eligible product described in subparagraph (A) is not available, the eligible product with the lowest available standby power wattage in the standby power consuming mode of the eligible product.

"(3) LIMITATION.—The requirements of paragraph (2) shall apply to a purchase by an agency only if—

"(A) the lower-wattage eligible product is—

"(i) lifecycle cost-effective; and

"(ii) practicable; and

"(B) the utility and performance of the eligible product is not compromised by the lower wattage requirement.

"(4) ELIGIBLE PRODUCTS.—The Secretary, in consultation with the Secretary of Defense, the Administrator of the Environmental Protection Agency, and the Administrator of General Services, shall compile a publicly accessible list of cost-effective eligible products that shall be subject to the purchasing requirements of paragraph (2).".

SEC. 525. FEDERAL PROCUREMENT OF ENERGY EFFICIENT PRODUCTS.

(a) AMENDMENTS.—Section 553 of the National Energy Conservation Policy Act (42 U.S.C. 8259b) is amended—

(1) in subsection (b)(1), by inserting "in a product category covered by the Energy Star program or the Federal Energy Management Program for designated products" after "energy consuming product"; and

(2) in the second sentence of subsection (c)—

(A) by inserting "list in their catalogues, represent as available, and" after "Logistics Agency shall"; and

(B) by striking "where the agency" and inserting "in which the head of the agency".

(b) CATALOGUE LISTING DEADLINE.—Not later than 9 months after the date of enactment of this Act, the General Services Administration and the Defense Logistics Agency shall ensure that the requirement established by the amendment made by subsection (a)(2)(A) has been fully complied with.

SEC. 526. PROCUREMENT AND ACQUISITION OF ALTERNATIVE FUELS.

No Federal agency shall enter into a contract for procurement of an alternative or synthetic fuel, including a fuel produced from nonconventional petroleum sources, for any mobility-related use, other than for research or testing, unless the contract specifies that the lifecycle greenhouse gas emissions associated with the production and combustion of the fuel supplied under the contract must, on an ongoing basis, be less than or equal to such emissions from the equivalent conventional fuel produced from conventional petroleum sources.

SEC. 527. GOVERNMENT EFFICIENCY STATUS REPORTS.

(a) IN GENERAL.—Each Federal agency subject to any of the requirements of this title or the amendments made by this title shall compile and submit to the Director of the Office of Management and Budget an annual Government efficiency status report on—

(1) compliance by the agency with each of the requirements of this title and the amendments made by this title;

(2) the status of the implementation by the agency of initiatives to improve energy efficiency, reduce energy costs, and reduce emissions of greenhouse gases; and

(3) savings to the taxpayers of the United States resulting from mandated improvements under this title and the amendments made by this title

(b) SUBMISSION.—The report shall be submitted—

(1) to the Director at such time as the Director requires;

(2) in electronic, not paper, format; and

(3) consistent with related reporting requirements.

SEC. 528. OMB GOVERNMENT EFFICIENCY REPORTS AND SCORECARDS.

(a) REPORTS.—Not later than April 1 of each year, the Director of the Office of Management and Budget shall submit an annual Government efficiency report to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate, which shall contain—

(1) a summary of the information reported by agencies under section 527;

(2) an evaluation of the overall progress of the Federal Government toward achieving the goals of this title and the amendments made by this title; and

(3) recommendations for additional actions necessary to meet the goals of this title and the amendments made by this title.

(b) SCORECARDS.—The Director of the Office of Management and Budget shall include in any annual energy scorecard the Director is otherwise required to submit a description of the compliance of each agency with the requirements of this title and the amendments made by this title.

SEC. 529. ELECTRICITY SECTOR DEMAND RESPONSE.

(a) IN GENERAL.—Title V of the National Energy Conservation Policy Act (42 U.S.C. 8241 et seq.) is amended by adding at the end the following:

"PART 5—PEAK DEMAND REDUCTION

"SEC. 571. NATIONAL ACTION PLAN FOR DEMAND RESPONSE.

"(a) NATIONAL ASSESSMENT AND REPORT.—The Federal Energy Regulatory Commission ('Commission') shall conduct a National Assessment of Demand Response. The Commission shall, within 18 months of the date of enactment of this part, submit a report to Congress that includes each of the following:

"(1) Estimation of nationwide demand response potential in 5 and 10 year horizons, including data on a State-by-State basis, and a methodology for updates of such estimates on an annual basis.

"(2) Estimation of how much of this potential can be achieved within 5 and 10 years after the enactment of this part accompanied by specific policy recommendations that if implemented can achieve the estimated potential. Such recommendations shall include options for funding and/or incentives for the development of demand response resources.

"(3) The Commission shall further note any barriers to demand response programs offering flexible, non-discriminatory, and fairly compensatory terms for the services and benefits made available, and shall provide recommendations for overcoming such barriers.

"(4) The Commission shall seek to take advantage of preexisting research and ongoing work, and shall insure that there is no duplication of effort.

"(b) NATIONAL ACTION PLAN ON DEMAND RESPONSE.—The Commission shall further develop a National Action Plan on Demand Response, soliciting and accepting input and participation from a broad range of industry stakeholders, State regulatory utility commissioners, and non-governmental groups. The Commission shall seek consensus where possible, and decide on optimum solutions to issues that defy consensus. Such Plan shall be completed within one year after the completion of the National Assessment of Demand Response, and shall meet each of the following objectives:

"(1) Identification of requirements for technical assistance to States to allow them to maximize the amount of demand response resources that can be developed and deployed.

"(2) Design and identification of requirements for implementation of a national communications program that includes broad-based customer education and support.

"(3) Development or identification of analytical tools, information, model regulatory provisions, model contracts, and other support materials for use by customers, states, utilities and demand response providers.

"(c) Upon completion, the National Action Plan on Demand Response shall be published, together with any favorable and dissenting comments submitted by participants in its preparation. Six months after publication, the Commission, together with the Secretary of Energy, shall submit to Congress a proposal to implement the Action Plan, including specific proposed assignments of responsibility, proposed budget amounts, and any agreements secured for participation from State and other participants.

"(d) AUTHORIZATION.—There are authorized to be appropriated to the Commission to carry out this section not more than $10,000,000 for each of the fiscal years 2008, 2009, and 2010.".

(b) TABLE OF CONTENTS.—The table of contents for the National Energy Conservation Policy Act (42 U.S.C. 8201 note) is amended by adding after the items relating to part 4 of title V the following:

"PART 5—PEAK DEMAND REDUCTION

"Sec. 571. National Action Plan for Demand Response.".

Subtitle D—Energy Efficiency of Public Institutions

SEC. 531. REAUTHORIZATION OF STATE ENERGY PROGRAMS.

Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)) is amended by striking "$100,000,000 for each of the fiscal years 2006 and 2007 and $125,000,000 for fiscal year 2008" and inserting "$125,000,000 for each of fiscal years 2007 through 2012".

SEC. 532. UTILITY ENERGY EFFICIENCY PROGRAMS.

(a) ELECTRIC UTILITIES.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

"(16) INTEGRATED RESOURCE PLANNING.—Each electric utility shall—

"(A) integrate energy efficiency resources into utility, State, and regional plans; and

"(B) adopt policies establishing cost-effective energy efficiency as a priority resource.

"(17) RATE DESIGN MODIFICATIONS TO PROMOTE ENERGY EFFICIENCY INVESTMENTS.—

"(A) IN GENERAL.—The rates allowed to be charged by any electric utility shall—

"(i) align utility incentives with the delivery of cost-effective energy efficiency; and

"(ii) promote energy efficiency investments.

"(B) POLICY OPTIONS.—In complying with subparagraph (A), each State regulatory authority and each nonregulated utility shall consider—

"(i) removing the throughput incentive and other regulatory and management disincentives to energy efficiency;

"(ii) providing utility incentives for the successful management of energy efficiency programs;

"(iii) including the impact on adoption of energy efficiency as 1 of the goals of retail rate design, recognizing that energy efficiency must be balanced with other objectives;

"(iv) adopting rate designs that encourage energy efficiency for each customer class;

"(v) allowing timely recovery of energy efficiency-related costs; and

"(vi) offering home energy audits, offering demand response programs, publicizing the financial and environmental benefits associated with making home energy efficiency improvements, and educating homeowners about all existing Federal and State incentives, including the availability of low-cost loans, that make energy efficiency improvements more affordable.''.

(b) NATURAL GAS UTILITIES.—Section 303(b) of the Public Utility Regulatory Policies Act of 1978 (15 U.S.C. 3203(b)) is amended by adding at the end the following:

''(5) ENERGY EFFICIENCY.—Each natural gas utility shall—

''(A) integrate energy efficiency resources into the plans and planning processes of the natural gas utility; and

''(B) adopt policies that establish energy efficiency as a priority resource in the plans and planning processes of the natural gas utility.

''(6) RATE DESIGN MODIFICATIONS TO PROMOTE ENERGY EFFICIENCY INVESTMENTS.—

''(A) IN GENERAL.—The rates allowed to be charged by a natural gas utility shall align utility incentives with the deployment of cost-effective energy efficiency.

''(B) POLICY OPTIONS.—In complying with subparagraph (A), each State regulatory authority and each nonregulated utility shall consider—

''(i) separating fixed-cost revenue recovery from the volume of transportation or sales service provided to the customer;

''(ii) providing to utilities incentives for the successful management of energy efficiency programs, such as allowing utilities to retain a portion of the cost-reducing benefits accruing from the programs;

''(iii) promoting the impact on adoption of energy efficiency as 1 of the goals of retail rate design, recognizing that energy efficiency must be balanced with other objectives; and

''(iv) adopting rate designs that encourage energy efficiency for each customer class.

For purposes of applying the provisions of this subtitle to this paragraph, any reference in this subtitle to the date of enactment of this Act shall be treated as a reference to the date of enactment of this paragraph.''.

(c) CONFORMING AMENDMENT.—Section 303(a) of the Public Utility Regulatory Policies Act of 1978 U.S.C. 3203(a)) is amended by striking ''and (4)'' inserting ''(4), (5), and (6)''.

Subtitle E—Energy Efficiency and Conservation Block Grants

SEC. 541. DEFINITIONS.

In this subtitle:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a State;

(B) an eligible unit of local government; and

(C) an Indian tribe.

(2) ELIGIBLE UNIT OF LOCAL GOVERNMENT.—The term ''eligible unit of local government'' means—

(A) an eligible unit of local government-alternative 1; and

(B) an eligible unit of local government-alternative 2.

(3)(A) ELIGIBLE UNIT OF LOCAL GOVERNMENT-ALTERNATIVE 1.—The term ''eligible unit of local government-alternative 1'' means—

(i) a city with a population—

(I) of at least 35,000; or

(II) that causes the city to be 1 of the 10 highest-populated cities of the State in which the city is located; and

(ii) a county with a population—

(I) of at least 200,000; or

(II) that causes the county to be 1 of the 10 highest-populated counties of the State in which the county is located.

(B) ELIGIBLE UNIT OF LOCAL GOVERNMENT-ALTERNATIVE 2.—The term ''eligible unit of local government-alternative 2'' means—

(i) a city with a population of at least 50,000; or

(ii) a county with a population of at least 200,000.

(4) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self- Determination and Education Assistance Act (25 U.S.C. 450b).

(5) PROGRAM.—The term ''program'' means the Energy Efficiency and Conservation Block Grant Program established under section 542(a).

(6) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

SEC. 542. ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a program, to be known as the ''Energy Efficiency and Conservation Block Grant Program'', under which the Secretary shall provide grants to eligible entities in accordance with this subtitle.

(b) PURPOSE.—The purpose of the program shall be to assist eligible entities in implementing strategies—

(1) to reduce fossil fuel emissions created as a result of activities within the jurisdictions of eligible entities in manner that—

(A) is environmentally sustainable; and

(B) to the maximum extent practicable, maximizes benefits for local and regional communities;

(2) to reduce the total energy use of the eligible entities; and

(3) to improve energy efficiency in—

(A) the transportation sector;

(B) the building sector; and

(C) other appropriate sectors.

SEC. 543. ALLOCATION OF FUNDS.

(a) IN GENERAL.—Of amounts made available to provide grants under this subtitle for each fiscal year, the Secretary shall allocate—

(1) 68 percent to eligible units of local government in accordance with subsection (b);

(2) 28 percent to States in accordance with subsection (c);

(3) 2 percent to Indian tribes in accordance with subsection (d); and

(4) 2 percent for competitive grants under section 546.

(b) ELIGIBLE UNITS OF LOCAL GOVERNMENT.—Of amounts available for distribution to eligible units of local government under subsection (a)(1), the Secretary shall provide grants to eligible units of local government under this section based on a formula established by the Secretary according to—

(1) the populations served by the eligible units of local government, according to the latest available decennial census; and

(2) the daytime populations of the eligible units of local government and other similar factors (such as square footage of commercial, office, and industrial space), as determined by the Secretary.

(c) STATES.—Of amounts available for distribution to States under subsection (a)(2), the Secretary shall provide—

(1) not less than 1.25 percent to each State; and

(2) the remainder among the States, based on a formula to be established by the Secretary that takes into account—

(A) the population of each State; and

(B) any other criteria that the Secretary determines to be appropriate.

(d) INDIAN TRIBES.—Of amounts available for distribution to Indian tribes under subsection (a)(3), the Secretary shall establish a formula for allocation of the amounts to Indian tribes, taking into account any factors that the Secretary determines to be appropriate.

(e) PUBLICATION OF ALLOCATION FORMULAS.—Not later than 90 days before the beginning of each fiscal year for which grants are provided under this subtitle, the Secretary shall publish in the Federal Register the formulas for allocation established under this section.

(f) STATE AND LOCAL ADVISORY COMMITTEE.—The Secretary shall establish a State and local advisory committee to advise the Secretary regarding administration, implementation, and evaluation of the program.

SEC. 544. USE OF FUNDS.

An eligible entity may use a grant received under this subtitle to carry out activities to achieve the purposes of the program, including—

(1) development and implementation of an energy efficiency and conservation strategy under section 545(b);

(2) retaining technical consultant services to assist the eligible entity in the development of such a strategy, including—

(A) formulation of energy efficiency, energy conservation, and energy usage goals;

(B) identification of strategies to achieve those goals—

(i) through efforts to increase energy efficiency and reduce energy consumption; and

(ii) by encouraging behavioral changes among the population served by the eligible entity;

(C) development of methods to measure progress in achieving the goals;

(D) development and publication of annual reports to the population served by the eligible entity describing—

(i) the strategies and goals; and

(ii) the progress made in achieving the strategies and goals during the preceding calendar year; and

(E) other services to assist in the implementation of the energy efficiency and conservation strategy;

(3) conducting residential and commercial building energy audits;

(4) establishment of financial incentive programs for energy efficiency improvements;

(5) the provision of grants to nonprofit organizations and governmental agencies for the purpose of performing energy efficiency retrofits;

(6) development and implementation of energy efficiency and conservation programs for buildings and facilities within the jurisdiction of the eligible entity, including—

(A) design and operation of the programs;

(B) identifying the most effective methods for achieving maximum participation and efficiency rates;

(C) public education;

(D) measurement and verification protocols; and

(E) identification of energy efficient technologies;

(7) development and implementation of programs to conserve energy used in transportation, including—

(A) use of flex time by employers;

(B) satellite work centers;

(C) development and promotion of zoning guidelines or requirements that promote energy efficient development;

(D) development of infrastructure, such as bike lanes and pathways and pedestrian walkways;

(E) synchronization of traffic signals; and

(F) other measures that increase energy efficiency and decrease energy consumption;

(8) development and implementation of building codes and inspection services to promote building energy efficiency;

(9) application and implementation of energy distribution technologies that significantly increase energy efficiency, including—

(A) distributed resources; and

(B) district heating and cooling systems;

(10) activities to increase participation and efficiency rates for material conservation programs, including source reduction, recycling, and recycled content procurement programs that lead to increases in energy efficiency;

(11) the purchase and implementation of technologies to reduce, capture, and, to the maximum extent practicable, use methane and other greenhouse gases generated by landfills or similar sources;

(12) replacement of traffic signals and street lighting with energy efficient lighting technologies, including—

(A) light emitting diodes; and

(B) any other technology of equal or greater energy efficiency;

(13) development, implementation, and installation on or in any government building of the eligible entity of onsite renewable energy technology that generates electricity from renewable resources, including—

(A) solar energy;

(B) wind energy;

(C) fuel cells; and

(D) biomass; and

(14) any other appropriate activity, as determined by the Secretary, in consultation with—

(A) the Administrator of the Environmental Protection Agency;

(B) the Secretary of Transportation; and

(C) the Secretary of Housing and Urban Development.

SEC. 545. REQUIREMENTS FOR ELIGIBLE ENTITIES.

(a) CONSTRUCTION REQUIREMENT.—

(1) IN GENERAL.—To be eligible to receive a grant under the program, each eligible applicant shall submit to the Secretary a written assurance that all laborers and mechanics employed by any contractor or subcontractor of the eligible entity during any construction, alteration, or repair activity funded, in whole or in part, by the grant shall be paid wages at rates not less than the prevailing wages for similar construction activities in the locality, as determined by the Secretary of Labor, in accordance with sections 3141 through 3144, 3146, and 3147 of title 40, United States Code.

(2) SECRETARY OF LABOR.—With respect to the labor standards referred to in paragraph (1), the Secretary of Labor shall have the authority and functions described in—

(A) Reorganization Plan Numbered 14 of 1950 (5 U.S.C. 903 note); and

(B) section 3145 of title 40, United States Code.

(b) ELIGIBLE UNITS OF LOCAL GOVERNMENT AND INDIAN TRIBES.—

(1) PROPOSED STRATEGY.—

(A) IN GENERAL.—Not later than 1 year after the date on which an eligible unit of local government or Indian tribe receives a grant under this subtitle, the eligible unit of local government or Indian tribe shall submit to the Secretary a proposed energy efficiency and conservation strategy in accordance with this paragraph.

(B) INCLUSIONS.—The proposed strategy under subparagraph (A) shall include—

(i) a description of the goals of the eligible unit of local government or Indian tribe, in accordance with the purposes of this subtitle, for increased energy efficiency and conservation in the jurisdiction of the eligible unit of local government or Indian tribe; and

(ii) a plan for the use of the grant to assist the eligible unit of local government or Indian tribe in achieving those goals, in accordance with section 544.

(C) REQUIREMENTS FOR ELIGIBLE UNITS OF LOCAL GOVERNMENT.—In developing the strategy under subparagraph (A), an eligible unit of local government shall—

(i) take into account any plans for the use of funds by adjacent eligible units of local governments that receive grants under the program; and

(ii) coordinate and share information with the State in which the eligible unit of local government is located regarding activities carried out using the grant to maximize the energy efficiency and conservation benefits under this subtitle.

(2) APPROVAL BY SECRETARY.—

(A) IN GENERAL.—The Secretary shall approve or disapprove a proposed strategy under paragraph (1) by not later than 120 days after the date of submission of the proposed strategy.

(B) DISAPPROVAL.—If the Secretary disapproves a proposed strategy under subparagraph (A)—

(i) the Secretary shall provide to the eligible unit of local government or Indian tribe the reasons for the disapproval; and

(ii) the eligible unit of local government or Indian tribe may revise and resubmit the proposed strategy as many times as necessary until the Secretary approves a proposed strategy.

(C) REQUIREMENT.—The Secretary shall not provide to an eligible unit of local government or Indian tribe any grant under the program until a proposed strategy of the eligible unit of local government or Indian tribe is approved by the Secretary under this paragraph.

(3) LIMITATIONS ON USE OF FUNDS.—Of amounts provided to an eligible unit of local government or Indian tribe under the program, an eligible unit of local government or Indian tribe may use—

(A) for administrative expenses, excluding the cost of meeting the reporting requirements of this subtitle, an amount equal to the greater of—

(i) 10 percent; and

(ii) $75,000;

(B) for the establishment of revolving loan funds, an amount equal to the greater of—

(i) 20 percent; and

(ii) $250,000; and

(C) for the provision of subgrants to nongovernmental organizations for the purpose of assisting in the implementation of the energy efficiency and conservation strategy of the eligible unit of local government or Indian tribe, an amount equal to the greater of—

(i) 20 percent; and

(ii) $250,000.

(4) ANNUAL REPORT.—Not later than 2 years after the date on which funds are initially provided to an eligible unit of local government or Indian tribe under the program, and annually thereafter, the eligible unit of local government or Indian tribe shall submit to the Secretary a report describing—

(A) the status of development and implementation of the energy efficiency and conservation strategy of the eligible unit of local government or Indian tribe; and

(B) as practicable, an assessment of energy efficiency gains within the jurisdiction of the eligible unit of local government or Indian tribe.

(c) STATES.—

(1) DISTRIBUTION OF FUNDS.—

(A) IN GENERAL.—A State that receives a grant under the program shall use not less than 60 percent of the amount received to provide subgrants to units of local government in the State that are not eligible units of local government.

(B) DEADLINE.—The State shall provide the subgrants required under subparagraph (A) by not later than 180 days after the date on which the Secretary approves a proposed energy efficiency and conservation strategy of the State under paragraph (3).

(2) REVISION OF CONSERVATION PLAN; PROPOSED STRATEGY.—Not later than 120 days after the date of enactment of this Act, each State shall—

(A) modify the State energy conservation plan of the State under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322) to establish additional goals for increased energy efficiency and conservation in the State; and

(B) submit to the Secretary a proposed energy efficiency and conservation strategy that—

(i) establishes a process for providing subgrants as required under paragraph (1); and

(ii) includes a plan of the State for the use of funds received under a the program to assist the State in achieving the goals established under subparagraph (A), in accordance with sections 542(b) and 544.

(3) APPROVAL BY SECRETARY.—

(A) IN GENERAL.—The Secretary shall approve or disapprove a proposed strategy under paragraph (2)(B) by not later than 120 days after the date of submission of the proposed strategy.

(B) DISAPPROVAL.—If the Secretary disapproves a proposed strategy under subparagraph (A)—

(i) the Secretary shall provide to the State the reasons for the disapproval; and

(ii) the State may revise and resubmit the proposed strategy as many times as necessary until the Secretary approves a proposed strategy.

(C) REQUIREMENT.—The Secretary shall not provide to a State any grant under the program until a proposed strategy of the State is approved the Secretary under this paragraph.

(4) LIMITATIONS ON USE OF FUNDS.—A State may use not more than 10 percent of amounts provided under the program for administrative expenses.

(5) ANNUAL REPORTS.—Each State that receives a grant under the program shall submit to the Secretary an annual report that describes—

(A) the status of development and implementation of the energy efficiency and conservation strategy of the State during the preceding calendar year;

(B) the status of the subgrant program of the State under paragraph (1);

(C) the energy efficiency gains achieved through the energy efficiency and conservation strategy of the State during the preceding calendar year; and

(D) specific energy efficiency and conservation goals of the State for subsequent calendar years.

SEC. 546. COMPETITIVE GRANTS.

(a) IN GENERAL.—Of the total amount made available for each fiscal year to carry out this subtitle, the Secretary shall use not less than 2 percent to provide grants under this section, on a competitive basis, to—

(1) units of local government (including Indian tribes) that are not eligible entities; and

(2) consortia of units of local government described in paragraph (1).

(b) APPLICATIONS.—To be eligible to receive a grant under this section, a unit of local government or consortia shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a plan of the unit of local government to carry out an activity described in section 544.

(c) PRIORITY.—In providing grants under this section, the Secretary shall give priority to units of local government—

(1) located in States with populations of less than 2,000,000; or

(2) that plan to carry out projects that would result in significant energy efficiency improvements or reductions in fossil fuel use.

SEC. 547. REVIEW AND EVALUATION.

(a) IN GENERAL.—The Secretary may review and evaluate the performance of any eligible entity that receives a grant under the program, including by conducting an audit, as the Secretary determines to be appropriate.

(b) WITHHOLDING OF FUNDS.—The Secretary may withhold from an eligible entity any portion of a grant to be provided to the eligible entity under the program if the Secretary determines that the eligible entity has failed to achieve compliance with—

(1) any applicable guideline or regulation of the Secretary relating to the program, including the misuse or misappropriation of funds provided under the program; or

(2) the energy efficiency and conservation strategy of the eligible entity.

SEC. 548. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) GRANTS.—There is authorized to be appropriated to the Secretary for the provision of grants under the program $2,000,000,000 for each of fiscal years 2008 through 2012; provided that 49 percent of the appropriated funds shall be distributed using the definition of eligible unit of local government–alternative 1 in section 541(3)(A) and 49 percent of the appropriated funds shall be distributed using the definition of eligible unit of local government–alternative 2 in section 541(3)(B).

(2) ADMINISTRATIVE COSTS.—There are authorized to be appropriated to the Secretary for administrative expenses of the program—

(A) $20,000,000 for each of fiscal years 2008 and 2009;

(B) $25,000,000 for each of fiscal years 2010 and 2011; and

(C) $30,000,000 for fiscal year 2012.

(b) MAINTENANCE OF FUNDING.—The funding provided under this section shall supplement (and not supplant) other Federal funding provided under—

(1) a State energy conservation plan established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.); or

(2) the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.).

TITLE VI—ACCELERATED RESEARCH AND DEVELOPMENT

Subtitle A—Solar Energy

SEC. 601. SHORT TITLE.

This subtitle may be cited as the "Solar Energy Research and Advancement Act of 2007".

SEC. 602. THERMAL ENERGY STORAGE RESEARCH AND DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a program of research and development to provide lower cost and more viable thermal energy storage technologies to enable the shifting of electric power loads on demand and extend the operating time of concentrating solar power electric generating plants.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $5,000,000 for fiscal year 2008, $7,000,000 for fiscal year 2009, $9,000,000 for fiscal year 2010, $10,000,000 for fiscal year 2011, and $12,000,000 for fiscal year 2012.

SEC. 603. CONCENTRATING SOLAR POWER COMMERCIAL APPLICATION STUDIES.

(a) INTEGRATION.—The Secretary shall conduct a study on methods to integrate concentrating solar power and utility-scale photovoltaic systems into regional electricity transmission systems, and to identify new transmission or transmission upgrades needed to bring electricity from high concentrating solar power resource areas to growing electric power load centers throughout the United States. The study shall analyze and assess cost-effective approaches for management and large-scale integration of concentrating solar power and utility-scale photovoltaic systems into regional electric transmission grids to improve electric reliability, to efficiently manage load, and to reduce demand on the natural gas transmission system for electric power. The Secretary shall submit a report to Congress on the results of this study not later than 12 months after the date of enactment of this Act.

(b) WATER CONSUMPTION.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Energy shall transmit to Congress a report on the results of a study on methods to reduce the amount of water consumed by concentrating solar power systems.

SEC. 604. SOLAR ENERGY CURRICULUM DEVELOPMENT AND CERTIFICATION GRANTS.

(a) ESTABLISHMENT.—The Secretary shall establish in the Office of Solar Energy Technologies a competitive grant program to create and strengthen solar industry workforce training and internship programs in installation, operation, and maintenance of solar energy products. The goal of this program is to ensure a supply of well-trained individuals to support the expansion of the solar energy industry.

(b) AUTHORIZED ACTIVITIES.—Grant funds may be used to support the following activities:

(1) Creation and development of a solar energy curriculum appropriate for the local educational, entrepreneurial, and environmental conditions, including curriculum for community colleges.

(2) Support of certification programs for individual solar energy system installers, instructors, and training programs.

(3) Internship programs that provide hands-on participation by students in commercial applications.

(4) Activities required to obtain certification of training programs and facilities by an industry-accepted quality-control certification program.

(5) Incorporation of solar-specific learning modules into traditional occupational training and internship programs for construction-related trades.

(6) The purchase of equipment necessary to carry out activities under this section.

(7) Support of programs that provide guidance and updates to solar energy curriculum instructors.

(c) ADMINISTRATION OF GRANTS.—Grants may be awarded under this section for up to 3 years. The Secretary shall award grants to ensure sufficient geographic distribution of training programs nationally. Grants shall only be awarded for programs certified by an industry-accepted quality-control certification institution, or for new and growing programs with a credible path to certification. Due consideration shall be given to women, underrepresented minorities, and persons with disabilities.

(d) REPORT.—The Secretary shall make public, on the website of the Department or upon request, information on the name and institution for all grants awarded under this section, including a brief description of the project as well as the grant award amount.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $10,000,000 for each of the fiscal years 2008 through 2012.

SEC. 605. DAYLIGHTING SYSTEMS AND DIRECT SOLAR LIGHT PIPE TECHNOLOGY.

(a) ESTABLISHMENT.—The Secretary shall establish a program of research and development to provide assistance in the demonstration and commercial application of direct solar renewable energy sources to provide alternatives to traditional power generation for lighting and illumination, including light pipe technology, and to promote greater energy conservation and improved efficiency. All direct solar renewable energy devices supported under this program shall have the capability to provide measurable data on the amount of kilowatt-hours saved over the traditionally powered light sources they have replaced.

(b) REPORTING.—The Secretary shall transmit to Congress an annual report assessing the measurable data derived from each project in the direct solar renewable energy sources program and the energy savings resulting from its use.

(c) DEFINITIONS.—For purposes of this section—

(1) the term "direct solar renewable energy" means energy from a device that converts sunlight into useable light within a building, tunnel, or other enclosed structure, replacing artificial light generated by a light fixture and doing so without the conversion of the sunlight into another form of energy; and

(2) the term "light pipe" means a device designed to transport visible solar radiation from its collection point to the interior of a building while excluding interior heat gain in the nonheating season.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $3,500,000 for each of the fiscal years 2008 through 2012.

SEC. 606. SOLAR AIR CONDITIONING RESEARCH AND DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a research, development, and demonstration program to promote less costly and more reliable decentralized distributed solar-powered air conditioning for individuals and businesses.

(b) AUTHORIZED ACTIVITIES.—Grants made available under this section may be used to support the following activities:

(1) Advancing solar thermal collectors, including concentrating solar thermal and electric systems, flat plate and evacuated tube collector performance.

(2) Achieving technical and economic integration of solar-powered distributed air-conditioning systems with existing hot water

and storage systems for residential applications.

(3) Designing and demonstrating mass manufacturing capability to reduce costs of modular standardized solar-powered distributed air conditioning systems and components.

(4) Improving the efficiency of solar-powered distributed air-conditioning to increase the effectiveness of solar-powered absorption chillers, solar-driven compressors and condensors, and cost-effective precooling approaches.

(5) Researching and comparing performance of solar-powered distributed air conditioning systems in different regions of the country, including potential integration with other onsite systems, such as solar, biogas, geothermal heat pumps, and propane assist or combined propane fuel cells, with a goal to develop site-specific energy production and management systems that ease fuel and peak utility loading.

(c) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to a project carried out under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $2,500,000 for each of the fiscal years 2008 through 2012.

SEC. 607. PHOTOVOLTAIC DEMONSTRATION PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a program of grants to States to demonstrate advanced photovoltaic technology.

(b) REQUIREMENTS.—

(1) ABILITY TO MEET REQUIREMENTS.—To receive funding under the program under this section, a State must submit a proposal that demonstrates, to the satisfaction of the Secretary, that the State will meet the requirements of subsection (f).

(2) COMPLIANCE WITH REQUIREMENTS.—If a State has received funding under this section for the preceding year, the State must demonstrate, to the satisfaction of the Secretary, that it complied with the requirements of subsection (f) in carrying out the program during that preceding year, and that it will do so in the future, before it can receive further funding under this section.

(c) COMPETITION.—The Secretary shall award grants on a competitive basis to the States with the proposals the Secretary considers most likely to encourage the widespread adoption of photovoltaic technologies. The Secretary shall take into consideration the geographic distribution of awards.

(d) PROPOSALS.—Not later than 6 months after the date of enactment of this Act, and in each subsequent fiscal year for the life of the program, the Secretary shall solicit proposals from the States to participate in the program under this section.

(e) COMPETITIVE CRITERIA.—In awarding funds in a competitive allocation under subsection (c), the Secretary shall consider—

(1) the likelihood of a proposal to encourage the demonstration of, or lower the costs of, advanced photovoltaic technologies; and

(2) the extent to which a proposal is likely to—

(A) maximize the amount of photovoltaics demonstrated;

(B) maximize the proportion of non-Federal cost share; and

(C) limit State administrative costs.

(f) STATE PROGRAM.—A program operated by a State with funding under this section shall provide competitive awards for the demonstration of advanced photo-voltaic technologies. Each State program shall—

(1) require a contribution of at least 60 percent per award from non-Federal sources, which may include any combination of State, local, and private funds, except that at least 10 percent of the funding must be supplied by the State;

(2) endeavor to fund recipients in the commercial, industrial, institutional, governmental, and residential sectors;

(3) limit State administrative costs to no more than 10 percent of the grant;

(4) report annually to the Secretary on—

(A) the amount of funds disbursed;

(B) the amount of photovoltaics purchased; and

(C) the results of the monitoring under paragraph (5);

(5) provide for measurement and verification of the output of a representative sample of the photovoltaics systems demonstrated throughout the average working life of the systems, or at least 20 years; and

(6) require that applicant buildings must have received an independent energy efficiency audit during the 6-month period preceding the filing of the application.

(g) UNEXPENDED FUNDS.—If a State fails to expend any funds received under this section within 3 years of receipt, such remaining funds shall be returned to the Treasury.

(h) REPORTS.—The Secretary shall report to Congress 5 years after funds are first distributed to the States under this section—

(1) the amount of photovoltaics demonstrated;

(2) the number of projects undertaken;

(3) the administrative costs of the program;

(4) the results of the monitoring under subsection (f)(5); and

(5) the total amount of funds distributed, including a breakdown by State.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for the purposes of carrying out this section—

(1) $15,000,000 for fiscal year 2008;

(2) $30,000,000 for fiscal year 2009;

(3) $45,000,000 for fiscal year 2010;

(4) $60,000,000 for fiscal year 2011; and

(5) $70,000,000 for fiscal year 2012.

Subtitle B—Geothermal Energy

SEC. 611. SHORT TITLE.

This subtitle may be cited as the "Advanced Geothermal Energy Research and Development Act of 2007".

SEC. 612. DEFINITIONS.

For purposes of this subtitle:

(1) ENGINEERED.—When referring to enhanced geothermal systems, the term "engineered" means subjected to intervention, including intervention to address one or more of the following issues:

(A) Lack of effective permeability or porosity or open fracture connectivity within the reservoir.

(B) Insufficient contained geofluid in the reservoir.

(C) A low average geothermal gradient, which necessitates deeper drilling.

(2) ENHANCED GEOTHERMAL SYSTEMS.—The term "enhanced geothermal systems" means geothermal reservoir systems that are engineered, as opposed to occurring naturally.

(3) GEOFLUID.—The term "geofluid" means any fluid used to extract thermal energy from the Earth which is transported to the surface for direct use or electric power generation, except that such term shall not include oil or natural gas.

(4) GEOPRESSURED RESOURCES.—The term "geopressured resources" mean geothermal deposits found in sedimentary rocks under higher than normal pressure and saturated with gas or methane.

(5) GEOTHERMAL.—The term "geothermal" refers to heat energy stored in the Earth's crust that can be accessed for direct use or electric power generation.

(6) HYDROTHERMAL.—The term "hydrothermal" refers to naturally occurring subsurface reservoirs of hot water or steam.

(7) SYSTEMS APPROACH.—The term "systems approach" means an approach to solving problems or designing systems that attempts to optimize the performance of the overall system, rather than a particular component of the system.

SEC. 613. HYDROTHERMAL RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary shall support programs of research, development, demonstration, and commercial application to expand the use of geothermal energy production from hydrothermal systems, including the programs described in subsection (b).

(b) PROGRAMS.—

(1) ADVANCED HYDROTHERMAL RESOURCE TOOLS.—The Secretary, in consultation with other appropriate agencies, shall support a program to develop advanced geophysical, geochemical, and geologic tools to assist in locating hidden hydrothermal resources, and to increase the reliability of site characterization before, during, and after initial drilling. The program shall develop new prospecting techniques to assist in prioritization of targets for characterization. The program shall include a field component.

(2) INDUSTRY COUPLED EXPLORATORY DRILLING.—The Secretary shall support a program of cost-shared field demonstration programs, to be pursued, simultaneously and independently, in collaboration with industry partners, for the demonstration of advanced technologies and techniques of siting and exploratory drilling for undiscovered resources in a variety of geologic settings. The program shall include incentives to encourage the use of advanced technologies and techniques.

SEC. 614. GENERAL GEOTHERMAL SYSTEMS RESEARCH AND DEVELOPMENT.

(a) SUBSURFACE COMPONENTS AND SYSTEMS.—The Secretary shall support a program of research, development, demonstration, and commercial application of components and systems capable of withstanding extreme geothermal environments and necessary to cost-effectively develop, produce, and monitor geothermal reservoirs and produce geothermal energy. These components and systems shall include advanced casing systems (expandable tubular casing, low-clearance casing designs, and others), high-temperature cements, high-temperature submersible pumps, and high-temperature packers, as well as technologies for under-reaming, multilateral completions, high-temperature and high-pressure logging, logging while drilling, deep fracture stimulation, and reservoir system diagnostics.

(b) RESERVOIR PERFORMANCE MODELING.—The Secretary shall support a program of research, development, demonstration, and commercial application of models of geothermal reservoir performance, with an emphasis on accurately modeling performance over time. Models shall be developed to assist both in the development of geothermal reservoirs and to more accurately account for stress-related effects in stimulated hydrothermal and enhanced geothermal systems production environments.

(c) ENVIRONMENTAL IMPACTS.—The Secretary shall—

(1) support a program of research, development, demonstration, and commercial application of technologies and practices designed to mitigate or preclude potential adverse environmental impacts of geothermal energy development, production or use, and seek to ensure that geothermal energy development is consistent with the highest practicable standards of environmental stewardship;

(2) in conjunction with the Assistant Administrator for Research and Development at the Environmental Protection Agency, support a research program to identify potential environmental impacts of geothermal energy development, production, and use, and ensure that the program described in paragraph (1) addresses such impacts, including effects on groundwater and local hydrology; and

(3) support a program of research to compare the potential environmental impacts identified as part of the development, production, and use of geothermal energy with the potential emission reductions of greenhouse gases gained by geothermal energy development, production, and use.

SEC. 615. ENHANCED GEOTHERMAL SYSTEMS RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary shall support a program of research, development, demonstration, and commercial application for enhanced geothermal systems, including the programs described in subsection (b).

(b) PROGRAMS.—

(1) ENHANCED GEOTHERMAL SYSTEMS TECHNOLOGIES.—The Secretary shall support a program of research, development, demonstration, and commercial application of the technologies and knowledge necessary for enhanced geothermal systems to advance to a state of commercial readiness, including advances in—

(A) reservoir stimulation;

(B) reservoir characterization, monitoring, and modeling;

(C) stress mapping;

(D) tracer development;

(E) three-dimensional tomography; and

(F) understanding seismic effects of reservoir engineering and stimulation.

(2) ENHANCED GEOTHERMAL SYSTEMS RESERVOIR STIMULATION.—

(A) PROGRAM.—In collaboration with industry partners, the Secretary shall support a program of research, development, and demonstration of enhanced geothermal systems reservoir stimulation technologies and techniques. A minimum of 4 sites shall be selected in locations that show particular promise for enhanced geothermal systems development. Each site shall—

(i) represent a different class of subsurface geologic environments; and

(ii) take advantage of an existing site where subsurface characterization has been conducted or existing drill holes can be utilized, if possible.

(B) CONSIDERATION OF EXISTING SITE.—The Desert Peak, Nevada, site, where a Department of Energy and industry cooperative enhanced geothermal systems project is already underway, may be considered for inclusion among the sites selected under subparagraph (A).

SEC. 616. GEOTHERMAL ENERGY PRODUCTION FROM OIL AND GAS FIELDS AND RECOVERY AND PRODUCTION OF GEOPRESSURED GAS RESOURCES.

(a) IN GENERAL.—The Secretary shall establish a program of research, development, demonstration, and commercial application to support development of geothermal energy production from oil and gas fields and production and recovery of energy, including electricity, from geopressured resources. In addition, the Secretary shall conduct such supporting activities including research, resource characterization, and technology development as necessary.

(b) GEOTHERMAL ENERGY PRODUCTION FROM OIL AND GAS FIELDS.—The Secretary shall implement a grant program in support of geothermal energy production from oil and gas fields. The program shall include grants for a total of not less than three demonstration projects of the use of geothermal techniques such as advanced organic rankine cycle systems at marginal, unproductive, and productive oil and gas wells. The Secretary shall, to the extent practicable and in the public interest, make awards that—

(1) include not less than five oil or gas well sites per project award;

(2) use a range of oil or gas well hot water source temperatures from 150 degrees Fahrenheit to 300 degrees Fahrenheit;

(3) cover a range of sizes up to one megawatt;

(4) are located at a range of sites;

(5) can be replicated at a wide range of sites;

(6) facilitate identification of optimum techniques among competing alternatives;

(7) include business commercialization plans that have the potential for production of equipment at high volumes and operation and support at a large number of sites; and

(8) satisfy other criteria that the Secretary determines are necessary to carry out the program and collect necessary data and information.

The Secretary shall give preference to assessments that address multiple elements contained in paragraphs (1) through (8).

(c) GRANT AWARDS.—Each grant award for demonstration of geothermal technology such as advanced organic rankine cycle systems at oil and gas wells made by the Secretary under subsection (b) shall include—

(1) necessary and appropriate site engineering study;

(2) detailed economic assessment of site specific conditions;

(3) appropriate feasibility studies to determine whether the demonstration can be replicated;

(4) design or adaptation of existing technology for site specific circumstances or conditions;

(5) installation of equipment, service, and support;

(6) operation for a minimum of one year and monitoring for the duration of the demonstration; and

(7) validation of technical and economic assumptions and documentation of lessons learned.

(d) GEOPRESSURED GAS RESOURCE RECOVERY AND PRODUCTION.—(1) The Secretary shall implement a program to support the research, development, demonstration, and commercial application of cost-effective techniques to produce energy from geopressured resources.

(2) The Secretary shall solicit preliminary engineering designs for geopressured resources production and recovery facilities.

(3) Based upon a review of the preliminary designs, the Secretary shall award grants, which may be cost-shared, to support the detailed development and completion of engineering, architectural and technical plans needed to support construction of new designs.

(4) Based upon a review of the final design plans above, the Secretary shall award cost-shared development and construction grants for demonstration geopressured production facilities that show potential for economic recovery of the heat, kinetic energy and gas resources from geopressured resources.

(e) COMPETITIVE GRANT SELECTION.—Not less than 90 days after the date of the enactment of this Act, the Secretary shall conduct a national solicitation for applications for grants under the programs outlined in subsections (b) and (d). Grant recipients shall be selected on a competitive basis based on criteria in the respective subsection.

(f) WELL DRILLING.—No funds may be used under this section for the purpose of drilling new wells.

SEC. 617. COST SHARING AND PROPOSAL EVALUATION.

(a) FEDERAL SHARE.—The Federal share of costs of projects funded under this subtitle shall be in accordance with section 988 of the Energy Policy Act of 2005.

(b) ORGANIZATION AND ADMINISTRATION OF PROGRAMS.—Programs under this subtitle shall incorporate the following elements:

(1) The Secretary shall coordinate with, and where appropriate may provide funds in furtherance of the purposes of this subtitle to, other Department of Energy research and development programs focused on drilling, subsurface characterization, and other related technologies.

(2) In evaluating proposals, the Secretary shall give priority to proposals that demonstrate clear evidence of employing a systems approach.

(3) The Secretary shall coordinate and consult with the appropriate Federal land management agencies in selecting proposals for funding under this subtitle.

(4) Nothing in this subtitle shall be construed to alter or affect any law relating to the management or protection of Federal lands.

SEC. 618. CENTER FOR GEOTHERMAL TECHNOLOGY TRANSFER.

(a) IN GENERAL.—The Secretary shall award to an institution of higher education (or consortium thereof) a grant to establish a Center for Geothermal Technology Transfer (referred to in this section as the "Center").

(b) DUTIES.—The Center shall—

(1) serve as an information clearinghouse for the geothermal industry by collecting and disseminating information on best practices in all areas relating to developing and utilizing geothermal resources;

(2) make data collected by the Center available to the public; and

(3) seek opportunities to coordinate efforts and share information with domestic and international partners engaged in research and development of geothermal systems and related technology.

(c) SELECTION CRITERIA.—In awarding the grant under subsection (a) the Secretary shall select an institution of higher education (or consortium thereof) best suited to provide national leadership on geothermal related issues and perform the duties enumerated under subsection (b).

(d) DURATION OF GRANT.—A grant made under subsection (a)—

(1) shall be for an initial period of 5 years; and

(2) may be renewed for additional 5-year periods on the basis of—

(A) satisfactory performance in meeting the duties outlined in subsection (b); and

(B) any other requirements specified by the Secretary.

SEC. 619. GEOPOWERING AMERICA.

The Secretary shall expand the Department of Energy's GeoPowering the West program to extend its geothermal technology transfer activities throughout the entire United States. The program shall be renamed "GeoPowering America". The program shall continue to be based in the Department of Energy office in Golden, Colorado.

SEC. 620. EDUCATIONAL PILOT PROGRAM.

The Secretary shall seek to award grant funding, on a competitive basis, to an institution of higher education for a geothermal-powered energy generation facility on the institution's campus. The purpose of the facility shall be to provide electricity and space heating. The facility shall also serve as an educational resource to students in relevant fields of study, and the data generated by the facility shall be available to students and the general public. The total funding award shall not exceed $2,000,000.

SEC. 621. REPORTS.

(a) REPORTS ON ADVANCED USES OF GEOTHERMAL ENERGY.—Not later than 3 years and 5 years after the date of enactment of this Act, the Secretary shall report to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate on advanced concepts and technologies to maximize the geothermal resource potential of the United States. The reports shall include—

(1) the use of carbon dioxide as an alternative geofluid with potential carbon sequestration benefits;

(2) mineral recovery from geofluids;

(3) use of geothermal energy to produce hydrogen;

(4) use of geothermal energy to produce biofuels;

(5) use of geothermal heat for oil recovery from oil shales and tar sands; and

(6) other advanced geothermal technologies, including advanced drilling technologies and advanced power conversion technologies.

(b) PROGRESS REPORTS.—(1) Not later than 36 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate an interim report describing the progress made under this subtitle. At the end of 60 months, the Secretary shall submit to Congress a report on the results of projects undertaken under this subtitle and other such information the Secretary considers appropriate.

(2) As necessary, the Secretary shall report to the Congress on any legal, regulatory, or other barriers encountered that hinder economic development of these resources, and provide recommendations on legislative or other actions needed to address such impediments.

SEC. 622. APPLICABILITY OF OTHER LAWS.

Nothing in this subtitle shall be construed as waiving, modifying, or superseding the applicability of any requirement under any environmental or other Federal or State law. To the extent that activities authorized in this subtitle take place in coastal and ocean areas, the Secretary shall consult with the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere, regarding the potential marine environmental impacts and measures to address such impacts.

SEC. 623. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary to carry out this subtitle $90,000,000 for each of the fiscal years 2008 through 2012, of which $10,000,000 for each fiscal year shall be for carrying out section 616. There are also authorized to be appropriated to the Secretary for the Intermountain West Geothermal Consortium $5,000,000 for each of the fiscal years 2008 through 2012.

SEC. 624. INTERNATIONAL GEOTHERMAL ENERGY DEVELOPMENT.

(a) IN GENERAL.—The Secretary of Energy, in coordination with other appropriate Federal and multilateral agencies (including the United States Agency for International Development) shall support international collaborative efforts to promote the research, development, and deployment of geothermal technologies used to develop hydrothermal and enhanced geothermal system resources, including as partners (as appropriate) the African Rift Geothermal Development Facility, Australia, China, France, the Republic of Iceland, India, Japan, and the United Kingdom.

(b) UNITED STATES TRADE AND DEVELOPMENT AGENCY.—The Director of the United States Trade and Development Agency may—

(1) encourage participation by United States firms in actions taken to carry out subsection (a); and

(2) provide grants and other financial support for feasibility and resource assessment studies conducted in, or intended to benefit, less developed countries.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 through 2012.

SEC. 625. HIGH COST REGION GEOTHERMAL ENERGY GRANT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a utility;

(B) an electric cooperative;

(C) a State;

(D) a political subdivision of a State;

(E) an Indian tribe; or

(F) a Native corporation.

(2) HIGH-COST REGION.—The term "high-cost region" means a region in which the average cost of electrical power exceeds 150 percent of the national average retail cost, as determined by the Secretary.

(b) PROGRAM.—The Secretary shall use amounts made available to carry out this section to make grants to eligible entities for activities described in subsection (c).

(c) ELIGIBLE ACTIVITIES.—An eligible entity may use grant funds under this section, with respect to a geothermal energy project in a high-cost region, only—

(1) to conduct a feasibility study, including a study of exploration, geochemical testing, geomagnetic surveys, geologic information gathering, baseline environmental studies, well drilling, resource characterization, permitting, and economic analysis;

(2) for design and engineering costs, relating to the project; and

(3) to demonstrate and promote commercial application of technologies related to geothermal energy as part of the project.

(d) COST SHARING.—The cost-sharing requirements of section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to any project carried out under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

Subtitle C—Marine and Hydrokinetic Renewable Energy Technologies

SEC. 631. SHORT TLE.

This subtitle may be cited as the "Marine and Hydrokinetic Renewable Energy Research and Development Act".

SEC. 632. DEFINITION.

For purposes of this subtitle, the term "marine and hydrokinetic renewable energy" means electrical energy from—:

(1) waves, tides, and currents in oceans, estuaries, and tidal areas;

(2) free flowing water in rivers, lakes, and streams;

(3) free flowing water in man-made channels; and

(4) differentials in ocean temperature (ocean thermal energy conversion).

The term "marine and hydrokinetic renewable energy" does not include energy from any source that uses a dam, diversionary structure, or impoundment for electric power purposes.

SEC. 633. MARINE AND HYDROKINETIC RENEWABLE ENERGY RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior and the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere, shall establish a program of research, development, demonstration, and commercial application to expand marine and hydrokinetic renewable energy production, including programs to—

(1) study and compare existing marine and hydrokinetic renewable energy technologies;

(2) research, develop, and demonstrate marine and hydrokinetic renewable energy systems and technologies;

(3) reduce the manufacturing and operation costs of marine and hydrokinetic renewable energy technologies;

(4) investigate efficient and reliable integration with the utility grid and intermittency issues;

(5) advance wave forecasting technologies;

(6) conduct experimental and numerical modeling for optimization of marine energy conversion devices and arrays;

(7) increase the reliability and survivability of marine and hydrokinetic renewable energy technologies, including development of corrosive-resistant materials;

(8) identify, in conjunction with the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere, and other Federal agencies as appropriate, the potential environmental impacts, including potential impacts on fisheries and other marine resources, of marine and hydrokinetic renewable energy technologies, measures to prevent adverse impacts, and technologies and other means available for monitoring and determining environmental impacts;

(9) identify, in conjunction with the Secretary of the Department in which the United States Coast Guard is operating, acting through the Commandant of the United States Coast Guard, the potential navigational impacts of marine and hydrokinetic renewable energy technologies and measures to prevent adverse impacts on navigation;

(10) develop power measurement standards for marine and hydrokinetic renewable energy;

(11) develop identification standards for marine and hydrokinetic renewable energy devices;

(12) address standards development, demonstration, and technology transfer for advanced systems engineering and system integration methods to identify critical interfaces;

(13) identifying opportunities for cross fertilization and development of economies of scale between other renewable sources and marine and hydrokinetic renewable energy sources; and

(14) providing public information and opportunity for public comment concerning all technologies.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary, in conjunction with the Secretary of Commerce, acting through the Undersecretary of Commerce for Oceans and Atmosphere, and the Secretary of the Interior, shall provide to the Congress a report that addresses—

(1) the potential environmental impacts, including impacts to fisheries and marine resources, of marine and hydrokinetic renewable energy technologies;

(2) options to prevent adverse environmental impacts;

(3) the potential role of monitoring and adaptive management in identifying and addressing any adverse environmental impacts; and

(4) the necessary components of such an adaptive management program.

SEC. 634. NATIONAL MARINE RENEWABLE ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION CENTERS.

(a) CENTERS.—The Secretary shall award grants to institutions of higher education (or consortia thereof) for the establishment of 1 or more National Marine Renewable Energy Research, Development, and Demonstration Centers. In selecting locations for Centers, the Secretary shall consider sites that meet one of the following criteria:

(1) Hosts an existing marine renewable energy research and development program in coordination with an engineering program at an institution of higher education.

(2) Has proven expertise to support environmental and policy-related issues associated with harnessing of energy in the marine environment.

(3) Has access to and utilizes the marine resources in the Gulf of Mexico, the Atlantic Ocean, or the Pacific Ocean.

The Secretary may give special consideration to historically black colleges and universities and land grant universities that also meet one of these criteria. In establishing criteria for the selection of the Centers, the Secretary shall consult with the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere, on the criteria related to ocean waves, tides, and currents including those for advancing wave forecasting technologies, ocean temperature differences, and studying the compatibility of marine renewable energy technologies and systems with the environment, fisheries, and other marine resources.

(b) PURPOSES.—The Centers shall advance research, development, demonstration, and commercial application of marine renewable energy, and shall serve as an information clearinghouse for the marine renewable energy industry, collecting and disseminating information on best practices in all areas related to developing and managing enhanced marine renewable energy systems resources.

(c) DEMONSTRATION OF NEED.—When applying for a grant under this section, an applicant shall include a description of why Federal support is necessary for the Center, including evidence that the research of the Center will not be conducted in the absence of Federal support.

SEC. 635. APPLICABILITY OF OTHER LAWS.

Nothing in this subtitle shall be construed as waiving, modifying, or superseding the applicability of any requirement under any environmental or other Federal or State law.

SEC. 636. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary to carry out this subtitle $50,000,000 for each of the fiscal years 2008 through 2012, except that no funds shall be appropriated under this section for activities that are receiving funds under section 931(a)(2)(E)(i) of the Energy Policy Act of 2005 (42 U.S.C. 16231(a)(2)(E)(i)).

Subtitle D—Energy Storage for Transportation and Electric Power

SEC. 641. ENERGY STORAGE COMPETITIVENESS.

(a) SHORT TITLE.—This section may be cited as the "United States Energy Storage Competitiveness Act of 2007".

(b) DEFINITIONS.—In this section:

(1) COUNCIL.—The term "Council" means the Energy Storage Advisory Council established under subsection (e).

(2) COMPRESSED AIR ENERGY STORAGE.—The term "compressed air energy storage" means, in the case of an electricity grid application, the storage of energy through the compression of air.

(3) ELECTRIC DRIVE VEHICLE.—The term "electric drive vehicle" means—

(A) a vehicle that uses an electric motor for all or part of the motive power of the vehicle, including battery electric, hybrid electric, plug-in hybrid electric, fuel cell, and plug-in fuel cell vehicles and rail transportation vehicles; or

(B) mobile equipment that uses an electric motor to replace an internal combustion engine for all or part of the work of the equipment.

(4) ISLANDING.—The term "islanding" means a distributed generator or energy storage device continuing to power a location in the absence of electric power from the primary source.

(5) FLYWHEEL.—The term "flywheel" means, in the case of an electricity grid application, a device used to store rotational kinetic energy.

(6) MICROGRID.—The term "microgrid" means an integrated energy system consisting of interconnected loads and distributed energy resources (including generators and energy storage devices), which as an integrated system can operate in parallel with the utility grid or in an intentional islanding mode.

(7) SELF-HEALING GRID.—The term "self-healing grid" means a grid that is capable of automatically anticipating and responding to power system disturbances (including the isolation of failed sections and components), while optimizing the performance and service of the grid to customers.

(8) SPINNING RESERVE SERVICES.—The term "spinning reserve services" means a quantity of electric generating capacity in excess of the quantity needed to meet peak electric demand.

(9) ULTRACAPACITOR.—The term "ultracapacitor" means an energy storage device that has a power density comparable to a conventional capacitor but is capable of exceeding the energy density of a conventional capacitor by several orders of magnitude.

(c) PROGRAM.—The Secretary shall carry out a research, development, and demonstration program to support the ability of the United States to remain globally competitive in energy storage systems for electric drive vehicles, stationary applications, and electricity transmission and distribution.

(d) COORDINATION.—In carrying out the activities of this section, the Secretary shall coordinate relevant efforts with appropriate Federal agencies, including the Department of Transportation.

(e) ENERGY STORAGE ADVISORY COUNCIL.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish an Energy Storage Advisory Council.

(2) COMPOSITION.—

(A) IN GENERAL.—Subject to subparagraph (B), the Council shall consist of not less than 15 individuals appointed by the Secretary, based on recommendations of the National Academy of Sciences.

(B) ENERGY STORAGE INDUSTRY.—The Council shall consist primarily of representatives of the energy storage industry of the United States.

(C) CHAIRPERSON.—The Secretary shall select a Chairperson for the Council from among the members appointed under subparagraph (A).

(3) MEETINGS.—

(A) IN GENERAL.—The Council shall meet not less than once a year.

(B) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to a meeting of the Council.

(4) PLANS.—No later than 1 year after the date of enactment of this Act and every 5 years thereafter, the Council, in conjunction with the Secretary, shall develop a 5-year plan for integrating basic and applied research so that the United States retains a globally competitive domestic energy storage industry for electric drive vehicles, stationary applications, and electricity transmission and distribution.

(5) REVIEW.—The Council shall—

(A) assess, every 2 years, the performance of the Department in meeting the goals of the plans developed under paragraph (4); and

(B) make specific recommendations to the Secretary on programs or activities that should be established or terminated to meet those goals.

(f) BASIC RESEARCH PROGRAM.—

(1) BASIC RESEARCH.—The Secretary shall conduct a basic research program on energy storage systems to support electric drive vehicles, stationary applications, and electricity transmission and distribution, including—

(A) materials design;

(B) materials synthesis and characterization;

(C) electrode-active materials, including electrolytes and bioelectrolytes;

(D) surface and interface dynamics;

(E) modeling and simulation; and

(F) thermal behavior and life degradation mechanisms.

(2) NANOSCIENCE CENTERS.—The Secretary, in cooperation with the Council, shall coordinate the activities of the nanoscience centers of the Department to help the energy storage research centers of the Department maintain a globally competitive posture in energy storage systems for electric drive vehicles, stationary applications, and electricity transmission and distribution.

(3) FUNDING.—For activities carried out under this subsection, in addition to funding activities at National Laboratories, the Secretary shall award funds to, and coordinate activities with, a range of stakeholders including the public, private, and academic sectors.

(g) APPLIED RESEARCH PROGRAM.—

(1) IN GENERAL.—The Secretary shall conduct an applied research program on energy storage systems to support electric drive vehicles, stationary applications, and electricity transmission and distribution technologies, including—

(A) ultracapacitors;

(B) flywheels;

(C) batteries and battery systems (including flow batteries);

(D) compressed air energy systems;

(E) power conditioning electronics;

(F) manufacturing technologies for energy storage systems;

(G) thermal management systems; and

(H) hydrogen as an energy storage medium.

(2) FUNDING.—For activities carried out under this subsection, in addition to funding activities at National Laboratories, the Secretary shall provide funds to, and coordinate activities with, a range of stakeholders, including the public, private, and academic sectors.

(h) ENERGY STORAGE RESEARCH CENTERS.—

(1) IN GENERAL.—The Secretary shall establish, through competitive bids, not more than 4 energy storage research centers to translate basic research into applied technologies to advance the capability of the United States to maintain a globally competitive posture in energy storage systems for electric drive vehicles, stationary applications, and electricity transmission and distribution.

(2) PROGRAM MANAGEMENT.—The centers shall be managed by the Under Secretary for Science of the Department.

(3) PARTICIPATION AGREEMENTS.—As a condition of participating in a center, a participant shall enter into a participation agreement with the center that requires that activities conducted by the participant for the center promote the goal of enabling the United States to compete successfully in global energy storage markets.

(4) PLANS.—A center shall conduct activities that promote the achievement of the goals of the plans of the Council under subsection (e)(4).

(5) NATIONAL LABORATORIES.—A national laboratory (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)) may participate in a center established under this subsection, including a cooperative research and development agreement (as defined in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))).

(6) DISCLOSURE.—Section 623 of the Energy Policy Act of 1992 (42 U.S.C. 13293) may apply to any project carried out through a grant, contract, or cooperative agreement under this subsection.

(7) INTELLECTUAL PROPERTY.—In accordance with section 202(a)(ii) of title 35, United States Code, section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182), and section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908), the Secretary may require, for any new invention developed under this subsection, that—

(A) if an industrial participant is active in a energy storage research center established under this subsection relating to the advancement of energy storage technologies carried out, in whole or in part, with Federal funding, the industrial participant be granted the first option to negotiate with the invention owner, at least in the field of energy storage technologies, nonexclusive licenses, and royalties on terms that are reasonable, as determined by the Secretary;

(B) if 1 or more industry participants are active in a center, during a 2-year period beginning on the date on which an invention is made—

(i) the patent holder shall not negotiate any license or royalty agreement with any entity that is not an industrial participant under this subsection; and

(ii) the patent holder shall negotiate nonexclusive licenses and royalties in good faith with any interested industrial participant under this subsection; and

(C) the new invention be developed under such other terms as the Secretary determines to be necessary to promote the accelerated commercialization of inventions made under this subsection to advance the capability of the United States to successfully compete in global energy storage markets.

(i) ENERGY STORAGE SYSTEMS DEMONSTRATIONS.—

(1) IN GENERAL.—The Secretary shall carry out a program of new demonstrations of advanced energy storage systems.

(2) SCOPE.—The demonstrations shall—

(A) be regionally diversified; and

(B) expand on the existing technology demonstration program of the Department.

(3) STAKEHOLDERS.—In carrying out the demonstrations, the Secretary shall, to the maximum extent practicable, include the participation of a range of stakeholders, including—

(A) rural electric cooperatives;

(B) investor owned utilities;

(C) municipally owned electric utilities;

(D) energy storage systems manufacturers;

(E) electric drive vehicle manufacturers;

(F) the renewable energy production industry;

(G) State or local energy offices;

(H) the fuel cell industry; and

(I) institutions of higher education.

(4) OBJECTIVES.—Each of the demonstrations shall include 1 or more of the following:

(A) Energy storage to improve the feasibility of microgrids or islanding, or transmission and distribution capability, to improve reliability in rural areas.

(B) Integration of an energy storage system with a self-healing grid.

(C) Use of energy storage to improve security to emergency response infrastructure and ensure availability of emergency backup power for consumers.

(D) Integration with a renewable energy production source, at the source or away from the source.

(E) Use of energy storage to provide ancillary services, such as spinning reserve services, for grid management.

(F) Advancement of power conversion systems to make the systems smarter, more efficient, able to communicate with other inverters, and able to control voltage.

(G) Use of energy storage to optimize transmission and distribution operation and power quality, which could address overloaded lines and maintenance of transformers and substations.

(H) Use of advanced energy storage for peak load management of homes, businesses, and the grid.

(I) Use of energy storage devices to store energy during nonpeak generation periods to make better use of existing grid assets.

(j) VEHICLE ENERGY STORAGE DEMONSTRATION.—

(1) IN GENERAL.—The Secretary shall carry out a program of electric drive vehicle energy storage technology demonstrations.

(2) CONSORTIA.—The technology demonstrations shall be conducted through consortia, which may include—

(A) energy storage systems manufacturers and suppliers of the manufacturers;

(B) electric drive vehicle manufacturers;

(C) rural electric cooperatives;

(D) investor owned utilities;

(E) municipal and rural electric utilities;

(F) State and local governments;

(G) metropolitan transportation authorities; and

(H) institutions of higher education.

(3) OBJECTIVES.—The program shall demonstrate 1 or more of the following:

(A) Novel, high capacity, high efficiency energy storage, charging, and control systems, along with the collection of data on performance characteristics, such as battery life, energy storage capacity, and power delivery capacity.

(B) Advanced onboard energy management systems and highly efficient battery cooling systems.

(C) Integration of those systems on a prototype vehicular platform, including with drivetrain systems for passenger, commercial, and nonroad electric drive vehicles.

(D) New technologies and processes that reduce manufacturing costs.

(E) Integration of advanced vehicle technologies with electricity distribution system and smart metering technology.

(F) Control systems that minimize emissions profiles in cases in which clean diesel engines are part of a plug-in hybrid drive system.

(k) SECONDARY APPLICATIONS AND DISPOSAL OF ELECTRIC DRIVE VEHICLE BATTERIES.—The Secretary shall carry out a program of research, development, and demonstration of—

(1) secondary applications of energy storage devices following service in electric drive vehicles; and

(2) technologies and processes for final recycling and disposal of the devices.

(l) COST SHARING.—The Secretary shall carry out the programs established under this section in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(m) MERIT REVIEW OF PROPOSALS.—The Secretary shall carry out the programs established under subsections (i), (j), and (k) in accordance with section 989 of the Energy Policy Act of 2005 (42 U.S.C. 16353).

(n) COORDINATION AND NONDUPLICATION.—To the maximum extent practicable, the Secretary shall coordinate activities under this section with other programs and laboratories of the Department and other Federal research programs.

(o) REVIEW BY NATIONAL ACADEMY OF SCIENCES.—On the business day that is 5 years after the date of enactment of this Act, the Secretary shall offer to enter into an arrangement with the National Academy of Sciences to assess the performance of the Department in carrying out this section.

(p) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out—

(1) the basic research program under subsection (f) $50,000,000 for each of fiscal years 2009 through 2018;

(2) the applied research program under subsection (g) $80,000,000 for each of fiscal years 2009 through 2018; and;

(3) the energy storage research center program under subsection (h) $100,000,000 for each of fiscal years 2009 through 2018;

(4) the energy storage systems demonstration program under subsection (i) $30,000,000 for each of fiscal years 2009 through 2018;

(5) the vehicle energy storage demonstration program under subsection (j) $30,000,000 for each of fiscal years 2009 through 2018; and

(6) the secondary applications and disposal of electric drive vehicle batteries program under subsection (k) $5,000,000 for each of fiscal years 2009 through 2018.

Subtitle E—Miscellaneous Provisions

SEC. 651. LIGHTWEIGHT MATERIALS RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Energy shall establish a program to determine ways in which the weight of motor vehicles could be reduced to improve fuel efficiency without compromising passenger safety by conducting research, development, and demonstration relating to—

(1) the development of new materials (including cast metal composite materials formed by autocombustion synthesis) and material processes that yield a higher strength-to-weight ratio or other properties that reduce vehicle weight; and

(2) reducing the cost of—

(A) lightweight materials (including high-strength steel alloys, aluminum, magnesium, metal composites, and carbon fiber reinforced polymer composites) with the properties required for construction of lighter-weight vehicles; and

(B) materials processing, automated manufacturing, joining, and recycling lightweight materials for high-volume applications.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $80,000,000 for the period of fiscal years 2008 through 2012.

SEC. 652. COMMERCIAL INSULATION DEMONSTRATION PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADVANCED INSULATION.—The term "advanced insulation" means insulation that has an R value of not less than R35 per inch.

(2) COVERED REFRIGERATION UNIT.—The term "covered refrigeration unit" means any—

(A) commercial refrigerated truck;

(B) commercial refrigerated trailer; or

(C) commercial refrigerator, freezer, or refrigerator-freezer described in section 342(c) of the Energy Policy and Conservation Act (42 U.S.C. 6313(c)).

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that includes an evaluation of—

(1) the state of technological advancement of advanced insulation; and

(2) the projected amount of cost savings that would be generated by implementing advanced insulation into covered refrigeration units.

(c) DEMONSTRATION PROGRAM.—

(1) ESTABLISHMENT.—If the Secretary determines in the report described in subsection (b) that the implementation of advanced insulation into covered refrigeration units would generate an economically justifiable amount of cost savings, the Secretary, in cooperation with manufacturers of covered refrigeration units, shall establish a demonstration program under which the Secretary shall demonstrate the cost-effectiveness of advanced insulation.

(2) DISCLOSURE.—The Secretary may, for a period of up to five years after an award is granted under the demonstration program, exempt from mandatory disclosure under section 552 of title 5, United States Code (popularly known as the Freedom of Information Act) information that the Secretary determines would be a privileged or confidential trade secret or commercial or financial information under subsection (b)(4) of such section if the information had been obtained from a non-Government party.

(3) COST-SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to any project carried out under this subsection.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $8,000,000 for the period of fiscal years 2009 through 2014.

SEC. 653. TECHNICAL CRITERIA FOR CLEAN COAL POWER INITIATIVE.

Section 402(b)(1)(B)(ii) of the Energy Policy Act of 2005 (42 U.S.C. 15962(b)(1)(B)(ii)) is amended by striking subclause (I) and inserting the following:

"(I)(aa) to remove at least 99 percent of sulfur dioxide; or

"(bb) to emit not more than 0.04 pound SO_2 per million Btu, based on a 30-day average;".

SEC. 654. H-PRIZE.

Section 1008 of the Energy Policy Act of 2005 (42 U.S.C. 16396) is amended by adding at the end the following new subsection:

"(f) H-PRIZE.—

"(1) PRIZE AUTHORITY.—

"(A) IN GENERAL.—As part of the program under this section, the Secretary shall carry out a program to competitively award cash prizes in conformity with this subsection to advance the research, development, demonstration, and commercial application of hydrogen energy technologies.

"(B) ADVERTISING AND SOLICITATION OF COMPETITORS.—

"(i) ADVERTISING.—The Secretary shall widely advertise prize competitions under this subsection to encourage broad participation, including by individuals, universities (including historically Black colleges and universities and other minority serving institutions), and large and small businesses (including businesses owned or controlled by socially and economically disadvantaged persons).

"(ii) ANNOUNCEMENT THROUGH FEDERAL REGISTER NOTICE.—The Secretary shall announce each prize competition under this subsection by publishing a notice in the Federal Register. This notice shall include essential elements of the competition such as the subject of the competition, the duration of the competition, the eligibility requirements for participation in the competition, the process for participants to register for the competition, the amount of the prize, and the criteria for awarding the prize.

"(C) ADMINISTERING THE COMPETITIONS.—The Secretary shall enter into an agreement with a private, nonprofit entity to administer the prize competitions under this subsection, subject to the provisions of this subsection (in this subsection referred to as the 'administering entity'). The duties of the administering entity under the agreement shall include—

"(i) advertising prize competitions under this subsection and their results;

"(ii) raising funds from private entities and individuals to pay for administrative costs and to contribute to cash prizes, including funds provided in exchange for the right to name a prize awarded under this subsection;

"(iii) developing, in consultation with and subject to the final approval of the Secretary, the criteria for selecting winners in prize competitions under this subsection, based on goals provided by the Secretary;

"(iv) determining, in consultation with the Secretary, the appropriate amount and funding sources for each prize to be awarded under this subsection, subject to the final approval of the Secretary with respect to Federal funding;

"(v) providing advice and consultation to the Secretary on the selection of judges in accordance with paragraph (2)(D), using criteria developed in consultation with and subject to the final approval of the Secretary; and

"(vi) protecting against the administering entity's unauthorized use or disclosure of a registered participant's trade secrets and confidential business information. Any information properly identified as trade secrets or confidential business information that is submitted by a participant as part of a competitive program under this subsection may be withheld from public disclosure.

"(D) FUNDING SOURCES.—Prizes under this subsection shall consist of Federal appropriated funds and any funds provided by the administering entity (including funds raised pursuant to subparagraph (C)(ii)) for such cash prize programs. The Secretary may accept funds from other Federal agencies for such cash prizes and, notwithstanding section 3302(b) of title 31, United States Code, may use such funds for the cash prize program under this subsection. Other than publication of the names of prize sponsors, the Secretary may not give any special consideration to any private sector entity or individual in return for a donation to the Secretary or administering entity.

"(E) ANNOUNCEMENT OF PRIZES.—The Secretary may not issue a notice required by subparagraph (B)(ii) until all the funds needed to pay out the announced amount of the prize have been appropriated or committed in writing by the administering entity. The Secretary may increase the amount of a prize after an initial announcement is made under subparagraph (B)(ii) if—

"(i) notice of the increase is provided in the same manner as the initial notice of the prize; and

"(ii) the funds needed to pay out the announced amount of the increase have been appropriated or committed in writing by the administering entity.

"(F) SUNSET.—The authority to announce prize competitions under this subsection shall terminate on September 30, 2018.

"(2) PRIZE CATEGORIES.—

"(A) CATEGORIES.—The Secretary shall establish prizes under this subsection for—

"(i) advancements in technologies, components, or systems related to—

"(I) hydrogen production;

"(II) hydrogen storage;

"(III) hydrogen distribution; and

"(IV) hydrogen utilization;

"(ii) prototypes of hydrogen-powered vehicles or other hydrogen-based products that best meet or exceed objective performance criteria, such as completion of a race over a certain distance or terrain or generation of energy at certain levels of efficiency; and

"(iii) transformational changes in technologies for the distribution or production of hydrogen that meet or exceed far-reaching objective criteria, which shall include minimal carbon emissions and which may include cost criteria designed to facilitate the eventual market success of a winning technology.

"(B) AWARDS.—

"(i) ADVANCEMENTS.—To the extent permitted under paragraph (1)(E), the prizes authorized under subparagraph (A)(i) shall be awarded biennially to the most significant advance made in each of the four subcategories described in subclauses (I) through (IV) of subparagraph (A)(i) since the submission deadline of the previous prize competition in the same category under subparagraph (A)(i) or the date of enactment of this subsection, whichever is later, unless no such advance is significant enough to merit an award. No one such prize may exceed $1,000,000. If less than $4,000,000 is available for a prize competition under subparagraph (A)(i), the Secretary may omit one or more subcategories, reduce the amount of the prizes, or not hold a prize competition.

"(ii) PROTOTYPES.—To the extent permitted under paragraph (1)(E), prizes authorized under subparagraph (A)(ii) shall be awarded biennially in alternate years from the prizes authorized under subparagraph (A)(i). The Secretary is authorized to award up to one prize in this category in each 2-year period. No such prize may exceed

$4,000,000. If no registered participants meet the objective performance criteria established pursuant to subparagraph (C) for a competition under this clause, the Secretary shall not award a prize.

"(iii) TRANSFORMATIONAL TECHNOLOGIES.—To the extent permitted under paragraph (1)(E), the Secretary shall announce one prize competition authorized under subparagraph (A)(iii) as soon after the date of enactment of this subsection as is practicable. A prize offered under this clause shall be not less than $10,000,000, paid to the winner in a lump sum, and an additional amount paid to the winner as a match for each dollar of private funding raised by the winner for the hydrogen technology beginning on the date the winner was named. The match shall be provided for 3 years after the date the prize winner is named or until the full amount of the prize has been paid out, whichever occurs first. A prize winner may elect to have the match amount paid to another entity that is continuing the development of the winning technology. The Secretary shall announce the rules for receiving the match in the notice required by paragraph (1)(B)(ii). The Secretary shall award a prize under this clause only when a registered participant has met the objective criteria established for the prize pursuant to subparagraph (C) and announced pursuant to paragraph (1)(B)(ii). Not more than $10,000,000 in Federal funds may be used for the prize award under this clause. The administering entity shall seek to raise $40,000,000 toward the matching award under this clause.

"(C) CRITERIA.—In establishing the criteria required by this subsection, the Secretary—

"(i) shall consult with the Department's Hydrogen Technical and Fuel Cell Advisory Committee;

"(ii) shall consult with other Federal agencies, including the National Science Foundation; and

"(iii) may consult with other experts such as private organizations, including professional societies, industry associations, and the National Academy of Sciences and the National Academy of Engineering.

"(D) JUDGES.—For each prize competition under this subsection, the Secretary in consultation with the administering entity shall assemble a panel of qualified judges to select the winner or winners on the basis of the criteria established under subparagraph (C). Judges for each prize competition shall include individuals from outside the Department, including from the private sector. A judge, spouse, minor children, and members of the judge's household may not—

"(i) have personal or financial interests in, or be an employee, officer, director, or agent of, any entity that is a registered participant in the prize competition for which he or she will serve as a judge; or

"(ii) have a familial or financial relationship with an individual who is a registered participant in the prize competition for which he or she will serve as a judge.

"(3) ELIGIBILITY.—To be eligible to win a prize under this subsection, an individual or entity—

"(A) shall have complied with all the requirements in accordance with the Federal Register notice required under paragraph (1)(B)(ii);

"(B) in the case of a private entity, shall be incorporated in and maintain a primary place of business in the United States, and in the case of an individual, whether participating singly or in a group, shall be a citizen of, or an alien lawfully admitted for permanent residence in, the United States; and

"(C) shall not be a Federal entity, a Federal employee acting within the scope of his employment, or an employee of a national laboratory acting within the scope of his employment.

"(4) INTELLECTUAL PROPERTY.—The Federal Government shall not, by virtue of offering or awarding a prize under this subsection, be entitled to any intellectual property rights derived as a consequence of, or direct relation to, the participation by a registered participant in a competition authorized by this subsection. This paragraph shall not be construed to prevent the Federal Government from negotiating a license for the use of intellectual property developed for a prize competition under this subsection.

"(5) LIABILITY.—

"(A) WAIVER OF LIABILITY.—The Secretary may require registered participants to waive claims against the Federal Government and the administering entity (except claims for willful misconduct) for any injury, death, damage, or loss of property, revenue, or profits arising from the registered participants' participation in a competition under this subsection. The Secretary shall give notice of any waiver required under this subparagraph in the notice required by paragraph (1)(B)(ii). The Secretary may not require a registered participant to waive claims against the administering entity arising out of the unauthorized use or disclosure by the administering entity of the registered participant's trade secrets or confidential business information.

"(B) LIABILITY INSURANCE.—

"(i) REQUIREMENTS.—Registered participants in a prize competition under this subsection shall be required to obtain liability insurance or demonstrate financial responsibility, in amounts determined by the Secretary, for claims by—

"(I) a third party for death, bodily injury, or property damage or loss resulting from an activity carried out in connection with participation in a competition under this subsection; and

"(II) the Federal Government for damage or loss to Government property resulting from such an activity.

"(ii) FEDERAL GOVERNMENT INSURED.—The Federal Government shall be named as an additional insured under a registered participant's insurance policy required under clause (i)(I), and registered participants shall be required to agree to indemnify the Federal Government against third party claims for damages arising from or related to competition activities under this subsection.

"(6) REPORT TO CONGRESS.—Not later than 60 days after the awarding of the first prize under this subsection, and annually thereafter, the Secretary shall transmit to the Congress a report that—

"(A) identifies each award recipient;

"(B) describes the technologies developed by each award recipient; and

"(C) specifies actions being taken toward commercial application of all technologies with respect to which a prize has been awarded under this subsection.

"(7) AUTHORIZATION OF APPROPRIATIONS.—

"(A) IN GENERAL.—

"(i) AWARDS.—There are authorized to be appropriated to the Secretary for the period encompassing fiscal years 2008 through 2017 for carrying out this subsection—

"(I) $20,000,000 for awards described in paragraph (2)(A)(i);

"(II) $20,000,000 for awards described in paragraph (2)(A)(ii); and

"(III) $10,000,000 for the award described in paragraph (2)(A)(iii).

"(ii) ADMINISTRATION.—In addition to the amounts authorized in clause (i), there are authorized to be appropriated to the Secretary for each of fiscal years 2008 and 2009 $2,000,000 for the administrative costs of carrying out this subsection.

"(B) CARRYOVER OF FUNDS.—Funds appropriated for prize awards under this subsection shall remain available until expended, and may be transferred, reprogrammed, or expended for other purposes only after the expiration of 10 fiscal years after the fiscal year for which the funds were originally appropriated. No provision in this subsection permits obligation or payment of funds in violation of section 1341 of title 31 of the United States Code (commonly referred to as the Anti-Deficiency Act).

"(8) NONSUBSTITUTION.—The programs created under this subsection shall not be considered a substitute for Federal research and development programs.".

SEC. 655. BRIGHT TOMORROW LIGHTING PRIZES.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, as part of the program carried out under section 1008 of the Energy Policy Act of 2005 (42 U.S.C. 16396), the Secretary shall establish and award Bright Tomorrow Lighting Prizes for solid state lighting in accordance with this section.

(b) PRIZE SPECIFICATIONS.—

(1) 60-WATT INCANDESCENT REPLACEMENT LAMP PRIZE.—The Secretary shall award a 60-Watt Incandescent Replacement Lamp Prize to an entrant that produces a solid-state light package simultaneously capable of—

(A) producing a luminous flux greater than 900 lumens;

(B) consuming less than or equal to 10 watts;

(C) having an efficiency greater than 90 lumens per watt;

(D) having a color rendering index greater than 90;

(E) having a correlated color temperature of not less than 2,750, and not more than 3,000, degrees Kelvin;

(F) having 70 percent of the lumen value under subparagraph (A) exceeding 25,000 hours under typical conditions expected in residential use;

(G) having a light distribution pattern similar to a soft 60-watt incandescent A19 bulb;

(H) having a size and shape that fits within the maximum dimensions of an A19 bulb in accordance with American National Standards Institute standard C78.20–2003, figure C78.20–211;

(I) using a single contact medium screw socket; and

(J) mass production for a competitive sales commercial market satisfied by producing commercially accepted quality control lots of such units equal to or exceeding the criteria described in subparagraphs (A) through (I).

(2) PAR TYPE 38 HALOGEN REPLACEMENT LAMP PRIZE.—The Secretary shall award a Parabolic Aluminized Reflector Type 38 Halogen Replacement Lamp Prize (referred to in this section as the "PAR Type 38 Halogen Replacement Lamp Prize") to an entrant that produces a solid-state-light package simultaneously capable of—

(A) producing a luminous flux greater than or equal to 1,350 lumens;

(B) consuming less than or equal to 11 watts;

(C) having an efficiency greater than 123 lumens per watt;

(D) having a color rendering index greater than or equal to 90;

(E) having a correlated color coordinate temperature of not less than 2,750, and not more than 3,000, degrees Kelvin;

(F) having 70 percent of the lumen value under subparagraph (A) exceeding 25,000 hours under typical conditions expected in residential use;

(G) having a light distribution pattern similar to a PAR 38 halogen lamp;

(H) having a size and shape that fits within the maximum dimensions of a PAR 38 halogen lamp in accordance with American National Standards Institute standard C78-21-2003, figure C78.21-238;

(I) using a single contact medium screw socket; and

(J) mass production for a competitive sales commercial market satisfied by producing commercially accepted quality control lots of such units equal to or exceeding the criteria described in subparagraphs (A) through (I).

(3) TWENTY-FIRST CENTURY LAMP PRIZE.—The Secretary shall award a Twenty-First Century Lamp Prize to an entrant that produces a solid-state-light-light capable of—

(A) producing a light output greater than 1,200 lumens;

(B) having an efficiency greater than 150 lumens per watt;

(C) having a color rendering index greater than 90;

(D) having a color coordinate temperature between 2,800 and 3,000 degrees Kelvin; and

(E) having a lifetime exceeding 25,000 hours.

(c) PRIVATE FUNDS.—

(1) IN GENERAL.—Subject to paragraph (2), and notwithstanding section 3302 of title 31, United States Code, the Secretary may accept, retain, and use funds contributed by any person, government entity, or organization for purposes of carrying out this subsection—

(A) without further appropriation; and

(B) without fiscal year limitation.

(2) PRIZE COMPETITION.—A private source of funding may not participate in the competition for prizes awarded under this section.

(d) TECHNICAL REVIEW.—The Secretary shall establish a technical review committee composed of non-Federal officers to review entrant data submitted under this section to determine whether the data meets the prize specifications described in subsection (b).

(e) THIRD PARTY ADMINISTRATION.—The Secretary may competitively select a third party to administer awards under this section.

(f) ELIGIBILITY FOR PRIZES.—To be eligible to be awarded a prize under this section—

(1) in the case of a private entity, the entity shall be incorporated in and maintain a primary place of business in the United States; and

(2) in the case of an individual (whether participating as a single individual or in a group), the individual shall be a citizen or lawful permanent resident of the United States.

(g) AWARD AMOUNTS.—Subject to the availability of funds to carry out this section, the amount of—

(1) the 60-Watt Incandescent Replacement Lamp Prize described in subsection (b)(1) shall be $10,000,000;

(2) the PAR Type 38 Halogen Replacement Lamp Prize described in subsection (b)(2) shall be $5,000,000; and

(3) the Twenty-First Century Lamp Prize described in subsection (b)(3) shall be $5,000,000.

(h) FEDERAL PROCUREMENT OF SOLID-STATE-LIGHTS.—

(1) 60-WATT INCANDESCENT REPLACEMENT.—Subject to paragraph (3), as soon as practicable after the successful award of the 60-Watt Incandescent Replacement Lamp Prize under subsection (b)(1), the Secretary (in consultation with the Administrator of General Services) shall develop governmentwide Federal purchase guidelines with a goal of replacing the use of 60-watt incandescent lamps in Federal Government buildings with a solid-state-light package described in subsection (b)(1) by not later than the date that is 5 years after the date the award is made.

(2) PAR 38 HALOGEN REPLACEMENT LAMP REPLACEMENT.—Subject to paragraph (3), as soon as practicable after the successful award of the PAR Type 38 Halogen Replacement Lamp Prize under subsection (b)(2), the Secretary (in consultation with the Administrator of General Services) shall develop governmentwide Federal purchase guidelines with the goal of replacing the use of PAR 38 halogen lamps in Federal Government buildings with a solid-state-light package described in subsection (b)(2) by not later than the date that is 5 years after the date the award is made.

(3) WAIVERS.—

(A) IN GENERAL.—The Secretary or the Administrator of General Services may waive the application of paragraph (1) or (2) if the Secretary or Administrator determines that the return on investment from the purchase of a solid-state-light package described in paragraph (1) or (2) of subsection (b), respectively, is cost prohibitive.

(B) REPORT OF WAIVER.—If the Secretary or Administrator waives the application of paragraph (1) or (2), the Secretary or Administrator, respectively, shall submit to Congress an annual report that describes the waiver and provides a detailed justification for the waiver.

(i) REPORT.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Administrator of General Services shall submit to the Energy Information Agency a report describing the quantity, type, and cost of each lighting product purchased by the Federal Government.

(j) BRIGHT TOMORROW LIGHTING AWARD FUND.—

(1) ESTABLISHMENT.—There is established in the United States Treasury a Bright Tomorrow Lighting permanent fund without fiscal year limitation to award prizes under paragraphs (1), (2), and (3) of subsection (b).

(2) SOURCES OF FUNDING.—The fund established under paragraph (1) shall accept—

(A) fiscal year appropriations; and

(B) private contributions authorized under subsection (c).

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 656. RENEWABLE ENERGY INNOVATION MANUFACTURING PARTNERSHIP.

(a) ESTABLISHMENT.—The Secretary shall carry out a program, to be known as the Renewable Energy Innovation Manufacturing Partnership Program (referred to in this section as the "Program"), to make assistance awards to eligible entities for use in carrying out research, development, and demonstration relating to the manufacturing of renewable energy technologies.

(b) SOLICITATION.—To carry out the Program, the Secretary shall annually conduct a competitive solicitation for assistance awards for an eligible project described in subsection (e).

(c) PROGRAM PURPOSES.—The purposes of the Program are—

(1) to develop, or aid in the development of, advanced manufacturing processes, materials, and infrastructure;

(2) to increase the domestic production of renewable energy technology and components; and

(3) to better coordinate Federal, State, and private resources to meet regional and national renewable energy goals through advanced manufacturing partnerships.

(d) ELIGIBLE ENTITIES.—An entity shall be eligible to receive an assistance award under the Program to carry out an eligible project described in subsection (e) if the entity is composed of—

(1) 1 or more public or private nonprofit institutions or national laboratories engaged in research, development, demonstration, or technology transfer, that would participate substantially in the project; and

(2) 1 or more private entities engaged in the manufacturing or development of renewable energy system components (including solar energy, wind energy, biomass, geothermal energy, energy storage, or fuel cells).

(e) ELIGIBLE PROJECTS.—An eligible entity may use an assistance award provided under this section to carry out a project relating to—

(1) the conduct of studies of market opportunities for component manufacturing of renewable energy systems;

(2) the conduct of multiyear applied research, development, demonstration, and deployment projects for advanced manufacturing processes, materials, and infrastructure for renewable energy systems; and

(3) other similar ventures, as approved by the Secretary, that promote advanced manufacturing of renewable technologies.

(f) CRITERIA AND GUIDELINES.—The Secretary shall establish criteria and guidelines for the submission, evaluation, and funding of proposed projects under the Program.

(g) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to a project carried out under this section.

(h) DISCLOSURE.—The Secretary may, for a period of up to five years after an award is granted under this section, exempt from mandatory disclosure under section 552 of title 5, United States Code (popularly known as the Freedom of Information Act) information that the Secretary determines would be a privileged or confidential trade secret or commercial or financial information under subsection (b)(4) of such section if the information had been obtained from a non-Government party.

(i) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Secretary should ensure that small businesses engaged in renewable manufacturing be given priority consideration for the assistance awards provided under this section.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of funds already authorized to carry out this section $25,000,000 for each of fiscal years 2008 through 2013, to remain available until expended.

TITLE VII—CARBON CAPTURE AND SEQUESTRATION

Subtitle A—Carbon Capture and Sequestration Research, Development, and Demonstration

SEC. 701. SHORT TITLE.

This subtitle may be cited as the "Department of Energy Carbon Capture and Sequestration Research, Development, and Demonstration Act of 2007".

SEC. 702. CARBON CAPTURE AND SEQUESTRATION RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM.

(a) AMENDMENT.—Section 963 of the Energy Policy Act of 2005 (42 U.S.C. 16293) is amended—

(1) in the section heading, by striking "**RESEARCH AND DEVELOPMENT**" and inserting "**AND SEQUESTRATION RESEARCH, DEVELOPMENT, AND DEMONSTRATION**";

(2) in subsection (a)—

(A) by striking "research and development" and inserting "and sequestration research, development, and demonstration"; and

(B) by striking "capture technologies on combustion-based systems" and inserting "capture and sequestration technologies related to industrial sources of carbon dioxide";

(3) in subsection (b)—

(A) in paragraph (3), by striking "and" at the end;

(B) in paragraph (4), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(5) to expedite and carry out large-scale testing of carbon sequestration systems in a range of geologic formations that will provide information on the cost and feasibility of deployment of sequestration technologies."; and

(4) by striking subsection (c) and inserting the following:

"(c) PROGRAMMATIC ACTIVITIES.—

"(1) FUNDAMENTAL SCIENCE AND ENGINEERING RESEARCH AND DEVELOPMENT AND DEMONSTRATION SUPPORTING CARBON CAPTURE AND SEQUESTRATION TECHNOLOGIES AND CARBON USE ACTIVITIES.—

"(A) IN GENERAL.—The Secretary shall carry out fundamental science and engineering research (including laboratory-scale experiments, numeric modeling, and simulations) to develop and document the performance of new approaches to capture and sequester, or use carbon dioxide to lead to an overall reduction of carbon dioxide emissions.

"(B) PROGRAM INTEGRATION.—The Secretary shall ensure that fundamental research carried out under this paragraph is appropriately applied to energy technology development activities, the field testing of carbon sequestration, and carbon use activities, including—

"(i) development of new or advanced technologies for the capture and sequestration of carbon dioxide;

"(ii) development of new or advanced technologies that reduce the cost and increase the efficacy of advanced compression of carbon dioxide required for the sequestration of carbon dioxide;

"(iii) modeling and simulation of geologic sequestration field demonstrations;

"(iv) quantitative assessment of risks relating to specific field sites for testing of sequestration technologies;

"(v) research and development of new and advanced technologies for carbon use, including recycling and reuse of carbon dioxide; and

"(vi) research and development of new and advanced technologies for the separation of oxygen from air.

"(2) FIELD VALIDATION TESTING ACTIVITIES.—

"(A) IN GENERAL.—The Secretary shall promote, to the maximum extent practicable, regional carbon sequestration partnerships to conduct geologic sequestration tests involving carbon dioxide injection and monitoring, mitigation, and verification operations in a variety of candidate geologic settings, including—

"(i) operating oil and gas fields;

"(ii) depleted oil and gas fields;

"(iii) unmineable coal seams;

"(iv) deep saline formations;

"(v) deep geologic systems that may be used as engineered reservoirs to extract economical quantities of heat from geothermal resources of low permeability or porosity; and

"(vi) deep geologic systems containing basalt formations.

"(B) OBJECTIVES.—The objectives of tests conducted under this paragraph shall be—

"(i) to develop and validate geophysical tools, analysis, and modeling to monitor, predict, and verify carbon dioxide containment;

"(ii) to validate modeling of geologic formations;

"(iii) to refine sequestration capacity estimated for particular geologic formations;

"(iv) to determine the fate of carbon dioxide concurrent with and following injection into geologic formations;

"(v) to develop and implement best practices for operations relating to, and monitoring of, carbon dioxide injection and sequestration in geologic formations;

"(vi) to assess and ensure the safety of operations related to geologic sequestration of carbon dioxide;

"(vii) to allow the Secretary to promulgate policies, procedures, requirements, and guidance to ensure that the objectives of this subparagraph are met in large-scale testing and deployment activities for carbon capture and sequestration that are funded by the Department of Energy; and

"(viii) to provide information to States, the Environmental Protection Agency, and other appropriate entities to support development of a regulatory framework for commercial-scale sequestration operations that ensure the protection of human health and the environment.

"(3) LARGE-SCALE CARBON DIOXIDE SEQUESTRATION TESTING.—

"(A) IN GENERAL.—The Secretary shall conduct not less than 7 initial large-scale sequestration tests, not including the FutureGen project, for geologic containment of carbon dioxide to collect and validate information on the cost and feasibility of commercial deployment of technologies for geologic containment of carbon dioxide. These 7 tests may include any Regional Partnership projects awarded as of the date of enactment of the Department of Energy Carbon Capture and Sequestration Research, Development, and Demonstration Act of 2007.

"(B) DIVERSITY OF FORMATIONS TO BE STUDIED.—In selecting formations for study under this paragraph, the Secretary shall consider a variety of geologic formations across the United States, and require characterization and modeling of candidate formations, as determined by the Secretary.

"(C) SOURCE OF CARBON DIOXIDE FOR LARGE-SCALE SEQUESTRATION TESTS.—In the process of any acquisition of carbon dioxide for sequestration tests under subparagraph (A), the Secretary shall give preference to sources of carbon dioxide from industrial sources. To the extent feasible, the Secretary shall prefer tests that would facilitate the creation of an integrated system of capture, transportation and sequestration of carbon dioxide. The preference provided for under this subparagraph shall not delay the implementation of the large-scale sequestration tests under this paragraph.

"(D) DEFINITION.—For purposes of this paragraph, the term 'large-scale' means the injection of more than 1,000,000 tons of carbon dioxide from industrial sources annually or a scale that demonstrates the ability to inject and sequester several million metric tons of industrial source carbon dioxide for a large number of years.

"(4) PREFERENCE IN PROJECT SELECTION FROM MERITORIOUS PROPOSALS.—In making competitive awards under this subsection, subject to the requirements of section 989, the Secretary shall—

"(A) give preference to proposals from partnerships among industrial, academic, and government entities; and

"(B) require recipients to provide assurances that all laborers and mechanics employed by contractors and subcontractors in the construction, repair, or alteration of new or existing facilities performed in order to carry out a demonstration or commercial application activity authorized under this subsection shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code, and the Secretary of Labor shall, with respect to the labor standards in this paragraph, have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 Fed. Reg. 3176; 5 U.S.C. Appendix) and section 3145 of title 40, United States Code.

"(5) COST SHARING.—Activities under this subsection shall be considered research and development activities that are subject to the cost sharing requirements of section 988(b).

"(6) PROGRAM REVIEW AND REPORT.—During fiscal year 2011, the Secretary shall—

"(A) conduct a review of programmatic activities carried out under this subsection; and

"(B) make recommendations with respect to continuation of the activities.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) $240,000,000 for fiscal year 2008;

"(2) $240,000,000 for fiscal year 2009;

"(3) $240,000,000 for fiscal year 2010;

"(4) $240,000,000 for fiscal year 2011; and

"(5) $240,000,000 for fiscal year 2012.".

(b) TABLE OF CONTENTS AMENDMENT.—The item relating to section 963 in the table of contents for the Energy Policy Act of 2005 is amended to read as follows:

"Sec. 963. Carbon capture and sequestration research, development, and demonstration program.".

SEC. 703. CARBON CAPTURE.

(a) PROGRAM ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall carry out a program to demonstrate technologies for the large-scale capture of carbon dioxide from industrial sources. In making awards under this program, the Secretary shall select, as appropriate, a diversity of capture technologies to address the need to capture carbon dioxide from a range of industrial sources.

(2) SCOPE OF AWARD.—Awards under this section shall be only for the portion of the project that—

(A) carries out the large-scale capture (including purification and compression) of carbon dioxide from industrial sources;

(B) provides for the transportation and injection of carbon dioxide; and

(C) incorporates a comprehensive measurement, monitoring, and validation program.

(3) PREFERENCES FOR AWARD.—To ensure reduced carbon dioxide emissions, the Secretary shall take necessary actions to provide for the integration of the program under

this paragraph with the large-scale carbon dioxide sequestration tests described in section 963(c)(3) of the Energy Policy Act of 2005 (42 U.S.C. 16293(c)(3)), as added by section 702 of this subtitle. These actions should not delay implementation of these tests. The Secretary shall give priority consideration to projects with the following characteristics:

(A) CAPACITY.—Projects that will capture a high percentage of the carbon dioxide in the treated stream and large volumes of carbon dioxide as determined by the Secretary.

(B) SEQUESTRATION.—Projects that capture carbon dioxide from industrial sources that are near suitable geological reservoirs and could continue sequestration including—

(i) a field testing validation activity under section 963 of the Energy Policy Act of 2005 (42 U.S.C. 16293), as amended by this Act; or

(ii) other geologic sequestration projects approved by the Secretary.

(4) REQUIREMENT.—For projects that generate carbon dioxide that is to be sequestered, the carbon dioxide stream shall be of a sufficient purity level to allow for safe transport and sequestration.

(5) COST-SHARING.—The cost-sharing requirements of section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) for research and development projects shall apply to this section.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $200,000,000 per year for fiscal years 2009 through 2013.

SEC. 704. REVIEW OF LARGE-SCALE PROGRAMS.

The Secretary shall enter into an arrangement with the National Academy of Sciences for an independent review and oversight, beginning in 2011, of the programs under section 963(c)(3) of the Energy Policy Act of 2005 (42 U.S.C. 16293(c)(3)), as added by section 702 of this subtitle, and under section 703 of this subtitle, to ensure that the benefits of such programs are maximized. Not later than January 1, 2012, the Secretary shall transmit to the Congress a report on the results of such review and oversight.

SEC. 705. GEOLOGIC SEQUESTRATION TRAINING AND RESEARCH.

(a) STUDY.—

(1) IN GENERAL.—The Secretary shall enter into an arrangement with the National Academy of Sciences to undertake a study that—

(A) defines an interdisciplinary program in geology, engineering, hydrology, environmental science, and related disciplines that will support the Nation's capability to capture and sequester carbon dioxide from anthropogenic sources;

(B) addresses undergraduate and graduate education, especially to help develop graduate level programs of research and instruction that lead to advanced degrees with emphasis on geologic sequestration science;

(C) develops guidelines for proposals from colleges and universities with substantial capabilities in the required disciplines that seek to implement geologic sequestration science programs that advance the Nation's capacity to address carbon management through geologic sequestration science; and

(D) outlines a budget and recommendations for how much funding will be necessary to establish and carry out the grant program under subsection (b).

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to the Congress a copy of the results of the study provided by the National Academy of Sciences under paragraph (1).

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this subsection $1,000,000 for fiscal year 2008.

(b) GRANT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish a competitive grant program through which colleges and universities may apply for and receive 4-year grants for—

(A) salary and startup costs for newly designated faculty positions in an integrated geologic carbon sequestration science program; and

(B) internships for graduate students in geologic sequestration science.

(2) RENEWAL.—Grants under this subsection shall be renewable for up to 2 additional 3-year terms, based on performance criteria, established by the National Academy of Sciences study conducted under subsection (a), that include the number of graduates of such programs.

(3) INTERFACE WITH REGIONAL GEOLOGIC CARBON SEQUESTRATION PARTNERSHIPS.—To the greatest extent possible, geologic carbon sequestration science programs supported under this subsection shall interface with the research of the Regional Carbon Sequestration Partnerships operated by the Department to provide internships and practical training in carbon capture and geologic sequestration.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this subsection such sums as may be necessary.

SEC. 706. RELATION TO SAFE DRINKING WATER ACT.

The injection and geologic sequestration of carbon dioxide pursuant to this subtitle and the amendments made by this subtitle shall be subject to the requirements of the Safe Drinking Water Act (42 U.S.C. 300f et seq.), including the provisions of part C of such Act (42 U.S.C. 300h et seq.; relating to protection of underground sources of drinking water). Nothing in this subtitle and the amendments made by this subtitle imposes or authorizes the promulgation of any requirement that is inconsistent or in conflict with the requirements of the Safe Drinking Water Act (42 U.S.C. 300f et seq.) or regulations thereunder.

SEC. 707. SAFETY RESEARCH.

(a) PROGRAM.—The Administrator of the Environmental Protection Agency shall conduct a research program to address public health, safety, and environmental impacts that may be associated with capture, injection, and sequestration of greenhouse gases in geologic reservoirs.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for carrying out this section $5,000,000 for each fiscal year.

SEC. 708. UNIVERSITY BASED RESEARCH AND DEVELOPMENT GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary, in consultation with other appropriate agencies, shall establish a university based research and development program to study carbon capture and sequestration using the various types of coal.

(b) RURAL AND AGRICULTURAL INSTITUTIONS.—The Secretary shall give special consideration to rural or agricultural based institutions in areas that have regional sources of coal and that offer interdisciplinary programs in the area of environmental science to study carbon capture and sequestration.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are to be authorized to be appropriated $10,000,000 to carry out this section.

Subtitle B—Carbon Capture and Sequestration Assessment and Framework

SEC. 711. CARBON DIOXIDE SEQUESTRATION CAPACITY ASSESSMENT.

(a) DEFINITIONS.—In this section

(1) ASSESSMENT.—The term "assessment" means the national assessment of onshore capacity for carbon dioxide completed under subsection (f).

(2) CAPACITY.—The term "capacity" means the portion of a sequestration formation that can retain carbon dioxide in accordance with the requirements (including physical, geological, and economic requirements) established under the methodology developed under subsection (b).

(3) ENGINEERED HAZARD.—The term "engineered hazard" includes the location and completion history of any well that could affect potential sequestration.

(4) RISK.—The term "risk" includes any risk posed by geomechanical, geochemical, hydrogeological, structural, and engineered hazards.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the United States Geological Survey.

(6) SEQUESTRATION FORMATION.—The term "sequestration formation" means a deep saline formation, unmineable coal seam, or oil or gas reservoir that is capable of accommodating a volume of industrial carbon dioxide.

(b) METHODOLOGY.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a methodology for conducting an assessment under subsection (f), taking into consideration—

(1) the geographical extent of all potential sequestration formations in all States;

(2) the capacity of the potential sequestration formations;

(3) the injectivity of the potential sequestration formations;

(4) an estimate of potential volumes of oil and gas recoverable by injection and sequestration of industrial carbon dioxide in potential sequestration formations;

(5) the risk associated with the potential sequestration formations; and

(6) the work done to develop the Carbon Sequestration Atlas of the United States and Canada that was completed by the Department.

(c) COORDINATION.—

(1) FEDERAL COORDINATION.—

(A) CONSULTATION.—The Secretary shall consult with the Secretary of Energy and the Administrator of the Environmental Protection Agency on issues of data sharing, format, development of the methodology, and content of the assessment required under this section to ensure the maximum usefulness and success of the assessment.

(B) COOPERATION.—The Secretary of Energy and the Administrator shall cooperate with the Secretary to ensure, to the maximum extent practicable, the usefulness and success of the assessment.

(2) STATE COORDINATION.—The Secretary shall consult with State geological surveys and other relevant entities to ensure, to the maximum extent practicable, the usefulness and success of the assessment.

(d) EXTERNAL REVIEW AND PUBLICATION.—On completion of the methodology under subsection (b), the Secretary shall—

(1) publish the methodology and solicit comments from the public and the heads of affected Federal and State agencies;

(2) establish a panel of individuals with expertise in the matters described in paragraphs (1) through (5) of subsection (b) composed, as appropriate, of representatives of

Federal agencies, institutions of higher education, nongovernmental organizations, State organizations, industry, and international geoscience organizations to review the methodology and comments received under paragraph (1); and

(3) on completion of the review under paragraph (2), publish in the Federal Register the revised final methodology.

(e) PERIODIC UPDATES.—The methodology developed under this section shall be updated periodically (including at least once every 5 years) to incorporate new data as the data becomes available.

(f) NATIONAL ASSESSMENT.—

(1) IN GENERAL.—Not later than 2 years after the date of publication of the methodology under subsection (d)(1), the Secretary, in consultation with the Secretary of Energy and State geological surveys, shall complete a national assessment of capacity for carbon dioxide in accordance with the methodology.

(2) GEOLOGICAL VERIFICATION.—As part of the assessment under this subsection, the Secretary shall carry out a drilling program to supplement the geological data relevant to determining sequestration capacity of carbon dioxide in geological sequestration formations, including—

(A) well log data;

(B) core data; and

(C) fluid sample data.

(3) PARTNERSHIP WITH OTHER DRILLING PROGRAMS.—As part of the drilling program under paragraph (2), the Secretary shall enter, as appropriate, into partnerships with other entities to collect and integrate data from other drilling programs relevant to the sequestration of carbon dioxide in geological formations.

(4) INCORPORATION INTO NATCARB.—

(A) IN GENERAL.—On completion of the assessment, the Secretary of Energy and the Secretary of the Interior shall incorporate the results of the assessment using—

(i) the NatCarb database, to the maximum extent practicable; or

(ii) a new database developed by the Secretary of Energy, as the Secretary of Energy determines to be necessary.

(B) RANKING.—The database shall include the data necessary to rank potential sequestration sites for capacity and risk, across the United States, within each State, by formation, and within each basin.

(5) REPORT.—Not later than 180 days after the date on which the assessment is completed, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the findings under the assessment.

(6) PERIODIC UPDATES.—The national assessment developed under this section shall be updated periodically (including at least once every 5 years) to support public and private sector decisionmaking.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for the period of fiscal years 2008 through 2012.

SEC. 712. ASSESSMENT OF CARBON SEQUESTRATION AND METHANE AND NITROUS OXIDE EMISSIONS FROM ECOSYSTEMS.

(a) DEFINITIONS.—In this section:

(1) ADAPTATION STRATEGY.—The term "adaptation strategy" means a land use and management strategy that can be used—

(A) to increase the sequestration capabilities of covered greenhouse gases of any ecosystem; or

(B) to reduce the emissions of covered greenhouse gases from any ecosystem.

(2) ASSESSMENT.—The term "assessment" means the national assessment authorized under subsection (b).

(3) COVERED GREENHOUSE GAS.—The term "covered greenhouse gas" means carbon dioxide, nitrous oxide, and methane gas.

(4) ECOSYSTEM.—The term "ecosystem" means any terrestrial, freshwater aquatic, or coastal ecosystem, including an estuary.

(5) NATIVE PLANT SPECIES.—The term "native plant species" means any noninvasive, naturally occurring plant species within an ecosystem.

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) AUTHORIZATION OF ASSESSMENT.—Not later than 2 years after the date on which the final methodology is published under subsection (f)(3)(D), the Secretary shall complete a national assessment of—

(1) the quantity of carbon stored in and released from ecosystems, including from man-caused and natural fires; and

(2) the annual flux of covered greenhouse gases in and out of ecosystems.

(c) COMPONENTS.—In conducting the assessment under subsection (b), the Secretary shall—

(1) determine the processes that control the flux of covered greenhouse gases in and out of each ecosystem;

(2) estimate the potential for increasing carbon sequestration in natural and managed ecosystems through management activities or restoration activities in each ecosystem;

(3) develop near-term and long-term adaptation strategies or mitigation strategies that can be employed—

(A) to enhance the sequestration of carbon in each ecosystem;

(B) to reduce emissions of covered greenhouse gases from ecosystems; and

(C) to adapt to climate change; and

(4) estimate the annual carbon sequestration capacity of ecosystems under a range of policies in support of management activities to optimize sequestration.

(d) USE OF NATIVE PLANT SPECIES.—In developing restoration activities under subsection (c)(2) and management strategies and adaptation strategies under subsection (c)(3), the Secretary shall emphasize the use of native plant species (including mixtures of many native plant species) for sequestering covered greenhouse gas in each ecosystem.

(e) CONSULTATION.—

(1) IN GENERAL.—In conducting the assessment under subsection (b) and developing the methodology under subsection (f), the Secretary shall consult with—

(A) the Secretary of Energy;

(B) the Secretary of Agriculture;

(C) the Administrator of the Environmental Protection Agency;

(D) the Secretary of Commerce, acting through the Under Secretary for Oceans and Atmosphere; and

(E) the heads of other relevant agencies.

(2) OCEAN AND COASTAL ECOSYSTEMS.—In carrying out this section with respect to ocean and coastal ecosystems (including estuaries), the Secretary shall work jointly with the Secretary of Commerce, acting through the Under Secretary for Oceans and Atmosphere.

(f) METHODOLOGY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a methodology for conducting the assessment.

(2) REQUIREMENTS.—The methodology developed under paragraph (1)—

(A) shall—

(i) determine the method for measuring, monitoring, and quantifying covered greenhouse gas emissions and reductions;

(ii) estimate the total capacity of each ecosystem to sequester carbon; and

(iii) estimate the ability of each ecosystem to reduce emissions of covered greenhouse gases through management practices; and

(B) may employ economic and other systems models, analyses, and estimates, to be developed in consultation with each of the individuals described in subsection (e).

(3) EXTERNAL REVIEW AND PUBLICATION.—On completion of a proposed methodology, the Secretary shall—

(A) publish the proposed methodology;

(B) at least 60 days before the date on which the final methodology is published, solicit comments from—

(i) the public; and

(ii) heads of affected Federal and State agencies;

(C) establish a panel to review the proposed methodology published under subparagraph (A) and any comments received under subparagraph (B), to be composed of members—

(i) with expertise in the matters described in subsections (c) and (d); and

(ii) that are, as appropriate, representatives of Federal agencies, institutions of higher education, nongovernmental organizations, State organizations, industry, and international organizations; and

(D) on completion of the review under subparagraph (C), publish in the Federal Register the revised final methodology.

(g) ESTIMATE; REVIEW.—The Secretary shall—

(1) based on the assessment, prescribe the data, information, and analysis needed to establish a scientifically sound estimate of the carbon sequestration capacity of relevant ecosystems; and

(2) not later than 180 days after the date on which the assessment is completed, submit to the heads of applicable Federal agencies and the appropriate committees of Congress a report that describes the results of the assessment.

(h) DATA AND REPORT AVAILABILITY.—On completion of the assessment, the Secretary shall incorporate the results of the assessment into a web-accessible database for public use.

(i) AUTHORIZATION.—There is authorized to be appropriated to carry out this section $20,000,000 for the period of fiscal years 2008 through 2012.

SEC. 713. CARBON DIOXIDE SEQUESTRATION INVENTORY.

Section 354 of the Energy Policy Act of 2005 (42 U.S.C. 15910) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

"(d) RECORDS AND INVENTORY.—The Secretary of the Interior, acting through the Bureau of Land Management, shall maintain records on, and an inventory of, the quantity of carbon dioxide stored within Federal mineral leaseholds.".

SEC. 714. FRAMEWORK FOR GEOLOGICAL CARBON SEQUESTRATION ON PUBLIC LAND.

(a) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on a recommended framework for managing geological carbon sequestration activities on public land.

(b) CONTENTS.—The report required by subsection (a) shall include the following:

(1) Recommended criteria for identifying candidate geological sequestration sites in each of the following types of geological settings:

(A) Operating oil and gas fields.

(B) Depleted oil and gas fields.

(C) Unmineable coal seams.

(D) Deep saline formations.

(E) Deep geological systems that may be used as engineered reservoirs to extract economical quantities of heat from geothermal resources of low permeability or porosity.

(F) Deep geological systems containing basalt formations.

(G) Coalbeds being used for methane recovery.

(2) A proposed regulatory framework for the leasing of public land or an interest in public land for the long-term geological sequestration of carbon dioxide, which includes an assessment of options to ensure that the United States receives fair market value for the use of public land or an interest in public land for geological sequestration.

(3) A proposed procedure for ensuring that any geological carbon sequestration activities on public land—

(A) provide for public review and comment from all interested persons; and

(B) protect the quality of natural and cultural resources of the public land overlaying a geological sequestration site.

(4) A description of the status of Federal leasehold or Federal mineral estate liability issues related to the geological subsurface trespass of or caused by carbon dioxide stored in public land, including any relevant experience from enhanced oil recovery using carbon dioxide on public land.

(5) Recommendations for additional legislation that may be required to ensure that public land management and leasing laws are adequate to accommodate the long-term geological sequestration of carbon dioxide.

(6) An identification of the legal and regulatory issues specific to carbon dioxide sequestration on land in cases in which title to mineral resources is held by the United States but title to the surface estate is not held by the United States.

(7)(A) An identification of the issues specific to the issuance of pipeline rights-of-way on public land under the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) for natural or anthropogenic carbon dioxide.

(B) Recommendations for additional legislation that may be required to clarify the appropriate framework for issuing rights-of-way for carbon dioxide pipelines on public land.

(c) CONSULTATION WITH OTHER AGENCIES.—In preparing the report under this section, the Secretary of the Interior shall coordinate with—

(1) the Administrator of the Environmental Protection Agency;

(2) the Secretary of Energy; and

(3) the heads of other appropriate agencies.

(d) COMPLIANCE WITH SAFE DRINKING WATER ACT.—The Secretary shall ensure that all recommendations developed under this section are in compliance with all Federal environmental laws, including the Safe Drinking Water Act (42 U.S.C. 300f et seq.) and regulations under that Act.

TITLE VIII—IMPROVED MANAGEMENT OF ENERGY POLICY

Subtitle A—Management Improvements

SEC. 801. NATIONAL MEDIA CAMPAIGN.

(a) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Energy Efficiency and Renewable Energy (referred to in this section as the "Secretary"), shall develop and conduct a national media campaign—

(1) to increase energy efficiency throughout the economy of the United States during the 10-year period beginning on the date of enactment of this Act;

(2) to promote the national security benefits associated with increased energy efficiency; and

(3) to decrease oil consumption in the United States during the 10-year period beginning on the date of enactment of this Act.

(b) CONTRACT WITH ENTITY.—The Secretary shall carry out subsection (a) directly or through—

(1) competitively bid contracts with 1 or more nationally recognized media firms for the development and distribution of monthly television, radio, and newspaper public service announcements; or

(2) collective agreements with 1 or more nationally recognized institutes, businesses, or nonprofit organizations for the funding, development, and distribution of monthly television, radio, and newspaper public service announcements.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Amounts made available to carry out this section shall be used for—

(A) advertising costs, including—

(i) the purchase of media time and space;

(ii) creative and talent costs;

(iii) testing and evaluation of advertising; and

(iv) evaluation of the effectiveness of the media campaign; and

(B) administrative costs, including operational and management expenses.

(2) LIMITATIONS.—In carrying out this section, the Secretary shall allocate not less than 85 percent of funds made available under subsection (e) for each fiscal year for the advertising functions specified under paragraph (1)(A).

(d) REPORTS.—The Secretary shall annually submit to Congress a report that describes—

(1) the strategy of the national media campaign and whether specific objectives of the campaign were accomplished, including—

(A) determinations concerning the rate of change of energy consumption, in both absolute and per capita terms; and

(B) an evaluation that enables consideration of whether the media campaign contributed to reduction of energy consumption;

(2) steps taken to ensure that the national media campaign operates in an effective and efficient manner consistent with the overall strategy and focus of the campaign;

(3) plans to purchase advertising time and space;

(4) policies and practices implemented to ensure that Federal funds are used responsibly to purchase advertising time and space and eliminate the potential for waste, fraud, and abuse; and

(5) all contracts or cooperative agreements entered into with a corporation, partnership, or individual working on behalf of the national media campaign.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 through 2012.

(2) DECREASED OIL CONSUMPTION.—The Secretary shall use not less than 50 percent of the amount that is made available under this section for each fiscal year to develop and conduct a national media campaign to decrease oil consumption in the United States over the next decade.

SEC. 802. ALASKA NATURAL GAS PIPELINE ADMINISTRATION.

Section 106 of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720d) is amended by adding at the end the following:

"(h) ADMINISTRATION.—

"(1) PERSONNEL APPOINTMENTS.—

"(A) IN GENERAL.—The Federal Coordinator may appoint and terminate such personnel as the Federal Coordinator determines to be appropriate.

"(B) AUTHORITY OF FEDERAL COORDINATOR.—Personnel appointed by the Federal Coordinator under subparagraph (A) shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

"(2) COMPENSATION.—

"(A) IN GENERAL.—Subject to subparagraph (B), personnel appointed by the Federal Coordinator under paragraph (1)(A) shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code (relating to classification and General Schedule pay rates).

"(B) MAXIMUM LEVEL OF COMPENSATION.—The rate of pay for personnel appointed by the Federal Coordinator under paragraph (1)(A) shall not exceed the maximum level of rate payable for level III of the Executive Schedule (5 U.S.C. 5314).

"(C) ALLOWANCES.—Section 5941 of title 5, United States Code, shall apply to personnel appointed by the Federal Coordinator under paragraph (1)(A).

"(3) TEMPORARY SERVICES.—

"(A) IN GENERAL.—The Federal Coordinator may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code.

"(B) MAXIMUM LEVEL OF COMPENSATION.—The level of compensation of an individual employed on a temporary or intermittent basis under subparagraph (A) shall not exceed the maximum level of rate payable for level III of the Executive Schedule (5 U.S.C. 5314).

"(4) FEES, CHARGES, AND COMMISSIONS.—

"(A) IN GENERAL.—With respect to the duties of the Federal Coordinator, as described in this Act, the Federal Coordinator shall have similar authority to establish, change, and abolish reasonable filing and service fees, charges, and commissions, require deposits of payments, and provide refunds as provided to the Secretary of the Interior in section 304 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734).

"(B) AUTHORITY OF SECRETARY OF THE INTERIOR.—Subparagraph (A) shall not affect the authority of the Secretary of the Interior to establish, change, and abolish reasonable filing and service fees, charges, and commissions, require deposits of payments, and provide refunds under section 304 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734).

"(C) USE OF FUNDS.—The Federal Coordinator is authorized to use, without further appropriation, amounts collected under subparagraph (A) to carry out this section.".

SEC. 803. RENEWABLE ENERGY DEPLOYMENT.

(a) DEFINITIONS.—In this section:

(1) ALASKA SMALL HYDROELECTRIC POWER.—The term "Alaska small hydroelectric power" means power that—

(A) is generated—

(i) in the State of Alaska;

(ii) without the use of a dam or impoundment of water; and

(iii) through the use of—

(I) a lake tap (but not a perched alpine lake); or

(II) a run-of-river screened at the point of diversion; and

(B) has a nameplate capacity rating of a wattage that is not more than 15 megawatts.

(2) ELIGIBLE APPLICANT.—The term "eligible applicant" means any—

(A) governmental entity;

(B) private utility;

(C) public utility;

(D) municipal utility;

(E) cooperative utility;

(F) Indian tribes; and

(G) Regional Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)).

(3) OCEAN ENERGY.—

(A) INCLUSIONS.—The term "ocean energy" includes current, wave, and tidal energy.

(B) EXCLUSION.—The term "ocean energy" excludes thermal energy.

(4) RENEWABLE ENERGY PROJECT.—The term "renewable energy project" means a project—

(A) for the commercial generation of electricity; and

(B) that generates electricity from—

(i) solar, wind, or geothermal energy or ocean energy;

(ii) biomass (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)));

(iii) landfill gas; or

(iv) Alaska small hydroelectric power.

(b) RENEWABLE ENERGY CONSTRUCTION GRANTS.—

(1) IN GENERAL.—The Secretary shall use amounts appropriated under this section to make grants for use in carrying out renewable energy projects.

(2) CRITERIA.—Not later than 180 days after the date of enactment of this Act, the Secretary shall set forth criteria for use in awarding grants under this section.

(3) APPLICATION.—To receive a grant from the Secretary under paragraph (1), an eligible applicant shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a written assurance that—

(A) all laborers and mechanics employed by contractors or subcontractors during construction, alteration, or repair that is financed, in whole or in part, by a grant under this section shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with sections 3141–3144, 3146, and 3147 of title 40, United States Code; and

(B) the Secretary of Labor shall, with respect to the labor standards described in this paragraph, have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. App.) and section 3145 of title 40, United States Code.

(4) NON-FEDERAL SHARE.—Each eligible applicant that receives a grant under this subsection shall contribute to the total cost of the renewable energy project constructed by the eligible applicant an amount not less than 50 percent of the total cost of the project.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund such sums as are necessary to carry out this section.

SEC. 804. COORDINATION OF PLANNED REFINERY OUTAGES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Energy Information Administration.

(2) PLANNED REFINERY OUTAGE.—

(A) IN GENERAL.—The term "planned refinery outage" means a removal, scheduled before the date on which the removal occurs, of a refinery, or any unit of a refinery, from service for maintenance, repair, or modification.

(B) EXCLUSION.—The term "planned refinery outage" does not include any necessary and unplanned removal of a refinery, or any unit of a refinery, from service as a result of a component failure, safety hazard, emergency, or action reasonably anticipated to be necessary to prevent such events.

(3) REFINED PETROLEUM PRODUCT.—The term "refined petroleum product" means any gasoline, diesel fuel, fuel oil, lubricating oil, liquid petroleum gas, or other petroleum distillate that is produced through the refining or processing of crude oil or an oil derived from tar sands, shale, or coal.

(4) REFINERY.—The term "refinery" means a facility used in the production of a refined petroleum product through distillation, cracking, or any other process.

(b) REVIEW AND ANALYSIS OF AVAILABLE INFORMATION.—The Administrator shall, on an ongoing basis—

(1) review information on refinery outages that is available from commercial reporting services;

(2) analyze that information to determine whether the scheduling of a refinery outage may nationally or regionally substantially affect the price or supply of any refined petroleum product by—

(A) decreasing the production of the refined petroleum product; and

(B) causing or contributing to a retail or wholesale supply shortage or disruption;

(3) not less frequently than twice each year, submit to the Secretary a report describing the results of the review and analysis under paragraphs (1) and (2); and

(4) specifically alert the Secretary of any refinery outage that the Administrator determines may nationally or regionally substantially affect the price or supply of a refined petroleum product.

(c) ACTION BY SECRETARY.—On a determination by the Secretary, based on a report or alert under paragraph (3) or (4) of subsection (b), that a refinery outage may affect the price or supply of a refined petroleum product, the Secretary shall make available to refinery operators information on planned refinery outages to encourage reductions of the quantity of refinery capacity that is out of service at any time.

(d) LIMITATION.—Nothing in this section shall alter any existing legal obligation or responsibility of a refinery operator, or create any legal right of action, nor shall this section authorize the Secretary—

(1) to prohibit a refinery operator from conducting a planned refinery outage; or

(2) to require a refinery operator to continue to operate a refinery.

SEC. 805. ASSESSMENT OF RESOURCES.

(a) 5-YEAR PLAN.—

(1) ESTABLISHMENT.—The Administrator of the Energy Information Administration (referred to in this section as the "Administrator") shall establish a 5-year plan to enhance the quality and scope of the data collection necessary to ensure the scope, accuracy, and timeliness of the information needed for efficient functioning of energy markets and related financial operations.

(2) REQUIREMENT.—In establishing the plan under paragraph (1), the Administrator shall pay particular attention to—

(A) data series terminated because of budget constraints;

(B) data on demand response;

(C) timely data series of State-level information;

(D) improvements in the area of oil and gas data;

(E) improvements in data on solid byproducts from coal-based energy-producing facilities; and

(F) the ability to meet applicable deadlines under Federal law (including regulations) to provide data required by Congress.

(b) SUBMISSION TO CONGRESS.—The Administrator shall submit to Congress the plan established under subsection (a), including a description of any improvements needed to enhance the ability of the Administrator to collect and process energy information in a manner consistent with the needs of energy markets.

(c) GUIDELINES.—

(1) IN GENERAL.—The Administrator shall—

(A) establish guidelines to ensure the quality, comparability, and scope of State energy data, including data on energy production and consumption by product and sector and renewable and alternative sources, required to provide a comprehensive, accurate energy profile at the State level;

(B) share company-level data collected at the State level with each State involved, in a manner consistent with the legal authorities, confidentiality protections, and stated uses in effect at the time the data were collected, subject to the condition that the State shall agree to reasonable requirements for use of the data, as the Administrator may require;

(C) assess any existing gaps in data obtained and compiled by the Energy Information Administration; and

(D) evaluate the most cost-effective ways to address any data quality and quantity issues in conjunction with State officials.

(2) CONSULTATION.—The Administrator shall consult with State officials and the Federal Energy Regulatory Commission on a regular basis in—

(A) establishing guidelines and determining the scope of State-level data under paragraph (1); and

(B) exploring ways to address data needs and serve data uses.

(d) ASSESSMENT OF STATE DATA NEEDS.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to Congress an assessment of State-level data needs, including a plan to address the needs.

(e) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amounts made available to the Administrator, there are authorized to be appropriated to the Administrator to carry out this section—

(1) $10,000,000 for fiscal year 2008;

(2) $10,000,000 for fiscal year 2009;

(3) $10,000,000 for fiscal year 2010;

(4) $15,000,000 for fiscal year 2011;

(5) $20,000,000 for fiscal year 2012; and

(6) such sums as are necessary for subsequent fiscal years.

SEC. 806. SENSE OF CONGRESS RELATING TO THE USE OF RENEWABLE RESOURCES TO GENERATE ENERGY.

(a) FINDINGS.—Congress finds that—

(1) the United States has a quantity of renewable energy resources that is sufficient to supply a significant portion of the energy needs of the United States;

(2) the agricultural, forestry, and working land of the United States can help ensure a sustainable domestic energy system;

(3) accelerated development and use of renewable energy technologies provide numerous benefits to the United States, including improved national security, improved balance of payments, healthier rural economies, improved environmental quality, and abundant, reliable, and affordable energy for all citizens of the United States;

(4) the production of transportation fuels from renewable energy would help the United States meet rapidly growing domestic and global energy demands, reduce the dependence of the United States on energy imported from volatile regions of the world that are politically unstable, stabilize the cost and availability of energy, and safeguard the economy and security of the United States;

(5) increased energy production from domestic renewable resources would attract substantial new investments in energy infrastructure, create economic growth, develop new jobs for the citizens of the United States, and increase the income for farm, ranch, and forestry jobs in the rural regions of the United States;

(6) increased use of renewable energy is practical and can be cost effective with the implementation of supportive policies and proper incentives to stimulate markets and infrastructure; and

(7) public policies aimed at enhancing renewable energy production and accelerating technological improvements will further reduce energy costs over time and increase market demand.

(b) SENSE OF CONGRESS.—It is the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should—

(1) provide from renewable resources not less than 25 percent of the total energy consumed in the United States; and

(2) continue to produce safe, abundant, and affordable food, feed, and fiber.

SEC. 807. GEOTHERMAL ASSESSMENT, EXPLORATION INFORMATION, AND PRIORITY ACTIVITIES.

(a) IN GENERAL.—Not later than January 1, 2012, the Secretary of the Interior, acting through the Director of the United States Geological Survey, shall—

(1) complete a comprehensive nationwide geothermal resource assessment that examines the full range of geothermal resources in the United States; and

(2) submit to the the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the results of the assessment.

(b) PERIODIC UPDATES.—At least once every 10 years, the Secretary shall update the national assessment required under this section to support public and private sector decisionmaking.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Interior to carry out this section—

(1) $15,000,000 for each of fiscal years 2008 through 2012; and

(2) such sums as are necessary for each of fiscal years 2013 through 2022.

Subtitle B—Prohibitions on Market Manipulation and False Information

SEC. 811. PROHIBITION ON MARKET MANIPULATION.

It is unlawful for any person, directly or indirectly, to use or employ, in connection with the purchase or sale of crude oil gasoline or petroleum distillates at wholesale, any manipulative or deceptive device or contrivance, in contravention of such rules and regulations as the Federal Trade Commission may prescribe as necessary or appropriate in the public interest or for the protection of United States citizens.

SEC. 812. PROHIBITION ON FALSE INFORMATION.

It is unlawful for any person to report information related to the wholesale price of crude oil gasoline or petroleum distillates to a Federal department or agency if—

(1) the person knew, or reasonably should have known, the information to be false or misleading;

(2) the information was required by law to be reported; and

(3) the person intended the false or misleading data to affect data compiled by the department or agency for statistical or analytical purposes with respect to the market for crude oil, gasoline, or petroleum distillates.

SEC. 813. ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.

(a) ENFORCEMENT.—This subtitle shall be enforced by the Federal Trade Commission in the same manner, by the same means, and with the same jurisdiction as though all applicable terms of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this subtitle.

(b) VIOLATION IS TREATED AS UNFAIR OR DECEPTIVE ACT OR PRACTICE.—The violation of any provision of this subtitle shall be treated as an unfair or deceptive act or practice proscribed under a rule issued under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

SEC. 814. PENALTIES.

(a) CIVIL PENALTY.—In addition to any penalty applicable under the Federal Trade Commission Act (15 U.S.C. 41 et seq.), any supplier that violates section 811 or 812 shall be punishable by a civil penalty of not more than $1,000,000.

(b) METHOD.—The penalties provided by subsection (a) shall be obtained in the same manner as civil penalties imposed under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(c) MULTIPLE OFFENSES; MITIGATING FACTORS.—In assessing the penalty provided by subsection (a)—

(1) each day of a continuing violation shall be considered a separate violation; and

(2) the court shall take into consideration, among other factors—

(A) the seriousness of the violation; and

(B) the efforts of the person committing the violation to remedy the harm caused by the violation in a timely manner.

SEC. 815. EFFECT ON OTHER LAWS.

(a) OTHER AUTHORITY OF THE COMMISSION.—Nothing in this subtitle limits or affects the authority of the Federal Trade Commission to bring an enforcement action or take any other measure under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or any other provision of law.

(b) ANTITRUST LAW.—Nothing in this subtitle shall be construed to modify, impair, or supersede the operation of any of the antitrust laws. For purposes of this subsection, the term "antitrust laws" shall have the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12), except that it includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that such section 5 applies to unfair methods of competition.

(c) STATE LAW.—Nothing in this subtitle preempts any State law.

TITLE IX—INTERNATIONAL ENERGY PROGRAMS

SEC. 901. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Affairs and the Committee on Energy and Commerce of the House of Representatives; and

(B) the Committee on Foreign Relations, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works of the Senate, and the Committee on Commerce, Science, and Transportation.

(2) CLEAN AND EFFICIENT ENERGY TECHNOLOGY.—The term "clean and efficient energy technology" means an energy supply or end-use technology that, compared to a similar technology already in widespread commercial use in a recipient country, will—

(A) reduce emissions of greenhouse gases; or

(B)(i) increase efficiency of energy production; or

(ii) decrease intensity of energy usage.

(3) GREENHOUSE GAS.—The term "greenhouse gas" means—

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide;

(D) hydrofluorocarbons;

(E) perfluorocarbons; or

(F) sulfur hexafluoride.

Subtitle A—Assistance to Promote Clean and Efficient Energy Technologies in Foreign Countries

SEC. 911. UNITED STATES ASSISTANCE FOR DEVELOPING COUNTRIES.

(a) ASSISTANCE AUTHORIZED.—The Administrator of the United States Agency for International Development shall support policies and programs in developing countries that promote clean and efficient energy technologies—

(1) to produce the necessary market conditions for the private sector delivery of energy and environmental management services;

(2) to create an environment that is conducive to accepting clean and efficient energy technologies that support the overall purpose of reducing greenhouse gas emissions, including—

(A) improving policy, legal, and regulatory frameworks;

(B) increasing institutional abilities to provide energy and environmental management services; and

(C) increasing public awareness and participation in the decision-making of delivering energy and environmental management services; and

(3) to promote the use of American-made clean and efficient energy technologies, products, and energy and environmental management services.

(b) REPORT.—The Administrator of the United States Agency for International Development shall submit to the appropriate congressional committees an annual report on the implementation of this section for each of the fiscal years 2008 through 2012.

(c) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated to the Administrator of the United States Agency for International Development $200,000,000 for each of the fiscal years 2008 through 2012.

SEC. 912. UNITED STATES EXPORTS AND OUTREACH PROGRAMS FOR INDIA, CHINA, AND OTHER COUNTRIES.

(a) ASSISTANCE AUTHORIZED.—The Secretary of Commerce shall direct the United

States and Foreign Commercial Service to expand or create a corps of the Foreign Commercial Service officers to promote United States exports in clean and efficient energy technologies and build the capacity of government officials in India, China, and any other country the Secretary of Commerce determines appropriate, to become more familiar with the available technologies—

(1) by assigning or training Foreign Commercial Service attachés, who have expertise in clean and efficient energy technologies from the United States, to embark on business development and outreach efforts to such countries; and

(2) by deploying the attachés described in paragraph (1) to educate provincial, state, and local government officials in such countries on the variety of United States-based technologies in clean and efficient energy technologies for the purposes of promoting United States exports and reducing global greenhouse gas emissions.

(b) REPORT.—The Secretary of Commerce shall submit to the appropriate congressional committees an annual report on the implementation of this section for each of the fiscal years 2008 through 2012.

(c) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated to the Secretary of Commerce such sums as may be necessary for each of the fiscal years 2008 through 2012.

SEC. 913. UNITED STATES TRADE MISSIONS TO ENCOURAGE PRIVATE SECTOR TRADE AND INVESTMENT.

(a) ASSISTANCE AUTHORIZED.—The Secretary of Commerce shall direct the International Trade Administration to expand or create trade missions to and from the United States to encourage private sector trade and investment in clean and efficient energy technologies—

(1) by organizing and facilitating trade missions to foreign countries and by matching United States private sector companies with opportunities in foreign markets so that clean and efficient energy technologies can help to combat increases in global greenhouse gas emissions; and

(2) by creating reverse trade missions in which the Department of Commerce facilitates the meeting of foreign private and public sector organizations with private sector companies in the United States for the purpose of showcasing clean and efficient energy technologies in use or in development that could be exported to other countries.

(b) REPORT.—The Secretary of Commerce shall submit to the appropriate congressional committees an annual report on the implementation of this section for each of the fiscal years 2008 through 2012.

(c) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated to the Secretary of Commerce such sums as may be necessary for each of the fiscal years 2008 through 2012.

SEC. 914. ACTIONS BY OVERSEAS PRIVATE INVESTMENT CORPORATION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Overseas Private Investment Corporation should promote greater investment in clean and efficient energy technologies by—

(1) proactively reaching out to United States companies that are interested in investing in clean and efficient energy technologies in countries that are significant contributors to global greenhouse gas emissions;

(2) giving preferential treatment to the evaluation and awarding of projects that involve the investment or utilization of clean and efficient energy technologies; and

(3) providing greater flexibility in supporting projects that involve the investment or utilization of clean and efficient energy technologies, including financing, insurance, and other assistance.

(b) REPORT.—The Overseas Private Investment Corporation shall include in its annual report required under section 240A of the Foreign Assistance Act of 1961 (22 U.S.C. 2200a)—

(1) a description of the activities carried out to implement this section; or

(2) if the Corporation did not carry out any activities to implement this section, an explanation of the reasons therefor.

SEC. 915. ACTIONS BY UNITED STATES TRADE AND DEVELOPMENT AGENCY.

(a) ASSISTANCE AUTHORIZED.—The Director of the Trade and Development Agency shall establish or support policies that—

(1) proactively seek opportunities to fund projects that involve the utilization of clean and efficient energy technologies, including in trade capacity building and capital investment projects;

(2) where appropriate, advance the utilization of clean and efficient energy technologies, particularly to countries that have the potential for significant reduction in greenhouse gas emissions; and

(3) recruit and retain individuals with appropriate expertise or experience in clean, renewable, and efficient energy technologies to identify and evaluate opportunities for projects that involve clean and efficient energy technologies and services.

(b) REPORT.—The President shall include in the annual report on the activities of the Trade and Development Agency required under section 661(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2421(d)) a description of the activities carried out to implement this section.

SEC. 916. DEPLOYMENT OF INTERNATIONAL CLEAN AND EFFICIENT ENERGY TECHNOLOGIES AND INVESTMENT IN GLOBAL ENERGY MARKETS.

(a) TASK FORCE.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this Act, the President shall establish a Task Force on International Cooperation for Clean and Efficient Energy Technologies (in this section referred to as the "Task Force").

(2) COMPOSITION.—The Task Force shall be composed of representatives, appointed by the head of the respective Federal department or agency, of—

(A) the Council on Environmental Quality;

(B) the Department of Energy;

(C) the Department of Commerce;

(D) the Department of the Treasury;

(E) the Department of State;

(F) the Environmental Protection Agency;

(G) the United States Agency for International Development;

(H) the Export-Import Bank of the United States;

(I) the Overseas Private Investment Corporation:

(J) the Trade and Development Agency;

(K) the Small Business Administration;

(L) the Office of the United States Trade Representative; and

(M) other Federal departments and agencies, as determined by the President.

(3) CHAIRPERSON.—The President shall designate a Chairperson or Co-Chairpersons of the Task Force.

(4) DUTIES.—The Task Force—

(A) shall develop and assist in the implementation of the strategy required under subsection (c); and

(B)(i) shall analyze technology, policy, and market opportunities for the development, demonstration, and deployment of clean and efficient energy technologies on an international basis; and

(ii) shall examine relevant trade, tax, finance, international, and other policy issues to assess which policies, in the United States and in developing countries, would help open markets and improve the export of clean and efficient energy technologies from the United States.

(5) TERMINATION.—The Task Force, including any working group established by the Task Force pursuant to subsection (b), shall terminate 12 years after the date of the enactment of this Act.

(b) WORKING GROUPS.—

(1) ESTABLISHMENT.—The Task Force—

(A) shall establish an Interagency Working Group on the Export of Clean and Efficient Energy Technologies (in this section referred to as the "Interagency Working Group"); and

(B) may establish other working groups as may be necessary to carry out this section.

(2) COMPOSITION.—The Interagency Working Group shall be composed of—

(A) the Secretary of Energy, the Secretary of Commerce, and the Secretary of State, who shall serve as Co-Chairpersons of the Interagency Working Group; and

(B) other members, as determined by the Chairperson or Co-Chairpersons of the Task Force.

(3) DUTIES.—The Interagency Working Group shall coordinate the resources and relevant programs of the Department of Energy, the Department of Commerce, the Department of State, and other relevant Federal departments and agencies to support the export of clean and efficient energy technologies developed or demonstrated in the United States to other countries and the deployment of such clean and efficient energy technologies in such other countries.

(4) INTERAGENCY CENTER.—The Interagency Working Group—

(A) shall establish an Interagency Center on the Export of Clean and Efficient Energy Technologies (in this section referred to as the "Interagency Center") to assist the Interagency Working Group in carrying out its duties required under paragraph (3); and

(B) shall locate the Interagency Center at a site agreed upon by the Co-Chairpersons of the Interagency Working Group, with the approval of Chairperson or Co-Chairpersons of the Task Force.

(c) STRATEGY.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Task Force shall develop and submit to the President and the appropriate congressional committees a strategy to—

(A) support the development and implementation of programs, policies, and initiatives in developing countries to promote the adoption and deployment of clean and efficient energy technologies, with an emphasis on those developing countries that are expected to experience the most significant growth in energy production and use over the next 20 years;

(B) open and expand clean and efficient energy technology markets and facilitate the export of clean and efficient energy technologies to developing countries, in a manner consistent with United States obligations as member of the World Trade Organization;

(C) integrate into the foreign policy objectives of the United States the promotion of—

(i) the deployment of clean and efficient energy technologies and the reduction of greenhouse gas emissions in developing countries; and

(ii) the export of clean and efficient energy technologies; and

(D) develop financial mechanisms and instruments, including securities that mitigate the political and foreign exchange risks of uses that are consistent with the foreign policy objectives of the United States by combining the private sector market and government enhancements, that—

(i) are cost-effective; and

(ii) facilitate private capital investment in clean and efficient energy technology projects in developing countries.

(2) UPDATES.—Not later than 3 years after the date of submission of the strategy under paragraph (1), and every 3 years thereafter, the Task Force shall update the strategy in accordance with the requirements of paragraph (1).

(d) REPORT.—

(1) IN GENERAL.—Not later than 3 years after the date of submission of the strategy under subsection (c)(1), and every 3 years thereafter, the President shall transmit to the appropriate congressional committees a report on the implementation of this section for the prior 3-year period.

(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall include the following:

(A) The update of the strategy required under subsection (c)(2) and a description of the actions taken by the Task Force to assist in the implementation of the strategy.

(B) A description of actions taken by the Task Force to carry out the duties required under subsection (a)(4)(B).

(C) A description of assistance provided under this section.

(D) The results of programs, projects, and activities carried out under this section.

(E) A description of priorities for promoting the diffusion and adoption of clean and efficient energy technologies and strategies in developing countries, taking into account economic and security interests of the United States and opportunities for the export of technology of the United States.

(F) Recommendations to the heads of appropriate Federal departments and agencies on methods to streamline Federal programs and policies to improve the role of such Federal departments and agencies in the development, demonstration, and deployment of clean and efficient energy technologies on an international basis.

(G) Strategies to integrate representatives of the private sector and other interested groups on the export and deployment of clean and efficient energy technologies.

(H) A description of programs to disseminate information to the private sector and the public on clean and efficient energy technologies and opportunities to transfer such clean and efficient energy technologies.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 through 2020.

SEC. 917. UNITED STATES-ISRAEL ENERGY COOPERATION.

(a) FINDINGS.—Congress finds that—

(1) it is in the highest national security interests of the United States to develop renewable energy sources;

(2) the State of Israel is a steadfast ally of the United States;

(3) the special relationship between the United States and Israel is manifested in a variety of cooperative scientific research and development programs, such as—

(A) the United States-Israel Binational Science Foundation; and

(B) the United States-Israel Binational Industrial Research and Development Foundation;

(4) those programs have made possible many scientific, technological, and commercial breakthroughs in the fields of life sciences, medicine, bioengineering, agriculture, biotechnology, communications, and others;

(5) on February 1, 1996, the Secretary of Energy (referred to in this section as the "Secretary") and the Israeli Minister of Energy and Infrastructure signed an agreement to establish a framework for collaboration between the United States and Israel in energy research and development activities;

(6) Israeli scientists and engineers are at the forefront of research and development in the field of renewable energy sources; and

(7) enhanced cooperation between the United States and Israel for the purpose of research and development of renewable energy sources would be in the national interests of both countries.

(b) GRANT PROGRAM.—

(1) ESTABLISHMENT.—In implementing the agreement entitled the "Agreement between the Department of Energy of the United States of America and the Ministry of Energy and Infrastructure of Israel Concerning Energy Cooperation", dated February 1, 1996, the Secretary shall establish a grant program in accordance with the requirements of sections 988 and 989 of the Energy Policy Act of 2005 (42 U.S.C. 16352, 16353) to support research, development, and commercialization of renewable energy or energy efficiency.

(2) TYPES OF ENERGY.—In carrying out paragraph (1), the Secretary may make grants to promote—

(A) solar energy;

(B) biomass energy;

(C) energy efficiency;

(D) wind energy;

(E) geothermal energy;

(F) wave and tidal energy; and

(G) advanced battery technology.

(3) ELIGIBLE APPLICANTS.—An applicant shall be eligible to receive a grant under this subsection if the project of the applicant—

(A) addresses a requirement in the area of improved energy efficiency or renewable energy sources, as determined by the Secretary; and

(B) is a joint venture between—

(i)(I) a for-profit business entity, academic institution, National Laboratory (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)), or nonprofit entity in the United States; and

(II) a for-profit business entity, academic institution, or nonprofit entity in Israel; or

(ii)(I) the Federal Government; and

(II) the Government of Israel.

(4) APPLICATIONS.—To be eligible to receive a grant under this subsection, an applicant shall submit to the Secretary an application for the grant in accordance with procedures established by the Secretary, in consultation with the advisory board established under paragraph (5).

(5) ADVISORY BOARD.—

(A) ESTABLISHMENT.—The Secretary shall establish an advisory board—

(i) to monitor the method by which grants are awarded under this subsection; and

(ii) to provide to the Secretary periodic performance reviews of actions taken to carry out this subsection.

(B) COMPOSITION.—The advisory board established under subparagraph (A) shall be composed of 3 members, to be appointed by the Secretary, of whom—

(i) 1 shall be a representative of the Federal Government;

(ii) 1 shall be selected from a list of nominees provided by the United States-Israel Binational Science Foundation; and

(iii) 1 shall be selected from a list of nominees provided by the United States-Israel Binational Industrial Research and Development Foundation.

(6) CONTRIBUTED FUNDS.—Notwithstanding section 3302 of title 31, United States Code, the Secretary may accept, retain, and use funds contributed by any person, government entity, or organization for purposes of carrying out this subsection—

(A) without further appropriation; and

(B) without fiscal year limitation.

(7) REPORT.—Not later than 180 days after the date of completion of a project for which a grant is provided under this subsection, the grant recipient shall submit to the Secretary a report that contains—

(A) a description of the method by which the recipient used the grant funds; and

(B) an evaluation of the level of success of each project funded by the grant.

(8) CLASSIFICATION.—Grants shall be awarded under this subsection only for projects that are considered to be unclassified by both the United States and Israel.

(c) TERMINATION.—The grant program and the advisory committee established under this section terminate on the date that is 7 years after the date of enactment of this Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—The Secretary shall use amounts authorized to be appropriated under section 931 of the Energy Policy Act of 2005 (42 U.S.C. 16231) to carry out this section.

Subtitle B—International Clean Energy Foundation

SEC. 921. DEFINITIONS.

In this subtitle:

(1) BOARD.—The term "Board" means the Board of Directors of the Foundation established pursuant to section 922(c).

(2) CHIEF EXECUTIVE OFFICER.—The term "Chief Executive Officer" means the chief executive officer of the Foundation appointed pursuant to section 922(b).

(3) FOUNDATION.—The term "Foundation" means the International Clean Energy Foundation established by section 922(a).

SEC. 922. ESTABLISHMENT AND MANAGEMENT OF FOUNDATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the executive branch a foundation to be known as the "International Clean Energy Foundation" that shall be responsible for carrying out the provisions of this subtitle. The Foundation shall be a government corporation, as defined in section 103 of title 5, United States Code.

(2) BOARD OF DIRECTORS.—The Foundation shall be governed by a Board of Directors in accordance with subsection (c).

(3) INTENT OF CONGRESS.—It is the intent of Congress, in establishing the structure of the Foundation set forth in this subsection, to create an entity that serves the long-term foreign policy and energy security goals of reducing global greenhouse gas emissions.

(b) CHIEF EXECUTIVE OFFICER.—

(1) IN GENERAL.—There shall be in the Foundation a Chief Executive Officer who shall be responsible for the management of the Foundation.

(2) APPOINTMENT.—The Chief Executive Officer shall be appointed by the Board, with the advice and consent of the Senate, and shall be a recognized leader in clean and efficient energy technologies and climate change and shall have experience in energy security, business, or foreign policy, chosen on the basis of a rigorous search.

(3) RELATIONSHIP TO BOARD.—The Chief Executive Officer shall report to, and be under the direct authority of, the Board.

(4) COMPENSATION AND RANK.—

(A) IN GENERAL.—The Chief Executive Officer shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(B) AMENDMENT.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

"Chief Executive Officer, International Clean Energy Foundation.".

(C) AUTHORITIES AND DUTIES.—The Chief Executive Officer shall be responsible for the management of the Foundation and shall exercise the powers and discharge the duties of the Foundation.

(D) AUTHORITY TO APPOINT OFFICERS.—In consultation and with approval of the Board, the Chief Executive Officer shall appoint all officers of the Foundation.

(c) BOARD OF DIRECTORS.—

(1) ESTABLISHMENT.—There shall be in the Foundation a Board of Directors.

(2) DUTIES.—The Board shall perform the functions specified to be carried out by the Board in this subtitle and may prescribe, amend, and repeal bylaws, rules, regulations, and procedures governing the manner in which the business of the Foundation may be conducted and in which the powers granted to it by law may be exercised.

(3) MEMBERSHIP.—The Board shall consist of—

(A) the Secretary of State (or the Secretary's designee), the Secretary of Energy (or the Secretary's designee), and the Administrator of the United States Agency for International Development (or the Administrator's designee); and

(B) four other individuals with relevant experience in matters relating to energy security (such as individuals who represent institutions of energy policy, business organizations, foreign policy organizations, or other relevant organizations) who shall be appointed by the President, by and with the advice and consent of the Senate, of whom—

(i) one individual shall be appointed from among a list of individuals submitted by the majority leader of the House of Representatives;

(ii) one individual shall be appointed from among a list of individuals submitted by the minority leader of the House of Representatives;

(iii) one individual shall be appointed from among a list of individuals submitted by the majority leader of the Senate; and

(iv) one individual shall be appointed from among a list of individuals submitted by the minority leader of the Senate.

(4) CHIEF EXECUTIVE OFFICER.—The Chief Executive Officer of the Foundation shall serve as a nonvoting, ex officio member of the Board.

(5) TERMS.—

(A) OFFICERS OF THE FEDERAL GOVERNMENT.—Each member of the Board described in paragraph (3)(A) shall serve for a term that is concurrent with the term of service of the individual's position as an officer within the other Federal department or agency.

(B) OTHER MEMBERS.—Each member of the Board described in paragraph (3)(B) shall be appointed for a term of 3 years and may be reappointed for a term of an additional 3 years.

(C) VACANCIES.—A vacancy in the Board shall be filled in the manner in which the original appointment was made.

(D) ACTING MEMBERS.—A vacancy in the Board may be filled with an appointment of an acting member by the Chairperson of the Board for up to 1 year while a nominee is named and awaits confirmation in accordance with paragraph (3)(B).

(6) CHAIRPERSON.—There shall be a Chairperson of the Board. The Secretary of State (or the Secretary's designee) shall serve as the Chairperson.

(7) QUORUM.—A majority of the members of the Board described in paragraph (3) shall constitute a quorum, which, except with respect to a meeting of the Board during the 135-day period beginning on the date of the enactment of this Act, shall include at least 1 member of the Board described in paragraph (3)(B).

(8) MEETINGS.—The Board shall meet at the call of the Chairperson, who shall call a meeting no less than once a year.

(9) COMPENSATION.—

(A) OFFICERS OF THE FEDERAL GOVERNMENT.—

(i) IN GENERAL.—A member of the Board described in paragraph (3)(A) may not receive additional pay, allowances, or benefits by reason of the member's service on the Board.

(ii) TRAVEL EXPENSES.—Each such member of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(B) OTHER MEMBERS.—

(i) IN GENERAL.—Except as provided in clause (ii), a member of the Board described in paragraph (3)(B)—

(I) shall be paid compensation out of funds made available for the purposes of this subtitle at the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties as a member of the Board; and

(II) while away from the member's home or regular place of business on necessary travel in the actual performance of duties as a member of the Board, shall be paid per diem, travel, and transportation expenses in the same manner as is provided under subchapter I of chapter 57 of title 5, United States Code.

(ii) LIMITATION.—A member of the Board may not be paid compensation under clause (i)(II) for more than 90 days in any calendar year.

SEC. 923. DUTIES OF FOUNDATION.

The Foundation shall—

(1) use the funds authorized by this subtitle to make grants to promote projects outside of the United States that serve as models of how to significantly reduce the emissions of global greenhouse gases through clean and efficient energy technologies, processes, and services;

(2) seek contributions from foreign governments, especially those rich in energy resources such as member countries of the Organization of the Petroleum Exporting Countries, and private organizations to supplement funds made available under this subtitle;

(3) harness global expertise through collaborative partnerships with foreign governments and domestic and foreign private actors, including nongovernmental organizations and private sector companies, by leveraging public and private capital, technology, expertise, and services towards innovative models that can be instituted to reduce global greenhouse gas emissions;

(4) create a repository of information on best practices and lessons learned on the utilization and implementation of clean and efficient energy technologies and processes to be used for future initiatives to tackle the climate change crisis;

(5) be committed to minimizing administrative costs and to maximizing the availability of funds for grants under this subtitle; and

(6) promote the use of American-made clean and efficient energy technologies, processes, and services by giving preference to entities incorporated in the United States and whose technology will be substantially manufactured in the United States.

SEC. 924. ANNUAL REPORT.

(a) REPORT REQUIRED.—Not later than March 31, 2008, and each March 31 thereafter, the Foundation shall submit to the appropriate congressional committees a report on the implementation of this subtitle during the prior fiscal year.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) the total financial resources available to the Foundation during the year, including appropriated funds, the value and source of any gifts or donations accepted pursuant to section 925(a)(6), and any other resources;

(2) a description of the Board's policy priorities for the year and the basis upon which competitive grant proposals were solicited and awarded to nongovernmental institutions and other organizations;

(3) a list of grants made to nongovernmental institutions and other organizations that includes the identity of the institutional recipient, the dollar amount, and the results of the program; and

(4) the total administrative and operating expenses of the Foundation for the year, as well as specific information on—

(A) the number of Foundation employees and the cost of compensation for Board members, Foundation employees, and personal service contractors;

(B) costs associated with securing the use of real property for carrying out the functions of the Foundation;

(C) total travel expenses incurred by Board members and Foundation employees in connection with Foundation activities; and

(D) total representational expenses.

SEC. 925. POWERS OF THE FOUNDATION; RELATED PROVISIONS.

(a) POWERS.—The Foundation—

(1) shall have perpetual succession unless dissolved by a law enacted after the date of the enactment of this Act;

(2) may adopt, alter, and use a seal, which shall be judicially noticed;

(3) may make and perform such contracts, grants, and other agreements with any person or government however designated and wherever situated, as may be necessary for carrying out the functions of the Foundation;

(4) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid, including expenses for representation;

(5) may lease, purchase, or otherwise acquire, improve, and use such real property wherever situated, as may be necessary for carrying out the functions of the Foundation;

(6) may accept money, funds, services, or property (real, personal, or mixed), tangible or intangible, made available by gift, bequest grant, or otherwise for the purpose of carrying out the provisions of this title from domestic or foreign private individuals, charities, nongovernmental organizations, corporations, or governments;

(7) may use the United States mails in the same manner and on the same conditions as the executive departments;

(8) may contract with individuals for personal services, who shall not be considered Federal employees for any provision of law administered by the Office of Personnel Management;

(9) may hire or obtain passenger motor vehicles; and

(10) shall have such other powers as may be necessary and incident to carrying out this subtitle.

(b) PRINCIPAL OFFICE.—The Foundation shall maintain its principal office in the metropolitan area of Washington, District of Columbia.

(c) APPLICABILITY OF GOVERNMENT CORPORATION CONTROL ACT.—

(1) IN GENERAL.—The Foundation shall be subject to chapter 91 of subtitle VI of title 31, United States Code, except that the Foundation shall not be authorized to issue obligations or offer obligations to the public.

(2) CONFORMING AMENDMENT.—Section 9101(3) of title 31, United States Code, is amended by adding at the end the following:

"(R) the International Clean Energy Foundation.".

(d) INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of State shall serve as Inspector General of the Foundation, and, in acting in such capacity, may conduct reviews, investigations, and inspections of all aspects of the operations and activities of the Foundation.

(2) AUTHORITY OF THE BOARD.—In carrying out the responsibilities under this subsection, the Inspector General shall report to and be under the general supervision of the Board.

(3) REIMBURSEMENT AND AUTHORIZATION OF SERVICES.—

(A) REIMBURSEMENT.—The Foundation shall reimburse the Department of State for all expenses incurred by the Inspector General in connection with the Inspector General's responsibilities under this subsection.

(B) AUTHORIZATION FOR SERVICES.—Of the amount authorized to be appropriated under section 927(a) for a fiscal year, up to $500,000 is authorized to be made available to the Inspector General of the Department of State to conduct reviews, investigations, and inspections of operations and activities of the Foundation.

SEC. 926. GENERAL PERSONNEL AUTHORITIES.

(a) DETAIL OF PERSONNEL.—Upon request of the Chief Executive Officer, the head of an agency may detail any employee of such agency to the Foundation on a reimbursable basis. Any employee so detailed remains, for the purpose of preserving such employee's allowances, privileges, rights, seniority, and other benefits, an employee of the agency from which detailed.

(b) REEMPLOYMENT RIGHTS.—

(1) IN GENERAL.—An employee of an agency who is serving under a career or career conditional appointment (or the equivalent), and who, with the consent of the head of such agency, transfers to the Foundation, is entitled to be reemployed in such employee's former position or a position of like seniority, status, and pay in such agency, if such employee—

(A) is separated from the Foundation for any reason, other than misconduct, neglect of duty, or malfeasance; and

(B) applies for reemployment not later than 90 days after the date of separation from the Foundation.

(2) SPECIFIC RIGHTS.—An employee who satisfies paragraph (1) is entitled to be reemployed (in accordance with such paragraph) within 30 days after applying for reemployment and, on reemployment, is entitled to at least the rate of basic pay to which such employee would have been entitled had such employee never transferred.

(c) HIRING AUTHORITY.—Of persons employed by the Foundation, no more than 30 persons may be appointed, compensated, or removed without regard to the civil service laws and regulations.

(d) BASIC PAY.—The Chief Executive Officer may fix the rate of basic pay of employees of the Foundation without regard to the provisions of chapter 51 of title 5, United States Code (relating to the classification of positions), subchapter III of chapter 53 of such title (relating to General Schedule pay rates), except that no employee of the Foundation may receive a rate of basic pay that exceeds the rate for level IV of the Executive Schedule under section 5315 of such title.

(e) DEFINITIONS.—In this section—

(1) the term "agency" means an executive agency, as defined by section 105 of title 5, United States Code; and

(2) the term "detail" means the assignment or loan of an employee, without a change of position, from the agency by which such employee is employed to the Foundation.

SEC. 927. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—To carry out this subtitle, there are authorized to be appropriated $20,000,000 for each of the fiscal years 2009 through 2013.

(b) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—The Foundation may allocate or transfer to any agency of the United States Government any of the funds available for carrying out this subtitle. Such funds shall be available for obligation and expenditure for the purposes for which the funds were authorized, in accordance with authority granted in this subtitle or under authority governing the activities of the United States Government agency to which such funds are allocated or transferred.

(2) NOTIFICATION.—The Foundation shall notify the appropriate congressional committees not less than 15 days prior to an allocation or transfer of funds pursuant to paragraph (1).

Subtitle C—Miscellaneous Provisions

SEC. 931. ENERGY DIPLOMACY AND SECURITY WITHIN THE DEPARTMENT OF STATE.

(a) STATE DEPARTMENT COORDINATOR FOR INTERNATIONAL ENERGY AFFAIRS.—

(1) IN GENERAL.—The Secretary of State should ensure that energy security is integrated into the core mission of the Department of State.

(2) COORDINATOR FOR INTERNATIONAL ENERGY AFFAIRS.—There is established within the Office of the Secretary of State a Coordinator for International Energy Affairs, who shall be responsible for—

(A) representing the Secretary of State in interagency efforts to develop the international energy policy of the United States;

(B) ensuring that analyses of the national security implications of global energy and environmental developments are reflected in the decision making process within the Department of State;

(C) incorporating energy security priorities into the activities of the Department of State;

(D) coordinating energy activities of the Department of State with relevant Federal agencies; and

(E) coordinating energy security and other relevant functions within the Department of State currently undertaken by offices within—

(i) the Bureau of Economic, Energy and Business Affairs;

(ii) the Bureau of Oceans and International Environmental and Scientific Affairs; and

(iii) other offices within the Department of State.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(b) ENERGY EXPERTS IN KEY EMBASSIES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that includes—

(1) a description of the Department of State personnel who are dedicated to energy matters and are stationed at embassies and consulates in countries that are major energy producers or consumers;

(2) an analysis of the need for Federal energy specialist personnel in United States embassies and other United States diplomatic missions; and

(3) recommendations for increasing energy expertise within United States embassies among foreign service officers and options for assigning to such embassies energy attachés from the National Laboratories or other agencies within the Department of Energy.

(c) ENERGY ADVISORS.—The Secretary of Energy may make appropriate arrangements with the Secretary of State to assign personnel from the Department of Energy or the National Laboratories of the Department of Energy to serve as dedicated advisors on energy matters in embassies of the United States or other United States diplomatic missions.

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, and every 2 years thereafter for the following 20 years, the Secretary of State shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that describes—

(1) the energy-related activities being conducted by the Department of State, including activities within—

(A) the Bureau of Economic, Energy and Business Affairs;

(B) the Bureau of Oceans and Environmental and Scientific Affairs; and

(C) other offices within the Department of State;

(2) the amount of funds spent on each activity within each office described in paragraph (1); and

(3) the number and qualification of personnel in each embassy (or relevant foreign posting) of the United States whose work is dedicated exclusively to energy matters.

SEC. 932. NATIONAL SECURITY COUNCIL REORGANIZATION.

Section 101(a) of the National Security Act of 1947 (50 U.S.C. 402(a)) is amended—

(1) by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively; and

(2) by inserting after paragraph (4) the following:

"(5) the Secretary of Energy;".

SEC. 933. ANNUAL NATIONAL ENERGY SECURITY STRATEGY REPORT.

(a) REPORTS.—

(1) IN GENERAL.—Subject to paragraph (2), on the date on which the President submits to Congress the budget for the following fiscal year under section 1105 of title 31, United

States Code, the President shall submit to Congress a comprehensive report on the national energy security of the United States.

(2) NEW PRESIDENTS.—In addition to the reports required under paragraph (1), the President shall submit a comprehensive report on the national energy security of the United States by not later than 150 days after the date on which the President assumes the office of President after a presidential election.

(b) CONTENTS.—Each report under this section shall describe the national energy security strategy of the United States, including a comprehensive description of—

(1) the worldwide interests, goals, and objectives of the United States that are vital to the national energy security of the United States;

(2) the foreign policy, worldwide commitments, and national defense capabilities of the United States necessary—

(A) to deter political manipulation of world energy resources; and

(B) to implement the national energy security strategy of the United States;

(3) the proposed short-term and long-term uses of the political, economic, military, and other authorities of the United States—

(A) to protect or promote energy security; and

(B) to achieve the goals and objectives described in paragraph (1);

(4) the adequacy of the capabilities of the United States to protect the national energy security of the United States, including an evaluation of the balance among the capabilities of all elements of the national authority of the United States to support the implementation of the national energy security strategy; and

(5) such other information as the President determines to be necessary to inform Congress on matters relating to the national energy security of the United States.

(c) CLASSIFIED AND UNCLASSIFIED FORM.—Each national energy security strategy report shall be submitted to Congress in—

(1) a classified form; and

(2) an unclassified form.

SEC. 934. CONVENTION ON SUPPLEMENTARY COMPENSATION FOR NUCLEAR DAMAGE CONTINGENT COST ALLOCATION.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) (commonly known as the "Price-Anderson Act")—

(i) provides a predictable legal framework necessary for nuclear projects; and

(ii) ensures prompt and equitable compensation in the event of a nuclear incident in the United States;

(B) the Price-Anderson Act, in effect, provides operators of nuclear powerplants with insurance for damage arising out of a nuclear incident and funds the insurance primarily through the assessment of a retrospective premium from each operator after the occurrence of a nuclear incident;

(C) the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997, will establish a global system—

(i) to provide a predictable legal framework necessary for nuclear energy projects; and

(ii) to ensure prompt and equitable compensation in the event of a nuclear incident;

(D) the Convention benefits United States nuclear suppliers that face potentially unlimited liability for nuclear incidents that are not covered by the Price-Anderson Act by replacing a potentially open-ended liability with a predictable liability regime that, in effect, provides nuclear suppliers with insurance for damage arising out of such an incident;

(E) the Convention also benefits United States nuclear facility operators that may be publicly liable for a Price-Anderson incident by providing an additional early source of funds to compensate damage arising out of the Price-Anderson incident;

(F) the combined operation of the Convention, the Price-Anderson Act, and this section will augment the quantity of assured funds available for victims in a wider variety of nuclear incidents while reducing the potential liability of United States suppliers without increasing potential costs to United States operators;

(G) the cost of those benefits is the obligation of the United States to contribute to the supplementary compensation fund established by the Convention;

(H) any such contribution should be funded in a manner that does not—

(i) upset settled expectations based on the liability regime established under the Price-Anderson Act; or

(ii) shift to Federal taxpayers liability risks for nuclear incidents at foreign installations;

(I) with respect to a Price-Anderson incident, funds already available under the Price-Anderson Act should be used; and

(J) with respect to a nuclear incident outside the United States not covered by the Price-Anderson Act, a retrospective premium should be prorated among nuclear suppliers relieved from potential liability for which insurance is not available.

(2) PURPOSE.—The purpose of this section is to allocate the contingent costs associated with participation by the United States in the international nuclear liability compensation system established by the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997—

(A) with respect to a Price-Anderson incident, by using funds made available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) to cover the contingent costs in a manner that neither increases the burdens nor decreases the benefits under section 170 of that Act; and

(B) with respect to a covered incident outside the United States that is not a Price-Anderson incident, by allocating the contingent costs equitably, on the basis of risk, among the class of nuclear suppliers relieved by the Convention from the risk of potential liability resulting from any covered incident outside the United States.

(b) DEFINITIONS.—In this section:

(1) COMMISSION.—The term "Commission" means the Nuclear Regulatory Commission.

(2) CONTINGENT COST.—The term "contingent cost" means the cost to the United States in the event of a covered incident the amount of which is equal to the amount of funds the United States is obligated to make available under paragraph 1(b) of Article III of the Convention.

(3) CONVENTION.—The term "Convention" means the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997.

(4) COVERED INCIDENT.—The term "covered incident" means a nuclear incident the occurrence of which results in a request for funds pursuant to Article VII of the Convention.

(5) COVERED INSTALLATION.—The term "covered installation" means a nuclear installation at which the occurrence of a nuclear incident could result in a request for funds under Article VII of the Convention.

(6) COVERED PERSON.—

(A) IN GENERAL.—The term "covered person" means—

(i) a United States person; and

(ii) an individual or entity (including an agency or instrumentality of a foreign country) that—

(I) is located in the United States; or

(II) carries out an activity in the United States.

(B) EXCLUSIONS.—The term "covered person" does not include—

(i) the United States; or

(ii) any agency or instrumentality of the United States.

(7) NUCLEAR SUPPLIER.—The term "nuclear supplier" means a covered person (or a successor in interest of a covered person) that—

(A) supplies facilities, equipment, fuel, services, or technology pertaining to the design, construction, operation, or decommissioning of a covered installation; or

(B) transports nuclear materials that could result in a covered incident.

(8) PRICE-ANDERSON INCIDENT.—The term "Price-Anderson incident" means a covered incident for which section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) would make funds available to compensate for public liability (as defined in section 11 of that Act (42 U.S.C. 2014)).

(9) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(10) UNITED STATES.—

(A) IN GENERAL.—The term "United States" has the meaning given the term in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

(B) INCLUSIONS.—The term "United States" includes—

(i) the Commonwealth of Puerto Rico;

(ii) any other territory or possession of the United States;

(iii) the Canal Zone; and

(iv) the waters of the United States territorial sea under Presidential Proclamation Number 5928, dated December 27, 1988 (43 U.S.C. 1331 note).

(11) UNITED STATES PERSON.—The term "United States person" means—

(A) any individual who is a resident, national, or citizen of the United States (other than an individual residing outside of the United States and employed by a person who is not a United States person); and

(B) any corporation, partnership, association, joint stock company, business trust, unincorporated organization, or sole proprietorship that is organized under the laws of the United States.

(c) USE OF PRICE-ANDERSON FUNDS.—

(1) IN GENERAL.—Funds made available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) shall be used to cover the contingent cost resulting from any Price-Anderson incident.

(2) EFFECT.—The use of funds pursuant to paragraph (1) shall not reduce the limitation on public liability established under section 170 e. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)).

(d) EFFECT ON AMOUNT OF PUBLIC LIABILITY.—

(1) IN GENERAL.—Funds made available to the United States under Article VII of the Convention with respect to a Price-Anderson incident shall be used to satisfy public liability resulting from the Price-Anderson incident.

(2) AMOUNT.—The amount of public liability allowable under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) relating to

a Price-Anderson incident under paragraph (1) shall be increased by an amount equal to the difference between—

(A) the amount of funds made available for the Price-Anderson incident under Article VII of the Convention; and

(B) the amount of funds used under subsection (c) to cover the contingent cost resulting from the Price-Anderson incident.

(e) RETROSPECTIVE RISK POOLING PROGRAM.—

(1) IN GENERAL.—Except as provided under paragraph (2), each nuclear supplier shall participate in a retrospective risk pooling program in accordance with this section to cover the contingent cost resulting from a covered incident outside the United States that is not a Price-Anderson incident.

(2) DEFERRED PAYMENT.—

(A) IN GENERAL.—The obligation of a nuclear supplier to participate in the retrospective risk pooling program shall be deferred until the United States is called on to provide funds pursuant to Article VII of the Convention with respect to a covered incident that is not a Price-Anderson incident.

(B) AMOUNT OF DEFERRED PAYMENT.—The amount of a deferred payment of a nuclear supplier under subparagraph (A) shall be based on the risk-informed assessment formula determined under subparagraph (C).

(C) RISK-INFORMED ASSESSMENT FORMULA.—

(i) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, and every 5 years thereafter, the Secretary shall, by regulation, determine the risk-informed assessment formula for the allocation among nuclear suppliers of the contingent cost resulting from a covered incident that is not a Price-Anderson incident, taking into account risk factors such as—

(I) the nature and intended purpose of the goods and services supplied by each nuclear supplier to each covered installation outside the United States;

(II) the quantity of the goods and services supplied by each nuclear supplier to each covered installation outside the United States;

(III) the hazards associated with the supplied goods and services if the goods and services fail to achieve the intended purposes;

(IV) the hazards associated with the covered installation outside the United States to which the goods and services are supplied;

(V) the legal, regulatory, and financial infrastructure associated with the covered installation outside the United States to which the goods and services are supplied; and

(VI) the hazards associated with particular forms of transportation.

(ii) FACTORS FOR CONSIDERATION.—In determining the formula, the Secretary may—

(I) exclude—

(aa) goods and services with negligible risk;

(bb) classes of goods and services not intended specifically for use in a nuclear installation;

(cc) a nuclear supplier with a de minimis share of the contingent cost; and

(dd) a nuclear supplier no longer in existence for which there is no identifiable successor; and

(II) establish the period on which the risk assessment is based.

(iii) APPLICATION.—In applying the formula, the Secretary shall not consider any covered installation or transportation for which funds would be available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210).

(iv) REPORT.—Not later than 5 years after the date of the enactment of this Act, and every 5 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on whether there is a need for continuation or amendment of this section, taking into account the effects of the implementation of the Convention on the United States nuclear industry and suppliers.

(f) REPORTING.—

(1) COLLECTION OF INFORMATION.—

(A) IN GENERAL.—The Secretary may collect information necessary for developing and implementing the formula for calculating the deferred payment of a nuclear supplier under subsection (e)(2).

(B) PROVISION OF INFORMATION.—Each nuclear supplier and other appropriate persons shall make available to the Secretary such information, reports, records, documents, and other data as the Secretary determines, by regulation, to be necessary or appropriate to develop and implement the formula under subsection (e)(2)(C).

(2) PRIVATE INSURANCE.—The Secretary shall make available to nuclear suppliers, and insurers of nuclear suppliers, information to support the voluntary establishment and maintenance of private insurance against any risk for which nuclear suppliers may be required to pay deferred payments under this section.

(g) EFFECT ON LIABILITY.—Nothing in any other law (including regulations) limits liability for a covered incident to an amount equal to less than the amount prescribed in paragraph 1(a) of Article IV of the Convention, unless the law—

(1) specifically refers to this section; and

(2) explicitly repeals, alters, amends, modifies, impairs, displaces, or supersedes the effect of this subsection.

(h) PAYMENTS TO AND BY THE UNITED STATES.—

(1) ACTION BY NUCLEAR SUPPLIERS.—

(A) NOTIFICATION.—In the case of a request for funds under Article VII of the Convention resulting from a covered incident that is not a Price-Anderson incident, the Secretary shall notify each nuclear supplier of the amount of the deferred payment required to be made by the nuclear supplier.

(B) PAYMENTS.—

(i) IN GENERAL.—Except as provided under clause (ii), not later than 60 days after receipt of a notification under subparagraph (A), a nuclear supplier shall pay to the general fund of the Treasury the deferred payment of the nuclear supplier required under subparagraph (A).

(ii) ANNUAL PAYMENTS.—A nuclear supplier may elect to prorate payment of the deferred payment required under subparagraph (A) in 5 equal annual payments (including interest on the unpaid balance at the prime rate prevailing at the time the first payment is due).

(C) VOUCHERS.—A nuclear supplier shall submit payment certification vouchers to the Secretary of the Treasury in accordance with section 3325 of title 31, United States Code.

(2) USE OF FUNDS.—

(A) IN GENERAL.—Amounts paid into the Treasury under paragraph (1) shall be available to the Secretary of the Treasury, without further appropriation and without fiscal year limitation, for the purpose of making the contributions of public funds required to be made by the United States under the Convention.

(B) ACTION BY SECRETARY OF TREASURY.—The Secretary of the Treasury shall pay the contribution required under the Convention to the court of competent jurisdiction under Article XIII of the Convention with respect to the applicable covered incident.

(3) FAILURE TO PAY.—If a nuclear supplier fails to make a payment required under this subsection, the Secretary may take appropriate action to recover from the nuclear supplier—

(A) the amount of the payment due from the nuclear supplier;

(B) any applicable interest on the payment; and

(C) a penalty of not more than twice the amount of the deferred payment due from the nuclear supplier.

(i) LIMITATION ON JUDICIAL REVIEW; CAUSE OF ACTION.—

(1) LIMITATION ON JUDICIAL REVIEW.—

(A) IN GENERAL.—In any civil action arising under the Convention over which Article XIII of the Convention grants jurisdiction to the courts of the United States, any appeal or review by writ of mandamus or otherwise with respect to a nuclear incident that is not a Price-Anderson incident shall be in accordance with chapter 83 of title 28, United States Code, except that the appeal or review shall occur in the United States Court of Appeals for the District of Columbia Circuit.

(B) SUPREME COURT JURISDICTION.—Nothing in this paragraph affects the jurisdiction of the Supreme Court of the United States under chapter 81 of title 28, United States Code.

(2) CAUSE OF ACTION.—

(A) IN GENERAL.—Subject to subparagraph (B), in any civil action arising under the Convention over which Article XIII of the Convention grants jurisdiction to the courts of the United States, in addition to any other cause of action that may exist, an individual or entity shall have a cause of action against the operator to recover for nuclear damage suffered by the individual or entity.

(B) REQUIREMENT.—Subparagraph (A) shall apply only if the individual or entity seeks a remedy for nuclear damage (as defined in Article I of the Convention) that was caused by a nuclear incident (as defined in Article I of the Convention) that is not a Price-Anderson incident.

(C) SAVINGS PROVISION.—Nothing in this paragraph may be construed to limit, modify, extinguish, or otherwise affect any cause of action that would have existed in the absence of enactment of this paragraph.

(j) RIGHT OF RECOURSE.—This section does not provide to an operator of a covered installation any right of recourse under the Convention.

(k) PROTECTION OF SENSITIVE UNITED STATES INFORMATION.—Nothing in the Convention or this section requires the disclosure of—

(1) any data that, at any time, was Restricted Data (as defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014));

(2) information relating to intelligence sources or methods protected by section 102A(i) of the National Security Act of 1947 (50 U.S.C. 403-1(i)); or

(3) national security information classified under Executive Order 12958 (50 U.S.C. 435 note; relating to classified national security information) (or a successor Executive Order or regulation).

(l) REGULATIONS.—

(1) IN GENERAL.—The Secretary or the Commission, as appropriate, may prescribe regulations to carry out section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) and this section.

(2) REQUIREMENT.—Rules prescribed under this subsection shall ensure, to the maximum extent practicable, that—

(A) the implementation of section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) and this section is consistent and equitable; and

(B) the financial and operational burden on a Commission licensee in complying with section 170 of that Act is not greater as a result of the enactment of this section.

(3) APPLICABILITY OF PROVISION.—Section 553 of title 5, United States Code, shall apply with respect to the promulgation of regulations under this subsection.

(4) EFFECT OF SUBSECTION.—The authority provided under this subsection is in addition to, and does not impair or otherwise affect, any other authority of the Secretary or the Commission to prescribe regulations.

(m) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 935. TRANSPARENCY IN EXTRACTIVE INDUSTRIES RESOURCE PAYMENTS.

(a) PURPOSE.—The purpose of this section is to—

(1) ensure greater United States energy security by combating corruption in the governments of foreign countries that receive revenues from the sale of their natural resources; and

(2) enhance the development of democracy and increase political and economic stability in such resource rich foreign countries.

(b) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to increase energy security by promoting anti-corruption initiatives in oil and natural gas rich countries; and

(2) to promote global energy security through promotion of programs such as the Extractive Industries Transparency Initiative (EITI) that seek to instill transparency and accountability into extractive industries resource payments.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the United States should further global energy security and promote democratic development in resource-rich foreign countries by—

(1) encouraging further participation in the EITI by eligible countries and companies; and

(2) promoting the efficacy of the EITI program by ensuring a robust and candid review mechanism.

(d) REPORT.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State, in consultation with the Secretary of Energy, shall submit to the appropriate congressional committees a report on progress made in promoting transparency in extractive industries resource payments.

(2) MATTERS TO BE INCLUDED.—The report required by paragraph (1) shall include a detailed description of United States participation in the EITI, bilateral and multilateral diplomatic efforts to further participation in the EITI, and other United States initiatives to strengthen energy security, deter energy kleptocracy, and promote transparency in the extractive industries.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $3,000,000 for the purposes of United States contributions to the Multi-Donor Trust Fund of the EITI.

TITLE X—GREEN JOBS

SEC. 1001. SHORT TITLE.

This title may be cited as the "Green Jobs Act of 2007".

SEC. 1002. ENERGY EFFICIENCY AND RENEWABLE ENERGY WORKER TRAINING PROGRAM.

Section 171 of the Workforce Investment Act of 1998 (29 U.S.C. 2916) is amended by adding at the end the following:

"(e) ENERGY EFFICIENCY AND RENEWABLE ENERGY WORKER TRAINING PROGRAM.—

"(1) GRANT PROGRAM.—

"(A) IN GENERAL.—Not later than 6 months after the date of enactment of the Green Jobs Act of 2007, the Secretary, in consultation with the Secretary of Energy, shall establish an energy efficiency and renewable energy worker training program under which the Secretary shall carry out the activities described in paragraph (2) to achieve the purposes of this subsection.

"(B) ELIGIBILITY.—For purposes of providing assistance and services under the program established under this subsection—

"(i) target populations of eligible individuals to be given priority for training and other services shall include—

"(I) workers impacted by national energy and environmental policy;

"(II) individuals in need of updated training related to the energy efficiency and renewable energy industries;

"(III) veterans, or past and present members of reserve components of the Armed Forces;

"(IV) unemployed individuals;

"(V) individuals, including at-risk youth, seeking employment pathways out of poverty and into economic self-sufficiency; and

"(VI) formerly incarcerated, adjudicated, nonviolent offenders; and

"(ii) energy efficiency and renewable energy industries eligible to participate in a program under this subsection include—

"(I) the energy-efficient building, construction, and retrofits industries;

"(II) the renewable electric power industry;

"(III) the energy efficient and advanced drive train vehicle industry;

"(IV) the biofuels industry;

"(V) the deconstruction and materials use industries;

"(VI) the energy efficiency assessment industry serving the residential, commercial, or industrial sectors; and

"(VII) manufacturers that produce sustainable products using environmentally sustainable processes and materials.

"(2) ACTIVITIES.—

"(A) NATIONAL RESEARCH PROGRAM.—Under the program established under paragraph (1), the Secretary, acting through the Bureau of Labor Statistics, where appropriate, shall collect and analyze labor market data to track workforce trends resulting from energy-related initiatives carried out under this subsection. Activities carried out under this paragraph shall include—

"(i) tracking and documentation of academic and occupational competencies as well as future skill needs with respect to renewable energy and energy efficiency technology;

"(ii) tracking and documentation of occupational information and workforce training data with respect to renewable energy and energy efficiency technology;

"(iii) collaborating with State agencies, workforce investments boards, industry, organized labor, and community and nonprofit organizations to disseminate information on successful innovations for labor market services and worker training with respect to renewable energy and energy efficiency technology;

"(iv) serving as a clearinghouse for best practices in workforce development, job placement, and collaborative training partnerships;

"(v) encouraging the establishment of workforce training initiatives with respect to renewable energy and energy efficiency technologies;

"(vi) linking research and development in renewable energy and energy efficiency technology with the development of standards and curricula for current and future jobs;

"(vii) assessing new employment and work practices including career ladder and upgrade training as well as high performance work systems; and

"(viii) providing technical assistance and capacity building to national and State energy partnerships, including industry and labor representatives.

"(B) NATIONAL ENERGY TRAINING PARTNERSHIP GRANTS.—

"(i) IN GENERAL.—Under the program established under paragraph (1), the Secretary shall award National Energy Training Partnerships Grants on a competitive basis to eligible entities to enable such entities to carry out training that leads to economic self-sufficiency and to develop an energy efficiency and renewable energy. industries workforce. Grants shall be awarded under this subparagraph so as to ensure geographic diversity with at least 2 grants awarded to entities located in each of the 4 Petroleum Administration for Defense Districts with no subdistricts, and at least 1 grant awarded to an entity located in each of the subdistricts of the Petroleum Administration for Defense District with subdistricts.

"(ii) ELIGIBILITY.—To be eligible to receive a grant under clause (i), an entity shall be a nonprofit partnership that—

"(I) includes the equal participation of industry, including public or private employers, and labor organizations, including joint labor-management training programs, and may include workforce investment boards, community-based organizations, qualified service and conservation corps, educational institutions, small businesses, cooperatives, State and local veterans agencies, and veterans service organizations; and

"(II) demonstrates—

"(aa) experience in implementing and operating worker skills training and education programs;

"(bb) the ability to identify and involve in training programs carried out under this grant, target populations of individuals who would benefit from training and be actively involved in activities related to energy efficiency and renewable energy industries; and

"(cc) the ability to help individuals achieve economic self-sufficiency.

"(iii) PRIORITY.—Priority shall be given to partnerships which leverage additional public and private resources to fund training programs, including cash or in-kind matches from participating employers.

"(C) STATE LABOR MARKET RESEARCH, INFORMATION, AND LABOR EXCHANGE RESEARCH PROGRAM.—

"(i) IN GENERAL.—Under the program established under paragraph (1), the Secretary shall award competitive grants to States to enable such States to administer labor market and labor exchange information programs that include the implementation of the activities described in clause (ii), in coordination with the one-stop delivery system.

"(ii) ACTIVITIES.—A State shall use amounts awarded under a grant under this subparagraph to provide funding to the State agency that administers the Wagner-Peyser Act and State unemployment compensation programs to carry out the following activities using State agency merit staff:

"(I) The identification of job openings in the renewable energy and energy efficiency sector.

"(II) The administration of skill and aptitude testing and assessment for workers.

"(III) The counseling, case management, and referral of qualified job seekers to openings and training programs, including energy efficiency and renewable energy training programs.

"(D) STATE ENERGY TRAINING PARTNERSHIP PROGRAM.—

"(i) IN GENERAL.—Under the program established under paragraph (1), the Secretary shall award competitive grants to States to enable such States to administer renewable energy and energy efficiency workforce development programs that include the implementation of the activities described in clause (ii).

"(ii) PARTNERSHIPS.—A State shall use amounts awarded under a grant under this subparagraph to award competitive grants to eligible State Energy Sector Partnerships to enable such Partnerships to coordinate with existing apprenticeship and labor management training programs and implement training programs that lead to the economic self-sufficiency of trainees.

"(iii) ELIGIBILITY.—To be eligible to receive a grant under this subparagraph, a State Energy Sector Partnership shall—

"(I) consist of nonprofit organizations that include equal participation from industry, including public or private nonprofit employers, and labor organizations, including joint labor-management training programs, and may include representatives from local governments, the workforce investment system, including one-stop career centers, community based organizations, qualified service and conservation corps, community colleges, and other post-secondary institutions, small businesses, cooperatives, State and local veterans agencies, and veterans service organizations;

"(II) demonstrate experience in implementing and operating worker skills training and education programs; and

"(III) demonstrate the ability to identify and involve in training programs, target populations of workers who would benefit from training and be actively involved in activities related to energy efficiency and renewable energy industries.

"(iv) PRIORITY.—In awarding grants under this subparagraph, the Secretary shall give priority to States that demonstrate that activities under the grant—

"(I) meet national energy policies associated with energy efficiency, renewable energy, and the reduction of emissions of greenhouse gases;

"(II) meet State energy policies associated with energy efficiency, renewable energy, and the reduction of emissions of greenhouse gases; and

"(III) leverage additional public and private resources to fund training programs, including cash or in-kind matches from participating employers.

"(v) COORDINATION.—A grantee under this subparagraph shall coordinate activities carried out under the grant with existing other appropriate training programs, including apprenticeship and labor management training programs, including such activities referenced in paragraph (3)(A), and implement training programs that lead to the economic self-sufficiency of trainees.

"(E) PATHWAYS OUT OF POVERTY DEMONSTRATION PROGRAM.—

"(i) IN GENERAL.—Under the program established under paragraph (1), the Secretary shall award competitive grants of sufficient size to eligible entities to enable such entities to carry out training that leads to economic self-sufficiency. The Secretary shall give priority to entities that serve individuals in families with income of less than 200 percent of the sufficiency standard for the local areas where the training is conducted that specifies, as defined by the State, or where such standard is not established, the income needs of families, by family size, the number and ages of children in the family, and sub-State geographical considerations. Grants shall be awards to ensure geographic diversity.

"(ii) ELIGIBLE ENTITIES.—To be eligible to receive a grant an entity shall be a partnership that—

"(I) includes community-based nonprofit organizations, educational institutions with expertise in serving low-income adults or youth, public or private employers from the industry sectors described in paragraph (1)(B)(ii), and labor organizations representing workers in such industry sectors;

"(II) demonstrates a record of successful experience in implementing and operating worker skills training and education programs;

"(III) coordinates activities, where appropriate, with the workforce investment system; and

"(IV) demonstrates the ability to recruit individuals for training and to support such individuals to successful completion in training programs carried out under this grant, targeting populations of workers who are or will be engaged in activities related to energy efficiency and renewable energy industries.

"(iii) PRIORITIES.—In awarding grants under this paragraph, the Secretary shall give priority to applicants that—

"(I) target programs to benefit low-income workers, unemployed youth and adults, high school dropouts, or other underserved sectors of the workforce within areas of high poverty;

"(II) ensure that supportive services are integrated with education and training, and delivered by organizations with direct access to and experience with targeted populations;

"(III) leverage additional public and private resources to fund training programs, including cash or in-kind matches from participating employers;

"(IV) involve employers and labor organizations in the determination of relevant skills and competencies and ensure that the certificates or credentials that result from the training are employer-recognized;

"(V) deliver courses at alternative times (such as evening and weekend programs) and locations most convenient and accessible to participants and link adult remedial education with occupational skills training; and

"(VI) demonstrate substantial experience in administering local, municipal, State, Federal, foundation, or private entity grants.

"(iv) DATA COLLECTION.—Grantees shall collect and report the following information:

"(I) The number of participants.

"(II) The demographic characteristics of participants, including race, gender, age, parenting status, participation in other Federal programs, education and literacy level at entry, significant barriers to employment (such as limited English proficiency, criminal record, addiction or mental health problem requiring treatment, or mental disability).

"(III) The services received by participants, including training, education, and supportive services.

"(IV) The amount of program spending per participant.

"(V) Program completion rates.

"(VI) Factors determined as significantly interfering with program participation or completion.

"(VII) The rate of Job placement and the rate of employment retention after 1 year.

"(VIII) The average wage at placement, including any benefits, and the rate of average wage increase after 1 year.

"(IX) Any post-employment supportive services provided.

The Secretary shall assist grantees in the collection of data under this clause by making available, where practicable, low-cost means of tracking the labor market outcomes of participants, and by providing standardized reporting forms, where appropriate.

"(3) ACTIVITIES.—

"(A) IN GENERAL.—Activities to be carried out under a program authorized by subparagraph (B), (D), or (E) of paragraph (2) shall be coordinated with existing systems or providers, as appropriate. Such activities may include—

"(i) occupational skills training, including curriculum development, on-the-job training, and classroom training;

"(ii) safety and health training;

"(iii) the provision of basic skills, literacy, GED, English as a second language, and job readiness training;

"(iv) individual referral and tuition assistance for a community college training program, or any training program leading to an industry-recognized certificate;

"(v) internship programs in fields related to energy efficiency and renewable energy;

"(vi) customized training in conjunction with an existing registered apprenticeship program or labor-management partnership;

"(vii) incumbent worker and career ladder training and skill upgrading and retraining;

"(viii) the implementation of transitional jobs strategies; and

"(ix) the provision of supportive services.

"(B) OUTREACH ACTIVITIES.—In addition to the activities authorized under subparagraph (A), activities authorized for programs under subparagraph (E) of paragraph (2) may include the provision of outreach, recruitment, career guidance, and case management services.

"(4) WORKER PROTECTIONS AND NONDISCRIMINATION REQUIREMENTS.—

"(A) APPLICATION OF WIA.—The provisions of sections 181 and 188 of the Workforce Investment Act of 1998 (29 U.S.C. 2931 and 2938) shall apply to all programs carried out with assistance under this subsection.

"(B) CONSULTATION WITH LABOR ORGANIZATIONS.—If a labor organization represents a substantial number of workers who are engaged in similar work or training in an area that is the same as the area that is proposed to be funded under this Act, the labor organization shall be provided an opportunity to be consulted and to submit comments in regard to such a proposal.

"(5) PERFORMANCE MEASURES.—

"(A) IN GENERAL.—The Secretary shall negotiate and reach agreement with the eligible entities that receive grants and assistance under this section on performance measures for the indicators of performance referred to in subparagraphs (A) and (B) of section 136(b)(2) that will be used to evaluate the performance of the eligible entity in carrying out the activities described in subsection (e)(2). Each performance measure shall consist of such an indicator of performance, and a performance level referred to in subparagraph (B).

"(B) PERFORMANCE LEVELS.—The Secretary shall negotiate and reach agreement with the eligible entity regarding the levels of performance expected to be achieved by the eligible entity on the indicators of performance.

"(6) REPORT.—

"(A) STATUS REPORT.—Not later than 18 months after the date of enactment of the Green Jobs Act of 2007, the Secretary shall transmit a report to the Senate Committee on Energy and Natural Resources, the Senate Committee on Health, Education, Labor, and Pensions, the House Committee on Education and Labor, and the House Committee on Energy and Commerce on the training program established by this subsection. The report shall include a description of the entities receiving funding and the activities carried out by such entities.

"(B) EVALUATION.—Not later than 3 years after the date of enactment of such Act, the Secretary shall transmit to the Senate Committee on Energy and Natural Resources, the Senate Committee on Health, Education, Labor, and Pensions, the House Committee on Education and Labor, and the House Committee on Energy and Commerce an assessment of such program and an evaluation of the activities carried out by entities receiving funding from such program.

"(7) DEFINITION.—As used in this subsection, the term 'renewable energy' has the meaning given such term in section 203(b)(2) of the Energy Policy Act of 2005 (Public Law 109-58).

"(8) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, $125,000,000 for each fiscal years, of which—

"(A) not to exceed 20 percent of the amount appropriated in each such fiscal year shall be made available for, and shall be equally divided between, national labor market research and information under paragraph (2)(A) and State labor market information and labor exchange research under paragraph (2)(C), and not more than 2 percent of such amount shall be for the evaluation and report required under paragraph (4);

"(B) 20 percent shall be dedicated to Pathways Out of Poverty Demonstration Programs under paragraph (2)(E); and

"(C) the remainder shall be divided equally between National Energy Partnership Training Grants under paragraph (2)(B) and State energy training partnership grants under paragraph (2)(D).".

TITLE XI—ENERGY TRANSPORTATION AND INFRASTRUCTURE

Subtitle A—Department of Transportation

SEC. 1101. OFFICE OF CLIMATE CHANGE AND ENVIRONMENT.

(a) IN GENERAL.—Section 102 of title 49, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

"(g) OFFICE OF CLIMATE CHANGE AND ENVIRONMENT.—

"(1) ESTABLISHMENT.—There is established in the Department an Office of Climate Change and Environment to plan, coordinate, and implement—

"(A) department-wide research, strategies, and actions under the Department's statutory authority to reduce transportation-related energy use and mitigate the effects of climate change; and

"(B) department-wide research strategies and actions to address the impacts of climate change on transportation systems and infrastructure.

"(2) CLEARINGHOUSE.—The Office shall establish a clearinghouse of solutions, including cost-effective congestion reduction approaches, to reduce air pollution and transportation-related energy use and mitigate the effects of climate change.".

(b) COORDINATION.—The Office of Climate Change and Environment of the Department of Transportation shall coordinate its activities with the United States Global Change Research Program.

(c) TRANSPORTATION SYSTEM'S IMPACT ON CLIMATE CHANGE AND FUEL EFFICIENCY.—

(1) STUDY.—The Office of Climate Change and Environment, in coordination with the Environmental Protection Agency and in consultation with the United States Global Change Research Program, shall conduct a study to examine the impact of the Nation's transportation system on climate change and the fuel efficiency savings and clean air impacts of major transportation projects, to identify solutions to reduce air pollution and transportation-related energy use and mitigate the effects of climate change, and to examine the potential fuel savings that could result from changes in the current transportation system and through the use of intelligent transportation systems that help businesses and consumers to plan their travel and avoid delays, including Web-based real-time transit information systems, congestion information systems, carpool information systems, parking information systems, freight route management systems, and traffic management systems.

(2) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary of Transportation, in coordination with the Administrator of the Environmental Protection Agency, shall transmit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate a report that contains the results of the study required under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation for the Office of Climate Change and Environment to carry out its duties under section 102(g) of title 49, United States Code (as amended by this Act), such sums as may be necessary for fiscal years 2008 through 2011.

Subtitle B—Railroads

SEC. 1111. ADVANCED TECHNOLOGY LOCOMOTIVE GRANT PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall establish and carry out a pilot program for making grants to railroad carriers (as defined in section 20102 of title 49, United States Code) and State and local governments—

(1) for assistance in purchasing hybrid or other energy-efficient locomotives, including hybrid switch and generator-set locomotives; and

(2) to demonstrate the extent to which such locomotives increase fuel economy, reduce emissions, and lower costs of operation.

(b) LIMITATION.—Notwithstanding subsection (a), no grant under this section may be used to fund the costs of emissions reductions that are mandated under Federal law.

(c) GRANT CRITERIA.—In selecting applicants for grants under this section, the Secretary of Transportation shall consider—

(1) the level of energy efficiency that would be achieved by the proposed project;

(2) the extent to which the proposed project would assist in commercial deployment of hybrid or other energy-efficient locomotive technologies;

(3) the extent to which the proposed project complements other private or governmental partnership efforts to improve air quality or fuel efficiency in a particular area; and

(4) the extent to which the applicant demonstrates innovative strategies and a financial commitment to increasing energy efficiency and reducing greenhouse gas emissions of its railroad operations.

(d) COMPETITIVE GRANT SELECTION PROCESS.—

(1) APPLICATIONS.—A railroad carrier or State or local government seeking a grant under this section shall submit for approval by the Secretary of Transportation an application for the grant containing such information as the Secretary of Transportation may require.

(2) COMPETITIVE SELECTION.—The Secretary of Transportation shall conduct a national solicitation for applications for grants under this section and shall select grantees on a competitive basis.

(e) FEDERAL SHARE.—The Federal share of the cost of a project under this section shall not exceed 80 percent of the project cost.

(f) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary of Transportation shall submit to Congress a report on the results of the pilot program carried out under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Transportation $10,000,000 for each of the fiscal years 2008 through 2011 to carry out this section. Such funds shall remain available until expended.

SEC. 1112. CAPITAL GRANTS FOR CLASS II AND CLASS III RAILROADS.

(a) AMENDMENT.—Chapter 223 of title 49, United States Code, is amended to read as follows:

"CHAPTER 223—CAPITAL GRANTS FOR CLASS II AND CLASS III RAILROADS

"Sec.
"22301. Capital grants for class II and class III railroads.

"§ 22301. Capital grants for class II and class III railroads

"(a) ESTABLISHMENT OF PROGRAM.—

"(1) ESTABLISHMENT.—The Secretary of Transportation shall establish a program for making capital grants to class II and class III railroads. Such grants shall be for projects in the public interest that—

"(A)(i) rehabilitate, preserve, or improve railroad track (including roadbed, bridges, and related track structures) used primarily for freight transportation;

"(ii) facilitate the continued or greater use of railroad transportation for freight shipments; and

"(iii) reduce the use of less fuel efficient modes of transportation in the transportation of such shipments; and

"(B) demonstrate innovative technologies and advanced research and development that increase fuel economy, reduce greenhouse gas emissions, and lower the costs of operation.

"(2) PROVISION OF GRANTS.—Grants may be provided under this chapter—

"(A) directly to the class II or class III railroad; or

"(B) with the concurrence of the class II or class III railroad, to a State or local government.

"(3) STATE COOPERATION.—Class II and class III railroad applicants for a grant under this chapter are encouraged to utilize the expertise and assistance of State transportation agencies in applying for and administering such grants. State transportation agencies are encouraged to provide such expertise and assistance to such railroads.

"(4) REGULATIONS.—Not later than October 1, 2008, the Secretary shall issue final regulations to implement the program under this section.

"(b) MAXIMUM FEDERAL SHARE.—The maximum Federal share for carrying out a project under this section shall be 80 percent of the project cost. The non-Federal share may be provided by any non-Federal source in cash, equipment, or supplies. Other in-kind contributions may be approved by the Secretary on a case-by-case basis consistent with this chapter.

"(c) USE OF FUNDS.—Grants provided under this section shall be used to implement track capital projects as soon as possible. In no event shall grant funds be contractually obligated for a project later than the end of the third Federal fiscal year following the year in which the grant was awarded. Any funds not so obligated by the end of such fiscal year shall be returned to the Secretary for reallocation.

"(d) EMPLOYEE PROTECTION.—The Secretary shall require as a condition of any grant made under this section that the recipient railroad provide a fair arrangement at least as protective of the interests of employees who are affected by the project to be funded with the grant as the terms imposed under section 11326(a), as in effect on the date of the enactment of this chapter.

"(e) LABOR STANDARDS.—

"(1) PREVAILING WAGES.—The Secretary shall ensure that laborers and mechanics employed by contractors and subcontractors in construction work financed by a grant made under this section will be paid wages not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor under subchapter IV of chapter 31 of title 40 (commonly known as the 'Davis-Bacon Act'). The Secretary shall make a grant under this section only after being assured that required labor standards will be maintained on the construction work.

"(2) WAGE RATES.—Wage rates in a collective bargaining agreement negotiated under the Railway Labor Act (45 U.S.C. 151 et seq.) are deemed for purposes of this subsection to comply with the subchapter IV of chapter 31 of title 40.

"(f) STUDY.—The Secretary shall conduct a study of the projects carried out with grant assistance under this section to determine the extent to which the program helps promote a reduction in fuel use associated with the transportation of freight and demonstrates innovative technologies that increase fuel economy, reduce greenhouse gas emissions, and lower the costs of operation. Not later than March 31, 2009, the Secretary shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the study, including any recommendations the Secretary considers appropriate regarding the program.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $50,000,000 for each of fiscal years 2008 through 2011 for carrying out this section.".

(b) CLERICAL AMENDMENT.—The item relating to chapter 223 in the table of chapters of subtitle V of title 49, United States Code, is amended to read as follows:

"223. CAPITAL GRANTS FOR CLASS II AND CLASS III RAILROADS .... 22301".

Subtitle C—Marine Transportation

SEC. 1121. SHORT SEA TRANSPORTATION INITIATIVE.

(a) IN GENERAL.—Title 46, United States Code, is amended by adding after chapter 555 the following:

"CHAPTER 556—SHORT SEA TRANSPORTATION

"Sec. 55601. Short sea transportation program.
"Sec. 55602. Cargo and shippers.
"Sec. 55603. Interagency coordination.
"Sec. 55604. Research on short sea transportation.
"Sec. 55605. Short sea transportation defined.

"§ 55601. Short sea transportation program

"(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a short sea transportation program and designate short sea transportation projects to be conducted under the program to mitigate landside congestion.

"(b) PROGRAM ELEMENTS.—The program shall encourage the use of short sea transportation through the development and expansion of—

"(1) documented vessels;

"(2) shipper utilization;

"(3) port and landside infrastructure; and

"(4) marine transportation strategies by State and local governments.

"(c) SHORT SEA TRANSPORTATION ROUTES.—The Secretary shall designate short sea transportation routes as extensions of the surface transportation system to focus public and private efforts to use the waterways to relieve landside congestion along coastal corridors. The Secretary may collect and disseminate data for the designation and delineation of short sea transportation routes.

"(d) PROJECT DESIGNATION.—The Secretary may designate a project to be a short sea transportation project if the Secretary determines that the project may—

"(1) offer a waterborne alternative to available landside transportation services using documented vessels; and

"(2) provide transportation services for passengers or freight (or both) that may reduce congestion on landside infrastructure using documented vessels.

"(e) ELEMENTS OF PROGRAM.—For a short sea transportation project designated under this section, the Secretary may—

"(1) promote the development of short sea transportation services;

"(2) coordinate, with ports, State departments of transportation, localities, other public agencies, and the private sector and on the development of landside facilities and infrastructure to support short sea transportation services; and

"(3) develop performance measures for the short sea transportation program.

"(f) MULTISTATE, STATE AND REGIONAL TRANSPORTATION PLANNING.—The Secretary, in consultation with Federal entities and State and local governments, shall develop strategies to encourage the use of short sea transportation for transportation of passengers and cargo. The Secretary shall—

"(1) assess the extent to which States and local governments include short sea transportation and other marine transportation solutions in their transportation planning;

"(2) encourage State departments of transportation to develop strategies, where appropriate, to incorporate short sea transportation, ferries, and other marine transportation solutions for regional and interstate transport of freight and passengers in their transportation planning; and

"(3) encourage groups of States and multi-State transportation entities to determine how short sea transportation can address congestion, bottlenecks, and other interstate transportation challenges.

"§ 55602. Cargo and shippers

"(a) MEMORANDUMS OF AGREEMENT.—The Secretary of Transportation shall enter into memorandums of understanding with the heads of other Federal entities to transport federally owned or generated cargo using a short sea transportation project designated under section 55601 when practical or available.

"(b) SHORT-TERM INCENTIVES.—The Secretary shall consult shippers and other participants in transportation logistics and develop proposals for short-term incentives to encourage the use of short sea transportation.

"§ 55603. Interagency coordination

"The Secretary of Transportation shall establish a board to identify and seek solutions to impediments hindering effective use of short sea transportation. The board shall include representatives of the Environmental Protection Agency and other Federal, State, and local governmental entities and private sector entities.

"§ 55604. Research on short sea transportation

"The Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, may conduct research on short sea transportation, regarding—

"(1) the environmental and transportation benefits to be derived from short sea transportation alternatives for other forms of transportation;

"(2) technology, vessel design, and other improvements that would reduce emissions, increase fuel economy, and lower costs of short sea transportation and increase the efficiency of intermodal transfers; and

"(3) solutions to impediments to short sea transportation projects designated under section 55601.

"§ 55605. Short sea transportation defined

"In this chapter, the term 'short sea transportation' means the carriage by vessel of cargo—

"(1) that is—

"(A) contained in intermodal cargo containers and loaded by crane on the vessel; or

"(B) loaded on the vessel by means of wheeled technology; and

"(2) that is—

"(A) loaded at a port in the United States and unloaded either at another port in the United States or at a port in Canada located in the Great Lakes Saint Lawrence Seaway System; or

"(B) loaded at a port in Canada located in the Great Lakes Saint Lawrence Seaway System and unloaded at a port in the United States.".

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle V of such title is amended by inserting after the item relating to chapter 555 the following:

"556. Short Sea Transportation .... 55601".

(c) REGULATIONS.—

(1) INTERIM REGULATIONS.—Not later than 90 days after the date of enactment of this

Act, the Secretary of Transportation shall issue temporary regulations to implement the program under this section. Subchapter II of chapter 5 of title 5, United States Code, does not apply to a temporary regulation issued under this paragraph or to an amendment to such a temporary regulation.

(2) FINAL REGULATIONS.—Not later than October 1, 2008, the Secretary of Transportation shall issue final regulations to implement the program under this section.

SEC. 1122. SHORT SEA SHIPPING ELIGIBILITY FOR CAPITAL CONSTRUCTION FUND.

(a) DEFINITION OF QUALIFIED VESSEL.—Section 53501 of title 46, United States Code, is amended—

(1) in paragraph (5)(A)(iii) by striking "or noncontiguous domestic" and inserting "noncontiguous domestic, or short sea transportation trade"; and

(2) by inserting after paragraph (6) the following:

"(7) SHORT SEA TRANSPORTATION TRADE.—The term 'short sea transportation trade' means the carriage by vessel of cargo—

"(A) that is—

"(i) contained in intermodal cargo containers and loaded by crane on the vessel; or

"(ii) loaded on the vessel by means of wheeled technology; and

"(B) that is—

"(i) loaded at a port in the United States and unloaded either at another port in the United States or at a port in Canada located in the Great Lakes Saint Lawrence Seaway System; or

"(ii) loaded at a port in Canada located in the Great Lakes Saint Lawrence Seaway System and unloaded at a port in the United States.".

(b) ALLOWABLE PURPOSE.—Section 53503(b) of such title is amended by striking "or noncontiguous domestic trade" and inserting "noncontiguous domestic, or short sea transportation trade".

SEC. 1123. SHORT SEA TRANSPORTATION REPORT.

Not later than one year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the short sea transportation program established under the amendments made by section 1121. The report shall include a description of the activities conducted under the program, and any recommendations for further legislative or administrative action that the Secretary of Transportation considers appropriate.

Subtitle D—Highways

SEC. 1131. INCREASED FEDERAL SHARE FOR CMAQ PROJECTS.

Section 120(c) of title 23, United States Code, is amended—

(1) in the subsection heading by striking "FOR CERTAIN SAFETY PROJECTS";

(2) by striking "The Federal share" and inserting the following:

"(1) CERTAIN SAFETY PROJECTS.—The Federal share"; and

(3) by adding at the end the following:

"(2) CMAQ PROJECTS.—The Federal share payable on account of a project or program carried out under section 149 with funds obligated in fiscal year 2008 or 2009, or both, shall be not less than 80 percent and, at the discretion of the State, may be up to 100 percent of the cost thereof.".

SEC. 1132. DISTRIBUTION OF RESCISSIONS.

(a) IN GENERAL.—Any unobligated balances of amounts that are appropriated from the Highway Trust Fund for a fiscal year, and apportioned under chapter 1 of title 23, United States Code, before, on, or after the date of enactment of this Act and that are rescinded in fiscal year 2008 or fiscal year 2009 shall be distributed by the Secretary of Transportation within each State (as defined in section 101 of such title) among all programs for which funds are apportioned under such chapter for such fiscal year, to the extent sufficient funds remain available for obligation, in the ratio that the amount of funds apportioned for each program under such chapter for such fiscal year, bears to the amount of funds apportioned for all such programs under such chapter for such fiscal year.

(b) ADJUSTMENTS.—A State may make adjustments to the distribution of a rescission within the State for a fiscal year under subsection (a) by transferring the amounts to be rescinded among the programs for which funds are apportioned under chapter 1 of title 23, United States Code, for such fiscal year, except that in making such adjustments the State may not rescind from any such program more than 110 percent of the funds to be rescinded from the program for the fiscal year as determined by the Secretary of Transportation under subsection (a).

(c) TREATMENT OF TRANSPORTATION ENHANCEMENT SET-ASIDE AND FUNDS SUBALLOCATED TO SUBSTATE AREAS.—Funds set aside under sections 133(d)(2) and 133(d)(3) of title 23, United States Code, shall be treated as being apportioned under chapter 1 of such title for purposes of subsection (a).

SEC. 1133. SENSE OF CONGRESS REGARDING USE OF COMPLETE STREETS DESIGN TECHNIQUES.

It is the sense of Congress that in constructing new roadways or rehabilitating existing facilities, State and local governments should consider policies designed to accommodate all users, including motorists, pedestrians, cyclists, transit riders, and people of all ages and abilities, in order to—

(1) serve all surface transportation users by creating a more interconnected and intermodal system;

(2) create more viable transportation options; and

(3) facilitate the use of environmentally friendly options, such as public transportation, walking, and bicycling.

TITLE XII—SMALL BUSINESS ENERGY PROGRAMS

SEC. 1201. EXPRESS LOANS FOR RENEWABLE ENERGY AND ENERGY EFFICIENCY.

Section 7(a)(31) of the Small Business Act (15 U.S.C. 636(a)(31)) is amended by adding at the end the following:

"(F) EXPRESS LOANS FOR RENEWABLE ENERGY AND ENERGY EFFICIENCY.—

"(i) DEFINITIONS.—In this subparagraph—

"(I) the term 'biomass'—

"(aa) means any organic material that is available on a renewable or recurring basis, including—

"(AA) agricultural crops;

"(BB) trees grown for energy production;

"(CC) wood waste and wood residues;

"(DD) plants (including aquatic plants and grasses);

"(EE) residues;

"(FF) fibers;

"(GG) animal wastes and other waste materials; and

"(HH) fats, oils, and greases (including recycled fats, oils, and greases); and

"(bb) does not include—

"(AA) paper that is commonly recycled; or

"(BB) unsegregated solid waste;

"(II) the term 'energy efficiency project' means the installation or upgrading of equipment that results in a significant reduction in energy usage; and

"(III) the term 'renewable energy system' means a system of energy derived from—

"(aa) a wind, solar, biomass (including biodiesel), or geothermal source; or

"(bb) hydrogen derived from biomass or water using an energy source described in item (aa).

"(ii) LOANS.—The Administrator may make a loan under the Express Loan Program for the purpose of—

"(I) purchasing a renewable energy system; or

"(II) carrying out an energy efficiency project for a small business concern.".

SEC. 1202. PILOT PROGRAM FOR REDUCED 7(a) FEES FOR PURCHASE OF ENERGY EFFICIENT TECHNOLOGIES.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

"(32) LOANS FOR ENERGY EFFICIENT TECHNOLOGIES.—

"(A) DEFINITIONS.—In this paragraph—

"(i) the term 'cost' has the meaning given that term in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a);

"(ii) the term 'covered energy efficiency loan' means a loan—

"(I) made under this subsection; and

"(II) the proceeds of which are used to purchase energy efficient designs, equipment, or fixtures, or to reduce the energy consumption of the borrower by 10 percent or more; and

"(iii) the term 'pilot program' means the pilot program established under subparagraph (B)

"(B) ESTABLISHMENT.—The Administrator shall establish and carry out a pilot program under which the Administrator shall reduce the fees for covered energy efficiency loans.

"(C) DURATION.—The pilot program shall terminate at the end of the second full fiscal year after the date that the Administrator establishes the pilot program.

"(D) MAXIMUM PARTICIPATION.—A covered energy efficiency loan shall include the maximum participation levels by the Administrator permitted for loans made under this subsection.

"(E) FEES.—

"(i) IN GENERAL.—The fee on a covered energy efficiency loan shall be equal to 50 percent of the fee otherwise applicable to that loan under paragraph (18).

"(ii) WAIVER.—The Administrator may waive clause (i) for a fiscal year if—

"(I) for the fiscal year before that fiscal year, the annual rate of default of covered energy efficiency loans exceeds that of loans made under this subsection that are not covered energy efficiency loans;

"(II) the cost to the Administration of making loans under this subsection is greater than zero and such cost is directly attributable to the cost of making covered energy efficiency loans; and

"(III) no additional sources of revenue authority are available to reduce the cost of making loans under this subsection to zero.

"(iii) EFFECT OF WAIVER.—If the Administrator waives the reduction of fees under clause (ii), the Administrator—

"(I) shall not assess or collect fees in an amount greater than necessary to ensure that the cost of the program under this subsection is not greater than zero; and

"(II) shall reinstate the fee reductions under clause (i) when the conditions in clause (ii) no longer apply.

"(iv) NO INCREASE OF FEES.—The Administrator shall not increase the fees under paragraph (18) on loans made under this subsection that are not covered energy efficiency loans as a direct result of the pilot program.

"(F) GAO REPORT.—

"(i) IN GENERAL.—Not later than 1 year after the date that the pilot program terminates, the Comptroller General of the United States shall submit to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report on the pilot program.

"(ii) CONTENTS.—The report submitted under clause (i) shall include—

"(I) the number of covered energy efficiency loans for which fees were reduced under the pilot program;

"(II) a description of the energy efficiency savings with the pilot program;

"(III) a description of the impact of the pilot program on the program under this subsection;

"(IV) an evaluation of the efficacy and potential fraud and abuse of the pilot program; and

"(V) recommendations for improving the pilot program.".

SEC. 1203. SMALL BUSINESS ENERGY EFFICIENCY.

(a) DEFINITIONS.—In this section—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term "association" means the association of small business development centers established under section 21(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A));

(3) the term "disability" has the meaning given that term in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102);

(4) the term "Efficiency Program" means the Small Business Energy Efficiency Program established under subsection (c)(1);

(5) the term "electric utility" has the meaning given that term in section 3 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602);

(6) the term "high performance green building" has the meaning given that term in section 401;

(7) the term "on-bill financing" means a low interest or no interest financing agreement between a small business concern and an electric utility for the purchase or installation of equipment, under which the regularly scheduled payment of that small business concern to that electric utility is not reduced by the amount of the reduction in cost attributable to the new equipment and that amount is credited to the electric utility, until the cost of the purchase or installation is repaid;

(8) the term "small business concern" has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632);

(9) the term "small business development center" means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648);

(10) the term "telecommuting" means the use of telecommunications to perform work functions under circumstances which reduce or eliminate the need to commute;

(11) the term "Telecommuting Pilot Program" means the pilot program established under subsection (d)(1)(A); and

(12) the term "veteran" has the meaning given that term in section 101 of title 38, United States Code.

(b) IMPLEMENTATION OF SMALL BUSINESS ENERGY EFFICIENCY PROGRAM.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall promulgate final rules establishing the Government-wide program authorized under subsection (d) of section 337 of the Energy Policy and Conservation Act (42 U.S.C. 6307) that ensure compliance with that subsection by not later than 6 months after such date of enactment.

(2) PROGRAM REQUIRED.—The Administrator shall develop and coordinate a Government-wide program, building on the Energy Star for Small Business program, to assist small business concerns in—

(A) becoming more energy efficient;

(B) understanding the cost savings from improved energy efficiency; and

(C) identifying financing options for energy efficiency upgrades.

(3) CONSULTATION AND COOPERATION.—The program required by paragraph (2) shall be developed and coordinated—

(A) in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency; and

(B) in cooperation with any entities the Administrator considers appropriate, such as industry trade associations, industry members, and energy efficiency organizations.

(4) AVAILABILITY OF INFORMATION.—The Administrator shall make available the information and materials developed under the program required by paragraph (2) to—

(A) small business concerns, including smaller design, engineering, and construction firms; and

(B) other Federal programs for energy efficiency, such as the Energy Star for Small Business program.

(5) STRATEGY AND REPORT.—

(A) STRATEGY REQUIRED.—The Administrator shall develop a strategy to educate, encourage, and assist small business concerns in adopting energy efficient building fixtures and equipment.

(B) REPORT.—Not later than December 31, 2008, the Administrator shall submit to Congress a report containing a plan to implement the strategy developed under subparagraph (A).

(c) SMALL BUSINESS SUSTAINABILITY INITIATIVE.—

(1) AUTHORITY.—The Administrator shall establish a Small Business Energy Efficiency Program to provide energy efficiency assistance to small business concerns through small business development centers.

(2) SMALL BUSINESS DEVELOPMENT CENTERS.—

(A) IN GENERAL.—In carrying out the Efficiency Program, the Administrator shall enter into agreements with small business development centers under which such centers shall—

(i) provide access to information and resources on energy efficiency practices, including on-bill financing options;

(ii) conduct training and educational activities;

(iii) offer confidential, free, one-on-one, in-depth energy audits to the owners and operators of small business concerns regarding energy efficiency practices;

(iv) give referrals to certified professionals and other providers of energy efficiency assistance who meet such standards for educational, technical, and professional competency as the Administrator shall establish;

(v) to the extent not inconsistent with controlling State public utility regulations, act as a facilitator between small business concerns, electric utilities, lenders, and the Administration to facilitate on-bill financing arrangements;

(vi) provide necessary support to small business concerns to—

(I) evaluate energy efficiency opportunities and opportunities to design or construct high performance green buildings;

(II) evaluate renewable energy sources, such as the use of solar and small wind to supplement power consumption;

(III) secure financing to achieve energy efficiency or to design or construct high performance green buildings; and

(IV) implement energy efficiency projects;

(vii) assist owners of small business concerns with the development and commercialization of clean technology products, goods, services, and processes that use renewable energy sources, dramatically reduce the use of natural resources, and cut or eliminate greenhouse gas emissions through—

(I) technology assessment;

(II) intellectual property;

(III) Small Business Innovation Research submissions under section 9 of the Small Business Act (15 U.S.C. 638);

(IV) strategic alliances;

(V) business model development; and

(VI) preparation for investors; and

(viii) help small business concerns improve environmental performance by shifting to less hazardous materials and reducing waste and emissions, including by providing assistance for small business concerns to adapt the materials they use, the processes they operate, and the products and services they produce.

(B) REPORTS.—Each small business development center participating in the Efficiency Program shall submit to the Administrator and the Administrator of the Environmental Protection Agency an annual report that includes—

(i) a summary of the energy efficiency assistance provided by that center under the Efficiency Program;

(ii) the number of small business concerns assisted by that center under the Efficiency Program;

(iii) statistics on the total amount of energy saved as a result of assistance provided by that center under the Efficiency Program; and

(iv) any additional information determined necessary by the Administrator, in consultation with the association.

(C) REPORTS TO CONGRESS.—Not later than 60 days after the date on which all reports under subparagraph (B) relating to a year are submitted, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report summarizing the information regarding the Efficiency Program submitted by small business development centers participating in that program.

(3) ELIGIBILITY.—A small business development center shall be eligible to participate in the Efficiency Program only if that center is certified under section 21(k)(2) of the Small Business Act (15 U.S.C. 648(k)(2)).

(4) SELECTION OF PARTICIPATING STATE PROGRAMS.—From among small business development centers submitting applications to participate in the Efficiency Program, the Administrator—

(A) shall, to the maximum extent practicable, select small business development centers in such a manner so as to promote a nationwide distribution of centers participating in the Efficiency Program; and

(B) may not select more than 1 small business development center in a State to participate in the Efficiency Program.

(5) MATCHING REQUIREMENT.—Subparagraphs (A) and (B) of section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) shall apply to assistance made available under the Efficiency Program.

(6) GRANT AMOUNTS.—Each small business development center selected to participate in the Efficiency Program under paragraph (4) shall be eligible to receive a grant in an amount equal to—

(A) not less than **$100,000** in each fiscal year; and

(B) not more than **$300,000** in each fiscal year.

(7) EVALUATION AND REPORT.—The Comptroller General of the United States shall—

(A) not later than 30 months after the date of disbursement of the first grant under the Efficiency Program, initiate an evaluation of that program; and

(B) not later than 6 months after the date of the initiation of the evaluation under subparagraph (A), submit to the Administrator, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives, a report containing—

(i) the results of the evaluation; and

(ii) any recommendations regarding whether the Efficiency Program, with or without modification, should be extended to include the participation of all small business development centers.

(8) GUARANTEE.—To the extent not inconsistent with State law, the Administrator may guarantee the timely payment of a loan made to a small business concern through an on-bill financing agreement on such terms and conditions as the Administrator shall establish through a formal rule making, after providing notice and an opportunity for comment.

(9) IMPLEMENTATION.—Subject to amounts approved in advance in appropriations Acts and separate from amounts approved to carry out section 21(a)(1) of the Small Business Act (15 U.S.C. 648(a)(1)), the Administrator may make grants or enter into cooperative agreements to carry out this subsection.

(10) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to make grants and enter into cooperative agreements to carry out this subsection.

(11) TERMINATION.—The authority under this subsection shall terminate 4 years after the date of disbursement of the first grant under the Efficiency Program.

(d) SMALL BUSINESS TELECOMMUTING.—

(1) PILOT PROGRAM.—

(A) IN GENERAL.—The Administrator shall conduct, in not more than 5 of the regions of the Administration, a pilot program to provide information regarding telecommuting to employers that are small business concerns and to encourage such employers to offer telecommuting options to employees.

(B) SPECIAL OUTREACH TO INDIVIDUALS WITH DISABILITIES.—In carrying out the Telecommuting Pilot Program, the Administrator shall make a concerted effort to provide information to—

(i) small business concerns owned by or employing individuals with disabilities, particularly veterans who are individuals with disabilities;

(ii) Federal, State, and local agencies having knowledge and expertise in assisting individuals with disabilities, including veterans who are individuals with disabilities; and

(iii) any group or organization, the primary purpose of which is to aid individuals with disabilities or veterans who are individuals with disabilities.

(C) PERMISSIBLE ACTIVITIES.—In carrying out the Telecommuting Pilot Program, the Administrator may—

(i) produce educational materials and conduct presentations designed to raise awareness in the small business community of the benefits and the ease of telecommuting;

(ii) conduct outreach—

(I) to small business concerns that are considering offering telecommuting options; and

(II) as provided in subparagraph (B); and

(iii) acquire telecommuting technologies and equipment to be used for demonstration purposes.

(D) SELECTION OF REGIONS.—In determining which regions will participate in the Telecommuting Pilot Program, the Administrator shall give priority consideration to regions in which Federal agencies and private-sector employers have demonstrated a strong regional commitment to telecommuting.

(2) REPORT TO CONGRESS.—Not later than 2 years after the date on which funds are first appropriated to carry out this subsection, the Administrator shall transmit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report containing the results of an evaluation of the Telecommuting Pilot Program and any recommendations regarding whether the pilot program, with or without modification, should be extended to include the participation of all regions of the Administration.

(3) TERMINATION.—The Telecommuting Pilot Program shall terminate 4 years after the date on which funds are first appropriated to carry out this subsection.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administration **$5,000,000** to carry out this subsection.

(e) ENCOURAGING INNOVATION IN ENERGY EFFICIENCY.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

"(z) ENCOURAGING INNOVATION IN ENERGY EFFICIENCY.—

"(1) FEDERAL AGENCY ENERGY-RELATED PRIORITY.—In carrying out its duties under this section relating to SBIR and STTR solicitations by Federal departments and agencies, the Administrator shall—

"(A) ensure that such departments and agencies give high priority to small business concerns that participate in or conduct energy efficiency or renewable energy system research and development projects; and

"(B) include in the annual report to Congress under subsection (b)(7) a determination of whether the priority described in subparagraph (A) is being carried out.

"(2) CONSULTATION REQUIRED.—The Administrator shall consult with the heads of other Federal departments and agencies in determining whether priority has been given to small business concerns that participate in or conduct energy efficiency or renewable energy system research and development projects, as required by this subsection.

"(3) GUIDELINES.—The Administrator shall, as soon as is practicable after the date of enactment of this subsection, issue guidelines and directives to assist Federal agencies in meeting the requirements of this subsection.

"(4) DEFINITIONS.—In this subsection—

"(A) the term 'biomass'—

"(i) means any organic material that is available on a renewable or recurring basis, including—

"(I) agricultural crops;

"(II) trees grown for energy production;

"(III) wood waste and wood residues;

"(IV) plants (including aquatic plants and grasses);

"(V) residues;

"(VI) fibers;

"(VII) animal wastes and other waste materials; and

"(VIII) fats, oils, and greases (including recycled fats, oils, and greases); and

"(ii) does not include—

"(I) paper that is commonly recycled; or

"(II) unsegregated solid waste;

"(B) the term 'energy efficiency project' means the installation or upgrading of equipment that results in a significant reduction in energy usage; and

"(C) the term 'renewable energy system' means a system of energy derived from—

"(i) a wind, solar, biomass (including biodiesel), or geothermal source; or

"(ii) hydrogen derived from biomass or water using an energy source described in clause (i).".

SEC. 1204. LARGER 504 LOAN LIMITS TO HELP BUSINESS DEVELOP ENERGY EFFICIENT TECHNOLOGIES AND PURCHASES.

(a) ELIGIBILITY FOR ENERGY EFFICIENCY PROJECTS.—Section 501(d)(3) of the Small Business Investment Act of 1958 (15 U.S.C. 695(d)(3)) is amended—

(1) in subparagraph (G) by striking "or" at the end;

(2) in subparagraph (H) by striking the period at the end and inserting a comma;

(3) by inserting after subparagraph (H) the following:

"(I) reduction of energy consumption by at least 10 percent,

"(J) increased use of sustainable design, including designs that reduce the use of greenhouse gas emitting fossil fuels, or low-impact design to produce buildings that reduce the use of non-renewable resources and minimize environmental impact, or

"(K) plant, equipment and process upgrades of renewable energy sources such as the small-scale production of energy for individual buildings or communities consumption, commonly known as micropower, or renewable fuels producers including biodiesel and ethanol producers."; and

(4) by adding at the end the following: "In subparagraphs (J) and (K), terms have the meanings given those terms under the Leadership in Energy and Environmental Design (LEED) standard for green building certification, as determined by the Administrator.".

(b) LOANS FOR PLANT PROJECTS USED FOR ENERGY-EFFICIENT PURPOSES.—Section 502(2)(A) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)(A)) is amended—

(1) in clause (ii) by striking "and" at the end;

(2) in clause (iii) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(iv) **$4,000,000** for each project that reduces the borrower's energy consumption by at least 10 percent; and

"(v) **$4,000,000** for each project that generates renewable energy or renewable fuels, such as biodiesel or ethanol production.".

SEC. 1205. ENERGY SAVING DEBENTURES.

(a) IN GENERAL.—Section 303 of the Small Business Investment Act of 1958 (15 U.S.C. 683) is amended by adding at the end the following:

"(k) ENERGY SAVING DEBENTURES.—In addition to any other authority under this Act, a small business investment company licensed in the first fiscal year after the date of enactment of this subsection or any fiscal year thereafter may issue Energy Saving debentures.".

(b) DEFINITIONS.—Section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662) is amended—

(1) in paragraph (16), by striking "and" at the end;

(2) in paragraph (17), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(18) the term 'Energy Saving debenture' means a deferred interest debenture that—

"(A) is issued at a discount;

"(B) has a 5-year maturity or a 10-year maturity;

"(C) requires no interest payment or annual charge for the first 5 years;

"(D) is restricted to Energy Saving qualified investments; and

"(E) is issued at no cost (as defined in section 502 of the Credit Reform Act of 1990) with respect to purchasing and guaranteeing the debenture; and

"(19) the term 'Energy Saving qualified investment' means investment in a small business concern that is primarily engaged in researching, manufacturing, developing, or providing products, goods, or services that reduce the use or consumption of non-renewable energy resources.".

SEC. 1206. INVESTMENTS IN ENERGY SAVING SMALL BUSINESSES.

(a) MAXIMUM LEVERAGE.—Section 303(b)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 303(b)(2)) is amended by adding at the end the following:

"(D) INVESTMENTS IN ENERGY SAVING SMALL BUSINESSES.—

"(i) IN GENERAL.—Subject to clause (ii), in calculating the outstanding leverage of a company for purposes of subparagraph (A), the Administrator shall exclude the amount of the cost basis of any Energy Saving qualified investment in a smaller enterprise made in the first fiscal year after the date of enactment of this subparagraph or any fiscal year thereafter by a company licensed in the applicable fiscal year.

"(ii) LIMITATIONS.—

"(I) AMOUNT OF EXCLUSION.—The amount excluded under clause (i) for a company shall not exceed 33 percent of the private capital of that company.

"(II) MAXIMUM INVESTMENT.—A company shall not make an Energy Saving qualified investment in any one entity in an amount equal to more than 20 percent of the private capital of that company.

"(III) OTHER TERMS.—The exclusion of amounts under clause (i) shall be subject to such terms as the Administrator may impose to ensure that there is no cost (as that term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) with respect to purchasing or guaranteeing any debenture involved.".

(b) MAXIMUM AGGREGATE AMOUNT OF LEVERAGE.—Section 303(b)(4) of the Small Business Investment Act of 1958 (15 U.S.C. 303(b)(4)) is amended by adding at the end the following:

"(E) INVESTMENTS IN ENERGY SAVING SMALL BUSINESSES.—

"(i) IN GENERAL.—Subject to clause (ii), in calculating the aggregate outstanding leverage of a company for purposes of subparagraph (A), the Administrator shall exclude the amount of the cost basis of any Energy Saving qualified investment in a smaller enterprise made in the first fiscal year after the date of enactment of this subparagraph or any fiscal year thereafter by a company licensed in the applicable fiscal year.

"(ii) LIMITATIONS.—

"(I) AMOUNT OF EXCLUSION.—The amount excluded under clause (i) for a company shall not exceed 33 percent of the private capital of that company.

"(II) MAXIMUM INVESTMENT.—A company shall not make an Energy Saving qualified investment in any one entity in an amount equal to more than 20 percent of the private capital of that company.

"(III) OTHER TERMS.—The exclusion of amounts under clause (i) shall be subject to such terms as the Administrator may impose to ensure that there is no cost (as that term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) with respect to purchasing or guaranteeing any debenture involved.".

SEC. 1207. RENEWABLE FUEL CAPITAL INVESTMENT COMPANY.

Title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.) is amended by adding at the end the following:

"PART C—RENEWABLE FUEL CAPITAL INVESTMENT PILOT PROGRAM

"SEC. 381. DEFINITIONS.

"In this part:

"(1) OPERATIONAL ASSISTANCE.—The term 'operational assistance' means management, marketing, and other technical assistance that assists a small business concern with business development.

"(2) PARTICIPATION AGREEMENT.—The term 'participation agreement' means an agreement, between the Administrator and a company granted final approval under section 384(e), that—

"(A) details the operating plan and investment criteria of the company; and

"(B) requires the company to make investments in smaller enterprises primarily engaged in researching, manufacturing, developing, producing, or bringing to market goods, products, or services that generate or support the production of renewable energy.

"(3) RENEWABLE ENERGY.—The term 'renewable energy' means energy derived from resources that are regenerative or that cannot be depleted, including solar, wind, ethanol, and biodiesel fuels.

"(4) RENEWABLE FUEL CAPITAL INVESTMENT COMPANY.—The term 'Renewable Fuel Capital Investment company' means a company—

"(A) that—

"(i) has been granted final approval by the Administrator under section 384(e); and

"(ii) has entered into a participation agreement with the Administrator; or

"(B) that has received conditional approval under section 384(c).

"(5) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States.

"(6) VENTURE CAPITAL.—The term 'venture capital' means capital in the form of equity capital investments, as that term is defined in section 303(g)(4).

"SEC. 382. PURPOSES.

"The purposes of the Renewable Fuel Capital Investment Program established under this part are—

"(1) to promote the research, development, manufacture, production, and bringing to market of goods, products, or services that generate or support the production of renewable energy by encouraging venture capital investments in smaller enterprises primarily engaged such activities; and

"(2) to establish a venture capital program, with the mission of addressing the unmet equity investment needs of smaller enterprises engaged in researching, developing, manufacturing, producing, and bringing to market goods, products, or services that generate or support the production of renewable energy, to be administered by the Administrator—

"(A) to enter into participation agreements with Renewable Fuel Capital Investment companies;

"(B) to guarantee debentures of Renewable Fuel Capital Investment companies to enable each such company to make venture capital investments in smaller enterprises engaged in the research, development, manufacture, production, and bringing to market of goods, products, or services that generate or support the production of renewable energy; and

"(C) to make grants to Renewable Fuel Investment Capital companies, and to other entities, for the purpose of providing operational assistance to smaller enterprises financed, or expected to be financed, by such companies.

"SEC. 383. ESTABLISHMENT.

"The Administrator shall establish a Renewable Fuel Capital Investment Program, under which the Administrator may—

"(1) enter into participation agreements for the purposes described in section 382; and

"(2) guarantee the debentures issued by Renewable Fuel Capital Investment companies as provided in section 385.

"SEC. 384. SELECTION OF RENEWABLE FUEL CAPITAL INVESTMENT COMPANIES.

"(a) ELIGIBILITY.—A company is eligible to apply to be designated as a Renewable Fuel Capital Investment company if the company—

"(1) is a newly formed for-profit entity or a newly formed for-profit subsidiary of an existing entity;

"(2) has a management team with experience in alternative energy financing or relevant venture capital financing; and

"(3) has a primary objective of investment in smaller enterprises that research, manufacture, develop, produce, or bring to market goods, products, or services that generate or support the production of renewable energy.

"(b) APPLICATION.—A company desiring to be designated as a Renewable Fuel Capital Investment company shall submit an application to the Administrator that includes—

"(1) a business plan describing how the company intends to make successful venture capital investments in smaller enterprises primarily engaged in the research, manufacture, development, production, or bringing to market of goods, products, or services that generate or support the production of renewable energy;

"(2) information regarding the relevant venture capital qualifications and general reputation of the management of the company;

"(3) a description of how the company intends to seek to address the unmet capital needs of the smaller enterprises served;

"(4) a proposal describing how the company intends to use the grant funds provided under this part to provide operational assistance to smaller enterprises financed by the company, including information regarding whether the company has employees with appropriate professional licenses or will contract with another entity when the services of such an individual are necessary;

"(5) with respect to binding commitments to be made to the company under this part, an estimate of the ratio of cash to in-kind contributions;

"(6) a description of whether and to what extent the company meets the criteria under subsection (c)(2) and the objectives of the program established under this part;

"(7) information regarding the management and financial strength of any parent firm, affiliated firm, or any other firm essential to the success of the business plan of the company; and

"(8) such other information as the Administrator may require.

"(c) CONDITIONAL APPROVAL.—

"(1) IN GENERAL.—From among companies submitting applications under subsection (b), the Administrator shall conditionally approve companies to operate as Renewable Fuel Capital Investment companies.

"(2) SELECTION CRITERIA.—In conditionally approving companies under paragraph (1), the Administrator shall consider—

"(A) the likelihood that the company will meet the goal of its business plan;

"(B) the experience and background of the management team of the company;

"(C) the need for venture capital investments in the geographic areas in which the company intends to invest;

"(D) the extent to which the company will concentrate its activities on serving the geographic areas in which it intends to invest;

"(E) the likelihood that the company will be able to satisfy the conditions under subsection (d);

"(F) the extent to which the activities proposed by the company will expand economic opportunities in the geographic areas in which the company intends to invest;

"(G) the strength of the proposal by the company to provide operational assistance under this part as the proposal relates to the ability of the company to meet applicable cash requirements and properly use in-kind contributions, including the use of resources for the services of licensed professionals, when necessary, whether provided by employees or contractors; and

"(H) any other factor determined appropriate by the Administrator.

"(3) NATIONWIDE DISTRIBUTION.—From among companies submitting applications under subsection (b), the Administrator shall consider the selection criteria under paragraph (2) and shall, to the maximum extent practicable, approve at least one company from each geographic region of the Administration.

"(d) REQUIREMENTS TO BE MET FOR FINAL APPROVAL.—

"(1) IN GENERAL.—The Administrator shall grant each conditionally approved company 2 years to satisfy the requirements of this subsection.

"(2) CAPITAL REQUIREMENT.—Each conditionally approved company shall raise not less than $3,000,000 of private capital or binding capital commitments from 1 or more investors (which shall not be departments or agencies of the Federal Government) who meet criteria established by the Administrator.

"(3) NONADMINISTRATION RESOURCES FOR OPERATIONAL ASSISTANCE.—

"(A) IN GENERAL.—In order to provide operational assistance to smaller enterprises expected to be financed by the company, each conditionally approved company shall have binding commitments (for contribution in cash or in-kind)—

"(i) from sources other than the Administration that meet criteria established by the Administrator; and

"(ii) payable or available over a multiyear period determined appropriate by the Administrator (not to exceed 10 years).

"(B) EXCEPTION.—The Administrator may, in the discretion of the Administrator and based upon a showing of special circumstances and good cause, consider an applicant to have satisfied the requirements of subparagraph (A) if the applicant has—

"(i) a viable plan that reasonably projects the capacity of the applicant to raise the amount (in cash or in-kind) required under subparagraph (A); and

"(ii) binding commitments in an amount equal to not less than 20 percent of the total amount required under paragraph (A).

"(C) LIMITATION.—The total amount of a in-kind contributions by a company shall be not more than 50 percent of the total contributions by a company.

"(e) FINAL APPROVAL; DESIGNATION.—The Administrator shall, with respect to each applicant conditionally approved under subsection (c)—

"(1) grant final approval to the applicant to operate as a Renewable Fuel Capital Investment company under this part and designate the applicant as such a company, if the applicant—

"(A) satisfies the requirements of subsection (d) on or before the expiration of the time period described in that subsection; and

"(B) enters into a participation agreement with the Administrator; or

"(2) if the applicant fails to satisfy the requirements of subsection (d) on or before the expiration of the time period described in paragraph (1) of that subsection, revoke the conditional approval granted under that subsection.

"SEC. 385. DEBENTURES.

"(a) IN GENERAL.—The Administrator may guarantee the timely payment of principal and interest, as scheduled, on debentures issued by any Renewable Fuel Capital Investment company.

"(b) TERMS AND CONDITIONS.—The Administrator may make guarantees under this section on such terms and conditions as it determines appropriate, except that—

"(1) the term of any debenture guaranteed under this section shall not exceed 15 years; and

"(2) a debenture guaranteed under this section—

"(A) shall carry no front-end or annual fees;

"(B) shall be issued at a discount;

"(C) shall require no interest payments during the 5-year period beginning on the date the debenture is issued;

"(D) shall be prepayable without penalty after the end of the 1-year period beginning on the date the debenture is issued; and

"(E) shall require semiannual interest payments after the period described in subparagraph (C).

"(c) FULL FAITH AND CREDIT OF THE UNITED STATES.—The full faith and credit of the United States is pledged to pay all amounts that may be required to be paid under any guarantee under this part.

"(d) MAXIMUM GUARANTEE.—

"(1) IN GENERAL.—Under this section, the Administrator may guarantee the debentures issued by a Renewable Fuel Capital Investment company only to the extent that the total face amount of outstanding guaranteed debentures of such company does not exceed 150 percent of the private capital of the company, as determined by the Administrator.

"(2) TREATMENT OF CERTAIN FEDERAL FUNDS.—For the purposes of paragraph (1), private capital shall include capital that is considered to be Federal funds, if such capital is contributed by an investor other than a department or agency of the Federal Government.

"SEC. 386. ISSUANCE AND GUARANTEE OF TRUST CERTIFICATES.

"(a) ISSUANCE.—The Administrator may issue trust certificates representing ownership of all or a fractional part of debentures issued by a Renewable Fuel Capital Investment company and guaranteed by the Administrator under this part, if such certificates are based on and backed by a trust or pool approved by the Administrator and composed solely of guaranteed debentures.

"(b) GUARANTEE.—

"(1) IN GENERAL.—The Administrator may, under such terms and conditions as it determines appropriate, guarantee the timely payment of the principal of and interest on trust certificates issued by the Administrator or its agents for purposes of this section.

"(2) LIMITATION.—Each guarantee under this subsection shall be limited to the extent of principal and interest on the guaranteed debentures that compose the trust or pool.

"(3) PREPAYMENT OR DEFAULT.—If a debenture in a trust or pool is prepaid, or in the event of default of such a debenture, the guarantee of timely payment of principal and interest on the trust certificates shall be reduced in proportion to the amount of principal and interest such prepaid debenture represents in the trust or pool. Interest on prepaid or defaulted debentures shall accrue and be guaranteed by the Administrator only through the date of payment of the guarantee. At any time during its term, a trust certificate may be called for redemption due to prepayment or default of all debentures.

"(c) FULL FAITH AND CREDIT OF THE UNITED STATES.—The full faith and credit of the United States is pledged to pay all amounts that may be required to be paid under any guarantee of a trust certificate issued by the Administrator or its agents under this section.

"(d) FEES.—The Administrator shall not collect a fee for any guarantee of a trust certificate under this section, but any agent of the Administrator may collect a fee approved by the Administrator for the functions described in subsection (f)(2).

"(e) SUBROGATION AND OWNERSHIP RIGHTS.—

"(1) SUBROGATION.—If the Administrator pays a claim under a guarantee issued under this section, it shall be subrogated fully to the rights satisfied by such payment.

"(2) OWNERSHIP RIGHTS.—No Federal, State, or local law shall preclude or limit the exercise by the Administrator of its ownership rights in the debentures residing in a trust or pool against which trust certificates are issued under this section.

"(f) MANAGEMENT AND ADMINISTRATION.—

"(1) REGISTRATION.—The Administrator may provide for a central registration of all trust certificates issued under this section.

"(2) CONTRACTING OF FUNCTIONS.—

"(A) IN GENERAL.—The Administrator may contract with an agent or agents to carry out on behalf of the Administrator the pooling and the central registration functions provided for in this section, including, notwithstanding any other provision of law—

"(i) maintenance, on behalf of and under the direction of the Administrator, of such commercial bank accounts or investments in obligations of the United States as may be necessary to facilitate the creation of trusts or pools backed by debentures guaranteed under this part; and “(ii) the issuance of trust certificates to facilitate the creation of such trusts or pools.

“(B) Fidelity bond or insurance requirement.—Any agent performing functions on behalf of the Administrator under this paragraph shall provide a fidelity bond or insurance in such amounts as the Administrator determines to be necessary to fully protect the interests of the United States.

“(3) Regulation of brokers and dealers.—The Administrator may regulate brokers and dealers in trust certificates issued under this section.

“(4) Electronic registration.—Nothing in this subsection may be construed to prohibit the use of a book-entry or other electronic form of registration for trust certificates issued under this section.

“SEC. 387. FEES.

“(a) In General.—Except as provided in section 386(d), the Administrator may charge such fees as it determines appropriate with respect to any guarantee or grant issued under this part, in an amount established annually by the Administrator, as necessary to reduce to zero the cost (as defined in section 502 of the Federal Credit Reform Act of 1990) to the Administration of purchasing and guaranteeing debentures under this part, which amounts shall be paid to and retained by the Administration.

“(b) Offset.—The Administrator may, as provided by section 388, offset fees charged and collected under subsection (a).

“SEC. 388. FEE CONTRIBUTION.

“(a) In General.—To the extent that amounts are made available to the Administrator for the purpose of fee contributions, the Administrator shall contribute to fees paid by the Renewable Fuel Capital Investment companies under section 387.

“(b) Annual Adjustment.—Each fee contribution under subsection (a) shall be effective for 1 fiscal year and shall be adjusted as necessary for each fiscal year thereafter to ensure that amounts under subsection (a) are fully used. The fee contribution for a fiscal year shall be based on the outstanding commitments made and the guarantees and grants that the Administrator projects will be made during that fiscal year, given the program level authorized by law for that fiscal year and any other factors that the Administrator determines appropriate.

“SEC. 389. OPERATIONAL ASSISTANCE GRANTS.

“(a) In General.—

“(1) Authority.—The Administrator may make grants to Renewable Fuel Capital Investment companies to provide operational assistance to smaller enterprises financed, or expected to be financed, by such companies or other entities.

“(2) Terms.—A grant under this subsection shall be made over a multiyear period not to exceed 10 years, under such other terms as the Administrator may require.

“(3) Grant amount.—The amount of a grant made under this subsection to a Renewable Fuel Capital Investment company shall be equal to the lesser of—

“(A) 10 percent of the resources (in cash or in kind) raised by the company under section 384(d)(2); or

“(B) $1,000,000.

“(4) Pro rata reductions.—If the amount made available to carry out this section is insufficient for the Administrator to provide grants in the amounts provided for in paragraph (3), the Administrator shall make pro rata reductions in the amounts otherwise payable to each company and entity under such paragraph.

“(5) Grants to conditionally approved companies.—

“(A) In general.—Subject to subparagraphs (B) and (C), upon the request of a company conditionally approved under section 384(c), the Administrator shall make a grant to the company under this subsection.

“(B) Repayment by companies not approved.—If a company receives a grant under this paragraph and does not enter into a participation agreement for final approval, the company shall, subject to controlling Federal law, repay the amount of the grant to the Administrator.

“(C) Deduction of grant to approved company.—If a company receives a grant under this paragraph and receives final approval under section 384(e), the Administrator shall deduct the amount of the grant from the total grant amount the company receives for operational assistance.

“(D) Amount of grant.—No company may receive a grant of more than $100,000 under this paragraph.

“(b) Supplemental Grants.—

“(1) In general.—The Administrator may make supplemental grants to Renewable Fuel Capital Investment companies and to other entities, as authorized by this part, under such terms as the Administrator may require, to provide additional operational assistance to smaller enterprises financed, or expected to be financed, by the companies.

“(2) Matching requirement.—The Administrator may require, as a condition of any supplemental grant made under this subsection, that the company or entity receiving the grant provide from resources (in a cash or in kind), other then those provided by the Administrator, a matching contribution equal to the amount of the supplemental grant.

“(c) Limitation.—None of the assistance made available under this section may be used for any overhead or general and administrative expense of a Renewable Fuel Capital Investment company.

“SEC. 390. BANK PARTICIPATION.

“(a) In General.—Except as provided in subsection (b), any national bank, any member bank of the Federal Reserve System, and (to the extent permitted under applicable State law) any insured bank that is not a member of such system, may invest in any Renewable Fuel Capital Investment company, or in any entity established to invest solely in Renewable Fuel Capital Investment companies.

“(b) Limitation.—No bank described in subsection (a) may make investments described in such subsection that are greater than 5 percent of the capital and surplus of the bank.

“SEC. 391. FEDERAL FINANCING BANK.

“Notwithstanding section 318, the Federal Financing Bank may acquire a debenture issued by a Renewable Fuel Capital Investment company under this part.

“SEC. 392. REPORTING REQUIREMENT.

“Each Renewable Fuel Capital Investment company that participates in the program established under this part shall provide to the Administrator such information as the Administrator may require, including—

“(1) information related to the measurement criteria that the company proposed in its program application; and

“(2) in each case in which the company makes, under this part, an investment in, or a loan or a grant to, a business that is not primarily engaged in the research, development, manufacture, or bringing to market or renewable energy sources, a report on the nature, origin, and revenues of the business in which investments are made.

“SEC. 393. EXAMINATIONS.

“(a) In General.—Each Renewable Fuel Capital Investment company that participates in the program established under this part shall be subject to examinations made at the direction of the Investment Division of the Administration in accordance with this section.

“(b) Assistance of Private Sector Entities.—Examinations under this section may be conducted with the assistance of a private sector entity that has both the qualifications and the expertise necessary to conduct such examinations.

“(c) Costs.—

“(1) Assessment.—

“(A) In general.—The Administrator may assess the cost of examinations under this section, including compensation of the examiners, against the company examined.

“(B) Payment.—Any company against which the Administrator assesses costs under this paragraph shall pay such costs.

“(2) Deposit of funds.—Funds collected under this section shall be deposited in the account for salaries and expenses of the Administration.

“SEC. 394. MISCELLANEOUS.

“To the extent such procedures are not inconsistent with the requirements of this part, the Administrator may take such action as set forth in sections 309, 311, 312, and 314 and an officer, director, employee, agent, or other participant in the management or conduct of the affairs of a Renewable Fuel Capital Investment company shall be subject to the requirements of such sections.

“SEC. 395. REMOVAL OR SUSPENSION OF DIRECTORS OR OFFICERS.

“Using the procedures for removing or suspending a director or an officer of a licensee set forth in section 313 (to the extent such procedures are not inconsistent with the requirements of this part), the Administrator may remove or suspend any director or officer of any Renewable Fuel Capital Investment company.

“SEC. 396. REGULATIONS.

“The Administrator may issue such regulations as the Administrator determines necessary to carry out the provisions of this part in accordance with its purposes.

“SEC. 397. AUTHORIZATIONS OF APPROPRIATIONS.

“(a) In General.—Subject to the availability of appropriations, the Administrator is authorized to make $15,000,000 in operational assistance grants under section 389 for each of fiscal years 2008 and 2009.

“(b) Funds Collected for Examinations.—Funds deposited under section 393(c)(2) are authorized to be appropriated only for the costs of examinations under section 393 and for the costs of other oversight activities with respect to the program established under this part.

“SEC. 398. TERMINATION.

“The program under this part shall terminate at the end of the second full fiscal year after the date that the Administrator establishes the program under this part.”.

SEC. 1208. STUDY AND REPORT.

The Administrator of the Small Business Administration shall conduct a study of the Renewable Fuel Capital Investment Program under part C of title III of the Small Business Investment Act of 1958, as added by this Act. Not later than 3 years after the date of enactment of this Act, the Administrator shall complete the study under this section and submit to Congress a report regarding the results of the study.

TITLE XIII—SMART GRID

SEC. 1301. STATEMENT OF POLICY ON MODERNIZATION OF ELECTRICITY GRID.

It is the policy of the United States to support the modernization of the Nation's electricity transmission and distribution system to maintain a reliable and secure electricity infrastructure that can meet future demand growth and to achieve each of the following, which together characterize a Smart Grid:

(1) Increased use of digital information and controls technology to improve reliability, security, and efficiency of the electric grid.

(2) Dynamic optimization of grid operations and resources, with full cyber-security.

(3) Deployment and integration of distributed resources and generation, including renewable resources.

(4) Development and incorporation of demand response, demand-side resources, and energy-efficiency resources.

(5) Deployment of "smart" technologies (real-time, automated, interactive technologies that optimize the physical operation of appliances and consumer devices) for metering, communications concerning grid operations and status, and distribution automation.

(6) Integration of "smart" appliances and consumer devices.

(7) Deployment and integration of advanced electricity storage and peak-shaving technologies, including plug-in electric and hybrid electric vehicles, and thermal-storage air conditioning.

(8) Provision to consumers of timely information and control options.

(9) Development of standards for communication and interoperability of appliances and equipment connected to the electric grid, including the infrastructure serving the grid.

(10) Identification and lowering of unreasonable or unnecessary barriers to adoption of smart grid technologies, practices, and services.

SEC. 1302. SMART GRID SYSTEM REPORT.

The Secretary, acting through the Assistant Secretary of the Office of Electricity Delivery and Energy Reliability (referred to in this section as the "OEDER") and through the Smart Grid Task Force established in section 1303, shall, after consulting with any interested individual or entity as appropriate, no later than one year after enactment, and every two years thereafter, report to Congress concerning the status of smart grid deployments nationwide and any regulatory or government barriers to continued deployment. The report shall provide the current status and prospects of smart grid development, including information on technology penetration, communications network capabilities, costs, and obstacles. It may include recommendations for State and Federal policies or actions helpful to facilitate the transition to a smart grid. To the extent appropriate, it should take a regional perspective. In preparing this report, the Secretary shall solicit advice and contributions from the Smart Grid Advisory Committee created in section 1303; from other involved Federal agencies including but not limited to the Federal Energy Regulatory Commission ("Commission"), the National Institute of Standards and Technology ("Institute"), and the Department of Homeland Security; and from other stakeholder groups not already represented on the Smart Grid Advisory Committee.

SEC. 1303. SMART GRID ADVISORY COMMITTEE AND SMART GRID TASK FORCE.

(a) SMART GRID ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—The Secretary shall establish, within 90 days of enactment of this Part, a Smart Grid Advisory Committee (either as an independent entity or as a designated sub-part of a larger advisory committee on electricity matters). The Smart Grid Advisory Committee shall include eight or more members appointed by the Secretary who have sufficient experience and expertise to represent the full range of smart grid technologies and services, to represent both private and non-Federal public sector stakeholders. One member shall be appointed by the Secretary to Chair the Smart Grid Advisory Committee.

(2) MISSION.—The mission of the Smart Grid Advisory Committee shall be to advise the Secretary, the Assistant Secretary, and other relevant Federal officials concerning the development of smart grid technologies, the progress of a national transition to the use of smart-grid technologies and services, the evolution of widely-accepted technical and practical standards and protocols to allow interoperability and inter-communication among smart-grid capable devices, and the optimum means of using Federal incentive authority to encourage such progress.

(3) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Smart Grid Advisory Committee.

(b) SMART GRID TASK FORCE.—

(1) ESTABLISHMENT.—The Assistant Secretary of the Office of Electricity Delivery and Energy Reliability shall establish, within 90 days of enactment of this Part, a Smart Grid Task Force composed of designated employees from the various divisions of that office who have responsibilities related to the transition to smart-grid technologies and practices. The Assistant Secretary or his designee shall be identified as the Director of the Smart Grid Task Force. The Chairman of the Federal Energy Regulatory Commission and the Director of the National Institute of Standards and Technology shall each designate at least one employee to participate on the Smart Grid Task Force. Other members may come from other agencies at the invitation of the Assistant Secretary or the nomination of the head of such other agency. The Smart Grid Task Force shall, without disrupting the work of the Divisions or Offices from which its members are drawn, provide an identifiable Federal entity to embody the Federal role in the national transition toward development and use of smart grid technologies.

(2) MISSION.—The mission of the Smart Grid Task Force shall be to insure awareness, coordination and integration of the diverse activities of the Office and elsewhere in the Federal government related to smart-grid technologies and practices, including but not limited to: smart grid research and development; development of widely accepted smart-grid standards and protocols; the relationship of smart-grid technologies and practices to electric utility regulation; the relationship of smart-grid technologies and practices to infrastructure development, system reliability and security; and the relationship of smart-grid technologies and practices to other facets of electricity supply, demand, transmission, distribution, and policy. The Smart Grid Task Force shall collaborate with the Smart Grid Advisory Committee and other Federal agencies and offices. The Smart Grid Task Force shall meet at the call of its Director as necessary to accomplish its mission.

(c) AUTHORIZATION.—There are authorized to be appropriated for the purposes of this section such sums as are necessary to the Secretary to support the operations of the Smart Grid Advisory Committee and Smart Grid Task Force for each of fiscal years 2008 through 2020.

SEC. 1304. SMART GRID TECHNOLOGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION.

(a) POWER GRID DIGITAL INFORMATION TECHNOLOGY.—The Secretary, in consultation with the Federal Energy Regulatory Commission and other appropriate agencies, electric utilities, the States, and other stakeholders, shall carry out a program—

(1) to develop advanced techniques for measuring peak load reductions and energy-efficiency savings from smart metering, demand response, distributed generation, and electricity storage systems;

(2) to investigate means for demand response, distributed generation, and storage to provide ancillary services;

(3) to conduct research to advance the use of wide-area measurement and control networks, including data mining, visualization, advanced computing, and secure and dependable communications in a highly-distributed environment;

(4) to test new reliability technologies, including those concerning communications network capabilities, in a grid control room environment against a representative set of local outage and wide area blackout scenarios;

(5) to identify communications network capacity needed to implement advanced technologies.

(6) to investigate the feasibility of a transition to time-of-use and real-time electricity pricing;

(7) to develop algorithms for use in electric transmission system software applications;

(8) to promote the use of underutilized electricity generation capacity in any substitution of electricity for liquid fuels in the transportation system of the United States; and

(9) in consultation with the Federal Energy Regulatory Commission, to propose interconnection protocols to enable electric utilities to access electricity stored in vehicles to help meet peak demand loads.

(b) SMART GRID REGIONAL DEMONSTRATION INITIATIVE.—

(1) IN GENERAL.—The Secretary shall establish a smart grid regional demonstration initiative (referred to in this subsection as the "Initiative") composed of demonstration projects specifically focused on advanced technologies for use in power grid sensing, communications, analysis, and power flow control. The Secretary shall seek to leverage existing smart grid deployments.

(2) GOALS.—The goals of the Initiative shall be—

(A) to demonstrate the potential benefits of concentrated investments in advanced grid technologies on a regional grid;

(B) to facilitate the commercial transition from the current power transmission and distribution system technologies to advanced technologies;

(C) to facilitate the integration of advanced technologies in existing electric networks to improve system performance, power flow control, and reliability;

(D) to demonstrate protocols and standards that allow for the measurement and validation of the energy savings and fossil fuel emission reductions associated with the installation and use of energy efficiency and demand response technologies and practices; and

(E) to investigate differences in each region and regulatory environment regarding best practices in implementing smart grid technologies.

(3) DEMONSTRATION PROJECTS.—

(A) IN GENERAL.—In carrying out the initiative, the Secretary shall carry out smart grid demonstration projects in up to 5 electricity control areas, including rural areas and at least 1 area in which the majority of generation and transmission assets are controlled by a tax-exempt entity.

(B) COOPERATION.—A demonstration project under subparagraph (A) shall be carried out in cooperation with the electric utility that owns the grid facilities in the electricity control area in which the demonstration project is carried out.

(C) FEDERAL SHARE OF COST OF TECHNOLOGY INVESTMENTS.—The Secretary shall provide to an electric utility described in subparagraph (B) financial assistance for use in paying an amount equal to not more than 50 percent of the cost of qualifying advanced grid technology investments made by the electric utility to carry out a demonstration project.

(D) INELIGIBILITY FOR GRANTS.—No person or entity participating in any demonstration project conducted under this subsection shall be eligible for grants under section 1306 for otherwise qualifying investments made as part of that demonstration project.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) to carry out subsection (a), such sums as are necessary for each of fiscal years 2008 through 2012; and

(2) to carry out subsection (b), $100,000,000 for each of fiscal years 2008 through 2012.

SEC. 1305. SMART GRID INTEROPERABILITY FRAMEWORK.

(a) INTEROPERABILITY FRAMEWORK.—The Director of the National Institute of Standards and Technology shall have primary responsibility to coordinate the development of a framework that includes protocols and model standards for information management to achieve interoperability of smart grid devices and systems. Such protocols and standards shall further align policy, business, and technology approaches in a manner that would enable all electric resources, including demand-side resources, to contribute to an efficient, reliable electricity network. In developing such protocols and standards—

(1) the Director shall seek input and cooperation from the Commission, OEDER and its Smart Grid Task Force, the Smart Grid Advisory Committee, other relevant Federal and State agencies; and

(2) the Director shall also solicit input and cooperation from private entities interested in such protocols and standards, including but not limited to the Gridwise Architecture Council, the International Electrical and Electronics Engineers, the National Electric Reliability Organization recognized by the Federal Energy Regulatory Commission, and National Electrical Manufacturer's Association.

(b) SCOPE OF FRAMEWORK.—The framework developed under subsection (a) shall be flexible, uniform and technology neutral, including but not limited to technologies for managing smart grid information, and designed—

(1) to accommodate traditional, centralized generation and transmission resources and consumer distributed resources, including distributed generation, renewable generation, energy storage, energy efficiency, and demand response and enabling devices and systems;

(2) to be flexible to incorporate—

(A) regional and organizational differences; and

(B) technological innovations;

(3) to consider the use of voluntary uniform standards for certain classes of mass-produced electric appliances and equipment for homes and businesses that enable customers, at their election and consistent with applicable State and Federal laws, and are manufactured with the ability to respond to electric grid emergencies and demand response signals by curtailing all, or a portion of, the electrical power consumed by the appliances or equipment in response to an emergency or demand response signal, including through—

(A) load reduction to reduce total electrical demand;

(B) adjustment of load to provide grid ancillary services; and

(C) in the event of a reliability crisis that threatens an outage, short-term load shedding to help preserve the stability of the grid; and

(4) such voluntary standards should incorporate appropriate manufacturer lead time.

(c) TIMING OF FRAMEWORK DEVELOPMENT.—The Institute shall begin work pursuant to this section within 60 days of enactment. The Institute shall provide and publish an initial report on progress toward recommended or consensus standards and protocols within one year after enactment, further reports at such times as developments warrant in the judgment of the Institute, and a final report when the Institute determines that the work is completed or that a Federal role is no longer necessary.

(d) STANDARDS FOR INTEROPERABILITY IN FEDERAL JURISDICTION.—At any time after the Institute's work has led to sufficient consensus in the Commission's judgment, the Commission shall institute a rulemaking proceeding to adopt such standards and protocols as may be necessary to insure smart-grid functionality and interoperability in interstate transmission of electric power, and regional and wholesale electricity markets.

(e) AUTHORIZATION.—There are authorized to be appropriated for the purposes of this section $5,000,000 to the Institute to support the activities required by this subsection for each of fiscal years 2008 through 2012.

SEC. 1306. FEDERAL MATCHING FUND FOR SMART GRID INVESTMENT COSTS.

(a) MATCHING FUND.—The Secretary shall establish a Smart Grid Investment Matching Grant Program to provide reimbursement of one-fifth (20 percent) of qualifying Smart Grid investments.

(b) QUALIFYING INVESTMENTS.—Qualifying Smart Grid investments may include any of the following made on or after the date of enactment of this Act:

(1) In the case of appliances covered for purposes of establishing energy conservation standards under part B of title III of the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6291 et seq.), the documented expenditures incurred by a manufacturer of such appliances associated with purchasing or designing, creating the ability to manufacture, and manufacturing and installing for one calendar year, internal devices that allow the appliance to engage in Smart Grid functions.

(2) In the case of specialized electricity-using equipment, including motors and drivers, installed in industrial or commercial applications, the documented expenditures incurred by its owner or its manufacturer of installing devices or modifying that equipment to engage in Smart Grid functions.

(3) In the case of transmission and distribution equipment fitted with monitoring and communications devices to enable smart grid functions, the documented expenditures incurred by the electric utility to purchase and install such monitoring and communications devices.

(4) In the case of metering devices, sensors, control devices, and other devices integrated with and attached to an electric utility system or retail distributor or marketer of electricity that are capable of engaging in Smart Grid functions, the documented expenditures incurred by the electric utility, distributor, or marketer and its customers to purchase and install such devices.

(5) In the case of software that enables devices or computers to engage in Smart Grid functions, the documented purchase costs of the software.

(6) In the case of entities that operate or coordinate operations of regional electric grids, the documented expenditures for purchasing and installing such equipment that allows Smart Grid functions to operate and be combined or coordinated among multiple electric utilities and between that region and other regions.

(7) In the case of persons or entities other than electric utilities owning and operating a distributed electricity generator, the documented expenditures of enabling that generator to be monitored, controlled, or otherwise integrated into grid operations and electricity flows on the grid utilizing Smart Grid functions.

(8) In the case of electric or hybrid-electric vehicles, the documented expenses for devices that allow the vehicle to engage in Smart Grid functions (but not the costs of electricity storage for the vehicle).

(9) The documented expenditures related to purchasing and implementing Smart Grid functions in such other cases as the Secretary shall identify. In making such grants, the Secretary shall seek to reward innovation and early adaptation, even if success is not complete, rather than deployment of proven and commercially viable technologies.

(c) INVESTMENTS NOT INCLUDED.—Qualifying Smart Grid investments do not include any of the following:

(1) Investments or expenditures for Smart Grid technologies, devices, or equipment that are eligible for specific tax credits or deductions under the Internal Revenue Code, as amended.

(2) Expenditures for electricity generation, transmission, or distribution infrastructure or equipment not directly related to enabling Smart Grid functions.

(3) After the final date for State consideration of the Smart Grid Information Standard under section 1307 (paragraph (17) of section 111(d) of the Public Utility Regulatory Policies Act of 1978), an investment that is not in compliance with such standard.

(4) After the development and publication by the Institute of protocols and model standards for interoperability of smart grid devices and technologies, an investment that fails to incorporate any of such protocols or model standards.

(5) Expenditures for physical interconnection of generators or other devices to the grid except those that are directly related to enabling Smart Grid functions.

(6) Expenditures for ongoing salaries, benefits, or personnel costs not incurred in the initial installation, training, or start up of smart grid functions.

(7) Expenditures for travel, lodging, meals or other personal costs.

(8) Ongoing or routine operation, billing, customer relations, security, and maintenance expenditures.

(9) Such other expenditures that the Secretary determines not to be Qualifying Smart Grid Investments by reason of the lack of the ability to perform Smart Grid functions or lack of direct relationship to Smart Grid functions.

(d) SMART GRID FUNCTIONS.—The term "smart grid functions" means any of the following:

(1) The ability to develop, store, send and receive digital information concerning electricity use, costs, prices, time of use, nature of use, storage, or other information relevant to device, grid, or utility operations, to or from or by means of the electric utility system, through one or a combination of devices and technologies.

(2) The ability to develop, store, send and receive digital information concerning electricity use, costs, prices, time of use, nature of use, storage, or other information relevant to device, grid, or utility operations to or from a computer or other control device.

(3) The ability to measure or monitor electricity use as a function of time of day, power quality characteristics such as voltage level, current, cycles per second, or source or type of generation and to store, synthesize or report that information by digital means.

(4) The ability to sense and localize disruptions or changes in power flows on the grid and communicate such information instantaneously and automatically for purposes of enabling automatic protective responses to sustain reliability and security of grid operations.

(5) The ability to detect, prevent, communicate with regard to, respond to, or recover from system security threats, including cyber-security threats and terrorism, using digital information, media, and devices.

(6) The ability of any appliance or machine to respond to such signals, measurements, or communications automatically or in a manner programmed by its owner or operator without independent human intervention.

(7) The ability to use digital information to operate functionalities on the electric utility grid that were previously electro-mechanical or manual.

(8) The ability to use digital controls to manage and modify electricity demand, enable congestion management, assist in voltage control, provide operating reserves, and provide frequency regulation.

(9) Such other functions as the Secretary may identify as being necessary or useful to the operation of a Smart Grid.

(e) The Secretary shall—

(1) establish and publish in the Federal Register, within one year after the enactment of this Act procedures by which applicants who have made qualifying Smart Grid investments can seek and obtain reimbursement of one-fifth of their documented expenditures;

(2) establish procedures to ensure that there is no duplication or multiple reimbursement for the same investment or costs, that the reimbursement goes to the party making the actual expenditures for Qualifying Smart Grid Investments, and that the grants made have significant effect in encouraging and facilitating the development of a smart grid;

(3) maintain public records of reimbursements made, recipients, and qualifying Smart Grid investments which have received reimbursements;

(4) establish procedures to provide, in cases deemed by the Secretary to be warranted, advance payment of moneys up to the full amount of the projected eventual reimbursement, to creditworthy applicants whose ability to make Qualifying Smart Grid Investments may be hindered by lack of initial capital, in lieu of any later reimbursement for which that applicant qualifies, and subject to full return of the advance payment in the event that the Qualifying Smart Grid investment is not made; and

(5) have and exercise the discretion to deny grants for investments that do not qualify in the reasonable judgment of the Secretary.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary for the administration of this section and the grants to be made pursuant to this section for fiscal years 2008 through 2012.

SEC. 1307. STATE CONSIDERATION OF SMART GRID.

(a) Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

"(16) CONSIDERATION OF SMART GRID INVESTMENTS.—

"(A) IN GENERAL.—Each State shall consider requiring that, prior to undertaking investments in nonadvanced grid technologies, an electric utility of the State demonstrate to the State that the electric utility considered an investment in a qualified smart grid system based on appropriate factors, including—

"(i) total costs;

"(ii) cost-effectiveness;

"(iii) improved reliability;

"(iv) security;

"(v) system performance; and

"(vi) societal benefit.

"(B) RATE RECOVERY.—Each State shall consider authorizing each electric utility of the State to recover from ratepayers any capital, operating expenditure, or other costs of the electric utility relating to the deployment of a qualified smart grid system, including a reasonable rate of return on the capital expenditures of the electric utility for the deployment of the qualified smart grid system.

"(C) OBSOLETE EQUIPMENT.—Each State shall consider authorizing any electric utility or other party of the State to deploy a qualified smart grid system to recover in a timely manner the remaining book-value costs of any equipment rendered obsolete by the deployment of the qualified smart grid system, based on the remaining depreciable life of the obsolete equipment.

"(17) SMART GRID INFORMATION.—

"(A) STANDARD.—All electricity purchasers shall be provided direct access, in written or electronic machine-readable form as appropriate, to information from their electricity provider as provided in subparagraph (B).

"(B) INFORMATION.—Information provided under this section, to the extent practicable, shall include:

"(i) PRICES.—Purchasers and other interested persons shall be provided with information on—

"(I) time-based electricity prices in the wholesale electricity market; and

"(II) time-based electricity retail prices or rates that are available to the purchasers.

"(ii) USAGE.—Purchasers shall be provided with the number of electricity units, expressed in kwh, purchased by them.

"(iii) INTERVALS AND PROJECTIONS.—Updates of information on prices and usage shall be offered on not less than a daily basis, shall include hourly price and use information, where available, and shall include a day-ahead projection of such price information to the extent available.

"(iv) SOURCES.—Purchasers and other interested persons shall be provided annually with written information on the sources of the power provided by the utility, to the extent it can be determined, by type of generation, including greenhouse gas emissions associated with each type of generation, for intervals during which such information is available on a cost-effective basis.

"(C) ACCESS.—Purchasers shall be able to access their own information at any time through the internet and on other means of communication elected by that utility for Smart Grid applications. Other interested persons shall be able to access information not specific to any purchaser through the Internet. Information specific to any purchaser shall be provided solely to that purchaser.".

(b) COMPLIANCE.—

(1) TIME LIMITATIONS.—Section 112(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(b)) is amended by adding the following at the end thereof:

"(6)(A) Not later than 1 year after the enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) and each nonregulated utility shall commence the consideration referred to in section 111, or set a hearing date for consideration, with respect to the standards established by paragraphs (17) through (18) of section 111(d).

"(B) Not later than 2 years after the date of the enactment of the this paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority), and each nonregulated electric utility, shall complete the consideration, and shall make the determination, referred to in section 111 with respect to each standard established by paragraphs (17) through (18) of section 111(d).".

(2) FAILURE TO COMPLY.—Section 112(c) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(c)) is amended by adding the following at the end:

"In the case of the standards established by paragraphs (16) through (19) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of such paragraphs.".

(3) PRIOR STATE ACTIONS.—Section 112(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(d)) is amended by inserting "and paragraphs (17) through (18)" before "of section 111(d)".

SEC. 1308. STUDY OF THE EFFECT OF PRIVATE WIRE LAWS ON THE DEVELOPMENT OF COMBINED HEAT AND POWER FACILITIES.

(a) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the States and other appropriate entities, shall conduct a study of the laws (including regulations) affecting the siting of privately owned electric distribution wires on and across public rights-of-way.

(2) REQUIREMENTS.—The study under paragraph (1) shall include—

(A) an evaluation of—

(i) the purposes of the laws; and

(ii) the effect the laws have on the development of combined heat and power facilities;

(B) a determination of whether a change in the laws would have any operating, reliability, cost, or other impacts on electric utilities and the customers of the electric utilities; and

(C) an assessment of—

(i) whether privately owned electric distribution wires would result in duplicative facilities; and

(ii) whether duplicative facilities are necessary or desirable.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the results of the study conducted under subsection (a).

SEC. 1309. DOE STUDY OF SECURITY ATTRIBUTES OF SMART GRID SYSTEMS.

(a) DOE STUDY.—The Secretary shall, within 18 months after the date of enactment of this Act, submit a report to Congress that provides a quantitative assessment and determination of the existing and potential impacts of the deployment of Smart Grid systems on improving the security of the Nation's electricity infrastructure and operating capability. The report shall include but not be limited to specific recommendations on each of the following:

(1) How smart grid systems can help in making the Nation's electricity system less vulnerable to disruptions due to intentional acts against the system.

(2) How smart grid systems can help in restoring the integrity of the Nation's electricity system subsequent to disruptions.

(3) How smart grid systems can facilitate nationwide, interoperable emergency communications and control of the Nation's electricity system during times of localized, regional, or nationwide emergency.

(4) What risks must be taken into account that smart grid systems may, if not carefully created and managed, create vulnerability to security threats of any sort, and how such risks may be mitigated.

(b) CONSULTATION.—The Secretary shall consult with other Federal agencies in the development of the report under this section, including but not limited to the Secretary of Homeland Security, the Federal Energy Regulatory Commission, and the Electric Reliability Organization certified by the Commission under section 215(c) of the Federal Power Act (16 U.S.C. 824o) as added by section 1211 of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 941).

TITLE XIV—POOL AND SPA SAFETY

SEC. 1401. SHORT TITLE.

This title may be cited as the "Virginia Graeme Baker Pool and Spa Safety Act".

SEC. 1402. FINDINGS.

Congress finds the following:

(1) Of injury-related deaths, drowning is the second leading cause of death in children aged 1 to 14 in the United States.

(2) In 2004, 761 children aged 14 and under died as a result of unintentional drowning.

(3) Adult supervision at all aquatic venues is a critical safety factor in preventing children from drowning.

(4) Research studies show that the installation and proper use of barriers or fencing, as well as additional layers of protection, could substantially reduce the number of childhood residential swimming pool drownings and near drownings.

SEC. 1403. DEFINITIONS.

In this title:

(1) ASME/ANSI.—The term "ASME/ANSI" as applied to a safety standard means such a standard that is accredited by the American National Standards Institute and published by the American Society of Mechanical Engineers.

(2) BARRIER.—The term "barrier" includes a natural or constructed topographical feature that prevents unpermitted access by children to a swimming pool, and, with respect to a hot tub, a lockable cover.

(3) COMMISSION.—The term "Commission" means the Consumer Product Safety Commission.

(4) MAIN DRAIN.—The term "main drain" means a submerged suction outlet typically located at the bottom of a pool or spa to conduct water to a re-circulating pump.

(5) SAFETY VACUUM RELEASE SYSTEM.—The term "safety vacuum release system" means a vacuum release system capable of providing vacuum release at a suction outlet caused by a high vacuum occurrence due to a suction outlet flow blockage.

(6) SWIMMING POOL; SPA.—The term "swimming pool" or "spa" means any outdoor or indoor structure intended for swimming or recreational bathing, including in-ground and above-ground structures, and includes hot tubs, spas, portable spas, and non-portable wading pools.

(7) UNBLOCKABLE DRAIN.—The term "unblockable drain" means a drain of any size and shape that a human body cannot sufficiently block to create a suction entrapment hazard.

SEC. 1404. FEDERAL SWIMMING POOL AND SPA DRAIN COVER STANDARD.

(a) CONSUMER PRODUCT SAFETY RULE.—The requirements described in subsection (b) shall be treated as a consumer product safety rule issued by the Consumer Product Safety Commission under the Consumer Product Safety Act (15 U.S.C. 2051 et seq.).

(b) DRAIN COVER STANDARD.—Effective 1 year after the date of enactment of this title, each swimming pool or spa drain cover manufactured, distributed, or entered into commerce in the United States shall conform to the entrapment protection standards of the ASME/ANSI A112.19.8 performance standard, or any successor standard regulating such swimming pool or drain cover.

(c) PUBLIC POOLS.—

(1) REQUIRED EQUIPMENT.—

(A) IN GENERAL.—Beginning 1 year after the date of enactment of this title—

(i) each public pool and spa in the United States shall be equipped with anti-entrapment devices or systems that comply with the ASME/ANSI A112.19.8 performance standard, or any successor standard; and

(ii) each public pool and spa in the United States with a single main drain other than an unblockable drain shall be equipped, at a minimum, with 1 or more of the following devices or systems designed to prevent entrapment by pool or spa drains that meets the requirements of subparagraph (B):

(I) SAFETY VACUUM RELEASE SYSTEM.—A safety vacuum release system which ceases operation of the pump, reverses the circulation flow, or otherwise provides a vacuum release at a suction outlet when a blockage is detected, that has been tested by an independent third party and found to conform to ASME/ANSI standard A112.19.17 or ASTM standard F2387.

(II) SUCTION-LIMITING VENT SYSTEM.—A suction-limiting vent system with a tamper-resistant atmospheric opening.

(III) GRAVITY DRAINAGE SYSTEM.—A gravity drainage system that utilizes a collector tank.

(IV) AUTOMATIC PUMP SHUT-OFF SYSTEM.—An automatic pump shut-off system.

(V) DRAIN DISABLEMENT.—A device or system that disables the drain.

(VI) OTHER SYSTEMS.—Any other system determined by the Commission to be equally effective as, or better than, the systems described in subclauses (I) through (V) of this clause at preventing or eliminating the risk of injury or death associated with pool drainage systems.

(B) APPLICABLE STANDARDS.—Any device or system described in subparagraph (A)(ii) shall meet the requirements of any ASME/ANSI or ASTM performance standard if there is such a standard for such a device or system, or any applicable consumer product safety standard.

(2) PUBLIC POOL AND SPA DEFINED.—In this subsection, the term "public pool and spa" means a swimming pool or spa that is—

(A) open to the public generally, whether for a fee or free of charge;

(B) open exclusively to—

(i) members of an organization and their guests;

(ii) residents of a multi-unit apartment building, apartment complex, residential real estate development, or other multi-family residential area (other than a municipality, township, or other local government jurisdiction); or

(iii) patrons of a hotel or other public accommodations facility; or

(C) operated by the Federal Government (or by a concessionaire on behalf of the Federal Government) for the benefit of members of the Armed Forces and their dependents or employees of any department or agency and their dependents.

(3) ENFORCEMENT.—Violation of paragraph (1) shall be considered to be a violation of section 19(a)(1) of the Consumer Product Safety Act (15 U.S.C. 2068(a)(1)) and may also be enforced under section 17 of that Act (15 U.S.C. 2066).

SEC. 1405. STATE SWIMMING POOL SAFETY GRANT PROGRAM.

(a) IN GENERAL.—Subject to the availability of appropriations authorized by subsection (e), the Commission shall establish a grant program to provide assistance to eligible States.

(b) ELIGIBILITY.—To be eligible for a grant under the program, a State shall—

(1) demonstrate to the satisfaction of the Commission that it has a State statute, or that, after the date of enactment of this title, it has enacted a statute, or amended an existing statute, and provides for the enforcement of, a law that—

(A) except as provided in section 1406(a)(1)(A)(i), applies to all swimming pools in the State; and

(B) meets the minimum State law requirements of section 1406; and

(2) submit an application to the Commission at such time, in such form, and containing such additional information as the Commission may require.

(c) AMOUNT OF GRANT.—The Commission shall determine the amount of a grant awarded under this title, and shall consider—

(1) the population and relative enforcement needs of each qualifying State; and

(2) allocation of grant funds in a manner designed to provide the maximum benefit from the program in terms of protecting children from drowning or entrapment, and, in making that allocation, shall give priority to States that have not received a grant under this title in a preceding fiscal year.

(d) USE OF GRANT FUNDS.—A State receiving a grant under this section shall use—

(1) at least 50 percent of amounts made available to hire and train enforcement personnel for implementation and enforcement of standards under the State swimming pool and spa safety law; and

(2) the remainder—

(A) to educate pool construction and installation companies and pool service companies about the standards;

(B) to educate pool owners, pool operators, and other members of the public about the standards under the swimming pool and spa safety law and about the prevention of drowning or entrapment of children using swimming pools and spas; and

(C) to defray administrative costs associated with such training and education programs.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission for each of fiscal years 2009 and 2010 $2,000,000 to carry out this section, such sums to remain available until expended. Any amounts appropriated pursuant to this subsection that remain unexpended and unobligated at the end of fiscal year 2010 shall be retained by the Commission and credited to the appropriations account that funds enforcement of the Consumer Product Safety Act.

SEC. 1406. MINIMUM STATE LAW REQUIREMENTS.

(a) IN GENERAL.—

(1) SAFETY STANDARDS.—A State meets the minimum State law requirements of this section if—

(A) the State requires by statute—

(i) the enclosure of all outdoor residential pools and spas by barriers to entry that will effectively prevent small children from gaining unsupervised and unfettered access to the pool or spa;

(ii) that all pools and spas be equipped with devices and systems designed to prevent entrapment by pool or spa drains;

(iii) that pools and spas built more than 1 year after the date of the enactment of such statute have—

(I) more than 1 drain;

(II) 1 or more unblockable drains; or

(III) no main drain;

(iv) every swimming pool and spa that has a main drain, other than an unblockable drain, be equipped with a drain cover that meets the consumer product safety standard established by section 1404; and

(v) that periodic notification is provided to owners of residential swimming pools or spas about compliance with the entrapment protection standards of the ASME/ANSI A112.19.8 performance standard, or any successor standard; and

(B) the State meets such additional State law requirements for pools and spas as the Commission may establish after public notice and a 30-day public comment period.

(2) NO LIABILITY INFERENCE ASSOCIATED WITH STATE NOTIFICATION REQUIREMENT.—The minimum State law notification requirement under paragraph (1)(A)(v) shall not be construed to imply any liability on the part of a State related to that requirement.

(3) USE OF MINIMUM STATE LAW REQUIREMENTS.—The Commission—

(A) shall use the minimum State law requirements under paragraph (1) solely for the purpose of determining the eligibility of a State for a grant under section 1405 of this Act; and

(B) may not enforce any requirement under paragraph (1) except for the purpose of determining the eligibility of a State for a grant under section 1405 of this Act.

(4) REQUIREMENTS TO REFLECT NATIONAL PERFORMANCE STANDARDS AND COMMISSION GUIDELINES.—In establishing minimum State law requirements under paragraph (1), the Commission shall—

(A) consider current or revised national performance standards on pool and spa barrier protection and entrapment prevention; and

(B) ensure that any such requirements are consistent with the guidelines contained in the Commission's publication 362, entitled "Safety Barrier Guidelines for Home Pools", the Commission's publication entitled "Guidelines for Entrapment Hazards: Making Pools and Spas Safer", and any other pool safety guidelines established by the Commission.

(b) STANDARDS.—Nothing in this section prevents the Commission from promulgating standards regulating pool and spa safety or from relying on an applicable national performance standard.

(c) BASIC ACCESS-RELATED SAFETY DEVICES AND EQUIPMENT REQUIREMENTS TO BE CONSIDERED.—In establishing minimum State law requirements for swimming pools and spas under subsection (a)(1), the Commission shall consider the following requirements:

(1) COVERS.—A safety pool cover.

(2) GATES.—A gate with direct access to the swimming pool or spa that is equipped with a self-closing, self-latching device.

(3) DOORS.—Any door with direct access to the swimming pool or spa that is equipped with an audible alert device or alarm which sounds when the door is opened.

(4) POOL ALARM.—A device designed to provide rapid detection of an entry into the water of a swimming pool or spa.

(d) ENTRAPMENT, ENTANGLEMENT, AND EVISCERATION PREVENTION STANDARDS TO BE REQUIRED.—

(1) IN GENERAL.—In establishing additional minimum State law requirements for swimming pools and spas under subsection (a)(1), the Commission shall require, at a minimum, 1 or more of the following (except for pools constructed without a single main drain):

(A) SAFETY VACUUM RELEASE SYSTEM.—A safety vacuum release system which ceases operation of the pump, reverses the circulation flow, or otherwise provides a vacuum release at a suction outlet when a blockage is detected, that has been tested by an independent third party and found to conform to ASME/ANSI standard A112.19.17 or ASTM standard F2387, or any successor standard.

(B) SUCTION-LIMITING VENT SYSTEM.—A suction-limiting vent system with a tamper-resistant atmospheric opening.

(C) GRAVITY DRAINAGE SYSTEM.—A gravity drainage system that utilizes a collector tank.

(D) AUTOMATIC PUMP SHUT-OFF SYSTEM.—An automatic pump shut-off system.

(E) DRAIN DISABLEMENT.—A device or system that disables the drain.

(F) OTHER SYSTEMS.—Any other system determined by the Commission to be equally effective as, or better than, the systems described in subparagraphs (A) through (E) of this paragraph at preventing or eliminating the risk of injury or death associated with pool drainage systems.

(2) APPLICABLE STANDARDS.—Any device or system described in subparagraphs (B) through (E) of paragraph (1) shall meet the requirements of any ASME/ANSI or ASTM performance standard if there is such a standard for such a device or system, or any applicable consumer product safety standard.

SEC. 1407. EDUCATION PROGRAM.

(a) IN GENERAL.—The Commission shall establish and carry out an education program to inform the public of methods to prevent drowning and entrapment in swimming pools and spas. In carrying out the program, the Commission shall develop—

(1) educational materials designed for pool manufacturers, pool service companies, and pool supply retail outlets;

(2) educational materials designed for pool owners and operators; and

(3) a national media campaign to promote awareness of pool and spa safety.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission for each of the fiscal years 2008 through 2012 $5,000,000 to carry out the education program authorized by subsection (a).

SEC. 1408. CPSC REPORT.

Not later than 1 year after the last day of each fiscal year for which grants are made under section 1405, the Commission shall submit to Congress a report evaluating the implementation of the grant program authorized by that section.

TITLE XV—REVENUE PROVISIONS

SEC. 1500. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 1501. EXTENSION OF ADDITIONAL 0.2 PERCENT FUTA SURTAX.

(a) IN GENERAL.—Section 3301 (relating to rate of tax) is amended—

(1) by striking "2007" in paragraph (1) and inserting "2008", and

(2) by striking "2008" in paragraph (2) and inserting "2009".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid after December 31, 2007.

SEC. 1502. 7-YEAR AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES FOR CERTAIN MAJOR INTEGRATED OIL COMPANIES.

(a) IN GENERAL.—Subparagraph (A) of section 167(h)(5) (relating to special rule for major integrated oil companies) is amended by striking "5-year" and inserting "7-year".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act.

TITLE XVI—EFFECTIVE DATE

SEC. 1601. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on the date that is 1 day after the date of enactment of this Act.

SA 3851. Mr. HARKIN (for himself, Mr. CHAMBLISS, Mrs. FEINSTEIN, Mr. LEVIN, Ms. SNOWE, Mr. CRAPO, Mr. CONRAD, Ms. CANTWELL, Ms. COLLINS, Mr. DORGAN, Mr. DURBIN, Mr. LIEBERMAN, and Mr. SCHUMER) proposed an amendment to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; as follows:

At the end, add the following:

TITLE XIII—AMENDMENTS TO COMMODITY EXCHANGE ACT

SECTION 13101. SHORT TITLE.

This title may be cited as the "CFTC Reauthorization Act of 2007".

Subtitle A—General Provisions

SEC. 13102. CFTC AUTHORITY OVER OFF-EXCHANGE RETAIL FOREIGN CURRENCY TRANSACTIONS.

(a) IN GENERAL.—Section 2(c)(2) of the Commodity Exchange Act (7 U.S.C. 2(c)(2)) is amended by striking subparagraphs (B) and (C) and inserting the following:

"(B) AGREEMENTS, CONTRACTS, AND TRANSACTIONS IN RETAIL FOREIGN CURRENCY.—

"(i) This Act applies to, and the Commission shall have jurisdiction over, an agreement, contract, or transaction in foreign currency that—

"(I) is a contract of sale of a commodity for future delivery (or an option on such a contract) or an option (other than an option executed or traded on a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(a))); and

"(II) is offered to, or entered into with, a person that is not an eligible contract participant, unless the counterparty, or the person offering to be the counterparty, of the person is—

"(aa) a financial institution;

"(bb)(AA) a broker or dealer registered under section 15(b) (except paragraph (11) thereof) or 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b), 78o-5); or

"(BB) an associated person of a broker or dealer registered under section 15(b) (except paragraph (11) thereof) or 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b), 78o-5) concerning the financial or securities activities of which the broker or dealer makes and keeps records under section 15C(b) or 17(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-5(b), 78q(h));

"(cc) a futures commission merchant registered under this Act (that is not also a person described in item (bb)), or an affiliated person of such a futures commission merchant (that is not also a person described in item (bb)) if such futures commission merchant makes and keeps records under section 4f(c)(2)(B) of this Act concerning the futures and other financial activities of such affiliated person;

"(dd) an insurance company described in section 1a(12)(A)(ii) of this Act, or a regulated subsidiary or affiliate of such an insurance company;

"(ee) a financial holding company (as defined in section 2 of the Bank Holding Company Act of 1956); or

"(ff) an investment bank holding company (as defined in section 17(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78q(i))).

"(ii) Notwithstanding item (cc) of clause (i)(II) of this subparagraph, agreements, contracts, or transactions described in clause (i) of this subparagraph shall be subject to subsection (a)(1)(B) of this section and sections 4(b), 4b, 4c(b), 4o, 6(c) and 6(d) (except to the extent that sections 6(c) and 6(d) prohibit manipulation of the market price of any commodity in interstate commerce, or for future delivery on or subject to the rules of any market), 6c, 6d, 8(a), 13(a), and 13(b) if the agreements, contracts, or transactions are offered, or entered into, by a person that is registered as a futures commission merchant or an affiliated person of a futures commission merchant registered under this Act that is not also a person described in any of items (aa), (bb), (dd), (ee), or (ff) of clause (i) of this subparagraph.

"(iii)(I) Notwithstanding item (cc) of clause (i)(II), a person shall not participate in the solicitation or recommendation of any agreement, contract, or transaction described in clause (i) entered into with or to be entered into with a person described in such item, unless the person—

"(aa) is registered in such capacity as the Commission by rule, regulation, or order shall determine; and

"(bb) is a member of a futures association registered under section 17.

"(II) Subclause (I) shall not apply to—

"(aa) any person described in any of items (aa), (bb), (dd), (ee), or (ff) of subparagraph (B)(i)(II); or

"(bb) any such person's associated persons.

"(C)(i)(I) This subparagraph shall apply to any agreement, contract, or transaction in foreign currency that is—

"(aa) offered to, or entered into with, a person that is not an eligible contract participant (except that this subparagraph shall not apply if the counterparty, or the person offering to be the counterparty, of the person that is not an eligible contract participant is a person described in any of items (aa), (bb), (dd), (ee), or (ff) of subparagraph (B)(i)(II)); and

"(bb) offered, or entered into, on a leveraged or margined basis, or financed by the offeror, the counterparty, or a person acting in concert with the offeror or counterparty on a similar basis.

"(II) Subclause (I) shall not apply to—

"(aa) a security that is not a security futures product; or

"(bb) a contract of sale that—

"(AA) results in actual delivery within 2 days; or

"(BB) creates an enforceable obligation to deliver between a seller and buyer that have the ability to deliver and accept delivery, respectively, in connection with their line of business.

"(ii)(I) Agreements, contracts, or transactions described in clause (i) of this subparagraph shall be subject to subsection (a)(1)(B) of this section and sections 4(b), 4b, 4c(b), 4o, 6(c) and 6(d) (except to the extent that sections 6(c) and 6(d) prohibit manipulation of the market price of any commodity in interstate commerce, or for future delivery on or subject to the rules of any market), 6c, 6d, 8(a), 13(a), and 13(b).

"(II) Subclause (I) of this clause shall not apply to—

"(aa) any person described in any of items (aa), (bb), (dd), (ee), or (ff) of subparagraph (B)(i)(II); or

"(bb) any such person's associated persons.

"(iii)(I) A person shall not participate in the solicitation or recommendation of any agreement, contract, or transaction described in clause (i) of this subparagraph unless the person is registered in such capacity as the Commission by rule, regulation, or order shall determine, and is a member of a futures association registered under section 17.

"(II) Subclause (I) shall not apply to—

"(aa) any person described in any of items (aa), (bb), (dd), (ee), or (ff) of subparagraph (B)(i)(II); or

"(bb) any such person's associated persons.

"(iv)(I) Sections 4(b) and 4b shall apply to any agreement, contract, or transaction described in clause (i) of this subparagraph as if the agreement, contract, or transaction were a contract of sale of a commodity for future delivery.

"(II) The Commission may, after issuing notice and soliciting comment, issue rules proscribing fraud in connection with any agreement, contract, or transaction described in clause (i) in an exempt commodity or an agricultural commodity. Nothing in this provision shall affect the determination of whether such agreement, contract, or transaction is a contract for the purchase or sale of a commodity for future delivery for purposes of section 4(a).

"(v) This subparagraph shall not be construed to limit any jurisdiction that the Commission may otherwise have under any other provision of this Act over an agreement, contract, or transaction that is a contract of sale of a commodity for future delivery.

"(vi) This subparagraph shall not be construed to limit any jurisdiction that the Commission or the Securities and Exchange Commission may otherwise have under any other provision of this Act with respect to security futures products and persons effecting transactions in security futures products.".

(b) EFFECTIVE DATE.—Clause (iii) of section 2(c)(2)(B) and clause (iii) of section 2(c)(2)(C) of the Commodity Exchange Act, as amended by subsection (a) of this section, shall be effective 120 days after the date of the enactment of this Act or such other time as the Commodity Futures Trading Commission shall determine.

SEC. 13103. LIAISON WITH DEPARTMENT OF JUSTICE.

Section 2(a)(9) of the Commodity Exchange Act (7 U.S.C. 2(a)(9)) is amended by adding at the end the following:

"(C) LIAISON WITH DEPARTMENT OF JUSTICE.—

"(i) IN GENERAL.—The Commission shall, in cooperation with the Attorney General, maintain a liaison between the Commission and the Department of Justice to coordinate civil and criminal investigations and prosecutions of violations of this Act as appropriate.

"(ii) DESIGNATION.—The Attorney General shall designate a person as liaison and take such steps as are necessary to facilitate communications described in clause (i).".

SEC. 13104. ANTI-FRAUD AUTHORITY OVER PRINCIPAL-TO-PRINCIPAL TRANSACTIONS.

Section 4b of the Commodity Exchange Act (7 U.S.C. Section 6b) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by striking "SEC.4b." and all that follows through the end of subsection (a) and inserting the following:

"SEC. 4b. CONTRACTS DESIGNED TO DEFRAUD OR MISLEAD.

"(a) UNLAWFUL ACTIONS.—It shall be unlawful—

"(1) for any person, in or in connection with any order to make, or the making of, any contract of sale of any commodity in interstate commerce or for future delivery that is made, or to be made, on or subject to the rules of a designated contract market, for or on behalf of any other person; or

"(2) for any person, in or in connection with any order to make, or the making of, any contract of sale of any commodity for future delivery, or other agreement, contract, or transaction subject to paragraphs (1) and (2) of section 5a(g), that is made, or to be made, for or on behalf of, or with, any other person, other than on or subject to the rules of a designated contract market—

"(A) to cheat or defraud or attempt to cheat or defraud the other person;

"(B) willfully to make or cause to be made to the other person any false report or statement or willfully to enter or cause to be entered for the other person any false record;

"(C) willfully to deceive or attempt to deceive the other person by any means whatsoever in regard to any order or contract or the disposition or execution of any order or contract, or in regard to any act of agency performed, with respect to any order or contract for or, in the case of paragraph (2), with the other person; or

"(D)(i) to bucket an order if the order is either represented by the person as an order to be executed, or is required to be executed, on or subject to the rules of a designated contract market; or

"(ii) to fill an order by offset against the order or orders of any other person, or willfully and knowingly and without the prior consent of the other person to become the buyer in respect to any selling order of the other person, or become the seller in respect to any buying order of the other person, if the order is either represented by the person as an order to be executed, or is required to be executed, on or subject to the rules of a designated contract market unless the order is executed in accordance with the rules of the designated contract market.

"(b) CLARIFICATION.—Subsection (a)(2) of this section shall not obligate any person, in or in connection with a transaction in a contract of sale of a commodity for future delivery, or other agreement, contract or transaction subject to paragraphs (1) and (2) of section 5a(g), with another person, to disclose to the other person nonpublic information that may be material to the market price, rate, or level of the commodity or transaction, except as necessary to make any statement made to the other person in or in connection with the transaction not misleading in any material respect.".

SEC. 13105. CRIMINAL AND CIVIL PENALTIES.

(a) ENFORCEMENT POWERS OF THE COMMISSION.—Section 6(c) of the Commodity Exchange Act (7 U.S.C. 9, 15) is amended in paragraph (3) of the 10th sentence—

(1) by inserting "(A)" after "assess such person"; and

(2) by inserting after "each such violation" the following: ", or (B) in any case of manipulation or attempted manipulation in violation of this subsection, subsection (d), or section 9(a)(2), a civil penalty of not more than the greater of $1,000,000 or triple the monetary gain to such person for each such violation,".

(b) NONENFORCEMENT OF RULES OF GOVERNMENT OR OTHER VIOLATIONS.—Section 6b of the Commodity Exchange Act (7 U.S.C. 13a) is amended—

(1) in the first sentence, by inserting before the period at the end the following: ", or, in any case of manipulation or attempted manipulation in violation of sections 6(c), 6(d), or 9(a)(2), a civil penalty of not more than $1,000,000 for each such violation"; and

(2) in the second sentence, by inserting before the period at the end the following: ", except that if the failure or refusal to obey or comply with the order involved any offense under section 9(a)(2), the registered entity, director, officer, agent, or employee shall be guilty of a felony and, on conviction, shall be subject to penalties under section 9(a)(2)".

(c) ACTION TO ENJOIN OR RESTRAIN VIOLATIONS.—Section 6c(d) of the Commodity Exchange Act (7 U.S.C. 13a-1(d)) is amended by striking "(d)" and all that follows through the end of paragraph (1) and inserting the following:

"(d) CIVIL PENALTIES.—

"(1) IN GENERAL.—In any action brought under this section, the Commission may seek and the court shall have jurisdiction to impose, on a proper showing, on any person found in the action to have committed any violation—

"(A) a civil penalty in the amount of not more than the greater of $100,000 or triple the monetary gain to the person for each violation; or

'(B) in any case of manipulation or attempted manipulation in violation of sections 6(c), 6(d), or 9(a)(2), a civil penalty in the amount of not more than the greater of $1,000,000 or triple the monetary gain to the person for each violation.".

(d) VIOLATIONS GENERALLY.—Section 9 of the Commodity Exchange Act (7 U.S.C. 13) is amended—

(1) in subsection (a), in the matter preceding paragraph (1)—

(A) by striking "(or $500,000 in the case of a person who is an individual)"; and

(B) by striking "five years" and inserting "10 years";

(2) by re-designating subsection (f) as subsection (e); and

(3) in paragraph (1) of subsection (e) (as redesignated by paragraph (2)), by striking the period at the end and inserting "; or".

SEC. 13106. AUTHORIZATION OF APPROPRIATIONS.

Section 12(d) of the Commodity Exchange Act (7 U.S.C. 16(d)) is amended to read as follows:

"(d) There are authorized to be appropriated such sums as are necessary to carry out this Act for each of the fiscal years 2008 through 2013.".

SEC. 13107. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Section 4a(e) of the Commodity Exchange Act (7 U.S.C. 6a(e)) is amended in the last proviso by striking "section 9(c)" and inserting "section 9(a)(5)".

(b) Section 4f(c)(4)(B)(i) of such Act (7 U.S.C. 6f(c)(4)(B)(i)) is amended by striking "compiled" and inserting "complied".

(c) Section 4k of such Act (7 U.S.C. 6k) is amended by redesignating the second paragraph (5) as paragraph (6).

(d) The Commodity Exchange Act is amended—

(1) by redesignating the first section 4p (7 U.S.C. 6o-1), as added by section 121 of the Commodity Futures Modernization Act of 2000, as section 4q; and

(2) by moving such section to after the second section 4p, as added by section 206 of Public Law 93-446.

(e) Subsections (a)(1) and (d)(1) of section 5c of such Act (7 U.S.C. 7a-2(a)(1), (d)(1)) are each amended by striking "5b(d)(2)" and inserting "5b(c)(2)".

(f) Sections 5c(f) and 17(r) of such Act (7 U.S.C. 7a-2(f), 21(r)) are each amended by striking "4d(3)" and inserting "4d(c)".

(g) Section 8(a)(1) of such Act (7 U.S.C. 12(a)(1)) is amended in the matter following subparagraph (B)—

(1) by striking "commenced" in the 2nd place it appears; and

(2) by inserting "commenced" after "in a judicial proceeding".

(h) Section 22(a)(2) of such Act (7 U.S.C. 25(a)(2)) is amended by striking "5b(b)(1)(E)" and inserting "5b(c)(2)(H)".

SEC. 13108. PORTFOLIO MARGINING AND SECURITY INDEX ISSUES.

(a) The agencies represented on the President's Working Group on Financial Markets shall work to ensure that the Securities and Exchange Commission (SEC), the Commodity Futures Trading Commission (CFTC), or both, as appropriate, have taken the actions required under subsection (b).

(b) The SEC, the CFTC, or both, as appropriate, shall take action under their existing authorities to permit—

(1) by September 30, 2008, risk-based portfolio margining for security options and security futures products; and

(2) by June 30, 2008, the trading of futures on certain security indexes by resolving issues related to foreign security indexes.

Subtitle B—Significant Price Discovery Contracts on Exempt Commercial Markets

SEC. 13201. SIGNIFICANT PRICE DISCOVERY CONTRACTS.

(a) DEFINITIONS.—Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) is amended—

(1) by redesignating paragraph (33) as paragraph (34); and

(2) by inserting after paragraph (32) the following:

"(33) SIGNIFICANT PRICE DISCOVERY CONTRACT.—The term 'significant price discovery contract' means an agreement, contract, or transaction subject to section 2(h)(7)(A).".

(b) STANDARDS APPLICABLE TO SIGNIFICANT PRICE DISCOVERY CONTRACTS.—Section 2(h) of the Commodity Exchange Act (7 U.S.C. 2(h)) is amended by adding at the end the following:

"(7) STANDARDS APPLICABLE TO SIGNIFICANT PRICE DISCOVER CONTRACTS.—

"(A) IN GENERAL.—An agreement, contract, or transaction conducted in reliance on the exemption in paragraph (3) shall be subject to the provisions of subparagraphs (B) through (E), under such rules and regulations as the Commission may promulgate, provided that the Commission determines, in its discretion, that the agreement, contract, or transaction performs a significant price discovery function as described in subparagraph (B).

"(B) SIGNIFICANT PRICE DISCOVERY DETERMINATION.—In making a determination whether an agreement, contract, or transaction performs a significant price discovery function, the Commission shall consider, as appropriate:

"(i) PRICE LINKAGE.—The extent to which the agreement, contract, or transaction uses or otherwise relies on a daily or final settlement price, or other major price parameter, of a contract or contracts listed, for trading on or subject to the rules of a designated contract market or a derivatives transaction execution facility, or a significant price discovery contract traded on an electronic trading facility, to value a position, transfer or convert a position, cash or financially settle a position, or close out a position.

"(ii) ARBITRAGE.—The extent to which the price for the agreement, contract, or transaction is sufficiently related to the price of a contract or contracts listed for trading on or subject to the rules of a designated contract market or derivatives transaction execution facility so as to permit market participants to effectively arbitrage between the markets by simultaneously maintaining positions or executing trades in the contracts on the electronic trading facility and the designated contract market or derivatives transaction execution facility on a frequent and recurring basis.

"(iii) MATERIAL PRICE REFERENCE.—The extent to which, on a frequent and recurring basis, bids, offers, or transactions in a commodity are directly based on, or are determined by referencing, the prices generated by agreements, contracts, or transactions being traded or executed on the electronic trading facility.

"(iv) MATERIAL LIQUIDITY.—The extent to which the volume of agreements, contracts, or transactions in the commodity being traded on the electronic trading facility is sufficient to have a material impact on other agreements, contracts, or transactions listed for trading on or subject to the rules of a designated contract market, a derivatives trading execution facility, or an electronic trading facility operating in reliance on the exemption in paragraph (3).

"(v) OTHER MATERIAL FACTORS.—Such other material factors as the Commission specifies by rule as relevant to determine whether an agreement, contract, or transaction serves a significant price discovery function.

"(C) CORE PRINCIPLES APPLICABLE TO SIGNIFICANT PRICE DISCOVERY CONTRACTS.—

"(i) IN GENERAL.—An electronic trading facility on which significant price discovery contracts are traded or executed shall, with respect to those contracts, comply with the core principles specified in this subparagraph.

"(ii) CORE PRINCIPLES.—The electronic trading facility shall have reasonable discretion in establishing the manner in which it complies with the following core principles:

"(I) CONTRACTS NOT READILY SUSCEPTIBLE TO MANIPULATION.—The electronic trading facility shall list only significant price discovery contracts that are not readily susceptible to manipulation.

"(II) MONITORING OF TRADING.—The electronic trading facility shall monitor trading in significant price discovery contracts to prevent market manipulation, price distortion, and disruptions of the delivery or cash-settlement process through market surveillance, compliance, and disciplinary practices and procedures, including methods for conducting real-time monitoring of trading and comprehensive and accurate trade reconstructions.

"(III) ABILITY TO OBTAIN INFORMATION.—The electronic trading facility shall—

"(aa) establish and enforce rules that will allow the electronic trading facility to obtain any necessary information to perform any of the functions described in this subparagraph;

"(bb) provide such information to the Commission upon request; and

"(cc) have the capacity to carry out such international information-sharing agreements as the Commission may require.

"(IV) POSITION LIMITATIONS OR ACCOUNTABILITY.—The electronic trading facility shall adopt position limitations or position accountability for speculators in significant price discovery contracts, where necessary and appropriate, to reduce the potential threat of market manipulation, price distortion, and disruptions of the delivery or cash-settlement process or congestion, especially during trading in the delivery month.

"(V) EMERGENCY AUTHORITY.—The electronic trading facility shall adopt rules to provide for the exercise of emergency authority, in consultation or cooperation with the Commission, where necessary and appropriate, including the authority—

"(aa) to liquidate open positions in a significant price discovery contract; and

"(bb) to suspend or curtail trading in a significant price discovery contract.

"(VI) DAILY PUBLICATION OF TRADING INFORMATION.—The electronic trading facility shall make public daily information on price, trading volume, and other trading data for significant price discovery contracts, as the Commission considers appropriate.

"(VII) COMPLIANCE WITH RULES.—The electronic trading facility shall monitor and enforce compliance with any rules of the electronic trading facility applicable to significant price discovery contracts, including the terms and conditions of such contracts and any limitations on access to the electronic trading facility with respect to such contracts.

"(VIII) CONFLICT OF INTEREST.—The electronic trading facility shall—

"(aa) establish and enforce rules to minimize conflicts of interest in its decision-making process; and

"(bb) establish a process for resolving the conflicts.

"(IX) ANTITRUST CONSIDERATIONS.—Unless necessary or appropriate to achieve the purposes of this Act, the electronic trading facility shall endeavor to avoid—

"(aa) adopting any rules or taking any actions that result in any unreasonable restraints of trade; or

"(bb) imposing any material anticompetitive burden on trading on the electronic trading facility.

"(D) IMPLEMENTATION.—The electronic trading facility shall have discretion to take into account differences between cleared and uncleared significant price discovery contracts in applying core principles in subclauses (IV) and (V) of subparagraph (C), and the Commission shall take such differences into consideration when reviewing the implementation of such core principles by an electronic trading facility.

"(E) NEW SIGNIFICANT PRICE DISCOVERY CONTRACTS.—

"(i) NOTIFICATION.—An electronic trading facility shall notify the Commission whenever the electronic trading facility has reason to believe that an agreement, contract, or transaction conducted in reliance on the exemption provided in paragraph (3) displays any of the factors relating to a significant price discovery function as described in subparagraph (B) (including regulations under this paragraph).

"(ii) REVIEW.—In addition to any review conducted upon receiving a notification pursuant to clause (i), at any other such time the Commission determines to be appropriate, but at least on an annual basis, the Commission shall conduct an evaluation, appropriate to the agreement, contract, or transaction, to determine whether any agreement, contract, or transaction conducted on an electronic trading facility in reliance on the exemption provided in paragraph (3) is performing a significant price discovery function.".

SEC. 13202. LARGE TRADER REPORTING.

(a) REPORTING AND RECORDKEEPING.—Section 4g of the Commodity Exchange Act (7 U.S.C. 6g) is amended in subsection (a) by striking "elsewhere;" and inserting "elsewhere, and in any significant price discovery contract traded or executed on an electronic trading facility;".

(b) REPORTS OF POSITIONS EQUAL TO OR IN EXCESS OF TRADING LIMITS.—Section 4i of the Commodity Exchange Act (7 U.S.C. 6i) is amended—

(1) by inserting ", or any significant price discovery contract on an electronic trading facility" after "subject to the rules of any contract market or derivatives transaction execution facility" ; and

(2) by inserting in the matter following paragraph (2), "or electronic trading facility" after "subject to the rules of any other board of trade".

SEC. 13203. CONFORMING AMENDMENTS.

(a) Section 1a(12)(A)(x) of the Commodity Exchange Act (7 U.S.C. 1a(12)(A)(x)) is amended by inserting "(other than an electronic trading facility with respect to a significant price discovery contract)" after "registered entity".

(b) Section 1a(29) of the Commodity Exchange Act (7 U.S.C. 1a(29)) is amended—

(1) in subparagraph (C), by striking "and" at the end;

(2) in subparagraph (D), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(E) with respect to a contract that the Commission determines is a significant price discovery contract, any electronic trading facility on which the contract is executed or traded.".

(c)(1) Section 2(a)(1)(A) of the Commodity Exchange Act (7 U.S.C. 2(a)(1)(A)) is amended by inserting after "section 19 of this Act" the following: ", and significant price discovery contracts traded or executed on an electronic trading facility".

(2) Nothing contained in this subtitle or amendments made by this subtitle shall be construed to affect the jurisdiction that the Commission or any regulatory authority may otherwise have under any other provision of law with respect to contracts, agreements, or transactions that are not significant price discovery contracts.

(d) Section 2(h)(3) of the Commodity Exchange Act (7 U.S.C. 2(h)(3)) is amended by striking "paragraph (4)" and inserting "paragraphs (4) and (7)".

(e) Section 2(h)(4) of the Commodity Exchange Act (7 U.S.C. 2(h)(4)) is amended by striking subparagraph (D) and inserting the following:

"(D) such rules, regulations, and orders as the Commission may issue to ensure timely compliance with any of the provisions of this Act applicable to a significant price discovery contract traded on or executed on any electronic trading facility.".

(f) Section 2(h)(5)(B)(iii)(I) of the Commodity Exchange Act (7 U.S.C. 2(h)(5)(B)(iii)(I)) is amended by inserting "or to make the determination described in subparagraph (B) of paragraph (7)" after "paragraph (4)".

(g) Section 4a of the Commodity Exchange Act (7 U.S.C. 6a) is amended—

(1) in subsection (a)—

(A) in the first sentence, by inserting ", or on electronic trading facilities with respect to a significant price discovery contract" after "derivatives transaction execution facilities"; and

(B) in the second sentence, by inserting ", or on an electronic trading facility with respect to a significant price discovery contract," after "derivatives transaction execution facility"; and

(2) in subsection (b)—

(A) in paragraph (1), by inserting "or electronic trading facility with respect to a significant price discovery contract" after "facility or facilities"; and

(B) in paragraph (2), by inserting "or electronic trading facility with respect to a significant price discovery contract" after "derivatives transaction execution facility"; and

(3) in subsection (e)—

(A) in the first sentence—

(i) by inserting "or by any electronic trading facility" after "registered by the Commission";

(ii) by inserting "or on an electronic trading facility" after "derivatives transaction execution facility" the second place it appears; and

(iii) by inserting "or electronic trading facility" before "or such board of trade" each place it appears; and

(B) in the second sentence, by inserting "or electronic trading facility with respect to a significant price discovery contract" after "registered by the Commission".

(h) Section 5a(d) of the Commodity Exchange Act (7 U.S.C. 7a(d)(1)) is amended—

(1) by redesignating paragraphs (4) through (9) as paragraphs (5) through (10); and

(2) by inserting after paragraph (3) the following:

"(4) POSITION LIMITS OR ACCOUNTABILITY.—To reduce the potential threat of market manipulation, price distortion, and disruption of the delivery or cash-settled process or congestion, especially during trading in the delivery month, the derivatives transaction execution facility shall adopt position limits or position accountability for speculators, where necessary and appropriate for a contract, agreement or transaction with an underlying commodity that has a physically deliverable supply.".

(i) Section 5c(a) of the Commodity Exchange Act (7 U.S.C. 7a–2(a)) is amended in paragraph (1) by inserting ", and section 2(h)(7) with respect to significant price discovery contracts," after ", and 5b(d)(2)".

(j) Section 5c(b) of the Commodity Exchange Act (7 U.S.C. 7a–2(b)) is amended—

(1) by striking paragraph (1) and inserting following:

"(1) IN GENERAL.—A contract market, derivatives transaction execution facility, or electronic trading facility with respect to a significant price discovery contract may comply with any applicable core principle through delegation of any relevant function to a registered futures association or a registered entity that is not an electronic trading facility.";

(2) in paragraph (2), by striking "contract market or derivatives transaction execution facility" and inserting "contract market, derivatives transaction execution facility, or electronic trading facility"; and

(3) in paragraph (3), by striking "contract market or derivatives transaction execution facility" each place it appears and inserting "contract market, derivatives transaction execution facility, or electronic trading facility".

(k) Section 5c(d)(1) of the Commodity Exchange Act (7 U.S.C. 7a–2(d)(1)) is amended by inserting "or 2(h)(7)(C) with respect to a significant price discovery contract traded or executed on an electronic trading facility," after "5b(d)(2)".

(l) Section 5e of the Commodity Exchange Act (7 U.S.C. 7b) is amended by inserting ", or revocation of the right of an electronic trading facility to rely on the exemption set forth in section 2(h)(3) with respect to a significant price discovery contract," after "revocation of designation as a registered entity" ;

(m) Section 6(b) of the Commodity Exchange Act (7 U.S.C. 8(b)) is amended by striking the first sentence and all that follows through "resubmitted in completed form: Provided," and inserting the following:

"The Commission is authorized to suspend for a period not to exceed 6 months or to revoke the designation or registration of any contract market or derivatives transaction execution facility, or to revoke the right of an electronic trading facility to rely on the exemption set forth in section 2(h)(3) with respect to a significant price discovery contract, on a showing that the contract market or derivatives transaction execution facility is not enforcing or has not enforced its rules of government, made a condition of its designation or registration as set forth in sections 5 through 5b or section 5f, or that the contract market or derivatives transaction execution facility or electronic trading facility, or any director, officer, agent, or employee thereof, otherwise is violating or has violated any of the provisions of this Act or any of the rules, regulations, or orders of the Commission thereunder. Such suspension or revocation shall only be made after a notice to the officers of the contract market or derivatives transaction execution facility or electronic trading facility affected and upon a hearing on the record: Provided,".

SEC. 13204. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in this section, this subtitle shall become effective on the date of enactment of this Act.

(b) SIGNIFICANT PRICE DISCOVERY STANDARDS RULEMAKING.—The Commission shall—

(1) not later than 180 days after the date of the enactment of this Act, issue a proposed rule regarding the significant price discovery standards in section 13201; and

(2) not later than 270 days after the date of enactment of this Act, issue a final rule.

(c) SIGNIFICANT PRICE DISCOVERY DETERMINATIONS.—With respect to any electronic trading facility operating on the effective date of the final rule regarding significant price discovery standards, the Commission shall complete a review of the agreements, contracts, and transactions of such facilities not later than 180 days after that effective date to determine whether any such agreement, contract, or transaction performs a significant price discovery function.

SA 3852. Mr. HARKIN (for Mr. DODD) proposed an amendment to the bill S. 1858, to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Newborn Screening Saves Lives Act of 2007".

SEC. 2. IMPROVED NEWBORN AND CHILD SCREENING FOR HERITABLE DISORDER.

Section 1109 of the Public Health Service Act (42 U.S.C. 300b–8) is amended—

(1) by striking subsections (a), (b), and (c) and inserting the following:

"(a) AUTHORIZATION OF GRANT PROGRAM.—From amounts appropriated under subsection (j), the Secretary, acting through the Administrator of the Health Resources and Services Administration (referred to in this section as the 'Administrator') and in consultation with the Advisory Committee on Heritable Disorders in Newborns and Children (referred to in this section as the 'Advisory Committee'), shall award grants to eligible entities to enable such entities—

"(1) to enhance, improve or expand the ability of State and local public health agencies to provide screening, counseling, or health care services to newborns and children having or at risk for heritable disorders;

"(2) to assist in providing health care professionals and newborn screening laboratory personnel with education in newborn screening and training in relevant and new technologies in newborn screening and congenital, genetic, and metabolic disorders;

"(3) to develop and deliver educational programs (at appropriate literacy levels) about newborn screening counseling, testing, follow-up, treatment, and specialty services to parents, families, and patient advocacy and support groups; and

"(4) to establish, maintain, and operate a system to assess and coordinate treatment relating to congenital, genetic, and metabolic disorders.

"(b) ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means—

"(1) a State or a political subdivision of a State;

"(2) a consortium of 2 or more States or political subdivisions of States;

"(3) a territory;

"(4) a health facility or program operated by or pursuant to a contract with or grant from the Indian Health Service; or

"(5) any other entity with appropriate expertise in newborn screening, as determined by the Secretary.

"(c) APPROVAL FACTORS.—An application submitted for a grant under subsection (a)(1) shall not be approved by the Secretary unless the application contains assurances that the eligible entity has adopted and implemented, is in the process of adopting and implementing, or will use amounts received under such grant to adopt and implement the guidelines and recommendations of the Advisory Committee that are adopted by the Secretary and in effect at the time the grant is awarded or renewed under this section, which shall include the screening of each newborn for the heritable disorders recommended by the Advisory Committee and adopted by the Secretary.";

(2) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively;

(3) by inserting after subsection (c), the following:

"(d) COORDINATION.—The Secretary shall take all necessary steps to coordinate programs funded with grants received under this section and to coordinate with existing newborn screening activities."; and

(4) by striking subsection (j) (as so redesignated) and inserting the following:

"(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated—

"(1) to provide grants for the purpose of carrying activities under section (a)(1), $15,000,000 for fiscal year 2008; $15,187,500 for fiscal year 2009, $15,375,000 for fiscal year 2010, $15,562,500 for fiscal year 2011, and $15,750,000 for fiscal year 2012; and

"(2) to provide grant for the purpose of carrying out activities under paragraphs (2), (3), and (4) of subsection (a), $15,000,000 for fiscal year 2008, $15,187,500 for fiscal year 2009, $15,375,000 for fiscal year 2010, $15,562,500 for fiscal year 2011, and $15,750,000 for fiscal year 2012.".

SEC. 3. EVALUATING THE EFFECTIVENESS OF NEWBORN AND CHILD SCREENING PROGRAMS.

Section 1110 of the Public Health Service Act (42 U.S.C. 300b–9) is amended by adding at the end the following:

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for fiscal year 2008, $5,062,500 for fiscal year 2009, $5,125,000 for fiscal year 2010, $5,187,500 for fiscal year 2011, and $5,250,000 for fiscal year 2012.".

SEC. 4. ADVISORY COMMITTEE ON HERITABLE DISORDERS IN NEWBORNS AND CHILDREN.

Section 1111 of the Public Health Service Act (42 U.S.C. 300b–10) is amended—

(1) in subsection (b)—

(A) by redesignating paragraph (3) as paragraph (6);

(B) in paragraph (2), by striking "and" after the semicolon;

(C) by inserting after paragraph (2) the following:

"(3) make systematic evidence-based and peer-reviewed recommendations that include the heritable disorders that have the potential to significantly impact public health for which all newborns should be screened, including secondary conditions that may be identified as a result of the laboratory methods used for screening;

"(4) develop a model decision-matrix for newborn screening expansion, including an evaluation of the potential public health impact of such expansion, and periodically update the recommended uniform screening panel, as appropriate, based on such decision-matrix;

"(5) consider ways to ensure that all States attain the capacity to screen for the conditions described in paragraph (3), and include in such consideration the results of grant funding under section 1109; and";

(D) in paragraph (6) (as so redesignated by subparagraph (A)), by striking the period at the end and inserting ", which may include recommendations, advice, or information dealing with—

"(A) follow-up activities, including those necessary to achieve rapid diagnosis in the short-term, and those that ascertain long-term case management outcomes and appropriate access to related services;

"(B) implementation, monitoring, and evaluation of newborn screening activities, including diagnosis, screening, follow-up, and treatment activities;

"(C) diagnostic and other technology used in screening;

"(D) the availability and reporting of testing for conditions for which there is no existing treatment;

"(E) conditions not included in the recommended uniform screening panel that are treatable with Food and Drug Administration-approved products or other safe and effective treatments, as determined by scientific evidence and peer review;

"(F) minimum standards and related policies and procedures used by State newborn screening programs, such as language and terminology used by State newborn screening programs to include standardization of case definitions and names of disorders for which newborn screening tests are performed;

"(G) quality assurance, oversight, and evaluation of State newborn screening programs, including ensuring that tests and technologies used by each State meet established standards for detecting and reporting positive screening results;

"(H) public and provider awareness and education;

"(I) the cost and effectiveness of newborn screening and medical evaluation systems and intervention programs conducted by State-based programs;

"(J) identification of the causes of, public health impacts of, and risk factors for heritable disorders; and

"(K) coordination of surveillance activities, including standardized data collection and reporting, harmonization of laboratory definitions for heritable disorders and testing results, and confirmatory testing and verification of positive results, in order to assess and enhance monitoring of newborn diseases."; and

(2) in subsection (c)(2)—

(A) by redesignating subparagraphs (E), (F) and (G) as subparagraphs (F), (H), and (I);

(B) by inserting after subparagraph (D) the following:

"(E) the Commissioner of the Food and Drug Administration;"; and

(C) by inserting after subparagraph (F), as so redesignated, the following:

"(G) individuals with expertise in ethics and infectious diseases who have worked and published material in the area of newborn screening;"; and

(3) by adding at the end the following:

"(d) Decision on Recommendations.—

"(1) In general.—Not later than 180 days after the Advisory Committee issues a recommendation pursuant to this section, the Secretary shall adopt or reject such recommendation.

"(2) Pending recommendations.—The Secretary shall adopt or reject any recommendation issued by the Advisory Committee that is pending on the date of enactment of the Newborn Screening Saves Lives Act of 2007 by not later than 180 days after the date of enactment of such Act.

"(3) Determinations to be made public.—The Secretary shall publicize any determination on adopting or rejecting a recommendation of the Advisory Committee pursuant to this subsection, including the justification for the determination.

"(e) Annual Report.—Not later than 3 years after the date of enactment of the Newborn Screening Saves Lives Act of 2007, and each fiscal year thereafter, the Advisory Committee shall—

"(1) publish a report on peer-reviewed newborn screening guidelines, including follow-up and treatment, in the United States;

"(2) submit such report to the appropriate committees of Congress, the Secretary, the Interagency Coordinating Committee established under Section 1114, and the State departments of health; and

"(3) disseminate such report on as wide a basis as practicable, including through posting on the internet clearinghouse established under section 1112.

"(f) Continuation of Operation of Committee.—Notwithstanding section 14 of the Federal Advisory Committee Act (5 U.S.C. App.), the Advisory Committee shall continue to operate during the 5-year period beginning on the date of enactment of the Newborn Screening Saves Lives Act of 2007.

"(g) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, $1,000,000 for fiscal year 2008, $1,012,500 for fiscal year 2009, $1,025,000 for fiscal year 2010, $1,037,500 for fiscal year 2011, and $1,050,000 for fiscal year 2012.".

SEC. 5. INFORMATION CLEARINGHOUSE.

Part A of title XI of the Public Health Service Act (42 U.S.C. 300b–1 et seq.) is amended by adding at the end the following:

"SEC. 1112. CLEARINGHOUSE OF NEWBORN SCREENING INFORMATION.

"(a) In General.—The Secretary, acting through the Administrator of the Health Resources and Services Administration (referred to in this part as the 'Administrator'), in consultation with the Director of the Centers for Disease Control and Prevention and the Director of the National Institutes of Health, shall establish and maintain a central clearinghouse of current educational and family support and services information, materials, resources, research, and data on newborn screening to—

"(1) enable parents and family members of newborns, health professionals, industry representatives, and other members of the public to increase their awareness, knowledge, and understanding of newborn screening;

"(2) increase awareness, knowledge, and understanding of newborn diseases and screening services for expectant individuals and families; and

"(3) maintain current data on quality indicators to measure performance of newborn screening, such as false-positive rates and other quality indicators as determined by the Advisory Committee under section 1111.

"(b) Internet Availability.—The Secretary, acting through the Administrator, shall ensure that the clearinghouse described under subsection (a)—

"(1) is available on the Internet;

"(2) includes an interactive forum;

"(3) is updated on a regular basis, but not less than quarterly; and

"(4) provides—

"(A) links to Government-sponsored, non-profit, and other Internet websites of laboratories that have demonstrated expertise in newborn screening that supply research-based information on newborn screening tests currently available throughout the United States;

"(B) information about newborn conditions and screening services available in each State from laboratories certified under subpart 2 of part F of title III, including information about supplemental screening that is available but not required, in the State where the infant is born;

"(C) current research on both treatable and not-yet treatable conditions for which newborn screening tests are available;

"(D) the availability of Federal funding for newborn and child screening for heritable disorders including grants authorized under the Newborn Screening Saves Lives Act of 2007; and

"(E) other relevant information as determined appropriate by the Secretary.

"(c) Nonduplication.—In developing the clearinghouse under this section, the Secretary shall ensure that such clearinghouse minimizes duplication and supplements, not supplants, existing information sharing efforts.

"(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, $2,500,000 for fiscal year 2008, $2,531,250 for fiscal year 2009, $2,562,500 for fiscal year 2010, $2,593,750 for fiscal year 2011, and $2,625,000 for fiscal year 2012.".

SEC. 6. LABORATORY QUALITY AND SURVEILLANCE.

Part A of title XI of the Public Health Service Act (42 U.S.C. 300b–1 et seq.), as amended by section 5, is further amended by adding at the end the following:

"SEC. 1113. LABORATORY QUALITY.

"(a) In General.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in consultation with the Advisory Committee on Heritable Disorders in Newborns and Children established under section 1111, shall provide for—

"(1) quality assurance for laboratories involved in screening newborns and children for heritable disorders, including quality assurance for newborn-screening tests, performance evaluation services, and technical assistance and technology transfer to newborn screening laboratories to ensure analytic validity and utility of screening tests; and

"(2) appropriate quality control and other performance test materials to evaluate the performance of new screening tools.

"(b) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated $5,000,000 for fiscal year 2008, $5,062,500 for fiscal year 2009, $5,125,000 for fiscal year 2010, $5,187,500 for fiscal year 2011, and $5,250,000 for fiscal year 2012.

"SEC. 1114. INTERAGENCY COORDINATING COMMITTEE ON NEWBORN AND CHILD SCREENING.

"(a) Purpose.—It is the purpose of this section to—

"(1) assess existing activities and infrastructure, including activities on birth defects and developmental disabilities authorized under section 317C, in order to make recommendations for programs to collect, analyze, and make available data on the heritable disorders recommended by the Advisory Committee on Heritable Disorders in Newborns and Children under section 1111, including data on the incidence and prevalence of, as well as poor health outcomes resulting from, such disorders; and

"(2) make recommendations for the establishment of regional centers for the conduct of applied epidemiological research on effective interventions to promote the prevention of poor health outcomes resulting from such disorders as well as providing information and education to the public on such effective interventions.

"(b) ESTABLISHMENT.—The Secretary shall establish an Interagency Coordinating Committee on Newborn and Child Screening (referred to in this section as the 'Interagency Coordinating Committee') to carry out the purpose of this section.

"(c) COMPOSITION.—The Interagency Coordinating Committee shall be composed of the Director of the Centers for Disease Control and Prevention, the Administrator, the Director of the Agency for Healthcare Research and Quality, and the Director of the National Institutes of Health, or their designees.

"(d) ACTIVITIES.—The Interagency Coordinating Committee shall—

"(1) report to the Secretary and the appropriate committees of Congress on its recommendations related to the purpose described in subsection (a); and

"(2) carry out other activities determined appropriate by the Secretary.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $1,000,000 for fiscal year 2008, $1,012,500 for fiscal year 2009, $1,025,000 for fiscal year 2010, $1,037,500 for fiscal year 2011, and $1,050,000 for fiscal year 2012.".

SEC. 7. CONTINGENCY PLANNING.

Part A of title XI of the Public Health Service Act (42 U.S.C. 300b–1 et seq.), as amended by section 6, is further amended by adding at the end the following:

"SEC. 1115. NATIONAL CONTINGENCY PLAN FOR NEWBORN SCREENING.

"(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary, acting through the Director of the Centers for Disease Control and Prevention and in consultation with the Administrator and State departments of health (or related agencies), shall develop a national contingency plan for newborn screening for use by a State, region, or consortia of States in the event of a public health emergency.

"(b) CONTENTS.—The contingency plan developed under subsection (a) shall include a plan for—

"(1) the collection and transport of specimens;

"(2) the shipment of specimens to State newborn screening laboratories;

"(3) the processing of specimens;

"(4) the reporting of screening results to physicians and families;

"(5) the diagnostic confirmation of positive screening results;

"(6) ensuring the availability of treatment and management resources;

"(7) educating families about newborn screening; and

"(8) carrying out other activities determined appropriate by the Secretary.

"SEC. 1116. HUNTER KELLY RESEARCH PROGRAM.

"(a) NEWBORN SCREENING ACTIVITIES.—

"(1) IN GENERAL.—The Secretary, in conjunction with the Director of the National Institutes of Health and taking into consideration the recommendations of the Advisory Committee, may continue carrying out, coordinating, and expanding research in newborn screening (to be known as 'Hunter Kelly Newborn Screening Research Program') including—

"(A) identifying, developing, and testing the most promising new screening technologies, in order to improve already existing screening tests, increase the specificity of newborn screening, and expand the number of conditions for which screening tests are available;

"(B) experimental treatments and disease management strategies for additional newborn conditions, and other genetic, metabolic, hormonal and or functional conditions that can be detected through newborn screening for which treatment is not yet available; and

"(C) other activities that would improve newborn screening, as identified by the Director.

"(2) ADDITIONAL NEWBORN CONDITION.—For purposes of this subsection, the term 'additional newborn condition' means any condition that is not one of the core conditions recommended by the Advisory Committee and adopted by the Secretary.

"(b) FUNDING.—In carrying out the research program under this section, the Secretary and the Director shall ensure that entities receiving funding through the program will provide assurances, as practicable, that such entities will work in consultation with the appropriate State departments of health, and, as practicable, focus their research on screening technology not currently performed in the States in which the entities are located, and the conditions on the uniform screening panel (or the standard test existing on the uniform screening panel).

"(c) REPORTS.—The Director is encouraged to include information about the activities carried out under this section in the biennial report required under section 403 of the National Institutes of Health Reform Act of 2006. If such information is included, the Director shall make such information available to be included on the Internet Clearinghouse established under section 1112.

"(d) NONDUPLICATION.—In carrying out programs under this section, the Secretary shall minimize duplication and supplement, not supplant, existing efforts of the type carried out under this section.

"(e) PEER REVIEW.—Nothing in this section shall be construed to interfere with the scientific peer-review process at the National Institutes of Health.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the Session of the Senate on December 13, 2007. At 10:30 a.m., in order to conduct a hearing entitled "Shopping Smart and Avoiding Scams: Financial Literacy During the Holiday Season."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, December 13, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building, for the purposes of conducting a hearing.

At this hearing, the committee members will hear from the five Federal Communications Commission comisssioners on current proceedings involving media and telecommunications policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, December 13, 2007, at 2:30 p.m., in room SD366 of the Dirksen Senate Office Building in order to conduct a hearing. At this hearing, the committee will hear testimony regarding forest restoration and hazardous fuels reduction efforts in the forests of Oregon and Washington.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, December 13, 2007, at 9 a.m. in room SD–406 of the Dirksen Senate Office Building in order to conduct a hearing entitled, "The Clean Water Act following the recent Supreme Court decisions in Solid Waste Agency of Northern Cook County and Rapanos-Carabell."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, December 13, 2007. at 10 a.m., in room SD–215 of the Dirksen Senate Office Building, in order to conduct a hearing entitled "The Housing Decline: The Extent of the Problem and Potential Remedies."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, December 13, 2007, at a time to be determined in room SD–215 of the Dirksen Senate Office Building, to consider the nominations of Christopher A. Padilla, to be Under Secretary of Commerce for International Trade; Christina H. Pearson, to be Assistant Secretary Public Affairs, U.S. Department of Health and Human Services; Benjamin Eric Sasse, to be Assistant Secretary Planning and Evaluation, U.S. Department of Health and Human Services; and Charles E.F. Millard, to be Director of the Pension Benefit Guaranty Corporation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, December 13, 2007, at 2:30 p.m. in order to hold a hearing on global fight against AIDS, tuberculosis, and malaria.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate in order to conduct an Executive Business meeting on Thursday, December 13, 2007, at 10 a.m. in room SD-226 of the Dirksen Senate Office Building.

Agenda

I. Resolutions of Contempt

II. Bills

S. 2402, FISA Intelligence Surveillance Substitution Act of 2007, (Specter); S. 344, A bill to permit the televising of Supreme Court Proceedings, (Specter, Grassley, Durbin, Schumer, Feingold, Cornyn); S. 1638, Federal Judicial Salary Restoration Act of 2007, (Leahy, Hatch, Feinstein, Graham, Kennedy); S. 1829, Protect Our Children First Act of 2007, (Leahy, Hatch, Schumer); S. 431, Keeping the Internet Devoid of Sexual Predators Act of 2007, (Schumer, McCain, Grassley, Specter, Kyl); S. 2344, Internet Safety Education Act of 2007, (Menendez).

III. Resolution

S. Res. 388, Designating the week of February 4 through February 8, 2008, as "National Teen Dating Violence Awareness and Prevention Week", (Crapo, Biden).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Thursday, December 13, 2007. The Committee will meet off the Senate Floor in the Reception room to consider the nomination of LTG James B. Peake (Ret.) for Secretary of Veterans Affairs after the first Floor vote that occurs on Thursday.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. HARKIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on December 13, 2007, at 2:30 p.m. in order to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Thursday, December 13, 2007, at 10 a.m. in order to conduct a hearing entitled, "Prioritizing Management: Implementing Chief Management Officers at Federal Agencies."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Tess Mullen of my staff be granted floor privileges for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar Nos. 392, 397, 398, 399, and 400; and the Coast Guard nominations at the Secretary's desk; that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

Amul R. Thapar, of Kentucky, to be United States District Judge for the Eastern District of Kentucky, vice Joseph M. Hood, retiring.

DEPARTMENT OF JUSTICE

Ronald Jay Tenpas, of Maryland, to be an Assistant Attorney General.

Gregory A. Brower, of Nevada, to be United States Attorney for the District of Nevada for the term of four years.

Diane J. Humetewa, of Arizona, to be United States Attorney for the District of Arizona for the term of four years.

Edmund A. Booth, Jr., of Georgia, to be United States Attorney for the Southern District of Georgia for the term of four years.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE COAST GUARD

PN1039 COAST GUARD nominations (271) beginning STEVEN C. ACOSTA, and ending Marc A. Zlomek, which nominations were received by the Senate and appeared in the Congressional Record of November 7, 2007.

PN1055 COAST GUARD nominations (4) beginning Damon L. Bentley, and ending Tanya C. Saunders, which nominations were received by the Senate and appeared in the Congressional Record of November 15, 2007.

NOMINATION OF AMUL R. THAPAR

Mr. LEAHY. Mr. President, the Senate continues, as we have all year, to make progress filling judicial vacancies by considering yet another nomination reported out of committee this month. The nomination before us today for a lifetime appointment to the Federal bench is Amul R. Thapar, to the Eastern District of Kentucky. He has the support of both home State Senators. I acknowledge the support of Senators McCONNELL and BUNNING, and want to thank Senator WHITEHOUSE for chairing the hearing on this nomination.

In November, the Judiciary Committee reached a milestone by voting to report our 40th judicial nominee this year. That exceeds the totals reported in each of the previous 2 years, when a Republican-led Judiciary Committee was considering this President's nominees.

I am delighted to promptly consider the nomination of Mr. Thapar. The National Asian Pacific American Bar Association wrote to us in support of his nomination, which is the first of a South Asian American to be an Article III judge by this President. When confirmed, he would become only the seventh Asian Pacific American Article III judge in our Nation's history.

Amul R. Thapar is the U.S. Attorney for the Eastern District of Kentucky in Lexington, KY. Before that, he served as an Assistant U.S. Attorney in the Southern District of Ohio and in the District of Columbia. He worked in private practice at the law firms of Squire, Sanders & Dempsey and Williams & Connolly LLP and worked as a general counsel for Equalfooting.com. Mr. Thapar served as a law clerk for Judge Nathaniel R. Jones on the U.S. Court of Appeals for the Sixth Circuit and for Judge S. Arthur Spiegel on the District Court for the Southern District of Ohio. He graduated from Boston College and the University of California, Berkeley Boalt Hall School of Law.

When we confirm the nomination we consider today, the Senate will have confirmed 37 nominations for lifetime appointments to the Federal bench this session alone. That exceeds the totals confirmed in all of 2004, 2005, and 2006 when a Republican-led Senate was considering this President's nominees; all of 1989; all of 1993, when a Democratic-led Senate was considering President Clinton's nominees; all of 1997 and 1999, when a Republican-led Senate was considering President Clinton's nominees; and all of 1996, when the Republican-led Senate did not confirm a single one of President Clinton's circuit nominees.

When this nomination is confirmed, the Senate will have confirmed 137 total Federal judicial nominees in my tenure as Judiciary chairman. During the Bush Presidency, more circuit judges, more district judges—more total judges—were confirmed in the first 24 months that I served as Judiciary chairman than during the 2-year tenures of either of the two Republican chairmen working with Republican Senate majorities.

The Administrative Office of the U.S. Courts will list 45 judicial vacancies and 14 circuit court vacancies after today's confirmations. Compare that to the numbers at the end of the 109th Congress, when the total vacancies under a Republican-controlled Judiciary Committee were 51 judicial vacancies and 15 circuit court vacancies. That means that despite the additional vacancies that arose at the beginning of the 110th Congress and throughout this year, the current vacancy totals under my chairmanship of the Judiciary Committee are below where they were under a Republican led-Judiciary Committee. They are almost half of what they were at the end of President Clinton's term, when Republican pocket filibusters allowed judicial vacancies to rise above 100 before settling at 80. Twenty-six of them were for circuit courts.

When the President consults and sends the Senate well-qualified, consensus nominations, we can work together and continue to make progress as we are today.

I congratulate the nominee and his family on his confirmation today.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

UNANIMOUS-CONSENT AGREEMENT—S. 2338

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate may proceed to the consideration of Calendar No. 481, S. 2338, at a time to be determined by the majority leader following consultation with the Republican leader, and that when the bill is considered, it be considered under the following limitations: that the only first-degree amendments in order be the following, and that the time for debate for the Coburn amendment be limited to 60 minutes equally divided and controlled in the usual form; that there be 30 minutes of general debate on the bill equally divided and controlled; Dodd-Shelby amendment relating to a moratorium; Coburn amendment relating to reverse mortgages; that upon the use or yielding back of all time, the disposition of all amendments, the bill be read a third time and the Senate proceed to vote on passage of the bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

BREAST CANCER STAMP REAUTHORIZATION

Mr. HARKIN. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect to S. 597, Breast Cancer Stamp Reauthorization.

The PRESIDING OFFICER laid before the Senate the following message:

S. 597

Resolved, That the bill from the Senate (S. 597) entitled "An Act to extend the special postage stamp for breast cancer research for 4 years", do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. EXTENSION OF AUTHORITY.

Section 414(h) of title 39, United States Code, is amended by striking "2007" and inserting "2011".

SEC. 2. REPORTING REQUIREMENTS.

The National Institutes of Health and the Department of Defense shall each submit to Congress and the Government Accountability Office an annual report concerning the use of any amounts that it received under section 414(c) of title 39, United States Code, including a description of any significant advances or accomplishments, during the year covered by the report, that were funded, in whole or in part, with such amounts.

Amend the title so as to read: "An Act to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.".

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate concur in the House amendments and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

DESIGNATING THE C. CLYDE ATKINS U.S. COURTHOUSE

Mr. HARKIN. Mr. President, I ask unanimous consent that the Environment and Public Works Committee be discharged from further consideration of H.R. 2671 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2671) to designate the United States Court House located at 301 North Miami Avenue, Miami, Florida, as the "C. Clyde Atkins U.S. Courthouse."

There being no objection, the Senate proceeded to consider the bill.

Mr. HARKIN. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2671) was ordered to a third reading, was read the third time, and passed.

CHIMPANZEE SANCTUARY ACT

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 536, S. 1916.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 1916) to amend the Public Health Service Act to modify the program for the sanctuary system for surplus chimpanzees by terminating the authority for the removal of chimpanzees from the system for research purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chimp Haven is Home Act".

SEC. 2. SANCTUARY SYSTEM FOR SURPLUS CHIMPANZEES; TERMINATION OF AUTHORITY FOR REMOVAL FROM SYSTEM FOR RESEARCH PURPOSES.

(a) IN GENERAL.—The first section 481C of the Public Health Service Act (42 U.S.C. 287a–3a) (added by section 2 of Public Law 106–551) is amended in subsection (d)—

(1) in paragraph (2), in subparagraph (J), by striking "If any chimpanzee is removed" and all that follows; and

(2) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking clause (ii); and

(ii) by striking "except as provided" in the matter preceding clause (i) and all that follows through "behavioral studies" and inserting the following: "except that the chimpanzee may be used for noninvasive behavioral studies";

(B) by striking subparagraph (B);

(C) by redesignating subparagraph (C) as subparagraph (B); and

(D) in subparagraph (B) (as so redesignated), by striking "under subparagraphs (A) and (B)" and inserting "under subparagraph (A)".

(b) TECHNICAL CORRECTION.—Part E of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended by redesignating the second section 481C (added by section 204(a) of Public Law 106–505) as section 481D.

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee-reported amendment be agreed to; the bill, as amended, be read the third time and passed; the motion to reconsider be laid upon the table; and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The bill (S. 1916), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1916

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chimp Haven is Home Act".

SEC. 2. SANCTUARY SYSTEM FOR SURPLUS CHIMPANZEES; TERMINATION OF AUTHORITY FOR REMOVAL FROM SYSTEM FOR RESEARCH PURPOSES.

(a) IN GENERAL.—The first section 481C of the Public Health Service Act (42 U.S.C.

287a–3a) (added by section 2 of Public Law 106–551) is amended in subsection (d)—

(1) in paragraph (2), in subparagraph (J), by striking "If any chimpanzee is removed" and all that follows; and

(2) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking clause (ii); and

(ii) by striking "except as provided" in the matter preceding clause (i) and all that follows through "behavioral studies" and inserting the following: "except that the chimpanzee may be used for noninvasive behavioral studies";

(B) by striking subparagraph (B);

(C) by redesignating subparagraph (C) as subparagraph (B); and

(D) in subparagraph (B) (as so redesignated), by striking "under subparagraphs (A) and (B)" and inserting "under subparagraph (A)".

(b) TECHNICAL CORRECTION.—Part E of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended by redesignating the second section 481C (added by section 204(a) of Public Law 106–505) as section 481D.

RECOGNIZING THE LIFE AND CONTRIBUTIONS OF HENRY JOHN HYDE

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 405, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 405) recognizing the life and contributions of Henry John Hyde.

There being no objection, the Senate proceeded to consider the resolution.

Mr. HARKIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 405) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 405

Whereas Representative Henry John Hyde of Illinois was born in Chicago, Cook County, Illinois, on April 18, 1924;

Whereas Henry Hyde excelled as a student both at Georgetown University, at which he helped take the Hoyas basketball team to the National Collegiate Athletic Association semifinals in 1943 and from which he graduated with a bachelor of science degree in 1947, and at Loyola University Chicago School of Law, from which he graduated in 1949;

Whereas Henry Hyde served his country for his entire adult life, as an officer of the United States Navy from 1944 to 1946, where he served in combat in the Philippines during World War II, in the United States Navy Reserve from 1946 to 1968, from which he retired at the rank of Commander, as a member of the Illinois House of Representatives from 1967 to 1974 and Majority Leader of that body from 1971 to 1972, as a delegate to the Illinois Republican State Conventions from 1958 to 1974, and as a Republican Member of the United States House of Representatives for 16 Congresses, over 3 decades from January 3, 1975, to January 3, 2007;

Whereas Henry Hyde served as the Ranking Member on the Select Committee on Intelligence of the House of Representatives from 1985 to 1991, in the 99th through 101st Congresses, and as chairman of the Committee on the Judiciary of the House of Representatives from the 104th through 106th Congresses and the Committee on International Relations from the 107th through 109th Congresses;

Whereas, in his capacity as a United States Representative, Henry Hyde tirelessly served as a champion for children, both born and unborn, and relentlessly defended the rule of law;

Whereas Henry Hyde demonstrated his commitment to the rule of law during his tenure in the House of Representatives, once stating, "The rule of law is no pious aspiration from a civics textbook. The rule of law is what stands between us and the arbitrary exercise of power by the state. The rule of law is the safeguard of our liberties. The rule of law is what allows us to live our freedom in ways that honor the freedom of others while strengthening the common good. . . If across the river in Arlington Cemetery there are American heroes who died in defense of the rule of law, can we give less than the full measure of our devotion to that great cause?";

Whereas Henry Hyde was a key player in some of the highest level debates concerning the response to the terrorist attacks on our Nation on September 11, 2001;

Whereas Henry Hyde received the Presidential Medal of Freedom, the Nation's highest civilian honor, on November 5, 2007, at a ceremony at which President George W. Bush explained about Representative Hyde, "He used his persuasive powers for noble causes. He stood for a strong and purposeful America—confident in freedom's advance, and firm in freedom's defense. He stood for limited, accountable government, and the equality of every person before the law. He was a gallant champion of the weak and forgotten, and a fearless defender of life in all its seasons.";

Whereas Henry Hyde's greatest legacy is as the author, during his freshman term in the House of Representatives, of an amendment to the 1976 Departments of Labor and Health, Education, and Welfare Appropriations Act—commonly referred to as the Hyde Amendment—that prohibits Federal dollars from being used to pay for the abortion of unborn babies, which conservative figures estimate has saved at least 1,000,000 lives;

Whereas Henry Hyde lived by the belief that we will all be judged by our Creator in the end for our actions here on Earth, which he once explained on the floor of the House of Representatives by saying, "Our moment in history is marked by a mortal conflict between a culture of life and a culture of death. God put us in the world to do noble things, to love and to cherish our fellow human beings, not to destroy them. Today we must choose sides.";

Whereas Henry Hyde selflessly battled for the causes that formed the core of his beliefs until the end of his life, and was greatly respected by his friends and adversaries alike for his dedication and will remain a role model for advocates of those causes by virtue of his conviction, passion, wisdom, and character; and

Whereas Henry Hyde was preceded in death by his first wife, Jeanne, and his son Hank, and is survived by his second wife, Judy, his sons Robert and Anthony and daughter Laura, 3 stepchildren, Susan, Mitch, and Stephen, 7 grandchildren, and 7 step-grandchildren: Now, therefore, be it

Resolved, That the Senate—

(1) notes with deep sorrow the death of Henry John Hyde on November 29, 2007, in Chicago;

(2) extends its heartfelt sympathy to the family of Henry Hyde;

(3) recognizes the life of service and the outstanding contributions of Henry Hyde; and

(4) directs the Secretary of the Senate to transmit a copy of this resolution to the family of Henry Hyde.

EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2484, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2484) to rename the National Institute of Child Health and Human Development as the Eunice Kennedy Shriver National Institute of Child Health and Human Development.

There being no objection, the Senate proceeded to consider the bill.

NAME CHANGE

Mr. HATCH. Mr. President, I am hopeful we will approve tonight a bill I have authored with Senators MIKULSKI, ENZI and HARKIN, The Eunice Kennedy Shriver National Institute of Child Health and Development Act. This act will change the name of the National Institute of Child Health and Development to the Eunice Kennedy Shriver National Institute of Child Health and Development.

Our bill honors a truly great American who has played a unique role in advancing children's health, and particularly in shaping how we treat individuals with intellectual disabilities. Few Americans have ever played such a profound role as Ms. Shriver has played in her life and it is entirely fitting that we rename NICHD on her behalf.

Mr. ENZI. Mr. President, I thank Mr. HATCH for introducing this legislation, which I have joined as an original cosponsor. Ms. Shriver's contribution stands alone, both in terms of what she has done in terms of individuals with intellectual disabilities and their meaningful contribution in society as well as in advancing basic research at the National Institutes of Health. The National Institute of Child Health and Development was launched in the beginning of the Kennedy Administration and Ms. Shriver and her husband Sargent advocated for the institute when many knowledgeable scientists were willing to write off these individuals and advocated that the money spent at the NICHD would be better spent studying adult diseases. Ms. Shriver advocated for this research and I think it is fair to say without her advocacy the Institute would not be what it is today.

Mr. KENNEDY. I thank my colleagues for their support of this legislation. I also thank Senators MIKULSKI and HARKIN, who were other original cosponsors of this legislation. I will speak at a later time on the extraordinary difference that my sister, Eunice, has made in the lives of millions of Americans, but for now, I wish to comment on an aspect of the legislation before us. As we enact this legislation, I did want to make clear, that it is my understanding that nothing in this bill changes any authorities that we provided NIH and its director in the NIH Reform Act that we passed last Congress. Specifically, this does not change any of the authorities of the Scientific Management Review Board or any other provisions provided in section 401 of that act.

Is that the intent and understanding of my colleagues as well?

Mr. HATCH. Yes, this legislation is only meant to change the name of the single institute within NIH and to have no other effect on the NIH or its organization.

Mr. ENZI. I agree. We do not intend this to change or signal any other change at NIH.

Mr. President, I rise today in support of the legislation before us, S. 2484. This bill renames the National Institute of Child Health and Development at the NIH as the "Eunice Kennedy Shriver National Institute of Child Health and Development".

This renaming bill was added during the HELP Committee markup to S. 1011, given that S. 1011 renamed two other Institutes at the National Institutes of Health. Senator HATCH, Senator MIKULSKI, and I sponsored this amendment, and it was unanimously accepted by the HELP Committee. Then, S. 1011 was unanimously voted out of Committee. We would like to have moved the entire bill, but unfortunately, we are not able to do that today due to some objections. Therefore, we are trying to get done what we can get done at the end of this session and simply moving the amendment that does not raise concerns with other members of this body.

I understand that it is unusual to rename an institute at NIH after an individual, but this is an unusual case. Ms. Shriver has long been associated with the National Institute of Child Health and Development, NICHD, and was an early champion of it.

NICHD was established in the 1960s by President Kennedy when he ushered in a "New Frontier" focusing on science and its potential for improving everyone's life. During the 1960s, we also learned of the biological causes of intellectual disabilities. At the same time, Ms. Shriver was an advocate for people with intellectual disabilities. With the help of her husband, Sargent, Ms. Shriver took on the challenge of improving the lives of people with intellectual disabilities and pursued that goal as a senior adviser to the President.

I suspect other Members will note her work with the Special Olympics. That is only a small portion of what she has done for individuals with intellectual disabilities. At the time of NICHD's creation, many leaders in the scientific community felt that money spent to research topics related to human development and intellectual disability would be better spent elsewhere. Ms. Shriver played a seminal role helping the scientific community, policymakers, and the general public recognize the importance of such research. She recognized that it was not just important for those with intellectual disabilities, but the research was a bridge to understanding broader, more general aspects of human development. Therefore, it would not be an overstatement to say that, without Ms. Shriver's contribution, this institute would not exist.

Therefore, Mr. President, I rise today and ask for the support of my colleagues in recognizing the contributions of Ms. Shriver through quick enactment of this legislation, S. 2484.

Mr. HARKIN. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2484) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2484

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT.

(a) FINDINGS.—Congress makes the following findings:

(1) Since it was established by Congress in 1962 at the request of President John F. Kennedy, the National Institute of Child Health and Human Development has achieved an outstanding record of achievement in catalyzing a concentrated attack on the unsolved health problems of children and of mother-infant relationships by fulfilling its mission to—

(A) ensure that every individual is born healthy and wanted, that women suffer no harmful effects from reproductive processes, and that all children have the chance to achieve their full potential for healthy and productive lives, free from disease or disability; and

(B) ensure the health, productivity, independence, and well-being of all individuals through optimal rehabilitation.

(2) The National Institute of Child Health and Human Development has made unparalleled contributions to the advancement of child health and human development, including significant efforts to—

(A) reduce dramatically the rates of Sudden Infant Death Syndrome, infant mortality, and maternal HIV transmission;

(B) develop the Haemophilus Influenza B (Hib) vaccine, credited with nearly eliminating the incidence of mental retardation; and

(C) conduct intramural research, support extramural research, and train thousands of child health and human development researchers who have contributed greatly to dramatic gains in child health throughout the world.

(3) The vision, drive, and tenacity of one woman, Eunice Kennedy Shriver, was instrumental in proposing, passing, and enacting legislation to establish the National Institute of Child Health and Human Development (Public Law 87-838) on October 17, 1962.

(4) It is befitting and appropriate to recognize the substantial achievements of Eunice Kennedy Shriver, a tireless advocate for children with special needs, whose foresight in creating the National Institute of Child Health and Human Development gave life to the words of President Kennedy, who wished to "encourage imaginative research into the complex processes of human development from conception to old age.".

(b) AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.—The Public Health Service Act is amended—

(1) in section 401(b)(7) (42 U.S.C. 281(b)(7)), by striking "National Institute of Child Health and Human Development" and inserting "Eunice Kennedy Shriver National Institute of Child Health and Human Development";

(2) in section 404B (42 U.S.C. 283d), by striking "National Institute for Child Health and Human Development" and inserting "Eunice Kennedy Shriver National Institute of Child Health and Human Development";

(3) in section 404E(a) (42 U.S.C. 283g(a)), by striking "National Institute of Child Health and Human Development" and inserting "Eunice Kennedy Shriver National Institute of Child Health and Human Development";

(4) in section 409D(c)(1) (42 U.S.C. 284h(c)(1)), by striking "National Institute of Child Health and Human Development" and inserting "Eunice Kennedy Shriver National Institute of Child Health and Human Development";

(5) in section 424(c)(3)(B)(vi) (42 U.S.C. 285b-7(c)(3)(B)(vi)), by striking "National Institute of Child Health and Human Development" and inserting "Eunice Kennedy Shriver National Institute of Child Health and Human Development";

(6) in section 430(b)(2)(B) (42 U.S.C. 285c-4(b)(2)(B)), by striking "National Institute of Child Health and Human Development" and inserting "Eunice Kennedy Shriver National Institute of Child Health and Human Development";

(7) in the heading of subpart 7 of part C of title IV (42 U.S.C. 285g et seq.), by striking the term "National Institute of Child Health and Human Development" each place such term appears and inserting "Eunice Kennedy Shriver National Institute of Child Health and Human Development";

(8) in section 487B(a) (42 U.S.C. 288-2(a)), by striking "National Institute on Child Health and Human Development" and inserting "Eunice Kennedy Shriver National Institute of Child Health and Human Development";

(9) in section 519C(g)(2) (42 U.S.C. 290bb-25c(g)(2)), by striking "National Institute of Child Health and Human Development" and

inserting "Eunice Kennedy Shriver National Institute of Child Health and Human Development"; and

(10) in section 1122 (42 U.S.C. 300c–12), by striking "National Institute of Child Health and Human Development" and inserting "Eunice Kennedy Shriver National Institute of Child Health and Human Development".

(c) AMENDMENTS TO OTHER ACTS.—

(1) COMPREHENSIVE SMOKING EDUCATION ACT.—Section 3(b)(1)(A) of the Comprehensive Smoking Education Act (15 U.S.C. 1341(b)(1)(A)) is amended by striking "National Institute of Child Health and Human Development" and inserting "Eunice Kennedy Shriver National Institute of Child Health and Human Development".

(2) ADULT EDUCATION AND FAMILY LITERACY ACT.—Sections 242 and 243 of the Adult Education and Family Literacy Act (20 U.S.C. 9252 and 9253) are amended by striking the term "National Institute of Child Health and Human Development" each place such term appears and inserting "Eunice Kennedy Shriver National Institute of Child Health and Human Development".

(3) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended by striking the terms "National Institute of Child Health and Human Development" and "National Institute for Child Health and Human Development" each place either term appears and inserting "Eunice Kennedy Shriver National Institute of Child Health and Human Development".

(d) REFERENCE.—Any reference in any law, regulation, order, document, paper, or other record of the United States to the "National Institute of Child Health and Human Development" shall be deemed to be a reference to the "Eunice Kennedy Shriver National Institute of Child Health and Human Development".

CALLING FOR PRESIDENTIAL DISCUSSION WITH THE LEADERS OF THE REPUBLIC OF GEORGIA

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. Res. 391, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 391) calling on the President of the United States to engage in an open discussion with the leaders of the Republic of Georgia to express support for the planned presidential elections and the expectation that such elections will be held in a manner consistent with democratic principles.

There being no objection, the Senate proceeded to consider the resolution.

Mr. HARKIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 391) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 391

Whereas the Republic of Georgia, which is an emerging democracy strategically located between Turkey and Russia, is an important political and geopolitical ally of the United States;

Whereas Georgia has made significant economic progress since 2000, with an economic growth rate that now exceeds 9 percent on an annual basis, and was named the top economic reformer in the world by the World Bank in 2006;

Whereas the Government of Georgia has been a leader in addressing the proliferation of weapons of mass destruction under the Nunn-Lugar Cooperative Threat Reduction Program;

Whereas the Government of Georgia is working to become a candidate for membership in the North Atlantic Treaty Organization (NATO) and the European Union;

Whereas the United States Government strongly supports the territorial integrity of Georgia and works actively toward a peaceful settlement of the Abkhazia and South Ossetia conflicts that might lead those regions toward greater autonomy within a unified Georgia;

Whereas the popular uprising in Georgia in 2003, the Rose Revolution, led to the establishment of democracy in that country;

Whereas opposition parties in Georgia engaged in demonstrations lasting several days beginning on November 2, 2007;

Whereas the President of Georgia, Mikheil Saakashvili, declared a state of emergency on November 7, 2007, after which the country's main opposition television station, Imedi, was closed;

Whereas Deputy Assistant Secretary of State Matthew Bryza visited Georgia on November 10–11, 2007, and urged the Government of Georgia to reopen its private television stations, stating on Georgian state television: "A cornerstone of democracy is that all TV stations should remain open.";

Whereas President Saakashvili ended emergency rule on November 17, 2007, and announced presidential elections to be held on January 5, 2008;

Whereas the Government of Georgia has announced the reopening of the major opposition television station, Imedi;

Whereas the Government of Georgia has invited international election monitors to oversee the elections and thereby contribute to greater international recognition of the Georgian political process; and

Whereas freedom of the press, freedom of political expression, and a fair and impartial judiciary are among the most fundamental tenets of democracy: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the President should publicly state strong support for free and fair elections to be held in Georgia on January 5, 2008, in accordance with democratic principles; and

(2) the Government of Georgia, in order to restore faith in the democratic evolution of the country—

(A) must conduct free and fair elections, without government interference; and

(B) must permit all independent media to remain open and report on the elections.

MILO C. HUEMPFNER DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

Mr. HARKIN. Mr. President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of H.R. 2408 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the title of the bill.

The legislative clerk read as follows:

A bill (H.R. 2408) to designate the Department of Veterans Affairs outpatient clinic in Green Bay, Wisconsin, as the "Milo C. Huempfner Department of Veterans Affairs Outpatient Clinic".

There being no objection, the committee proceeded to consider the bill.

Mr. HARKIN. Mr. President, I ask unanimous consent that the bill be read a third time, passed, and the motion to reconsider be laid upon the table; that any statements relating to the bill be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2408) was ordered to a third reading, was read the third time, and passed.

TO MODERNIZE VETERANS AFFAIRS MEDICAL CENTER IN ATLANTA, GEORGIA

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of S. 1396 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1396) to authorize a major medical facility project to modernize inpatient wards at the Department of Veterans Affairs Medical Center in Atlanta, Georgia.

There being no objection, the Senate proceeded to consider the bill.

Mr. HARKIN. Mr. President, I ask unanimous consent that the bill be read a third time, passed, and the motion to reconsider be laid upon the table; that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1396) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1396

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECT, ATLANTA, GEORGIA.

The Secretary of Veterans Affairs may carry out a major medical facility project for modernization of inpatient wards at the Department of Veterans Affairs Medical Center, Atlanta, Georgia, in an amount not to exceed $20,534,000.

ERNEST CHILDERS DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of S. 1585 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1585) to designate the Department of Veterans Affairs Outpatient Clinic in Tulsa, Oklahoma, as the "Ernest Childers Department of Veterans Affairs Outpatient Clinic."

There being no objection, the Senate proceeded to consider the bill.

Mr. HARKIN. Mr. President, I ask unanimous consent that the bill be read a third time, passed, and the motion to reconsider be laid upon the table; that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1585) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1585

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF ERNEST CHILDERS DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC.

(a) DESIGNATION.—The Department of Veterans Affairs Outpatient Clinic in Tulsa, Oklahoma, shall be known and designated as the "Ernest Childers Department of Veterans Affairs Outpatient Clinic".

(b) REFERENCES.—Any reference in any law, regulation, map, document, record, or other paper of the United States to the outpatient clinic referred to in subsection (a) shall be considered to be a reference to the "Ernest Childers Department of Veterans Affairs Outpatient Clinic".

LIEUTENANT COLONEL CLEMENT C. VAN WAGONER DEPARTMENT OF VETERANS AFFAIRS CLINIC

Mr. HARKIN. Mr. President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of S. 2339, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2339) to designate the Department of Veterans Affairs clinic in Alpena, Michigan, as the "Lieutenant Colonel Clement C. Van Wagoner Department of Veterans Affairs Clinic."

There being no objection, the Senate proceeded to consider the bill.

Mr. HARKIN. I ask unanimous consent that the bill be read a third time, passed, the motions to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2339) was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 2339

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF LIEUTENANT COLONEL CLEMENT C. VAN WAGONER DEPARTMENT OF VETERANS AFFAIRS CLINIC.

(a) DESIGNATION.—The Department of Veterans Affairs clinic located in Alpena, Michigan, shall after the date of the enactment of this Act be known and designated as the "Lieutenant Colonel Clement C. Van Wagoner Department of Veterans Affairs Clinic".

(b) REFERENCES.—Any reference in any law, regulation, map, document, record, or other paper of the United States to the clinic referred to in subsection (a) shall be considered to be a reference to the Lieutenant Colonel Clement C. Van Wagoner Department of Veterans Affairs Clinic.

NEWBORN SCREENING SAVES LIVES ACT OF 2007

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 522, S. 1858.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1858) to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Newborn Screening Saves Lives Act of 2007".

SEC. 2. IMPROVED NEWBORN AND CHILD SCREENING FOR HERITABLE DISORDER.

Section 1109 of the Public Health Service Act (42 U.S.C. 300b–8) is amended—

(1) by striking subsections (a), (b), and (c) and inserting the following:

"(a) AUTHORIZATION OF GRANT PROGRAM.—From amounts appropriated under subsection (j), the Secretary, acting through the Administrator of the Health Resources and Services Administration (referred to in this section as the 'Administrator') and in consultation with the Advisory Committee on Heritable Disorders in Newborns and Children (referred to in this section as the 'Advisory Committee'), shall award grants to eligible entities to enable such entities—

"(1) to enhance, improve or expand the ability of State and local public health agencies to provide screening, counseling, or health care services to newborns and children having or at risk for heritable disorders;

"(2) to assist in providing health care professionals and newborn screening laboratory personnel with education in newborn screening and training in relevant and new technologies in newborn screening and congenital, genetic, and metabolic disorders;

"(3) to develop and deliver educational programs (at appropriate literacy levels) about newborn screening counseling, testing, follow-up, treatment, and specialty services to parents, families, and patient advocacy and support groups; and

"(4) to establish, maintain, and operate a system to assess and coordinate treatment relating to congenital, genetic, and metabolic disorders

"(b) ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means—

"(1) a State or a political subdivision of a State;

"(2) a consortium of 2 or more States or political subdivisions of States;

"(3) a territory;

"(4) a health facility or program operated by or pursuant to a contract with or grant from the Indian Health Service; or

"(5) any other entity with appropriate expertise in newborn screening, as determined by the Secretary.

"(c) APPROVAL FACTORS.—An application submitted for a grant under subsection (a)(1) shall not be approved by the Secretary unless the application contains assurances that the eligible entity has adopted and implemented, is in the process of adopting and implementing, or will use amounts received under such grant to adopt and implement the guidelines and recommendations of the Advisory Committee that are adopted by the Secretary and in effect at the time the grant is awarded or renewed under this section, which shall include the screening of each newborn for the heritable disorders recommended by the Advisory Committee and adopted by the Secretary.";

(2) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively;

(3) by inserting after subsection (c), the following:

"(d) COORDINATION.—The Secretary shall take all necessary steps to coordinate programs funded with grants received under this section and to coordinate with existing newborn screening activities."; and

(4) by striking subsection (j) (as so redesignated) and inserting the following:

"(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated—

"(1) to provide grants for the purpose of carrying activities under section (a)(1), $15,000,000 for fiscal year 2008; $15,187,500 for fiscal year 2009, $15,375,000 for fiscal year 2010, $15,562,500 for fiscal year 2011, and $15,750,000 for fiscal year 2012; and

"(2) to provide grant for the purpose of carrying out activities under paragraphs (2), (3), and (4) of subsection (a), $15,000,000 for fiscal year 2008, $15,187,500 for fiscal year 2009, $15,375,000 for fiscal year 2010, $15,562,500 for fiscal year 2011, and $15,750,000 for fiscal year 2012.".

SEC. 3. EVALUATING THE EFFECTIVENESS OF NEWBORN AND CHILD SCREENING PROGRAMS.

Section 1110 of the Public Health Service Act (42 U.S.C. 300b–9) is amended by adding at the end the following:

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for fiscal year 2008, $5,062,500 for fiscal year 2009, $5,125,000 for fiscal year 2010, $5,187,500 for fiscal year 2011, and $5,250,000 for fiscal year 2012.".

SEC. 4. ADVISORY COMMITTEE ON HERITABLE DISORDERS IN NEWBORNS AND CHILDREN.

Section 1111 of the Public Health Service Act (42 U.S.C. 300b–10) is amended—

(1) in subsection (b)—

(A) by redesignating paragraph (3) as paragraph (6);

(B) in paragraph (2), by striking "and" after the semicolon;

(C) by inserting after paragraph (2) the following:

"(3) make systematic evidence-based and peer-reviewed recommendations that include the heritable disorders that have the potential to significantly impact public health for which all newborns should be screened, including secondary conditions that may be identified as a result of the laboratory methods used for screening;

"(4) develop a model decision-matrix for newborn screening expansion, including an evaluation of the potential public health impact of such expansion, and periodically update the recommended uniform screening panel, as appropriate, based on such decision-matrix;

"(5) consider ways to ensure that all States attain the capacity to screen for the conditions described in paragraph (3), and include in such consideration the results of grant funding under section 1109; and";

(E) in paragraph (6) (as so redesignated by subparagraph (A)), by striking the period at the end and inserting ", which may include recommendations, advice, or information dealing with—

"(A) follow-up activities, including those necessary to achieve rapid diagnosis in the short-term, and those that ascertain long-term case management outcomes and appropriate access to related services;

"(B) implementation, monitoring, and evaluation of newborn screening activities, including diagnosis, screening, follow-up, and treatment activities;

"(C) diagnostic and other technology used in screening;

"(D) the availability and reporting of testing for conditions for which there is no existing treatment;

"(E) conditions not included in the recommended uniform screening panel that are treatable with Food and Drug Administration-approved products or other safe and effective treatments, as determined by scientific evidence and peer review;

"(F) minimum standards and related policies and procedures used by State newborn screening programs, such as language and terminology used by State newborn screening programs to include standardization of case definitions and names of disorders for which newborn screening tests are performed;

"(G) quality assurance, oversight, and evaluation of State newborn screening programs, including ensuring that tests and technologies used by each State meet established standards for detecting and reporting positive screening results;

"(H) public and provider awareness and education;

"(I) the cost and effectiveness of newborn screening and medical evaluation systems and intervention programs conducted by State-based programs;

"(J) identification of the causes of, public health impacts of, and risk factors for heritable disorders; and

"(K) coordination of surveillance activities, including standardized data collection and reporting, harmonization of laboratory definitions for heritable disorders and testing results, and confirmatory testing and verification of positive results, in order to assess and enhance monitoring of newborn diseases."; and

(2) in subsection (c)(2)—

(A) by redesignating subparagraphs (E), (F) and (G) as subparagraphs (F), (H), and (I);

(B) by inserting after subparagraph (D) the following:

"(E) the Commissioner of the Food and Drug Administration;"; and

(C) by inserting after subparagraph (F), as so redesignated, the following:

"(G) individuals with expertise in ethics and infectious diseases who have worked and published material in the area of newborn screening;"; and

(3) by adding at the end the following:

"(d) DECISION ON RECOMMENDATIONS.—

"(1) IN GENERAL.—Not later than 180 days after the Advisory Committee issues a recommendation pursuant to this section, the Secretary shall adopt or reject such recommendation.

"(2) PENDING RECOMMENDATIONS.—The Secretary shall adopt or reject any recommendation issued by the Advisory Committee that is pending on the date of enactment of the Newborn Screening Saves Lives Act of 2007 by not later than 180 days after the date of enactment of such Act.

"(3) DETERMINATIONS TO BE MADE PUBLIC.—The Secretary shall publicize any determination on adopting or rejecting a recommendation of the Advisory Committee pursuant to this subsection, including the justification for the determination.

"(e) ANNUAL REPORT.—Not later than 3 years after the date of enactment of the Newborn Screening Saves Lives Act of 2007, and each fiscal year thereafter, the Advisory Committee shall—

"(1) publish a report on peer-reviewed newborn screening guidelines, including follow-up and treatment, in the United States;

"(2) submit such report to the appropriate committees of Congress, the Secretary, and the State departments of health; and

"(3) disseminate such report on as wide a basis as practicable, including through posting on the internet clearinghouse established under section 1112.

"(f) CONTINUATION OF OPERATION OF COMMITTEE.—Notwithstanding section 14 of the Federal Advisory Committee Act (5 U.S.C. App.), the Advisory Committee shall continue to operate during the 5-year period beginning on the date of enactment of the Newborn Screening Saves Lives Act of 2007.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $1,000,000 for fiscal year 2008, $1,012,500 for fiscal year 2009, $1,025,000 for fiscal year 2010, $1,037,500 for fiscal year 2011, and $1,050,000 for fiscal year 2012.".

SEC. 5. INFORMATION CLEARINGHOUSE.

Part A of title XI of the Public Health Service Act (42 U.S.C. 300b–1 et seq.) is amended by adding at the end the following:

"SEC. 1112. CLEARINGHOUSE OF NEWBORN SCREENING INFORMATION.

"(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration (referred to in this part as the 'Administrator'), in consultation with the Director of the Centers for Disease Control and Prevention and the Director of the National Institutes of Health, shall establish and maintain a central clearinghouse of current educational and family support and services information, materials, resources, research, and data on newborn screening to—

"(1) enable parents and family members of newborns, health professionals, industry representatives, and other members of the public to increase their awareness, knowledge, and understanding of newborn screening;

"(2) increase awareness, knowledge, and understanding of newborn diseases and screening services for expectant individuals and families; and

"(3) maintain current data on quality indicators to measure performance of newborn screening, such as false-positive rates and other quality indicators as determined by the Advisory Committee under section 1111.

"(b) INTERNET AVAILABILITY.—The Secretary, acting through the Administrator, shall ensure that the clearinghouse described under subsection (a)—

"(1) is available on the Internet;

"(2) includes an interactive forum;

"(3) is updated on a regular basis, but not less than quarterly; and

"(4) provides—

"(A) links to Government-sponsored, non-profit, and other Internet websites of laboratories that have demonstrated expertise in newborn screening that supply research-based information on newborn screening tests currently available throughout the United States;

"(B) information about newborn conditions and screening services available in each State from laboratories certified under subpart 2 of part F of title III, including information about supplemental screening that is available but not required, in the State where the infant is born;

"(C) current research on both treatable and not-yet treatable conditions for which newborn screening tests are available;

"(D) the availability of Federal funding for newborn and child screening for heritable disorders including grants authorized under the Newborn Screening Saves Lives Act of 2007; and

"(E) other relevant information as determined appropriate by the Secretary.

"(c) NONDUPLICATION.—In developing the clearinghouse under this section, the Secretary shall ensure that such clearinghouse minimizes duplication and supplements, not supplants, existing information sharing efforts.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $2,500,000 for fiscal year 2008, $2,531,250 for fiscal year 2009, $2,562,500 for fiscal year 2010, $2,593,750 for fiscal year 2011, and $2,625,000 for fiscal year 2012.".

SEC. 6. LABORATORY QUALITY AND SURVEILLANCE.

Part A of title XI of the Public Health Service Act (42 U.S.C. 300b–1 et seq.), as amended by section 5, is further amended by adding at the end the following:

"SEC. 1113. LABORATORY QUALITY.

"(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in consultation with the Advisory Committee on Heritable Disorders in Newborns and Children established under section 1111, shall provide for—

"(1) quality assurance for laboratories involved in screening newborns and children for heritable disorders, including quality assurance for newborn-screening tests, performance evaluation services, and technical assistance and technology transfer to newborn screening laboratories to ensure analytic validity and utility of screening tests; and

"(2) appropriate quality control and other performance test materials to evaluate the performance of new screening tools.

"(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $5,000,000 for fiscal year 2008, $5,062,500 for fiscal year 2009, $5,125,000 for fiscal year 2010, $5,187,500 for fiscal year 2011, and $5,250,000 for fiscal year 2012.

"SEC. 1114. SURVEILLANCE PROGRAMS FOR HERITABLE DISORDERS SCREENING.

"(a) IN GENERAL.—The Secretary, acting through an Interagency Group consisting of the Director of the Agency for Healthcare Research and Quality, the Director of the Centers for Disease Control and Prevention, the Administrator, and the Director of the National Institutes of Health, shall build upon existing activities and infrastructure to carry out programs—

"(1) to collect, analyze, and make available data on the heritable disorders recommended by the Advisory Committee on Heritable Disorders in Newborns and Children established under section 1111, including data on the incidence and prevalence of, as well as poor health outcomes resulting from, such disorders;

"(2) to identify regional centers for the conduct of applied epidemiological research on effective interventions for such disorders for the prevention of poor health outcomes;

"(3) to provide information and education to the public on effective interventions for the prevention of poor health outcomes resulting from such disorders; and

"(4) to conduct research on and to promote the prevention of poor health outcomes resulting from such disorders, and secondary health conditions among individuals with such disorders.

"(b) GRANTS AND CONTRACTS.—

"(1) IN GENERAL.—In carrying out subsection (a), the Secretary may make grants to and enter into contracts with public and nonprofit private entities.

"(2) SUPPLIES AND SERVICES IN LIEU OF AWARD FUNDS.—

"(A) IN GENERAL.—Upon the request of a recipient of an award of a grant or contract under paragraph (1), the Secretary may, subject to subparagraph (B), provide supplies, equipment, and services for the purpose of aiding the recipient in carrying out the purposes for which the award is made and, for such purposes, may detail to the recipient any officer or employee of the Department of Health and Human Services.

"(B) REDUCTION.—With respect to a request described in subparagraph (A), the Secretary shall reduce the amount of payments under the award involved by an amount equal to the costs of detailing personnel and the fair market value of any supplies, equipment, or services provided by the Secretary. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

"(3) APPLICATION FOR AWARD.—The Secretary may make an award of a grant or contract under paragraph (1) only if an application for the award is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out the purposes for which the award is to be made.

"(c) REPORTS TO CONGRESS.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall submit to the relevant committees of Congress reports—

"(A) containing information under paragraph (1) that is specific to various racial, ethnic, and socioeconomic groups;

"(B) containing an assessment of the extent to which various approaches of preventing heritable disorders and secondary health conditions among individuals with such disorders have been effective;

"(C) describing the activities carried out under this section;

"(D) containing information on the incidence and prevalence of individuals living with heritable disorders, information on the health status of individuals with such disorders including the extent to which such disorders have contributed to the incidence and prevalence of infant mortality, information on any health disparities experienced by such individuals, and recommendations for improving the health and wellness and quality of life of such individuals;

"(E) containing a summary of recommendations from all heritable disorders research conferences sponsored by the Centers for Disease Control and Prevention or the National Institutes of Health; and

"(F) containing any recommendations of the Secretary regarding this section.

"(2) TIMING OF REPORTS.—The Secretary shall submit—

"(A) an interim report that includes the information described in paragraph (1), not later than 30 months after the date on which the first grant funds are awarded under this section; and

"(B) a subsequent report that includes the information described in paragraph (1), not later than 60 months after the date on which the first grant funds are awarded under this section.

"(d) COORDINATION.—

"(1) IN GENERAL.—In carrying out this section, the Secretary shall coordinate, to the extent practicable, programs under this section with programs on birth defects and developmental disabilities authorized under section 317C.

"(2) PRIORITY IN GRANTS AND CONTRACTS.—In making grants and contracts under this section, the Secretary shall give priority to entities that demonstrate the ability to coordinate activities under a grant or contract made under this section with existing birth defects surveillance activities.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $15,000,000 for fiscal year 2008, $15,187,500 for fiscal year 2009, $15,375,000 for fiscal year 2010, $15,562,500 for fiscal year 2011, and $15,750,000 for fiscal year 2012.".

SEC. 7. CONTINGENCY PLANNING.

Part A of title XI of the Public Health Service Act (42 U.S.C. 300b-1 et seq.), as amended by section 6, is further amended by adding at the end the following:

"SEC. 1115. NATIONAL CONTINGENCY PLAN FOR NEWBORN SCREENING.

"(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary, acting through the Director of the Centers for Disease Control and Prevention and in consultation with the Administrator and State departments of health (or related agencies), shall develop a national contingency plan for newborn screening for use by a State, region, or consortia of States in the event of a public health emergency.

"(b) CONTENTS.—The contingency plan developed under subsection (a) shall include a plan for—

"(1) the collection and transport of specimens;

"(2) the shipment of specimens to State newborn screening laboratories;

"(3) the processing of specimens;

"(4) the reporting of screening results to physicians and families;

"(5) the diagnostic confirmation of positive screening results;

"(6) ensuring the availability of treatment and management resources;

"(7) educating families about newborn screening; and

"(8) carrying out other activities determined appropriate by the Secretary.

"SEC. 1116. HUNTER KELLY RESEARCH PROGRAM.

"(a) NEWBORN SCREENING ACTIVITIES.—

"(1) IN GENERAL.—The Secretary, in conjunction with the Director of the National Institutes of Health and taking into consideration the recommendations of the Advisory Committee, may continue carrying out, coordinating, and expanding research in newborn screening (to be known as 'Hunter Kelly Newborn Screening Research Program') including—

"(A) identifying, developing, and testing the most promising new screening technologies, in order to improve already existing screening tests, increase the specificity of newborn screening, and expand the number of conditions for which screening tests are available;

"(B) experimental treatments and disease management strategies for additional newborn conditions, and other genetic, metabolic, hormonal and or functional conditions that can be detected through newborn screening for which treatment is not yet available; and

"(C) other activities that would improve newborn screening, as identified by the Director.

"(2) ADDITIONAL NEWBORN CONDITION.—For purposes of this subsection, the term 'additional newborn condition' means any condition that is not one of the core conditions recommended by the Advisory Committee and adopted by the Secretary.

"(b) FUNDING.—In carrying out the research program under this section, the Secretary and the Director shall ensure that entities receiving funding through the program will provide assurances, as practicable, that such entities will work in consultation with the appropriate State departments of health, and, as practicable, focus their research on screening technology not currently performed in the States in which the entities are located, and the conditions on the uniform screening panel (or the standard test existing on the uniform screening panel).

"(c) REPORTS.—The Director is encouraged to include information about the activities carried out under this section in the biennial report required under section 403 of the National Institutes of Health Reform Act of 2006. If such information is included, the Director shall make such information available to be included on the Internet Clearinghouse established under section 1112.

"(d) NONDUPLICATION.—In carrying out programs under this section, the Secretary shall minimize duplication and supplement, not supplant, existing efforts of the type carried out under this section.

"(e) PEER REVIEW.—Nothing in this section shall be construed to interfere with the scientific peer-review process at the National Institutes of Health.".

Mr. HARKIN. I ask unanimous consent that the amendment at the desk be considered and agreed to, the committee reported substitute, as amended, be agreed to, the bill as amended be read a third time, passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3852) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1858), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1858

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Newborn Screening Saves Lives Act of 2007".

SEC. 2. IMPROVED NEWBORN AND CHILD SCREENING FOR HERITABLE DISORDER.

Section 1109 of the Public Health Service Act (42 U.S.C. 300b–8) is amended—

(1) by striking subsections (a), (b), and (c) and inserting the following:

"(a) AUTHORIZATION OF GRANT PROGRAM.—From amounts appropriated under subsection (j), the Secretary, acting through the Administrator of the Health Resources and

Services Administration (referred to in this section as the 'Administrator') and in consultation with the Advisory Committee on Heritable Disorders in Newborns and Children (referred to in this section as the 'Advisory Committee'), shall award grants to eligible entities to enable such entities—

"(1) to enhance, improve or expand the ability of State and local public health agencies to provide screening, counseling, or health care services to newborns and children having or at risk for heritable disorders;

"(2) to assist in providing health care professionals and newborn screening laboratory personnel with education in newborn screening and training in relevant and new technologies in newborn screening and congenital, genetic, and metabolic disorders;

"(3) to develop and deliver educational programs (at appropriate literacy levels) about newborn screening counseling, testing, follow-up, treatment, and specialty services to parents, families, and patient advocacy and support groups; and

"(4) to establish, maintain, and operate a system to assess and coordinate treatment relating to congenital, genetic, and metabolic disorders.

"(b) ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means—

"(1) a State or a political subdivision of a State;

"(2) a consortium of 2 or more States or political subdivisions of States;

"(3) a territory;

"(4) a health facility or program operated by or pursuant to a contract with or grant from the Indian Health Service; or

"(5) any other entity with appropriate expertise in newborn screening, as determined by the Secretary.

"(c) APPROVAL FACTORS.—An application submitted for a grant under subsection (a)(1) shall not be approved by the Secretary unless the application contains assurances that the eligible entity has adopted and implemented, is in the process of adopting and implementing, or will use amounts received under such grant to adopt and implement the guidelines and recommendations of the Advisory Committee that are adopted by the Secretary and in effect at the time the grant is awarded or renewed under this section, which shall include the screening of each newborn for the heritable disorders recommended by the Advisory Committee and adopted by the Secretary.";

(2) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively;

(3) by inserting after subsection (c), the following:

"(d) COORDINATION.—The Secretary shall take all necessary steps to coordinate programs funded with grants received under this section and to coordinate with existing newborn screening activities."; and

(4) by striking subsection (j) (as so redesignated) and inserting the following:

"(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated—

"(1) to provide grants for the purpose of carrying activities under section (a)(1), $15,000,000 for fiscal year 2008; $15,187,500 for fiscal year 2009, $15,375,000 for fiscal year 2010, $15,562,500 for fiscal year 2011, and $15,750,000 for fiscal year 2012; and

"(2) to provide grant for the purpose of carrying out activities under paragraphs (2), (3), and (4) of subsection (a), $15,000,000 for fiscal year 2008, $15,187,500 for fiscal year 2009, $15,375,000 for fiscal year 2010, $15,562,500 for fiscal year 2011, and $15,750,000 for fiscal year 2012.".

SEC. 3. EVALUATING THE EFFECTIVENESS OF NEWBORN AND CHILD SCREENING PROGRAMS.

Section 1110 of the Public Health Service Act (42 U.S.C. 300b-9) is amended by adding at the end the following:

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for fiscal year 2008, $5,062,500 for fiscal year 2009, $5,125,000 for fiscal year 2010, $5,187,500 for fiscal year 2011, and $5,250,000 for fiscal year 2012.".

SEC. 4. ADVISORY COMMITTEE ON HERITABLE DISORDERS IN NEWBORNS AND CHILDREN.

Section 1111 of the Public Health Service Act (42 U.S.C. 300b-10) is amended—

(1) in subsection (b)—

(A) by redesignating paragraph (3) as paragraph (6);

(B) in paragraph (2), by striking "and" after the semicolon;

(C) by inserting after paragraph (2) the following:

"(3) make systematic evidence-based and peer-reviewed recommendations that include the heritable disorders that have the potential to significantly impact public health for which all newborns should be screened, including secondary conditions that may be identified as a result of the laboratory methods used for screening;

"(4) develop a model decision-matrix for newborn screening expansion, including an evaluation of the potential public health impact of such expansion, and periodically update the recommended uniform screening panel, as appropriate, based on such decision-matrix;

"(5) consider ways to ensure that all States attain the capacity to screen for the conditions described in paragraph (3), and include in such consideration the results of grant funding under section 1109; and";

(D) in paragraph (6) (as so redesignated by subparagraph (A)), by striking the period at the end and inserting ", which may include recommendations, advice, or information dealing with—

"(A) follow-up activities, including those necessary to achieve rapid diagnosis in the short-term, and those that ascertain long-term case management outcomes and appropriate access to related services;

"(B) implementation, monitoring, and evaluation of newborn screening activities, including diagnosis, screening, follow-up, and treatment activities;

"(C) diagnostic and other technology used in screening;

"(D) the availability and reporting of testing for conditions for which there is no existing treatment;

"(E) conditions not included in the recommended uniform screening panel that are treatable with Food and Drug Administration-approved products or other safe and effective treatments, as determined by scientific evidence and peer review;

"(F) minimum standards and related policies and procedures used by State newborn screening programs, such as language and terminology used by State newborn screening programs to include standardization of case definitions and names of disorders for which newborn screening tests are performed;

"(G) quality assurance, oversight, and evaluation of State newborn screening programs, including ensuring that tests and technologies used by each State meet established standards for detecting and reporting positive screening results;

"(H) public and provider awareness and education;

"(I) the cost and effectiveness of newborn screening and medical evaluation systems and intervention programs conducted by State-based programs;

"(J) identification of the causes of, public health impacts of, and risk factors for heritable disorders; and

"(K) coordination of surveillance activities, including standardized data collection and reporting, harmonization of laboratory definitions for heritable disorders and testing results, and confirmatory testing and verification of positive results, in order to assess and enhance monitoring of newborn diseases."; and

(2) in subsection (c)(2)—

(A) by redesignating subparagraphs (E), (F) and (G) as subparagraphs (F), (H), and (I);

(B) by inserting after subparagraph (D) the following:

"(E) the Commissioner of the Food and Drug Administration;"; and

(C) by inserting after subparagraph (F), as so redesignated, the following:

"(G) individuals with expertise in ethics and infectious diseases who have worked and published material in the area of newborn screening;"; and

(3) by adding at the end the following:

"(d) DECISION ON RECOMMENDATIONS.—

"(1) IN GENERAL.—Not later than 180 days after the Advisory Committee issues a recommendation pursuant to this section, the Secretary shall adopt or reject such recommendation.

"(2) PENDING RECOMMENDATIONS.—The Secretary shall adopt or reject any recommendation issued by the Advisory Committee that is pending on the date of enactment of the Newborn Screening Saves Lives Act of 2007 by not later than 180 days after the date of enactment of such Act.

"(3) DETERMINATIONS TO BE MADE PUBLIC.—The Secretary shall publicize any determination on adopting or rejecting a recommendation of the Advisory Committee pursuant to this subsection, including the justification for the determination.

"(e) ANNUAL REPORT.—Not later than 3 years after the date of enactment of the Newborn Screening Saves Lives Act of 2007, and each fiscal year thereafter, the Advisory Committee shall—

"(1) publish a report on peer-reviewed newborn screening guidelines, including follow-up and treatment, in the United States;

"(2) submit such report to the appropriate committees of Congress, the Secretary, the Interagency Coordinating Committee established under Section 1114, and the State departments of health; and

"(3) disseminate such report on as wide a basis as practicable, including through posting on the internet clearinghouse established under section 1112.

"(f) CONTINUATION OF OPERATION OF COMMITTEE.—Notwithstanding section 14 of the Federal Advisory Committee Act (5 U.S.C. App.), the Advisory Committee shall continue to operate during the 5-year period beginning on the date of enactment of the Newborn Screening Saves Lives Act of 2007.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $1,000,000 for fiscal year 2008, $1,012,500 for fiscal year 2009, $1,025,000 for fiscal year 2010, $1,037,500 for fiscal year 2011, and $1,050,000 for fiscal year 2012.".

SEC. 5. INFORMATION CLEARINGHOUSE.

Part A of title XI of the Public Health Service Act (42 U.S.C. 300b-1 et seq.) is amended by adding at the end the following:

"SEC. 1112. CLEARINGHOUSE OF NEWBORN SCREENING INFORMATION.

"(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration (referred to in this part as the 'Administrator'), in consultation with the Director of the Centers for Disease Control and Prevention and the Director of the National Institutes of Health, shall establish and maintain a central clearinghouse of current educational and family support and services information, materials, resources, research, and data on newborn screening to—

"(1) enable parents and family members of newborns, health professionals, industry representatives, and other members of the public to increase their awareness, knowledge, and understanding of newborn screening;

"(2) increase awareness, knowledge, and understanding of newborn diseases and screening services for expectant individuals and families; and

"(3) maintain current data on quality indicators to measure performance of newborn screening, such as false-positive rates and other quality indicators as determined by the Advisory Committee under section 1111.

"(b) INTERNET AVAILABILITY.—The Secretary, acting through the Administrator, shall ensure that the clearinghouse described under subsection (a)—

"(1) is available on the Internet;

"(2) includes an interactive forum;

"(3) is updated on a regular basis, but not less than quarterly; and

"(4) provides—

"(A) links to Government-sponsored, non-profit, and other Internet websites of laboratories that have demonstrated expertise in newborn screening that supply research-based information on newborn screening tests currently available throughout the United States;

"(B) information about newborn conditions and screening services available in each State from laboratories certified under subpart 2 of part F of title III, including information about supplemental screening that is available but not required, in the State where the infant is born;

"(C) current research on both treatable and not-yet treatable conditions for which newborn screening tests are available;

"(D) the availability of Federal funding for newborn and child screening for heritable disorders including grants authorized under the Newborn Screening Saves Lives Act of 2007; and

"(E) other relevant information as determined appropriate by the Secretary.

"(c) NONDUPLICATION.—In developing the clearinghouse under this section, the Secretary shall ensure that such clearinghouse minimizes duplication and supplements, not supplants, existing information sharing efforts.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $2,500,000 for fiscal year 2008, $2,531,250 for fiscal year 2009, $2,562,500 for fiscal year 2010, $2,593,750 for fiscal year 2011, and $2,625,000 for fiscal year 2012.".

SEC. 6. LABORATORY QUALITY AND SURVEILLANCE.

Part A of title XI of the Public Health Service Act (42 U.S.C. 300b-1 et seq.), as amended by section 5, is further amended by adding at the end the following:

"SEC. 1113. LABORATORY QUALITY.

"(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in consultation with the Advisory Committee on Heritable Disorders in Newborns and Children established under section 1111, shall provide for—

"(1) quality assurance for laboratories involved in screening newborns and children for heritable disorders, including quality assurance for newborn-screening tests, performance evaluation services, and technical assistance and technology transfer to newborn screening laboratories to ensure analytic validity and utility of screening tests; and

"(2) appropriate quality control and other performance test materials to evaluate the performance of new screening tools.

"(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $5,000,000 for fiscal year 2008, $5,062,500 for fiscal year 2009, $5,125,000 for fiscal year 2010, $5,187,500 for fiscal year 2011, and $5,250,000 for fiscal year 2012.

"SEC. 1114. INTERAGENCY COORDINATING COMMITTEE ON NEWBORN AND CHILD SCREENING.

"(a) PURPOSE.—It is the purpose of this section to—

"(1) assess existing activities and infrastructure, including activities on birth defects and developmental disabilities authorized under section 317C, in order to make recommendations for programs to collect, analyze, and make available data on the heritable disorders recommended by the Advisory Committee on Heritable Disorders in Newborns and Children under section 1111, including data on the incidence and prevalence of, as well as poor health outcomes resulting from, such disorders; and

"(2) make recommendations for the establishment of regional centers for the conduct of applied epidemiological research on effective interventions to promote the prevention of poor health outcomes resulting from such disorders as well as providing information and education to the public on such effective interventions.

"(b) ESTABLISHMENT.—The Secretary shall establish an Interagency Coordinating Committee on Newborn and Child Screening (referred to in this section as the 'Interagency Coordinating Committee') to carry out the purpose of this section.

"(c) COMPOSITION.—The Interagency Coordinating Committee shall be composed of the Director of the Centers for Disease Control and Prevention, the Administrator, the Director of the Agency for Healthcare Research and Quality, and the Director of the National Institutes of Health, or their designees.

"(d) ACTIVITIES.—The Interagency Coordinating Committee shall—

"(1) report to the Secretary and the appropriate committees of Congress on its recommendations related to the purpose described in subsection (a); and

"(2) carry out other activities determined appropriate by the Secretary.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $1,000,000 for fiscal year 2008, $1,012,500 for fiscal year 2009, $1,025,000 for fiscal year 2010, $1,037,500 for fiscal year 2011, and $1,050,000 for fiscal year 2012.".

SEC. 7. CONTINGENCY PLANNING.

Part A of title XI of the Public Health Service Act (42 U.S.C. 300b-1 et seq.), as amended by section 6, is further amended by adding at the end the following:

"SEC. 1115. NATIONAL CONTINGENCY PLAN FOR NEWBORN SCREENING.

"(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary, acting through the Director of the Centers for Disease Control and Prevention and in consultation with the Administrator and State departments of health (or related agencies), shall develop a national contingency plan for newborn screening for use by a State, region, or consortia of States in the event of a public health emergency.

"(b) CONTENTS.—The contingency plan developed under subsection (a) shall include a plan for—

"(1) the collection and transport of specimens;

"(2) the shipment of specimens to State newborn screening laboratories;

"(3) the processing of specimens;

"(4) the reporting of screening results to physicians and families;

"(5) the diagnostic confirmation of positive screening results;

"(6) ensuring the availability of treatment and management resources;

"(7) educating families about newborn screening; and

"(8) carrying out other activities determined appropriate by the Secretary.

"SEC. 1116. HUNTER KELLY RESEARCH PROGRAM.

"(a) NEWBORN SCREENING ACTIVITIES.—

"(1) IN GENERAL.—The Secretary, in conjunction with the Director of the National Institutes of Health and taking into consideration the recommendations of the Advisory Committee, may continue carrying out, coordinating, and expanding research in newborn screening (to be known as 'Hunter Kelly Newborn Screening Research Program') including—

"(A) identifying, developing, and testing the most promising new screening technologies, in order to improve already existing screening tests, increase the specificity of newborn screening, and expand the number of conditions for which screening tests are available;

"(B) experimental treatments and disease management strategies for additional newborn conditions, and other genetic, metabolic, hormonal and or functional conditions that can be detected through newborn screening for which treatment is not yet available; and

"(C) other activities that would improve newborn screening, as identified by the Director.

"(2) ADDITIONAL NEWBORN CONDITION.—For purposes of this subsection, the term 'additional newborn condition' means any condition that is not one of the core conditions recommended by the Advisory Committee and adopted by the Secretary.

"(b) FUNDING.—In carrying out the research program under this section, the Secretary and the Director shall ensure that entities receiving funding through the program will provide assurances, as practicable, that such entities will work in consultation with the appropriate State departments of health, and, as practicable, focus their research on screening technology not currently performed in the States in which the entities are located, and the conditions on the uniform screening panel (or the standard test existing on the uniform screening panel).

"(c) REPORTS.—The Director is encouraged to include information about the activities carried out under this section in the biennial report required under section 403 of the National Institutes of Health Reform Act of 2006. If such information is included, the Director shall make such information available to be included on the Internet Clearinghouse established under section 1112.

"(d) NONDUPLICATION.—In carrying out programs under this section, the Secretary shall minimize duplication and supplement, not supplant, existing efforts of the type carried out under this section.

"(e) PEER REVIEW.—Nothing in this section shall be construed to interfere with the scientific peer-review process at the National Institutes of Health.".

ORDER FOR STAR PRINT—S. 2407

Mr. HARKIN. Mr. President, I ask unanimous consent that S. 2407 be star printed, with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE PLACED ON THE CALENDAR—S. 2461

Mr. HARKIN. Mr. President, I understand that S. 2461 is at the desk and due for a second reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (S. 2461) to authorize the transfer of certain earmarked funds to accounts for operations and activities in Iraq and Afghanistan.

Mr. HARKIN. I object to any further proceedings with respect to the bill.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

MEASURE READ THE FIRST TIME—S. 2483

Mr. HARKIN. Mr. President, I understand S. 2483, introduced earlier today by Senator BINGAMAN, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2483) to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes.

The PRESIDING OFFICER. Objection having been heard, the bill will be read for a second time on the next legislative day.

ORDERS FOR FRIDAY, DECEMBER 14, 2007

Mr. HARKIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Friday, December 14; that on Friday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.R. 2419, and that all time during any recess or adjournment count postcloture; further, that upon disposition of H.R. 2419, the Senate then turn to the consideration of Calendar No. 481, S. 2338, as provided for under a previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. HARKIN. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 10:48 p.m., adjourned until Friday, December 14, 2007, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, December 13, 2007:

DEPARTMENT OF JUSTICE

RONALD JAY TENPAS, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL.

GREGORY A. BROWER, OF NEVADA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEVADA FOR THE TERM OF FOUR YEARS.

DIANE J. HUMETEWA, OF ARIZONA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF ARIZONA FOR THE TERM OF FOUR YEARS.

EDMUND A. BOOTH, JR., OF GEORGIA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

AMUL R. THAPAR, OF KENTUCKY, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF KENTUCKY.

IN THE COAST GUARD

COAST GUARD NOMINATIONS BEGINNING WITH STEVEN C. ACOSTA AND ENDING WITH MARC A. ZLOMEK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 7, 2007.

COAST GUARD NOMINATIONS BEGINNING WITH DAMON L. BENTLEY AND ENDING WITH TANYA C. SAUNDERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 15, 2007.

EXTENSIONS OF REMARKS

RECOGNIZING ALEXANDER KEITH HANSEN FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Alexander K. Hansen, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America and in earning the most prestigious award of Eagle Scout.

Alexander has been very active with his troop, participating in many Scout activities. Over the many years Alexander has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Alexander K. Hansen for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE ANTI-WAR ACTIVISM AND SOCIAL CONSCIENCE OF THE LATE NORMA BECKER

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. RANGEL. Madam Speaker, I rise today in memory of anti-war powerhouse Norma Becker, whose energy, spirit, and integrity fueled the opposition to the Vietnam War. A New York City memorial service held in her honor on November 3 drew hundreds, underscoring how her passion for peace won over the hearts and minds of many. She, herself, exemplified equal measures of heart and mind—impressing others with the sharpness of her intellect and her thoroughly analytical and logical approach to problems, but impelling them to act through her vision, her sensitivity, her soul.

She was a public school teacher with a voracious appetite for learning and social indignation. For 10 years, she presided over the Fifth Avenue Vietnam Peace Parade Committee, the most prominent metropolitan antiwar coalition in the country. She was a founding member of Mobilization for Survival and served as chair of the War Resisters League for 6 years. She lent her voice and talents, not only to the cause for peace, but to the Civil Rights Movement, as well.

She has engraved her legacy into the American consciousness, and the country is the better for it. I submit for the RECORD and the interest of my colleagues some of the tributes paid to Norma Becker during her memorial service.

TRIBUTES TO NORMA BECKER

NORMA BECKER: A TRIBUTE AND CELEBRATION

(By Sidney Peck)

It was in December 1966, that I first met Norma Becker. I had come to New York City to attend the executive committee meeting of the newly organized Spring Mobilization Committee to End the War in Vietnam. During a break in the meeting, A.J. Muste invited me to join him with a few others the next day to exchange views about a number of political issues.

Being in New York City was new for me, having lived most of my life in St. Paul, Minnesota. I braved the big city subway system and then found 68 Charles Street. I was looking for the name Norma Becker on a doorbell—but no name was listed. So I rang both bells and soon a buzzer sounded.

I heard a loud yell—a question, "WHO'S THERE?!!!!" I was too intimidated to respond. Again the loud question—"WHO'S THERE?," followed by "THE DOOR'S OPEN. COME ON UP." I opened the door and went up. She was standing at the top of the stairway—she had a big grin on her face, looked straight into my eyes and said, "Hi, I'm Norma," and with the same breath—both question and command—asked, "What's your name?" "Sidney," I answered rather softly. "SIDNEY," she exclaimed, and with the same breath asked, "Where are you from?" "The Midwest," I answered aloud, "And your name is SIDNEY?" "Most people call me Sid," I replied. "That's very interesting, how come?" she asked, and added, "Come on in and hang your jacket up in the closet. Have you had lunch yet? Sit down and tell me about yourself, before the others come."

That is how our friendship began. She told me how she was a teacher at a public school, how she loved to teach but despised the system. She told me about her marriage and divorce—about her children, Gene and Diane. She talked about her involvement with the civil rights movement and the peace movement—and more recently the anti-Vietnam war movement, of her work with the Teacher's Committee and The Fifth Avenue Vietnam Peace Parade Committee. A total stranger only moments before, she made me feel right at home.

Soon the others arrived and we shared our views about this issue and that question and were encouraged to appreciate and respect the profound differences that occasionally rose to the surface. Norma's place was a safe house to the Movement. It gave us a sense of community.

Just as we were about to adjourn, Diane appeared, soon followed by Gene who gave everyone a big "Hello, what's happenin'?" greeting. I liked them immediately because of their great sense of humor. They had never met anyone from the Midwest. "Minnesota?" asked Gene, "Where in the hell is Minnesota?" So, Norma invited me to stay for supper and answer that question. It was over a meal of whatever was left in the refrigerator that we began a family friendship.

Over many years, I learned to understand Norma's language. Most of all, I learned to understand what Norma was saying when she wasn't talking at all: when she just looked—or smiled—or laughed—or cried or grimaced—or shrugged.

Norma was a very careful listener. I think that was because she was such a good teacher. Her penwomanship alone was impressive! And, she was always the teacher and student wrapped in one. Probing, questioning: "How come?"; "Why do you say that?"; "What are your reasons?"; "What is your evidence?" and on. She needed to have the facts straight and the facts had to make sense. She has a lot of left brain: very analytical, logical, organized. But even more powerful was her right brain: her vision and sensitivity. Above all, Norma was heart and soul.

How else can you account for her record of leadership in our movement for peace and social justice? For ten years, she presided over the most prominent metropolitan antiwar coalition in the country—The Fifth Avenue Vietnam Peace Parade Committee. The political waters of New York City are treacherous, especially those of the left and progressive movement. No other city has more political splinters, splits, fractions, fragments, division and sects—all of whom believe they are the vanguard. Each of which proclaims the correct political line. And none of whom shall ever be denied a representative speaker at the coalition demonstration—or else!

"What do you mean, 'or else'?" asked Norma, "Or else what?" And then she said nothing—just looked, rubbed her chin and waited as the demand was withdrawn—and then she smiled. "Thank you very much for helping to reach an agreement on our plans for the demonstration." She was a superb communicator, even to those who resisted her leadership. She was tireless in her efforts to build a true coalition. She was an outstanding leader of the anti-Vietnam war movement.

On April 15, 1967, over 400,000 people marched from Central Park and Harlem and assembled on First Avenue in front of the United Nations to protest U.S. military intervention in Vietnam and demand an end to the war. The success of that powerful demonstration was due in large measure of the work of The Fifth Avenue Vietnam Peace Parade Committee, under Norma's skillful leadership.

Fifteen years later, Norma threw herself into organizing New York City peace sentiment in support of the mass demonstration in Central Park on June 12, 1982. It was Norma's tireless and devoted leadership of the New York City peace movement that contributed immensely to the outpouring of over a million people in the largest single demonstration for peace in the history of the country.

In both of these historic demonstrations, Norma carried a considerable burden over the most difficult political obstacles. On both occasions, it was her energy, spirit and integrity that helped to sustain the unity of mass action. For more than 20 years, Norma was in the vigils, the sit-ins, the days of protest, the trains to Washington, the Hiroshima actions. She did the calling and the fundraising and the letter writing. She went

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

to this meeting and that conference and hosted thousands of gatherings at Norma's place.

In the spring of 1977, she was a founding organizer of the Mobilization for Survival and for several years organized for peace and social justice at the national level. During this same period she gave organizational leadership to the War Resisters League, serving as chair from 1977 to 1983.

She was a unique and successful organizer because she could blend the right proportions of tender loving care, anger and guilt. Above all, she conveyed a powerful sense of social indignation to all of us, and especially the youth. She truly appreciated the young for their energy, creativity and selflessness. In her interview with Nancy Zaroulis and Gerald Sullivan, authors of "Who Spoke Up?: American Protest Against the War in Vietnam, 1963–1975," Norma recalled some of the events around the May 9, 1970 demonstration (in response to the U.S. invasion of Cambodia and the killings of students at Jackson and Kent State universities):

We put out a mailing of 10,000 one day's notice—we didn't have computerized mailings then. We had a staff of young people who worked incredible hours. These are the unsung heroes of that period, and their names don't go down in the history books: Linda Morse, Josh Brown, Alan Barnes, Wendy Fisher, Laurie Sandow, Bob Eberwein, and many others . . . these are the young people who were working for fifty, seventy-five dollars a week, if and when we could pay them—nineteen, twenty, twenty-one years old. . . .

Norma worried about our youth. She worked with youngsters every day in the public schools and she witnessed young people in the movement for peace and social justice. She was critical of herself and her generation for not providing the young with more meaningful role models. She was concerned that we have left them with too little hope.

In her effort to understand the dynamics of war and genocide, Norma was drawn to the study of human culture and the role of irrational forces in human motivation. She researched biology and behavior—was not satisfied with the theoretical orthodoxy and rationalistic models of the political left. She read the literature of Zen and Tao; she took courses in anthropology; she engaged her friends in long talks about the meaning of it all. She always continued to learn, to study, to know, to create, to enjoy, and to love.

A hope, a desire, a wish—or an attitude—whatever it took, it was an expression of Norma's optimism in troubled times. She understood how powerful a people's movement can be, even with the most limited of resources. And, how empowered each of us can become if we act on our inner courage, however small it may seem.

Norma celebrated our potential as persons, if we can accept one another as ally, friend and comrade. In Norma's everyday practice, she sought to heal and overcome the hurts and pains, the divisions and schisms arising from racism, sexism, opportunism and sectarianism within our movement. Time and again, she acted with courage and passion to unify our ranks against divisive assaults. Often she succeeded, and sometimes not, but she never failed to respond, no matter how difficult the task.

This is a time to celebrate Norma and give tribute to this remarkable person who gave so much of her energy, her spirit, her self, so that this might be a better world for the young—so that our children will be alive and well in the 21st Century and beyond—so that all will go well.

We love you, Norma, as our sister, friend and comrade—and we celebrate your life. L'Chayim!

THE NORMA BECKER THAT I KNEW

(By David McReynolds)

My first memory of Norma is from the Civil Defense Drill protests in 1960-61, and her attending the WRL Conferences we used to have every year at Hudson guild. I had little knowledge of her courageous work in the South and didn't really get to know her until 1965 and the founding of the Vietnam Peace Parade Committee.

Looking back, that was typical Norma Becker. She felt that since everyone else had parades on Fifth Avenue—The Irish, the Italians, the annual Easter Parade—that the Vietnam Peace movement had a right to such a parade. She approached A.J. Muste—then in his late seventies—chaired the meetings, and had wide respect, the Communists and Trotskyites, who hadn't sat in the same room in decades, came. The Catholic Left came. Liberal Democrats, pacifists, socialists, trade unionists, Protestants, Jews—all came to that founding meeting, and to the following meetings.

The first parade, in 1965, when the Vietnam War was still widely supported by the public, marked the birth of what would, by the 1970s, become mass coalition demonstrations. (And it had one wonderful moment of theater, when Allen Ginsberg, who was in the parade, walked up to a police officer, kissed him, and handed him a flower—only Allen could have done that and left the officer looking bemused instead of angry.)

When the initial parade was over, the Parade Committee didn't dissolve. It set up offices, and drew a staff of supporters who provided the backbone of public protest and resistance in New York City—setting an example, in the process, for people all over the nation to put aside old disagreements and unite to fight the war. (Norma never forgave me for opposing the continuation of the Parade Committee, sectarian anti-Communist that I then was, I wasn't sure about institutionalizing cooperation with the Marxist-Leninists. Norma was right. I was terribly wrong).

Norma functioned in a movement where men played the leading roles as the main speakers and writers. While this was a period when the feminist movement emerged, and Norma considered herself a feminist, she was more concerned with getting work done than with getting credit. She was a constant figure in all the shifting coalitions and mobilizations, often using her apartment on Charles Street as the meeting place from which new ideas and new approaches emerged. It would be an enormous mistake to think that because she was not the "public figure" for the movement, that she was thus "merely" an organizer. (Though God knows, being the kind of organizer Norma was, if that was all she did it would have earned her a place in heaven—if not the history books).

What needs to be said is that while many of us, including myself, had jobs in the movement, Norma's full time job was that of a school teacher—a first class one, active in her union. In addition, she was a divorced mother raising two children. For most human beings that would have been enough. But Norma was a tower of strength in the broader movement, negotiating her way through forests of egos and organizations. She had taken on the role as Chair of War Resisters League, and, like all of her other tasks, she took that seriously. Did Norma somehow operate outside the usual time spectrum? Did she have a 48 hour day, while the rest of us had only 24?

Norma was one of the first in the Jewish community to initiate informal dialogue with Arabs in New York City, bringing together members of two groups who had operated at a great distance from one another.

When the Vietnam War ended, and most people returned to their pre-war routines, Norma, with the help of Sid Lens, founded the Mobilization for Survival in 1977. While "Mobe" eventually folded, during its ten years or so of active life it generated a number of local "Peace and Justice" centers, and laid the basis for the enormous demonstration in 1982 in Central Park, when the numbers of those who came were so great that estimates of a million remain only a guess. I was there—the crowds were so dense it became frightening. Norma was, for once, a speaker, late in the program, and she alone dared raise the issue of the Israeli military actions taking place at that time.

With the recession that came with the Reagan years, Norma tried hard to push the War Resisters League to embrace economic justice as part of its agenda. Together with Norma we helped set up a coalition—the name now escapes me—which tried to get the peace movement to put unemployment, poverty, and economics on its agenda.

She had a restlessly curious mind. To visit Norma for dinner was to be plunged into intellectual discussions far beyond the agenda of the moment. Toward the end of her life she suffered from mania and depression. She was out of the usual organizational loop. The death of her son, Gene, probably precipitated her agitation. Norma would be furious with me if I skipped over this, as if her life was too perfect for a touch of reality. Norma was very real, to the dinners she prepared, to the love and concern she showed to all, to the incredible ability to forgive slights. Perhaps, most of all, I remember her laughter

I have been lucky in this life to have known closely and well a number of those the world has considered great, among them A.J. Muste, Norman Thomas, Dave Dellinger, Bayard Rustin. Norma was as "great' as any of them. Let the record show that because of her, fewer Vietnamese and Americans died. She showed us that—in the midst of apathy—resistance and mass mobilization is possible. It was my good fortune to have worked with her during many years of struggle. The memory of that struggle shames us if we think, in a period equally dangerous, we can fail now to mount a resistance, one that reaches out to mobilize the many.

HONORING THE MEMORY OF FORMER TEXAS SUPREME COURT JUSTICE JOHN HILL

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. HALL of Texas. Madam Speaker, I am honored to pay tribute to the memory of John Hill, the only person in the history of the great State of Texas to serve as Secretary of State, Attorney General and Chief Justice of the Texas Supreme Court. John was a friend of mine. He was a spellbinder and, in my opinion, the greatest and most successful trial lawyer of his day.

John entered politics as an organizer in the 1964 re-election campaign of Governor John

B. Connally. Governor Connally appointed him Secretary of State in 1966, a post he would hold for 2 years. In 1972 John was elected Attorney General, where he pressed lawsuits against polluters, created an organized crime task force and persuaded the Legislature to pass consumer legislation. In 1984 he was elected Chief Justice of the Supreme Court of Texas. He resigned in January of 1988 to advocate his belief that the partisan election of judges fostered an environment which allowed campaign contributors to have undue influence upon the courts. He continued to campaign for a system in which judges would be appointed until his death.

He remained engaged in public service, working as Governor George W. Bush's appointee to the Texas Lottery Commission, and supporting the Governor in his bid for the White House. The final years of John's legal career were spent as a senior partner with Locke Liddel and Sapp LLP, and later as a senior partner with the Winstead firm, where he was a shareholder.

John is survived by his wife, the former Elizabeth Ann Graham; a son, John Graham Hill; two daughters, Melinda Elizabeth Hill Perrin and Martha Hill Jamison; ten grandchildren; and two great-grandchildren.

I ask my colleagues to join me in celebrating the life of a great American, outstanding public servant, and respected jurist, the Honorable John Hill.

MENTAL HEALTH

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mrs. NAPOLITANO. Madam Speaker, our country has been witnessing and suffering the pain and anguish when a distressed individual takes to shooting at random or killing in revenge, be it a student or a former employee. More and more we hear of stories relating to our returning war heroes' mental health plight and inability to cope with what they have gone through in Afghanistan and/or Iraq. While most older veterans will quickly tell you they had periods of rest and relaxation between tours, that is no longer the case.

For far too long we have shunned speaking of or dealing with brain functions misfiring, or in stigmatized words, "mental health." We do not see it, hear it, or speak of it, as it connotes "crazy" and "institutions." However we cannot ignore that mental illness does not discriminate. It touches all regardless of race, gender, class, or religion.

Look at rising suicide statistics for jailed or homeless individuals and unattended veterans who attempt such drastic measures. It is a national crisis and our great shame. Enough of words, action should have begun yesterday. Early prevention must be implemented in schools to allow for early identification by teachers of children who exhibit behavioral problems. And the government must pay attention at every level as this is an issue that affects not only quality of life, but also the community's well-being and economic stability.

We have tests and screenings for breast cancer, heart attacks, strokes, and a myriad of other diseases and conditions, but we have not yet woken up to the fact that the brain's functions are vital to our body's health and survival. It is critical that we destigmatize mental illness so that our children, our families, and our wounded warrior veterans receive the necessary help they need to lead productive lives with supportive families and communities.

IN SUPPORT OF THE FAIR FUNDING FOR SCHOOLS ACT

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Ms. HIRONO. Madam Speaker, I rise today to introduce the Fair Funding for Schools Act, which reauthorizes and improves an important education program called Impact Aid. Impact Aid benefits millions of American students attending elementary and secondary schools in every State in the country. Through this program, the Federal Government does the right thing by reimbursing local school districts for lost tax revenue due to its actions.

The majority of public school funding in America comes from local property taxes. Unfortunately, this vital funding stream is drastically reduced for school districts where the Federal Government takes control of part of the land. For instance, the many U.S. military bases located in Hawai'i take up a vast amount of space and house large populations, but these bases do not generate local property taxes. In other States large national parks, Federal prisons, and Indian lands all similarly decrease local property tax revenue. Left uncorrected, this loss of revenue would leave the children living in these areas with a second class education, funded by substantially fewer dollars than their peers living in areas with no federally impacted land.

In 1950, Congress recognized the need to address this inequity and created Impact Aid, a program by which we provide additional Federal dollars to school districts feeling this kind of financial strain.

Impact Aid is one of the most effective programs run by the Department of Education because it sends money directly to local school districts with very few strings attached. Just like the property tax revenue it replaces, Impact Aid dollars can be used to fund the most essential needs identified by the school district—textbooks, computers, utilities, and salaries, for instance. Many districts rely heavily on this money, and without it their students would be shortchanged. Therefore, we must reauthorize the program.

Even great programs need to be tweaked every so often, and this Fair Funding for Schools Act makes necessary changes in Impact Aid. It addresses the military realities of base realignment and troop redeployment by allowing Impact Aid payments to be calculated using current student counts instead of prior year data. This change will allow districts receiving an influx of new military families to receive their Impact Aid dollars in a timely manner.

The Impact Aid law also has become overly complicated during its 57-year history. This bill simplifies the law by eliminating some outdated provisions that were adding unnecessary complications. It also maintains the program's traditional focus on need, whereby payments to school districts are calculated based on the percentage of the budget lost due to Federal actions and on the number of federally connected children.

Madam Speaker, this is a vitally important bill for Hawai'i and for many school districts across the country. The students most impacted are often from families serving in our military. Given the sacrifices we ask of military families, they deserve nothing less than the best education for their children. This bill will take us in that direction, and I urge my colleagues to join me in supporting it.

HONORING TIM MADDEN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. RADANOVICH. Madam Speaker, I rise to honor the achievements of Tim Madden and to commend him for his service to the Eastern Madera community. On Friday, November 30, 2007, the Oakhurst Area Chamber of Commerce recognized Mr. Madden for his continued dedication to not only its chamber, but to the North Fork Chamber of Commerce and Eastern Madera County.

Tim Madden is a 17 year resident of Eastern Madera County, his continued commitment to his community is evident by his service in a multitude of leadership positions throughout the area. Within the Oakhurst Area Chamber of Commerce, Mr. Madden's positions include past president (2007), president (2006), president-elect (2005), and member of the board of directors (2004). During his service with the Chamber, the efforts of Mr. Madden enabled the Chamber to authorize the inaugural Trade Mission to China, regain fiscal solvency, create a county-wide promotion system, promote local commerce and further downtown development and maintenance for the Oakhurst Business District.

Tim Madden also served as president of the North Fork Chamber of Commerce from 1998–2000, and as a member of the board of directors for 6 years. The list of community positions and appointments held by Mr. Madden continues, as does the esteem and gratitude of Eastern Madera County. Concerning the relationship Mr. Madden shares with his community, he remarked, "Our connection to each other extends far beyond our business relationships. We are much more like a very large extended family."

Madam Speaker, I stand today to honor Tim Madden and the respect his community has shown for his dedicated service. I invite my colleagues to join me in wishing Mr. Madden many years of continued success.

HONORING CHANCELLOR JOHN WILEY

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. KIND. Madam Speaker, I rise today to pay tribute to John Wiley, upon his retirement as chancellor of the University of Wisconsin-Madison. John is a dedicated public servant who has earned the respect and admiration of the professors, staff, and students under his supervision. Passionate, genuine, and sincere are just a few of the words used to describe Chancellor Wiley's commitment to the university and greater Madison community.

As a graduate student, former faculty member, provost, vice chancellor, and current chancellor of UW-Madison, Dr. Wiley has been an active member of the campus community for over 30 years. In this time, John has significantly improved the academic profile of the university. His list of accomplishments is quite extensive. Especially noteworthy has been his leadership in the areas of science, engineering, business, and medicine, maintaining the university's reputation as a world-renowned research and teaching institution.

In addition to his responsibilities as chancellor, Dr. Wiley also chairs the Council of Higher Education Accreditation Board and is a member of the National Security Higher Education Advisor Committee. John also actively participates in the greater Madison community, serving on several local and community boards, including UW Hospital and Clinics Authority, the Wisconsin Alumni Research Foundation, and the Greater Madison Chamber of Commerce.

Although Chancellor Wiley is retiring from his current position, he will remain a visible and important part of the UW-Madison campus. His advocacy, dedication, and leadership will leave a lasting legacy on the entire community, and the area will continue to benefit from all that he has done. On behalf of UW students, staff, and the entire State of Wisconsin, I would like to thank John for his many years of tireless service and for making students his top priority. I wish John a long and very happy retirement.

RECOGNIZING KYLE M. TANNER FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Kyle M. Tanner, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America and in earning the most prestigious award of Eagle Scout.

Kyle has been very active with his troop, participating in many Scout activities. Over the many years Kyle has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Kyle M. Tanner for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CALLING FOR AN END TO THE UNFAIR DISPARITY IN COCAINE SENTENCING

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. RANGEL. Madam Speaker, I rise today to echo the country's growing insistence that crack cocaine sentencing be reformed and that a sensible, fair policy replace it. I introduce the December 11 Washington Post editorial, "Sense in Sentencing," and the December 12 New York Times Post editorial, "Justice in Sentencing," to highlight how from all branches of government momentum is indisputably picking up in favor of reform. This week, a decisive Supreme Court granted judges greater discretion in sentencing, and the U.S. Sentencing Commission decided to retroactively apply the recent reduction of its sentencing recommendations—both a nod to the prevailing outrage concerning excessively stiff crack cocaine penalties.

The Commission and the Court have done all they can. Now, it's our turn. The impetus falls on Congress to end the sentencing inequity that slaps the same 5-year sentence for possessing 500 grams of powder as it does for 5 grams of crack. That's a 100-to-1 disparity—and an average difference of 40 months in jail time—for two drugs experts say have no significant differences. Well, here's one significant difference: Over 80 percent of sentenced crack offenders are Black. These arbitrarily lopsided mandatory minimums have fueled the disproportionate rate and length of incarceration of Black men and swelled our prisons to a world-leading 2.2 million.

The door to criminal and racial justice has been opened. It's now up to this Congress to step through it. Let's rally around The Crack-Cocaine Equitable Sentencing Act, H.R. 460, and correct the sentencing of uneven punishments for nearly identical offenses.

SENSE IN SENTENCING: THE SUPREME COURT GIVES JUDGES SOME LEEWAY IN DRUG CASES

For roughly two decades, federal trial judges have chafed under the constraints of federal sentencing guidelines and mandatory minimums that often forced them to hand down inordinately long sentences. Those injustices have been most pronounced in drug cases, particularly those involving crack cocaine. In two opinions released yesterday, the Supreme Court handed back some flexibility to judges and increased the chances that justice—not just retribution—will be exacted in future cases.

By 7–2 votes, the justices concluded that trial judges have the leeway to impose more lenient sentences in drug cases than those called for by the federal sentencing guidelines. To pass legal muster, the sentences must be "reasonable" and "sufficient, but not greater than necessary" to "promote respect for the law, provide just punishment for the offense" and "protect the public from further crimes of the defendant."

One decision yesterday concerned Derrick Kimbrough, who was arrested in Norfolk in 2004 with 92 grams of powder cocaine, 56 grams of crack and a gun. He faced 19 to 22 years behind bars, in large part because of the high penalties for crack offenses; he would have had to possess 5,000 grams of powder cocaine to get the same sentence. After considering Mr. Kimbrough's record of steady employment and his military service during the Persian Gulf War, the trial judge concluded that Mr. Kimbrough should serve roughly 15 years.

In the second case, Brian Gall, along with seven others, was indicted in Iowa in 2004 for conspiracy to sell ecstasy, cocaine and marijuana. The conspiracy, according to the indictment, ran from 1996 to 2002. Mr. Gall, a former drug addict, sold ecstasy for roughly 7 months in 2000 but stopped using drugs 1 month after he began selling them and pulled out of the drug trade a few months later. He subsequently earned a college degree and worked in construction before starting his own company. When he was indicted, Mr. Gall had been drug-free and law-abiding for roughly 4 years. The presiding judge determined that the 30- to 37-month sentence called for by the guidelines was unjust and counterproductive. He sentenced Mr. Gall to 36 months probation.

The justices rightly rebuffed the government's challenge to the reduced sentences. They recognized the wisdom of allowing those closest to the ground—the trial judges—to assess how best to exact justice in individual cases, even while endorsing the guidelines as a means to avert wide disparity in sentences nationwide.

The evolution of crack sentencing could continue today when, perhaps coincidentally, the U.S. Sentencing Commission is scheduled to vote on whether to make retroactive the more lenient penalties it instituted earlier this year. The commission should vote yes and take yet another step toward bringing sanity to the crack laws.

JUSTICE IN SENTENCING

With a pair of 7–2 rulings this week, the Supreme Court struck a blow for basic fairness and judicial independence. The court restored a vital measure of discretion to federal trial judges to impose sentences based on their assessment of a particular crime and defendant rather than being forced to adhere to overarching guidelines.

Beyond that, one of the rulings highlighted the longstanding injustice of federal guidelines and statutes imposing much longer sentences for offenses involving crack cocaine, which is most often found in impoverished communities, than for offenses involving the chemically identical powdered cocaine, which is popular among more affluent users.

The rulings provide fresh impetus for Congress to rewrite the grotesquely unfair crack cocaine laws on which the federal sentencing guidelines are partly based. Those laws are a relic of the 1980s, when it was widely but wrongly believed that the crack form of cocaine was more dangerous than the powder form. We are pleased that the United States Sentencing Commission recently called for reducing sentences for some categories of offenders and has now called for applying the change retroactively. The real work still lies with Congress, which needs to rewrite the law.

Building on a 2005 decision that held the sentencing guidelines to be advisory rather than mandatory, the new rulings affirm that the guidelines are but one factor to be considered by a trial judge in arriving at an individual sentence, and that an appeals court must have a strong reason to overturn that sentence.

In one of the cases, the justices supported a district judge in Virginia who gave a military veteran convicted of crack dealing a sentence of 15 years, rather than the 19–22 years that the guidelines recommended. The ruling described the federal crack law as "disproportionate and unjust." Writing for the majority, Justice Ruth Bader Ginsburg stated that it would not be an abuse of a discretion for a trial judge to conclude that the crack/powder disparity resulted in a longer-than-necessary sentence for a particular defendant.

In the other case, the court found that a trial judge was within his rights to impose a light sentence on a man briefly involved in selling the drug Ecstasy while in college. In reviewing sentences, wrote Justice John Paul Stevens for the majority, appellate courts must apply a deferential abuse-of-discretion standard to trial judges' decisions.

There is a danger that the new procedures outlined by the court could end up making federal sentences unfairly disparate across the country, undermining one of the important objectives of having sentencing guidelines in the first place. If that happens, Congress will have to address the problem. For the moment, the Supreme Court's latest adjustment in sentencing strikes us as a positive development, one with much potential for advancing justice.

YOUTH VIOLENCE

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mrs. NAPOLITANO. Madam Speaker, we have had an erosion of our family values and have neglected to help families whose children have dysfunctional lives at home and become prey to gangs and drugs. Our lifestyles have changed so dramatically that now when you pick up a newspaper, you only find details of shootings, homicides, murders, scandals and such. What happened to people doing good deeds? We have come to glorify gangsters on television and in music, and crime has become the new religion to be followed as a lifestyle.

Gone are the dreams of becoming a fireman, a doctor, or of finding a decent job to earn sufficient money to take care of oneself and one's family. Instead our cities' poorest areas attract those who recruit youngsters with dreams of quick and easy money. We must work together to reverse this dangerous trend. Our education system is so overloaded, and overcrowded classrooms do not allow teachers to assist needy students. Businesses need to become part of the solution by mentoring or sponsoring youngsters who need to be trained in the world of work and earning honest dollars. Local elected officials must work with school districts to establish after school programs for latchkey kids and solicit volunteers to help tutor those in need of help.

Sometimes the word is "we need more money." If you believe this is the only solution, we have a problem. Millions upon millions have been infused in programs to deal with solving the gang and drug issue. We have not gained much ground. Yes, we do need funding. But what we need more is to awaken to the realization that we are all responsible for finding a solution, and start working on what that solution is.

Drugs have permeated our society for decades. We have a war on drugs where again we have spent great quantities of money. We have also had red ribbon week. While it reminded us of some of the dangers of using illegal drugs, it went by the wayside in many areas. And to this day we find addiction to be a major problem, not only to prescription drugs, but to what are known as recreational drugs. Cost to society is immeasurable, when you quantify all that involves one human being's life: work, family, economy, hospitalization, and law enforcement, just to name a few possibilities.

So we are left asking, "what do we do?" We must all reckon with our own view and again determine that we are all a part of this solution. We must work together to find commonsense solutions to get our youth back on track and help them become productive members of our society.

HONORING A TRUE PATRIOT HARRY E. McKILLOP

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. HALL of Texas. Madam Speaker, I rise today to join the President and the Department of Defense in honoring Harry E. McKillop of McKinney, Texas, for more than 40 years of unselfish service to Americans in need around the world. For his humanitarianism and patriotic service, Mr. McKillop was awarded the Secretary of Defense Medal for Exceptional Public Service. This is one of the most prestigious awards given to a civilian by the Department of Defense.

In 1969, Mr. McKillop embarked upon his first humanitarian mission to provide supplies and relief to our prisoners of war in Vietnam. This first mission would be the beginning of a life-long crusade to locate, free, and bring home Americans who are held against their will. The most well-known operation was probably the 1979 rescue of 2 Electronic Data Systems employees from Iran in the wake of that country's revolution. Mr. McKillop coordinated flights and logistics for the mission later immortalized by Ken Follett in his best-seller On Wings of Eagles. Even today, Mr. McKillop actively pursues searches on a global basis.

Mr. McKillop served his country as a naval officer aboard the USS *Phoenix* in the Pacific during World War II. Professionally, he has worked throughout the world as an airline executive. Currently he works as an aide to Ross Perot, his closest friend and an associate for more than 35 years. I am honored to have Harry, his wife Rebecca, and his 2 beautiful daughters, Mary and Tory, as personal friends. Rebecca is a long-time American Airlines pilot, with international assignments. They are a great American family.

Mr. McKillop is a long-time member of the Knights of Columbus, and is a former Grand Knight of the New World Council 9903 in McKinney, and a member of the 4th Degree Assembly 2266 in Plano, Texas. Soon children in the Fourth Congressional District will be attending Harry McKillop Elementary School in the Liberty development in Melissa, Texas. He has also been honored by the McKinney Fire Department as an Honorary Battalion Chief.

Madam Speaker, I ask you to join me today in honoring a true patriot and great American, Mr. Harry E. McKillop.

RECOGNIZING LEILEHUA HIGH SCHOOL'S VARSITY FOOTBALL TEAM, HAWAII HIGH SCHOOL ATHLETIC ASSOCIATION DIVISION 1 CHAMPIONS

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Ms. HIRONO. Madam Speaker, I rise today to recognize the players and coaches of Leilehua High School's varsity football team for their hard work and dedication as they rose to victory to become Hawaii High School Athletic Association, HHSAA, Division 1 Champions.

More than 15,000 fans witnessed the Leilehua Mules' upset of the Saint Louis Crusaders, 20–16 in the HHSAA State Football Championship game held at Aloha Stadium on November 30. The Mules were led by sophomore quarterback Andrew Manley, who threw the dramatic game winning touchdown pass with only 36 seconds left in the game.

The Leilehua Mules of today carry on the proud traditions of past Leilehua football teams. Many still remember that in 1984, Leilehua was the last public high school to defeat an Interscholastic League of Honolulu team in the Hawaii Prep Bowl, the predecessor to the HHSAA State Football Championship. More recently, the Mules were runners-up in the 2004 State Championship.

I would like to thank the following players for giving their all this season and for playing each game with heart: Cheves Aberilla-Ramento, Chase Acohido, Haani Aitaoto, Maunaloa Aitaoto, Kamana Akagi, Tavana Alailima, Chris Atualevao, Marcus Breakfield, Noel Cabato, Raymond Cartwright Kon, Christian Collado, Alex Cruz, Josh Cruz, Micah Cruz, Jaydon Cuesta, Allan DeGuzman-Pacheco, Kaumu Delos Santos, Kaipo DeRego, Peter DeSaulniers, Ryan DeSaulniers, Edieson Dumlao, Blaine Edra, Kalua Ellis, Kawika Fuga, Garrison Garma, Nate Hall, Bradley Iaulualo, Jordan Jenks, Rick Jones, Hoku Kama, Kaipo Kea, Sean Kenington, Art Laurel, Ire Macapagal, Zaire Macapagal, Allan Macam.

Brendan Mahuka, Garett Maki, Elijah Maraca, Andrew Manley, Melchor Moises, Rico Newman, Kyle Ontiveros, Gerald O'Reilly, Keala Pascua, Bronson Pausa, Genesis Ponce, Josh Quinn, Charles Robinson, Joe Ruane, Alex Ruiz, Stanford Salavea, Sione Sami, Ronald Santos, Jermaine Schuster, Nate Schuster, Seth Shannon, Robert Siavii, Bronson Smithe, Jeremy Suguitan, Joedee Taua, Greg Tialavea, Jiniki Timoteo, Charlie Tuaau, and Alii Tuitoelau.

I would also like to recognize Head Coach Nolan Tokuda and Assistant Coaches Jon Acohido, Tui Alailima, Antonio Brown, Ed Kama, Jake Kawamata, Esmond Kilaulani, Mark Kurisu, Darrin Matsumiya, Jon Morikawa, Len Nakasone, Pat San Nicolas, Burt Souza, Richard Townsend, Al Viloria, and Joe Watts.

Aloha and mahalo for making Wahiawa proud this season and throughout the year.

HONORING ROB PHIPPS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. RADANOVICH. Madam Speaker, I rise today to honor the life of Councilman Rob Phipps for his dedicated service to the city of Ceres. Mr. Phipps passed away on December 3, 2007; he was 44 years old. A memorial service was held on Saturday, December 8, 2007.

Councilman Phipps was born and raised in Ceres, CA, and graduated from Ceres High School in 1981. He was a lifelong community member and advocate. He was the general manager of River Oaks Golf Course, a family-owned business, since the 1990s. He was also active in the local junior golf program, River Oaks Junior Golf, Incorporated. Outside of golf, Mr. Phipps was involved in city government. He was appointed to the Ceres city council in 2001 after serving 2 years on the planning commission. He was elected to the City Council in 2003 and re-elected in November of this year. Councilman Phipps served as vice mayor.

While serving on the council, Councilman Phipps' primary focus was on public safety, economic development and recreational opportunities for children. He was instrumental in the development of Neel and Sam Ryno neighborhood parks, the Costa Field renovations and numerous other City improvement projects. He worked tirelessly to improve the quality of life for Ceres' residents and was heavily involved in a plan to develop land within the city to recruit higher-paying jobs. He served on a number of committees including the Planning Commission, Christmas Festival Committee, City-Schools Committee, Daniel Whitemore Home Restoration Committee, General Plan Review Committee, Local Emergency Planning Committee, Volunteer Firefighter of Service Qualification Review Committee, Stanislaus-Ceres Redevelopment Commission, Stanislaus Elder Abuse Prevention Alliance and The Alliance Board of Directors. He was a passionate advocate for the City of Ceres.

Madam Speaker, I rise today to posthumously honor Councilman Rob Phipps for his impact on the city of Ceres and those that live there. I invite my colleagues to join me in honoring his life and wishing the best for his family.

HONORING FREDERIC FRICK

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. KIND. Madam Speaker, I rise today to pay tribute to Frederic Frick, upon his resignation as superintendent of Holmen School District. Fred is a dedicated public servant who has earned the respect and admiration of the teachers, staff, and over 3,000 students under his supervision. His work will be greatly missed.

In his 18 years as superintendent, Fred has made significant improvements in a rapidly expanding community. To accommodate the several new families moving into the area and to ensure each child had access to a quality education, Fred was responsible for the construction of a new elementary school, high school, and district administrative office. In addition, Fred successfully tended to the daily needs of his students, teachers, and parents and in 1998 was named Superintendent of the Year by the Wisconsin Association of School District Administrators.

Although Fred is retiring from his current position, he will remain a visible presence in the lives of students and teachers in the Holmen community. His advocacy, dedication, and leadership will leave a lasting legacy, and the area will continue to benefit from all that he has accomplished. On behalf of the students and staff, I would like to thank Fred for his many years of tireless service and for making students his top priority. I wish Fred a long and very happy retirement.

RECOGNIZING SARA CRUMP FOR THE 2007 MILKEN FAMILY FOUNDATION NATIONAL EDUCATOR AWARD

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Sara Crump, of Blue Springs, Missouri. Sara Crump is the recipient of the 2007 Milken Family Foundation National Educator Award.

This prestigious award demonstrates Sara's commitment to academic excellence. She displays exemplary leadership, and continues to inspire and motivate her colleagues and students beyond the classroom. Sara's excellent work ethic and character show why she was selected for this esteemed award that is often referred to as "the Oscar of Teaching" according to Teacher Magazine.

Sara graduated from the University of Missouri–Columbia with a bachelor of arts in English, and has earned her masters degree from the University of Missouri–Kansas City. She now teaches advanced placement English courses at Blue Springs High School through UMKC. Recently, Sara has also received the Cornerstone of Education Award, which is the most prominent award offered to educators in the Blue Springs School District.

Madam Speaker, I proudly ask you to join me in honoring Sara Crump, whose dedication and service to her students and community have been truly inspirational. It is an honor to represent her in the United States Congress.

RECOGNIZING THE TENTH ANNIVERSARY OF DOW JONES INDEXES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. RANGEL. Madam Speaker, I rise today to recognize the tenth anniversary of Dow Jones Indexes, which will be celebrated on December 14, 2007, in New York City.

Our good friend and former colleague, Guy Vander Jagt, who we lost this year, was proudly associated with Dow Jones and Company for much of his professional career, and I know that if he was still with us he would be joining in this anniversary celebration.

For over a century the name of the Dow Jones & Company has been linked with integrity and business investment in America. Much like other words that have entered the America lexicon in everyday use, "Dow Jones" means stocks and their value on Wall Street to virtually every American. It is remarkable that the Dow Jones Industrial Average is the oldest continuing stock market index in the world. However, over the past 10 years of serving the American people, Dow Jones Indexes has grown far beyond just the time-honored Dow Jones Industrial Average to become a leading authority in the global financial markets, researching, launching and supporting a staggering 130,000 indexes, tracking equity markets and other asset classes around the globe.

For example, The Dow Jones Wilshire Indexes are benchmarks for the entire institutional investing community—affecting the retirement plans of Americans across the land. The Dow Jones-AIG Commodity Indexes and the Dow Jones Sustainability Indexes are just two more examples of more specialized Dow Jones indexes that have changed the way the world views these markets. Through expansion and innovation in financial markets, the Dow Jones Indexes have continued to serve as a linchpin of the American financial industry. Indeed, across America and around the world their innovations have changed the very landscape of investing and the financial community. Today, over $2.1 trillion of assets—from millions of investors worldwide—are linked to indexes published by Dow Jones Indexes and STOXX, its joint venture in Europe that is co-owned with Deutsche Borse and the Swiss Exchange, SWX.

Through its growth, Dow Jones Indexes has helped to build awareness and drive the adoption of index-based products as an important investment category, a trend that is widely viewed to benefit investors by offering them diversified, transparent and low-cost investment alternatives. The indexes additionally offer investors tools with which they can appropriately evaluate their portfolio's performance, no matter what its composition.

It is with this background that I wish to recognize the Tenth Anniversary of Dow Jones Indexes and their service to the American people. I would like to recognize John A. Prestbo, one of the first recipients of the William F. Sharpe Indexing Lifetime Achievement Award, which recognizes the most accomplished innovators and practitioners in the indexing industry. He was awarded this prestigious honor for serving as the long time Editor and now Executive Director of the Indexes group within Dow Jones. Along with the stewardship of Michael Petronella, the group president and over 200 dedicated employees, they continue to innovate and grow and strengthen the vast family of Dow Jones Indexes, and with that growth they have helped to serve, enhance, and protect the dreams of millions upon millions of Americans who are planning their own financial futures.

HONORING THE LIFE AND ACCOMPLISHMENTS OF NORINE SCHUHMANN

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. HALL of Texas. Madam Speaker, it is my great privilege to stand today to celebrate the life of Norine Schuhmann, a lifelong resident of Bloomburg, Texas. Mrs. Schuhmann died recently at the age of 97, having lived all but one year of her life in Bloomburg, a town her family pioneered.

Mrs. Schuhmann, a bona fide example of a servant leader, gave of her talents and time selflessly. For 45 years she taught in public schools, all but one of those years in her home of Bloomburg. She also helped establish and organize the Cullen Baker Fair in Bloomburg, where she served as a board member until her mid-eighties.

Throughout her 97 years, Mrs. Schuhmann was a dedicated member of the community. Her civic commitment was evidenced by the many community organizations in which she was involved. For 40 years Mrs. Schuhmann taught Sunday school at the First Baptist Church in Bloomburg. She was a member of the Daughters of the American Revolution, Delta Kappa Gamma sorority and the Order of the Eastern Star. In 1997 Mrs. Schuhmann was recognized by the Atlanta Area Chamber of Commerce as Woman of the Year for her extraordinary commitment to her community.

Madam Speaker, it gives me great pleasure to honor the life, accomplishments and memory of Mrs. Norine Schuhmann. With her passing, east Texas loses a pioneer, a profound educator, and a wonderful mother. Her contributions will be greatly missed throughout Cass County, but her kindness and service will not be forgotten.

RECOGNIZING ADAM D. HATHHORN FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Adam D. Hathhorn, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America and in earning the most prestigious award of Eagle Scout.

Adam has been very active with his troop, participating in many Scout activities. Over the many years Adam has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Adam D. Hathhorn for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mrs. CAPPS. Madam Speaker, I was not able to be present for the following rollcall vote on December 12, 2007. Had I been present, I would have voted as follows:

Rollcall No. 1155: "yea".

PERSONAL EXPLANATION

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. COLE of Oklahoma. Madam Speaker, on Wednesday December 5, 2007 and Thursday, December 6, 2007, I was unavoidably detained due to a prior obligation. That prior obligation was to join hundreds of Oklahomans for the dedication of the USS *Oklahoma* Memorial at Pearl Harbor, Hawaii. On December 7th, 1941, the Japanese attack led to the death of 429 sailors and Marines stationed on the USS *Oklahoma* on that Sunday morning. I was proud to gather with survivors and the loved ones of the deceased servicemen to dedicate a memorial in their honor. I am proud to have worked towards the authorization of the creation of this memorial in the 2006 National Defense Authorization Act. Because of my presence at the ceremony, I would like to make it clear how I would have voted if I had been present in the House.

Madam Speaker, had I been present and voting, I would have voted as follows:

(1) Rollcall vote No. 1131: "yea" (On Motion to Suspend the Rules and Pass, as Amended H.R. 3791, the Securing Adolescents From Exploitation-Online Act.)

(2) Rollcall vote No. 1132: "yea" (On Motion to Suspend the Rules and Pass, as Amended H.R. 2517, the Protecting Our Children Comes First Act.)

(3) Rollcall vote No. 1133: "yea" (On Motion to Suspend the Rules and Agree, as Amended H. Res. 822, Recognizing the 100th anniversary year of the founding of the Port of Los Angeles.)

(4) Rollcall vote No. 1134: "nay" (Consideration of H. Res. 846, Providing for the consideration of the Senate amendments to the bill (H.R. 6), Creating Long-Term Energy Alternatives for the Nation Act.)

(5) Rollcall vote No. 1135: "yea" (On Motion to Suspend the Rules and Pass H.R. 3505, the Securities Law Technical Corrections Act.)

(6) Rollcall vote No. 1136: "nay" (On Ordering the Previous Question H. Res. 846, Providing for the consideration of the Senate amendments to the bill (H.R. 6), Creating Long-Term Energy Alternatives for the Nation Act.)

(7) Rollcall vote No. 1137: "nay" (On Agreeing to the Resolution H. Res. 846, Providing for the consideration of the Senate amendments to the bill (H.R. 6), Creating Long-Term Energy Alternatives for the Nation Act.)

(8) Rollcall vote No. 1138: "yea" (On Motion to Suspend the Rules and Pass H.R. 4253, the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act.)

(9) Rollcall vote No. 1140: "nay" (On Agreeing to the Senate Amendments with Amendments to H.R. 6, the Creating Long-Term Energy Alternatives for the Nation Act.)

(10) Rollcall vote No. 1141: "yea" (On Motion to Suspend the Rules and Pass H.R. 2085, the McGee Creek Project Pipeline and Associated Facilities Conveyance Act.)

VETERANS FOOD DRIVE TRIBUTE

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. STUPAK. Madam Speaker, with the holiday season upon us, it is more important than ever that all of us take a moment to honor the service and sacrifice of our brave men and women deployed abroad. With that in mind, I ask that all of my colleagues join me in celebrating the 20th anniversary of the Veterans Food Drive in Delta County, Michigan.

The Veterans Food Drive has provided holiday food baskets to local veterans, their families, and widows over the last two decades. Gary Bjorkquist first undertook this generous project in 1987 when he served as a Local Veterans Employment Representative. He was joined in this venture by his friend Richard Kryza, then a Disabled Veterans Outreach Worker for the State of Michigan.

As veterans outreach workers, these two distinguished men saw that some local veterans needed additional help during the holiday season to make ends meet. Seeing some veterans struggle, Mr. Bjorkquist and Mr. Kryza organized a Veterans Food Drive.

As Gary Bjorkquist explains it, the Veterans Food Drive is not charity it simply provides veterans with a helping hand "from one friend to another." This program embodies the spirit of the holiday season: giving your time and resources to those who are in need.

My district is home to more veterans than any other Congressional District in Michigan. As such, the annual Veterans Food Drive has been very important to many of my constituents in Delta County.

During the first year of the food drive, Mr. Bjorkquist hoped to distribute 50 holiday food baskets. Not surprisingly, the first Veterans Food Drive reached that goal. As the years have passed, the Veterans Food Drive now distributes more than 100 baskets a year.

The generosity of local community members who provide cash donations for the holiday food baskets make the Veterans Food Drive a reality. Gary Bjorkquist collects donations all year round from employers, organizations, and community members. Some have given every year! Local veterans' organizations, including the Disabled American Veterans of Delta County, the American Legion of Rapid River, and the Vietnam Veterans Chapter 571, have been very supportive of the Veterans Food Drive.

Each year, Elmer's County Market in Escanaba arranges the holiday baskets. These baskets include enough food for a family of four to have two complete meals during the holiday season.

Something that started as a small gesture for our veterans has now turned into a community affair. Every year, more volunteers come out to help their fellow neighbors and join those who have been making deliveries since 1987. I had the pleasure of taking part in the Veterans Food Drive last year. If I have a break in the Congressional schedule, I will join in delivering veteran holiday food baskets again this year!

Gary Bjorkquist works diligently to ensure that as many veterans and families as possible are given a food basket through the Veterans Food Drive. If a veteran is already receiving a holiday basket from a different organization, the food basket is saved for another veteran in need.

Any remaining baskets are given to families in the community who are in need of help, through the local Salvation Army and Society of St. Vincent DePaul. And if there are leftover donations, they too go right back into the community. Last year, Mr. Bjorkquist gave donations to the Society of St. Vincent DePaul councils in Gladstone and Escanaba as well as the Menominee-Delta-Schoolcraft Community Action Agency's Walk for Warmth program.

In honor of the 20th anniversary, many of the volunteers who participated in the first Veteran Food Drive will be back in Escanaba to help Gary Bjorkquist mark this tremendous achievement. Mr. Kryza, who is now the Michigan State Veterans Director, will also be on hand to celebrate this occasion and spread the holiday cheer.

I would like to recognize Gary Bjorkquist for his vision and his tenacity in keeping the Veterans Food Drive alive and running all these years. As old and new volunteers gather on December 14, 2007 for the 20th anniversary Veteran Food Drive, I salute the great number of individuals who volunteer their time going door to door with holiday baskets in hand as well as those who have graciously donated to the Veterans Food Drive each year.

The duty, honor, and commitment these volunteers show to those who have sacrificed for our country are just a few of the values that make this Veterans Food Drive special.

Madam Speaker, as we honor our brave fighting men and women serving around the world and especially in Iraq and Afghanistan this holiday season, it is important that we care for their families. In that spirit, for 20 years, the Veterans Food Drive has truly provided a helping hand to those who have served our country. Given the unique spirit of volunteerism and community service exhibited by Gary Bjorkquist and the local community, I know we can expect the Veterans Food Drive to be serving today's soldiers, when they are tomorrow's veterans, 20 years from now.

Madam Speaker, I close by asking that you and the U.S. House of Representatives join me in paying tribute to the Veterans Food Drive, Gary Bjorkquist, and all the volunteers and contributors who are truly serving those who have served all of us. In this time of conflict, it is more vital than ever that we retain those values of volunteerism, duty, honor, and commitment—values that the Veterans Food Drive truly exemplifies.

PERSONAL EXPLANATION

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. NEUGEBAUER. Madam Speaker, due to official business in my district, I missed rollcall votes 1145 through 1155 on Wednesday, December 12, 2007.

Had I been present, I would have voted "nay" on rollcall vote 1145.

On rollcall vote 1146, I would have voted "nay."

On rollcall vote 1147, I would have voted "nay."

On rollcall vote 1148, I would have voted "nay."

On rollcall vote 1149, I would have voted "aye."

On rollcall vote 1150, I would have voted "nay."

On rollcall vote 1151, I would have voted "aye."

On rollcall vote 1152, I would have voted "nay."

On rollcall vote 1153, I would have voted "nay."

On rollcall vote 1154, I would have voted "nay."

On rollcall vote 1155, 1 would have voted "aye."

PERSONAL EXPLANATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Ms. LORETTA SANCHEZ of California. Madam Speaker, on Wednesday, December 12, 2007, I inadvertently missed two votes. Had I been present and voting, I would have voted as follows:

(1) Rollcall No. 1154: "yea." On motion to postpone consideration of the veto message.

(2) Rollcall No. 1155: "yea." On Motion to Suspend the Rules and Pass.

ENVIRONMENTAL JUSTICE ACCESS AND IMPLEMENTATION ACT OF 2007

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce the Environmental Justice Access and Implementation Act of 2007. I am pleased to stand with my friends Representatives HILDA SOLIS, KEITH ELLISON and JOHN CONYERS for the environmental health of all communities by reintroducing this legislation updated from its previous introduction as H.R. 1648 in the 109th Congress. Once again, this bill will seek to direct federal agencies to establish offices of environmental justice, integrate environmental justice into the core missions of Federal agencies, and establish community technology centers to increase access to information about environmental hazards.

Since the late 1970s and early 1980s, environmental injustices against communities of color and lower-income families have been identified throughout the Nation. Coupled with decades of thorough research acknowledging "environmental racism" and encouraging the pursuit of "environmental justice," a tremendous movement has emerged.

Recently, the United Church of Christ report "Toxic Wastes and Race at Twenty: 1987–2007" was released, synthesizing decades of environmental justice movement developments. This groundbreaking document chronicles the experiences of many communities throughout our Nation disadvantaged by environmental burdens. This report and other research demonstrate that federal agencies need to put their money where there mouth is to meet the expectations of Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations, which was signed by former President Clinton on February 11, 1994. Our communities deserve access to information about the hazards of their immediate environment and have waited well over a decade for the goals set forth by the Executive Order to be met.

Madam Speaker, I first introduced this legislation with a number of my colleagues in 2005 and eventually garnered the support of 67 cosponsors. To once again meet these goals and better compliment other legislative initiatives to achieve environmental justice, I have made a few key updates to this legislation in consultation with many stakeholders. Updates to this legislation include authorization of $1,000,000 annually for each established office of environmental justice in relevant agencies, as well as reporting requirements to increase the effectiveness of federal agency implementation and ensure proper Congressional oversight. This legislation has also been updated to refine criteria for the development of community technology centers, which will increase the accessibility of information about environmental hazards in many communities.

For over a decade, agencies have been mandated to examine the impact of their policies on the environmental health of minority and low-income communities. Once we give those mandates true legal standing, we will be able to turn those mandates into action that directly serves our communities. We must legislate accountability and conscience in our permitting processes and environmental action to reduce the burden on low-income populations and communities of color. I am confident that the provisions of the Environmental Justice Access and Implementation Act will do just that.

Madam Speaker, in closing, I encourage my colleagues to support this necessary legislation and look forward to its expedient passage.

DANIEL BENAC RETIREMENT TRIBUTE

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. STUPAK. Madam Speaker, I rise today to pay special tribute to a man who is a long-time activist in labor, politics, and community service in Northern Michigan. With that in mind, I ask that all of my colleagues join me in celebrating the retirement of Daniel A. Benac of Montmorency County, Michigan. Dan Benac will retire on January 4, 2008 after a distinguished career in the United States Army, at General Motors, and as an advocate for his fellow workers and veterans.

Dan Benac was born in Alpena, Michigan on June 8, 1922, as one of twelve children of George and Rose Benac. Nearly 65 years ago he married Geraldine on February 9, 1943 and the couple raised three children: Charlotte, Carolyn, and David. Dan and Geraldine have eight grandchildren and fourteen great-grandchildren.

Dan Benac served in the U.S. Army's 103rd Infantry Division from 1942 until receiving an honorable medical discharge. After serving his country, he then began his career as a skilled tradesman at Besser Manufacturing in Alpena.

Dan then worked at a small manufacturing plant in Walled Lake, Michigan before taking a position with Pontiac Motors in 1948. He tried his hand as an entrepreneur in 1955, when he started and operated two gas stations. During the time he ran these businesses he began an apprenticeship as an electrician and earned the status of a journeyman electrician in 1962.

In 1969, Dan Benac took his skills to Warren, Michigan, where he worked at General Motors' Chevrolet plant. He began his union career in 1948 when he joined the United Auto Workers. While at the Chevrolet plant, Dan accepted the position as a UAW committeeman.

In 1974 Dan Benac took a medical retirement from General Motors, but as with so many union brothers and sisters, Dan continued his work with the union. In addition to his membership in the UAW, he also joined the International Brotherhood of Electrical Workers in 1956.

In 1983 Dan was named chairman of the UAW Retirees for the Alpena International Council. As chairman, he organized presentations on a monthly basis for his fellow retirees that ranged from elected officials to speeches about prescription drugs and Medicare.

Dan was later named chairman of the UAW Region 1–D retirees, serving members from sixty-two counties. He was also a board member of the UAW statewide coordinating committee for the Democratic Party.

In addition to his union activities, Dan Benac was instrumental in forming the Montmorency County Democratic Party, and served as chairman for many years. While he is no longer chairman, he remains active in the Party.

Dan Benac was a board member of the National Council for Senior Citizens and was nominated Senior of the Year in Region 4 in 1995 and 2003. He is also a member of other organizations including the Shrine Club, Disabled American Veterans, American Legion, and Masons. He was also chairman of the Michigan Veterans Trust Fund for Montmorency County.

Madam Speaker, Dan Benac's activities are amazing for a person of any age but as an eight-five year old his many activities are exceptionally admirable. Dan and Geraldine have been great assets to their family, their fellow workers, and their community, as well as good friends of mine. On January 4, 2008, family and friends will gather for a well deserved and final retirement party for Daniel Benac at the Addison Oaks Conference Center in Leonard, Michigan.

Today, as Dan prepares to enter a well deserved retirement, I offer him, his wife Geraldine, his three children, eight grandchildren and fourteen great-grandchildren all the best for the future. I would ask, Madam Speaker, that you and the entire U.S. House of Representatives join me in thanking Dan Benac for his service to the Montmorency community and commending him for the many years he has spent his life in service to others.

A TRIBUTE TO JOHN EDWARD HUTCHINSON

HON. TIM MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, I rise today to recognize the career of John Edward "Hutch" Hutchinson. Hutch has served as the Greensburg Fire Chief in Greensburg, Pennsylvania, for the past 55 years.

The position of fire chief in Greensburg is an elected office. Since 1952, the residents of the community have resoundingly affirmed they appreciate Hutch's dedication to the job by reelecting him.

Since taking office, Hutch has made countless improvements to the department. His firefighters are all volunteers, highly trained and specialized. Hutch has developed a dive team, a swift water rescue, large foam and vent operations, a bloodhound team, and an air rescue team.

In 1997, the Greensburg Fire Department First Responders were prepared to handle a large community disaster, including attacks involving weapons of mass destruction. Few in 1997 could have seen the value in this forward-thinking for a volunteer department, yet it is essential knowledge for all firefighters today.

Under Hutch's leadership, the Greensburg Fire Department has assisted with natural disaster response nationwide. From helping rebuild a community playground in Alabama to clearing trees off roads in South Carolina, Hutch has turned the Greensburg Fire Department into a humanitarian outlet.

Hutch takes his job beyond the walls of the firehouse into the community. He established health and fitness centers for the community, firefighters, and City employees.

Hutch has developed burn prevention classes for the local elementary and middle schools. He has served on the local hospital board, the Greensburg YMCA Board, the aerobics center board, and the camp cadet board.

Though he's been in office for 55 years,

Hutch has no interest in slowing down. He calls himself "a young kid"—and isn't that a wonderful attitude? Hutch refuses to let his age be a factor. He works out twice a day, 7 days a week, to ensure that he's not asking his firefighters to do anything he can't do himself.

It is my great honor to recognize the long career of John Edward "Hutch" Hutchinson, a man who has given immeasurable amounts to the city of Greensburg, to Pennsylvania, and to our nation during his five and a half decades of service as fire chief.

INTRODUCING THE CANCER AND TERMINAL ILLNESS PATIENT HEALTH CARE ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. PAUL. Madam Speaker, I rise to help working Americans stricken with cancer or other terminal illnesses, and their families, by introducing the Cancer and Terminal Illness Patient Health Care Act. This act exempts people with terminal illnesses from the employee portion of payroll taxes while they are suffering from such illnesses or are incurring significant medical costs associated with their conditions. The Cancer and Terminal Illness Patient Health Care Act also provides a payroll deduction to any worker who is the primary caregiver for a spouse, parent, or child with a terminal illness.

When stricken with cancer or another terminal disease, many Americans struggle to pay for the treatment necessary to save, or extend, their lives. Even employees with health insurance incur costs such as for transportation to and from care centers, prescription drugs not covered by their insurance, or for child care while they are receiving treatment. Yet, the Federal Government continues to force these employees to pay for retirement benefits they may never live to see!

Many Americans struggle to pay the costs of treating children, a spouse, or a parent with a terminal illness. My bill also provides much needed tax relief for those who are providing care to a loved one with a terminal disease.

As a physician who has specialized in women's health issues for decades, I know how critical it is that cancer patients and others suffering from terminal illnesses have the resources they need to combat these illnesses. The Cancer and Terminal Illness Patient Health Care Act provides a realistic way to help people suffering from cancer or other terminal illnesses receive quality health care.

It is hard to think of a more compassionate tax policy this Congress could enact than to stop taking the resources away from working Americans that could help them treat cancer, AIDS, or other terrible health problems. I hope all my colleagues will help people suffering from terminal illnesses, and their caregivers, by cosponsoring the Cancer and Terminal Illness Patent Health Care Act.

HONORING THE LIFE OF PATSY SANDERS

HON. DAVID DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. DAVID DAVIS of Tennessee. Madam Speaker, I rise today to honor the memory and life of Patsy Marie Fitzgerald Sanders, a resident of the First Congressional District of Tennessee, who passed away December 12, 2007.

Patsy Sanders was a foundation to her family and our thoughts and prayers are with her husband of 52 years, Joe, and their daughters Jolene, Arlene, Darlene, and son Jacky.

As a lifetime member of Hales Chapel Christian Church, Patsy showed the love for her family and community that would shine to all who met her.

She was also a member of the Washington County Commission. As a Commissioner, she had a reputation of fairness and concern for the advancement of her county.

Madam Speaker, I ask that the House join me this evening in offering our sympathies to the family and friends of Patsy Marie Fitzgerald Sanders. She was a dedicated mother and an irreplaceable servant of her community.

Her service is greatly appreciated, and she will be deeply missed throughout Northeast Tennessee.

A TRIBUTE TO THE LIFE OF ALICE KATHERINE MATTOS SANDERS

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. COSTA. Madam Speaker, I rise along with my colleague from California, Congressman DENNIS CARDOZA to pay tribute to the life of Alice Katherine Mattos Sanders of Merced, CA, who recently passed away at 110 years of age. Mrs. Sanders was an outstanding lady filled with energy, love and high spirits. She leaves behind a loving family including a daughter-in-law, six grandchildren, fourteen great-grandchildren and twelve great-great-grandchildren.

A strong matriarch born in 1897, Alice immigrated to America from San Jorge Island in the Azores in 1903 with her mother and brothers to join her father. Samuel Mattos, Alice's father, was already in America working and saving money for the family's travels. The Mattos family first settled in the San Francisco Bay Area, where Alice and her family experienced the legendary 1906 San Francisco earthquake. Soon after, the Mattos family decided to make their home in California's Central Valley in the lovely communities of Dos Palos and then Gustine in Merced County. It was in Gustine where Mrs. Sanders attended high school and met her future husband Clarence Leonard Sanders. They married in 1913 and moved to the State of Oregon soon after following a job offer made to her husband.

After a few years living in Oregon, the couple and their two children, Isabel and Marvin, returned to the Central Valley and settled in Atwater, California in 1922. The family became entrepreneurs in 1947 when they bought a farm and began operating a dairy and almond orchard. Alice worked as a seamstress for many years for a local company called Passadori's and it was during these times she befriended many people in the community who still remember her today.

A woman described as kindhearted and courageous, Alice took pride in raising her children well and doing what she could to make sure her family's needs were met. In 1963, Alice and her husband Clarence celebrated their 50th wedding anniversary. A year later, Alice would become a widow and still continue on as a strong, independent woman with many years to live ahead of her. As one of the world's oldest Portuguese women, Alice will be remembered for her formidable spirit and splendid character.

Alice Sanders was part of a generation that endured incredible hardships to get to America and build a life for themselves and their families. Mrs. Sanders will be remembered for her commitment to her family and community and the lives she so graciously touched. She saw three centuries and a world full of change; she is a true inspiration to us all. I am honored and humbled to join her family in celebrating the life of an amazing woman.

PERSONAL EXPLANATION

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. ABERCROMBIE. Madam Speaker, I regret that I was unable to record my vote on rollcall No. 1155. Had I been present, I would have voted "yea."

TRIBUTE TO JOHN FISHELL FOR 35 YEARS OF DEDICATED SERVICE TO THE UNITED STATES NAVY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to his community, the United States Navy and our country has been exceptional. The Naval Surface Warfare Center located in Corona, California has been fortunate to have dynamic and dedicated leaders and John Fishell is one of these individuals. I am sorry that I will not be able to attend his retirement ceremony which will be held on Tuesday, December 18, 2007.

John began his career at Corona in 1972 as a Missile Flight Analyst, soon after graduating with a Bachelor of Science degree in Electrical Engineering from the University of Texas, El Paso. His early career involved traveling the globe analyzing missile tests for the Navy. John was the on-board missile analyst for the first 22 missile tests on the USS *Norton Sound* (AVM–1), the development test ship for today's state-of-the-art Aegis combat system. Thirty-five years later, this missile system is America's mainstay defense system on the Fleet of Aegis Destroyers and Cruisers. In addition to being a missile flight analyst, various groups that John led early in his career developed several of the foundational databases and analysis software the Navy uses to assess its combat and weapon systems today.

As Associate Head of the Measurement Science Directorate in 1993, John was appointed to coordinate all 1995 Base Re-alignment and Closure (BRAC) efforts at Corona. From 1993–1995, he led the team that made the case for Corona's military value to the Navy. John and his team were successful in articulating Corona's military value and why its function needed to remain in Norco in order to maintain its value to the Navy. The Navy recognized John's leadership during the BRAC process and awarded him the Navy Award of Merit for Group Achievement.

Following several leadership roles at Corona, John was promoted to Head of the Measurement Science Directorate in August 1995. As director of the Navy's top metrology calibration directorate, he worked to significantly increase the metrology research and development program funding. He served as MS director until his promotion to Corona's top technical director position in January 2002.

During John's tenure as technical director, he has overseen significant facilities improvements at Corona. In 2002, the Measurement Science and Technology Laboratory (MSTL)—a 39,000 sq. ft. environmental laboratory—was completed. The MSTL is a top facility that supports Navy and Marine Corps weapons and interface gages, force and dimensional calibration standards, and electro-optics research and development. In 2008, Corona will complete the $11.5 million extension of the Joint Warfare Assessment Laboratory, one of the Navy's premiere analysis labs. This 39,000 square-foot expansion significantly increases the secure analysis workspace to 87,000 square feet and will aid the base's primary mission: Assessing the warfighting capability of ships, aircraft, missiles, and weapons systems for the Navy and other Armed Forces. John has also overseen planning for three additional labs in the future, as part of a long-term plan to enhance Corona's facilities.

In addition to Corona's facilities, John has led many institutional transformations that have helped Corona meet today's demand for its technical services, while positioning the organization to meet future requirements. In 2004, John guided Corona's growth from four departments to six, resulting in cost savings to the Navy and better alignment of technical capabilities for naval programs.

John has been instrumental in creating long-term professional development programs at Corona that will strengthen the organization for years to come. Under his direction, Corona embedded a systemic Employee Development Program to institutionalize professional development for future generations of Corona employees. These efforts were recognized by the University of the Notre Dame Mendoza College of Business' highest recognition, The Outstanding Leadership in Executive Education Award. The development program has also received international acclaim as a case study for its proactive and innovative approach to managing leadership development, career, and succession planning. During John's time as the senior civilian, Corona has also been recognized as one of the Top Companies to Work For in the Inland Empire.

In addition to strengthening Corona's workforce, John has been a strong proponent of being active in professional organizations. He served as Measurement Science Conference President and in various liaison positions for National Conference of Standards Laboratories International. He was also a founding member of the Inland Empire Chapter of the American Society of Naval Engineers and its Chairman from 1995–96. From 2001–2003, he served on the National Cooperation for Laboratory Accreditation Board of Directors and has served as the Science and Technology Education Partnership (STEP) Conference Co-chairman since 2001 and STEP's Vice President of Operations since 2003.

I've known John for many years and am sincerely grateful for all the work he has done for our Nation, our community, NSWC, Corona and for STEP. His absence will be deeply felt in our community. I also congratulate John for receiving the Navy Meritorious Civilian Service Award for exemplary service to the Naval Surface Warfare Center, Corona Division. I commend John for his many years of excellent service and wish him health and happiness in retirement.

IN HONOR OF FIREFIGHTER DAVID M. LOVING OF RICHMOND

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. CANTOR. Madam Speaker, I rise today to honor Firefighter David M. Loving of the Richmond, Virginia Department of Fire and Emergency Medical Services and to congratulate him on receiving the National Public Safety Medal of Valor award. This award is the highest national award for bravery by a public safety officer and it recognizes extraordinary valor above and beyond the call of duty.

On August 6, 2005, Firefighter Loving was off-duty and on his way home after completing a 24-hour shift when he came upon the scene of a horrific traffic accident on Interstate 95. A motor home had rear-ended an 18-wheeler parked on the shoulder of the highway. Firefighter Loving stopped to offer assistance and was advised that there were people trapped inside the motor home. As the motor home filled with smoke, Firefighter Loving, without any safety gear, climbed inside the vehicle and was able to untangle the victim and pull him to safety. Within minutes, the motor home was engulfed in flames and witnesses stated that the victim would have died prior to the arrival of the first responding emergency unit without Firefighter Loving's heroic actions.

Please join me in congratulating Firefighter David Loving and the four other recipients of the National Public Safety Medal of Valor award this year and in thanking these exceptional public safety officers for their service, dedication, and heroism.

TRIBUTE TO COLONEL H. MICHAEL DAVIS

HON. NANCY E. BOYDA

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mrs. BOYDA of Kansas. Madam Speaker, I hope the House will join me today to pay tribute to an exceptional patriot and Officer in the United States Army, Colonel H. Michael Davis, upon his retirement from active military service.

Colonel Davis' distinguished career spans over 30 years of service to our great Nation, culminating as Chief of Staff of the Combined Arms Center at Fort Leavenworth, Kansas. A native of South Carolina, he was commissioned Regular Army as an Armor Officer from the University of Tennessee in 1978. He has commanded with distinction at every level from company to regiment including the 2nd Battalion, 69th Armor Regiment, the 11th Armored Cavalry Regiment, Blackhorse, and Operations Group, Combat Maneuver Training Center. He has held instrumental staff positions from troop executive officer to the Chief of Staff at the National Training Center and now at the Combined Arms Center.

Colonel Davis has attended several military schools, including the U.S. Army Command and General Staff College, and the Naval War College. He holds a bachelor of science degree in industrial management from the University of Tennessee and a master of arts degree in national security and strategic studies from the Naval War College. He also served as a Professor in the Joint Military Operations Department at the Naval War College from 1997–1999.

In his more than 30 years of service, he has earned the Legion of Merit with one Oak Leaf Cluster, the Defense Meritorious Service Medal, the Meritorious Service Medal with three Oak Leaf Clusters, the Army Commendation Medal with three Oak Leaf Clusters, and the Army Achievement Medal with one Oak Leaf Cluster. He also holds the Parachutist Badge and the Ranger Tab. Upon his retirement, he will be awarded the Distinguished Service Medal.

I ask my colleagues to join me today to thank Colonel Davis, his wife Ann, and his entire family for the commitment, sacrifice and contribution that they have made throughout his honorable military career.

RECOGNIZING WALSH COLLEGE AND THE DEDICATION OF THE JEFFERY W. BARRY CENTER

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. KNOLLENBERG. Madam Speaker, I want to recognize Walsh College of Accountancy and Business Administration in Troy, Michigan as they dedicate the newest addition to their campus, the Jeffery W. Barry Center on December 14, 2007.

When Walsh College was founded in 1922, it was a specialized accounting institute that taught 150 students in Detroit. However, it wasn't until 1970, when Walsh's third president, Jeffery W. Barry, took over that the school grew into what we see today. Under Mr. Barry's leadership, Walsh College transformed from a small specialized institute into a business college granting bachelors and masters degrees.

When Mr. Barry stepped down in 1991, Walsh had an enrollment of over 3,300 students. However, since his tenure Walsh's enrollment has continued to grow and today has over 4,500 students with campuses in Troy, Novi, and Clinton Township. In addition, Walsh offers over twenty different bachelors and masters degrees, and certifications.

The culmination of Mr. Barry's vision will be the new Jeffery W. Barry Center which will open for classes in the winter of 2008. The 36,000 square foot, environmentally sustainable Barry Center features an expanded, modern library, an auditorium, and additional classrooms. It is designed to meet the U.S. Green Building Council's Leadership in Energy and Environmental Design ratings for water and energy efficiency, pollution control, recycling, and indoor environmental quality.

Mr. Barry passed away on July 8, 2006, but his spirit lives on. The Barry Center embodies his legacy of educational outreach and excellence, as it doubles the size of Walsh's main campus. In addition, this fall Walsh will be offering its first ever doctoral degree, a Doctor of Management in Executive Leadership.

Madam Speaker, today I commend Walsh College for their continued commitment to Jeffery W. Barry's vision. I wish them luck and prosperity as they dedicate this new edition, and hope for many years of success.

HONORING KENTUCKY'S SPECIAL OLYMPICS WOMEN'S BASKETBALL TEAM

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to recognize Kentucky's Special Olympics Women's Basketball team for capturing the gold medal at the 2007 Special Olympics World Games in Shanghai, China. Members of the team include: Sheila Crowson, Kay Gregory, Crystal Matson, Mary Ann Wilcome, Natalie Williams, Kelly King, Marcie Blandford, Jennifer Hamilton, and Taylor Thompson.

The team qualified to be one of two teams to represent the United States by winning the 2006 Kentucky State Tournament. In preparation for their trip to China, the team joined 400 other athletes in Nashville, Tennessee at a Team USA Training Camp.

In China, the women were joined by almost 7,500 other athletes from around the world competing in 25 different Olympic-type sports. The team started the games with an 0–3 start but their fortunes quickly changed. In the all important medal round, the team went undefeated. Their victories included an upset win over an undefeated Serbian team and their 21–6 victory over Tunisia in the Gold Medal game.

I would like to congratulate the players and their coaches for this impressive achievement, particularly Head Coach Brent Belcher and Assistant Coaches Derek Shadoan and Jennifer Siebold for their hard work and dedication. Also, I would also like to thank the Bowling Green community for their generous support that allowed the team to participate in the Summer Games. The players and coaches raised over $22,000 from businesses, civic groups, and individuals.

It is my privilege to recognize the Kentucky Special Olympics Women's Basketball team today, before the entire House of Representatives, for winning the Gold Medal at the 2007 Special Olympics World Games. Their hard work and success has made the entire Commonwealth of Kentucky proud.

A RESOLUTION HONORING AND SUPPORTING THE HADLEY SCHOOL FOR THE BLIND

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. KIRK. Madam Speaker, today I am pleased to join with Congresswoman SCHAKOWSKY to introduce a resolution honoring and supporting the Hadley School for the Blind.

Dr. William A. Hadley, an Illinois high school teacher, lost his vision at age 55. With the loss of his sight Dr. Hadley believed that he would also lose his greatest joy—teaching. Although he taught himself Braille so he could continue to read, he was frustrated with the lack of educational opportunities for blind individuals.

Dr. Hadley wanted to help others like him gain the skills and knowledge that could lead to independence. In 1920, Dr. Hadley and ophthalmologist Dr. E.V.L. Brown created the Hadley School for the Blind. Today, the Hadley School is the largest single educator of blind persons in the world, reaching 10,000 students annually in all 50 states and in 100 different countries.

The school began with teaching Braille with the innovative use of correspondence courses. While it is still known for its superior Braille curriculum, the school has expanded to offer a high school degree program and adult continuing education classes. In 2008, the School will expand again to include the Hadley School for Professional Studies for professionals who serve those who are blind and visually impaired.

Students from the school have done extraordinary things. Former student Christine Gilson, a blind doctoral candidate and Fulbright scholar from the University of Illinois at Urbana-Champaign, was the 2007 recipient of the Hadley School for the Blind's President's Service Award for exceptional work in raising awareness of the needs and abilities of blind and visually impaired people. She bridged cultural boundaries by teaching visually impaired Chinese students English language classes online.

I am proud to introduce this resolution that supports an institution that has, for almost 90 years, provided a valuable education for thousands of visually impaired individuals.

INTRODUCTION OF THE IMPROVING ACCESS TO WORKER'S COMPENSATION FOR INJURED FEDERAL WORKERS ACT

HON. PHIL HARE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. HARE. Madam Speaker, I rise today to introduce the "Improving Access to Worker's Compensation for Injured Federal Workers Act." This legislation would ensure that our Federal workers are reimbursed for crucial healthcare and services that they receive.

In many rural areas, Physician Assistants (PAs) and Nurse Practitioners (NPs) are the only full-time healthcare providers. Unfortunately, medical services and supplies provided by PAs and NPs are not covered under the Federal Employees' Compensation Act. As such, claims signed by PAs and NPs are denied by the Department of Labor. In many cases injured workers have to travel long distances to receive care that is reimbursable, or use emergency rooms for non-emergency care.

PAs and NPs are legally regulated in all fifty States, the District of Columbia, and Guam. All fifty States also authorize physicians to delegate prescriptive privileges to the PAs they supervise, and authorize NPs to prescribe medications under their own signature.

The exclusion of PAs and NPs from the category of covered providers under the Federal Employee's Compensation Act limits patients' access to medical care, services, and supplies, as well as disrupts continuity of care, and creates unnecessary costs for the Office of Workers' Compensation Programs.

My bill, the "Improving Access to Worker's Compensation for Injured Federal Workers Act" amends the Federal Employee's Compensation Act to recognize PAs, NPs and several other Advanced Practice Registered Nurses as covered providers. In doing so, Federal law is aligned with the overwhelming majority of State workers' compensation programs, and ensures that injured workers, especially those who live in rural areas, receive the care and treatment they need.

This bill was introduced by former Representative Charles Norwood (R–GA) in the 108th and 109th Congresses and enjoyed broad bipartisan support. It has also been introduced in the Senate by Senators EDWARD KENNEDY (D–MA), SUSAN COLLINS (R–ME) and JOHNNY ISAKSON (R–GA).

I would like to thank the American Academy of Physician Assistants and the American Academy of Nurse Practitioners for their help on this legislation and for their support of the bill. I am also happy that my colleague on the Education and Labor Committee, Congressman MARK SOUDER from Indiana has joined me in supporting this legislation. I look forward to working with him and others to garner additional bipartisan support so we can quickly move this bill through the House.

I am proud to be involved in this effort to ensure our Federal workers, especially those living in rural America, have access to critical healthcare providers and services.

COMMEMORATING THE ARMY RESERVE ON ITS 100TH ANNIVERSARY

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. BISHOP of Georgia. Madam Speaker, I rise today, along with Representatives BUYER, SHIMKUS, TAYLOR, and over 243 original cosponsors, to introduce a resolution to congratulate the United States Army Reserve on its 100th Anniversary, which will be formally celebrated on April 23, 2008.

The resolution also commemorates the contributions of Army Reserve veterans who have helped to ensure that the United States' vital national security interests are protected and defended in times of war and peace.

I am very gratified by the outpouring of bipartisan support that this resolution has received. It is indicative of the high regard and esteem in which the Army Reserve is held among Members of Congress and the American public.

As a former soldier in the Army Reserve, I know the historic and decisive role it played along with the U.S. Army in promoting integration and the cause of individual dignity.

As a current member of the Subcommittee on Defense as well as the Military Construction and Veterans' Affairs Subcommittee of the House Appropriations Committee, I have been extremely impressed by the level of commitment that Army Reserve soldiers bring to their work and to their high degree of professionalism. They truly are "twice the citizen," as Winston Churchill once remarked.

Today, the U.S. Army Reserve is composed of more than 30,000 officers and 150,000 enlisted soldiers. They have an active presence in 1,100 communities across the nation, contributing military values, important job skills, and economic support. They are husbands and wives, fathers and mothers, and sons or daughters. They are our neighbors, our friends and acquaintances, and our colleagues at work. These soldiers can be called up at any time to serve our nation and they must be trained and prepared to respond at a moment's notice.

Here in the U.S. House of Representatives, 24 Members including myself have been privileged to serve as Army Reserve soldiers. In fact, 2 of the lead sponsors of this resolution, Representatives STEVE BUYER of Indiana and JOHN SHIMKUS of Illinois, still serve in the Army Reserve.

As this resolution notes, the role of today's Army Reserve soldier has expanded and changed dramatically since President Theodore Roosevelt first requested that Congress establish a reservoir of trained officers in a reserve status. On April 23, 1908, the Congress responded to the president's request by establishing a permanent reserve corps of trained medical officers. The modest corps represented the humble start of what is today a multi-faceted operational and strategic force.

The duties have since expanded such that they have become an integral component of any active U.S. Army mission. They have answered the call of duty in World Wars I and II, Korea, Vietnam, the Cold War, Panama, the Gulf War, Somalia, Haiti, Bosnia, and Kosovo. In addition, nearly 25,000 Army Reserve soldiers are currently deployed in Iraq, Afghanistan, and 18 other countries.

Through October 31, 2007, 102 Army Reserve soldiers had borne the ultimate sacrifice while serving in Iraq or Afghanistan. We dedicate this resolution to their memory and to the memory of all the Reserve soldiers who fought and died to defend our nation's freedoms throughout our history.

We dedicate this resolution to our living heroes as well—to those men and women who continue their service to our nation in the U.S. Army Reserve today.

Madam Speaker, I again thank my colleagues who are original cosponsors for their extraordinary support for this resolution. I urge our remaining colleagues to join with us in support of this resolution, which is intended to ensure that the first 100 years of the Army Reserve are appropriately commended and that the second 100 years of the Army Reserve are fittingly commenced.

CONGRATULATING DR. GEORGE CROZIER ON THE OCCASION OF HIS RETIREMENT

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise to honor the long and distinguished career of Dr. George Crozier on the occasion of his retirement from the Dauphin Island Sea Lab.

For the past 30 years, Dr. Crozier has served as the executive director of the Dauphin Island Sea Lab, Alabama's marine research facility. Serving Alabama's 21 four-year colleges and universities, the Sea Lab has provided Alabama students with the opportunity to study marine creatures and habitats. George has been with the Lab since its inception in the 1970s, helping to build the Sea Lab to national prominence.

In addition to being the director of the Sea Lab, Dr. Crozier is also an associate professor of marine science at the University of South Alabama and an associate professor at the University of Alabama at Birmingham. He serves as a member of the U.S. Army Corps of Engineers Environmental Advisory Board and administers the Mobile Bay National Estuary Program.

In recognition of his outstanding work in the field of marine science, George Crozier has received numerous awards, including the Walter B. Jones Award for "Coastal Steward of the Year" from the National Oceanic and Atmospheric Administration. He was the recipient of the Alabama Academy of Science's Wright A. Gardner Award in 2000. In 2007, George was awarded Mobile United's "Green" Award, or Lifetime Achievement Award. In 1993, he was named "Conservation Educator of the Year" by the Alabama Wildlife Federation, and the Alabama Science Teachers Association named him the 1991 Friend of Science.

Dr. Crozier is an acknowledged expert in the coastal management issues, and as a longtime steward of natural resources, he promoted the creation of Alabama's Forever Wild and currently serves as a board member. He helped to found the Alabama Coastal Area Management Plan, served as the initial director of Alabama Sea Grant, and served as a member of the board of directors of the Mississippi-Alabama Sea Grant Consortium. In addition, he serves on the board of the Alabama Coastal Foundation, grassroots, inc., Smart Coast, Inc., and Robinson Island Estuary Foundation. George also serves on the board of national advisers for Coastal States Stewardship Foundation, and he is a member of the Urban Land Institute.

Madam Speaker, I ask my colleagues to join me in recognizing a dedicated community leader and friend to many throughout Alabama. I know his family, his friends, and the many students who have benefited from the Dauphin Island Sea Lab join me in extending thanks for his many years of distinguished service. On behalf of a grateful community and state, I wish him the best in all his future endeavors.

TRIBUTE TO MR. BEN SOLOMON FOR HIS OUTSTANDING YEARS OF SERVICE

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. MEEK of Florida. Madam Speaker and Members of Congress, I rise to ask you to join me in recognizing the excellent service of someone many of the residents of the Longworth Building are familiar with—Mr. Ben Solomon, store manager in the House of Representatives.

For the residents of Longworth, Mr. Solomon was the quiet, unassuming friend who greeted us when we made a pit-stop to the store for an afternoon snack to get us through the rest of the day.

Mr. Solomon and his loyal co-workers, Jason and Veronica, took extra care to stock the store with the favorites of those who frequented the establishment.

I ask you to join me in extending our sincerest gratitude to Mr. Ben Solomon for his first-class service.

We are saying farewell on Friday, December 14, 2007 to a peaceful man, one who has not only dedicated his extraordinary service to us, but to his wife, three children and family members in Ethiopia.

Born on June 16, 1965 in Addis Ababa, Ethiopia, Mr. Solomon made his journey to the United States of America in 1982 for his quest to study and work to support his family.

Mr. Solomon studied engineering at the District of Columbia and the University of Maryland, College Park.

As one of his regular customers, I am honored to take this time to celebrate Mr. Solomon for his kind spirit and twenty years of dedication to guest services.

One of his employees said it best, when she said that Mr. Solomon will truly be remembered as "A person who gets along with everyone."

Madam Speaker and Members of Congress I congratulate Mr. Ben Solomon for his outstanding service and wish him the best in his future endeavors.

HONORING QUALITY CABINETS/MASCO BUILDER CABINET GROUP ON OSHA STAR AWARD

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. MARCHANT. Madam Speaker, I rise today to congratulate Quality Cabinets/Masco Builder Cabinet Group (MBCG) on earning the prestigious Star Award for the Volunteer Protection Program from the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) for its outstanding safety performance and processes.

Quality Cabinets was founded by Charles Ladd in 1969 with three employees in a 7,500 square foot building in Duncanville, Texas. The company grew to add a location in Kentucky and another Texas facility in Cedar Hill.

The Texas locations have a total of 1,259 employees. The company now is based in Adrian, Michigan and is part of the MBCG.

The OSHA Voluntary Protection Program (VPP) encourages employers to participate and improve their safety program to very high levels. Achieving the VPP Star award is the pinnacle in recognition for participants that exceed OSHA standards. Quality Cabinets are the first Kitchen Cabinet Manufacturing Company to achieve this exceptional feat.

Programs implemented in the Texas Quality Cabinets facilities include Management Leadership and Employee Involvement, Worksite Analysis for Safety Hazards, Prevent and Control Hazards, and Safety Knowledge training.

I am proud to represent Quality Cabinets/Masco Builder Cabinet Group for their outstanding efforts of both its management and employees on achieving exemplary occupational safety and health standards. The VPP Star Award is truly representative of Quality Cabinets dedication and commitment to safety.

TRIBUTE TO DEBRA HUNT

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. HIGGINS. Madam Speaker, I rise today to honor Ms. Debra Hunt for her victory in this past election. Ms. Hunt was victorious and was able to stake her claim as a member of the Ripley Town Council.

The campaign trail is a difficult path to take. Any person with a dream may enter but only a few are able to reach the end. Ms. Hunt traveled that path with her head held high and a smile on her face the entire way. I have no doubt that her kind demeanor left a lasting impression on the voters of Chautauqua County.

Chautauqua County is blessed to have such strong candidates with a desire to make this county the wonderful place that we all know it can be. Ms. Hunt is one of those people and that is why Madam Speaker I rise to honor her today.

INDIVIDUAL RECOGNITION OF THE 1980 SUMMER OLYMPIC TEAM

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. TIAHRT. Madam Speaker, I rise today to give recognition to a group of Americans who made a significant sacrifice for this country. In 1979, as a result of the Soviet invasion of Afghanistan, President Jimmy Carter boycotted the summer Olympic Games in Moscow. The American led boycott was supported by Japan, West Germany, China and Canada.

As we all know, these games occur only once every 4 years. The investment of time and effort required of an Olympic caliber athlete is extraordinary. Because of this investment, many of these athletes sacrificed a once in a lifetime dream of competing on this world stage.

To recognize their sacrifice, the 96th Congress awarded the Olympic athletes the Congressional Gold Medal. Unfortunately, due to a clerical interpretation, these Americans were not listed as recipients by the Clerk's office. This year I was pleased to assist the U.S. Olympic Committee in correcting this error. The 1980 Summer U.S. Olympic Team is now officially recognized as a recipient of the Congressional Gold Medal.

I pass along special thanks to Mr. Ron Neugent of Wichita, Kansas for his dedicated efforts to ensure we properly honor these 1980 Summer Olympians. As a proud member of the 1980 Olympic Swimming Team, Ron identified this oversight and brought it to my attention. This group has waited a long time for this recognition, and I believe that the individual athletes that made up this team deserve to be recognized. To honor their individual sacrifice, these outstanding Americans are listed below so that Congress and the American people can give them the thanks they deserve.

Ableman, Randolph Phillip Wm., Adams, Judi C., Aguirre, Mark Anthony, Alexander, Gwen Cheeseman, Allen, Francis E., Allen, Lee, Allsopp, Christopher Reid, Altekruse, Charles, Anders, Elizabeth R. (Beth), Anderson, Colin C., Anderson, Jodi, Anderson, M. Lynne, Anderson, Ron, Anderson, Terence M., Andrews, Ann Turbyne, Andrews, Mary Osborne.

French, Diane McCormick, Fuller, Mark Albert, Gable, Danny Mack, Gaines IV, Ambrose Rowdy, Galimore, Ron, Gambril, Donald Lee, Gansler, Robert, Gardner, Gwen, Gardner, Peter Van Wyck, Gault, Willie, Gee, Darryl Lester, Geer, Charlotte Mosher, Geer, Julia Hand, Gerard, Larry D., Gilder, Virginia Anne, Giordano, Robert J.

Neel, Earnest W., Nehemiah, Renaldo, Neugent, Ronald Kingsley, Newland, Robert Warren, Neyer, Megan, Nieman, Robert Lee, Nitz, Leonard Harvey, Nitzkowski (Monty) Kenneth, Nonna, John Michael, Norelius, Kristine Lee, Nyquist, Dwight A., O'Brien, Mark Edwin, O'Brien, Ronald Shay, O'Connor, Daniel Martin, O'Connor, Mary Irene, O'Leary, Elizabeth Hills.

Angelakis, Jana Marie, Arnautoff, Peter, Arnold, Homer Stuart, Atwood, Duncan Fuller M., Auriol, Yves Leon, Azevedo, John, Bailey, Peggy Mccarthy, Banks, W. Augustus (Willie), Barber, Valerie Ann, Barczewski, Leslie, Barnes, Hope, Barnicoat, Stephen Douglas, Barrett, William Melvin, Baston, Lynette Rae, Baughman, Richard Wayne, Baxter, Terri Lynn, Beardsley, Craig Russell, Becker, Carolyn Marie, Beglin, Elizabeth Anne (Beth), Belden, William Thomas, Bell, Richard, Belle, Roberta J., Bellinger, Tony, Benjamin, Stephen Delancey, Bennett, Robin Campbell, Bergen, Paul David, Bertrand, John (Joseph), Bessette, Andrew, Bishop II, Washington D., Blackman, Rolando, Blatnick, Jeffrey Carl, Blazejowski, Carol, Bolden, Jeanette, Borchelt, E. Frederick, Borchelt, Mark Raymond, Borysewicz, Edward, Bossett, Henry Peter, Bottom, Michael Leo, Bower, Carol Ann, Bowie, Sam, Brandel, Terry Ann Place, Brooks, Michael Anthony, Brown, Carol Page, Brown, Debra Landreth, Brown, Doug Charles, Brown, Julie Ann, Brown-Harris, Alice, Bruner, Michael Lee, Buchan, William, Buck, Marrita N. Crockett.

Glance, Harvey Edward, Glass, Timothy Carrigan, Glenesk, Dean William, Goldsby, Boyd D., Goldstein, Jesse H., Goodell, Brian Stuart, Gorski, Mark, Grant, Jill Evans, Graves, Carrie Brand, Gray, Landon Fentress, Green, Debbie B., Green, William Earnest, Greene, Pamela D., Gregorek, John Stanley, Gribble, Matthew O., Griffin, Lorna Joann, Gros, Vonnie, Grylls, David Miles, Gust, Brian B., Haines Jr., Robert Bentley, Haines, George F., Hamann, Stephen Walter, Hamilton, Donald Leslie, Hannan, Jerry B., Hartung, James N., Harville, Janet Christine, Hatton, Hollis S., Hauserman, Cindy Noble, Hayes, John Patrick, Hazeltine, Thomas, Heffner, Kyle Daniels, Heiring, James Anthony, Hellickson, Russell Owen, Hencken, John Frederick, Hightower, Stephanie, Hill, Denean E., Hingley, Susan Tuttle, Hintnaus, Tomas, Hogshead-Makar, Nancy, Homfeld, Conrad E., Howard, James A., Howard, Sherri Francis, Howard, Terry M., Howes, Janet Baier, Howes, Thomas Andrew, Hull, Thomas W., Huntsman, Anita Miller, Huntsman, Stanley Houser, Hyman, Flora Jean, Ibbetson, Bruce Bernard.

Orban, Alex, Pace, Darrell Owen, Page, Nathaniel, Paige, Donald James, Palchikoff, Jan Louise, Palles, Lee Nicholas, Paulus, William George, Pennington, Mary (Joan), Pesa, Njego, Pesthy, Paul Karoly, Peterson, Ben L., Plant, Mary Meagher, Plucknett, Ben (Walter), Plumb, John Michael, Potter, Cynthia Ann, Powell, John Gates, Prioleau, Paul Edouard, Prudent, Katherine Monahan, Puleo, Joseph Robert, Purdy, William David, Parsley, Dennis C, Rademaker, Sperry Jones, Reese, Randolph Howard, Reilly, Philip Vincent, Reiter, Steve Frank, Rheingans, Brad Bert, Ripley, Dan, Ritter, Louise Dorothy, Robertson, Kevin George, Robinson Jr, James, Rocca, Peter D., Rodda, David Lee, Roney, Brian Kelly, Rudd, Teresa Lee (Terry), Salazar, Alberto Bauduy, Salvemini, Daniel Michael, Sandoval, Anthony, Santa Maria, Mitch James, Santos, Jim, Sayner, Daniel Kevin, Schake, Callen N., Schmidt, Kathryn Joan, Schmitz, James William, Schnugg,. Peter Hayden, Schroeder, Terry Alan, Schubert, Mark Edward, Schueler, Carl Francis, Schuler, Thomas Jay, Scott, Steven Michael, Scully Jr., Clark Todd.

Buerkle, Richard Thomas, Buese, Elisabeth Anne (Lisa), Bungum, Brian, Burgering, David Earl, Burley, Michael E., Butler, James, Cahoy, Philip Michael, Caldwell, Gregory Donnell, Cameron, Mark, Campbell, Anthony E. (Tonie), Campbell, Chris L., Cara, John P., Carey, Richard John (Rick), Carlisle, Kimberly J., Carlton, Guy Albert, Carnes, James Jerome, Case, Nathaniel Hathaway, Cashin Jr., Richard Marshall, Cavanaugh, Chris, Centrowitz, Matthew, Chandler, Dan C., Chatzky Jr., John, Cheeseborough, Chandra D., Cheris, Elaine Gayle, Christensen, Steven Erik, Chyzowych, Walter S., Clark, Dean Owen, Clark, Timothy, Clarke, Kathy Johnson, Coffee, Paul, Coffman, Robert Edward, Cohen, Michael M., Colgan, Sean Padraic, Collins, Steven Keith, Collins-Cumming, Luci A., Conner, Bart, Cook, Robert, Cooper, Dedy, Corbelli, Laurie Flachmeier, Cruz, Christina Ann, Curry Jr. James (Butch), Curry, Denise Marie, Dabney, Sharon Ann, Darling, Thomas Ward, Davis, Roderick Hopkins, De Frantz, Anita L., De Nemethy, Bertalan, Dello Joio, Norman, Derwin, Brian P., Desautels, Denise.

Iversen, Laurel B., Jackson, Robert Scott, Jaugstetter, Robert C., Jezek, Linda Louise, Johnson, Mark Anthony, Johnson, Sheryl, Johnson, Stacey Rita, Johnson, Wayne, Jordan, Paul, Karchut, Michael, Keeler, Kathryn Elliott, Kehoe, David Michael, Kelly, Timothy James, Kemp Jr. Leroy Percy, (Lee), Kennedy, Bruce Graham, Kent, Elizabeth Cryer, Kent, Jeff, Keough, William Tyrone, Kertson, Scott Michael, Kiesling, Stephen Howard, Kimball, Richard John, Kimes, David W., King, Paula Girven, Kinkead, Elizabeth, Kirchner, Kris, Klaja, Luke David, Kline, Beth, Koopman, Amy Richelle, Korzeniowski, Krzysztof (Kris), Laberge, Karin Anne, Lacy, Steven M., Lane, Kim Thomas, Larrieu Smith, Francie Ann, Larson, David Erwin, Larson-Mason, Christine, Lattany, Melvin, Lawson, Adolphus (Doc), Le Goff, Jack Louis, Le Mond, Greg, Lee, David Kenneth, Lekach, Stanley V., Leusenkamp, Carl Adrian, Lewis, Bradley Alan, Lewis, Carol L., Lewis, Frederick C., Lewis, Randall Scott, Lindgren, Kenneth Edward, Lindroth, Eric Emil, Linehan, Kimberly Ann, Lippe, Nancy White.

Seek, Steven E., Seidler, Maren Elizabeth, Selinger, Arie, Setterberg, Kurt Nils, Shapiro, Douglas Craig, Shelton, Karen C., Shmock, Peter Carlton, Sholtis, Christina Seufert, Siman, John O'Connell, Simons Jr., John N., Sims, David Edward, Slaney, Mary Decker, Smith III, Willie J., Smith, Karin Kiefer, Smith, Mark Jeffrey, Sokolitz, Karen, Somerville, Kurt, Stayer, Julia Ann, Stekl, Phil W., Sterkel, Jill Ann, Stetina, Dale Emery, Stetina, Wayne Douglas, Stewart, Randy W., Stives, Karen Elizabeth, Stock, Thomas David, Stockebrand, Gwen Elaine, Stockwell, Tracy Anne, Storrs, Nancy Hitchcock, Strong, Judith Ann, Svendsen, Jon Howard, Swain, Michael Lee, Talavera, Tracee A., Taylor, Frederick G., Taylor, Melanie Smith, Tellez, Tom, Temple, Edward S., Terwilliger, John Richard, Thayer, Susan Stuart, Thompson Bruce Jerome, Thornton, Richard Walker, Tippett, Cathleen Thaxton, Trevelyan, Edward Norman, Tudela, Miguel Angel, Tully, Michael Scott, Van Beaumont, Will, Van Blom, Joan Lind, Van Blom, John, Van Breggen, Melle Roelof Fra, Van Der Beck, Perry J., Van Haute, Daniel Frank.

Di Bernardo, Angelo, Dicken, Amy McGrath, Dietz, James W., Dixon, Fred, Djerassi, Boris Dov, Donaghy, Bruce M., Donovan, Anne Theresa, Dorst, Christopher Taylor, Dorst, Marybeth Linzmeier, Doughty, Thomas Neil, Dowdell, Patricia T., Drewsen, Karla Hull, Dryke, Matthew Alexander, Duane III, John Marshall, Durden, Benji Ray, Durkin, Michael Kevin, Dziedzic, Stanley Joseph, Ebert, Donald, Edmondson, Martin Dewayne, Elkins, Stephanie Wynn, Elthes, Csaba, Emery, Brent Robert, Epke, Bruce Edward, Ernst, Robert Gardner II, Espeseth Jr., Robert Douglas, Etem, Patricia Spratlen, Everett, John G., Evoniuk, Marco Ray, Ewaliko, Rod J., Feuerbach, Allan Dean, Fields III, Benjamin F. (Benn), Figueroa, Gary Lee, Fitzgerald, John David, Fitz-Randolph Jr., Roderick M., Flanagan, Jeanne Ann, Float, Jeffrey James, Floyd, Stanley, Foreman, Kenneth Everett, Forrester Jr., William Ronald, Fowler, Neal Lawrence, Franke, Nikki Valeria, Frazier, Herman Ronald, Frederick, Marcia Jean, Fredericks, Gregory Lynn.

Loeb, Michael Leshine, Losonczy, Thomas John, Louganis, Gregory Efthimios, Lubsen, Jr., Walter Harry (Chip), Lundquist, Stephen K., Machemer, Kevin Scott, Maclellan, Gay K., Marcellus, Susan, Marden, Anne R., Marquez, Pamela Spencer, Marsh, Henry D., Martin, Tommy Gerard, Maruyama, Paul Kuniaki, Marx, Michael Anthony, Massialas, Gregory David D., Matthews, John Kelly, McArdle, John E., McChesney, William Edward, Mccoy, Walter Lee, McDonald, Andrew John (Drew), McGrath, Barbara Weinstein, McKeon, William (Bill), McKibbon, Thomas Douglas, McMillan, Kathy Laverne, McNamara, Julianne Lyn, Meade, William Thurbon, Meislahn, Findley, Mello, Daniel Alan, Mills, Gene, Mills, Glenn D., Milne, Leslie W., Mims, Madeline Manning, Minkel, Thomas Austin, Mitchell, Kelly Rickon, Moffet, John C., Morehead, Brenda Louise, Morett, Charlene F., Morrone, Joseph (Joe), Moses, Edwin Corley, Mosley, Benita Fitzgerald, Moyer, Diane M., Myricks, Larry Ellwyne, Nakasone, Keith, Nanchoff, Louis.

Vargas, Joseph Michael, Vassallo, Jesus D. (Jesse), Ventura, Vincent James, Vespoli, Michael Louis, Vespoli, Nancy Parssinen, Vidmar, Peter Glen, Villa, Greg, Virgin, Craig Steven, Walker, James Andre, Walker, Larry A., Walsh, Susan, Waltman, Linda C., Ward, Valerie McClain, Warner, Anne Elizabeth, Watkins, Torrance, Weaver, Andrew Telsher, Weaver, Ernestine Jean, Weaver, Robert Brooks, Wells, Christopher, Westbrook, Peter Jonathan, Wigger Jr., Lones Wesley, Wilcox, Marlene R., Wiley, Clifford A., Wilkins, Mac Maurice, Williams, Barton, Williams, Diane, Williams, Randy Lavelle, Williams, Willie, Wilson, Michael Gower, Wilson, Randy Byron, Winnett Jr., John, Winfield, Wofford, James Cunningham, Wojciechowski, Gregory Martin, Wood, Christopher R., Woodard, Lynette, Woodhead, Cynthia Lee (Sippy), Woodman, Thomas H., Woodstra, Susan Jean, Yagla, Charles E., Yonezuka, Nicholas K. (Nicky), Yoshida, Toshi, Young-Sanders, Candy, Zang, Linda Louise, Ziert, Paul Frank.

REGINA ROGERS, LADY OF SOUTHEAST TEXAS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. POE. Madam Speaker, today I am proud to recognize attorney and philanthropist Regina Rogers. She graduated magna cum laude, and Phi Beta Kappa with a Bachelor of Arts in psychology, and a magna cum laude with a Doctor of Jurisprudence.

Ms. Rogers has earned many honors, including distinguished woman of Northwood University; Distinguished Alumna of the University of Houston; Child Advocate of the Year by CASA of Southeast Texas; Pacesetter of the Year by the Cancer League; Woman of Distinction by KTRK/Channel 13 in Houston; recipient of the Cherish Our Children Award from the Child Abuse Prevention Network in Houston; the Press Club's 2002 Southeast Texas Newsmaker of the Year; and recipient of the 2003 Humanitarian Award from Catholic Charities of the Diocese of Beaumont.

She was the first female regent of Lamar University and served as member of the Texas College and University System Coordinating Board as Chair of the Educational Opportunity Planning Committee for Minority Education in Texas, which implemented programs to increase admissions and retention of minority students, and hiring of minority faculty in colleges and universities throughout Texas.

Ms. Rogers is the co-founder and Executive Director of the Ben Rogers "I Have A Dream" program, which provided mentors and $2000.00 scholarships to several hundred economically disadvantaged 8th through 11th grade students. She is President of Joe Louis International Sports Foundation; and Member of the Board of Visitors of the University of Texas M.D. Anderson Cancer Center. She is on the Children's Defense Fund Texas Advisory Board, Babe Didrikson Zaharias Foundation, Holocaust Museum of Houston, and the Pauline Sterne Wolff Memorial Foundation.

Ms. Rogers established the Julie Rogers "Gift of Life" program, which has provided over 13,000 free mammograms and more than 4,500 free prostate cancer screenings for the medically underserved in southeast Texas, and over 400 educational outreach programs for thousands more.

While chair of the Southwest Regional Board of the Anti-Defamation League in 1994, Rogers helped found the Coalition for Mutual Respect, a group of religious and lay leaders whose purpose is to promote positive intergroup relations by encouraging understanding and respect among Houston's diverse population.

Ms. Rogers established Inspire, Encourage, and Achieve, a program designed to perpetuate her father's legacy of helping young people achieve dignity and respect through knowledge, compassion, understanding, and love. The organization provides workshops on positive life skills, anger management, conflict resolution, literacy instruction, and substance abuse counseling for young people who are incarcerated in the Minnie Rogers Juvenile Justice Center in Jefferson County.

Following Hurricanes Katrina and Rita in 2005, Ms. Rogers co-founded the Southeast Texas Emergency Relief Fund (SETERF) that provided several million dollars in funds and gift cards to social service agencies, grants to faith-based organizations to assist with home repairs, and loans to small businesses affected by the storms.

Regina Rogers is a lady with a heart as big as Texas. She learned the importance of public service from her parents. She spends much of her life in service of others, and has carried on her parents' legacy by being a tireless advocate for those in need. Through her personal involvement in, and financial contributions to, countless organizations, she has left an indelible mark on southeast Texas, and our community is better because of her compassion and generosity. I am honored to call her my friend.

And that's just the way it is.

PERSONAL EXPLANATION

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Ms. SOLIS. Madam Speaker, during rollcall vote No. 1155 on Over-the-Road Bus Transportation Accessibility Act I was unavoidably detained. Had I been present, I would have voted "yea."

HONORING THE MEMORY OF THE HONORABLE HENRY HYDE

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. BONNER. Madam Speaker, I rise today to honor the memory of a great leader, a great man, and a truly great American, the Honorable Henry Hyde.

Known throughout Congress as a man of strong character and humility, Chairman Hyde served the people of the 6th District of Illinois with decency and grace. From his service in the Navy during World War II and throughout his career in the U.S. House of Representatives, Henry Hyde devoted his life to public service.

In the House, he rose to the chairmanship of two committees, Judiciary and International Relations. To say that Chairman Hyde was an eloquent orator would be an understatement. He spoke with dignity, conviction, principle, and eloquence; he was a true statesman by any measure. As President George W. Bush said last month, "the background noise would stop when Henry Hyde had the floor."

In service to the people of Illinois for over 40 years, Chairman Hyde was a champion of the rights of the unborn. He will probably be most remembered for his amendment that prohibited the use of federal funds for abortions—a measure that became known as the "Hyde amendment."

Just last month, President Bush bestowed upon Representative Hyde the Presidential Medal of Freedom, the nation's highest civilian honor. The medal is designed to recognize great contributions to national security, the cause of peace and freedom, science, the arts, literature, and many other fields; I can think of few individuals more deserving of this high honor.

Madam Speaker, our country and this great institution have been blessed to share in the life of Chairman Henry Hyde. May we never forget the leadership he displayed or the lessons he taught us. May we continue to keep the entire Hyde family in our thoughts and prayers.

INTRODUCING THE FREE COMPETITION IN CURRENCY ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. PAUL. Madam Speaker, I rise to introduce the Free Competition in Currency Act. This act would eliminate two sections of U.S. Code that, although ostensibly intended to punish counterfeiters, have instead been used by the Government to shut down private mints. As anticounterfeiting measures, these sections are superfluous, as 18 U.S.C. 485, 490, and 491 already grant sufficient authority to punish counterfeiters.

The two sections this bill repeals, 18 U.S.C. 486 and 489, are so broadly written as to effectively restrict any form of private coinage from competing with the products of the United States Mint. Allowing such statutes to remain in force as a catch-all provision merely encourages prosecutorial abuse. One particular egregious recent example is that of the Liberty Dollar, in which Federal agents seized millions of dollars worth of private currency held by a private mint on behalf of thousands of people across the country.

Due to nearly a century of inflationary monetary policy on the part of the Federal Reserve, the U.S. dollar stands at historically low levels. Investors around the world are shunning the dollar, and millions of Americans see their salaries, savings accounts, and pensions eroded away by rising inflation. We stand on the precipice of an unprecedented monetary collapse, and as a result many people have begun to look for alternatives to the dollar.

As a proponent of competition in currencies, I believe that the American people should be free to choose the type of currency they prefer to use. The ability of consumers to adopt alternative currencies can help to keep the Government and the Federal Reserve honest, as the threat that further inflation will cause more and more people to opt out of using the dollar may restrain the government from debasing the currency. As monopolists, however, the Federal Reserve and the Mint fear competition, and would rather force competitors out using the federal court system and the threat of asset forfeiture than compete in the market.

A free society should shun this type of strong-arm action, and the Free Competition in Currency Act would take the necessary first steps to freeing the market for competing currencies. I urge my colleagues to support this bill.

INTRODUCTION OF END RACIAL PROFILING ACT OF 2007

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. CONYERS. Madam Speaker, I am pleased to introduce the End Racial Profiling Act of 2007, along with additional bipartisan cosponsors. As a product of years of extensive consultation with both the law enforcement and civil rights communities, this legislation represents the most comprehensive Federal commitment to healing the rift caused by racial profiling and restoring public confidence in the criminal justice system at large. The introduction of this legislation is a critical step in what should be a nationwide, bipartisan effort to end this divisive practice.

Before September 11, 2001, there was wide agreement among Americans, including President Bush and Attorney General Ashcroft, that racial profiling is wrong and should end. Many in the law enforcement community also acknowledged that singling out people for heightened scrutiny based on their race, ethnicity or national origin has eroded the trust in law enforcement necessary to appropriately serve and protect our communities. What was true before September 11, is even more true today: racial profiling is inappropriate and ineffective as a law enforcement tactic.

While the Department of Justice promulgated a series of guidelines in 2003 which were designed to end the practice of racial profiling by Federal law enforcement agencies, these measures do not reach the vast majority of racial profiling complaints arising from the routine activities of State and local law enforcement agencies. The guidelines provide no enforcement mechanism or methods for identifying law enforcement agencies not in compliance and, therefore, fail to resolve the racial profiling problem nationwide. In this instance, there is no substitute for comprehensive Federal anti-profiling legislation.

Our legislation is designed to eliminate racial, ethnic, religious, and national origin profiling that is well documented. While the majority of law enforcement officers perform their duties professionally and without bias, and we value their service highly, we believe that enough evidence has been presented to warrant federal action. For example, an April 2005 Bureau of Justice Statistics report showed that African Americans and Hispanics experience physical searches and vehicle searches by police significantly more than whites. This is especially disturbing given the fact that in only 3.3 percent of cases for blacks, and 13 percent of cases for Latinos, did they possess criminal evidence, compared to 14.5 percent of cases for whites.

The report also revealed a new troubling trend: While the rate of encounters between police and civilians did not change between the 1999 and 2002 survey, the police dramatically increased their use of force and threat of force overall, from less than 1 percent in 1999 to 1.5 percent in 2002. In addition, law enforcement officials disproportionately used force or threatened to use force against blacks and Latinos, at rates roughly three times more than against whites.

The End Racial Profiling Act is designed to track and eradicate racial profiling by changing the policies and procedures underlying the practice. First, the bill provides a prohibition on racial profiling, enforceable by injunctive relief. Second, the receipt of Federal law enforcement funding that goes to State and local governments is conditioned on their adoption of effective policies that prohibit racial profiling.

Third, the Justice Department is authorized to provide grants for the development and implementation of best policing practices, such as early warning systems, technology integration, and other management protocols that discourage profiling. Finally, the Attorney General is required to provide periodic reports to assess the nature of any ongoing discriminatory profiling practices.

Racial profiling is a divisive practice that strikes at the very foundation of our democracy. When law-abiding citizens are treated differently by those who enforce the law simply because of their race, ethnicity, religion, or national origin, they are denied the basic respect and equal treatment that is the right of every American. Decades ago, with the passage of sweeping civil rights legislation, this country made clear that race should not affect the treatment of individual Americans under the law. The practice of using race as a criterion in law enforcement undermines the progress we have made toward racial equality.

With the cooperation of the administration, we have the opportunity to move bipartisan legislation and end the practice of racial profiling. I hope that we do not miss a historic opportunity to heal the rift caused by racial profiling and restore community confidence in law enforcement.

HONORING RETIRING WEST SENECA TOWN SUPERVISOR PAUL T. CLARK

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. HIGGINS. Madam Speaker, today I pay tribute to the Supervisor of the Town of West Seneca, New York, a friend and governmental colleague of the highest caliber—my friend, West Seneca Town Supervisor Paul Clark.

For sixteen years, Paul Clark served as the highest elective officer for the Town of West Seneca, and under his stewardship the town has grown from a small first ring town into a burgeoning suburb that is a destination for many folks looking for a safe community to raise a family. Professionally, Paul is a CPA, and he brought those budgeting skills to his work as Town Supervisor, after initially serving a short period of time as Town Comptroller. Paul's work to stabilize town finances, combined with a vision for his town that resulted in developing industrial parks, cultural attractions and recreational areas for residents, means that a lasting legacy of accomplishments will follow the conclusion of his service as Supervisor on December 31.

Since my days representing West Seneca as a member of the New York State Assembly, I have been proud to work with Paul on many projects. I have taken particular pride in working with Paul on one of his own favorite issues—the AmeriCorps program, which for Western New York is headquartered in West Seneca. More than 3,000 young Western New Yorkers have graduated through West Seneca's AmeriCorps, all the while tutoring nearly 25,000 local schoolchildren, clearing 3,500 vacant lots and planting thousands of new trees throughout Western New York. All as a result of Paul Clark's vision.

Paul has a great many accomplishments about which to be proud, but Paul counts as his proudest accomplishments his family—his wife Kathy, and his children Andrew and Kelly.

Madam Speaker, Paul Clark leaves a lasting mark upon the government of the town of West Seneca, and his constituents are better for the service he provided to them. I am pleased to honor his contributions to our community, and I ask that you join me in extending to Paul and his family the House's most heartfelt wishes of good luck and Godspeed.

IN APPRECIATION OF SACRAMENTO AREA FIREFIGHTERS

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Ms. MATSUI. Madam Speaker, I rise today in recognition of the men and women of the Sacramento Metropolitan Fire District and the Sacramento City Fire Department that responded to the southern California fires. The devastating fires burned tens of thousands of acres over the course of the last 2 months. More than 20 local firefighters from Sacramento courageously worked to end these wild fires. I ask all my colleagues to join me in honoring and thanking some of our Nation's finest firefighters.

On October 20, 2007 the first of 15 fires began as a ranch fire in Los Angeles County's Angeles National Forest. The Santa Ana air stream caused wind speeds up to 100 miles per hour, combined with 95-degree temperatures. The combined wind, hot temperature, and severe drought conditions in southern California spread the fire across hundreds of thousands of acres. Over a 7 day period, nine people were killed, and at least 1 million people were evacuated. Thousands of businesses, homes, and structures were destroyed. To date the fire has caused more than $1 billion dollars in damage across San Diego, Orange, San Bernardino, Los Angeles, Ventura, Riverside and Santa Barbara Counties.

The tireless work of these men and women was invaluable as they saved lives and property throughout the southern California region. The crews are a reflection of the positive contributions and selfless actions of our local firefighters. They responded to fires such as the ferocious Witch Creek Fire in Ramona, where crews grappled with flames more than 70 feet high and were exposed to conditions that included 70 mile per hour wind speeds. The horrific conditions were so dangerous that doors flew off hinges from burning structures. At times, pieces of burning roofs were carried by the winds, which forced firefighters to take cover. Crews worked around the clock for many days with as little as 30 minutes of rest. Their invaluable efforts helped save countless structures and homes that were in the line of fire.

In response to the crisis, Sacramento City Fire Department deployed Battalion Chief Craig Wiedenhoeft, Battalion Chief Niko King, Battalion Chief Jay Glass, Captain James Doucette, Captain Scott Visser, Engineer Sean Dail, Engineer Tom Malim, Firefighter Greg Murdock, Firefighter Dave Stork, and Firefighter Kyle Anderson.

Sacramento Metro Fire Department also deployed more than 40 firefighters. They included Deputy Chief Geoff Miller, Captain Darren Taylor, Captain Scott D. Cockrum, Captain Scott McKenney, Captain Michael Hazlett, Battalion Chief Richard Andersen, Captain James Vell, Engineer Jack Costello, Captain David B. Durham, Captain George E. Kruger, Jr., Engineer Phillip Allen, Engineer Tracey Valentine, Firefighter Ty J. Bailey, Firefighter Erik R. Rubalcava, Firefighter John Schanzenbach, Firefighter Kyle D. Thomas, Captain Steven C. Campbell, Captain Kiley Keeley, Engineer Jeffrey Harris, Engineer Brian M. Swindler, Firefighter Brad Reynolds, Firefighter Aaron S. Wham, Firefighter Tim J. Eisert, Firefighter Kenneth J. Harrington, Battalion Chief John Wagner, Battalion Chief Barry A. Flores, Captain Michael D. Veilleux, Captain William V. Lobsitz, Captain Christian Pebbles, Captain John P. Murakami, Captain Randolph E. Gross, Engineer Russell Powell, Engineer Charles E. Lynch, Engineer Ryan L. Maerklen, Engineer Maurice D. Johnson, Engineer Mark T. Stewart, Firefighter Phillip J. Hart, Firefighter Kevin R. Henson, Firefighter Chris A. Manos, Firefighter Carl F. Jewell, and Firefighter Mark T. Dunne.

Each of these brave men and women left their families and loved ones in Sacramento to place their own life on the line to save their fellow citizens from the horrific southern California wildfires. For their efforts, we all owe them our deepest appreciation. I am truly honored to represent such fine individuals and fire departments in Congress. Once again, I urge my colleagues to join me in thanking them for their unwavering dedication to our country during this difficult time.

COCA-COLA 100TH ANNIVERSARY

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. POE. Madam Speaker, today I am proud to recognize the Beaumont Coca-Cola Bottling Company founded in 1907 in Jefferson County, Texas. C.T. Heisig established and managed the first store located on Park Street. Off to a great start, the company purchased over 470 gallons of Coca-Cola syrup during its first year of operation. Today Coca-Cola is the best selling soft drink in the world and this year over six million cases of Coca-Cola products will be sold.

In 1911 Charles Rainwater purchased the Beaumont franchise, and in 1931 a new plant was completed and the company moved to Mariposa Street, where it remained for 54 years. In 1985 operations were moved to its current location at 11450 Eastex Freeway. The current plant employs 207 individuals and contributes nearly nine million dollars to the local economy. The Beaumont Bottling Company alone delivers to over 5,000 customers in eight counties.

The Beaumont Bottling Company has been a great partner in Jefferson County. Its commitment to giving back to our community and helping local charities is greatly appreciated. As the U.S. Representative of the 2nd Congressional District it is an honor to congratulate the Beaumont Coca-Cola Bottling Company and all the members of the Coca-Cola family on their 100th anniversary. I wish Beaumont Coca-Cola Bottling Company another 100 years of continued success.

And that's just the way it is.

IN RECOGNITION OF EDINBURG NORTH HIGH SCHOOL FOR ACHIEVING SILVER MEDAL STATUS IN U.S. NEWS AND WORLD REPORT HIGH SCHOOL RANKINGS

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. HINOJOSA. Madam Speaker, I urge my colleagues to join me in congratulating Edinburg North High School for achieving silver medal status in the 2007 U.S. News and World Report ranking of the best high schools in the Nation. Of the over 18,000 high schools in the country, only 505 were recognized as gold or silver medal winners based upon their performance on state tests and success in providing college level work for all of their students.

Edinburg North High School demonstrates that academic excellence is not restricted to the economically advantaged. More than half of its students participate in the free and reduced price lunch program. Over 95 percent of the students at Edinburg North are Hispanic, and many students are the children of migrant and seasonal farm workers, The Edinburg North students and community may not be economically advantaged, but they are rich in family values, tradition, and potential. It is these characteristics that have served as the foundation for their success.

In 2004, Edinburg North High School was recognized with the College Board Inspiration award for its success in expanding Advanced Placement opportunities for students. Edinburg North High School made access to challenging courses a number one priority. It instituted an "open-door" policy for advanced placement courses, more than doubling the number of students taking at least one advanced placement exam.

This focus on rigorous courses has opened the doors to higher education for students of Edinburg North, many of whom are the first in their families to attend college. As a result, Edinburg North graduates have been courted by some of the most selective institutions in the nation, such as the Massachusetts Institute of Technology, Dartmouth College, Columbia University, and Rice University.

The silver medal awarded by U.S. News and World report shows that Edinburg North High School's tradition of excellence is continuing. I would like to congratulate the entire community for this achievement and would like to specially acknowledge the leadership of Principal Ramiro Guerra, Superintendent Gilberto Garza, Jr., and President of the Board of Trustees Carmen Gonzalez. Excellent schools are only possible when there is excellent leadership.

Please join me in applauding the achievements of Edinburg North High School. I urge them to keep up the good work.

MENTAL HEALTH CHALLENGES AT THE DEPARTMENT OF VETERANS AFFAIRS

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. MANZULLO. Madam Speaker, I rise to raise awareness about a mental health concern that is afflicting our brave veterans. Post-Traumatic Stress Disorder (PTSD) is an illness that can have devastating consequences if not treated. For too long, those suffering from PTSD have been unfairly stigmatized. On December 12, 2007, Mike and Kim Bowman traveled from their home in northern Illinois to testify about the immeasurable tragedy their family has suffered as a result of the suicide of their son Specialist Tim Bowman.

Specialist Tim Bowman was 23 years old when he lost his battle with PTSD only eight months after returning from active duty in Iraq. The Department of Veterans Affairs needs to do more to ensure that all members of the armed services receive the care and attention they deserve. Mike and Kim's story is one that is all too often repeated around the country. As Mike Bowman said in his testimony, "we must all remove the stigma that goes with a soldier admitting that he or she has [PTSD]."

I enclose for the RECORD the testimonies of Mike Bowman and author Ilona Meagher. I encourage all Members to read their statements and judge for themselves the level of the mental heath challenges that exists. It is time that this country recognizes what is going with PTSD and takes appropriate action now. No one should suffer a day longer.

TESTIMONY OF MIKE BOWMAN

Mr. Chairman, members of the committee, my wife and I are honored to be speaking before you today representing just one of the families that lost a veteran to suicide in 2005.

As my family was preparing for our 2005 Thanksgiving meal, our son Timothy was lying on the floor of my shop office, slowly bleeding to death from a self inflicted gun shot wound. His war was now over, his demons were gone. Tim was laid to rest in a combination military, firefighter funeral that was a tribute to the man he was.

Tim was the life of a party, happy go lucky young man that joined the National Guard in 2003 to earn money for college and get a little structure in his life. On March 19th of 2005 when Specialist Bowman got off the bus with the other National Guard soldiers of Foxtrot 202 that were returning from Iraq he was a different man. He had a glaze in his eyes and a 1000 yard stare, always looking for an insurgent.

Family members of F202 were given a 10 minute briefing on PTSD (Post Traumatic Stress Disorder) 2 months before the soldiers returned and the soldiers were given even less. The commander of F202 had asked the Illinois Guard command to change their demobilization practices to be more like the regular army, only to have his questions rebuffed. He knew that our boys had been shot up, blown up by IED's (Improvised Explosive Device), extinguished fires on soldiers so their parents would have something to bury, and extinguished a fire on their own to save lives. They were hardened combat veterans now, but were being treated like they had been at an extended training mission.

You see our National Guardsman from F202 were not out filling sand bags. They departed in October of 2003 for 6 months of training at Ft's Hood and Polk. On Tim's 22nd birthday, March 4, 2004, Foxtrot left for Iraq where they were stationed at Camp Victory. Their tour took them directly into combat including 4 months on "the most dangerous road in the world", the highway from the airport to the green zone in Baghdad. Tim was a top gunner in a humvee. Tim as well as many other soldiers in F202 earned their Purple Hearts on that stretch of road known as Route Irish. We are STILL waiting for Tim's Purple Heart from various military paperwork shuffles.

When CBS News broke the story about Veterans suicides, the VA took the approach of criticizing the way that the numbers were created instead of embracing it and using it to help increase mental health care within their system. Regardless of how perfectly accurate the numbers are, they obviously show a trend that desperately needs attention. CBS did what NO government agency would do; they tabulated the veteran suicide numbers to shed light on this hidden epidemic and make the American people aware of this situation. The VA should have taken those numbers to Capitol Hill asking for more people, funding, and anything else they need to combat this epidemic. They should embrace this study as it reveals the scope of a huge problem, rather than complaining about its accuracy. If all that is going to be done with the study is argue about how the numbers were compiled, then an average of 120 soldiers will die every week by their own hand until the VA recognizes this fact, and does something about it.

The VA mental health system is broken in function, and understaffed in operation. There are many cases of soldiers coming to the VA for help and being turned away or misdiagnosed for PTSD and then losing their battle with their demons. Those soldiers, as well as our son Timothy, can never be brought back. No one can change that fact. But you can change the system so this trend can be slowed down dramatically or even stopped.

Our son was just one of thousands of veterans that this country has lost to suicide. I see every day the pain and grief that our family and extended family goes through in trying to deal with this loss. Every one of those at risk veterans also has a family that will suffer if that soldier finds the only way to take the battlefield pain away is by taking his or her own life. Their ravished and broken spirits are then passed on to their families as they try to justify what has happened. I now suffer from the same mental illnesses that claimed my son's life, PTSD, from the images and sounds of finding him and hearing his life fade away, and depression from a loss that I would not wish on anyone.

If the veteran suicide rate is not classified as an epidemic that needs immediate and drastic attention, then the American fighting soldier needs someone in Washington who thinks it is. I challenge you to do for the American soldier, what that soldier did for each of you and for his country. Take care of them and help preserve their American dream as they did yours. To quote President Calvin Coolidge, "The nation which forgets its defenders will be itself forgotten."

I challenge you to make the VA an organization to be proud of instead of the last place that a veteran wants to go. It is the obligation of each and every one of you and all Americans, to channel the energies, resources, and the intelligence and wisdom of this nation's Best and Brightest to create the most effective, efficient and meaningful healthcare system for our men and women who have served. You must find a way to remove the stigma that goes with a soldier admitting that he or she has a mental problem. We have the technology to create the most highly advanced military system, but when these Veterans come home, they find an understaffed, underfunded, and underequipped VA mental health system that has so many challenges to get through it, that many just give up trying. The result is the current suicide epidemic among our nation's defenders, one of which was Specialist Timothy Noble Bowman, our 23 year old son, soldier, and hero.

Our veterans should and must not be left behind in the ravished, horrific battlefields of their broken spirits and minds. Our veterans deserve better!! Mr. Chairman, this concludes my testimony. Thank you.

TESTIMONY OF ILONA MEAGHER

Chairman Filner, Ranking Member Buyer, and other distinguished members of the

Committee, I thank you for the opportunity to appear before you today.

To open, I'd like to briefly share my thoughts on why it is that I believe I'm here. I am not only someone who's spent the past two years researching and writing about post-traumatic stress in our returning troops, I'm also a veteran's daughter. My father was born in Hungary, served two years in antitank artillery as a Hungarian Army conscript, fought against the Soviet Union on the streets of Budapest during the 1956 Hungarian Revolution, and later fled to America where, in 1958, he again became a soldier, this time wearing a United States Army uniform, and serving as a combat engineer stationed in Germany.

My father's unique experience of having served on both sides—East and West—in such differing armies during the Cold War, gave him a unique perspective on military life.

And so, growing up, my sisters and I often heard my father say, "You can always tell how a government feels about its people by looking at how it treats its soldiers."

Looking at our returning soldiers and their widely-reported struggles with the military and VA health care systems they rely on, of being stigmatized from seeking care or of being placed on lengthy VA waiting lists when they need immediate help—some even committing suicide before their appointment dates arrive—have raised this citizen's alarm bells.

We have had a "see no evil, hear no evil" approach to examining post-deployment psychological reintegration issues such as suicide. After all we have learned from the struggles of the Vietnam War generation—and the ensuing controversy over how many of its veterans did or did not commit suicide in its wake—why is there today no known national registry where Afghanistan and Iraq veteran suicide data is being collected? How can we ascertain reintegration problems—if any exist—if we are not proactive in seeking them out?

As late as May 2007, Department of Veterans Affairs spokeswoman Karen Fedele told the Washington Post that there was no attempt to gather Afghanistan and Iraq veteran suicide incidents. "We don't keep that data," she said. "I'm told that somebody here is going to do an analysis, but there just is nothing right now."

Meanwhile, the Army reported its suicide rate in 2006 rose to 17.3 per 100,000 troops, the highest in 26 years of keeping such records. At long last, the Associated Press revealed that the VA is finally conducting preliminary research. They've tracked at least 283 OEF/OIF veteran suicides through the end of 2005, nearly double the rate of the additional 147 suicides reported by the DoD's Defense Manpower Data Center.

Looking only at the these suicide figures from the VA (283) and the DoD (147), there have been at least 430 Afghanistan and Iraq veteran suicides that have occurred either in the combat zone or stateside following combat deployment. Lost in the VA and DoD counts are those veterans who have returned from their deployments, are still in the military and not yet in the VA system. The DoD says they do not track those incidents, and I assume neither does the VA because these veterans are not yet on their radar.

Yet even with this omission, many of these 430 confirmed suicides are a result of our wars in Afghanistan and Iraq and should—but won't—be listed with the DoD's official OEF/OIF death toll of 4,351. It bears mentioning: Currently 10 percent of the overall fatal casualty count of these wars is due to suicide.

Dismissing the issue of veteran suicide in the face of this data is negligent and does nothing to honor the service and sacrifice of our veterans and the families and communities that literally are tasked with supporting them once they return.

Yet, prior to last month's CBS News investigation, which revealed that 120 veterans of all wars committed suicide every week in 2005 and that 20–24 year old Afghanistan and Iraq veterans are two to four times more likely to commit suicide than their civilian counterparts, the scope of the problem has been largely unknown because no one with proper resources and access to do the compiling of data came forward to do so.

In my written testimony, I've included 75 suicides that I and other citizen journalist colleagues have been tracking since September 2005 and which today reside in the ePluribus Media PTSD Timeline.

Offering only a small and incomplete sliver of insight into how some of our returning troops are faring on the home front—especially in light of the fact that at least another 355 incidents could be added among them according the the VA and DoD—I believe that they collectively tell an even greater tale about the failure of us as individuals and as a society to ensure that our returning warriors are cleansed completely from the psychological wounds of war.

They also reflect the failure of our government institutions to protect those who protect us.

While I realize that these distressing stories are the exception and not the rule, to our exceptional military families having to deal with the deterioration of a loved one they thought had safely returned from combat, they are the rule. In 1956, the same year that my parents fled to this incredible country, the 84th Congress—in the very House that we sit in today—had this to say in a presidential commission report on veterans' benefits:

"The Government's obligation is to help veterans overcome special, significant handicaps incurred as a consequence of their military service. The objective should be to return veterans as nearly as possible to the status they would have achieved had they not been in military service . . . and maintaining them and their survivors in circumstances as favorable as those of the rest of the people. . . . War sacrifices should be distributed as equally as possible within our society. This is the basic function of our veterans programs."

I am not a pedigreed expert or a government official seasoned in testifying before you, but those who are from the GAO and the Congressional Research Department and even the Veterans Administration itself, have sat in this very seat over the years and told you we are falling far short in providing the resources and programs our returning troops and military families need to successfully return to their personal lives following their service to the nation.

To those who resist hearing the cold hard truth of where we are today, I'd like to say: The time is here to stop fighting the data, and to start fighting for our troops.

This is America. We can do better. We must do better.

HONORING RETIRING TOWN OF BOSTON COUNCILMAN BRIEN HOPKINS

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. HIGGINS. Madam Speaker, I am pleased today to honor the accomplishments of Boston Town Councilman Brien Hopkins.

Throughout Brien's service on the Town Board, he exemplified the term "public servant." Brien's commitment to Boston was manifest, and his desire to see his town reach the very highest level possible served his constituents admirably.

Our community owes Brien a debt of gratitude for his tireless dedication to make Boston a better place to live, work and raise a family. While his work on the town board will conclude on January 1 of next year, the legacy he leaves behind will endure for a long time to come.

Madam Speaker, I want to thank you for this opportunity to honor Brien's service, and please join me in wishing Brien and his family the very best in the months and years to come.

THE INTRODUCTION OF A HOUSE JOINT RESOLUTION TO RECOGNIZE THE 100TH ANNIVERSARY OF THE U.S. ARMY RESERVE

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. BUYER. Madam Speaker, I am honored today to join with over 230 of my colleagues from both sides of the aisle to introduce this joint resolution that recognizes the sizable impact and contribution that the members of the Army Reserve have had on this great Nation throughout its 100-year history.

This organization has a rich history of dedicated service and sacrifice. From its inception as a corps of medical officers on April 23, 1908, to its initial call-up, charged with running down the bandit "Pancho" Villa, to the challenges that the doughboys faced in World War I, to the bloody battles fought during World War II on the beaches of the Pacific to those of Normandy, to the hills of the war in Korea, and to the sands of the Persian Gulf, the Army Reserve has always rode to the sound of the guns and answered the Nation's call in its times of need, around the world, without hesitation, living their creed: Duty, Honor, Country.

Today, these soldiers and their loved ones shoulder a greater share of the burden than at anytime in our Nation's history. Since September 11, 2001, more than 177,000 Army Reserve Soldiers have been mobilized or deployed in support of the Global War on Terrorism. At any given time, more than 20,000 Army Reserve Soldiers are deployed to no fewer than 18 countries around the world. Their efforts will ensure that America's vital national security interests will continue to be fulfilled and that our homeland remains protected. I am proud to be counted among their ranks.

This resolution represents an opportunity for Congress to recognize the incredible history of service, sacrifice, and accomplishment of those soldiers who have served in the Army Reserve since its inception. Through war and peace citizen soldiers have contributed so much to answer the Nation's call to ensure that liberty endures. Please join me in celebrating that heritage and recognizing their proud history by supporting this resolution.

RECOGNIZING PHILIPPE CRAS OF KINGWOOD, TEXAS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. POE. Madam Speaker, few people symbolize the American Dream more than Philippe Cras of Kingwood, Texas. From foreign exchange student to proud American citizen, his life is an inspirational tale of making the most of the vast opportunities available in the United States and giving back to local communities after achieving great success.

Philippe is originally from Belgium and arrived in the United States in 1977 as an exchange student sponsored by a Rotary Club. After attending community college in Oregon, he returned to his home country and later accepted a position with a company in the United States. He and his wife, Mieke, eventually settled in Kingwood, Texas. Philippe and Mieke love the United States and wanted nothing more than to become citizens of our great country. They did achieve this goal.

Later, Philippe purchased property in Kingwood and began building his hotel, Homewood Suites. In June of 2000, the hotel opened its doors combining European style with Southern hospitality for a unique lodging experience.

Philippe is known in the community for many things such as his breakfast which features Belgian waffles that are made in the shape of Texas. He has also become popular as a cornerstone for community service.

After living in the U.S. for a while, he became frustrated with the fact that voter turnout in American elections was so low. Because of this, he hosted a voter registration drive at his hotel. To encourage residents to participate, he offered a free breakfast for registering.

Philippe is extremely active as this year's president of the Humble Intercontinental Rotary and has been named Rotarian of the Year on occasion. He is especially fond of the Rotary's student exchange program which inspired him as a high school student to move to the United States. His life was forever changed by the impact of Rotary International and he takes great pride in giving back to the organization.

With a heart as big as Texas, Philippe has been a Good Samaritan for many years to many people. After Hurricane Rita hit East Texas, Philippe opened his conference room for storm evacuees, fed them and provided mattresses for them to sleep on.

Philippe is one of the first people to volunteer his assistance and resources if a local nonprofit organization needs help. He has collected thousands of toys for Toys for Tots. He is a major sponsor of the annual tradition known as Fill the Bus which encourages residents to donate school supplies for children. He gave out free breakfast and one-night stays at this hotel for those that donated supplies. The event literally fills a school bus with supplies for children at Humble ISD.

His largest contribution to Humble ISD was a $100,000 grant in hotel services. The grant saves the district money on lodging, catering and other services which allows more school resources to be spent on education instead of expenses. There are far too many examples of Philippe's humble generosity and philanthropy to list. His personal impact in the community has touched thousands of lives and residents in Kingwood, Humble and the surrounding areas. We are forever grateful for his efforts.

Today, I salute Philippe Cras for his contributions to the community, warm hospitality and for making the eternal flame of the American Dream burn brighter each day. His life is an inspiration to us all to challenge ourselves to be better citizens for the sake of our communities.

And that's just the way it is.

YOUTH VIOLENCE

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mrs. JONES of Ohio. Madam Speaker, we are at a critical juncture in our nation as we attempt to find solutions to the growing scourge of youth violence. In October of this year a student shot four others and eventually himself at SuccessTech Academy in my congressional district in Cleveland. Earlier this year Seung-Hui Cho, a Virginia Tech student who in April killed 32 students and faculty before shooting himself to death. And most recently, a teenager with an assault rifle opens fire on holiday shoppers in a department store in middle America.

Over the past ten years more than 60 shooting incidents have occurred in our nation's schools. These incidents have occurred all over the country. While some thought Columbine was an aberration, it has become clear that this is a serious and growing problem in our country that must be addressed.

It is important to point out that in the late 80's and early 90's when overall crime was going down, youth and young adult arrest rates were increasing.

We must ask ourselves why. What makes a 14-year old feel so disengaged from society that he wants to shoot others and himself? When do we stop allowing the broad distribution of firearms under cover of the 2nd Amendment right to bear arms? When do we start to recognize that youth with mental illnesses must be treated as at-risk? Where is the breakdown in the moral fabric that used to hold our society together?

America is looking to Congress to come up with comprehensive solutions. We must begin to deal with this problem on three levels: in the community, within our families, and on an individual level.

As adults, we must take a greater interest in the lives of our children. When I was a child, not only were my parents looking out for me, but the entire neighborhood served as my surrogate mothers and fathers. If I was out in the street doing something I wasn't supposed to, not only would I get chastised by my parents, but everyone in the community would get on my case. At the time it may have seemed harsh, but I now realize it was done out of love.

We must take the same approach with our children today. Many of the children who committed these heinous acts showed signs of emotional disturbance prior to the incident. I have to wonder if we as adults and even their peers in school were paying closer attention, could these tragedies have been prevented.

It is time for us as members of Congress to take a serious look at this issue and determine how we can provide support to parents, teachers and our communities as a whole in ending the rampant youth violence that has become so prevalent in our society.

PERSONAL EXPLANATION

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. SHUSTER. Madam Speaker, on rollcall No. 1155, on the motion to suspend the rules and pass H.R. 3985, the Over-the-Road Bus Transportation Accessibility Act, I was not present. Had I been present, I would have voted "yes."

CELEBRATING THE RETIREMENT OF MICHAEL K. WHEELER FROM THE JOHN DINGELL VA MEDICAL CENTER, DETROIT, MICHIGAN

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. DINGELL. Madam Speaker, I rise today in honor of Michael K. Wheeler, who is retiring on January 3, 2008, as Director of the John Dingell VA Medical Center in Detroit. Mr. Wheeler's career is marked by numerous hospital administration roles and a dedication to our men and women who have served in the Armed Forces.

Mr. Wheeler was born in Detroit and moved to Canton, Ohio, when he was a teenager. He received a BS in business administration from the University of Dayton and an MA in hospital administration from Xavier University in Cincinnati. Mr. Wheeler began his career as a Hospital Administration Specialist in the U.S. Air Force and has served in an impressive number of VA Medical Centers, including Durham, North Carolina; Portland, Oregon; Prescott, Arizona; Coatesville, Pennsylvania; Cleveland, Ohio; and Dayton, Ohio. Prior to assuming the position of Director of the John Dingell VAMC, Mr. Wheeler was the Medical Center Director of the VAMC Battle Creek, Michigan. Additionally, Mr. Wheeler has conducted seminars in postgraduate education in management principles, strategic planning, and quality assurance for the VA, Duke University, and the American College of Health Care Executives.

Undoubtedly, Mr. Wheeler was more than prepared when he began his tenure at the John Dingell VAMC in 2001. There, he oversees all operations of the 108 bed primary, secondary, and tertiary care medical center which provides acute medical, surgical, psychiatric, and other inpatient care as well as both primary and specialized outpatient services, including substance abuse, among others. His job necessitates flexibility and strong decisionmaking abilities.

Mr. Wheeler is a patriot and a role model for us all. His colleagues and associates know him as an approachable, humorous, and very hard-working Director. I am proud to call him a friend. The John Dingell VAMC has been lucky to have him for these past 6 years. Madam Speaker, I ask my colleagues to join me in honoring Mr. Wheeler for his dedication to the VA and to the men and women who have served our country. I wish him well as he moves on to new adventures.

RECOGNIZING LCPL JOSHUA BLEILL

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. PENCE. Madam Speaker, I rise today to recognize Lance Corporal Joshua Bleill, a veteran of the Iraq War, a fine Marine and a bright light to many of us. I have had the privilege of meeting this impressive young man and I am honored to enter the following poem written by Burt Caswell of the Capitol Guide Service into the CONGRESSIONAL RECORD.

A BRIGHT LIGHT

A . . .
A Bright Light!
Shining, ever into that night!
Day and Night . . .

A . . .
A Shining Star!
A hero, who will go far!
Who with his fine heart, stands way above par!

Who to our world . . .
So shows what is right!
About life, and sacrifice . . . in courage's light!
Touching all hearts, and souls . . . as left, this night . . . his heart burning bright, burning bold!

A Marine's, Marine!
A hero, who once upon battlefields of honor was seen . . .
Leading Marines, leading men and women of honor . . . upon the scene . . .
As wherever he convened . . .

Strength in Honor . . .
As what his fine life has meant!
As to all others, and this our world he has so Heaven sent . . .
Such inspiration, to this his our great nation . . . to this his United States Marines!

As into the face of death, he went . . .
Then, to lose his two fine legs, as then . . .
To fall down into such deep dark pain, and not wain!
To get up, To rebuild where no lies left . . . as is this his this heroes quest!

As he teaches us, all about America's Best!
There! In his darkest of all days, a smile upon his face so conveys!
Courage's Quest! America's Best . . . as Joshua Bleill amazes us all no less!
A man who brings such tears to eyes . . . who our world will bless!

As we watch and learn . . .
As our hearts for him so burn . . .
As we watch him stand taller each and every day!
Running, with his heart all the way . . . needing not his two fine legs!

As his heart . . .
Can not be stopped, nor can so be swayed!
As we watch, as we learn . . . from our Lord's fine son, as our hearts so discern this day!
The Path To Heaven's Way!

In our lives, and in our lights . . .
We but have the shortest of times, to so burn bright!
But, some . . . high above all others do so shine . . . upon this our world tonight . . .
Are all of those who are, but the brightest of all our Lord's lights!

A Joshua Tree!
The True Fine Measure, of all a heart can be!
A presence, who upon battlefields of honor . . . was so struck down indeed . . .
Yet, but would not so concede . . . to rise was he!

Growing ever taller, ever stronger . . .
As the days got longer, this champion touching all hearts so indeed . . .
Could we? Would we? Ever have such courage, to so shine as much light as he in our time?
As this bright light grows ever stronger, and this Joshua Tree of life . . . grows taller everyday indeed!

A Bright Light!
While, there in The Darkest of All Possible fights!
Can so over come all so indeed!
This our Lord's Joshua Tree!

PAKISTANI GOVERNMENT RECOGNIZES ANAND MARRIAGE ACT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. TOWNS. Madam Speaker, the government of Pakistan has recognized the Anand Marriage Act of 1909. This act covers Sikh marriages. I commend the Pakistani government for this show of tolerance and religious freedom.

There are only about 15,000 Sikhs in Pakistan. When is India, with its 22 million Sikhs, going to recognize the same act? It has been on the books for almost a century.

India refuses to enforce or even recognize the Anand Marriage Act. Instead, it records all Sikh marriages as Hindu marriages under the Hindu Marriage Act. This constitutes a refusal of "secular", "democratic" India to recognize Sikhism as a separate religion. Instead, they seek to subsume it under Hinduism.

The fact that Guru Nanak, who began the Sikh religion, was born Hindu no more makes Sikhism a part of Hinduism than the fact that Jesus was Jewish makes Christianity part of Judaism. The Indian government is simply trying to eliminate the Sikh religion by subverting it and forcing Sikhs into Hinduism. Where is the freedom of religion in India?

Madam Speaker, this is unacceptable! America can and must do something to protect the rights and freedoms of all people in South Asia. We can start by stopping our aid to India and our trade until such time as it learns to respect the rights of all people regardless of ethnicity, religion, or social status. And we should put this Congress on record in support of self-determination for the Sikhs of Punjab, Khalistan, the Muslims of Kashmir, the Christians of Nagaland, and all the others who seek freedom. India will not allow such free and fair votes, belying its self-proclaimed democratic principles. The essence of democracy is the right to self-determination.

Madam Speaker, I would like to insert the Council of Khalistan's press release on the Anand Marriage Act into the RECORD.

PAKISTAN RECOGNIZES ANAND MARRIAGE ACT

WASHINGTON, D.C., December 6, 2007.—The government of Pakistan has formally recognized the Anand Marriage Act, which governs Sikh marriages. The act was adopted in 1909.

Even though there are only about 15,000 Sikhs in Pakistan and there are millions of Sikhs in India, India still refuses to recognize the act. While Sikhs conduct marriages in accord with the Anand Marriage Act, the Indian government will not certify them under the act. Instead, they are recorded under the Hindu Marriage Act. The Indian government is trying to destroy the Sikh religion. Its failure to recognize the Anand Marriage Act is one more way that it is carrying out this effort. Sikh marriages are different from Hindu marriages. Hindu couples circle around a fire. Sikh couples circle around the Guru Granth Sahib, the Sikh holy scripture, four times.

"I would like to thank the Pakistani government for its recognition of the Anand Marriage Act, which is almost a hundred years old," said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, which leads the Sikh struggle for freedom. "Pakistan's action has shown a level of tolerance that supposedly secular, supposedly democratic India has never shown," he said. "That is very telling. It shows the true face of India," he said. "There is no place for Sikhs, Muslims, Christians, or other minorities there."

The Indian government has murdered over 250,000 Sikhs since 1984, more than 300,000 Christians since 1948, over 90,000 Muslims in Kashmir since 1988, and tens of thousands of Tamils, Assamese, Manipuris, Dalits, and others. The Indian Supreme Court called the Indian government's murders of Sikhs "worse than a genocide."

Indian police arrested human-rights activist Jaswant Singh Khalra after he exposed their policy of mass cremation of Sikhs, in which over 50,000 Sikhs have been arrested, tortured, and murdered, and then their bodies were declared unidentified and secretly cremated. He was murdered in police custody. His body was not given to his family.

The police never released the body of former Jathedar of the Akal Takht Sardar Gurdev Singh Kaunke after SSP Swaran Singh Ghotna murdered him. Ghotna has never been brought to trial for the Jathedar Kaunke murder. No one has been brought to justice for the kidnapping and murder of Jaswant Singh Khalra.

According to a report by the Movement Against State Repression (MASR), 52,268 Sikhs are being held as political prisoners in India without charge or trial. Some have been in illegal custody since 1984! Tens of thousands of other minorities are also being held as political prisoners, according to Amnesty International. We demand the immediate release of all these political prisoners.

History shows that multinational states such as India are doomed to failure. Countries like Austria-Hungary, India's longtime friend the Soviet Union, Yugoslavia, Czechoslovakia, and others prove this point. India is not one country; it is a polyglot like those countries, thrown together for the convenience of the British colonialists. It is doomed to break up as they did.

"Only a sovereign, independent Khalistan will allow the Sikhs of Punjab and the other people of the subcontinent to live in freedom, dignity, and prosperity," said Dr. Aulakh. "As Professor Darshan Singh, a former Jathedar of the Akal Takht, said, 'If a Sikh is not for Khalistan, he is not a Sikh'," Dr. Aulakh noted. "We must continue to press for our God-given birthright of freedom," he said. "Without political power, religions cannot flourish and nations perish. Let us join together and free Khalistan."

IN MEMORY OF ADMIRAL WILLIAM H. STEWART

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. BONNER. Madam Speaker, I rise today with a heavy heart to pay tribute to the memory of Admiral William H. Stewart, a devoted family man, model officer, and dedicated community leader.

A native of Gulf, Texas, Admiral Stewart graduated from Austin High School in 1943. He attended the University of Texas at Austin for two years before leaving to attend the Coast Guard Academy. He graduated from the Academy in 1949 with a Bachelor of Science degree in marine engineering and was commissioned as an ensign in the U.S. Coast Guard.

The Admiral's distinguished Coast Guard career spanned almost four decades. His first assignment was as a deck watch officer aboard the Coast Guard cutter *Tampa* based in Mobile. He then went on to serve as operations officer aboard the cutter *Newell* in Honolulu. In 1954, he was assigned to the Fifth Coast Guard District in Norfolk, Virginia, as chief of the Military Personnel Branch of the Personnel Division.

Admiral Stewart returned to Mobile in 1957 as executive officer of the cutter *Blackthorn*. He was sent to Washington, DC in 1959 to attend George Washington University, where he received his master's degree in public administration. Following graduation, he was assigned as chief of the Material Management Branch of the Office of the Comptroller at Coast Guard Headquarters.

In 1964, Admiral Stewart returned to the Gulf Coast as executive officer of the cutter *Sebago* based out of Pensacola, Florida. He was then assigned as chief of Personnel Division K of the Seventh Coast Guard District in Miami. In 1967, he was named commanding officer of the cutter, *Androscoggin*, a cutter he to took to Vietnam in December of 1967 to participate in Operation Market Time. The *Androscoggin* remained on station in Southeast Asia until August 1968.

Following this tour of duty, then-Commander Stewart returned to Washington, DC and served as special assistant to the commandant of the Coast Guard before serving as administrative aide to the commandant. Then-Captain Stewart was transferred back to Honolulu to the Fourteenth Coast Guard District, where he served as chief of the operations division and then chief of staff. He once again returned to Washington, D.C. in 1976 as deputy chief of staff at Coast Guard Headquarters. He was appointed by President Jimmy Carter to the rank of rear admiral and was named chief of the office of personnel, a position he held until 1981, when he was assigned commander of the Eighth Coast Guard District in New Orleans, Louisiana.

As commander of the Eighth Coast Guard District, Admiral Stewart worked tirelessly to prevent illegal drug smuggling. In 1983, he testified before the House Select Committee on Narcotics Abuse and Control. During this time, he also served as an advisor to then-Vice President George H.W. Bush before his retirement on June 28, 1985.

Admiral Stewart earned an impressive list of medals and awards over the course of his distinguished career, including: The Coast Guard Achievement Medal; the Combat Action Ribbon; the Bronze Star Medal (with Combat "V") and the Gold Star; the Meritorious Service Medal (with two Gold Stars); the Republic of Vietnam Gallantry Cross with Gold Star; and the Legion of Merit.

Admiral Stewart's retirement certainly was not the end of his service to his community, state or nation. Following his retirement from the Coast Guard, he served as a Kiwanian, a founding member of the board of trustees of the National Maritime Museum of the Gulf of Mexico, a member of the board of governors of the Bienville Club, a past president and member of the Mobile Council for the Navy League of the United States, a member of the board of directors of the Veterans Day Commission, a past chairman and member of the Military Affairs Committee of the Mobile Chamber of Commerce, a past division chairman of the United Way, a past chairman of the Disaster Service Committee of the local Red Cross Chapter, and a member of the board of directors of the Alabama Military Hall of Honor at Marion Military Institute.

As a homeowner on Alabama's Dauphin Island since the 1950s, the island was of great importance to him. Admiral Stewart served as a member of the board of directors of the Property Owners Association for eight years and president for five years. He was a member of a Task Force which brought together Islanders and the Auburn University Economic Development Institute in the late 1980s. He was also founding director as well as second and current chairman of the Dauphin Island Foundation.

Admiral Stewart was married to Laura Hamilton Stewart for more than 40 years before her untimely death from cancer. Together they raised two children, Edward Wilson, who preceded his father in death, and Karla Stewart Bohn.

Madam Speaker, I ask my colleagues to join with me in remembering a dedicated community leader and friend to many throughout south Alabama. Admiral William H. Stewart loved life and lived it to the fullest, and his passing marks a tremendous loss for all of south Alabama. He will be deeply missed by many, most especially his wife, Paulette Gerhardt Stewart; his daughter and stepdaughters; his grandchildren; his extended family; as well as countless friends he leaves behind.

Our thoughts and prayers are with them all at this difficult time.

DR. AULAKH, PRESIDENT OF COUNCIL OF KHALISTAN, HAS SUCCESSFUL TRIP TO EUROPE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. TOWNS. Madam Speaker, recently, Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, made a very successful trip to Great Britain and Belgium. Belgium is the European headquarters of the Research and Analysis Wing (RAW), India's shadowy "intelligence service."

Dr. Aulakh spoke at three Gurdwaras and the crowds responded enthusiastically. They chanted pro-Khalistan slogans and they overwhelmingly supported the message of freedom for Khalistan, the Sikh homeland. This was a blow to the Indian occupation and oppression in Punjab, Khalistan.

Their support should be rewarded, Madam Speaker. We should go on record supporting a free and fair vote on the matter. And we should stop our aid to India until such time as they recognize basic human rights.

Madam Speaker, I would like to add the Council of Khalistan's recent release on Dr. Aulakh's European visit to the RECORD at this time.

DR. AULAKH'S VISIT TO EUROPE VERY SUCCESSFUL

WASHINGTON, DC, Dec. 6.—Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, has recently returned from a very successful trip to Europe. He traveled to Gurdwaras in Belgium and Great Britain. He spoke at the Gurdwaras in Sint-Truiden in Belgium and in Slough and Birmingham in the United Kingdom. Belgium is the European headquarters of India's Research and Analysis Wing (RAW).

At every stop, slogans of "Khalistan Zindabad" filled the air. Enthusiastic crowds greeted Dr. Aulakh's message of freedom for Khalistan, the Sikh homeland that declared its independence from India on October 7, 1987.

"I would like to thank my hosts in Europe for helping to make the trip so successful," Dr. Aulakh said. The show of support for liberating the Sikh Nation, Khalistan, from Indian occupation shows that the flame of freedom burns brightly in the hearts of the Sikh Nation despite India's many years of oppression."

India has refused to allow so much as a vote on the matter of independence for

Khalistan. It has refused to grant the people of Kashmir the plebiscite on their status that they were promised in 1948. It continues to kill and harass Sikhs and other minorities.

The Indian government has murdered over 250,000 Sikhs since 1984, more than 300,000 Christians since 1948, over 90,000 Muslims in Kashmir since 1988, and tens of thousands of Tamils, Assamese, Manipuris, Dalits, and others. The Indian Supreme Court called the Indian government's murders of Sikhs "worse than a genocide."

Indian police arrested human-rights activist Jaswant Singh Khalra after he exposed their policy of mass cremation of Sikhs, in which over 50,000 Sikhs have been arrested, tortured, and murdered, and then their bodies were declared unidentified and secretly cremated. He was murdered in police custody. His body was not given to his family.

The police never released the body of former Jathedar of the Akal Takht Sardar Gurdev Singh Kaunke after SSP Swaran Singh Ghotna murdered him. Ghotna has never been brought to trial for Jathedar Kaunke's murder. No one has been brought to justice for the kidnapping and murder of Jaswant Singh Khalra.

According to a report by the Movement Against State Repression (MASR), 52,268 Sikhs are being held as political prisoners in India without charge or trial. Some have been in illegal custody since 1984! Tens of thousands of other minorities are also being held as political prisoners, according to Amnesty International. We demand the immediate release of all these political prisoners.

History shows that multinational states such as India are doomed to failure. Countries like Austria-Hungary, India's longtime friend the Soviet Union, Yugoslavia, Czechoslovakia, and others prove this point. India is not one country; it is a polyglot like those countries, thrown together for the convenience of the British colonialists. It is doomed to break up as they did.

"The desire to reclaim the sovereignty that Guru Gobind Singh declared for us still resides in every Sikh heart," said Dr. Aulakh. "As Professor Darshan Singh, a former Jathedar of the Akal Takht, said, 'If a Sikh is not for Khalistan, he is not a Sikh'," Dr. Aulakh noted. "We must continue to press for our God-given birthright of freedom," he said. "Khalistan must and will be free soon."

CONGRATULATING DR. HAROLD DODGE ON THE OCCASION OF HIS RETIREMENT AS SUPERINTENDENT OF THE MOBILE COUNTY PUBLIC SCHOOL SYSTEM

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise to honor the long and distinguished career of Dr. Harold Dodge, on the occasion of his retirement as superintendent of the Mobile County Public School System.

With a career spanning over four decades, Dr. Dodge has dedicated his life to education, serving as a teacher, principal, and superintendent. Beginning his career as a teacher and a coach at Deep Creek High School in Chesapeake, Virginia, he went on to serve as principal at Oscar Smith High School, Indian River Junior High School, and E.W. Chittum Elementary School in Chesapeake, Virginia.

Prior to coming to Mobile, Dr. Dodge served as superintendent of Cumberland County Schools in Cumberland, Virginia; Montgomery County Schools in Christianburg, Virginia; and University City School District in University City, Missouri.

In August of 1998, Dr. Dodge took the reigns of the Mobile County Public School System, the State's largest school system with over 65,000 students and 8,000 employees. Under his leadership, the school system has implemented a nationally recognized strategic plan that encourages sustained parental and community involvement while focusing on making children proficient in learning.

After 10 years of extraordinary work as superintendent of the Mobile County Public Schools, Dr. Dodge will turn his attention to college students as a professor at the University of South Alabama. He will be an associate professor in the Department of Leadership and Teacher Education, training principals and superintendents in the university's master degree program.

There are few individuals more dedicated or more committed to students than Harold Dodge, and this commitment has not gone unnoticed. In 2006, Dr. Dodge was named Alabama's Superintendent of the Year. Earlier this month, he was named an Outstanding Civilian Service Member, the second highest public service honorary award given to civilians by the United States Army, and the Mobile Area Education Foundation named its Fund-a-S.T.A.R. grant program for classroom teachers after him. The city of Mobile named Thursday, December 6, 2007, both the Mobile Area Education Foundation Day and Harold Dodge Day.

Madam Speaker, I ask my colleagues to join me in recognizing a dedicated community leader and friend to many throughout Alabama. Dr. Harold Dodge is an outstanding example of the quality of individuals who have devoted their lives to education. I know his colleagues; his wife, Jean; his family; and many friends join me in extending thanks for his many efforts over the years on behalf of the city of Mobile and the State of Alabama. I wish him the best in all his future endeavors.

SENATE—*Friday, December 14, 2007*

The Senate met at 10 a.m. and was called to order by the Honorable SHERROD BROWN, a Senator from the State of Ohio.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, we run to You for safety. You are our help and hope, and every good thing we have is a gift from You. Your laws teach us the way to abundant living, for Your word is perfect and Your precepts bring truth.

Today we pray for the citizens of this great land. Incline their hearts to submit to You and to governmental authority. Remind them that righteousness exalts a nation, but sin is an equal opportunity destroyer.

Strengthen our lawmakers. Help them to heed constructive criticism as You imbue them with the desire and determination to please You. Keep their feet on the right road, inspiring them with a reverence for You. May they strive to tell the truth and to find creative ways of solving the problems of our time.

We pray in the Name of Him whose power and love sustains us. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHERROD BROWN, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 14, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHERROD BROWN, a Senator from the State of Ohio, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BROWN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, the order now before the Senate indicates we are going to move to the FHA bill as soon as we finish the farm bill. One of the key players on the Republican side is not going to be available this afternoon.

I would therefore ask unanimous consent that we go to the FHA bill before we do the farm bill. There is preliminary work on the farm bill to sort out germane and nongermane amendments anyway.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Mr. President, we are going to do the farm bill today. I have gotten a number of inquiries about why did we stop the farm bill from going forward when we did. At the time that occurred, we had 26 pending amendments. Christmas is 1 week from Tuesday. We have to finish our work. We have, even today, a heavy burden having to short circuit this a little bit.

We have the Defense authorization bill; that is something that is essential. In that Defense authorization bill are many things, not the least of which is the wounded warrior aspect of it that PATTY MURRAY worked so hard on.

We have the pay raise for the troops. The troops cannot get the pay raise until we do the Defense authorization bill, even though we have sent to the President and he has signed the Defense appropriations bill.

We are going to come in probably at 11 o'clock on Monday. There will be a cloture vote an hour after that on FISA. People have said: Well, why did you not move? I have gotten some inquiries, especially from some of the blogs saying: Why did you not rule XIV it or something that would make it easier and allow people who do not like the bill to make their position known?

I have stated on the floor—this is the third time—the reason we are going to cloture is because Senators FEINGOLD and DODD want a 60-vote margin on proceeding to the bill.

One of the things I have worked very hard to do in the 3 years I have been Democratic leader, the 1 year I have been the majority leader, is to make sure the committee structure of the Senate is sound and the committee chairs and the committees do their work.

It brings stability to this body. Now, I think what we have to do in regular order, unless I try to short circuit this in some way—and I think it would be not looked upon favorably by the Senate and, frankly, by the American people if I tried to short circuit this. We have a procedure—it does not happen very often—where you have a joint referral. In this instance, on the FISA bill, the controversial but important FISA bill, there are two committees that have jurisdiction, the Intelligence Committee, and after that it is referred to the Judiciary Committee.

They both have done their work and they have done good work. But what some wanted me to do is take the best out of one and the best out of the other and bring it to the floor. I cannot do that unless I trample the system.

Under regular order, I will bring the Intelligence bill to the floor. The first operative action after that is the Judiciary Committee. Senator LEAHY is an experienced, veteran legislator. He has been here longer than I have been here. He certainly knows what to do. The Senate will work its will as to what needs to be done with FISA.

I will guarantee you right now one thing that is going to occur: not everyone will be happy. But people have the obligation to do what they think is right, and I have an obligation to move the bill to the floor. It is important we have a debate, and that debate will start on Monday.

I also am concerned that not everyone is happy they did not have the opportunity to offer their farm bill amendments. That is always a problem, and certainly there were no individual Senators in mind, Democrats or Republicans, who did not have the opportunity to offer their amendments.

But the culminating factor is when we had an objection to the managers' amendment, with the 26 amendments we had to start dealing with at 8:30 last night, we could not get from here to there.

So I think we are doing the right thing this morning, moving forward to completing FHA today, the farm bill, and Defense authorization; starting on the important FISA bill on Monday and then doing everything within our power to fund the Government for the next year. And we are going to have a debate on war funding. That will take place next week.

So we have our hands full. But I wanted to lay out everything this

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

morning, where we are headed and why we are in the position we are in now.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

COOPERATION

Mr. McCONNELL. Mr. President, I wish to defend the majority leader's decision to go to cloture on the farm bill last night under the consent agreement we had.

He consulted with me, and I share his view that we could have been on that bill into January at the rate we were going. It was time to bring it to conclusion. So I applaud the majority leader for his decision. I think it was the right thing to do.

Secondly, we do have a chance to get additional progress this morning with the FHA matter. There is also the Defense authorization bill. I think we are making good progress this week, and the majority leader will have some excellent cooperation on this side of the aisle in that direction.

FHA MODERNIZATION ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of S. 2338, which the clerk will report by title.

The assistant legislative clerk read as follows:

> A bill (S. 2338) to modernize and update the National Housing Act and enable the Federal Housing Administration to more effectively reach underserved borrowers, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. SCHUMER. Mr. President, parliamentary inquiry: What is the status of the time situation?

The ACTING PRESIDENT pro tempore. There is 30 minutes of general debate on the bill, equally divided.

Mr. SCHUMER. Thank you. I yield myself 10 minutes.

The ACTING PRESIDENT pro tempore. The Senator may proceed.

Mr. SCHUMER. Mr. President, over the past few months, as the subprime crisis has deepened, I have said time and time again we need to act to help millions of American families at the risk of foreclosure to save their homes.

Until now, we have been blocked in those efforts, which is unfortunate. But I do wish to thank my colleague from Oklahoma who, as always, has agreed to this debate, to a discussion of the issue on the merits. He wanted a careful look, wanted his voice heard but did not want to be dilatory for its own sake, and I very much appreciate that. Now I believe we can move this important legislation forward.

The word "crisis" gets tossed around a lot in Washington. But make no mistake about it, we are in one. Almost a million Americans have lost their homes due to foreclosure this year alone. It seems each week foreclosures reach a new alltime high.

Some people stand by and say: Do nothing. The administration has said: Well, let the market take care of this by itself. They have come up with various plans where they sort of tie themselves in a pretzel to avoid any Government involvement.

But the fact is, if we are going to solve this problem, one thing we do not need is a bailout, but what we need is rational, smart Government involvement to help those at the bottom work their way out of this crisis which will, in a certain sense, trickle up and reassure the credit markets that things are being done and help the entire economy, because we have a triple whammy in this crisis that spreads outward. First are the more than 2 million homes that could be foreclosed upon in the next year and a half, 2 years. Second are declining housing prices. Because even if you paid your mortgage completely or have never missed a payment and are still paying it, if there are foreclosures in your community or foreclosures even in the country, housing prices decline.

That hurts all of us and hurts the economy then, in the third level, in two ways. One, there is a dampening effect on consumer spending, and, two, there are the credit markets, which are right now frozen.

If people cannot borrow, whether they be companies or individuals, it puts a real damper on the economy. The only way out of this is smart Government involvement—not solely. We need the private sector. But when the administration says they are never, ever going to get the Government involved, they have ideological blinders on, they are in an ideological straitjacket, they hurt those who will be foreclosed, they hurt all homeowners, and they hurt the general economy.

If you talk to people in this country, even conservative Republican business leaders agree we need some careful, rational Government involvement, not a bailout. That is what we are trying to do this morning. The costs of inaction are high. The Joint Economic Committee estimated the spillover from the subprime foreclosure crisis could exceed $100 billion for homeowners, their neighbors, and the local tax base.

On top of the subprime losses, the continuing housing slump could be a massive blow to the economy. Economists estimate a 10-percent decline in housing prices could lead to a $2.3 trillion economic loss at a time when our country cannot afford it.

This legislation is the perfect example of the kind of help Americans are looking for. It is moderate, it is thoughtful, and it is directed at the problem.

First, I wish to thank the two sponsors of this legislation, Senator DODD and Senator SHELBY, as well as my colleagues on the Banking Committee, where this passed 20 to 1, for their support.

It is definitely and desperately needed. It has the support of the administration, one of the few areas where the administration has looked at some kind of moderate Government help. The FHA Modernization Act revitalizes an important Government agency that for years, until the rise of unscrupulous subprime lenders, helped thousands of families across the country achieve the American dream, and now in these troubled times, it can be a source of salvation for those families who were tricked into unaffordable loans.

The bill makes a number of important changes to the FHA program, many of which will make it more competitive with subprime lenders, assure its financial help, and protect borrowers who were taken advantage of.

First, and especially in high-cost States such as mine in New York and my colleague across the river in New Jersey, who will speak shortly on this measure, this is vital. For years, this program has been hard to use in our home State. When you go to a place such as Long Island, where the average home price is over $400,000, more than half the population cannot use FHA. That was never the intent.

The bill also allows FHA to accept lower downpayments. It makes it more attractive to borrowers who could otherwise turn to an irresponsible subprime broker for their loan.

This does entail some additional risk, but the legislation strikes a safe, responsible balance between increasing FHA's competitiveness with those lenders without endangering the program's bottom line.

Finally, the bill expands the eligibility for counseling under the FHA program.

We desperately need counselors. There is another piece of legislation still being blocked by my colleagues on the other side of the aisle, sponsored by the Senator from Pennsylvania, Mr. CASEY, and the Senator from Ohio, Mr. BROWN, and myself, aided by the help of Senator MURRAY, which will put $200 million into counseling. That is being blocked.

This bill at least will allow the FHA to give counseling to a certain number of people. It is an improvement that not only helps borrowers by letting more of them preserve their homes, but it reduces losses to the insurance funds, which is good for taxpayers as well.

This bill is not a panacea. It is, frankly, a small step—much needed but a small step. There are many more things that have to be done: Money for those who need help in counseling; making sure there is credit for mortgages available, which involves using the agencies, the GSEs such as Fannie and Freddie. Congressman FRANK and I have legislation to deal with that. We also need a protector for the future. Legislation Senator DODD has offered and I have cosponsored and worked with him on for many months would actually prevent this from happening in the future by regulating the small group of mortgage brokers who are unscrupulous, as well as the mortgage lenders, almost all of them nonbanks.

We still have a long way to go, but my hope is, given the magnitude of the crisis, that this first step will not be the last and that this first step represents a coming together of those who are not ideologues, those of us who say, yes, the Government needs to be involved in a smart, careful, and focused way. If that can happen, we cannot solve the subprime crisis, make it go away, but we can greatly mitigate the damage that occurs. We can reassure the markets finally that someone is in charge. The administration is trying to be involved but because of the ideological handcuffs, no Government involvement, and some of their plans get laughed at, and many of their plans are not taken seriously—just about all of them—because they won't deal with the magnitude of the crisis. You have to deal with it head-on.

I am hopeful this is a good first step that will pave the way to other larger and even more necessary steps. I thank Senator DODD, Senator SHELBY, Senator COBURN, and my colleagues on the Banking Committee for their active support and guidance with this legislation.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Florida.

Mr. MARTINEZ. Mr. President, may I learn the current time agreement?

The ACTING PRESIDENT pro tempore. The Senator from New York has 15 minutes, with 6 minutes remaining. The Senator from Florida has 15 minutes, if he is controlling the time.

Mr. MARTINEZ. I yield myself 5 minutes.

Mr. President, I join with the Senator from New York in speaking about this important step we are taking to deal with a serious crisis that America and, frankly, the world is facing with credit. It is particularly important that we think about the many Americans who today feel threatened in their homes as they face the potential prospect of losing their homes because of the current situation. We have a partial answer to this large problem. It isn't the whole answer, but it is a very good first step. It is an important first step that is going to help a number of families stay in their homes.

When I had the privilege of serving as Secretary of Housing and Urban Development, one of the hallmarks of our time was the attempt to put more and more American families into home ownership. It is the culmination of the American dream. That dream today is seriously threatened. The FHA Modernization Act before the Senate is a strong first step in the direction of fixing the problem.

By the summer of 2010, about 600,000 people with subprime loans are expected to lose their homes because they will not be able to make their higher monthly payment. These are people who got into an adjustable rate mortgage, and each and every year or perhaps two or three times a year that mortgage resets at a higher payment and a higher rate. The way to avert that is to allow these folks to find another financing vehicle, and the FHA is the answer.

HUD estimates that more than 200,000 first-time home buyers and current homeowners who need access to capital could obtain FHA-insured mortgages next year if Congress expedites passage of this legislation. That, combined with the administration's FHA Secure Program, will help more than a quarter million Americans avoid foreclosure and stay in their homes. The administration already has implemented a program called HOPE Now. That also is helping about 80,000 Americans to remain in their homes.

The fact is, this is a timely piece of legislation, one that enjoys bipartisan support and one in keeping with the wonderful tradition the FHA has had in the home-ownership story of America.

FHA began in 1934. Since that time, it has always operated in the black by collecting insurance premiums on the mortgages it insures and never burdening the taxpayers with any Government subsidy, and it has managed to help countless millions of Americans reach the dream of that first home.

While I was HUD Secretary, we recognized that FHA was falling behind in market share because it had not been modernized. The rules had not been keeping up with changes in the marketplace. This is a tremendous first step. It is a step that is long overdue and one I am proud to see come about.

I know some have concerns about the issue of reverse mortgages. I believe that is an issue which also falls well within the purview of FHA and can be safely done, well managed, and, in fact, should not be an impediment to this legislation moving forward.

I don't want to take any more of the time. I believe it is very important that, working together, all of us will move this bill to fruition, helping hundreds of thousands of American families who have tasted the dream of home ownership to maintain the dream, stay in their homes, and work through the FHA program so they can then refinance their mortgages into mortgages they can live with.

I thank Chairman DODD and Ranking Member SHELBY and others on the Banking Committee who have worked so hard to make this moment a reality. I am proud of any role I might have played in it because I think it is truly touching at the heart of where so many American families are today. They have had the dream of home ownership. Let's keep more and more American families in their homes, continuing that dream.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

● Mrs. BOXER. Mr. President, I would like the record to reflect that I would have voted in favor of the FHA Modernization Act today.

California has been at the epicenter of the current foreclosure crisis, and this bill will provide new, safe, and secure financing opportunities both for homeowners currently trapped in abusive loans that are scheduled to reset at rates they no longer can afford, as well as for future borrowers seeking alternatives to the risky and exotic loans that many turned to or were steered toward in the absence of a viable FHA product.

Among its most important features, the bill would raise the current limit on loans the FHA will insure from $362,000 to $417,000. In California, where the third quarter median home price was over $568,000, the ability to access FHA loans has virtually disappeared. According to the Department of Housing and Urban Development, California, which previously led the Nation in FHA loan usage, has seen its FHA loan volume drop from 109,074 in 2001 to just 2,599 in 2006, a decline of 98 percent and a loss of $13.6 billion.

While the increase in the loan limit provided by this bill will provide welcome relief, the House version goes even farther, permitting the FHA to insure mortgages equal to 125 percent of the median area home price or 175 percent of the Freddie Mac conforming loan limit, whichever is lower. The House bill also would give the Secretary of Housing and Urban Development the authority to raise the new insurance limit by as much as $100,000 "if market conditions warrant." For California and other high cost areas, this increase would further enable borrowers to avoid the type of nontraditional and frequently abusive loans that have gotten us into our current mess, and I will be urging conferees to support the higher limits.

Today, however, it is important to recognize the significant step that the Senate has taken in overwhelmingly passing this bill as we seek to restore stability to the housing market and bring assistance to the more than 2 million Americans at risk of losing their homes.●

Mrs. FEINSTEIN. Mr. President, I am pleased that the Senate overwhelmingly passed the Federal Housing Administration, FHA, Modernization Act today. This bill would make much-needed improvements to this important program to give more homebuyers the option to get a FHA government-backed loan instead of the more risky products that have contributed to the current mortgage crisis.

The FHA program is critical to insuring home mortgages for low and middle income borrowers that are unable to obtain financing from conventional mortgage lenders. However, over the past decade, FHA has been priced out of the market.

In California alone, FHA loans have dropped from 109,074 in 2000 to just 2,599 in 2006—resulting in a decline of 98 percent in 6 years.

Furthermore, the current crisis in the subprime lending market has put more than 500,000 American homeowners into foreclosure this year.

My State of California has been especially hit hard.

More than 50,000 California homes went into foreclosure in just the month of October. This equates to one foreclosure filing for every 258 households in the state—about double the national foreclosure rate.

The bill passed by the Senate today takes an important step to help American families who face the threat of losing their homes and those who want to buy a new home with a safe and affordable mortgage—it modernizes the FHA program and expands the financing options available to homebuyers.

Specifically, this bill would:

Increase the maximum size of mortgages that FHA can insure in expensive housing areas to $417,000 from the current level of $362,790.

This increase in the loan limit is a step in the right direction, but more needs to be done. It is my hope that the final bill signed by the President further increases the loan limit to over $500,000, as included in the House-passed version of the FHA bill.

This is essential so that more homebuyers in states like California, where the average cost of a home is over $490,000, can be helped.

Reduce the downpayment requirement to 1.5 percent from the current requirement of 3 percent under the FHA program—allowing FHA to compete with subprime lenders.

Require the secretary of the Housing and Urban Development, HUD, and the FHA Commissioner to work with the mortgage industry and non-profit organizations to improve the FHA loss mitigation process so more troubled homeowners can keep their homes.

Increase consumer protections by requiring the secretary of HUD to prohibit unfair or deceptive practices that may be used with FHA-insured manufactured housing loans.

Improve housing counseling assistance by creating a pre-purchase counseling pilot program to test the effectiveness of various counseling options.

It also expands the eligibility for post-purchase counseling for low and moderate income homeowners who are having trouble making their mortgage payments.

It is crucial that we help make homeownership more affordable and accessible to American families and provide relief to those facing the threat of losing their homes.

The Senate's approval of this legislation today is an important step to help achieve this.

Thank you very much.

Mr. President, I yield the floor.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from New York.

AMENDMENT NO. 3853

Mr. SCHUMER. Mr. President, under the order governing this bill, I call up the Dodd-Shelby amendment and ask unanimous consent that it be adopted.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk:

The Senator from New York [Mr. SCHUMER], for Mr. DODD and Mr. SHELBY, proposes an amendment numbered 3853.

Mr. SCHUMER. I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require a 12-month moratorium on the implementation of risk-based premiums for FHA insured mortgages)

At the end of title I, insert the following:

SEC. 123. MORATORIUM ON IMPLEMENTATION OF RISK-BASED PREMIUMS.

For the 12-month period beginning on the date of enactment of this Act, the Secretary of Housing and Urban Development shall not enact, execute, or take any action to make effective the planned implementation of risk-based premiums, which are designed for mortgage lenders to offer borrowers an FHA-insured product that provides a range of mortgage insurance premium pricing, based on the risk the insurance contract represents, as such planned implementation was set forth in the Notice published in the Federal Register on September 20, 2007 (Vol. 72, No. 182, Page 53872).

The ACTING PRESIDENT pro tempore. Without objection, the amendment is agreed to.

The amendment (No. 3853) was agreed to.

Mr. SCHUMER. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SCHUMER. I yield 5 minutes to my distinguished colleague from New Jersey, a member of the Banking Committee who has worked long and hard on the subprime issue.

Mr. MENENDEZ. Mr. President, I thank my distinguished colleague from New York for his leadership, along with the chairman of the full committee and the ranking member, on this issue of the FHA. It is something I have been advocating for quite some time.

In March of this year, at some of the first hearings of the Banking Committee about what we were envisioning as it related to the subprime crisis, I said that we were going to be facing a tsunami of foreclosures. Some people said that was an overestimation. Unfortunately, we have not even seen the full effect of that tsunami as we have hundreds of thousands of mortgages reset every quarter for the next 2 years, and at the rate of default and foreclosures, the numbers will grow dramatically. Of course, that has a consequence to all of those American families for which the American dream becomes the American nightmare. It has a consequence to neighborhoods and communities where those properties, if they go into foreclosure, have a negative effect on the values of the adjoining properties and, obviously, on those communities as it relates to the consequence of property values that continue to take a nosedive. Therefore, it has an enormous impact on the lives of people across our country. It also has a very significant impact as it relates to the economy of our Nation.

I am glad, working in the committee, that we are here today to pass this important bill, the FHA Modernization Act. We clearly need to pass FHA reform.

I spoke then about the need to raise the FHA loan limits in order to give borrowers more options. In my State of New Jersey, which is not unique, 13 of the 21 counties are at or over the FHA ceiling of $362,000, and 75 percent of New Jerseyans live in these 13 counties. Unless this bill passes, the FHA means absolutely nothing for the overwhelming part of the 9 million people who live in New Jersey as a vehicle, an opportunity to achieve home ownership and to be good borrowers, people who work hard, obey the rules, follow the law, serve in their communities, worship, but ultimately would not have the wherewithal to pay but for the type of loans the FHA can guarantee.

I believe, in the wake of the tsunami of foreclosures, these are critical options to new homeowners and maybe even to some who will ultimately refinance. The legislation before us today will bring more attractive FHA mortgages into the subprime marketplace so borrowers looking to refinance or first-time homeowners have a realistic opportunity to choose an FHA loan instead of a risky mortgage.

I knew then what I know now. This legislation is long overdue. Homeowners need more options than just the subprime market. That is why I am pleased we will be finally passing this critical bill. I hope we give it a very strong sendoff from the Senate. I know this is something for which we are in agreement with the administration. It should receive broad bipartisan support. It is only one of many tools necessary to deal with the challenges the Nation faces on the subprime and the crisis of foreclosures, but it is an important one.

I urge its passage and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I support this FHA initiative. As the Senator from New Jersey so appropriately noted, this is another tool which is absolutely critical in this area, as is an amendment which I have pending to the farm bill which, regrettably, as a result of last night's cloture motion, will be ruled nongermane and therefore will not be allowed to be brought up. This amendment says essentially that if a person's home is foreclosed on, they don't then get hit with an IRS tax lien for the amount of the foreclosure which is not recovered. In other words, if you own a home and, regrettably, you can't meet your payments because of a subprime event, and your loan was, say, $100,000, and they foreclose, take it away from you, and then they sell your home but they don't get $100,000—let's say they get $50,000 of that loan paid—you get hit with a tax bill for the additional $50,000. Or if there is a restructuring, where the lenders actually rewrite your loan so you can make your payments, and that represents a writedown in the value of the loan, you get hit with a tax bill.

So the irony of the event is, it is pretty devastating to people. First, their home gets taken. Then the IRS agent shows up and gives them a tax bill and hits them with a tax lien. That, obviously, is not fair, and it is not appropriate. It is a quirk of our Internal Revenue law. This amendment would eliminate that. It would eliminate that event.

I do think it is important. I think it is an important element of moving forward in a way that tries to work us through this subprime meltdown which is having a deleterious effect on our economy and, obviously, is having a very tremendous personal impact on people who are affected by the interest rates on their loans jumping to a point where they can no longer pay them.

So I regret this amendment was ruled out of order for all intents and purposes by the cloture motion. I believe there was very strong bipartisan support. In fact, I have not met anybody so far who is opposed to this concept. I hope it can be included in a final package, either under unanimous consent or because nobody objects to it, or, alternatively, that the Finance Committee, which I know is working on this issue, can come forward and offer a unanimous consent request to move this free standing.

I think it is important we do it now. I do not think we can wait. These loans are being foreclosed on now. The people who are getting hit with these tax liens are getting these liens today. So it is very important we move promptly.

So I wished to highlight this issue also as one of the issues which is raised relative to resolving this question or at least mitigating the question of how we deal with this subprime meltdown.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Florida.

Mr. MARTINEZ. Mr. President, how much time is remaining?

The ACTING PRESIDENT pro tempore. The Senator from Florida has 7 minutes 14 seconds; the Senator from New York has 1 minute 28 seconds remaining.

The Senator from New York.

Mr. SCHUMER. Mr. President, I would like to yield 5 minutes to my colleague and friend—our majority whip—from Illinois, Mr. DURBIN, our remaining time on this and then 5 minutes from the time against the Coburn amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Florida.

Mr. MARTINEZ. Mr. President, from our side I would like to yield to Senator ISAKSON from Georgia 5 minutes of the remaining 7 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The assistant majority leader is recognized.

Mr. DURBIN. Thank you, Mr. President. I will defer to the Senator from Georgia if he wants to speak at this moment.

Mr. ISAKSON. I will be happy to.

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I rise to commend the authors of this legislation on what they have done. This is an outstanding piece of work. I spent 33 years of my life in the single family housing business. When I got started in 1967, I cut my teeth selling houses on FHA and VA loans. For all those years—and it has now been 40 years—the FHA and VA have served the United States of America well.

The first thing the American public needs to understand is the current mortgage crisis in America is not an FHA problem, from a standpoint of poor underwriting or poor loans. FHA does a good job of underwriting, a good job of servicing, a good job of appraising. They have good standards.

The subprime market problem is an irresponsible lending practice in the conventional market, particularly when it comes to the underwriting. However, because that crisis does exist, FHA is going to be looked to as the savior in many cases. As conventional capital restricts and credit is reduced, it is going to be more important than ever for the FHA to be able to meet those demands.

But during the deliberations of this and during the writing of this bill, Senator SHELBY and Senator DODD did some great things the American public needs to understand. They realized one of the problems in the subprime markets was they were starting to make 100 percent loans—interest only—for 3 or 4 years, with a bullet at the end.

This bill specifically ensures that every FHA loan, every FHA loan that is made will have at least a downpayment of 1.5 percent. So there is not going to be any 100 percent lending. You will have some skin in the game.

Statistically, you always know in the housing business when a borrower has to put equity in a house, it is an insurance policy that loan is going to be paid. That is the insurance that ensures FHA they have a very low risk on the taxpayers' money.

Secondly, this recognizes the rising values in America and raises the cap on the amount of an FHA loan that can be made. This is going to allow FHA to meet a lot of demand that is going to be created by failures in the subprime market.

Another point on the subprime market is, FHA loans have not ever been, nor are they now, subprime loans. They are intended to be loans for those entering the housing system of the United States of America.

My dear friend, the Senator from Oklahoma, is going to offer an amendment later on which I will comment on for a second. He and I have had some discussions on it.

There is a section of the bill that deals with what is known as reverse mortgages, and probably most people in here would not know what that is. But basically that means, if you pay for your house and you want to get in your senior years and you want to draw on the equity and value of that house, then you can take out a mortgage against your house, and instead of making payments every month to pay it off, you receive payments every month up to a percentage of the appraised value of the property.

So for people reaching their latter years or their senior years, who need to be able to supplement their income to exist, they can use the equity in that house to continue to have an income and a cash flow.

FHA can make that loan and insure it. So can the conventional markets. The question the Senator from Oklahoma has is whether the FHA should raise the limit on the number of those loans it makes, which is at $275,000 right now. Talking to FHA, they are at that cap.

There is a provision in the bill that calls on CBO to make a study to determine what that cap should be. But in the meantime, we should not be capping the number of loans. So the bill is appropriate to raise the cap, and it is appropriate to call for the study. I reluctantly oppose the amendment, but I do so mainly because I wish to ensure every American senior who has paid for their home, who has it mortgage free, has the opportunity to leverage that home to have income in their later years, safe and secure by the underwriting process of the FHA.

But I conclude with the way I began: This is a great bill for the United States of America. It is not a reaction to bad practices on the part of FHA, but it is a reaction to say that because of our good practices, because of the capital that is available because of FHA, it is important for us to recognize the demand that will come to us as a byproduct of the subprime market.

I commend Senator CRAPO, Senator SHELBY, Senator DODD, Senator SCHUMER, and all those who have worked on it, and I commend it to my colleagues for a favorable vote.

I yield back.

The ACTING PRESIDENT pro tempore. The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, first, I wish to thank my colleague, Senator SCHUMER from New York, for his leadership on this issue and Senator MARTINEZ of Florida and Senator CARPER, who played an important role in making certain this bill came to the floor. It is timely. It is important.

Back the late 1920s, the United States faced an overwhelming housing crisis. The values of homes were plummeting, and the availability of credit to buy homes was in jeopardy. At that time, President Franklin Roosevelt and others stepped in, in 1932 and beyond, to make a massive commitment to restoring the American dream for thousands, if not millions, of American families.

One of the means by which it was restored was the creation of the Federal Housing Administration. This Government agency stepped into the process of mortgages and said: We will provide backing and guarantee and assurance it is safe to buy a home, and it is safe to loan the money.

That started to restore the confidence of the American consumers in our housing market—a confidence which led to the dramatic expansion of home ownership in America, the expansion of personal wealth, as families invested in their homes and saw their assets grow, and then the investment of the growth of America's communities, neighborhoods, and towns. It is part of the American dream.

Not a single one of us will forget the first home we ever purchased. Moving from being a renter to a homeowner is a watershed in anyone's life. Your feeling about where you live and what you want to put into where you live changes when you become a homeowner.

Now we are involved in another housing crisis. It is a crisis which many want to minimize. But they should not. The fact that 2.2 million Americans face foreclosure is not just your neighbor's misfortune, it is a misfortune for your neighborhood. It is a misfortune for our Nation.

That is why this bill is so important. We are trying to find ways to bring that same type of confidence and liquidity back into the housing market. That is why this bill is timely and should be passed on an emergency basis.

When the Federal Housing Administration, the FHA, steps up and increases the loan limits, it means it is a realistic appraisal of today's housing market, so they are relevant to the needs of average families who pay higher costs now for housing than they did a few years ago. When we reduce the downpayments, it means some families will have their chance to move into a home even earlier in their earning years, rather than waiting and renting and perhaps missing that opportunity.

I am heartened by the fact that this bill includes counseling—not only counseling for the purchase of a home but counseling when a family is troubled and worried about whether they can continue to make their mortgage payments.

All of these are moves in the right direction. I can tell you many think this housing crisis is an isolated crisis in America. It is not. Mr. President, 2.2 million foreclosures will lead to the reduction in value of 44 million single family residences, condos, and other units of home ownership. Forty-four million homes will lose value because of foreclosures. I have seen it on the West Side of Chicago, where gentrificaton and modernization have taken neighborhoods that were nothing more than vacant lots and turned them into town homes and row houses that are worth hundreds of thousands of dollars. Now one of the houses on the block is boarded up, facing foreclosure and an auction, realizing at the auction the asking price is likely to be at least 20 percent to 30 percent lower than the value that was originally assessed on the home. That means every home in the neighborhood takes a hit.

What does it mean when 44 million homes lose value in America? It means 1 out of 3 homeowners in America will see a decline in the value of their home. It is not just the house you are living in, it is also the most important asset in most family's lives. That is why this bill is needed. That is why we need to move forward as quickly as possible.

Let me say, even with this bill, even with Secretary Paulson's proposal 2 weeks ago, these are modest steps that need to be built upon. It is not enough. It is good. I want to see it move. It is important. We need to do more. This housing crisis has become an economic crisis in America, and we need to face it squarely. Franklin Roosevelt did in the 1930s. We need to do that today.

Let me add a word too. I want to change the bankruptcy law so a family facing foreclosure, going into bankruptcy, has one last chance in the bankruptcy court to renegotiate the terms of their mortgage. You can do that today if you take a vacation home into your bankruptcy or your family farm into a bankruptcy. But the law prohibits the renegotiation of the terms of your mortgage for your principal residence. That makes no sense whatsoever. A foreclosure can cost the parties involved up to $50,000. The ultimate sale of the home, after foreclosure, can bring maybe 70 percent or 80 percent of the actual value of the home. Now what we need to do is look at a comprehensive approach to deal with the housing crisis which threatens our economy.

I urge strong support for this legislation.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. MARTINEZ. Mr. President, could I inquire as to the remaining time?

The ACTING PRESIDENT pro tempore. There is 3 minutes remaining for general debate on the bill on the Republican side.

Mr. MARTINEZ. Mr. President, I yield 2 minutes on the bill itself from the time remaining to the Senator from Colorado.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. ALLARD. Mr. President, I thank the Senator from Florida for yielding me the time. I will make my comments very briefly.

First of all, I rise in support of this FHA reform package. I do not think this is the time for us to take choices away from homeowners and consumers. This helps provide additional choices for homeowners with some safeguards.

The FHA reverse mortgage program contains some important safeguards for borrowers such as mandatory counseling and limits on fees that can be charged. For those very rare instances in which reverse mortgages were used as part of a predatory or fraudulent scheme, I support vigorous enforcement against the perpetrators. The problem is with the perpetrators, not with the reverse mortgage program.

The bill also provides some provisions restricting seller-financed home equity plans. There are some provisions which I think are good. There are provisions for the energy efficiency mortgages. I am cochair on the Renewable Energy and Efficiency Caucus, and

I want to seek every opportunity we can to have structures that promote energy efficiency. I think that is a good part of the bill. I thank Chairman DODD and Senator SHELBY, as well as Senator MARTINEZ and Senator SCHUMER, for their work on this bill. I am pleased this reform package also includes title I manufactured housing, which is something I have worked on with Senator BAYH.

So there are some important reforms to be offered on this bill, and I think they are offering opportunities for affordable home ownership. So I am rising in support of this particular piece of legislation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida is recognized.

Mr. MARTINEZ. Mr. President, with the remaining time, I simply wanted to say I think it is wonderful when we come together, Republicans and Democrats, to tackle one of America's problems. The subprime crisis, the loss of home ownership by so many American families, the threat of it, is particularly an acute problem at this time in our history. It is good that in this season of Christmas we have made a downpayment on this problem. The Government will not be able to fix all of the problems out there in the credit community; however, this is a good step, a good first step, and a good bipartisan step.

Senator SHELBY, the ranking member of the subcommittee, has played an integral part of us getting to this point today, and I thank him.

I yield back the remainder of my time.

Mr. SHELBY. Mr. President, I join my colleagues in urging passage of S. 2338, the FHA Modernization Act of 2007.

The Banking Committee has invested a considerable amount of effort and time to reach agreement on this bill.

Legislating can be a difficult process that requires not only patience but also a willingness to compromise. The Banking Committee has been able to compromise in a way that achieves a balanced bill.

The bill makes the necessary changes to the FHA program so that it can meet the needs of today's mortgage marketplace. The bill also provides protections for the American taxpayer who ultimately bears the financial risks of the program.

The end of a legislative session on the eve of an election year can be a very difficult time to reach consensus on just about anything. When we are able to come together, it is incumbent upon us to seize that opportunity and move forward.

With that in mind, I commend Chairman DODD's efforts to craft a bipartisan bill and I encourage all my colleagues, on both sides of the Hill, to support final passage of S. 2338 as passed by the Senate.

The ACTING PRESIDENT pro tempore. All time for general debate has expired.

The Senator from Oklahoma is recognized.

AMENDMENT NO. 3854

Mr. COBURN. Mr. President, I call up amendment No. 3854 and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 3854.

Mr. COBURN. I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 3854

(Purpose: To ensure the cap on Home Equity Conversion Mortgages is not permanently eliminated before a study regarding program costs and credits is submitted to Congress)

On page 20, between lines 18 and 19, insert the following:

(e) EFFECTIVE DATE.—The amendment made by subsection (a)(2)(A) shall not take effect until the study and report required under subsection (d) has been submitted to Congress.

Mr. COBURN. Mr. President, I don't disagree we have to take action to help those people who are in a bind now based on both the economics, as well as probably a pretty severe bubble that has occurred. The real fact is some people are going to lose their homes. I have agreed to this debate, not because I was trying to stop all of the FHA modernization, but because I am markedly concerned that in this component what we are doing has nothing to do with the crisis that we see today, but, in fact, will put the next two generations in obligation for a sum somewhere between $50 billion and $60 billion in terms of reverse mortgages.

Now, the question I would ask, which has not been asked, is where are the metrics to measure the market forces in reverse mortgages in this country? There are none. As a matter of fact, this bill looks at that by asking for a study. But the other intent of the bill is that we ask for a study, but we eliminate the cap which the study is supposed to help us determine.

There are some other concerns the American taxpayer should have, one of which is FHA has what is called a qualified audit. They have two material weaknesses we wouldn't accept from any other corporation in this country in which we would entrust our money or invest our assets. When they are audited, there are two material weaknesses in their ability to control what they are doing, measure what they are doing, and assess what they are doing. We ought to be concerned about that.

We are simply asking with this amendment that before we raise the cap on the noncritical area in the home mortgage market, we, in fact, study to know what we are doing. The idea for the study is great, but the study is going to have limited value if, in fact, we move all reverse mortgages to the Government. That is going to be the ultimate impact of this bill.

The crisis is in the mortgage industry, not the reverse mortgage industry. But we are applying and using that crisis to absolutely ensure that in the future, our children are going to be hooked for the guarantee for all of the reverse mortgages in this country. We are going to limit the private reinsurance equity reverse mortgage in this country by what we do.

I think the other thing we ought to think about as we do this is some "what-ifs." What if we don't get a good handle on this subprime credit and the debt situation that is going on? What if we end up becoming the true guarantor of all of these loans? What if they get to the point where they can't be repaid? It is not going to be the Presiding Officer and me who are going to pay this; it is going to be the next couple of generations.

So this amendment is just designed for prudence. It says, if we are going to study this, let's study it and then make a decision. There is no credible source that says there is a shortage of access of credit for reverse mortgages in this country. It is not in the committee report. It is not in the report. So why are we doing this? Because it works and because people—we are doing it because that is the way everybody will go if you can get a Government-guaranteed loan. The banks make more money on it. It is easier—you evidently have to qualify, but conventional reverse mortgages will go out the window. So what have we done with that? We have shifted the risk for all of the reverse mortgages in this country to our kids. If that was where we had a crisis, then I would be in agreement that maybe we should go there, but that is not where it is.

What we are attempting to do with the FHA Modernization Act is to help those who are in a crisis now. Probably, had we done this 3 years ago, many of the people who are in subprime loans would have been in FHA, and we wouldn't see the extent of the crisis we have today.

So what I would ask is that our colleagues stop for a minute and say: Do we really want at this time to do this? I understand that I am going to be opposed on this by members of the Banking Committee, but I would ask them to show me the data that says there truly is a dent in this aspect of the reverse mortgage market.

Mr. President, I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. SCHUMER. Mr. President, I yield 7 minutes to the distinguished Senator from Maryland.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized for 7 minutes.

Mr. CARDIN. Mr. President, I rise to speak on behalf of thousands of families in my home State of Maryland.

For them, the American dream has turned into a nightmare.

I am referring to the phenomenon called the "credit crunch," the "mortgage meltdown," or the "subprime crisis."

Regardless of which name we choose to attach to it, the situation threatens to upend the financial stability of individual homeowners and neighborhoods.

The latest projections show that, nationwide, millions of Americans may lose their homes, and the ripple effect on our economy will be felt by all.

There may be no more powerful symbol of the American dream than home ownership.

For most American families, their largest asset is their home, and it serves as their primary tool for building wealth.

Buying a home ranks among the top motivations for saving. Owning a home gives a family a stake in their communities. It provides a hedge against an inflationary rental market; it provides tax benefits; it provides a source of revenue for emergency expenses, and it provides security in old age.

In our communities, higher levels of home ownership improve the appearance and stability of neighborhoods, and result in better schools, more civic participation, and lower crime rates.

Many public and private entities have committed their energies to increasing home ownership. Much progress had been made, with the rates of home ownership among every racial and ethnic group of Americans reaching new highs every year since 1995.

That is precisely why the crisis that is spreading through our Nation is so alarming.

The Mortgage Bankers Association has just released its National Delinquency Survey for the second quarter of 2007. Rates of mortgage delinquency have reached their highest point in twenty years. Foreclosure rates are at the highest level ever.

It is now estimated that up to 2.2 million Americans who took out subprime mortgages between 1998 and 2006 could lose their homes during the next 2 to 3 years.

As the fallout from this situation continues, we are learning more and more about the factors leading to the crisis. One key factor is the category of loans known as "subprime."

Subprime loans usually have interest rates 3 percentage points or more higher than prime loans, which are typically offered to applicants with credit scores of 650 or higher. Subprimes can be either "fixed rate" loans, where payments stay the same over the life of the loan, or they can be adjustable rate mortgages, known as ARMs.

ARMs come in many forms: some begin with very low "teaser" rates that then rise steadily as prime interest rates increase. Others, such as 2/28 loans, offer very low rates for a brief period, and then reset sharply higher, regardless of the prime interest rate, for the remaining term of the loan. Many borrowers choosing those loans were told that because their homes were certain to increase in value, they would be able to refinance later and get better terms before their interest rates rose.

They assumed that the rapid escalation of prices that occurred in the first part of this decade would continue. I have heard from borrowers who took out 2/28 or 3/27 loans erroneously believing that as long as prime interest rates remained low, their own mortgage rates would also. They are now facing huge increases in their monthly payments, some as much as 40 percent higher.

Some borrowers are also facing foreclosure because they could not afford the third or fourth year payments, and were not able to refinance because of missed payments or because the value of their home was less than the outstanding debt. Many regret ever purchasing a home and blame themselves for entering into a raw deal. But a 2005 Federal Trade Commission study showed that many borrowers did not understand the costs and terms of their own recently obtained mortgages. Many had loans that were significantly more costly than they believed, or contained significant restrictions, such as prepayment penalties, of which they were unaware.

For a while, as problems became evident in other areas of the county, such as Florida and Nevada, analysts said that the Washington metropolitan area and the surrounding region would not be affected. They said that the presence of the Federal Government as a major employer and associated contracting opportunities would prop up housing prices and sustain the market. It didn't turn out that way. This area is now very much affected by the mortgage mess. Northern Virginia is experiencing some of the sharpest declines in home values in the Nation.

The Mortgage Bankers Association has reported that 24 States have already seen decreased revenues directly attributable to changes in the housing sector. This is for two reasons: first declining home values have led to reduced property tax revenues. Second, fewer sales have resulted in lower revenues from transfer taxes—the fees that are paid when homeownership is transferred from sellers to buyers.

Maryland is one of those 24 States. Let's look at what is happening in Maryland.

The top chart shows the percentage of loans that are seriously delinquent in Maryland and in the United States. Seriously delinquent loans are more than 3 months delinquent or in the process of foreclosure. The percentage of prime loans is relatively small—under 2 percent. But in the subprime category, the rates are much higher—for fixed rate loans, it is more than 4 percent in Maryland and nearly 6 percent nationwide. For subprime ARMs, it is nearly 8 percent in Maryland and more than 12 percent nationwide.

This tells us that nearly 1 in 15 Maryland mortgage holders with a subprime loan are in imminent danger of losing their homes. For borrowers with subprime adjustable rate mortgages, the rate rises to nearly 1 in 10.

The bottom chart shows how the situation has worsened over the past 3 years in Maryland with respect to delinquent loans. These are loans that are 30 to 60 days past due with no payments being made. Since the fourth quarter of 2004, the rate of delinquent prime loans has increased marginally from 1.7 percent to 2.06 percent. But the rate of delinquent subprime loans has increased by more than 50 percent—from 8.56 percent at the end of 2004 to 13.76 percent today.

If no comprehensive plan is put into effect to address this problem, these loans will become seriously delinquent and lead to foreclosure.

Foreclosures affect entire neighborhoods, as the repossessed homes often stay vacant for extended periods. Some are boarded up, the lawns go untended, the neighborhoods become undesirable places to live, and the value of the surrounding homes is depressed.

According to the Center for Responsible Lending, in 2005 and 2006, 186,000 subprime loans were issued in Maryland. They accounted for nearly one-third of all home loans originated in the State during those 2 years. It is projected now that because of ballooning interest rates that borrowers will not be able to afford, more than 38,300 Maryland homes will be lost to foreclosure.

This phenomenon is hitting hardest in the communities least able to weather the storm. Some groups—African Americans, Latinos, and the elderly—are disproportionately affected.

In recent years, minorities have markedly increased their rates of homeownership, helping to increase wealth and improve economic stability.

These gains are now very much at risk.

This is because statistics show that nationwide in 2005, more than 54 percent of loans to African Americans and 46 percent of loans to Latinos were subprime loans.

But minorities did not necessarily receive subprime loans because of lower credit scores or lower incomes. Five years ago, the Center for Community Change, a nonprofit consumer advocacy group, issued a report entitled, "Risk or Race?" It demonstrated that subprime lenders target minority communities and that African Americans and Latinos pay higher loan rates than Whites with similar incomes.

When it comes to buying a home, when incomes and credit scores were the same, African Americans were 3.2 times more likely than Whites to get a higher rate loan. Latinos were 2.7 times more likely to get a higher rate loan.

When it comes to refinancing, African Americans were 2.3 times more likely than Whites to get a higher rate loan, and Latinos were 1.6 times more likely.

Here's something that is even more surprising: the disparity between Whites and minorities increases as incomes rise. Minorities with higher incomes are more likely than those with lower incomes to be offered a higher rate loan.

So minorities are more likely to have subprime loans, and subprime loans are more likely to go into foreclosure, now at alarming rates.

On average, minority households have median net worth that is less than one-tenth that of White households. Of the wealth that African Americans and Latinos possess, two-thirds is in home equity. So the mortgage crisis is placing not just homes, but also the economic stability of minority communities, in serious jeopardy.

This crisis will have a profoundly negative effect on the future of these communities.

An article earlier this week in the Washington Post featured Caprise Coppedge, who works as a housing counselor at United Communities Against Poverty in Capitol Heights, MD. Capitol Heights sits right on the border between Washington, DC, and Maryland in Prince George's County. Ms. Coppedge spoke of the increased volume of people coming to her for relief, most directly as a result of mortgage problems. She said that her caseload of people who need help with mortgage payments has increased from one person a week to three a day. She said, "There's been a shockingly sharp increase of people in need of help in the past 6 months. It's unreal." Last year, her caseload consisted primarily of renters behind in their payments, and the rare homeowner who fell behind in payments had experienced job loss or some other infrequent event.

She continued, "Then in midsummer, we felt the tide turning. People started trickling in. First they came in to express concern about their loans and gathered information. Then by September, everything picked up speed and suddenly, people were telling us they were behind on their mortgages."

The Post reported that in Prince George's County, 127 out of every 10,000 homes are in foreclosure. It is the highest rate in Maryland and one of the highest in the region. There are now approximately 57,000 subprime loans being serviced in Prince George's County—41 percent of all loans in the county. Federal Reserve Data compiled by the Consumer Federation of America showed that 43 percent of people buying homes in Prince George's County in 2005 used high-cost loans, compared with 20 percent in the region overall.

Similar trends are evident in Baltimore City and Montgomery County. These are the areas that have the most to lose as the subprime crisis deepens.

Prince George's County Executive Jack Johnson has pledged $10 million in foreclosure assistance to help keep people in their homes. This effort will help many families, but the magnitude of the problem demands resources that only the Federal Government can bring to bear.

Finally, there is another set of statistics that should raise the antenna of every Senator. Conventional thought has always held that your credit score affects your mortgage rate.

For fixed-rate loans, the highest FICO scores translate to the lowest interest rates and the lowest monthly payments. However, Fannie Mae, a government-sponsored loan buyer, has estimated that up to half of subprime borrowers actually had credit ratings that could have qualified them for prime rates. Another study by First American Loan Performance, a San Francisco research firm, says that this proportion reached 61 percent in 2006.

How could this have happened? There are many factors involved: I will mention just a few: lack of consumer education; the brokerage industry; the advertising industry; and predatory lending, which I have already discussed.

First, the lack of consumer education: a Mortgage Banker Association survey from 10 years ago indicated that nearly one-third of homebuyers never met with anyone except their real estate agent when they bought a home. The numbers may have changed somewhat, but the extent of the current crisis suggests that the picture may have not changed much.

A more recent borrower survey by the Mortgage Bankers found that half of borrowers who had purchased a home in the previous 12 months couldn't recall the terms of their mortgage.

Second is the brokerage industry: There is a term called "yield-spread-premium," or YSP. Simply put, it is the amount that mortgage brokers are paid by lenders for originating a loan.

Some brokers have reportedly received up to 5 points for every subprime loan they originate—that works out to $10,000 on a $200,000 mortgage. On a prime loan, the margin is about one percent, or $2,000. The Wall Street Journal reported that a March 2007 rate sheet from New Century Financial Corporation told brokers they could earn a "yield spread premium" equal to 2 percent of the loan if the borrower's interest rate was an extra 1.25 percentage points higher than the listed rates.

The tiny print at the bottom of the document read, "For Wholesale Use only. Not for distribution to the general public." New Century Financial is now in bankruptcy protection and no longer issuing subprime loans.

Where do the extra payments to the broker come from? They are financed by charging the borrower a higher rate. So the monetary incentives are in place for brokers to steer would-be borrowers to the riskiest and most costly loans. About 70 percent of subprime loans are originated by mortgage brokers who get paid with these YSPs.

Third, even with the intense media attention paid to this crisis, you can still open any newspaper and see advertisements for new housing developments. The developers are offering balloon mortgages that are more likely to lead to foreclosure for many borrowers. Also in many community papers you will find ads from subprime lenders touting how borrowers can get loans with no documentation of income, no down payments, and little or no credit history.

The crisis is national and we need a national response. The President and Treasury Secretary Paulson have put forth a proposal that is voluntary and, by many estimates, will help only about one in five of the subprime borrowers whose rates are set to increase over the next year. It is limited to borrowers who took out loans only since 2005 and only those with lower credit scores who are up-to-date on their payments.

Residents of heavily affected counties in Maryland and many other counties across the Nation would no doubt say that a more comprehensive and inclusive solution is required. Several bills have been introduced in the House and Senate, including S. 2338, the FHA Modernization Act, which we are considering today. This measure will increase the FHA's loan limits for single families to 100 percent of the median home price in an area, up from 95 percent, and it will reduce the FHA's down payment requirements from three to 1.5 percent. This bill will also authorize $200 million for foreclosure-prevention counseling for low- and moderate-income homeowners who are having trouble making their mortgage payments. I support the reforms included in this bill and I look forward to working with my colleagues on additional solutions.

We must work to repair the damage that has been done, and change the laws so that prospective homebuyers can secure affordable and fair loans. People in our communities are looking to us for leadership and we must provide it. The sooner we act, the more families' dreams will be preserved.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Florida is recognized.

Mr. MARTINEZ. Mr. President, we have reached an understanding to use the remaining time. At this time, I yield, in opposition to the amendment, 8 minutes to Senator CRAPO.

The ACTING PRESIDENT pro tempore. Off whose time?

Mr. MARTINEZ. Off the time in opposition.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. MARTINEZ. It will go back to the remaining speakers on the Democratic side.

Mr. CRAPO. Mr. President, I rise in opposition to the Coburn amendment. This amendment calls into question how we are going to modernize the FHA reversion mortgage program, often called the HECM, or home equity conversion mortgage program. I have long been a supporter of the program, and I have worked with a number of members of the Banking Committee, a bipartisan group, to remove the volume limit on the amount of reverse mortgages the FHA may insure. I especially thank the other Senators who have worked on this: Senators DODD, SHELBY, REED, and ALLARD.

I understand the concerns my colleague from Oklahoma is raising about the need to further understand and be able to evaluate the development of the reverse mortgage industry.

Although I support the report that is in the bill that will help us to do that, it is very important to understand why this amendment is the wrong approach to getting a better handle on understanding reverse mortgages.

There has been a cap imposed on the number of reverse mortgages that can be issued by the FHA and by HUD. That cap has already been reached. So if we don't lift the cap while we are conducting the study, the program essentially terminates.

The reason we must not allow that to happen is the very reason the Senator from Oklahoma has been talking about: We need to have further ability to study and evaluate this program and refine its effectiveness. That is what the study is in place for. We need a program for the study to continue to be effective.

What does the report that we included in the bill do? It requires that the GAO help Congress analyze and determine the effects of limiting the amounts of the costs or fees under the program from the amounts charged under the program as of the date of enactment. It goes through a number of requirements; for example, requiring that we focus on the cost to mortgagors for participating in the program, the financial soundness of the program, the availability of credit under the program, the cost to the elderly homeowners under the program, particularly evaluating mortgage insurance premiums charged under the program, the upfront fees, and the margin rates charged under the program.

I went through that on purpose because I think it is important that we understand there are issues here about reverse mortgages that we are studying. But the issues right now focus most significantly on making sure that the elderly who are participating in this program don't pay significantly high or overly high upfront fees.

The program is very successful in terms of protecting the taxpayer. Over the next 5 years, it is estimated that not only will this program not cost the taxpayers any money, it is estimated to generate about $1.5 billion in revenues to the Treasury over the next 5 years because of the fees that are being charged as these mortgages are entered.

I think it is important to note, because it is going to be critical for the future of this program, and understand what the level of these should be, what the level of the mortgage premium should be, and have the ability to work effectively as we move forward in refining the program.

A reverse mortgage is a unique loan that enables a senior to remain in their home and to remain financially independent by converting part of the equity in their home into tax-free income, without having to sell the home, give up title, or take on a new monthly mortgage payment.

The reverse mortgage is aptly named because the payment stream is reversed. Instead of making monthly payments to the lender, as one would do with a regular mortgage, the lender makes payments to the homeowner.

This HECM program was created to serve our seniors who are "cash poor" but "equity rich." They need to have a cashflow and they have significant equity in their home that they have built up over the years. The majority of the recipients are elderly widows. The funds from a reverse mortgage can be used for anything, such as daily living expenses, home repairs or modifications, health care expenses, prescription drugs, in-home care, existing debts, prevention of foreclosure, or any other needs that the elderly may have.

As reverse mortgages have become more understood and the real-life success stories have been told, this HECM program has grown. There is a significantly increased interest in it. Clearly, this sector of industry is going to continue to grow as baby boomers get older and the consumers' acceptance and understanding of the program increases. Increased lender participation led to competition that has already resulted in mortgage fee reductions across the country.

The point I am leading to here is simply this: This is a program we must not stop dead in its tracks by simply reimposing the cap. It is critical that the legislation we put together that lists the cap, while we are conducting this study, makes sure that we better understand how to approach defining the level of support for the program and that it is able to continue. Rather, what the amendment would do is simply reimpose the cap and essentially stop the program. There would be nothing further to study then, because the program would be ended.

I think we can all agree we need to develop these kinds of unique and helpful programs for those in our country who have reached the point in their lives where they have significant equity but don't have the cashflow they need to meet their critical life needs. This program is one that helps them in a way that preserves their dignity, their ability to live in their own home, and assures that they have an opportunity for a cashflow that will enable them to live out their lives in a way that doesn't put them in a position of constantly wondering how they are going to make next month's payments.

With that, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. SCHUMER. Mr. President, I yield 3 minutes to the Senator from Missouri.

Mrs. MCCASKILL. Mr. President, I am very interested in this legislation. I do support the bill. I think the reverse mortgage is an important tool for many elderly in order to live out their days with basic needs.

However, this week, with the assistance and support of Senator KOHL, the chairman of the Aging Committee, I was given the opportunity to chair a hearing on reverse mortgages, where, frankly, I was shocked to learn some of the predatory practices that are going on. Senator CRAPO is exactly right; there are, in fact, mostly elderly widows who are accessing these reverse mortgages. That is why it is so important that we protect them with counseling and with aggressive oversight and that the predatory marketing that is now beginning to go on is brought to a close.

I will give some examples. Some very bad companies are now advertising: Come sell reverse mortgages and, by the way, you can double your commission if you sell an annuity at the right time.

We heard testimony from a family where, in fact, an elderly widow who had a home equity line of credit had money in the bank, was brought into the confidence of a salesman, who then ended up selling her a reverse mortgage she didn't need and a deferred annuity she didn't need, and she was over 80 years old. It was a tragedy. We have to make sure the counseling being given—by the way, the counseling being given now is being paid for by the lending industry, because HUD only gave $3 million for counseling—$3 million. We are talking about a program that will generate about $1.7 billion under this bill for the Federal Government, and more than $3 million is needed to help the elderly widows understand what is going on. $3 million is outrageous.

There is a piece of legislation I will introduce, along with Senator KOHL, that I will, I hope, have an opportunity to add to this bill before it gets to the President. It is going to do some important things. It is going to raise the amount of money for counseling to cover the need, only about $24 million a year. It is going to make sure that counseling is independent and that, in fact, these people getting the counseling are assessed as to whether they are suitable for a reverse mortgage. Many of the elderly are not suitable for it, and they are going to get themselves into a trap they cannot get out of.

The other thing is making sure that we build a wall between the deferred annuity salesman and the people who are selling reverse mortgages. It is unconscionable that these salesmen might prey on these elderly people and sell them complicated financial products they don't need.

I support the bill. I think the amendment Senator COBURN offered—I get what he is trying to do and I appreciate it. I think we need to pass this bill with these important safeguards in place, it is my hope they are added before the President signs.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, it is interesting. I will ask a couple of questions. Where is the study that shows the Federal Government ought to be in the reverse mortgage market? It is not there. Where is the study that shows what will happen to the private mortgage market? It is not there. So what we are doing is moving all reverse mortgages and the obligations thereof to our kids.

We ought to let private markets work some. We ought to create that ability. We are going to eliminate that ability. There is no question that reverse mortgages are advantageous for a lot of people. As you heard, there are going to be people preying on widows out there, saying: Here is the FHA, and I can sell you this annuity if you want to reverse mortgage your home. There is not going to be any balance on that.

So we are going to shift an entire industry, which should be private, with FHA reserve, for those who need it to help them, to the Government. The long-term consequence by the auditors' report is that it is going to be $45 billion that is going to get shifted to debt to our kids. That is the exposure there.

I am not against reverse mortgages. I am not against us trying to do everything we can in terms of the real crisis out there, which is associated with the subprime mortgages. This is a totally different category. What we are doing is expanding a program, unlimited. What if the GAO report comes back and says you should not do that, there is a market out there? Every banker in this country, if you give them an option of a conventional mortgage or an FHA-guaranteed mortgage, is going to go to the FHA. What will happen? There is a lower qualification for it. They make more money off of it. Consequently, we are going to direct a whole industry into a Government-backed program by what we are doing in this bill.

I am not even opposed to reverse mortgages through FHA. I am opposed to us overreacting and creating only one market, taking the private market totally out of it and putting our kids on the hook for it.

Nobody answered the questions about FHA in their audit. No large corporation would still be on the New York Stock Exchange, NASDAQ, or any other exchange, if they had three significantly qualified areas to their financial statements. They have two of the three that are material weaknesses, inability to even watch the programs we have. We are going to ignore all that today. I understand that. We are going to ignore the fact that there are no metrics, no study to tell us what we are doing is right. But we are going to do it.

Somebody has to protect and think about the future. So this amendment is common sense. It says, wait—we can wait a short period of time; it will not take GAO all that long. What is the pressure on this? The pressure is the money generation. We are going to collect $1.5 billion from these same elderly people in insurance, who are going to be scammed by people who will sell them annuities. So they are going to get less money out of their reverse mortgage than they would have gotten in the private sector. They are going to get less. And then we are going to say we did something.

I am surprised it has not been raised, but what we are doing is a credit card scam. We are being the credit card scam. We are going to enable people to get scammed. We don't know what we are doing. The study is important to do.

I will work with the authors of the bill to raise the cap somewhat, but to raise it unlimited, never to have a cap regardless of what the GAO report says? When are we going to come back and fix it? What if they say: You shouldn't be doing this; maybe this ought to be in the private market. There isn't a need for our children to take on the additional risk of these reverse mortgages.

What are we going to do? There is no mechanism for what we are doing in the FHA Modernization Act if that comes to fruition. The reason for the amendment is to pause and ask the question: Where are the metrics that say we need to do it? Where is the market failure that says the Federal Government ought to be doing it?

This was a pilot. We are now converting a pilot into a full-grown program. Shouldn't we know what we are doing? Shouldn't we assess whether there is a true market failure in reverse mortgages before we do this? No. 2, shouldn't we consider some of the safeguards for a lot of the people who are going to be taken advantage of through this program? Finally, No. 3, with our debt growing $1 million a minute, $1.3 billion a day—and every child now who is born in this country is inheriting $400,000 in unfunded liabilities—do we have an obligation to be maybe a little more prudent and say: Wait a minute, let's fix the subprime, but let's be more prudent on this issue until we really know what we are doing.

I understand it is a good idea. For me, it will be great when I retire. I probably will do a reverse mortgage. But we don't know what the markets are. We don't know where they are. And we don't know the 5-year future right now, especially given the subprime crisis in front of us, and we are going to add more to that?

What if somebody comes to their elderly mother and says: I want you to do a reverse mortgage on your home so I cannot default on my private one? Is that why we are doing this? Or what if somebody says: I want to sell you the best thing you ever had; I am going to give you an annuity. Sounds good. You have a home, you are an elderly female, no husband, and you buy it, only to find out later you could have bought an annuity that would have given you $300 or $400 more a month if you had been in the private market with checks and balances rather than be scammed.

I ask unanimous consent to have printed in the RECORD a summary of the independent auditors' report—Urbach Kahn & Werlin—from this past year on the Federal Housing Administration.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INDEPENDENT AUDITORS' REPORT

Inspector General—United States Department of Housing and Urban Development

Commissioner—Federal Housing Administration

We have audited the accompanying consolidated balance sheets of the Federal Housing Administration (FHA), a wholly owned government corporation within the United States Department of Housing and Urban Development (HUD), as of September 30, 2007 and 2006, and the related consolidated statements of net cost, changes in net position, and the combined statements of budgetary resources (Principal Financial Statements) for the years then ended. The objective of our audits was to express an opinion on these financial statements. In connection with our audits, we also considered FHA's internal control over financial reporting and tested FHA's compliance with laws and regulations that could have a direct and material effect on its financial statements.

SUMMARY

We concluded that FHA's Principal Financial Statements are presented fairly, in all material respects, in conformity with accounting principles generally accepted in the United States of America.

Our consideration of internal control over financial reporting resulted in the following matters being identified as significant deficiencies: A risk assessment and systems development plan are needed for FHA's Home Equity Conversion Mortgage systems and transaction controls; HECM credit subsidy cash flow model needs improvement; and FHA system security controls need to be strengthened.

We consider the first two findings to be material weaknesses. We found no reportable instances of noncompliance with laws and regulations.

This report (including Appendices A through D) discusses: (1) these conclusions and our conclusions relating to other information presented in the Annual Management Report, (2) management's responsibilities, (3) our objectives, scope and methodology, (4) management's response and our evaluation of their response, and (5) the current status of prior year findings and recommendations.

Mr. COBURN. Mr. President, I remind my colleagues, the FHA has significant problems if they cannot pass an audit. That has not been addressed in this bill at all in terms of the audit defects FHA has.

I reserve the remainder of my time and ask how much time is remaining?

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma has 17 minutes remaining. Opponents to the Coburn amendment have 9 minutes remaining.

Mr. SCHUMER. Mr. President, I yield 4 minutes to a distinguished member of the Banking Committee, the Senator from Delaware.

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized.

Mr. CARPER. Mr. President, I thank the Senator for his leadership on this issue to bring us to this day and my friend from Oklahoma who offered the amendment before us. He raises a good point, and it is one that should be addressed in the conference to follow. My hope is that some of the concerns he raised will be addressed. I don't know that his amendment will be approved today, but the points he made are not without value.

We have had FHA for 70 years. The reason we have it is because in the Great Depression, we realized we needed to encourage home ownership in this country, and we still do. For many years, FHA was the go-to guy, if you will, for folks who had marginal credit, maybe were not homeowners, were first-time homeowners and they needed help to get them in position to qualify for loans and become homeowners.

There are all kinds of virtues that flow from home ownership. I will not get into them all. They are many and valid.

In recent years, we have seen people who normally would have gone to the FHA, first-time home buyers or people with marginal credit, to get a guaranteed home loan—in recent years, instead of 15 percent of American loans being purchased through FHA mortgage, we see the trend down. Today, it is roughly 5 percent. That difference is 10 percent of the people. A lot of people have gone to subprime lenders. A lot have gone to mortgages that, frankly, in the long run don't make sense. They might get a teaser rate the first couple of years of 3 or 4 percent and then see the rate go up to 7 percent, 8 percent, or 10 percent and find themselves in a mortgage vehicle they cannot get out of because there is no ability to escape.

We need to get that 5 percent of loans, home mortgages guaranteed by FHA, back up closer to 15 percent. We are not going to do it with the FHA of the 20th century. We have to bring the FHA into the 21st century. That is what we do with this legislation. We bring it into the era in which we live today.

I wish to mention a couple of the changes that are made possible with this legislation. Among them is loan limits. Today, it is about $365,000. They are going to go up to roughly $415,000 to reflect the change in the marketplace.

The downpayment FHA required of home buyers for years is 3 percent. If you buy a home for $200,000, the downpayment is $6,000. We cut that in half to 1.5 percent. So the downpayment for a $200,000 house will be about $3,000 to make home ownership within reach.

Also, the legislation removes the caps on reversible mortgages from currently $150,000 to really to no cap. We are going to consider that and we should consider that in conference, I hope with the input from the GAO.

Finally, the bill creates—and I think this is important and speaks to the concern raised by Senator McCASKILL—it creates a prepurchasing counseling program.

I am convinced it is not strong enough. Senator McCASKILL authored legislation—and I suppose some of us will join her in sponsoring that legislation—to strengthen this provision to make sure, if you or I qualify through FHA, we want to make sure the folks going to the FHA making that loan are getting the kind of counseling they need and not somebody who is there to set them up and take advantage of them.

This is not the only step we need to take to get us through the subprime lending morass for home mortgages. The Paulson freeze announced last week is a good idea. Interest rates would be frozen for 5 years for folks in these adjustable rate mortgages that are about to reset and raise the rates. That is a good first step. This is a good second step.

A good third step is to ban predatory lending practices. Legislation passed the House and is about to be considered in the Senate.

Last point. This is what Senator SCHUMER and I are interested in: GSA reform. That is the last piece. It would include a low-income affordable home program too.

The ACTING PRESIDENT pro tempore. The Senator's time has expired. Who yields time?

Mr. SCHUMER. I yield 3 minutes to someone who has been a genuine leader on this issue, a cosponsor of this legislation—just like you and me, Mr. President—on subprime counseling, the Senator from Pennsylvania, Mr. CASEY.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. CASEY. Mr. President, I thank Senator SCHUMER for his leadership on these issues. I rise today, like so many this morning, to talk about something we refer to by way of acronym. In case someone is just tuning in, when we are talking about FHA, we are talking about the Federal Housing Administration. We are talking about home ownership, the dream of home ownership which is so much a part of the American dream, and today we have an opportunity to pass legislation, a modernization bill for the FHA, which will reform FHA lending programs to make them a more viable alternative for borrowers looking to purchase or to refinance a home.

By way of history, back in the depths and the darkness of the Depression in 1934, a single-family FHA mortgage insurance program was created to help spur the housing market and increase home ownership—just what we are trying to do today in 2007. FHA made the low-downpayment, 30-year fixed-rate loan the standard product of the United States and has traditionally played a role in providing home purchase financing to minority, first-time, and lower income home buyers.

This bill does a number of things. We have heard them, but I will go through the list again briefly.

First, increasing loan limits. This is so important at this present time to help the middle class of America.

Second, this legislation streamlines the borrowing process to make it faster and more efficient. Everyone here has been through the process of borrowing money. It is complicated enough. Anything we can do to streamline that will help consumers and future homeowners.

Third, it increases prepurchase counseling for borrowers so they know how much they can afford before they buy a home. This is a part of the subprime crisis. Not nearly enough attention and resources are dedicated to counseling. This legislation helps in the context of the FHA counseling homeowners.

Finally, it improves and expands the availability of reverse mortgages so that older citizens can stay in their homes longer and safely tap into the equity they built up in their home.

I don't need to go into the details of the subprime crisis; we all know about it. Senators BROWN, SCHUMER, and I authored legislation, the Borrowers Protection Act. We also have money in the budget the President is talking about vetoing, $200 million for counseling. It will be a big mistake for the President to do that. But this modernization bill of our housing programs is focused on home-ownership preservation and providing borrowers with responsible, stable alternatives to subprime mortgages.

We know we need other alternatives. Right now, the credit markets across the country and across the world remain tight, and even borrowers with good credit are having a hard time borrowing. So this bill provides realistic alternatives for hundreds of thousands of borrowers right at the time they need it.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CARPER). The Senator's time has expired. Who yields time?

Mr. SCHUMER. Mr. President, does my colleague from Oklahoma wish to speak?

The PRESIDING OFFICER. Those in favor of the amendment have 17 minutes. Those opposed have 1½ minutes.

Mr. SCHUMER. Mr. President, may I ask unanimous consent to borrow a minute and a half from my colleague from Oklahoma?

Mr. COBURN. In my normal magnanimous state, I would normally be happy to do that and will do that.

Mr. SCHUMER. I yield 3 minutes to the Senator from Ohio.

Mr. BROWN. Mr. President, I thank Senator SCHUMER, and I thank Senator COBURN for always being generous with his time. I thank the Senator from Delaware.

Over the past few years, our country's problem has not been lack of credit; it has been too much bad credit, too many unscrupulous opportunists looking to take advantage of a situation. Nowhere is that more true than in the State of Ohio. As State and Federal regulators ignored the problems, predatory lending mushroomed. We have the highest rate of foreclosed homes in the country. Whole neighborhoods have been devastated because of foreclosures. It is not an isolated event. When homes are foreclosed, they affect the value of homes nearby, the crime rate, city tax revenues—the entire fabric of Slavic Village, Garfield Heights or Cincinnati or all over the State. These communities stretch across my State. Of the 30 cities hardest hit in the Nation, 6 are in Ohio.

By providing loans program at a fair price, the FHA program can give tens of thousands of families an alternative to the decidedly unfair loans they are caught in today. We need to act quickly, as Senator SCHUMER and Senator MARTINEZ said. We need to work out our differences with the House. We need to get this legislation to the President.

Every day in Akron, Cincinnati, Cleveland, Dayton, Columbus, and Toledo, in addition to smaller cities in Ohio, 200 families in Ohio lose their homes. Every month, thousands and thousands of these predatory loans are resetting at rates that will quickly become unaffordable to more and more families.

This legislation, needless to say, is only part of the solution. We need to do several things. We need to ensure that additional resources for counseling, as Senator CASEY and Senator SCHUMER worked so hard on and that were included in the housing appropriations bills, are signed into law. We need to enact reasonable protection for borrowers so they are not preyed upon when it comes time to refinance loans. We need to change policies, as Senator GREGG, Senator STABENOW, and Senator VOINOVICH said, so families forced to sell their homes at a loss do not find themselves slapped with a tax bill. We need to change our bankruptcy laws, as Senator DURBIN advocated, so that homeowners have the same rights in bankruptcy as vacation homeowners do. And we need to champion the interests of homeowners.

Next week, the Federal Reserve will consider and I hope adopt rules to strengthen the protection against deceptive mortgage lending practices. I commend Senators DODD, SHELBY, SCHUMER, CASEY, and all those who have worked hard on this legislation and want to take further steps to deal with this problem better than we have.

I yield the floor.

Mr. FEINGOLD. Mr. President, I am pleased to support the FHA Modernization Act of 2007, and I hope the House and Senate can quickly work together to get this legislation to the President. This bill is a good first step to helping address both housing affordability issues and problems in the subprime lending industry. I look forward to monitoring the legislation's implementation to ensure that the FHA reforms truly benefit low-income and middle-income homeowners.

The rising rate of foreclosures and its broader impact on the nation's economy is a serious issue that requires the involvement of all levels of government as well as both private and nonprofit organizations. Subprime lending and rising foreclosure rates are complicated issues to unravel and any response, whether legislative or regulatory, will bring with it a set of consequences, some intended and some unintended. We need to examine a variety of responses to the rising foreclosure rates and their consequences, including providing more housing counseling for borrowers and more effectively regulating lending practices to prevent some of the unscrupulous practices that have occurred. Some of the more egregious lending practices include high rates of predatory lending in minority communities, steering borrowers into subprime mortgage products even if the borrowers qualified for more conventional loans, and not ensuring that borrowers fully understood the terms of subprime loans.

I was disappointed that the Senate FHA Modernization Act did not contain a provision directing some of the revenue realized by the FHA bill into an affordable housing fund as the House FHA reform bill did. I hope that conferees will work hard to find a fiscally responsible way to direct some of the increased revenue from the FHA bill into a national affordable housing trust fund. I also hope that Congress can pass stand-alone legislation creating a national affordable housing trust fund in the coming year.

The creation of more affordable housing through a national affordable housing trust fund will also help to alleviate the affordable housing crisis we are facing throughout the country. Local communities around the country are creating such trust funds, including in my state of Wisconsin. Congress needs to act promptly so that a national affordable housing trust fund can complement the good work going on in states and local communities throughout the country.

Earlier this year, I introduced legislation, the Affordable Housing Expansion and Public Safety Act, which contained provisions designed to assist low-income Americans in affording safe and adequate housing, including authorizing 100,000 new Section 8 vouchers, authorizing new targeted funding for the HOME program, reauthorizing the Public and Assisted Housing Crime and Drug Elimination Program, and calling on Congress to create a national affordable housing trust fund. I hope that Congress can take a step toward the creation of such a fund by including a provision in the FHA reform bill conference report to dedicate a fiscally responsible revenue stream toward such a national affordable housing trust fund.

This Nation faces a severe shortage of affordable housing for our most vulnerable citizens. Shelter is one of our most basic needs, and, unfortunately, too many Wisconsinites and people around the country are struggling to afford a place to live for themselves and their families. As Congress continues to take steps to deal with affordability issues, rising foreclosure rates, and reform of lending practices by banks and mortgage brokers, we need to ensure that any such reforms benefit those Americans most in need.

The PRESIDING OFFICER. Who yields time?

Mr. COBURN. Mr. President, how much time remains?

The PRESIDING OFFICER. There is 16 minutes remaining.

Mr. COBURN. Mr. Speaker, I yield 3 minutes to Senator MARTINEZ in opposition to my amendment.

Mr. MARTINEZ. Mr. President, I thank the Senator from Oklahoma for being magnanimous even with his own colleagues. I appreciate it very much.

I understand the concerns of the Senator from Oklahoma. Anytime we are looking at an expansion of a Federal Government program, it gives one pause. Having been the Secretary of HUD, I understand that. But I must say it is important for folks to understand when we talk about any burden on the Federal Government, this is a program that is an insurance program, and since 1934 has never lost a dime of the American taxpayers' money. In fact, it has a surplus today of over $20 billion.

What they do at FHA is look at the risk in the mortgage. Then they will insure it accordingly and the mortgagee pays a premium accordingly. The same takes place in the reverse mortgage. HUD facilitates a larger reverse mortgage program through the FHA's home equity conversion mortgage, which is an industry leader, accounting for 90 percent of all reverse mortgages. So when we talk about the private sector, today, out of 14 million mortgage transactions in 2006, only 100,000 were reverse mortgages, of which 90 percent were handled by the FHA. That has the Good Housekeeping Seal of approval.

The problems the Senator from Oklahoma talks about occur on that 10 percent in the private market. The HUD-insured, FHA-run HECM Program is one that allows a certain amount of comfort to those elderly who seek to have a reverse mortgage. There have been instances of predatory practices. Although these have generally not been a problem with the HUD mortgages, we always must be vigilant of those, and I support efforts to try to curtail any predatory practices.

What we are looking to do is make positive changes that will enhance the product availability but, more importantly, lower the cost going forward to America's elderly who seek to use this program. It will help us to better understand the evolving financial needs of seniors. I am proud this bipartisan legislation is something that will help America's seniors.

Reverse mortgage programs are an important tool used by many Floridians. In fact, in the last fiscal year alone, Florida witnessed a 116-percent increase in the number of reverse mortgages, and these products continue to increase in popularity. Congress has the responsibility to ensure that our elderly are properly protected but still give them every opportunity to be able to make good personal financial decisions for themselves.

Now, my dear friend from Oklahoma has raised concerns, but the growth of this program is projected to be only 109,000 from 100,000 in the year 2007; and in 2008, 166,000. So there is going to be a gradual growth of this program.

Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator's 3 minutes has expired, but the Senator from Oklahoma controls 12 minutes 30 seconds.

Mr. COBURN. Mr. President, I yield the Senator an additional 1 minute.

Mr. MARTINEZ. I thank the Chair, and I thank the Senator from Oklahoma for his courtesy.

Mr. President, I just want to point out that the study the Senator talks about is an important study, and it is a part of what this bill contains. However, the study will be useful to us once the program has been expanded and we have the opportunity to see what the experience is on the program. So rather than not study it, it is going to study it, but it has to study it in the future based on the growth and expansion of the program because for the past we have the statistical data available and the history of this program. The bottom line on the audit issue, which I know is a concern, is the historical data will give us a fuller understanding of what the experience is, rather than the management assumptions that are made through the current audit.

Mr. President, I think this is a good program for America's seniors. The concerns raised by the Senator from Oklahoma are valid and should be kept in mind, but we should vote for this good amendment today.

The ACTING PRESIDENT pro tempore. The Senator's time has expired. Who yields time?

Mr. COBURN. Mr. President, I will note for my colleagues' benefit that I do not plan to ask for a recorded vote on this amendment. I also will not demand a recorded vote on the bill itself, so colleagues would not have to come to the floor.

Let me summarize. What we are trying to do with FHA modernization is good. We have a crisis. There is no crisis in reverse mortgages. As a matter of fact, there is not hardly any private sector anymore. The reverse mortgages that are growing, I would advise the Senator from Florida, are growing at 60 percent a year at FHA. That is not slow growth. If we take 60 percent a year over the next 10 years, instead of 109,000, we will have 800,000. So that is why GAO estimates that we are talking about $56 billion in new obligations that our kids are going to have to come up with if anything happens.

So, again, nobody has answered the question: Is there a crisis in reverse mortgages? There is not. Nobody has answered the question: Where are the metrics in terms of the marketplace, saying there is not adequate credit out there in the private marketplace, not guaranteed by our children? We are not going to guarantee it, our children are. Nobody has answered those two questions. And nobody has said: Here is what the data shows on the market now that we are going to do 130,000-plus, I believe, this year, and how does that impact with the total number of mortgages that are out there this year in the very difficult market that we find ourselves in with the tight credit.

So I would ask for a voice vote on this amendment, and then I will not object to a voice vote or a consent after that on the underlying bill.

Mr. President, I yield the remainder of my time.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 3854) was rejected.

Mr. SCHUMER. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, it is my understanding that the time has expired on the debate relating to this matter, the FHA Modernization Act.

The ACTING PRESIDENT pro tempore. The majority leader is correct.

Mr. REID. I will use my leader time to speak, and I rise to express my optimism for the bill we are about to pass—and it will pass—and my appreciation that we have reached the point that we can get this done for the American people.

Mr. President, every day the mortgage crisis grows worse. We have reached a point where hundreds of families have either lost their homes or may lose them, and soon that will be in the tens of thousands. As bad as the crisis is now, there is reason to believe we are only in the early stages.

Some may say: If a borrower gets into financial trouble, it is their obligation, and their obligation alone, to find a way out. But that isn't the way it works. The cost of a foreclosed home has an impact on all of us—not just the borrower but all of us. Families lose the roof over their heads and the equity they have gained. Neighborhoods suffer the loss of property values. Cities and towns lose taxes. Lenders and their shareholders lose too. And it is no exaggeration to say the entire national economy is put at risk.

We are seeing those effects in Nevada, with the number of foreclosures since August of 2006 up by more than 200 percent, and another 21,000 homes at risk by 2009. We have been working hard to alleviate this problem at home. Last month, I organized a roundtable discussion in Reno with lenders, mortgage services, housing counseling agencies, and other Federal and local officials. And we followed that up with mobile resource centers to bring foreclosure information into the neighborhoods where people need them.

Taking these steps is a crucial part of the solution, but we need new laws at the Federal level to give lenders the tools and flexibility to help people find ways to keep their homes. As grim as things look today, they could get far worse. That is why it is important we act now.

I am glad to see my Republican colleagues have finally heard the call and joined us to support this legislation. Let's be clear. The Government can't solve this problem alone, but we certainly can help. When this bill becomes law, it will accomplish two main things: It will increase FHA loan limits on both the high and low ends, and it will reduce downpayment requirements. The result will be better loan options for families who are having trouble keeping up with their exploding mortgage payments resulting from teaser rate mortgages. They will have the option of refinancing through an FHA bank loan, with the peace of mind that comes with it.

For future home buyers, a fully backed FHA loan with honest, upfront terms, will help prevent a crisis like we now face and ensure that more American families will experience all the safety, comfort, and stability that comes with home ownership. The past decade has seen remarkable growth in American home ownership. What is more, these gains have been enjoyed from coast to coast and among groups that have traditionally been shut out. The bill we are about to pass will help ensure this progress continues. It is an accomplishment for the Senate and an important step forward for the American people.

Finally, Mr. President, during this vote I hope we can clear a consent request that I will offer to go forward on the Defense authorization bill. It is late in the year, and the President can't pay the troops the pay raise they deserve until we pass this bill. Waiting until next week will not do the trick. We must finish this today.

I certainly hope we can work this out in the next few minutes to go forward on this as soon as we complete this bill. Senator LEVIN and Senator WARNER have worked very hard on this legislation, as have many others, and I hope we can move forward on it very quickly.

The ACTING PRESIDENT pro tempore. All time is expired.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The ACTING PRESIDENT pro tempore. The bill having been read the third time, the question is on the passage of the bill, as amended.

Mr. SCHUMER. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. BOXER), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Ms. KLOBUCHAR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 1, as follows:

[Rollcall Vote No. 432 Leg.]

YEAS—93

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Bingaman
Bond
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—1

Kyl

NOT VOTING—6

Biden
Boxer
Clinton
Dodd
McCain
Obama

The bill (S. 2338), as amended, was passed, as follows:

S. 2338

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "FHA Modernization Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—BUILDING AMERICAN HOMEOWNERSHIP

Sec. 101. Short title.
Sec. 102. Maximum principal loan obligation.
Sec. 103. Cash investment requirement and prohibition of seller-funded downpayment assistance.
Sec. 104. Mortgage insurance premiums.
Sec. 105. Rehabilitation loans.
Sec. 106. Discretionary action.
Sec. 107. Insurance of condominiums.
Sec. 108. Mutual Mortgage Insurance Fund.
Sec. 109. Hawaiian home lands and Indian reservations.
Sec. 110. Conforming and technical amendments.
Sec. 111. Insurance of mortgages.
Sec. 112. Home equity conversion mortgages.
Sec. 113. Energy efficient mortgages program.
Sec. 114. Pilot program for automated process for borrowers without sufficient credit history.
Sec. 115. Homeownership preservation.
Sec. 116. Use of FHA savings for improvements in FHA technologies, procedures, processes, program performance, staffing, and salaries.
Sec. 117. Post-purchase housing counseling eligibility improvements.
Sec. 118. Pre-purchase homeownership counseling demonstration.
Sec. 119. Fraud prevention.
Sec. 120. Limitation on mortgage insurance premium increases.
Sec. 121. Savings provision.
Sec. 122. Implementation.
Sec. 123. Moratorium on implementation of risk-based premiums.

TITLE II—MANUFACTURED HOUSING LOAN MODERNIZATION

Sec. 201. Short title.
Sec. 202. Purposes.
Sec. 203. Exception to limitation on financial institution portfolio.
Sec. 204. Insurance benefits.
Sec. 205. Maximum loan limits.
Sec. 206. Insurance premiums.
Sec. 207. Technical corrections.
Sec. 208. Revision of underwriting criteria.
Sec. 209. Prohibition against kickbacks and unearned fees.
Sec. 210. Leasehold requirements.

TITLE I—BUILDING AMERICAN HOMEOWNERSHIP

SEC. 101. SHORT TITLE.

This title may be cited as the "Building American Homeownership Act of 2007".

SEC. 102. MAXIMUM PRINCIPAL LOAN OBLIGATION.

Paragraph (2) of section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended—

(1) by amending subparagraphs (A) and (B) to read as follows:

"(A) not to exceed the lesser of—

"(i) in the case of a 1-family residence, the median 1-family house price in the area, as determined by the Secretary; and in the case of a 2-, 3-, or 4-family residence, the percentage of such median price that bears the same ratio to such median price as the dollar amount limitation in effect under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for a 2-, 3-, or 4-family residence, respectively, bears to the dollar amount limitation in effect under such section for a 1-family residence; or

"(ii) the dollar amount limitation determined under such section 305(a)(2) for a residence of the applicable size;

except that the dollar amount limitation in effect for any area under this subparagraph may not be less than the greater of (I) the dollar amount limitation in effect under this section for the area on October 21, 1998, or (II) 65 percent of the dollar limitation determined under such section 305(a)(2) for a residence of the applicable size; and

"(B) not to exceed 100 percent of the appraised value of the property."; and

(2) in the matter following subparagraph (B), by striking the second sentence (relating to a definition of "average closing cost") and all that follows through "section 3103A(d) of title 38, United States Code.".

SEC. 103. CASH INVESTMENT REQUIREMENT AND PROHIBITION OF SELLER-FUNDED DOWNPAYMENT ASSISTANCE.

Paragraph 9 of section 203(b) of the National Housing Act (12 U.S.C. 1709(b)(9)) is amended to read as follows:

"(9) CASH INVESTMENT REQUIREMENT.—

"(A) IN GENERAL.—A mortgage insured under this section shall be executed by a mortgagor who shall have paid, in cash, on account of the property an amount equal to not less than 1.5 percent of the appraised value of the property or such larger amount as the Secretary may determine.

"(B) FAMILY MEMBERS.—For purposes of this paragraph, the Secretary shall consider as cash or its equivalent any amounts borrowed from a family member (as such term is defined in section 201), subject only to the requirements that, in any case in which the repayment of such borrowed amounts is secured by a lien against the property, that—

"(i) such lien shall be subordinate to the mortgage; and

"(ii) the sum of the principal obligation of the mortgage and the obligation secured by such lien may not exceed 100 percent of the appraised value of the property.

"(C) PROHIBITED SOURCES.—In no case shall the funds required by subparagraph (A) consist, in whole or in part, of funds provided by any of the following parties before, during, or after closing of the property sale:

"(i) The seller or any other person or entity that financially benefits from the transaction.

"(ii) Any third party or entity that is reimbursed, directly or indirectly, by any of the parties described in clause (i).".

SEC. 104. MORTGAGE INSURANCE PREMIUMS.

Section 203(c)(2) of the National Housing Act (12 U.S.C. 1709(c)(2)) is amended—

(1) in the matter preceding subparagraph (A), by striking "or of the General Insurance Fund" and all that follows through "section 234(c),,"; and

(2) in subparagraph (A)—

(A) by striking "2.25 percent" and inserting "3 percent"; and

(B) by striking "2.0 percent" and inserting "2.75 percent".

SEC. 105. REHABILITATION LOANS.

Subsection (k) of section 203 of the National Housing Act (12 U.S.C. 1709(k)) is amended—

(1) in paragraph (1), by striking "on" and all that follows through "1978"; and

(2) in paragraph (5)—

(A) by striking "General Insurance Fund" the first place it appears and inserting "Mutual Mortgage Insurance Fund"; and

(B) in the second sentence, by striking the comma and all that follows through "General Insurance Fund".

SEC. 106. DISCRETIONARY ACTION.

The National Housing Act is amended—

(1) in subsection (e) of section 202 (12 U.S.C. 1708(e))—

(A) in paragraph (3)(B), by striking "section 202(e) of the National Housing Act" and inserting "this subsection"; and

(B) by redesignating such subsection as subsection (f);

(2) by striking paragraph (4) of section 203(s) (12 U.S.C. 1709(s)(4)) and inserting the following new paragraph:

"(4) the Secretary of Agriculture;"; and

(3) by transferring subsection (s) of section 203 (as amended by paragraph (2) of this section) to section 202, inserting such subsection after subsection (d) of section 202, and redesignating such subsection as subsection (e).

SEC. 107. INSURANCE OF CONDOMINIUMS.

(a) IN GENERAL.—Section 234 of the National Housing Act (12 U.S.C. 1715y) is amended—

(1) in subsection (c), in the first sentence—

(A) by striking "and" before "(2)"; and

(B) by inserting before the period at the end the following: ", and (3) the project has a blanket mortgage insured by the Secretary under subsection (d)"; and

(2) in subsection (g), by striking ", except that" and all that follows and inserting a period.

(b) DEFINITION OF MORTGAGE.—Section 201(a) of the National Housing Act (12 U.S.C. 1707(a)) is amended—

(1) before "a first mortgage" insert "(A)";

(2) by striking "or on a leasehold (1)" and inserting "(B) a first mortgage on a leasehold on real estate (i)";

(3) by striking "or (2)" and inserting ", or (ii)"; and

(4) by inserting before the semicolon the following: ", or (C) a first mortgage given to secure the unpaid purchase price of a fee interest in, or long-term leasehold interest in, real estate consisting of a one-family unit in a multifamily project, including a project in which the dwelling units are attached, or are manufactured housing units, semi-detached, or detached, and an undivided interest in the common areas and facilities which serve the project".

(c) DEFINITION OF REAL ESTATE.—Section 201 of the National Housing Act (12 U.S.C. 1707) is amended by adding at the end the following new subsection:

"(g) The term 'real estate' means land and all natural resources and structures permanently affixed to the land, including residential buildings and stationary manufactured housing. The Secretary may not require, for treatment of any land or other property as real estate for purposes of this title, that such land or property be treated as real estate for purposes of State taxation.".

SEC. 108. MUTUAL MORTGAGE INSURANCE FUND.

(a) IN GENERAL.—Subsection (a) of section 202 of the National Housing Act (12 U.S.C. 1708(a)) is amended to read as follows:

"(a) MUTUAL MORTGAGE INSURANCE FUND.—

"(1) ESTABLISHMENT.—Subject to the provisions of the Federal Credit Reform Act of 1990, there is hereby created a Mutual Mortgage Insurance Fund (in this title referred to as the 'Fund'), which shall be used by the Secretary to carry out the provisions of this title with respect to mortgages insured under section 203. The Secretary may enter into commitments to guarantee, and may guarantee, such insured mortgages.

"(2) LIMIT ON LOAN GUARANTEES.—The authority of the Secretary to enter into commitments to guarantee such insured mortgages shall be effective for any fiscal year only to the extent that the aggregate original principal loan amount under such mortgages, any part of which is guaranteed, does not exceed the amount specified in appropriations Acts for such fiscal year.

"(3) FIDUCIARY RESPONSIBILITY.—The Secretary has a responsibility to ensure that the Mutual Mortgage Insurance Fund remains financially sound.

"(4) ANNUAL INDEPENDENT ACTUARIAL STUDY.—The Secretary shall provide for an independent actuarial study of the Fund to be conducted annually, which shall analyze the financial position of the Fund. The Secretary shall submit a report annually to the Congress describing the results of such study and assessing the financial status of the Fund. The report shall recommend adjustments to underwriting standards, program participation, or premiums, if necessary, to ensure that the Fund remains financially sound.

"(5) QUARTERLY REPORTS.—During each fiscal year, the Secretary shall submit a report to the Congress for each calendar quarter, which shall specify for mortgages that are obligations of the Fund—

"(A) the cumulative volume of loan guarantee commitments that have been made during such fiscal year through the end of the quarter for which the report is submitted;

"(B) the types of loans insured, categorized by risk;

"(C) any significant changes between actual and projected claim and prepayment activity;

"(D) projected versus actual loss rates; and

"(E) updated projections of the annual subsidy rates to ensure that increases in risk to the Fund are identified and mitigated by adjustments to underwriting standards, program participation, or premiums, and the financial soundness of the Fund is maintained.

The first quarterly report under this paragraph shall be submitted on the last day of the first quarter of fiscal year 2008, or on the last day of the first full calendar quarter following the enactment of the Building American Homeownership Act of 2007, whichever is later.

"(6) ADJUSTMENT OF PREMIUMS.—If, pursuant to the independent actuarial study of the Fund required under paragraph (4), the Secretary determines that the Fund is not meeting the operational goals established under paragraph (7) or there is a substantial probability that the Fund will not maintain its established target subsidy rate, the Secretary may either make programmatic adjustments under this title as necessary to reduce the risk to the Fund, or make appropriate premium adjustments.

"(7) OPERATIONAL GOALS.—The operational goals for the Fund are—

"(A) to minimize the default risk to the Fund and to homeowners by among other actions instituting fraud prevention quality control screening not later than 18 months after the date of enactment of the Building American Homeownership Act of 2007; and

"(B) to meet the housing needs of the borrowers that the single family mortgage insurance program under this title is designed to serve.".

(b) OBLIGATIONS OF FUND.—The National Housing Act is amended as follows:

(1) HOMEOWNERSHIP VOUCHER PROGRAM MORTGAGES.—In section 203(v) (12 U.S.C. 1709(v))—

(A) by striking "Notwithstanding section 202 of this title, the" and inserting "The"; and

(B) by striking "General Insurance Fund" the first place such term appears and all that follows through the end of the subsection and inserting "Mutual Mortgage Insurance Fund.".

(2) HOME EQUITY CONVERSION MORTGAGES.—Section 255(i)(2)(A) of the National Housing Act (12 U.S.C. 1715z-20(i)(2)(A)) is amended by striking "General Insurance Fund" and inserting "Mutual Mortgage Insurance Fund".

(c) CONFORMING AMENDMENTS.—The National Housing Act is amended—

(1) in section 205 (12 U.S.C. 1711), by striking subsections (g) and (h); and

(2) in section 519(e) (12 U.S.C. 1735c(e)), by striking "203(b)" and all that follows through "203(i)" and inserting "203, except as determined by the Secretary".

SEC. 109. HAWAIIAN HOME LANDS AND INDIAN RESERVATIONS.

(a) HAWAIIAN HOME LANDS.—Section 247(c) of the National Housing Act (12 U.S.C. 1715z-12(c)) is amended—

(1) by striking "General Insurance Fund established in section 519" and inserting "Mutual Mortgage Insurance Fund"; and

(2) in the second sentence, by striking "(1) all references" and all that follows through "and (2)".

(b) INDIAN RESERVATIONS.—Section 248(f) of the National Housing Act (12 U.S.C. 1715z-13(f)) is amended—

(1) by striking "General Insurance Fund" the first place it appears through "519" and inserting "Mutual Mortgage Insurance Fund"; and

(2) in the second sentence, by striking "(1) all references" and all that follows through "and (2)".

SEC. 110. CONFORMING AND TECHNICAL AMENDMENTS.

(a) REPEALS.—The following provisions of the National Housing Act are repealed:

(1) Subsection (i) of section 203 (12 U.S.C. 1709(i)).

(2) Subsection (o) of section 203 (12 U.S.C. 1709(o)).

(3) Subsection (p) of section 203 (12 U.S.C. 1709(p)).

(4) Subsection (q) of section 203 (12 U.S.C. 1709(q)).

(5) Section 222 (12 U.S.C. 1715m).

(6) Section 237 (12 U.S.C. 1715z-2).

(7) Section 245 (12 U.S.C. 1715z-10).

(b) DEFINITION OF AREA.—Section 203(u)(2)(A) of the National Housing Act (12 U.S.C. 1709(u)(2)(A)) is amended by striking "shall" and all that follows and inserting "means a metropolitan statistical area as established by the Office of Management and Budget;".

(c) DEFINITION OF STATE.—Section 201(d) of the National Housing Act (12 U.S.C. 1707(d)) is amended by striking "the Trust Territory of the Pacific Islands" and inserting "the Commonwealth of the Northern Mariana Islands".

SEC. 111. INSURANCE OF MORTGAGES.

Subsection (n)(2) of section 203 of the National Housing Act (12 U.S.C. 1709(n)(2)) is amended—

(1) in subparagraph (A), by inserting "or subordinate mortgage or" before "lien given"; and

(2) in subparagraph (C), by inserting "or subordinate mortgage or" before "lien".

SEC. 112. HOME EQUITY CONVERSION MORTGAGES.

(a) IN GENERAL.—Section 255 of the National Housing Act (12 U.S.C. 1715z-20) is amended—

(1) in subsection (b)(2), insert "'real estate,'" after "'mortgagor',";

(2) in subsection (g)—

(A) by striking the first sentence; and

(B) by striking "established under section 203(b)(2)" and all that follows through "located" and inserting "limitation established under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a 1-family residence";

(3) in subsection (i)(1)(C), by striking "limitations" and inserting "limitation"; and

(4) by adding at the end the following new subsection:

"(o) AUTHORITY TO INSURE HOME PURCHASE MORTGAGE.—

"(1) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary may insure, upon application by a mortgagee, a home equity conversion mortgage upon such terms and conditions as the Secretary may prescribe, when the home equity conversion mortgage will be used to purchase a 1- to 4-family dwelling unit, one unit of which that the mortgagor will occupy as a primary residence, and to provide for any future payments to the mortgagor, based on available equity, as authorized under subsection (d)(9).

"(2) LIMITATION ON PRINCIPAL OBLIGATION.—A home equity conversion mortgage insured pursuant to paragraph (1) shall involve a principal obligation that does not exceed the dollar amount limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a 1-family residence.".

(b) MORTGAGES FOR COOPERATIVES.—Subsection (b) of section 255 of the National Housing Act (12 U.S.C. 1715z-20(b)) is amended—

(1) in paragraph (4)—

(A) by inserting "a first or subordinate mortgage or lien" before "on all stock";

(B) by inserting "unit" after "dwelling"; and

(C) by inserting "a first mortgage or first lien" before "on a leasehold"; and

(2) in paragraph (5), by inserting "a first or subordinate lien on" before "all stock".

(c) LIMITATION ON ORIGINATION FEES.—Section 255 of the National Housing Act (12 U.S.C. 1715z-20), as amended by the preceding provisions of this section, is further amended—

(1) by redesignating subsections (k), (l), and (m) as subsections (l), (m), and (n), respectively; and

(2) by inserting after subsection (j) the following new subsection:

"(k) LIMITATION ON ORIGINATION FEES.—The Secretary shall establish limits on the origination fee that may be charged to a mortgagor under a mortgage insured under this section, which limitations shall—

"(1) equal 1.5 percent of the maximum claim amount of the mortgage unless adjusted thereafter on the basis of—

"(A) the costs to the mortgagor; and

"(B) the impact of such fees on the reverse mortgage market;

"(2) be subject to a minimum allowable amount;

"(3) provide that the origination fee may be fully financed with the mortgage;

"(4) include any fees paid to correspondent mortgagees approved by the Secretary; and

"(5) have the same effective date as subsection (o)(2) regarding the limitation on principal obligation.".

(d) STUDY REGARDING PROGRAM COSTS AND CREDIT AVAILABILITY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study regarding the costs and availability of credit under the home equity conversion mortgages for elderly homeowners program under section 255 of the National Housing Act (12 U.S.C. 1715z-20) (in this subsection referred to as the "program").

(2) PURPOSE.—The purpose of the study required under paragraph (1) is to help Congress analyze and determine the effects of limiting the amounts of the costs or fees under the program from the amounts charged under the program as of the date of the enactment of this Act.

(3) CONTENT OF REPORT.—The study required under paragraph (1) should focus on—

(A) the cost to mortgagors of participating in the program;

(B) the financial soundness of the program;

(C) the availability of credit under the program; and

(D) the costs to elderly homeowners participating in the program, including—

(i) mortgage insurance premiums charged under the program;

(ii) up-front fees charged under the program; and

(iii) margin rates charged under the program.

(4) TIMING OF REPORT.—Not later than 12 months after the date of the enactment of this Act, the Comptroller General shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives setting forth the results and conclusions of the study required under paragraph (1).

SEC. 113. ENERGY EFFICIENT MORTGAGES PROGRAM.

Section 106(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 12712 note) is amended—

(1) by amending subparagraph (C) to read as follows:

"(C) COSTS OF IMPROVEMENTS.—The cost of cost-effective energy efficiency improvements shall not exceed the greater of—

"(i) 5 percent of the property value (not to exceed 5 percent of the limit established under section 203(b)(2)(A)) of the National Housing Act (12 U.S.C. 1709(b)(2)(A); or

"(ii) 2 percent of the limit established under section 203(b)(2)(B) of such Act."; and

(2) by adding at the end the following:

"(D) LIMITATION.—In any fiscal year, the aggregate number of mortgages insured pursuant to this section may not exceed 5 percent of the aggregate number of mortgages for 1- to 4-family residences insured by the Secretary of Housing and Urban Development under title II of the National Housing Act (12 U.S.C. 1707 et seq.) during the preceding fiscal year.".

SEC. 114. PILOT PROGRAM FOR AUTOMATED PROCESS FOR BORROWERS WITHOUT SUFFICIENT CREDIT HISTORY.

(a) ESTABLISHMENT.—Title II of the National Housing Act (12 U.S.C. 1707 et seq.) is amended by adding at the end the following new section:

"SEC. 257. PILOT PROGRAM FOR AUTOMATED PROCESS FOR BORROWERS WITHOUT SUFFICIENT CREDIT HISTORY.

"(a) ESTABLISHMENT.—The Secretary shall carry out a pilot program to establish, and make available to mortgagees, an automated process for providing alternative credit rating information for mortgagors and prospective mortgagors under mortgages on 1- to 4-family residences to be insured under this title who have insufficient credit histories for determining their creditworthiness. Such alternative credit rating information may include rent, utilities, and insurance payment histories, and such other information as the Secretary considers appropriate.

"(b) SCOPE.—The Secretary may carry out the pilot program under this section on a limited basis or scope, and may consider limiting the program to first-time homebuyers.

"(c) LIMITATION.—In any fiscal year, the aggregate number of mortgages insured pursuant to the automated process established under this section may not exceed 5 percent of the aggregate number of mortgages for 1- to 4-family residences insured by the Secretary under this title during the preceding fiscal year.

"(d) SUNSET.—After the expiration of the 5-year period beginning on the date of the enactment of the Building American Homeownership Act of 2007, the Secretary may not enter into any new commitment to insure any mortgage, or newly insure any mortgage, pursuant to the automated process established under this section.".

(b) GAO REPORT.—Not later than the expiration of the two-year period beginning on the date of the enactment of this title, the Comptroller General of the United States shall submit to the Congress a report identifying the number of additional mortgagors served using the automated process established pursuant to section 257 of the National Housing Act (as added by the amendment made by subsection (a) of this section) and the impact of such process and the insurance of mortgages pursuant to such process on the safety and soundness of the insurance funds under the National Housing Act of which such mortgages are obligations.

SEC. 115. HOMEOWNERSHIP PRESERVATION.

The Secretary of Housing and Urban Development and the Commissioner of the Federal Housing Administration, in consultation with industry, the Neighborhood Reinvestment Corporation, and other entities involved in foreclosure prevention activities, shall—

(1) develop and implement a plan to improve the Federal Housing Administration's loss mitigation process; and

(2) report such plan to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

SEC. 116. USE OF FHA SAVINGS FOR IMPROVEMENTS IN FHA TECHNOLOGIES, PROCEDURES, PROCESSES, PROGRAM PERFORMANCE, STAFFING, AND SALARIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each of fiscal years 2008 through 2012, $25,000,000, from negative credit subsidy for the mortgage insurance programs under title II of the National Housing Act, to the Secretary of Housing and Urban Development for increasing funding for the purpose of improving technology, processes, program performance, eliminating fraud, and for providing appropriate staffing in connection with the mortgage insurance programs under title II of the National Housing Act.

(b) CERTIFICATION.—The authorization under subsection (a) shall not be effective for a fiscal year unless the Secretary of Housing and Urban Development has, by rulemaking in accordance with section 553 of title 5, United States Code (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section), made a determination that—

(1) premiums being, or to be, charged during such fiscal year for mortgage insurance under title II of the National Housing Act are established at the minimum amount sufficient to—

(A) comply with the requirements of section 205(f) of such Act (relating to required capital ratio for the Mutual Mortgage Insurance Fund); and

(B) ensure the safety and soundness of the other mortgage insurance funds under such Act; and

(2) any negative credit subsidy for such fiscal year resulting from such mortgage insurance programs adequately ensures the efficient delivery and availability of such programs.

(c) STUDY AND REPORT.—The Secretary of Housing and Urban Development shall conduct a study to obtain recommendations from participants in the private residential (both single family and multifamily) mortgage lending business and the secondary market for such mortgages on how best to update and upgrade processes and technologies for the mortgage insurance programs under title II of the National Housing Act so that the procedures for originating, insuring, and servicing of such mortgages conform with those customarily used by secondary market purchasers of residential mortgage loans. Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Secretary shall submit a report to the Congress describing the progress made and to be made toward updating and upgrading such processes and technology, and providing appropriate staffing for such mortgage insurance programs.

SEC. 117. POST-PURCHASE HOUSING COUNSELING ELIGIBILITY IMPROVEMENTS.

Section 106(c)(4) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(4)) is amended:

(1) in subparagraph (C)—

(A) in clause (i), by striking "; or" and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(iii) a significant reduction in the income of the household due to divorce or death; or

"(iv) a significant increase in basic expenses of the homeowner or an immediate family member of the homeowner (including the spouse, child, or parent for whom the homeowner provides substantial care or financial assistance) due to—

"(I) an unexpected or significant increase in medical expenses;

"(II) a divorce;

"(III) unexpected and significant damage to the property, the repair of which will not be covered by private or public insurance; or

"(IV) a large property-tax increase; or";

(2) by striking the matter that follows subparagraph (C); and

(3) by adding at the end the following:

"(D) the Secretary of Housing and Urban Development determines that the annual income of the homeowner is no greater than the annual income established by the Secretary as being of low- or moderate-income.".

SEC. 118. PRE-PURCHASE HOMEOWNERSHIP COUNSELING DEMONSTRATION.

(a) ESTABLISHMENT OF PROGRAM.—For the period beginning on the date of enactment of this Act and ending on the date that is 3 years after such date of enactment, the Secretary of Housing and Urban Development shall establish and conduct a demonstration program to test the effectiveness of alternative forms of pre-purchase homeownership counseling for eligible homebuyers.

(b) FORMS OF COUNSELING.—The Secretary of Housing and Urban Development shall provide to eligible homebuyers pre-purchase homeownership counseling under this section in the form of —

(1) telephone counseling;

(2) individualized in-person counseling;

(3) web-based counseling;

(4) counseling classes; or

(5) any other form or type of counseling that the Secretary may, in his discretion, determine appropriate.

(c) SIZE OF PROGRAM.—The Secretary shall make available the pre-purchase homeownership counseling described in subsection (b) to not more than 3,000 eligible homebuyers in any given year.

(d) INCENTIVE TO PARTICIPATE.—The Secretary of Housing and Urban Development may provide incentives to eligible homebuyers to participate in the demonstration program established under subsection (a). Such incentives may include the reduction of any insurance premium charges owed by the eligible homebuyer to the Secretary.

(e) ELIGIBLE HOMEBUYER DEFINED.—For purposes of this section an "eligible homebuyer" means a first-time homebuyer who has been approved for a home loan with a loan-to-value ratio between 97 percent and 98.5 percent.

(f) REPORT TO CONGRESS.—The Secretary of Housing and Urban Development shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representative—

(1) on an annual basis, on the progress and results of the demonstration program established under subsection (a); and

(2) for the period beginning on the date of enactment of this Act and ending on the date that is 5 years after such date of enactment, on the payment history and delinquency rates of eligible homebuyers who participated in the demonstration program.

SEC. 119. FRAUD PREVENTION.

Section 1014 of title 18, United States Code, is amended in the first sentence—

(1) by inserting "the Federal Housing Administration" before "the Farm Credit Administration"; and

(2) by striking "commitment, or loan" and inserting "commitment, loan, or insurance agreement or application for insurance or a guarantee".

SEC. 120. LIMITATION ON MORTGAGE INSURANCE PREMIUM INCREASES.

(a) IN GENERAL.—Notwithstanding any other provision of law, including any provision of this Act and any amendment made by this Act—

(1) for the period beginning on the date of the enactment of this Act and ending on October 1, 2009, the premiums charged for mortgage insurance under multifamily housing programs under the National Housing Act may not be increased above the premium amounts in effect under such program on October 1, 2006, unless the Secretary of Housing and Urban Development determines that, absent such increase, insurance of additional mortgages under such program would, under the Federal Credit Reform Act of 1990, require the appropriation of new budget authority to cover the costs (as such term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a) of such insurance; and

(2) a premium increase pursuant to paragraph (1) may be made only if not less than 30 days prior to such increase taking effect, the Secretary of Housing and Urban Development—

(A) notifies the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives of such increase; and

(B) publishes notice of such increase in the Federal Register.

(b) WAIVER.—The Secretary of Housing and Urban Development may waive the 30-day notice requirement under subsection (a)(2), if the Secretary determines that waiting 30-days before increasing premiums would cause substantial damage to the solvency of multifamily housing programs under the National Housing Act.

SEC. 121. SAVINGS PROVISION.

Any mortgage insured under title II of the National Housing Act before the date of enactment of this title shall continue to be governed by the laws, regulations, orders, and terms and conditions to which it was subject on the day before the date of the enactment of this title.

SEC. 122. IMPLEMENTATION.

The Secretary of Housing and Urban Development shall by notice establish any additional requirements that may be necessary to immediately carry out the provisions of this title. The notice shall take effect upon issuance.

SEC. 123. MORATORIUM ON IMPLEMENTATION OF RISK-BASED PREMIUMS.

For the 12-month period beginning on the date of enactment of this Act, the Secretary of Housing and Urban Development shall not enact, execute, or take any action to make effective the planned implementation of risk-based premiums, which are designed for mortgage lenders to offer borrowers an FHA-insured product that provides a range of mortgage insurance premium pricing, based on the risk the insurance contract represents, as such planned implementation was set forth in the Notice published in the Federal Register on September 20, 2007 (Vol. 72, No. 182, Page 53872).

TITLE II—MANUFACTURED HOUSING LOAN MODERNIZATION

SEC. 201. SHORT TITLE.

This title may be cited as the "FHA Manufactured Housing Loan Modernization Act of 2007".

SEC. 202. PURPOSES.

The purposes of this title are—

(1) to provide adequate funding for FHA-insured manufactured housing loans for low- and moderate-income homebuyers during all economic cycles in the manufactured housing industry;

(2) to modernize the FHA title I insurance program for manufactured housing loans to enhance participation by Ginnie Mae and the private lending markets; and

(3) to adjust the low loan limits for title I manufactured home loan insurance to reflect the increase in costs since such limits were last increased in 1992 and to index the limits to inflation.

SEC. 203. EXCEPTION TO LIMITATION ON FINANCIAL INSTITUTION PORTFOLIO.

The second sentence of section 2(a) of the National Housing Act (12 U.S.C. 1703(a)) is amended—

(1) by striking "In no case" and inserting "Other than in connection with a manufactured home or a lot on which to place such a home (or both), in no case"; and

(2) by striking ": *Provided*, That with" and inserting ". With".

SEC. 204. INSURANCE BENEFITS.

(a) IN GENERAL.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), is amended by adding at the end the following new paragraph:

"(8) INSURANCE BENEFITS FOR MANUFACTURED HOUSING LOANS.—Any contract of insurance with respect to loans, advances of credit, or purchases in connection with a manufactured home or a lot on which to place a manufactured home (or both) for a financial institution that is executed under this title after the date of the enactment of the FHA Manufactured Housing Loan Modernization Act of 2007 by the Secretary shall be conclusive evidence of the eligibility of such financial institution for insurance, and the validity of any contract of insurance so executed shall be incontestable in the hands of the bearer from the date of the execution of such contract, except for fraud or misrepresentation on the part of such institution.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall only apply to loans that are registered or endorsed for insurance after the date of the enactment of this Act.

SEC. 205. MAXIMUM LOAN LIMITS.

(a) DOLLAR AMOUNTS.—Paragraph (1) of section 2(b) of the National Housing Act (12 U.S.C. 1703(b)(1)) is amended—

(1) in clause (ii) of subparagraph (A), by striking "$17,500" and inserting "$25,090";

(2) in subparagraph (C) by striking "$48,600" and inserting "$69,678";

(3) in subparagraph (D) by striking "$64,800" and inserting "$92,904";

(4) in subparagraph (E) by striking "$16,200" and inserting "$23,226"; and

(5) by realigning subparagraphs (C), (D), and (E) 2 ems to the left so that the left margins of such subparagraphs are aligned with the margins of subparagraphs (A) and (B).

(b) ANNUAL INDEXING.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new paragraph:

"(9) ANNUAL INDEXING OF MANUFACTURED HOUSING LOANS.—The Secretary shall develop a method of indexing in order to annually adjust the loan limits established in subparagraphs (A)(ii), (C), (D), and (E) of this subsection. Such index shall be based on the manufactured housing price data collected by the United States Census Bureau. The Secretary shall establish such index no later than 1 year after the date of the enactment of the FHA Manufactured Housing Loan Modernization Act of 2007."

(c) TECHNICAL AND CONFORMING CHANGES.—Paragraph (1) of section 2(b) of the National Housing Act (12 U.S.C. 1703(b)(1)) is amended—

(1) by striking "No" and inserting "Except as provided in the last sentence of this paragraph, no"; and

(2) by adding after and below subparagraph (G) the following:

"The Secretary shall, by regulation, annually increase the dollar amount limitations in subparagraphs (A)(ii), (C), (D), and (E) (as such limitations may have been previously adjusted under this sentence) in accordance with the index established pursuant to paragraph (9).".

SEC. 206. INSURANCE PREMIUMS.

Subsection (f) of section 2 of the National Housing Act (12 U.S.C. 1703(f)) is amended—

(1) by inserting "(1) PREMIUM CHARGES.—" after "(f)"; and

(2) by adding at the end the following new paragraph:

"(2) MANUFACTURED HOME LOANS.—Notwithstanding paragraph (1), in the case of a loan, advance of credit, or purchase in connection with a manufactured home or a lot on which to place such a home (or both), the premium charge for the insurance granted under this section shall be paid by the borrower under the loan or advance of credit, as follows:

"(A) At the time of the making of the loan, advance of credit, or purchase, a single premium payment in an amount not to exceed 2.25 percent of the amount of the original insured principal obligation.

"(B) In addition to the premium under subparagraph (A), annual premium payments during the term of the loan, advance, or obligation purchased in an amount not exceeding 1.0 percent of the remaining insured principal balance (excluding the portion of the remaining balance attributable to the premium collected under subparagraph (A) and without taking into account delinquent payments or prepayments).

"(C) Premium charges under this paragraph shall be established in amounts that are sufficient, but do not exceed the minimum amounts necessary, to maintain a negative credit subsidy for the program under this section for insurance of loans, advances of credit, or purchases in connection with a manufactured home or a lot on which to place such a home (or both), as determined based upon risk to the Federal Government under existing underwriting requirements.

"(D) The Secretary may increase the limitations on premium payments to percentages above those set forth in subparagraphs (A) and (B), but only if necessary, and not in excess of the minimum increase necessary, to maintain a negative credit subsidy as described in subparagraph (C).".

SEC. 207. TECHNICAL CORRECTIONS.

(a) DATES.—Subsection (a) of section 2 of the National Housing Act (12 U.S.C. 1703(a)) is amended—

(1) by striking "on and after July 1, 1939," each place such term appears; and

(2) by striking "made after the effective date of the Housing Act of 1954".

(b) AUTHORITY OF SECRETARY.—Subsection (c) of section 2 of the National Housing Act (12 U.S.C. 1703(c)) is amended to read as follows:

"(c) HANDLING AND DISPOSAL OF PROPERTY.—

"(1) AUTHORITY OF SECRETARY.—Notwithstanding any other provision of law, the Secretary may—

"(A) deal with, complete, rent, renovate, modernize, insure, or assign or sell at public or private sale, or otherwise dispose of, for cash or credit in the Secretary's discretion, and upon such terms and conditions and for such consideration as the Secretary shall determine to be reasonable, any real or personal property conveyed to or otherwise acquired by the Secretary, in connection with the payment of insurance heretofore or hereafter granted under this title, including any evidence of debt, contract, claim, personal property, or security assigned to or held by him in connection with the payment of insurance heretofore or hereafter granted under this section; and

"(B) pursue to final collection, by way of compromise or otherwise, all claims assigned to or held by the Secretary and all legal or equitable rights accruing to the Secretary in connection with the payment of such insurance, including unpaid insurance premiums owed in connection with insurance made available by this title.

"(2) ADVERTISEMENTS FOR PROPOSALS.—Section 3709 of the Revised Statutes shall not be construed to apply to any contract of hazard insurance or to any purchase or contract for services or supplies on account of such property if the amount thereof does not exceed $25,000.

"(3) DELEGATION OF AUTHORITY.—The power to convey and to execute in the name of the Secretary, deeds of conveyance, deeds of release, assignments and satisfactions of mortgages, and any other written instrument relating to real or personal property or any interest therein heretofore or hereafter acquired by the Secretary pursuant to the provisions of this title may be exercised by an officer appointed by the Secretary without the execution of any express delegation of power or power of attorney. Nothing in this subsection shall be construed to prevent the Secretary from delegating such power by order or by power of attorney, in the Secretary's discretion, to any officer or agent the Secretary may appoint.".

SEC. 208. REVISION OF UNDERWRITING CRITERIA.

(a) IN GENERAL.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new paragraph:

"(10) FINANCIAL SOUNDNESS OF MANUFACTURED HOUSING PROGRAM.—The Secretary shall establish such underwriting criteria for loans and advances of credit in connection with a manufactured home or a lot on which to place a manufactured home (or both), including such loans and advances represented by obligations purchased by financial institutions, as may be necessary to ensure that the program under this title for insurance for financial institutions against losses from such loans, advances of credit, and purchases is financially sound.".

(b) TIMING.—Not later than the expiration of the 6-month period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall revise the existing underwriting criteria for the program referred to in paragraph (10) of section 2(b) of the National Housing Act (as added by subsection (a) of this section) in accordance with the requirements of such paragraph.

SEC. 209. PROHIBITION AGAINST KICKBACKS AND UNEARNED FEES.

Title I of the National Housing Act is amended by adding at the end of section 9 the following new section:

"SEC. 10. PROHIBITION AGAINST KICKBACKS AND UNEARNED FEES.

"(a) IN GENERAL.—Except as provided in subsection (b), the provisions of sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) shall apply to each sale of a manufactured home financed with an FHA-insured loan or extension of credit, as well as to services rendered in connection with such transactions.

"(b) AUTHORITY OF THE SECRETARY.—The Secretary is authorized to determine the manner and extent to which the provisions of sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) may reasonably be applied to the transactions described in subsection (a), and to grant such exemptions as may be necessary to achieve the purposes of this section.

"(c) DEFINITIONS.—For purposes of this section—

"(1) the term 'federally related mortgage loan' as used in sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) shall include an FHA-insured loan or extension of credit made to a borrower for the purpose of purchasing a manufactured home that the borrower intends to occupy as a personal residence; and

"(2) the term 'real estate settlement service' as used in sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) shall include any service rendered in connection with a loan or extension of credit insured by the Federal Housing Administration for the purchase of a manufactured home.

"(d) UNFAIR AND DECEPTIVE PRACTICES.—In connection with the purchase of a manufactured home financed with a loan or extension of credit insured by the Federal Housing Administration under this title, the Secretary shall prohibit acts or practices in connection with loans or extensions of credit that the Secretary finds to be unfair, deceptive, or otherwise not in the interests of the borrower.".

SEC. 210. LEASEHOLD REQUIREMENTS.

Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new paragraph:

"(11) LEASEHOLD REQUIREMENTS.—No insurance shall be granted under this section to any such financial institution with respect to any obligation representing any such loan, advance of credit, or purchase by it, made for the purposes of financing a manufactured home which is intended to be situated in a manufactured home community pursuant to a lease, unless such lease—

"(A) expires not less than 3 years after the origination date of the obligation;

"(B) is renewable upon the expiration of the original 3 year term by successive 1 year terms; and

"(C) requires the lessor to provide the lessee written notice of termination of the lease not less than 180 days prior to the expiration of the current lease term in the event the lessee is required to move due to the closing of the manufactured home community, and further provides that failure to provide such notice to the mortgagor in a timely manner will cause the lease term, at its expiration, to automatically renew for an additional 1 year term.".

Mr. REID. Madam President, I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT—H.R. 1585

Mr. REID. Madam President, I ask unanimous consent that upon disposition, which it has been disposed of, this bill, S. 2338, the Senate proceed to the conference report to accompany H.R. 1585, the most important Department of Defense authorization bill; that it be considered under a limitation of 60 minutes for debate with respect to the conference report, with the time equally divided and controlled between the chairman and ranking member of the Armed Services Committee; that upon the use of yielding back of time, the Senate proceed to vote on adoption of the conference report; that upon adoption of the conference report, the Senate proceed to H. Con. Res. 269, a correcting resolution; that the concurrent resolution be considered, agreed to and the motion to reconsider be laid on the table; all the above occurring without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. REID. Madam President, we are going to then move and complete work today on the farm bill. We hope the two managers can work through whatever minor problems exist. The sooner people determine what they want to do, the more quickly we can dispose of the bill.

As I indicated earlier, we are going to file cloture this evening, this afternoon, on the Foreign Intelligence Surveillance Act. It is an extremely important piece of legislation. There are some strong feelings on both sides of the issue. We are going to come in around 11 o'clock on Monday morning. There will be a vote around noon on Monday. The managers of this bill, this important bill, should be ready to start legislating Monday afternoon. We do not have a lot of time.

This is an important piece of legislation. There are a significant number of amendments people want to offer. A week from Tuesday is Christmas. So I would hope we can work our way through this. We hope there are some other issues we can complete. Late in the session like this, they have to be agreed upon.

Senator MCCONNELL and I have had a number of conversations the last couple of days on the way we are going to end the session regarding funding, other issues relating to funding. The one good thing is both my office and his office have kept quiet about it. As a result of that, things are moving fairly quietly.

That is the way we want it. No one will be surprised about anything. Everyone will know exactly what is going to happen. At this stage, it appears the House will take up the spending matter, the omnibus, on Monday. They will send it to us on Tuesday. That is the glidepath we have now. The path we hope is a smooth one, but in this world we live in, you never know, but it is looking pretty good.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Madam President, let me briefly add, I am hoping there will not be a need for this hour of debate on the Defense conference report. I think we all know what is in it at this point. Hopefully, we can yield back time. There are a number of Members who have travel plans. If we can expedite the consideration of the remaining issues, it would be appreciated by a great many of our Members.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the conference report to accompany H.R. 1585. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1585), to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. Under the previous order there are 60 minutes of debate equally divided.

Mr. LEVIN. Madam President, I ask unanimous consent that the following named staff members of the Committee on Armed Services be granted the privilege of the floor at all times during consideration of and a vote relating to this conference report.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Borawski, June M.; Brewer, Leah C.; Bryan, Joseph M.; Caniano, William M.; Carrillo, Pablo E.; Clark, Jonathan D.; Cohen, Ilona R.; Collins, David G.; Cork, Fletcher L.; Cowart, Christine E.; Cox, Jr., Daniel J.; Creedon, Madelyn R.; Cronin, Kevin A.; DeBobes, Richard D.; Dickinson, Marie Fabrizio; Eisen, Gabriella; Farkas, Evelyn N.; Fieldhouse, Richard W.; Forbes, Diana Tabler; Greene, Creighton;

Howard, Gary J.; Hutton, IV, Paul C.; Jacobson, Mark R.; Kiley, Gregory T.; Kingston, Jessica L.; Kostiw, Michael V.; Kuiken, Michael J.; Leeling, Gerald J.; Levine, Peter K.; Maurer, Derek J.; McConnell, Thomas K.; McCord, Michael J.; Monahan, William G.P.; Morriss, David M.; Niemeyer, Lucian L.; Noblet, Michael J.; Parker, Bryan D.; Pasha, Ali Z.; Paul, Christopher J.; Pearson, Cindy; Pollock, David;

Quirk V. John H.; Rubin, Benjamin L.; Rusten, Lynn F.; Sebold, Brian F.; Seraphin, Arun A.; Smith, Travis E.; Soofer, Robert M.; Stackley, Sean G.; Svinicki, Kristine L.; Sutey, William K.; Wagner, Mary Louise; Walsh, Richard F.; Wells, Breon N.; White, Dana W.

Mr. WARNER. If the chairman would yield for a minute, I would invite my colleagues on this side of the aisle on the Armed Services Committee to indicate to me if they desire to speak. You have heard the Republican leader urge that we move along as quickly as possible. But I will try to accommodate all those who wish to speak within the 30 minutes allocated on this side.

Mr. LEVIN. Madam President, I make the same request for Senators on this side of the aisle. If they wish to speak during this brief period, let us know. We will try to fit in as many as possible.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Madam President, I urge the adoption of this conference report for the Defense Department. Every year since 1961 there has been a Defense authorization bill enacted. This year conferees and staff have worked extraordinarily hard, with bipartisan cooperation, and we are proud to be keeping up our four-and-one-half decades-long tradition with this conference report.

The great men and women of our Armed Forces are making the most difficult sacrifices. They are putting their lives on the line, they are giving up precious time spent with their loved ones, they are driven by love of country and by the call of duty.

Our priorities on this bill are threefold: Care, readiness, and management. First, care will guarantee our troops have the best health care and support, both on the battlefield and once they return home.

Second, readiness will ensure our Armed Forces succeed, both in ongoing operations and taking on new challenges in future missions.

And, third, management will provide oversight for defense contracts, operations and processes, to ensure efficiency and maximize results.

First, caring for our troops and their families must always be our top priority. Earlier this year, media reports and a joint hearing of the Senate Armed Services and the Veterans' Affairs Committee exposed totally unacceptable conditions at the Walter Reed Army Medical Center.

Further investigation revealed deficiencies in mental health care, in transitioning from DOD to VA care, and in our responsiveness to the needs of our veterans.

This conference report includes the Wounded Warrior Act, which would address all these issues, ensuring our brave men and women receive the best care possible whenever and wherever their health concerns are.

The Wounded Warrior Act brings new focus to the signature injuries of the Iraq war, by establishing and funding comprehensive policies for preventing and treating traumatic brain injury, post-traumatic stress disorder, and other mental health conditions.

It provides for respite care and medical care for family members who are primary caregivers for seriously injured servicemembers.

It requires the Department of Defense and the Veterans' Administration to develop fully interoperable electronic health record systems. The act initiates fundamental reform at the Department of Defense and Veterans' Administration disability evaluation system, by requiring use of the VA presumption of sound mental and physical condition when men and women join the service, and it also requires VA standards for awarding disability.

In both cases, that will benefit our men and women. This act requires the Secretaries of Defense and Veterans Affairs to work together to significantly improve the management of medical care, disability evaluations, personnel actions, and the quality of life for servicemembers recovering from illnesses and injuries incurred while performing military duty.

A lot of Senators have been involved in this effort. I simply wish to acknowledge a few. First of all, the Veterans' Affairs Committee, under the leadership of Senator AKAKA, has been very significant in bringing this matter together, getting it through the Senate and now making this part of a conference report. There are other Members whom I will identify later who have been involved, but for the time being, thanks are owed to many people for this Wounded Warrior Act.

Our report also includes a number of provisions to ensure that our servicemembers and their families are able to maintain a high quality of life. It authorizes a 3.5 percent across-the-board pay raise for all uniform service personnel, half of a percent more than the President proposed, and an expansion and improvement of education assistance and support for family members. I will insert for the RECORD at the end of my comments a much more lengthy list with specific details of the improvements in compensation and quality of life for our uniform personnel.

Second, readiness for our ongoing engagements, primarily those in Iraq and Afghanistan, includes providing equipment, training, technology, and the authorities our Armed Forces need to prevail in combat today. For example, our report authorizes over $16 billion for mine resistant ambush protected vehicles, MRAPs, to protect against the threat of IEDs in Iraq and Afghanistan, consistent with the Department of Defense's amended budget request responding to urgent operational needs in the theater. Readiness also includes continuing to look ahead to ensure that our Armed Forces are appropriately transforming to be ready to meet emergent threats, to address long-term readiness. This authorization bill increases investments in defense science and technology programs for a total authorization of nearly $11 billion, $142 million more than the budget request. It includes authorization for a number of specific additions to our fleets of ships, submarines, aircraft carriers, ground systems, and aircraft. Again, a longer list will be inserted at the end of my statement.

The third priority is management. Sound management and oversight are critical for us to ensure that every dollar spent on national defense is spent wisely and that every initiative carried out by the Department of Defense is done so efficiently and effectively. The conference report establishes a chief management officer in the Department of Defense and in each of the military departments to ensure for the first time that these issues receive the continuous, top-level attention they need and deserve. The conference report would also address a number of specific management challenges that have arisen over the past few years. It will require private security contractors operating on the battlefields in Iraq and Afghanistan to comply with Department of Defense regulations on the use of force as well as orders and directives from commanders. It will establish a commission on wartime contracting in Iraq and Afghanistan to monitor reconstruction, security, and logistics support contracts and to make recommendations to improve the contracting process. It will also establish a special inspector general for Afghanistan reconstruction, as we already have in place in Iraq.

Further in the area of management, the Department of Defense has lost its institutional capability to manage the hundreds of billions of dollars it spends on goods and services each year. In recent years, we have seen an alarming lack of acquisition planning across the Department, the excessive use of time-and-materials contracts, undefinitized contracts, and other open-ended commitments of DOD funds, and a pervasive failure to perform contract oversight and management functions so necessary to protect the taxpayers' interests. Just last month, the Commission on Army Acquisition and Program Management in Expeditionary Operations reported that systemic failures in the DOD acquisition system have left the Department vulnerable to fraud, waste, and abuse. These problems have been particularly acute in Iraq and Afghanistan, but they are in no way limited to Iraq and Afghanistan. The conference report includes the Acquisition Improvement and Accountability Act of 2007 which would address these problems with the most sweeping piece of Government acquisition reform legislation in more than a decade. Among other things, it will tighten the rules for DOD acquisition of major weapons systems and subsystems, components and spare parts, to reduce the risk of contract overpricing, cost overruns, and failure to meet contract schedules and performance requirements.

For example, section 816 of the conference report requires the DOD to review systemic deficiencies that lead to cost overruns on major defense acquisition programs, and section 814 of the conference report tightens data requirements applicable to contractors on such programs. Further, it will establish a defense acquisition workforce development fund to ensure that the Department of Defense has the people and the skills needed to effectively manage DOD contracts. It will strengthen statutory protections for contractor employees who blow the whistle on waste, fraud, and abuse on DOD contracts by providing for the first time a private right of action in Federal court for contractor employees who are subject to reprisal for their efforts to protect the taxpayers' interests. A number of other management provisions will be included in my remarks at the conclusion and made part of the RECORD.

The conference report identifies all funding provided for programs, projects, and activities that were not requested in the President's budget. For the first time the report identifies the names of Members requesting such funding. This information was made available to the general public in an electronically searchable format on the Armed Services Committee Web site on December 7. I ask unanimous consent that a letter I signed at the conclusion of the conference certifying compliance with the requirements of rule XLIV be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, December 7, 2007.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER: In accordance with the requirements of paragraph 3 of Rule XLIV of the Standing Rules of the Senate, I hereby certify, with regard to the conference report on H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008, that each congressionally directed spending item, limited tax benefit, and limited tariff benefit, if any, in the conference report, or in the joint statement of managers accompanying the conference report, has been identified through a list including the name of each Senator who submitted a request to the Committee on Armed Services for each item so identified, and that such information was posted on the Committee website at approximately 8:30 a.m. on December 7, 2007.

In addition, the certifications received by the Committee pursuant to paragraph 6(a)(5) of such rule have been posted on the Committee website in accordance with the requirements of the rule.

Sincerely,

CARL LEVIN,
Chairman.

Mr. LEVIN. A few other comments on some specific provisions. First, the conference report includes a provision that would restore the collective bargaining and appeals rights for Department of Defense employees who are included in the national security personnel system. I am pleased we were able to work out language on a bipartisan basis that enables the Department of Defense to move forward with personnel reform without denying its employees those well-established rights. The ball is now in the Department of Defense's court to prove it can implement a new performance management system in a manner that is transparent and fair and can gain the acceptance of the Department's civilian employees.

Second, the conference report includes a provision to improve and expand the special immigrant visa program and expand priority 2 considerations under the U.S. refugee program to those Iraqis who have assisted our efforts in Iraq and similar consideration for certain highly vulnerable religious minorities in Iraq. I am pleased that the conference report includes this provision.

I make note of one measure that will not be included in the conference report, sadly, and that is the Hate Crimes Prevention Act of 2007. This critical legislation would have broadened Federal jurisdiction to hate crimes motivated by gender, disability, sexual orientation, and gender identity. I am deeply disappointed that the House conferees were unwilling to include this provision in the conference report and unwilling to put it to a vote as part of the conference report in the House of Representatives. This provision has my full backing; 60 of us voted essentially for this bill in a vote before the Senate. I hope our colleagues will support it when we bring it up for a vote at a future time.

Finally, I congratulate Senator MCCAIN on his first conference report as ranking member of the committee. I thank my dear friend Senator WARNER for continuing to be such a great partner, when Senator MCCAIN was understandably unavailable. This bill could not have happened without Senator MCCAIN and without Senator WARNER. I also take my hat off to IKE SKELTON who chaired our conference. His even temper and plain decency helped smooth a number of rough edges. I will include at the end of my comments a list of the staff of the Armed Services Committee who worked so tremendously hard to bring this annual bill to the point where we now, hopefully, will see its adoption, see the benefits for our troops and their families and our Nation.

I also want to add to the names of those who worked so hard on the Wounded Warrior legislation Senator PATTY MURRAY of Washington. She has been a leader in this effort and I pay special tribute to her, along with other Members who have worked so hard on the Wounded Warrior legislation.

The conference report includes improvements in compensation and quality of life for the men and women in uniform, in addition to the 3.5 percent pay raise for uniformed personnel, including: Authorizing payment of combat related special compensation to servicemembers medically retired for a combat related disability. Payment is equal to the amount of retired pay forfeited because of the prohibition on concurrent receipt of military retired pay and VA disability compensation; reducing below age 60 the age at which a member of a reserve component may draw retirement pay by 3 months for every aggregate 90 days' service on duty under certain mobilization authorities; enhancing reserve education assistance benefits, including authorizing servicemembers eligible for education benefits under the Reserve Education Assistance Program to use those benefits for 10 years after separation, allowing separated servicemembers to regain eligibility by rejoining a reserve component; and authorizing eligibility for increased benefits by aggregating 3 years of qualifying service or more; and extending the prohibition on an increase in TRICARE fees for retirees and reservists and increasing funds for the Defense Health Program; requiring the Secretary of Defense to establish a Family Readiness Council and develop a comprehensive policy and plans to improve the support for and coordination of family readiness programs; and amending the Immigration and Nationality Act to allow certain spouses and children of servicemembers residing under orders in foreign countries to treat their time accompanying the servicemember as residence in the United States for the purpose of satisfying citizenship requirements.

The Walter Reed Hospital investigations made clear that we need to improve the care we provide to our veterans, and especially to our wounded warriors. Our Nation has a moral obligation to provide quality health care to the men and women who put on our Nation's uniform and are wounded or injured fighting our Nation's wars. This obligation extends from the point of injury, through evacuation from the battlefield, to first-class medical facilities in the United States, and ends only when the wounds are healed. When wounds may continue to impact a veteran for a lifetime, we have an obligation to continue to provide quality care.

In an effort to better meet this obligation, the conference report includes portions of the Senate and House passed legislation to improve services for wounded warriors. This legislation reflects close collaboration between the Committees on Armed Services and Veterans' Affairs. Some of the Conference Report's provisions would: Require the DOD and VA to jointly develop a comprehensive policy on improvements to care, management, and transition of recovering servicemembers in an outpatient status; expand treatment and research for traumatic brain injuries, post-traumatic stress disorder, and traumatic eye injuries; guarantee combat veterans mental health evaluations within 30 days of their request; require the DOD to use the VA Schedule for Rating Disabilities in determining servicemember disabilities; increase from 2 to 5 years the period during which recently separated combat veterans may seek care from the VA; require the DOD to use the VA presumption of sound condition in establishing eligibility of servicemembers for disability retirement; and increase leave under the Family Medical Leave Act for caregivers of seriously injured servicemembers from 12 to 26 weeks.

The conference report will ensure that our service men and women are provided with the equipment, training, technology, and authorities they need to prevail in combat, particularly in Afghanistan and Iraq. Specifically, the conference report: Added over $16 billion for all known Service and Special Operations Command requirements for mine-resistant ambush protected, MRAP, vehicles that improve protection for our troops exposed to the improvised explosive device, IED, threat in Iraq and Afghanistan; funded over $4 billion for the Joint Improvised Explosive Device Defeat Office, JIEDDO, and directed JIEDDO to invest at least $50.0 million in blast injury research and over $150.0 million for the procurement of IED jammers for the Army; and authorized fiscal year 2008 end strengths for the Army and Marine Corps of 525,400 and 189,000, respectively, which is an increase of 13,000 for the Army and 9,000 for the Marine Corps.

The conference report also seeks to make sure tomorrow's service men and women are provided with the equipment and technology they need to prevail in future operations. To this end, the conference report promotes the transformation of the Armed Forces to meet the threats of the 21st century, including: Requiring the Secretary of Defense to obligate sufficient annual amounts to develop and procure a competitive propulsion system for the Joint Strike Fighter, JSF, program in order to conduct a competitive propulsion source selection, and adding $196.9 million to the Joint Strike Fighter program in fiscal year 2008 for this effort; authorizing construction for one Army High Speed Vessel and five Navy Battle Force warships, including the first ship of the CVN–21 aircraft carrier class; providing multiyear procurement authority for *Virginia* class submarines, and adding $588 million in advance procurement funding to support buying an additional submarine in 2010; adding $300 million in advance procurement funding for 3 T-AKE class supply ships, and $50 million in advance procurement for a tenth LPD–17 class amphibious ship; adding $2.28 billion for procurement of 8 additional C–17 Globemaster strategic lift aircraft; and adding $51 million to the budget request to provide increased space situational awareness capabilities to address concerns raised as a result of the recent Chinese kinetic anti-satellite weapons test.

Devoting modest resources and effort to sound management practices ensures that our defense dollars are well spent. The conferees included several provisions designed to enhance the management of the DOD. Specifically, these provisions would: Provide that the Deputy Secretary of Defense is the Chief Management Officer of the DOD, and establish a full-time position of Deputy Chief Management Officer, with the rank of Under Secretary, to ensure continuous top-level attention to the management problems of the Department; strengthen oversight of reconstruction activities in Afghanistan by establishing a Special Inspector General for Afghanistan Reconstruction, modeled after the Special Inspector General for Iraq Reconstruction; repeal the authority of the DOD to establish a new labor relations system and restore collective bargaining and appeals rights; and allow the Department to continue efforts to develop and implement a new pay for performance system, but only if the system is implemented in a manner that is consistent with existing labor relations requirements; tighten the rules for competition between Federal employees and private contractors, to ensure that Federal employees are given fair consideration for work to be performed for the Department of Defense.

The conferees also included the Acquisition Improvement and Accountability Act of 2007 in the conference report. These provisions would improve the management and oversight of the DOD acquisition programs, and, specifically, would: Require the private security contractors operating on the battlefield in Iraq and Afghanistan to comply with DOD regulations and rules on the use of force, as well as orders and directives from combatant commanders regarding force protection, security, health, safety, and interaction with local nationals; establish a Commission on Wartime Contracting in Iraq and Afghanistan to study and investigate Federal agency contracting for reconstruction, logistics support, and security functions in those countries, and make recommendations as to how contracting processes could be improved in the future; establish a defense acquisition workforce development fund to provide a minimum of $300 million in fiscal year 2008, and increasing amounts thereafter, to ensure that the DOD has the people and the skills needed to effectively manage the DOD's contracts; strengthen statutory protections for contractor employees who blow the whistle on waste, fraud and abuse on DOD contracts by providing, for the first time, a private right of action in Federal court for contractor employees who are subject to reprisal for their efforts to protect the taxpayers' interests; and tighten the rules for DOD acquisition of major weapon systems and subsystems, components and spare parts to reduce the risk of contract overpricing, cost overruns, and failure to meet contract schedules and performance requirements.

The conference report also includes a provision that would build new flexibility into specialty metals requirements to ensure that the DOD can acquire the weapon systems needed by our men and women in uniform. In particular, the provision contains four new exceptions to the specialty metals requirements: a new exemption for commercial, off-the-shelf items; a new de minimis exception for items that contain relatively small amounts, less than 2 percent by weight, of non-compliant material; a new national security exception for items that are needed by our warfighters; and a new "market basket" exception for dual-use items. The exceptions for commercial, off-the-shelf items and de minimis amounts of non-compliant material are particularly important, because they apply to purchases by the Department and by defense contractors and subcontractors at any tier, regardless of whether the items acquired are systems, subsystems, assemblies, subassemblies, or components. Because commercial items such as engines and generators are built almost exclusively out of commercial, off-the-shelf components, and any military-unique components are likely to constitute less than 2 percent of the specialty metals included in the final product, they too can now be purchased by DOD and its contractors without the cumbersome need for a waiver.

In addition, the provision would eliminate the Anti-Deficiency Act as an enforcement mechanism for specialty metals requirements, ensuring that noncompliance can now be treated as a routine contract violation, subject to appropriate contractual penalties, and not as a potential criminal offense that precludes the acceptance of a product. Taken together, these changes should reduce the inordinate amount of time and effort that the Department has had to spend over the last 2 years trying to enforce compliance down to the component level on major weapon systems.

The conference report also included a number of other noteworthy provisions, including: Requiring a report on Pakistan's efforts to eliminate safe havens for violent extremists on its territory and to prevent cross border incursions by those extremists into Afghanistan; renewing authority for the Special Operations Command to provide support to foreign forces, groups or individuals who are supporting or facilitating ongoing military operations by U.S. special operations forces; and expanding the Iraqi Special Immigrant Visa program and creating a priority 2 refugee category for those Iraqis who have provided assistance to the United States and for certain highly vulnerable Iraqi religious minorities.

In the area of nonproliferation and cooperative threat reduction, the conference report: authorized an increase of $230 million to the amount requested for the Department of Energy nonproliferation programs; authorized an increase of $80 million for the DOD's Cooperative Threat Reduction, CTR, Program; and expanded the CTR program to countries outside of the former Soviet Union and adopted provisions that would repeal all of the required annual certifications.

The conference report also authorized $9.8 billion for ballistic missile defense, a net reduction of $597 million below the budget request. The conference continued to focus on effective near term capabilities against existing short and medium range threats by authorizing an additional $120 million for such systems. Further, the conferees authorized provisions to improve the budgeting, acquisition, and oversight of missile defense programs, and to limit the use of funds for construction and deployment activities for the proposed European missile defense deployment until the governments of Poland and the Czech Republic give final approval of any bilateral deployment agreements negotiated with the United States, and Congress receives an independent assessment of options for missile defense in Europe.

I ask unanimous consent to print in the RECORD the list of staff members of the Armed Services Committee to which I earlier referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STAFF MEMBERS OF THE SENATE ARMED SERVICES COMMITTEE

Borawski, June M.; Brewer, Leah C.; Bryan, Joseph M.; Caniano, William M.; Carrillo, Pablo E.; Clark, Jonathan D.; Cohen, Ilona R.; Collins, David G.; Cork, Fletcher L.; Cowart, Christine E.; Cox, Jr., Daniel J.; Creedon, Madelyn R.; Cronin, Kevin A.; DeBobes, Richard D.; Dickinson, Marie Fabrizio; Eisen, Gabriella; Farkas, Evelyn N.; Fieldhouse, Richard W.; Forbes, Diana Tabler; Greene, Creighton.

Howard, Gary J.; Hutton, IV, Paul C.; Jacobson, Mark R.; Kiley, Gregory T.; Kingston, Jessica L.; Kostiw, Michael V.; Kuiken, Michael J.; Leeling, Gerald J.; Levine, Peter K.; Maurer, Derek J.; McConnell, Thomas K.; McCord, Michael J.; Monahan, William G.P.; Morriss, David M.; Niemeyer, Lucian L.; Noblet, Michael J.; Parker, Bryan D.; Pasha, Ali Z.; Paul, Christopher J.; Pearson, Cindy; Pollock, David.

Quirk V, John H.; Rubin, Benjamin L.; Rusten, Lynn F.; Sebold, Brian F.; Seraphin, Arun A.; Smith, Travis E.; Soofer, Robert M.; Stackley, Sean G.; Svinicki, Kristine L.; Sutey, William K.; Wagner, Mary Louise; Walsh, Richard F.; Wells, Breon N.; White, Dana W.

● Mr. MCCAIN. Madam President, I sincerely congratulate Chairman LEVIN, the members of our committee, and our House colleagues for their work on the conference report to accompany the fiscal year 2008 National Defense Authorization Act. With provisions that authorize a considerable pay raise for all military personnel, increase Army and Marine end-strength, reform the system that serves wounded veterans, and help prevent waste, fraud, and abuse in defense contracting and procurement, this conference report undoubtably contains many important elements that will help support our national defense and, in particular, our servicemen and women. However, this conference report also contains other provisions that are very problematic. In fact, so flawed are those provisions that, despite all that is good in the conference report—and there is much—I must—cannot support this year's report.

In this year's conference report, and the accompanying bill, there are $5.3 billion in earmarks. That does not even include about $330 million worth of military construction pork "airdropped" by the House Appropriators despite having enacted ethics reform legislation just 2 months ago. Of that $5.3 billion, $2.3 billion came from the Senate and $4.1 billion originated in the House. The disparity between the two bills is unprecedented.

Almost half of the total amount of pork in this conference report, and the accompanying bill, arises from a single provision that authorizes the procurement of eight C–17 Globemaster aircraft that the Defense Department states we neither need nor can afford. I should also note that this conference report stripped out an important amendment that called for all congressionally directed spending on new programs and grants to be subject to full and open competition. In my view, the massive pork spending in this conference report renders it a frontal assault on this body's purported commitment to ethics and earmark reform and, in my view, results in a inexcusable failure in our obligation to the taxpayer.

The conference report also contains troubling provisions that will likely fail to cure abuses in multiyear contracting, possibly weaken the ability of the Department of Defense to waive protectionist restrictions on the purchase of weapon systems containing specialty metals, and allow the Air Force to precipitously retire fully-capable aircraft just so it can buy new ones. Therefore, while many elements in this conference report are undoubtably helpful, I regrettably cannot sign it.

Clearly, the most egregious single item in this report is a provision that authorizes the Air Force $2.28 billion to buy eight C–17 Globemaster aircraft. I note that the dollar amount associated with this one provision, which originated in the House, nearly equals the total amount of earmarks in this bill that arose from the entire Senate side.

This provision is particularly problematic given that the Secretary of Defense has consistently maintained that the Defense Department met its strategic airlift requirements with the final purchase of C–17 aircraft authorized by the 2007 National Defense Authorization Act and, therefore, simply does not need any more C–17 aircraft. In fact, during deliberations with the conferees, the Defense Department conveyed concern that continuing the C–17 production line would compete with the Department's number one priority for strategic airlift, the recapitalization of the aerial refueling tanker fleet. Reflecting that view, the President's Budget Request for fiscal year 2008 included no funding for additional C–17 aircraft and, as it did last year, asked for money to begin shutting down the C–17 production line.

In 2007, Congress allowed the Air Force to buy 10 C–17 aircraft above what it actually needed. This year, in their collective wisdom, the conferees have seen it fit to repeat that multibillion dollar mistake by providing for a follow-on purchase, in the face of the administration's admonitions. At the end of the day, this provision does little else than subsidize the continuation of the contractor's C–17 production line, which is nearing its end—a corporate handout at its worst.

I am particularly concerned about this provision given that I have uncovered compelling evidence of possible wrongdoing in the Air Force's interaction with the contractor on the C–17 matter. That evidence points to a disturbing level of effort—undertaken jointly by the Air Force and the contractor—to undermine the current program-of-record and support a procurement proposal for which there is no validated requirement and which is not reflected in either the President's Budget Request or even the Air Force's own Future Years Defense Program, FYDP. In its rank aggressiveness, the evidence I found, and referred to the appropriate authorities for further review, is not unlike some of what I observed in the Boeing tanker lease scandal. From those authorities, I understand that a review is pending. When faced with similar circumstances concerning the Boeing tanker matter, we suspended procurement activities until all related investigations were concluded. Prudence requires that, at a minimum, we do the same here.

This conference report also includes authorization for 52 new military construction projects totaling $328 million requested by individual Members of the House that were not vetted or included in either the House- or the Senate-passed National Defense authorization bills for fiscal year 2008. On October 30, 2007, the House Appropriations Military Construction/Veterans Affairs Subcommittee slipped this bloated earmark list to the House Armed Services Committee with no public review or semblance of transparency. And, in order to maintain comity with the appropriators, the majority of defense bill conferees, over my objections, decided to insert the authorizations into our conference report. Not only is this is a classic example of "parachuting" or "airdropping" earmarks into a conference report in the dead of night, which we ostensibly sought to stop with the enactment of a new ethics law two months ago, it is also an abrogation of our role as authorizers to fully vet each new matter we consider—rather than blindly accept what the appropriators tell us. Despite the rhetoric of a "new day" for accountability, allowing such practices reflects that there is no transparency in this process. Regrettably, the conferees appear content to hide behind parliamentary tricks and mental gymnastics while knowing full well the spirit and intent of the reform we sought to achieve earlier this year. Saying that over $300 million in pork construction projects can be added in conference means that there is essentially no limit on how much a program or a project can balloon during conference. This is a "hog call" if I've ever heard one.

Senate amendment 828 to the Senate-passed Bill applied Federal competitive bidding laws and regulations to congressional earmarks. Rather modest in what it sought to do, that provision would not have prohibited Members of Congress from earmarking defense dollars. Instead, it simply would have ensured that taxpayers received the advantage of a competitive process. Under that provision, a Member of Congress in either body would have retained the prerogative to fund an activity that he deems worthy, but a full and open competitive process would be used to select the most qualified entity to undertake the project. If an activity is important enough to require earmarking of taxpayers dollars, that legislative proposal would simply have required transparency and full and open competition. Moreover, waiver authority was built into the provision to allow the Department reasonable flexibility in its implementation. In my view, that important provision should have been included in this conference report.

The provision that I originally offered as an amendment to the Senate version of the bill clarified how much savings would be required to achieve under a multiyear contract before Congress could authorize that procurement mechanism to buy the largest and most expensive weapon systems. That clarification was important to help the Defense Department use multiyear contracts responsibly to capitalize on mature, well-run programs by buying at economically efficient rates—not to insulate poorly performing systems from effective congressional oversight. While the multiyear contracting provision in the conference report is helpful, it contains language that allows the Department to waive its stringent requirements in a way that eviscerates the provision's underlying intent. In other words, the waiver provision appears to create a loophole through which the Department can keep chronically poorly performing programs "on rails" and away from meaningful congressional oversight.

For some time now, I have been concerned about how the Air Force, in particular, has been creating requirements for procuring new aircraft by precipitously retiring older but reliable, platforms to bulk up buys of new aircraft platforms. This has required this committee to legislatively prohibit, in previous authorization bills, the retirement of KC–135s, B–52s, C–5s, U–2s and C–130s. In this year's conference report, we have unwisely relieved at least a couple of those restrictions.

The Air Force's number one acquisition priority is to replace its aged KC–135 fleet of tanker aircraft. The Air Force's original attempt to replace that fleet led to the now infamous Boeing tanker lease scandal, which resulted in jail-time for a top Air Force procurement official and Boeing's chief operating officer.

This time, the Air Force intends to implement a "comprehensive" tanker replacement strategy, one component of which is the purchase of a new, commercial-derivative tanker. On that component, two contractor teams have submitted offers responding to a request for proposals, which the Air Force is now reviewing. A contract may be awarded as soon as late February 2008. Unfortunately, on the other two components of the strategy—implementing a complementary commercial fee-for-service program and re-engining some of its older KC–135s—the Air Force has made no serious headway. Against that backdrop, I remain concerned that the Air Force may simply maximize its desired purchase of new planes. Several studies conducted by both the Air Force and independent groups indicate that the current KC–135 fleet is viable for the intermediate term. Given that taxpayers have made a significant investment in the KC–135 fleet, the Air Force should not be permitted to precipitously retire them simply because it wants to buy as many new tanker aircraft as possible.

The "Air Force Fleet Viability Board, KC–135 Assessment Report" cautioned that, before retiring KC–135s, the Air Force needs to conduct destructive testing so it can proceed on an informed basis. However, the Air Force has not complied with that recommendation. Nonetheless, section 135 of this conference report allows the Secretary of the Air Force to retire immediately 48 KC–135E tanker aircraft. It also allows the Air Force to start retiring the remaining 37 KC–135E during fiscal year 08 after contract award for the KC-X tanker replacement aircraft. Once again, without reasonably restricting the Air Force's retirement of

KC-135s, we may have lost the ability to ensure that the Air Force does not replace its current fleet of tanker aircraft by simply maximizing its purchase of commercial-derivative aircraft a solution that simply disregards the interests of the taxpayer.

A provision on the retirement of C-130 airlift aircraft is similarly improvident. That provision, section 133, would repeal the requirement in the fiscal year 2007 National Defense Authorization Act that any C-130E aircraft retired in fiscal year 2007 be maintained in a condition that would allow recall of the aircraft to active service. Another provision, section 134, would allow for the retirement of 29 more C-130E aircraft in fiscal year 2008.

Without the Department's requirements for tactical airlift capability well-defined, it would be premature to retire any C-130 aircraft, at least until: (1) an Air Force Fleet Viability Board has conducted an assessment of the C-130E/H fleet of aircraft; and (2) the results of the Intra-Theater Lift Capability Study, ITLCS, phases 1 and 2, identify the right mix and number of intra-theater airlift assets. Therefore, I believe that we should not retire any more C-130 aircraft until the Department determines what its intra-theater lift requirements are and that aircraft already should not be stripped for parts or destroyed until we have the results of the requirements analysis.

This conference report also contains several policy provisions that weakens the broad waiver authority that the Department of Defense currently has with regard to weapon systems that contain specialty metals. For a long time, I have tried to lessen the impact of, if not entirely eliminate, "buy America" restrictions, including the Berry amendment, in Defense Department purchases. Legislation restricting the Department's purchases along those lines tend to direct spending for the benefit of a particular entity or congressional district. So, I am concerned that, with the specialty metals/"buy America" policy provisions contained in this conference report, we may have further opened the door for more pork legislation in the future. Finally, as those policy provisions were not in either the Senate- or the House-passed defense bills, I question whether those provisions should have been added in conference.

Another objectionable provision in the conference report would establish a policy that future major combatant ships be nuclear-powered, regardless of requirements, cost, or other considerations that go into selecting a new ship class propulsion system. The Secretary of Defense could only seek a waiver of this requirement if he determines that nuclear propulsion for a future ship is not in the national interest. If the next cruiser class, CG(X), is required to be nuclear-powered as a result of this policy, its cost will increase by greater than $1 billion and the ship will be delayed several years. The result would be significantly increased cost, fewer ships, and delays in fielding the next major surface combatant class of ships. At a time when the Secretary of the Navy is doing all he can to reform how the Navy goes about buying its biggest and most expensive weapon systems, this provision is a move in the wrong direction.

The conference report also includes a provision that sets a very dangerous precedent by in effect forcing the Department to take action for the benefit of certain Members of Congress. Section 2846, entitled "Transfer of jurisdiction, former Nike missile site, Grosse Ile, Michigan", mandates that the Department of Defense spend funds from an account that has historically been guided by an objective assessment of the risk to human health. This provision requires the Corps of Engineers to clean up a site to a higher standard than the Army deems necessary in Gross Ile, Michigan, so the property can be used as a wildlife refuge. Let me be clear: I have nothing against refuges. But, the Department of Defense has over 9,900 properties evaluated as Formerly Used Defense Sites, FUDS, and must conduct cleanup projects at more than 3,000 of them. The FUDS program costs the Department over $250 million a year and is expected to cost the Department $18.7 billion when all said and done.

We simply cannot afford allowing individual Members of Congress to move their pet projects to the top of the priority list, completely disregarding the risk to health and safety of other more vital projects. Clean-up should be based on the priority of risk, not political muscle.

There was another conference decision which I believe may be very detrimental to our role as an authorizing committee. Senate-passed bill, Senate section 2811, "General Military Construction Transfer Authority," was intended to extend to military construction accounts the current congressional review process for requests from the Department of Defense for the reprogramming of funds between accounts. Currently, for every funding account except military construction, the Secretary of Defense notifies all four defense committees of his intent to transfer funds from one account to another during the year to better manage obligations. However, for military construction accounts, the Secretary sends a notification only to the House and Senate subcommittee on Military Construction and Veterans Affairs. The Senate provision sought to extend that oversight responsibility to our conferees on the House and Senate Armed Services Committees. That was a good provision. It was included in our Senate markup without question and was agreed to by both the House and Senate staffs during conference.

However, at the last moment during conference deliberations, members from the House Appropriations Committee persuaded my fellow conference leaders to drop the provision for no substantive reason, other than it would diminish the power of the appropriators. This capitulation is very troubling. The provision was written in response to recent actions by the Appropriations subcommittees that either held up military construction reprogramming requests based on parochial interests or approved reprogramming requests over the objections of this committee's staff. In particular, we were concerned by the proposal made by the Air Force to the Committees on Appropriations in January 2007 to use the existing reprogramming process to carry out a "new start" military construction project that had not been authorized by law—a clear challenge to the role of the authorizing committees over new start military construction.

The committee was also concerned that the appropriators in both bodies approved a reprogramming in July 2007 for a military construction project for which no funds were appropriated in fiscal year 2007, as a favor to a particular Member—disregarding the policy implications of the action. Also, earlier this year, the Senate appropriators held up approval of two reprogramming requests for projects in Virginia in order to force the Department to act on other reprogramming requests. If this committee had equal authority, we would have the ability to prevent such shamelessly parochial and institutionally divisive behavior. Senate section 2811 would have put an end to such activity between the appropriators and authorizers by establishing equal footing with regard to reprogramming requests on military construction projects. I am at a complete loss why it was dropped from our conference agreement.

Again, while there is much in this year's conference report that is very worthwhile and helpful to helping provide for the national defense, the elements contained within it that move in the wrong direction are too numerous, too large, and too costly for any Member to ignore. With those elements in this conference report, I simply cannot in good conscience tell the American people that this is our best—that this conference report represents our best vision for the country on matters that relate to, or affect, our servicemen and women and how we secure our national security interests abroad. By declining to sign this conference report today, I respectfully convey to the chairman and my fellow conferees my belief that we can, and for the sake of both the warfighter and taxpayer, we must do better.●

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I rise today to thank my colleagues, both in the House and Senate, for their tremendous bipartisan work on the fiscal year 2008 national defense authorization bill.

The Congress has passed the national defense authorization bill every year since 1959, and I have had the great privilege to have had a hand in this annual piece of legislation each of my 29 years in the Senate.

This bill accomplishes the following: supports our troops deployed in harm's way; bolsters the readiness of our Armed Forces; reforms the acquisition practices of the Department of Defense; addresses the problems in military medical care uncovered at Walter Reed and elsewhere; provides needed equipment to protect our deployed forces; and strengthens the quality of life of our soldiers, sailors, airmen, and marines, and their families.

To care for those who serve in uniform, their families, and retired veterans, this legislation authorizes $696.4 billion which includes the base budget for fiscal year 2008—$507 billion—and the President's emergency supplemental requests for Iraq, Afghanistan, and the global war on terrorism—$189 billion—made in February, July, and October.

It authorizes a 3.5 percent across-the-board pay raise for all uniformed service personnel.

It continues the authorization to pay over 25 separate bonuses and special pay critical to successful recruiting and retention.

It authorizes fiscal year 2008 end strengths for the Army and Marine Corps of 525,400 and 189,000 respectively, which is an increase of 13,000 for the Army and 9,000 for the Marine Corps.

It includes the Wounded Warrior Act, which will improve health care and benefits for recovering veterans, recovering servicemembers and their families, and begin the process of reform of the Department of Defense, DOD, and Department of Veterans Affairs, VA, disability evaluation systems.

It requires DOD and Veterans Affairs to jointly develop a comprehensive policy on improvements to care, management, and transition of recovering servicemembers in an outpatient status.

It authorizes payment of combat-related special compensation to servicemembers medically retired for a combat-related disability. Payment is equal to the amount of retired pay forfeited because of the prohibition on concurrent receipt of military retired pay and VA disability compensation.

It reduces below age 60 the age at which a member of a Reserve component may draw retirement pay by 3 months for every aggregate 90 days' service on active duty under certain mobilization authorities.

It guarantees combat veterans mental health evaluations within 30 days of their request.

It includes several provisions to continue to provide best quality health care to servicemembers and their families and provisions that would enhance the ability of the services to attract health care personnel.

It guarantees combat veterans mental health evaluations within 30 days of their request.

To ensure that servicemembers serving in Iraq and Afghanistan are properly equipped, this legislation adds over $17 billion for mine resistant ambush protected—MRAP—vehicles that improve protection for our troops exposed to the improvised explosive device, IED, threat in Iraq and Afghanistan.

It funds over $4 billion for the Joint Improvised Explosive Device Defeat Office, JIEDDO.

It authorizes funds to procure ammunition, modernize ammunition plants, and protect and enhance military training ranges.

To meet current and future threats to our country's national security, this bill requires the DOD to develop a competitive engine program for the Joint Strike Fighter and authorized $480 million for this purpose.

It authorizes more than $13 billion for Navy shipbuilding.

It provides multiyear procurement authority for fiscal years 2009 through 2013 *Virginia*-class submarines, and adding $588 million in advance procurement funding to support buying an additional submarine in 2010.

It adds $51 million to the budget request to provide increased space situational awareness capabilities to address concerns raised as a result of the recent Chinese kinetic antisatellite weapons test.

It authorizes $220.4 billion to meet the operation and maintenance requirements of the services to support combat operations and improve the readiness of deploying and nondeploying forces.

To ensure for the effective oversight of Department of Defense contracts, contractors, and acquisition workforce, this legislation requires private security contractors operating on the battlefield in Iraq and Afghanistan to comply with DOD regulations and rules on the use of force, as well as orders and directives from combatant commanders regarding force protection, security, health, safety, and interaction with local nationals.

It establishes a Commission on Wartime Contracting in Iraq and Afghanistan to study and investigate Federal agency contracting for reconstruction, logistics support, and security functions in those countries, and make recommendations as to how contracting processes could be improved in the future.

It strengthens oversight of reconstruction activities in Afghanistan by establishing a Special Inspector General for Afghanistan Reconstruction, modeled after the Special Inspector General for Iraq Reconstruction.

It includes the Acquisition Improvement and Accountability Act of 2007, which would improve the management and oversight of DOD acquisition programs.

It strengthens statutory protections for contractor employees who blow the whistle on waste, fraud, and abuse on DOD contracts by providing, for the first time, a private right of action in Federal court for contractor employees who are subject to reprisal for their efforts to protect the taxpayers' interests.

To recognize the responsibilities and enhance the role of the National Guard, this legislation includes the National Guard Empowerment Act which authorizes promotion of the Chief of the National Guard Bureau to the rank of four-star general and recognizes the responsibilities and enhanced role of the National Guard.

Finally, to ensure the effective security and remediation of Department of Energy sites, this act supports enhanced security at Department of Energy, DOE, nuclear sites and the development of new technology to promote environmental cleanup of DOE sites.

Madam President, this important bill will maintain our readiness and support the military's transformation to meet the 21st century's threats. I urge my colleagues to support this crucial legislation.

Madam President, I direct persons to the committee report, the National Defense Authorization Act for fiscal year 2008. On page 334 there appears a provision, section 1079, entitled: "Communications with the Committees On Armed Services of the Senate and the House of Representatives." I will read a part of it to familiarize people:

> The Director of the National Counterterrorism Center, the director of a national intelligence center, or the head of any element of the intelligence community shall, not later than 45 days after receiving a written request from the Chair or ranking minority member of the Committee on Armed Services of the Senate or the Committee on Armed Services of the House of Representatives—

The Senate and the House provide certain information.

I worked with this provision at the time it was framed in our committee, and I want to say for the record that it was never intended, nor do I personally find any wording in this amendment, which would include the daily brief provided to the President of the United States. That is the exclusive property under executive privilege of the President.

Madam President, I wish to add on that list on the Wounded Warrior Senator WEBB, who took a very active role in that.

Our respective leaders have asked us to keep this debate limited as best we can. I know of only one speaker on my side who is seeking 5 minutes. I think our distinguished chairman covered the matter very carefully as he always does.

It has been a privilege for me to participate in the preparation of this conference report and to work on the other committee matters throughout the year. As the chairman said, Senator MCCAIN is on a mission, a mission I happen to support strongly. I am happy to work with Senator LEVIN instead of Senator MCCAIN. His chief of staff, seated next to me, Mike Kostiw, and I were in constant contact with him, and in every way Senator MCCAIN had hands on in the affairs of the committee this year as ranking member in the preparation of this report.

Senator MCCAIN and I have known each other ever since I was Secretary of the Navy. He was then in the prison camps. Shortly thereafter, when he joyously returned home to a nation that welcomed him with open heart, we have been friends ever since. It was quite logical for him to ask me to work in his stead. This is the 29th year Senator LEVIN and I have occupied these two chairs. Particularly the last 17 years, either I have been chairman or he has been chairman or ranking member of the committee. Our partnership is rather extraordinary. I anticipate he will maintain and continue that strong effort to make this committee what it is, nonpartisan in its function, in large measure, with Senator MCCAIN after my departure a year hence.

Again, I salute my good friend for his leadership as chairman this year. He is always open to me and other members of the Republican side of the committee to entertain their views very fairly and objectively, thoroughly. And together with our superb professional staff, we have managed to put together a very commendable bill for the Senate and now this conference report for the whole of the Congress.

Having said that, I join in his recognition of IKE SKELTON and DUNCAN HUNTER, the two partners we have worked with for many years on the House side. This was his first year as chairman for Congressman SKELTON. We worked in the final stages of the preparation of this bill, the four of us, on many key issues to resolve differences between the House and Senate. IKE SKELTON is an extraordinary leader. He has been on that committee many years and has been about as long as we have in the Congress. We are fortunate to have his services, as we do the services of Senator LEVIN.

I yield the floor. The chairman may wish to recognize a speaker on his side. Then I will recognize a speaker on our side.

Mr. LEVIN. Madam President, before I yield time to Senator MURRAY, let me all too briefly thank my friend from Virginia. I treasure this relationship. It has been extraordinarily meaningful to me and important to me and our wives. We still have a year and a few months to go and we will make fullest use of all that time. In the meantime, let me extend my thanks to him and my appreciation for the friendship and support he has always provided, not just to me but to every Member of the Senate.

Mr. WARNER. Madam President, I thank my good friend. I wish to add our respective wives who have spent long hours waiting for us as we have traveled so many times in these almost 30 years to places all over the world together and left them at home, and many nights late here. They have been a good team to support both of us.

Mr. LEVIN. Indeed, they have.

I thank the Senator for those comments, and I yield 5 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, I thank the Senator from Michigan and the Senator from Virginia for their tremendous work on this legislation.

I am glad we are considering this bill. And I have come to the floor today to highlight a section of this legislation that's especially important to me because it will make a huge difference in the lives of our servicemembers and veterans—the Wounded Warriors Act.

The Wounded Warriors Act has already passed the Senate once on its own. To ensure it passed Congress this year, it was added to this Defense bill, too. It is taken longer than I had hoped to get to this point. But today, I'm optimistic that we can pass this bill, and get these much-needed improvements to our troops and our veterans soon. This is a major step toward real change.

I want to talk about how we got to this point, and why this bill is so necessary. This February, the Washington Post stunned us all with a series of articles on the squalid conditions some of our servicemembers were living in at Walter Reed Army Medical Center.

The articles described infestations of mice and cockroaches in some Walter Reed facilities. They described moldy walls, and broken ceilings in the rooms servicemembers were living in while they waited to get care. And the articles described how many of our servicemembers and their families feel trapped in a bureaucratic "Catch-22," while they try for months to work out their disability ratings.

I am proud that Democrats led a bipartisan effort in the Senate to address these problems aggressively. The Wounded Warriors legislation we have now is the result of a historic partnership between two of our committees—the Veterans' Affairs Committee, chaired by Senator AKAKA, and the Armed Services Committee, chaired by Senator LEVIN. I want to thank both Senators for their leadership on this.

Together, we convened hearings, reached across the aisle, and crafted legislation that will make sure that the men and women who have served our country so honorably get the care they deserve when they come home.

The more we dug for information, the more we learned about the huge problems we need to address. Last winter, when I visited Walter Reed with our majority leader and other members of the Leadership team, the servicemembers we talked to weren't just frustrated with their living conditions. They had reached the end of their patience trying to navigate a disability system, which made absolutely no sense to them—or to us.

And the problem was not limited to servicemembers at Walter Reed. I went home and met with servicemembers in medical hold in Washington State—more than 200 people showed up. They, too, were angry and frustrated with their situation. They told me story after story about how they had to struggle to get their disability ratings and fight for the care they needed.

It was clear from these meetings that the Defense Department and the VA don't have a joint strategy for caring for servicemembers and veterans, and that they use inconsistent ratings for disabilities. Their paperwork doesn't even match. How you're rated as disabled by the military is completely different than how you're rated by the VA.

The result is that our servicemembers get caught in the middle. They get lost in the bureaucracy, while trying to get the treatment they need to recover. Too often, our injured servicemembers are the ones trying to figure out how to work out the transition. It's frustrating, and it's completely unacceptable.

Other servicemembers told us that they have had to struggle to get the right diagnosis for their injuries. Our military has long known about the mental wounds that can be caused by war. But many servicemembers still said they got little or no help to cope with mental illness.

I talked to men and women who said they knew something was wrong. They felt different. And they forgot little things—basic things. They described not being able to find their keys after they put them down. They couldn't remember their kids' birthdays. They couldn't even remember what they'd done the year—or even the day—before.

One young man from a rural community in my home State of Washington said he came home and felt isolated, unable to talk to his childhood friends. He was 22, but he couldn't remember what he'd learned in school just a few years ago. He said he didn't know who he was any more, and he eventually tried to take his own life.

That young man had a traumatic brain injury. He had been around not one—not five—not 20—but more than 100 explosions while he was on the ground in Iraq. Even so, he wasn't screened for TBI when he was discharged. No one asked how he was doing. And no one followed up when he got home to ask how he was adjusting to civilian life.

This should not happen to any of our servicemembers who have served us honorably. Yet that young man's experience is all too common.

As a result of our investigation, Democrats said, "No more." It's simply unacceptable that after fighting for our country, our servicemembers have had to return and fight against our government for the care they deserve.

By passing the Wounded Warriors Act, we are moving aggressively to make sure that these men and women are treated well when they come home. The Wounded Warriors Act lays out a clear path directing the Defense Department and the VA to address shortfalls in the care of our wounded warriors.

It requires the Defense Department and VA to work together to develop a comprehensive plan to prevent, treat and diagnose TBI and PTSD. It creates DOD centers of excellence for TBI and PTSD to improve our understanding of these devastating injuries. If directs the two agencies to develop a joint electronic health record so that critical medical files aren't lost as our wounded troops move from battlefield doctors, to medicals holds, and on to the VA.

The act requires the military and the VA to work together on disability ratings. This is the first step toward bridging the gap between the VA and the Defense Department. And it requires the military to adopt the VA presumption that a disease or an injury is service-connected when our heroes—who were healthy prior to service—have spent 6 months or more on active duty.

The bill also addresses many of the horrifying conditions that our troops found themselves in at Walter Reed and other facilities. It ensures our servicemembers get adequate severance pay. And it can provide medical care for the families of recovering servicemembers.

In addition to the Wounded Warriors Act, the Defense Authorization bill includes important provisions passed by the Senate Veterans' Affairs Committee aimed at improving care for servicemembers once they reach the VA system.

As you know, my colleagues on the Committee and I have worked hard to get these improvements in place, so I want to take a moment to mention them as well.

Under this bill we will require that an initial mental health evaluation be provided to veterans or returning servicemembers no more than 30 days after they ask for one. We will extend the period of eligibility for VA health care for combat veterans of the Persian Gulf War and future conflicts. That time period will increase from 2 years to 5 years after discharge or release. And we'll ensure improvements to the quality of care for veterans with TBI by requiring age-appropriate nursing care, and plans to help servicemembers recover and transition back into civilian life.

While this bill is an important step toward providing our wounded warriors with the level of care they deserve and have earned, it's by no means the last step. Much work remains to be done by the DOD and the VA. We in Congress will have to keep a close watch to make sure the Defense Department and the VA are meeting the goals we've set out here.

And as a member of the Senate Veterans' Affairs Committee and the Defense Appropriations Subcommittee, I can assure you that I will be doing just that.

I voted against going to war in Iraq. But I've said consistently that no matter how you feel about the war, we have an obligation as leaders to make sure that our men and women who fight for us get the care they deserve. I'm particularly proud of the way Democrats moved to address the problems facing our returning servicemembers, which clearly wasn't a priority for the Bush Administration.

Democrats said: "Not on our watch. Not any more."

The Wounded Warrior bill provides real solutions for our troops and veterans from the battlefield to the VA and everywhere in between. Our servicemembers have always answered the call of duty, but for too long, our Government has not answered theirs. I'm proud to say those days are over. This bill is part of that commitment. Let's pass it today, so we can get started on these improvements and provide the kind of care our servicemembers and veterans deserve. As I said at the beginning of this speech, this is a major step toward real change for our troops.

NOMINATION OF GENERAL JAMES PEAKE

While I have the floor, Madam President, I also want to take a minute to say a few words about the nomination of GEN James Peake to be the next Secretary of the Department of Veterans Affairs.

On Thursday, I joined with my colleagues on the committee and voted in favor of his nomination. As we all know, there has been a vacuum at the head of the VA for years now, and for the reasons I have already laid out today, we need someone strong to lead this agency as we work to change course there. I do not think we ought to dwell on the mistakes of the past. I believe we do have to learn from them.

At his confirmation hearing, General Peake pledged to stand up and put the needs of veterans above the political needs of the White House. He can guarantee that I am going to hold him to his word because we owe our troops nothing less.

After fighting for their country, too many have had to fight against their Government to get the care and benefits they have earned. They have had to contend with bureaucratic ineptitude, a massive claims backlog, and wait times—just to name a few of the many problems at the VA.

While I believe we shouldn't dwell on the mistakes of the past, I believe we must learn from them. And I expect General Peake to learn from the VA's past failures.

The veterans of this country deserve a Secretary who is an honest and independent advocate for them—not an apologist for failed administration policies. Yet one of the biggest mistakes made by General Peake's predecessor was his blind political allegiance to the President—at the expense of the veterans he was supposed to serve.

In his confirmation hearing, General Peake pledged to stand up for the needs of veterans above the political needs of the White House. As a senior member of the Senate Veterans' Affairs Committee and the MilCon-VA Appropriations Subcommittee, he can guarantee that I will hold him to his word.

General Peake will be taking the reins at a critical time in the agency's history. Many challenges lie in his path—from the enormous task of streamlining and improving the military and veterans disability systems, to implementing a joint electronic medical record; and from reducing wait times for benefits, to caring for the large number of returning veterans with post-traumatic stress disorder and traumatic brain injury.

These challenges require innovative solutions. They require a Secretary who will roll up his sleeves and get to work. And they require strong leadership. It will require action. And it will require results. General Peake promised to do just that. We must all hold him accountable—I know I will. If he fails to change the direction of this agency, he will have to answer for it.

But I also pledge to work with him to get this right and put our veterans first. We have a true opportunity to change course at the VA. But the clock is ticking. With our troops fighting overseas and older veterans accessing the VA in greater numbers, we are facing unprecedented challenges.

As they say at the VA in my home State, "business as usual" isn't an option. And I am hopeful that General Peake won't accept "business as usual" either. I am hopeful that he will make sure we keep our promises to the heroes who risked everything for our safety because we owe them nothing less.

Madam President, I again thank the Senator from Michigan and the Senator from Virginia for their tremendous leadership in making sure our troops get all they need and, in particular, for the Wounded Warriors Act, which will be historic when it gets passed and signed into law and we can turn around to the men and women who served us so well and say: We are working with you, not against you.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I ask unanimous consent to have printed in the RECORD, in a slightly different form, a list of the staff—professional staff and several personal staff—on my side who have helped in the preparation of the Senate bill and the preparation of the conference report. While there is some redundancy, I think the RECORD should reflect my specific appreciation to these many people who make it possible for the chairman and ranking member to prepare these bills and then the reports. So I have infinite respect and gratitude for each of them.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MINORITY STAFF SENATE ARMED SERVICES COMMITTEE

Republican Staff Director: Michael V. Kostiwa.

Assistant to Staff Director: William M. Caniano.

Executive Officer: Christopher J. Paul.

Administrative Assistant for the Minority: Marie Fabrizio Dickinson.

Minority Counsel: David M. Morriss, Richard F. Walsh, Derek J. Maurer.

Investigative Counsel: Pablo E. Carrillo, Bryan D. Parker.

Professional Staff Members: William M. Caniano, Gregory T. Kiley, Lucian L. Niemeyer, Christopher J. Paul, Lynn F. Rusten, Robert M. Soofer, Sean G. Stackley, Kristine L. Svinicki, Diana G. Tabler, and Dana W. White.

Research Assistants: David G. Collins, Paul C. Hutton.

Subcommittee on Airland: Minority Professional Staff Members: Gregory T. Kiley (Lead), William M. Caniano.

Subcommittee on Emerging Threats and Capabilities: Minority Professional Staff Members: Lynn F. Rusten (Co-lead), Kristine L. Svinicki (Co-lead), William M. Caniano, Robert M. Soofer.

Subcommittee on Personnel: Minority Professional Staff Staff Members: Richard F. Walsh (Co-lead & Counsel), Diana G. Tabler (Co-lead).

Subcommittee on Readiness and Management Support: Minority Professional Staff Members: Lucian L. Niemeyer (Lead), Bryan D. Parker (Counsel), Derek J. Maurer (Counsel).

Subcommittee on Seapower: Minority Professional Staff Members: Sean G. Stackley (Lead), Gregory T. Kiley.

Subcommittee on Strategic Forces: Minority Professional Staff Members: Robert M. Soofer (Lead), Kristine L. Svinicki, Gergory T. Kiley, Derek J. Mauer (Counsel).

Minority Professional Staff Members for:

Acquisition and Contracting Policy: Christopher J. Paul, Pablo E. Carrillo, Bryan D. Parker.

Arms Control and Non-proliferation: Lynn F. Rusten.

Army Programs: William M. Caniano.

Budget and Reprogramming: Gregory T. Kiley.

Chemical-Biological Defense: Robert M. Soofer.

Chemical-Demilitarization: Lynn F. Rusten.

Civilian Personnel: Diana G. Tabler.

Combatant Commands: AFRICOM: Lynn F. Rusten.

CENTCOM: William M. Caniano/Dana W. White.

EUCOM: Lynn F. Rusten.

JFCOM: Kristine L. Svinicki.

NORTHCOM: Robert M. Soofer.

PACOM: Lynn F. Rusten/Dana W. White.

SOCOM: William M. Caniano.

SOUTHCOM: William M. Caniano.

STRATCOM: Robert M. Soofer.

TRANSCOM: Sean G. Stackley, Gregory T. Kiley.

Counterdrug Programs: Lynn F. Rusten.

Defense Security Assistance: Lynn F. Rusten.

Depot Maintenance: Derek J. Mauret.

Detainees and Military Commissions: William M. Caniano, David M. Morriss, Christopher J. Paul, Pablo E. Carrillo.

Department of Energy National Security Programs: Kristine L. Svinicki.

Environmental Issues: David M. Morriss.

Export Controls: Lynn F. Rusten.

Health Care: Diana G. Tabler.

Homeland Defense: Robert M. Soofer.

Information Assurance and Cyber Security: Gregory T. Kiley.

Information Technology: Gregory T. Kiley, William M. Caniano.

Intelligence Programs: Derek J. Maurer, William M. Caniano.

Laboratories: Kristine L. Svinicki.

Military Construction and BRAC: Lucian L. Niemeyer.

Military Personnel and Family Benefits: Richard F. Walsh, Diana G. Tabler.

National Military Strategy: William M. Caniano.

Missile Defense: Robert M. Soofer.

Navy and Marine Corps Programs: Sean G. Stackley.

Nominations: Richard F. Walsh.

Oversight Investigations: Christopher J. Paul, Pablo E. Carrillo, Bryan D. Parker.

Readiness/Operations & Maintenance: Derek J. Maurer.

Science and Technology: Kristine L. Svinicki.

Space Programs: Robert M. Soofer.

Special Operations Forces: William M. Caniano.

Strategic and Tactical Aviation Programs: Gregory T. Kiley.

Test and Evaluation: Kristine L. Svinicki.

Personal Staff of Senator Warner: Sandy Luff, Sam Zega, Scott Suozzi, Jennifer Cave.

Mr. WARNER. Now, Madam President, on this side, we have the Senator from Oklahoma. I say to the Senator from Michigan, I understand, Mr. Chairman, the distinguished Republican leader, Mr. MCCONNELL, wishes to say a few words in support of the bill at the end.

Mr. LEVIN. As does the majority leader. If I could just introduce this thought: We have three additional Members, we believe, who wish to speak: Senator KENNEDY, Senator DURBIN, and Senator MCCASKILL. Those are the ones we have so far on this side.

Mr. WARNER. Perhaps, Madam President, we should have the Chair inform us as to the remainder of the time for each side.

The PRESIDING OFFICER. The chairman has 9½ minutes remaining, and the ranking member has 23 minutes remaining.

Mr. WARNER. I thank the Presiding Officer.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, first of all, let me thank both the chairman of the committee and Senator WARNER, as well as Senator MCCAIN, for their work for the people who defend this country. I also would be remiss if I did not thank their staffs. They have been highly cooperative with my staff as we looked through several items.

This is a large bill. It is an important bill. I intend to vote for it. But I have some heartburn, and I want to spend a few minutes talking about it.

Last year, the Defense Department contracted out $110 billion without the first competitive bid on either contracts or grants. When we considered this bill in this body, we approved a competitive bid amendment that would say: We are going to have competition for all of these. We have $5.6 billion worth of earmarks in this bill, of which none are competitive; there is another $12 billion of add-ons, of which none are competitive—just in what we have done.

There is a difference of opinion among a few of us with a vast majority of the others in terms of whether the President—whoever the administration is—gets to direct priorities versus us directing priorities. I understand that, and that is a fair debate.

Our position is that sometimes we know better. That may, in fact, be the case. But this body passed an amendment that said we are going to use competition on all these earmarks so that, in fact, the American people get value, they get a better product at a lower price. That, unfortunately, was taken out in conference. Senator MCCAIN wholeheartedly supported that amendment on this floor.

Now, why would we take that out? What is it that would say we don't want to get the best value for our taxpayers' dollars when it comes to $100 billion worth of spending? Why is that? Why would we do that?

We had a very simple process. We said: If you have an earmark and it is something that needs to be done right now, all competitive requirements for that are waived. It does not apply to anything in the past. But for any new spending we earmark, we say: If it is not urgent or unique, then we ought to spread it out to find out how we get the best value for our money. We agreed to that. Then, when we got to conference, we did not hold it.

Why did we not hold it? Why is it we do not want to have the winner of competition of grants and contracts to be involved in getting better value for the American people? Could it be we want to protect someone? Could it be we do not want sunlight? The real answer is going to be that yesterday the Accountability and Transparency Web site that we passed went on line, and all of America is going to find out where all this money is going. On this Web site, it shows if it was a directed earmark without any competition whatsoever.

So why would we deny the American taxpayers now the ability to get far greater value than what they are going to get because we want to direct something somewhere? If we truly think it is the best thing—and it is not urgent and it is not unique—and we want to say we want to do it, good and dandy, but why wouldn't we want to do it at the best value, at the best price for the American taxpayer? So we end up where the American taxpayer is going to lose about $10 billion to $15 billion this year through inefficiency and the lack of competitive bidding on grants and contracts in the Defense authorization bill.

When I met with Tina Jones, the Comptroller, what we found out was that what we label at $5.9 billion in this bill is really closer to $17 billion when you really work it all out. We started discovering this when we asked the Department of Transportation to tell us what was the impact of their earmarks.

The other amendment I have offered that has not been accepted by this body—but should—is to do a study of our earmarks to see if we really get value, if they really do turn something profitable. Do they really give us something our military needs? What happens is this $110 billion should have only cost us $90 billion.

Now, what does the difference mean? It means buying thousands more MRAPs. It means buying more F–22s. But because we do not competitively bid and because the conference committee did not keep this amendment, the American taxpayer loses, our children lose. But, most importantly, the warfighter loses because if we waste dollars that could have gone to help them better, we disadvantage them in the job we have asked them to do for us.

So I am going to keep offering this. I am going to make a big deal about competition for getting Government contracts in this country, based on quality and price. I am going to keep offering the fact that we ought to assess what the effect of our earmarks is. Now, people bristle at that. But if we are right that we know better than the Pentagon and we know better than the generals and we know better than the procurement officers, we at least ought to look at the results of how we know best and see "Did it turn out?" instead of blindly continuing to do the same thing without the knowledge of the effect of what we did.

There are all sorts of other issues connected with this—parochial issues, campaign issues, political issues—that are connected to earmarks. But the most important issue that ought to be considered is the warfighter. The second issue that ought to be considered is our children. The fact is, we are hurting our children when we are not efficient and proper with the American taxpayers' money.

I do intend to vote for this bill. It is very important for our warfighters.

I do appreciate the chairman. I admire so much his relationship with all those on the Armed Services Committee, the collegiality under which he has worked on this legislation.

My admiration is not limited to the Members of the Senate; there is the staff. They have been tremendously cooperative with us.

But this is a great question we need to ask. We fail to uphold our oath when we don't spend money wisely. We fail the next generation. We fail the principle of liberty that we have a Defense Department for in the first place when we waste money.

I know there are a lot of other areas we can work on within the Defense Department, but before we have any credibility about working on the other money we waste, we ought to be sure we are clean in terms of what we do. So the fact we are not going to look at what the results were of the money that we directed, and that we are not going to have true competition for about $150 billion this next year of grants and contracts within the Defense Department says we are going to let down the warfighter, says we are going to let down the next generation. To me, my hope is in the future, we will embrace this transparency, this idea that we ought to get the best value for every dollar we spend for our Defense Department, and we ought to do it in a way that is transparent so the American people can see what we are doing.

I thank the Senator from Virginia for giving me this time. I thank the majority leader for creating an opportunity for us to at least have some time to discuss this bill. Discussions such as these are important to the American public. My challenge is to the chairman of this committee: Next year, let's make up for this. Let's truly put competition first. Let's get great value for our children and for our warfighters. We can do it. We won't stop anything that is needed now. We won't stop anything that is unique. But those things that are not pertinent to the here and now, that are going to come in the future, we ought to get great value for. We know we don't. The IG report said we don't. There is tons of information we have that says we are not getting great value.

With that, I yield the floor and thank my colleagues for giving me the time.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Madam President, I think it is important for the colloquy that the Senator and I are now having that the copy of the amendment that was once in the bill and deleted be put in the RECORD at this point. Does the Senator have it with him? If we could do that, that would be helpful.

Mr. COBURN. I will make certain it is placed in the RECORD.

I so ask unanimous consent.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 3044

(Purpose: To prohibit the use of earmarks for awarding no-bid contracts and non-competitive grants)

At the end of subtitle B of title VIII, add the following:

SEC. 827. PROHIBITION ON USE OF EARMARKS TO AWARD NO BID CONTRACTS AND NONCOMPETITIVE GRANTS.

(a) PROHIBITION.—

(1) CONTRACTS.—

(A) IN GENERAL.—Notwithstanding any other provision of this Act, all contracts awarded by the Department of Defense to implement new programs or projects pursuant to congressional initiatives shall be awarded using competitive procedures in accordance with the requirements of section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(B) BID REQUIREMENT.—Except as provided in paragraph (3), no contract may be awarded by the Department of Defense to implement a new program or project pursuant to a congressional initiative unless more than one bid is received for such contract.

(2) GRANTS.—Notwithstanding any other provision of this Act, no funds may be awarded by the Department of Defense by grant or cooperative agreement to implement a new program or project pursuant to a congressional initiative unless the process used to award such grant or cooperative agreement uses competitive or merit-based procedures to select the grantee or award recipient. Except as provided in paragraph (3), no such grant or cooperative agreement may be awarded unless applications for such grant or cooperative agreement are received from two or more applicants that are not from the same organization and do not share any financial, fiduciary, or other organizational relationship.

(3) WAIVER AUTHORITY.—

(A) IN GENERAL.—If the Secretary of Defense does not receive more than one bid for a contract under paragraph (1)(B) or does not receive more than one application from unaffiliated applicants for a grant or cooperative agreement under paragraph (2), the Secretary may waive such bid or application requirement if the Secretary determines that the new program or project—

(i) cannot be implemented without a waiver; and

(ii) will help meet important national defense needs.

(B) CONGRESSIONAL NOTIFICATION.—If the Secretary of Defense waives a bid requirement under subparagraph (A), the Secretary must, not later than 10 days after exercising such waiver, notify Congress and the Committees on Armed Services of the Senate and the House of Representatives.

(4) CONTRACTING AUTHORITY.—The Secretary of Defense may, as appropriate, utilize existing contracts to carry out congressional initiatives.

(b) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than December 31, 2008, and December 31 of each year thereafter, the Secretary of Defense shall submit to Congress a report on congressional initiatives for which amounts were appropriated or otherwise made available for the fiscal year ending during such year.

(2) CONTENT.—Each report submitted under paragraph (1) shall include with respect to each contract, grant, or cooperative agreement awarded to implement a new program or project pursuant to a congressional initiative—

(A) the name of the recipient of the funds awarded through such contract or grant;

(B) the reason or reasons such recipient was selected for such contract or grant; and

(C) the number of entities that competed for such contract or grant.

(3) PUBLICATION.—Each report submitted under paragraph (1) shall be made publicly available through the Internet website of the Department of Defense.

(c) CONGRESSIONAL INITIATIVE DEFINED.—In this section, the term "congressional initiative" means a provision of law or a directive contained within a committee report or joint statement of managers of an appropriations Act that specifies—

(1) the identity of a person or entity selected to carry out a project, including a defense system, for which funds are appropriated or otherwise made available by that provision of law or directive and that was not requested by the President in a budget submitted to Congress;

(2) the specific location at which the work for a project is to be done; and

(3) the amount of the funds appropriated or otherwise made available for such project.

(d) APPLICABILITY.—This section shall apply with respect to funds appropriated or otherwise made available for fiscal years beginning after September 30, 2007, and to congressional initiatives initiated after the date of the enactment of this Act.

Mr. WARNER. Madam President, I wish to assure my colleague from Oklahoma that this is a matter I personally have discussed with Senator MCCAIN many times. He would hope that the committee in the coming year would address, once again, the amendment and the ramifications therefrom.

I think that is the intention, is it not, Mr. Chairman?

Mr. LEVIN. I am sorry. I was distracted.

Mr. WARNER. I think the committee will once again revisit this subject with the Senator from Oklahoma.

Mr. LEVIN. I thank my friend from Virginia, but let me also thank the Senator from Oklahoma. The subject of competition is one which many of us have put in decades of effort on. As a matter of fact, I remember when Senator Bill Cohen of Maine was sitting a few desks from where you are now standing, a decade or so ago. On a bipartisan basis at that time we adopted the Competition In Contracting Act and did a lot of good over time. Gradually, over time, I think there has been some fraying in it.

The Senator points out some very significant issues. We are always happy to work with him on issues. We don't agree with everything he says, but on much of what he says and on his point, his major point, we do agree, in terms of the critical importance of competition. There are some provisions in this bill which the Senator from Oklahoma inspired—many of them. A number of those come from that passion of his to improve competition. It is in the section on acquisition reform. We thank him for his effort in that regard. I also thank him for his very personal comments about me.

Mr. WARNER. I thank the Senator and I join the chairman.

I was going to grant from our time allocation 5 minutes to the Senator from Massachusetts.

Mr. LEVIN. We very much appreciate that courtesy, as always.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I rise to express my deep disappointment that the Congress is taking up the conference report on the Defense bill without the hate crimes provision. I commend Chairman LEVIN for his strong leadership in our efforts to have it included as part of this measure. Despite his efforts, and the strong support of Majority Leader HARRY REID, it is an extraordinary missed opportunity that we are not able to send the hate crimes bill to the President before the end of the year.

The inclusion of the hate crimes provision in the Defense bill was appropriate. Our military stands for America's ideals and fights for America's ideals. At a time when our ideals are under attack by terrorists in other lands, it is more important than ever to demonstrate that we practice what we preach, and that we are doing all we can to root out the bigotry and prejudice in our own country that leads to similar violence here at home.

In Iraq and Afghanistan, our soldiers are fighting for freedom and liberty. They are on the front line fighting against evil and hate. We are united in our effort to root out the cells of hatred around the world. We should not turn a blind eye to acts of hatred and terrorism here at home. We owe it to our troops to uphold those same principles here at home. We should not shrink now from our role as the beacon of liberty to the rest of the world.

If America is to live up to its founding ideals of liberty and justice for all, combating hate crimes must be a national priority. The hate crimes bill would have advanced those values and goals, and we are committed to getting it enacted. It is long past time for this measure to become law.

We are now facing a time when the FBI reports that hate crimes are on the rise, and there has been a sharp increase in the number of hate crimes reported against Hispanics—at the highest levels since the reports were first mandated by the Hate Crimes Statistics Act, demonstrating the real societal impact of anti-immigrant campaigns.

The Southern Poverty Law Center also reports that hate groups are on the rise. Since September of this year, when thousands of Americans marched for civil rights in Jena, LA, there have been more than 50 noose incidents across the country. Just a few weeks ago, the New York Times included a chart reflecting the "Geography of Hate" across America. Over the last 2 years, it shows that nooses have been sighted in many different States.

This terrifying symbol of racism and prejudice has even appeared recently on schoolyards and college campuses, creating fear in their whole communities. Apparently, we have not succeeded in adequately teaching the lessons of America's long history of discrimination. Education is an important part of prevention, but we also need strong national legislation to punish those who engage in hate-motivated violence and to expand Federal resources available to investigate and prevent these vicious crimes.

As my colleagues here in the Senate know, Senator GORDON SMITH and I have been fighting this battle for a long time. Just a few months ago, the hate crimes provision was adopted by the Senate with a vote of 60-39 as an amendment to the Defense authorization bill. It's not the first time that the Senate voted to pass this bill. In 2000 and 2002, a majority of Senators voted to pass this legislation.

In 2004, we had 65 votes for the bill and it was adopted as part of the Defense authorization bill. But that time, like this time, it was stripped out in conference. Twice in the last 2 years, Chairman CONYERS has succeeded in getting the House to vote to pass this legislation—but, once again, the House and Senate have not come together to get this bill done.

We have been in this battle for nearly a decade, and we will continue to press ahead. It is long past time to stand up for the victims of these senseless acts of violence—victims like Matthew Shepard, for whom this bill is named, and who died a horrible a death in 1998 at the hands of two men who singled him out because of his sexual orientation. Nine years after Matthew's death—9 years—we still haven't gotten it done. How long are we going to wait?

This year, with Matthew Shepard's mother Judy at our side, we were filled with hope that finally this would be the year that we would get this bill to the President's desk. A broad and growing coalition of 210 law enforcement, civic, disability, religious and civil rights groups support the bill, including the International Association of Chiefs of Police, the Anti-Defamation League, the Interfaith Alliance, the National Sheriff's Association, the

Human Rights Campaign, the National District Attorneys Association and the Leadership Conference on Civil Rights.

Over 1,400—1,400—clergy from a broad spectrum of religious traditions from across the country have come together to support the Matthew Shepard Act. These leaders of America's religious communities have called on Congress to stand united against one of the worst forms of oppression: violence based on personal characteristics and identity. Together, we must work together to create a society in which diverse people are safe as well as free.

We will continue to fight to protect the rights of our fellow citizens, and not let a veto threat stop us from doing the right thing. We are not giving up. We will continue to push to get the bill through the Congress next year. I remain hopeful that the President will hear our call and that he too will finally support this much-needed measure.

Hate crimes are an appalling form of domestic terrorism that cannot and must not be tolerated anywhere in our country. We have made progress over the years, and our focus now should be to strengthen protections for hate crimes so that all Americans will be protected under the law. No Americans should feel that they are second class citizens because Congress refuses to protect them against hate crimes.

I am looking forward to voting for this conference report. At the outset I want to express a view that I know all of the members of the Armed Services Committee feel, and that is great respect for our chairman, Senator LEVIN, and Senator WARNER, who has been past chairman of the Armed Services Committee and has a lifetime of commitment in terms of the security of our Nation and to the betterment of our Armed Forces. We are grateful for their leadership, and the country should be. I am also very grateful for their help and assistance, along with my colleague and friend GORDON SMITH, for a provision that was included in the Defense authorization bill but which has been subsequently dropped, and that is the hate crime legislation we had added which had been included at other times as well in the Defense authorization bill. It was included in the year 2000, in 2002, and now, by a vote of 60 to 39, was included in this legislation.

This legislation is to make sure our troops are going to be the best trained, the best led, and the best equipped. Also, the very serious efforts that have been made in terms of the health care that has been pointed out by the Senator from Washington and other various provisions of enormous importance.

What we are interested in doing is giving the support to our frontline troops. We ask ourselves: What are they doing? What is their task? Their task is fighting terrorism and fighting evil overseas—fighting terrorism and fighting evil overseas so that we are going to be safe and secure. It does seem to me if they are fighting against terrorism and evil overseas and they are fighting for American values overseas, they ought to also be fighting for American values here at home. The values here at home are to fight the terrorism and evil that exist here at home in terms of hate crimes—hate crimes—the types of crimes that are devoted and focused on individuals because of who they are. The kind of crimes that hurt not just the individuals but communities; the kind of crimes that have expanded significantly over the period of recent years.

America is a better America by not tolerating hate crimes. America is a better America when we are fighting hate crimes in the best way and with all of the tools we possibly can. We had that legislation. It was included. We had good debate on the floor of the Senate. We had bipartisan support for the hate crimes legislation. That same concept had been passed as an individual bill in the House of Representatives. The same concept was included in instructions from the House of Representatives 3 years ago that we should accept it. But this time, the House of Representatives refused to address it and we have seen that provision withdrawn. I think it was a significant and important mistake.

I wish to give to those who are committed to that program, that effort to try and deal with the problems of violence in America. We have all seen the challenges of violence in these past weeks. As the Southern Poverty Law Center reports, it is taking place in schoolyards and communities all over our Nation. This is violence caused by hatred, by people that are targeting individuals of different color skin, different races, different ethnic backgrounds, different sexual orientation.

So at another time we will bring this issue back to the floor of the Senate. We want to give the assurances of those who have been a part of this whole march which has taken place over the period of years since 1968 with the killing of Dr. King—this has been a continuing march. We haven't stopped. We will not yield. We will not give in.

I am grateful to the Senator from Virginia for yielding me this time. We will ultimately prevail. I thank the Senator.

Mr. WARNER. Madam President, I thank our distinguished colleague from Massachusetts. He has been a strong, hard-working member of our committee these many years, and I was happy to accommodate him with time.

On my side, the distinguished Senator from Georgia has indicated he would not seek to speak. There is one remaining Senator, I understand, the other Senator from Oklahoma, Senator INHOFE. When he appears, I will recognize him for the purpose of making a few remarks.

IRAQ SPECIAL IMMIGRANT VISA HOLDERS

Mr. CARDIN. Madam President, I am so pleased that Chairman LEVIN included in the conference report a critical component of the original Iraq Refugee Crisis Act, which would defray the cost of transportation and provide prearrival admissions assistance and up to 8 months of postarrival resettlement assistance to those Iraqis who come here on Special Immigrant Visas or SIVs. SIV holders are those individuals whose lives may be in jeopardy because of their support for the American mission. My staff has learned that there is an effort by the administration to limit the scope of the assistance provided to these brave Iraqis. I know when Senator SMITH and I introduced similar language as an amendment to the fiscal year 2008 Labor, Health & Human Services, and Education appropriations bill, we certainly intended to provide Iraqi SIVs with the full array of benefits normally provided to refugees by the U.S. Government, the State Department's Bureau of Population, Refugees, and Migration as well as the Health and Human Services Department's Office of Refugee Resettlement. With this effort in mind, I want to be sure the conferees and the author of the Iraqi Refugee Crisis Act, the Senator from Massachusetts, had the same intent when including the provision in the conference report accompanying H.R. 1585, the Department of Defense authorization bill. I would also ask my colleague from Oregon if he agrees with me.

Mr. SMITH. Yes, I concur with Senator CARDIN; it was indeed our intent that Iraqi SIVs receive the full array of admissions and resettlement assistance offered to refugees. I also want to thank the conferees for including this important provision.

Mr. KENNEDY. Madam President, I want to echo the comments of my friends from Maryland and Oregon. The original Iraq Refugee Crisis Act included language similar to the conference report and the Cardin amendment to the Labor-Health and Human Services appropriations bill. As the original author of the legislation, I can assure you it was my intention to provide Iraqi SIV recipients with the full array of benefits available to refugees. Moreover, SIV recipients are not to be counted against immigrant caps, nor are they counted against U.S. Refugee Admissions Program caps.

Mr. LEVIN. I want to thank my friends from Massachusetts, Maryland and Oregon for their support. As I have said before, the United States has a special responsibility to assist those individuals fleeing Iraq and particularly to those individuals who assisted the United States. In the case of this legislation, it is the intent of the conferees to provide Iraqi SIVs the full array of benefits traditionally provided to refugees as described by my friend from Maryland.

Mr. CARDIN. I would like to thank the chairman for that important clarification. I also know that despite the provision of benefits, it was never my intent that these SIVs would be counted against immigrant or U.S. Refugee Admissions Program caps set by the administration through consultations with Congress and would like to clarify whether this was also the intent of the conferees?

Mr. LEVIN. My friend from Maryland is correct: despite provision of benefits, these SIVs, due to their special status, are not to be counted against immigrant or refugee caps. Does my friend from Massachusetts concur?

Mr. KENNEDY. I do. SIVs are not to be counted against immigrant or U.S. Refugee Admissions Program caps set by the administration through consultations with Congress.

Mr. CARDIN. I would like to thank Chairman LEVIN and Senator KENNEDY for making the intent clear on this issue. I know these clarifications will mean a great deal to the Iraqi men and women who have been so critical to our mission in that country.

Mr. AKAKA. Madam President, today I was pleased to vote in favor of passage of the conference report on the National Defense Authorization Act for Fiscal Year 2008. This significant legislation will provide much needed funding for the brave men and women currently serving in our armed forces and includes critically important language addressing the needs and care of returning servicemembers.

The provisions dealing with care at VA are a direct outcome of the close collaboration that has occurred between the Veterans' Affairs Committee and the Armed Services Committee. It was a pleasure to work with Chairman LEVIN of the Armed Services Committee and others on this key legislation to help our Nation's servicemembers and veterans. It contains provisions drawn from legislation which was reported by the Veterans' Affairs Committee to the full Senate in late August, legislation that we have been seeking final passage of for many months now.

A substantial portion of these provisions seek to address what has become the signature wound of this conflict: traumatic brain injury. While attempting to meet the immediate needs of veterans with TBI for high-quality care at VA and subsequent rehabilitation in their communities, it would also provide VA clinicians with increased resources to develop the expertise and the capacity to meet the lifelong needs of these veterans.

First, VA would be required to develop a comprehensive rehabilitation and community reintegration plan for each veteran with TBI, to be implemented by a team of clinicians with appropriate expertise. The veteran, or the veteran's caregiver, would also have the opportunity to request a review of the rehabilitation plan, to ensure adequate responsiveness to individual concerns. These provisions stem from testimony from family members and advocates at the Veterans' Affairs Committee's March 27, 2007, hearing on transition issues and care for returning servicemembers.

Second, to better meet the need of veterans who reside in areas that are not close to any of VA's five major polytrauma centers, the provisions in this bill would authorize the use of non-VA facilities, when VA lacks the capacity to provide treatment or the veteran lives too far away to make VA treatment feasible. VA's lead polytrauma centers have significant expertise in rehabilitative care, but in other locations specialized rehabilitative care is frequently unavailable in VA facilities.

Third, veterans with severe TBI often end up in nursing home care. This bill would require VA to provide "age-appropriate" care to these younger veterans who are severely wounded but who sometimes end up in end-of-life care environments. Additionally, the bill would give VA providers the ability to work with the Defense and Veterans Brain Injury Center to conduct research and treatment to potentially "re-awaken" some veterans with more severe TBI, who may still be able to achieve some level of cognitive recovery.

Finally, in response to the needs of veterans with TBI who are unable to manage routine activities of daily living, this bill would require VA to establish programs to maximize veterans' independence, quality of life, and community reintegration. It would also establish an assisted living pilot program for those with TBI. This would expand options to assist veterans who might otherwise be forced into institutional long-term care.

One of the cornerstones of this section of the bill extends the period of automatic eligibility for VA health care. Under current law, any active-duty servicemember who is discharged or separated from active duty following deployment to a theater of combat, including members of the Guard and Reserve, is eligible for VA health care for a 2-year period. This bill would extend the period to 5 years.

A greater period of eligibility is essential for two primary reasons: protection from budget cuts and ensured access to care for issues that may not be apparent immediately upon separation from active duty, such as invisible wounds. In recent years, veterans with lower priority ratings have been denied care due to budget delays and cuts through the legislative and appropriations process. Combat veterans deserve 5 years of guaranteed health care immediately following discharge.

Two years is often insufficient time for symptoms of PTSD and other mental illnesses to manifest. These invisible wounds are often not apparent until 3 or 4 years after discharge, and servicemembers frequently delay treatment until their issues become serious. Studies indicate that up to 30 percent of OIF/OEF veterans will require some form of mental health or readjustment service. Over 1.5 million Americans have served in those theaters of combat, and about 750,000 are currently eligible for VA health care. Extended eligibility will smooth their transition to civilian life.

To further improve a timely response to veterans' mental health needs, this bill would require VA to provide a mental health examination within 30 days of the veteran's request. Senator OBAMA has done excellent work on this provision, and I thank him for his efforts. Past wars have shown that delaying mental health care makes recovery far more challenging.

In addition, this bill improves outreach to members of the National Guard and Reserves. The Reserve forces have been used in the current conflicts on an unprecedented scale. It is essential that VA include them in their outreach efforts upon demobilization. This bill would specifically include them in VA's definition of outreach. This change acknowledges the central role played by the Guard and Reserve.

In addition to the vital veterans-related legislation included in this bill, as a senior member of the Senate Armed Services Committee and chairman of the Subcommittee on Readiness and Management support, I am pleased that this bill provides troops with the equipment and facilities they need, as well as strengthens the oversight and management of the Defense Department. This includes the incorporation of the Acquisition Improvement and Accountability Act and the establishment of a full-time Chief Management Officer and Deputy Chief Management Officer. I am especially pleased that the conference report repeals the Department of Defense's authority to establish a new labor relations system under the National Security Personnel System, NSPS, and restores collective bargaining and appeals rights. The original NSPS legislation stripped Federal employees of their basic rights and protections. I so vehemently opposed these provisions that I voted against the Defense Authorization conference report creating NSPS. I am glad that Congress has decided to restore these fundamental rights and protections to employees who work every day to secure our Nation.

Once again, let me congratulate the members of the House and Senate for their passage of this bill and I urge the

President to sign this crucial legislation into law.

Mr. LEAHY. Madam President, the conference report on the fiscal year 2008 Department of Defense authorization bill now before the Senate includes some significant mileposts of progress for the National Guard. Those sections of the bill come directly from the National Guard Empowerment Act of 2007, a bill that I sponsored along with Senator KIT BOND of Missouri, my fellow cochair of the U.S Senate National Guard Caucus. Well over half of the Senate—a significant portion of the National Guard Caucus—cosponsored the empowerment bill. Working with the Nation's Governors, key National Guard-affiliated organizations, and the Adjutants General of the United States, we make notable headway in this bill on several issues that go to the core of the Guard's missions, preparedness and our national defense.

This legislation clears away organizational cobwebs in the Department of Defense and changes the Pentagon's structure to better reflect the vital role and responsibilities of the Guard. More importantly, we direct the Department of Defense to begin the urgently needed process of tapping into the National Guard's extensive experience in homeland defense issues—expertise the Defense Department has previously ignored.

To give the Guard more bureaucratic muscle, especially in decisions affecting the Guard, the legislation elevates the Chief of the National Guard from the rank of lieutenant general to the rank of general, making the Chief the prime military adviser to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff. The National Guard Bureau becomes what is called a Joint Activity, still closely affiliated with the Department of the Army and the Air Force, but now more like other joint agencies like Combatant Commands and the Defense Intelligence Agency, capable of communication across the Department.

To focus the Defense Department more on homeland defense, the bill requires that the Deputy Commander of the U.S. Northern Command come from the ranks of the National Guard, and it requires the Department of Defense to develop a plan in conjunction with the Guard to deal with homeland defense situations.

These reforms are tangible progress for the Guard, and there is a pressing need for them. The National Guard is a keystone to our Nation's defense, ready to carry out missions at home and abroad. The Guard is ready to serve as the primary reserve to both the Army and the Air Force, while taking the lead in providing military support during emergencies situations at home. It would take a long time even only to list the missions accomplished by the National Guard since September 11 in carrying out their assignments in Iraq and Afghanistan or to respond to natural disasters like Hurricane Katrina.

Despite all the Guard's achievements on our behalf, the force often has gotten second-class treatment in the Department of Defense. The Guard has to beg and scrape and rely on the tender mercies of others for every piece of equipment they need to do the jobs they are asked to do, and they have to fight to be included in the long-range planning and budget and policy discussions that directly affect the Guard, its missions, its people, its equipment and its other needs. The Guard works extremely closely with state emergency responders, and they have special authorities and experience in working within the domestic United States. But despite this special expertise and these special authorities, does the Pentagon listen to and learn from the Guard's ideas and knowledge about domestic defense? Sad but true, the answer is no.

I wish we could have gone even further in this legislation. Dropped during floor debate here in the Senate was a section of the Empowerment bill to make the Guard Bureau Chief a member of the Joint Chiefs of Staff. That would improve the quality of advice to the Secretary of Defense and the President on domestic defense matters. Another provision, removed in conference with the House, would give the Guard a separate budget for procuring homeland defense-related equipment, as well as the ability to work with states to identify gaps in emergency response capabilities. Another clearly warranted section of our bill would have ensured that our Adjutants General, who command units from the both the Army Guard and the Air Force Guard, receive joint credit for their experience. That would create a greater pool of candidates for the senior positions that we have opened up in this bill. The institutional objections we heard to these provisions ranged from the weak to the unreasonable. But regrettably, in this case they carried the day.

We did make clear progress. The joint activity provision, to take a less prominent example, is highly significant. The phrase "joint activity" means exactly how it is used in the Goldwater-Nichols Act: an organization that performs joint missions under the auspices of the Office of the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, or the commander of a Combatant or a Combined Command. The National Guard Bureau has now basically been given a legal license to work not only with the two services—the Army and Air Force—but also with a variety of unified commands, the Joint Staff, and the Office of the Secretary of Defense. The National Guard Bureau now will have similar organizational standing as that granted to other joint activities such as, among many other organizations, the Joint Staff or the Defense Logistics Agency.

This coalition of National Guard supporters—which goes far beyond the sponsors and co-sponsors to the Governors, the Associations, and many others—must keep pushing. If we are to have a national security structure that is as effective as the American people need and deserve it to be, we must ensure that the Guard's voice is heard loud and clear in key deliberations. We must ensure that the Pentagon takes the military support mission seriously. We should consider re-introducing the portions of the Empowerment legislation that have not yet been enacted. To keep a laser-like focus on domestic defense, we must take a careful look at other Defense Department organizations involved in domestic defense, like U.S. Northern Command.

I know that Senator BOND joins me in thanking the Nation's Governors for their stalwart support of the empowerment bill, as well their unstinting energy in working with us on another successful effort on behalf of the Guard, the similarly successful effort to repeal the recent changes to the Insurrection Act, turning back an unjustifiable expansion of a President's power to use the military for law enforcement. This provision of this Defense authorization bill was drawn directly from legislation that I introduced with Senator BOND, which this year was the subject of a hearing by the Judiciary Committee.

Associations like the Adjutants General Association of the United States, the National Guard Association of the United States, and the Enlisted Association of the National Guard of the United States were there every step of the way, keeping their members informed and bringing enormous energy to this effort.

Special thanks go to Representatives GENE TAYLOR of Mississippi and TOM DAVIS of Virginia who led a vigorous, companion effort on the House side, as well as Senators CARL LEVIN of Michigan, JOHN MCCAIN of Arizona, and JOHN WARNER of Virginia for leading the Senate negotiations.

We owe the deepest thanks to the almost 500,000 members of the National Guard. Their ability to balance their full-time jobs with their family responsibilities and Guard commitments is simply remarkable. They are indispensable to our national security structure, at home, and abroad. Their sense of pride, professionalism and duty represents the very best qualities of our military and our country. I am simply in awe of what they have done to protect this Nation, and I know the whole Congress and the country share this heartfelt gratitude.

Throughout this whole process, we have been guided by the fact that the Guard is always there for the people of the United States of America. Our part is easier than theirs: We cannot afford to let our Guard down. The Guard Empowerment provisions of this bill will help us honor that commitment to the men and women of the Guard.

Mr. KENNEDY. Madam President, I commend the conferees for including the Refugee Crisis in Iraq Act as part of this conference agreement.

I am grateful to the chairman and ranking member for supporting this needed provision, and I also appreciate the support of Senators SMITH, HAGEL, BIDEN, BROWNBACK, LIEBERMAN, LEAHY, SNOWE, VOINOVICH, FEINSTEIN, COLLINS, OBAMA, DOLE, MENENDEZ, MIKULSKI, and CLINTON, who joined in sponsoring the original amendment when it was adopted by the Senate by voice vote during our debate on this bill.

The Refugee Crisis in Iraq Act requires the Secretary of State to establish a refugee processing program in Iraq for Iraqis threatened because of their association with the United States. Applicants must demonstrate they have a well-founded fear of persecution. Iraqis who will now be able to apply directly to the United States rather than going through the United Nations referral system,—include: Iraqis who were or are employed by or worked for the United States Government in Iraq; Iraqis who were or are employed in Iraq by a media or nongovernmental organization headquartered in the United States, or by an organization that is closely associated with the United States mission in Iraq and that has received U.S. Government funding through an official documented contract, award, grant, or cooperative agreement; and Iraqis who are members of a religious or minority community with close family members in the United States.

The act allows the Secretary to suspend in-country processing for periods of 90 days, with a report to Congress on the reasons for any suspension.

In addition, the act makes available 5,000 special immigrant visas each year for the next 5 years for Iraqis who have worked for the U.S. Government in Iraq and are endangered as a result. Applicants must have a positive recommendation or evaluation from a senior supervisor and be approved by the U.S. Ambassador in Iraq or his designee. The provision sunsets after 5 years. These visas, because of their special status, are not counted against immigrant caps nor are they counted against U.S. Refugee Admissions Program caps.

Under the act, Iraqis granted special immigrant visa status are eligible for 8 months for the full array of benefits traditionally provided to refugees by the State Department's Bureau of Population, Refugees, and Migration and the Health and Human Services Department's Office of Refugee Resettlement. The provisions under the act would defray the cost of transportation and provide prearrival admissions assistance and up to 8 months of postarrival resettlement assistance to those Iraqis who come to the U.S. on special immigrant visas. Senators CARDIN and LEVIN are the primary authors of this provision and, have spoken eloquently for it.

The act also allows reapplication by Iraqis in the United States who have been denied asylum, in part, because conditions in Iraq changed after the fall of Saddam Hussein's government.

In addition, the act directs the Secretary of State to designate a high-level special coordinator at the Embassy in Baghdad to handle issues related to Iraqi refugees and internally displaced persons. The coordinator will be responsible for overseeing in-country processing of refugees and special immigrant visa applicants, and will have authority to refer persons directly to the U.S. refugee resettlement program. Similar positions would be designated in the American embassies in Egypt, Jordan, Lebanon, and Syria.

The act also requires the Secretary of State to consult with other countries about resettlement of refugee populations and to develop mechanisms in countries with significant populations of displaced Iraqis to ensure the refugees' well-being and safety. U.S. financial assistance would be provided in such cases to help meet the cost of caring for the refugees and protecting them.

These measures are urgently needed to address the immense human costs of the war in Iraq and its tragic effect on the millions of Iraqis—men, woman, and children—who have fled their homes and often their country to escape the violence.

A significant number of courageous Iraqis have worked with the American military, the staff of our Embassy, or with American organizations to support our mission in Iraq. Their support and loyalty have cost too many lives already, and their families have often been forced to flee their communities or even their country because of the danger.

The target of the assassin's bullet is on their back, and we owe them enormous gratitude. But instead of giving them needed help and protection, we have too often offered only bureaucracy and dubious hopes.

Regardless of where we stand on the war, Congress is united in believing that America has a fundamental obligation to assist Iraqis who have courageously supported our forces and our efforts in Iraq and whose lives are in peril as a result. The provisions in the agreement are a long-needed attempt to fulfill our commitment to them.

Despite the clear and present danger faced by many Iraqis because of their ties to the United States, their religious affiliation, or their work with media, nongovernmental or humanitarian organizations, the vast majority of Iraqi refugees must go through a long and complicated referral process of approximately 8 to 10 months, in which the United Nations serves as an intermediary outside Iraq. This act cuts through much of that redtape.

Obviously, we cannot resettle all of Iraq's refugees in the United States. But we need to keep faith with the Iraqis who have worked so bravely with us and for us and supported our mission in Iraq, and whose lives are in serious danger now because of it.

A few months ago, I had the honor of meeting SGT Joe Seemiller, a young man who is haunted by the military motto, "Leave No Man Behind." Sergeant Seemiller is dedicated to helping the translator he was forced to leave behind in Iraq. On countless occasions, his translator helped to avoid serious American and Iraqi casualties. He braved innumerable death threats and the horrific murder of his brother. Finally, he had to flee to Syria, where he waited more than 2 years for the opportunity to be resettled in the United States.

The Refugee Crisis Act, makes clear that America has a fundamental obligation to assist Iraqis whose lives are in danger because of their close ties to our Nation. I look forward to working with the administration in the months ahead to implement this important humanitarian legislation.

I urge my colleagues to support the conference agreement.

Mr. NELSON of Nebraska. Madam President, I want to take the opportunity to applaud the leadership of the Senate Armed Services Committee for their efforts on the Defense authorization conference report. Chairman LEVIN and the ranking member, Senator MCCAIN, have done a Herculean job of working through the hundreds of conference issues in this bill with the House companion bill. The work and effort of all parties involved is one of the shining examples of the Congress working together in a bipartisan, bicameral effort to support our men and women in uniform.

As a signatory to the conference report, I support this bill. There is much to like in this bill. We provide necessary benefits to keep our recruiting and retention on the right track. This bill includes a 3.5-percent pay increase for uniformed service personnel, establishes a Commission on Wartime Contracting in Iraq and Afghanistan, prohibits the increase in TRICARE fees for retirees and reservists, increases the grade of the Chief of the Guard Bureau from lieutenant general to general. The bill also includes an increase in Active Army and Marine Corps end-strength, increases funding for Mine Resistance Ambush Protected vehicles, increases funding for cooperative threat reduction program efforts, and provides authorizations for critical military construction projects.

In addition, as a response to the problems from the Walter Reed incidents reported earlier this year, we provide a comprehensive Wounded Warriors Act as part of the authorization bill. The Wounded Warrior provisions would require the Department of Defense, DOD, and the Department of Veterans Affairs, VA, to jointly develop a comprehensive policy on improvements to care, management, and transition of recovering servicemembers, require DOD to develop a comprehensive plan to treat traumatic brain injury and post-traumatic stress disorder and authorize respite care and other extended care benefits for seriously injured servicemembers.

While I support this conference report, I want to point out one provision in particular that I have concerns with. This particular issue, as I have expressed to the chairman of the Armed Services Committee, is a section of the bill that would require that prescriptions dispensed through the TRICARE retail pharmacy program be procured at or below Federal ceiling prices. As I understand it, it is the intent of the language and the intent of the conferees not to modify the current master agreements. I hope that this clarification is appropriate, and I wanted to briefly point this out.

Again, I thank my colleagues for their hard work on this report. We as a Senate can be proud of this bill. Mr. President, I believe that this is good legislation, and I encourage my colleagues to adopt this Defense authorization conference report.

Mr. LAUTENBERG. Madam President, I wish to applaud the chairman and ranking member of the Senate Armed Services Committee, Senators LEVIN and MCCAIN, respectively, on passage of the National Defense Authorization Act for fiscal year 2008.

Specifically, I would like to express my gratitude to the bill conferees for their inclusion of four amendments that I authored and which were unanimously adopted by the Senate during its consideration of this bill. These provisions will increase oversight of our country's economic and security assistance to Afghanistan by creating a Special Inspector General for Afghanistan Reconstruction, section 1229; help victims of state-sponsored terrorism to achieve justice through the U.S. courts, section 1083; prevent military health care fees through the TRICARE program from rising, sections 701 and 702; and increase accountability and planning for safety and security at the Warren Grove Gunnery Range in New Jersey, section 359.

First, I was proud to be joined by my cosponsors, Senators COBURN, DODD, HAGEL, FEINGOLD, WEBB, and MCCASKILL, in creating a Special Inspector General for Afghanistan Reconstruction. I wrote this legislation because I believe that while a democratic, stable, and prosperous Afghanistan is important to the national security of the United States and to combating international terrorism, I am concerned that we are not achieving all of our goals there. The United States has provided Afghanistan with over $20 billion in reconstruction and security assistance. However, repeated and documented incidents of waste, fraud, and abuse in the utilization of these funds have undermined reconstruction efforts. I therefore believe that there is a critical need for vigorous oversight of spending by the United States on reconstruction programs and projects in Afghanistan.

I would like to emphasize that the Government Accountability Office and the departmental Inspectors General have provided valuable information on these activities. However, I believe that the congressional oversight process requires more timely oversight and reporting of reconstruction activities in Afghanistan. Oversight by this new Special Inspector General would encompass the activities of the Department of State, the Department of Defense, and the United States Agency for International Development, as well as other relevant agencies. It would highlight specific acts of waste, fraud, and abuse, as well as other managerial failures in our assistance programs that need to be addressed.

This new position will monitor U.S. assistance to Afghanistan in the civilian and security sectors, as well as in the counternarcotics arena and will help both Congress and the American people better understand the challenges facing U.S. programs and projects in that country. I am pleased that this provision has been included by the conferees.

Second, this bill includes my legislation to provide justice for victims of state-sponsored terrorism, which has strong bipartisan support. I believe this legislation is essential to providing justice to those who have suffered at the hands of terrorists and is an important tool designed to deter future state-sponsored terrorism. The existing law passed by Congress in 1996 has been weakened by recent judicial decisions. This legislation fixes these problems.

In 1996, Congress created the "state-sponsored terrorism exception" to the Foreign Sovereign Immunities Act, FSIA. This exception allows victims of terrorism to sue those nations designated as state sponsors of terrorism by the Department of State for terrorist acts they commit or for which they provide material support. Congress subsequently passed the Flatow amendment to the FSIA, which allows victims of terrorism to seek meaningful damages, such as punitive damages, from state sponsors of terrorism for the horrific acts of terrorist murder and injury committed or supported by them.

Congress's original intent behind the 1996 legislation has been muddied by numerous court decisions. For example, the courts decided in Cicippio-Puleo v. Islamic Republic of Iran that there is no private right of action against foreign governments—as opposed to individuals—under the Flatow amendment. Since this decision, judges have been prevented from applying a uniform damages standard to all victims in a single case because a victim's right to pursue an action against a foreign government depends upon state law. My provision in this bill fixes this problem by reaffirming the private right of action under the Flatow Amendment against the foreign state sponsors of terrorism themselves.

My provision in this bill also addresses a part of the law which until now has granted foreign states an unusual procedural advantage. As a general rule, interim court orders cannot be appealed until the court has reached a final disposition on the case as a whole. However, foreign states have abused a narrow exception to this bar on interim appeals—the collateral order doctrine—to delay justice for, and the resolution of, victim's suits. In Beecham v. Socialist People's Libyan Arab Jamahiriya, Libya has delayed the claims of dead and injured U.S. service personnel who were off duty when attacked by Libyan agents at the Labelle Discotheque in Berlin in 1986. These delays have lasted for many years, as the Libyans have taken or threatened to take frivolous collateral order doctrine appeals whenever possible. My provision will eliminate the ability of state sponsors of terrorism to utilize the collateral order doctrine.

Another purpose of my provision is to facilitate victims' collection of their damages from state sponsors of terrorism. The misapplication of the "Bancec doctrine," named for the Supreme Court's decision in First National City Bank v. Banco Para El Comercio Exterior de Cuba, has in the past erroneously protected the assets of terrorist states from attachment or collection. For example, in Flatow v. Bank Saderat Iran, the Flatow family attempted to attach an asset owned by Iran through the Bank Saderat Iran. Although Iran owned the Bank Saderat Iran, the court, relying on the State Department's application of the Bancec doctrine, held that the Flatows could not attach the asset because they could not show that Iran exercised day-to-day managerial control over Bank Saderat Iran. My provision will remedy this issue by allowing attachment of the assets of a state sponsor of terrorism to be made upon the satisfaction of a "simple ownership" test.

Another problem is that courts have mistakenly interpreted the statute of limitations provision that Congress created in 1996. In cases such as Vine v. Republic of Iraq and later Buonocore v.

Socialist People's Libyan Arab Jamahiriya, the court interpreted the statute to begin to run at the time of the attack, contrary to our intent. It was our intent to provide a 10-year period from the date of enactment of the legislation for all acts that had occurred at any time prior to its passage in 1996. We also intended to provide a period of 10 years from the time of any attack which might occur after 1996. My provision clarifies this intent.

My provision also addresses the problems that arose from overly mechanistic interpretations of the 1996 legislation. For example, in several cases, such as Certain Underwriters v. Socialist People's Libyan Arab Jamahiriya, courts have prevented victims from pursuing claims for collateral property damage sustained in terrorist attacks directed against U.S. citizens. My new provision fixes this problem by creating an explicit cause of action for these kinds of property owners, or their insurers, against state sponsors of terrorism.

Finally, in several cases the courts have prevented non-U.S. nationals who work for the U.S. Government and were injured in a terrorist attack during their official duties from pursuing claims for their personal injuries. My provision fixes this inequity by creating an explicit cause of action for non-U.S. nationals who were either working as an employee of the U.S. Government or working pursuant to a U.S. Government contract.

I also want to make special mention of the inspiration for this new legislation. On October 23, 1983, the Battalion Landing Team headquarters building in the Marine Amphibious Unit compound at the Beirut International Airport was destroyed by a terrorist bomb killing 241 marines, sailors, and soldiers who were present in Lebanon on a peacekeeping mission. In a case known as Peterson v. the Islamic Republic of Iran, filed on behalf of many of the marine victims and their families, the U.S. District Court ruled in 2003 that the terrorist organization Hezbollah was funded by, directed by, and relied upon the Islamic Republic of Iran and its Ministry of Information and Security to carry out that heinous attack. The judge presiding over this case, Judge Royce Lamberth, referred to this as "the most deadly state-sponsored terrorist attack made against United States citizens before September 11, 2001." In September of this year Judge Lamberth found that Iran not only is responsible for this attack, but also owes the families of the victims a total of more than $2.6 billion for the attack. Congress's support of my provision will now empower these victims to pursue Iranian assets to obtain this just compensation for their suffering. This is true justice through American rule of law.

Third, this Defense authorization bill includes my provision to prevent proposed increases in enrollment fees, premiums, and pharmacy copayments for TRICARE, the military community's health plan. The principal coauthor of this provision is Senator HAGEL.

Both career members of the uniformed services and their families endure unique and extraordinary demands and make extraordinary sacrifices over the course of 20-year to 30-year careers in protecting freedom for all Americans. I believe they deserve the best retirement benefits that a grateful nation can provide. Proposals to compare cash fees paid by retired military members and their families to fees paid by civilians fails to adequately recognize the sacrifice of military members. We must be mindful that military members prepay the equivalent of very large advance premiums for health care in retirement through their extended service and sacrifice.

The Department of Defense and our Nation have a committed obligation to provide health care benefits to Active Duty, National Guard, Reserve, and retired members of the uniformed services, their families, and survivors, that considerably exceeds the obligation of corporate employers to provide health care benefits to their employees. Ultimately, the Department of Defense has options to constrain the growth of health care spending in ways that do not disadvantage current and retired members of the uniformed services, and it should pursue any and all such options as a first priority. Raising fees excessively on TRICARE beneficiaries is not the way to achieve this objective.

Finally, I thank the conferees for including my amendment to require increased oversight and accountability, as well as improved safety measures, at the Warren Grove Gunnery Range in New Jersey. I wrote this provision with Senator MENENDEZ because a number of dangerous safety incidents caused by the Air National Guard have repeatedly impacted the residents living nearby the range.

On May 15, 2007, a fire ignited during an Air National Guard practice mission at Warren Grove Gunnery Range, scorching 17,250 acres of New Jersey's Pinelands, destroying five houses, significantly damaging 13 others, and temporarily displacing approximately 6,000 people from their homes in sections of Ocean and Burlington Counties in New Jersey.

My provision will require that an annual report on safety measures taken at the range be produced by the Secretary of the Air Force. The first report will be due no later than March 1, 2008, and two more will be due annually thereafter. My provision will also require that a master plan for the range be drafted that includes measures to mitigate encroachment issues surrounding the range, taking into consideration military mission requirements, land use plans, the surrounding community, the economy of the region, and the protection of the environment and public health, safety, and welfare. I believe that these studies will provide the type of information that we need to ensure that there is long term safety at the range, both for the military and the surrounding communities.

Mr. FEINGOLD. Madam President, I oppose the fiscal year 2008 Defense authorization conference report because it does nothing to end the President's misguided, open-ended Iraq policy, which has overburdened our military, weakened our national security, diminished our international credibility, and cost the lives of thousands of brave American soldiers.

There are certain provisions of the report that I support strongly, including a pay raise for military personnel. I am pleased that the conference report contains a number of provisions I supported, including Senator WEBB's amendment creating a Commission on Wartime Contracting to examine waste, fraud, and abuse in Iraq and Afghanistan, including the misuse of force by private security contractors, and Senator LAUTENBERG's amendment to create a Special Investigator General for Afghanistan Reconstruction.

But on balance, I cannot vote to support a conference report that defies the will of so many Wisconsinites—and so many Americans—by allowing the President to continue one of the worst foreign policy mistakes in the history of our Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Madam President, I yield—what do I have, 9 minutes left? I yield 5 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Madam President, I thank Senator LEVIN of Michigan and Senator WARNER of Virginia. This is a big piece of work and it took them a long time and a lot of patience and a lot of skill. It is voluminous and contains so much of importance for our national security defense, and I thank them and their staffs for the extraordinary job they did.

A word of disappointment before I go into more praise. Troops to Nurse Teachers is a program Senator WARNER and I talked about 2 years ago. We had hoped to include it in this bill. We passed it in the Senate, and we lost it in conference. The idea, of course, is to take retired military nurses and move them into nursing faculty positions, because we have such a shortage in our Nation of nurses. For reasons I can't explain, our good idea turned into a study. Let's hope the study turns into a program that brings us more nurses, whom we desperately need.

Let me say a word about my vote on this bill. Everyone will have their own reason for supporting this bill. My reason is a young soldier named Eric Edmundson. Eric Edmundson, from North Carolina, had been in the Army about 6 or 7 years, was a victim of a traumatic brain injury in Iraq, brought out to Walter Reed, went through numerous surgeries, suffered some very debilitating and tough injuries. The VA system tried their best, sent him to Richmond without the kind of results that the family or Eric wanted to see. They told the family his only recourse was to go to a nursing home—a nursing home—at the age of 26. His father said: No way. My son is not going to a nursing home. His father, Ed Edmundson, quit his job. He and his wife started this crusade to get Eric into the best hospital they could find in America. He ended up in the Rehab Institute in Chicago, paid for by the Federal Government after a long battle. Then, after months of heroic rehabilitation, on the day of his discharge Eric Edmundson walked out of that hospital. I was there that day. I looked at the tears in the eyes of his family, his wife, saw his little baby girl, and realized that we cannot give up on these wounded warriors.

I introduced a bill and commended it to Senators LEVIN and WARNER and thanked them personally for including it in this legislation. This bill is going to mean that we make extraordinary efforts, as we should, to stand behind these veterans and give them the very best care they can possibly receive. With that kind of care, many of them can be restored to the life they deserve.

We also need to start monitoring those who come into the military service on the issue of traumatic brain injury and post-traumatic stress disorder to establish cognitive tests as baselines so some of the subtleties of their injuries that aren't discovered for years can be discovered. To go to Walter Reed now to the amputation unit and find the average soldier telling you that he in Iraq has experienced at least 60 concussions that they felt—even if they didn't personally harm them; they walked away from them thinking nothing of it, it is cumulative. It can come back to haunt them. I went to barracks with Senator MCCASKILL and we visited units and soldiers who went through this. We know this is an ongoing concern and an ongoing obligation, and this bill recognizes it.

I salute all of those who made this possible for the passage of this bill; the inclusion of the Wounded Warriors Act, the traumatic brain injury bill I worked on. They say you get a lot done around Congress if you don't care who takes the credit. I am glad this bill passes. Even though the one I introduced with my name didn't, the major parts of it are included. My vote on behalf of this is for Ed and Beth Edmundson, who did everything in their power for their son, and to Eric Edmundson, his wife Stephanie, and his little daughter Gracie.

They are the ones who brought this to my attention and the ones I will be thinking of when I vote today.

I yield the floor.

Mr. LEVIN. Mr. President, I thank the Senator from Illinois, Mr. DURBIN, for his passion on this issue, this brain injury problem, which is bedeviling us. We have now incorporated the original screening so we know where people are who come into the service. This bill has his name on it as a cosponsor and has his spirit and effort incorporated in it. That is a most important thing. We thank him.

Senator BYRD may want to speak.

Mr. WARNER. Mr. President, I spoke to our friend from West Virginia. He said he will not speak now. He also wants to expedite this bill. On our side, it could be that Senator INHOFE may appear for a minute or two.

Mr. LEVIN. Mr. President, Senator MCCASKILL will ask to be recognized. How many minutes do we have?

The PRESIDING OFFICER (Mr. CASEY). Three minutes 48 seconds. The other side has 5 minutes.

Mr. LEVIN. Without even asking, I know Senator WARNER would be happy to yield a minute or two of his remaining time if she needs it.

I thank Senator MCCASKILL. She has been intrepid on so many issues, including the ones we talked about on mental health. She brings a background to the committee which is unique in terms of oversight. We are grateful she is on our team.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mrs. MCCASKILL. Mr. President, I have to express how lucky I have been this year to learn from two titans of bipartisan leadership in this body. If the rest of the Senators would emulate Senator WARNER and Senator LEVIN, America would be better off. I thank you for the incredible lesson I have had at your knee this year. I also thank Congressman IKE SKELTON, a giant from Missouri, who, with his gentle smile and steely resolve, helped shepherd this bill through.

I want to point out a few of the many provisions that are in here—the ones put in with my auditor's hat on:

First, stronger provisions about the definitization of contracts. We cannot hold contractors accountable unless we tell them what we want, we are clear about what we want, and then we demand that we get it. That is important.

Second, the training of military personnel about contracting. My dad peeled potatoes in the Army in World War II. We are never going to have soldiers doing that again; we are going to hire people to do that. We have to make sure we are getting value for that. That means the military needs to know how to oversee these contracts.

As Senator LEVIN mentioned, whistleblower protection for the employees of the contractors. Many of them are Americans first, and they want to tell us the bad things that are going on within these contracts. We need to give them the same protection Government employees have for whistleblowing. This legislation accomplishes that, and it will do great good for the American taxpayer in terms of protecting our military.

Finally, the provision that, as freshmen, we are most proud of—Senator WEBB and I worked very hard on the Contracting Commission. I think over the next 2 years this country will have an opportunity, in a bipartisan way, to provide a high-profile look at contracting and how we can do it better. It is important that we get this right. As Harry Truman said, nobody should be allowed to profit off the blood, tears, and the deaths of the men and women who serve us so bravely. It is very important that we get this done.

I thank the Senators for the opportunity to speak for a few moments, and I appreciate so much their willingness to work with myself and Senator WEBB, the two freshmen on my side on the committee this year.

I am pleased to be supporting the Fiscal Year 2008 National Defense Authorization Act, a critical bill in setting policy for the Department of Defense. However, I unfortunately must note my deep disappointment with some of the content of the legislation.

I have and will continue to oppose the practice of adding extensive numbers of "earmarks" to Federal spending measures. I believe this practice is fiscally irresponsible. And it is earmarks in this legislation that once again proves disconcerting to me.

I am aware that a series of unfortunate decisions by House leadership resulted in the House passing several appropriations measures, including the Military Construction-Veterans Affairs funding measure, before consideration of earmarks sought by House Members was completed. This subsequently resulted in the exclusion of Military Construction earmarks for House Members when the National Defense Authorization Act was taken up and passed by the House. The decision of House leaders to later add House earmarks to the Military Construction accounts in the Military Construction-Veterans Affairs appropriations conference produced a dilemma for authorizers, who had not yet reached a conference agreement on the National Defense Authorization Act. Ultimately, in order to maintain proper order in the legislative process, authorizers chose to add the House Military Construction earmarks to their conference agreement. I find this terribly unfortunate and, frankly, unacceptable. But, in light of the special circumstances under which it took place, I have decided not to oppose the Defense Authorization Act.

I am pleased that the conference report states the disapproval by authorizers of the process that led to adding these earmarks. I am also pleased that a strong commitment has been made to not engage in such a practice again. I also note, as does the conference report, that the authorized projects have previously been considered and voted on in the House so there has been a degree of public vetting of these projects. Finally, I am pleased that the National Defense Authorization Act contains no other earmarks added in this offensive manner.

In closing, I fully recognize that this legislation contains many provisions critical to today's fighting men and women and to our national security, ranging from a well deserved pay raise to the funding of the Mine Resistant Ambush Protected vehicle. I am proud to have been a part of developing this legislation and applaud Chairman LEVIN and Chairman SKELTON for their efforts. I am also particularly pleased with the inclusion of vital measures that I worked especially closely on, from extensive acquisition reform and contracting accountability measures to a host of new protections and programs for America's wounded warriors. Our troops deserve this legislation, but it is my hope that the Congress will utilize a better process in achieving it in the future.

Mr. WARNER. Mr. President, I ask now that the remainder of my time be given to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, first of all, I thank my friend from Virginia and also the chairman of the committee. They have done a great job in getting this bill up, and I was concerned that we weren't going to get to it today. That wouldn't have been a good message to send.

I think we have a good authorization bill, although I think there are some shortfalls. I am encouraged by the funding levels we are authorizing for the F-22, the F-35, the KC-X, and the Future Combat System—although with the Future Combat System we did take a cut of about $205 million. That is something I hope we will be able to get restored next time. It is interesting that a lot of people don't realize how important the Future Combat System is. We have not had a major renovation in transformation on the ground in decades. I do believe that cut needs to be restored, and I think we can work on that in the future.

I am further encouraged that the bill authorizes a 3.5-percent across-the-board pay raise. I believe that is very important at this time, as is the authorization of funding for Afghanistan and Iraq. I will be going there again in about 3 weeks. Every time I go, I see the great successes they are having, and I get very excited. However, while we have authorized something that is adequate in this case, the appropriations aren't there yet. I think it is vital that we get this done immediately.

There are other areas I want to concentrate on next time. I think the Train and Equip Program is one of the best things we have, the program expanding the IMET Program, where we would be able to train a lot of the military officers of other countries, primarily countries that are found in Africa and others. There was a time when we thought that in our IMET Program we were doing them a favor by allowing them to come and be trained by us. But now I think we understand that if we don't do it, other countries will. There is no better way to ensure the allegiance of countries than to train them. I think that needs to be improved.

I hope we will get to the point where we recognize that if we in the United States want to have the best of everything—I am talking about the best lift programs, strike programs, ground programs—we are going to have to really do a better job at the top line. We went through 100 years in this country of spending 5.7 percent of our GDP on military, and it went down, at the end of the nineties, to about 2.7 percent. It is now hanging at about 3.6. I think the expectations of the American people are that we should have the best of everything to do that. We are going to have to increase the top line. I believe we will be able to address that in the next session.

I am glad the bill is here today. I look forward to getting this passed and sending the message to our very courageous fighting men and women that help is on the way.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. On our side, the distinguished Republican leader is the sole remaining speaker. I understand he will be coming to the floor shortly.

Mr. LEVIN. Mr. President, we will close with thanking all of the members of the committee for their work. On our side, we have a couple of old lions, Senator BYRD and Senator KENNEDY, and our wonderful freshmen, Senators MCCASKILL and WEBB, who led the way to give us a Commission on Contracting. All of the members made major contributions.

Since I am sitting in front of Senator BYRD, and I have 3 seconds left, I pay my personal respects to the longest serving member of our committee as well as, obviously, the senior Member of the Senate. I wanted to look that wonderful Senator in the eye and express the gratitude of this body and of our committee for what he contributes to both the Senate and the Armed Services Committee.

Mr. BYRD. I thank the Senator.

Mr. WARNER. Mr. President, I join my distinguished colleague in paying tribute to our distinguished leader, Senator BYRD. I remember the years when we served under him as majority leader. He always let the Armed Services Committee get whatever time it needed on the floor to handle our bills. And then, of course, through all these many years, I pleaded with him to reunite West Virginia and Virginia, bring them back as one mighty State again. I indicated I would yield my position to the Senator and retire into oblivion and let him become the distinguished Senator. He has not accepted my request.

Mr. LEVIN. Mr. President, there is no similar request by this Senator to reunite Ohio and Michigan, by the way.

I also thank Senator JACK REED, who has meant so much to the Committee and to me personally over the years.

Mr. WARNER. That is true.

I also thank the Republican leader for the support he has given me and Senator MCCAIN in leading the work of our committee, together with our members. I thank each and every one of those members, some of whom are on the floor now prepared to vote.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, at the outset, this the penultimate DOD authorization bill for the distinguished Senator from Virginia. What a leader he has been on defense issues for his 30 years in the Senate. He will have an opportunity to do one more before he rides off into the sunset, much to our regret.

I also would like to congratulate Senator LEVIN for his work on this important conference report, which is, indeed, a bipartisan achievement. I was particularly pleased to see that the committee provided full authorization for the supplemental funding for our troops in Iraq and Afghanistan. I was pleased to see the committee recommended no policy changes to the Petraeus plan.

The Wounded Warriors legislation, which we passed earlier in the year, is also included. The Wounded Warriors bill is vitally important to our men and women in uniform and important to the people of the Commonwealth of Kentucky.

So I thank the managers of the conference report. This is an important accomplishment for our men and women in uniform, who we can all agree are deserving of this body's full support and our deepest gratitude.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, in the proud history of America's Armed Forces, I fear that the Bush years will be known as a rare, even a dark time.

At a time when we call upon our troops to face new challenges and great dangers, our President stretched them thin and neglected their protection and care, in many instances. Military readiness levels have dropped to levels not seen since Vietnam. Tours of duty keep getting extended. We are so bogged down with over 160,000 troops in Iraq that we cannot adequately respond to the grave and growing challenges elsewhere, such as bin Laden, who remains free to taunt and threaten us; his al-Qaida network, which is more powerful than ever; like Afghanistan, where the gains of the past are now backsliding, the drug trade is rampant, and violence is on the rise; Pakistan, where the path toward democracy is wavering significantly.

It will take years to recover from the mismanagement of the military in the past few years by our Commander in Chief.

Today, we can take steps that will make our country safer, aid the fight against terrorism, and provide our heroic troops with the care and support they deserve.

Mr. President, my ability to express my appreciation, admiration, and affection for Senators LEVIN and WARNER—I am incapable of doing that.

To me there are no two finer Senators whoever served this body. There are no two Senators who have done more for our armed services. They not only take care of those who are now fighting for us, they take care of those who have fought for us in wars passed.

I certainly am going to miss Senator WARNER. He has another year with us. That is good for Nevada, it is good for Virginia, and it is wonderful for our country. He will contribute significantly to the well-being of the Senate and our country during the next year. Senator LEVIN is someone I lean on all the time. He is a person who understands what legislation is all about, probably more than most all of us. There is no one who can look at a piece of legislation and make an analysis of what is good and bad about that legislation. It doesn't matter if it is a matter dealing with our military or a matter dealing with something important to his State or, as far as that goes, if there is something important dealing with my State and I want a real good analysis of it. I don't turn to my staff; I turn to CARL LEVIN. I say to these two fine gentlemen that I speak not only for this Senator, but I speak for all Senators.

They, and all of us, understand rebuilding our Armed Forces must begin with a sufficient number of troops, but today the military is struggling to meet its recruiting goals. We are taking people into the military when we would not have thought of taking them into it a few years ago—people not graduating from high school, people with criminal records. That is why this Defense authorization bill provides funds to speed the growth of the Army from 512,000 to 547,000, an increase of 35,000, which is so important, and the Marine Corps, from 180,000 to 202,000, an increase of 22,000, both of which are significantly above the goals set by President Bush.

We also go beyond the President's request for $1 billion for the strategic readiness fund and add $1 billion to replace equipment for Guard and Reserve that has been sent to Iraq. Every natural disaster exposes the depleted capacity of our Guard and Reserve, and this bill begins to make that right.

This Defense bill also refocuses our military by saying there will be no permanent bases in Iraq. We need not be seen as an occupying force in Iraq. In a couple months, we will begin the sixth year of that war. We don't need permanent bases in Iraq.

This legislation has important language addressing potential waste, fraud, and abuse by establishing a Commission on Wartime Contracting. This is so important.

It beefs up our counterterrorist operations along the Afghan-Pakistani border to help fight al-Qaida and capture bin Laden, an effort that has been abandoned, it seems.

Last, but not least, it honors our brave troops who have given so much and receive sometimes so little in return. We start by giving everyone in uniform an across-the-board 3.5 percent pay increase. Those in uniform did not join to get rich; they joined to serve our country.

This pay increase, as I said, will not make them rich. They did not enlist to get rich. They joined the military to serve this great country. Though a 3.5-percent increase certainly will not make them rich, it will help them make ends meet and help their families to do the same as they face the burden of a husband, wife, mother or father serving an extended tour of duty someplace in the United States or around the world.

This pay raise didn't come from President Bush. He opposed it, or I should say part of it. It comes from Congress. We provide care and support for our troops when they are back home because our commitment to them must not end when their combat tours end.

The Wounded Warrior Act is in this bill which will improve health care and benefits for recovering veterans, servicemembers, and their families.

Senator PATTY MURRAY directed me and a number of other Senators to go to Walter Reed. She knew what was there. It was early in the morning, but it was a trip that any time of the day would have been beneficial. What we learned there was the basis of the Wounded Warrior legislation led by the Senator from Washington, PATTY MURRAY.

The American people will, for many years in the future, be indebted to her for this legislation, and I appreciate very much the managers of this bill placing this important legislation in it.

I am especially pleased this bill has two provisions I have worked on for years. These two fine managers continue the improvement. The first will expand eligibility for combat-related special compensation for disabled veterans whose combat wounds force them into medical retirement before attaining 20 years of service. The three of us have worked on this issue for many years. This is very important. Current law requires these wounded veterans to fund their own disability compensation. We end that practice and do right by these heroes.

The second provision will restore equity for disabled retirees that the VA has rated as unemployable. This is the only group of 100 percent disabled retirees who still suffer the unfair disability offset from their retired pay. This legislation will right that wrong.

I would be remiss if I did not express my disappointment that there were not enough votes in the House to pass the hate crimes portion of the bill. There is a longstanding history of addressing hate crimes and actually hate violence in Defense authorization bills. It was only right and proper that we again did it this year.

The hate crimes portion would have made America a safer, better place. It would have given State and local law enforcement agencies the tools they need and want.

At a time we fight for equality across the globe, we ought to ensure equality in America. This issue will not disappear. We will keep fighting to give all Americans protection from hate violence.

Despite this setback, this is a bill that all 100 Senators can proudly support. At times of unprecedented challenges throughout the globe, this legislation will make us safe. At a time when we see a lot of waste, mismanagement, and misplaced priorities on the part of this administration and the people with whom they choose to do business, it reaches for a higher standard of integrity. That is what this legislation does.

At a time of tremendous strain on men and women in uniform, this legislation sends a strong message that we honor them, we respect them, and will always stand by them. I urge all my colleagues to send that message today by overwhelmingly passing this legislation.

Mr. President, I ask unanimous consent that all time consumed today be counted postcloture. I thought consent was ordered last night that took care of this issue. If not, I hope can have this approved.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Virginia.

Mr. WARNER. Mr. President, first, I thank my distinguished colleague from Nevada for his thoughtful remarks. While we may have differences on the course, direction, and policies, I don't know of any Senator who comes to the floor and can speak with greater sense of compassion on behalf of the men and women who wear the uniform and their families and those who have borne the brunt of this conflict, not only in Iraq but in Afghanistan and other places.

I also ask unanimous consent that my colleague from Virginia, Mr. WEBB, be granted 2 minutes. He worked with Senator MURRAY on the Wounded Warrior Act. I knew him very well when he returned from Vietnam. He served on my staff as a young Marine captain. Had it not been for what he suffered in that war, he might still be in the Marine Corps today.

I yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Michigan.

Mr. LEVIN. Mr. President, before the Senator is recognized, I wish to thank the majority leader, Senator REID, obviously for the comments he made about me, which were extremely meaningful to me and will be memorable to my family, although they will discount it hopefully somewhat. I also thank him for his leadership in this body and for the way he has fought for so many causes, not just for our veterans but our troops. Year after year, he is on this floor improving the situation for those who have been badly wounded, retired, and disabled. Without that effort, the progress we have made in the last few years simply could not have happened. I thank him.

I am glad Senator WEBB was able to get to the floor. I have already thanked him for his work on the Commission on which he and Senator McCASKILL led an effort, a Commission on contracting in Iraq and Afghanistan, and there are so many other areas in which he is involved. I am delighted he was able to get to the floor for a few minutes.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Mr. President, I do not want to take up too much time on the floor. All the salient points have been made, and I know the Senate is anxious to vote.

First of all, I echo the comments about the majority leader. He has to stand up and take a lot of hits on behalf of all of us. I know of no one who is more highly and sincerely motivated.

It has been a pleasure to work with the chairman, Senator WARNER, and Senator McCAIN on the Armed Services Committee. I am also on the Veterans' Committee. We were able to work with both committees on the Wounded Warrior project.

I would like, very briefly, to give a special thanks to Senator WARNER, my senior Senator from Virginia, for having stepped forward on this wartime contracts commission and brought it to fruition after Senator McCASKILL and I had spent a lot of time working on it and were in a situation where we didn't know if it actually was going to get into the bill. It was Senator WARNER stepping forward and ironing out a few of these provisions and leading the Republican side that made that possible.

Obviously, I am very strongly in support of the bill.

I yield the floor.

Mr. WARNER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the conference report.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. BOXER), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Hawaii (Mr. INOUYE), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) would vote "yea."

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. McCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 3, as follows:

[Rollcall Vote No. 433 Leg.]

YEAS—90

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Bingaman
Bond
Brown
Brownback
Bunning
Burr
Cantwell
Cardin
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—3

Byrd
Feingold
Sanders

NOT VOTING—7

Biden
Boxer
Clinton
Dodd
Inouye
McCain
Obama

The conference report was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CORRECTING THE ENROLLMENT OF THE BILL H.R. 1585

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H. Con. Res. 269, which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 269) directing the Clerk of the House of Representatives to correct the enrollment of the bill H.R. 1585.

The PRESIDING OFFICER. Under the previous order, the concurrent resolution is agreed to and the motion to reconsider is considered made and laid upon the table.

The concurrent resolution (H. Con. Res. 269) was agreed to.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. COLEMAN. Reserving the right to object, I ask I be permitted to follow for 10 minutes, also as in morning business.

Mr. HARKIN. Mr. President, reserving the right to object—it is Friday afternoon. As chairman of the Agriculture Committee, I am seeking to get the agriculture bill done, and Members want to get finished and go home. We only have 1 amendment left on the farm bill, which can be disposed of. We can, I hope, shortly go to final passage on that. If we don't get to the farm bill we could be here for a long time. I say to my friends who are here, we do want to wrap up this farm bill.

Mr. STEVENS. I am happy to withdraw my request. I thought it would be a quorum call.

Mr. COLEMAN. Mr. President, I am prepared to withdraw my request if we are prepared to vote on the farm bill.

The PRESIDING OFFICER. Is there objection to the request as made?

Without objection, it is so ordered.

The Senator from Alaska is recognized.

FAIR TREATMENT FOR EXPERIENCED PILOTS ACT

Mr. STEVENS. Mr. President, I come to the floor today to thank Congress for finally raising the mandatory retirement age for commercial airline pilots from age 60 to age 65. This language was included as part of the "Fair Treatment for Experienced Pilots Act," and allows our most experienced commercial pilots to continue providing safe air transportation for the

Nation. The House approved the bill unanimously.

Since 1960, the FAA "Age 60 Rule" has restricted pilots age 60 and older from serving on any commercial flight operations. Under the rule, it is estimated that our aviation system lost 50 pilots every week.

Many in the aviation community, the FAA, and now Congress, have reacted to the realization that the Age 60 Rule has become outdated and discriminatory against one of Alaska's greatest resources, its experienced and seasoned pilots.

As my colleagues in the Senate know, the State of Alaska depends on aviation more than any other State. In our State we find that 50 percent of the commercial pilots are over 55.

The lack of highway infrastructure creates a situation where aviation serves as the traditional road system. More than 70 percent of our communities can only be reached year around by air, making aircraft essential for personal, commercial, cargo, and mail transportation to most parts of our State. Having experienced pilots to deliver goods and services to our communities is essential for Alaskans.

Many of our pilots contacted me and told me how the Age 60 Rule was impacting them.

In fact, on Wednesday, I met with Gary Miller, a Vietnam veteran and current FedEx pilot based in Anchorage. If Congress would not have acted on this outdated regulation, Gary would have been forced to retire in February.

In addition, there are pilots like Captain Bill Green, one of Alaska's best Hercules pilots. The Hercules aircraft are used for transporting large cargo shipments. Captain Green turns 60 next April and would have been forced into retirement, despite the need for qualified, experienced pilots in Alaska.

Mike Redmond, who has experience flying every type of aircraft used in Alaska—in 2 years he will be 60 years old and under the Age 60 Rule Alaskans would have lost his wealth of knowledge and experience.

I have supported changing this rule for more than a decade, and I applaud the Senate's actions in finally taking hold and raising the age to 65.

These pilots are our most experienced aviators and are a valuable resource to the commercial aviation industry. This action today will allow them to continue serving our Nation.

It is rare that Congress passes legislation that has such an immediate personal impact on our citizens. This is a proud moment for me and for the Congress. I am proud to say the President signed this bill immediately when he received it last night.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

FHA MODERNIZATION

Mr. COLEMAN. Mr. President, I rise to add my voice to the important floor debate that has just occurred with respect to FHA reform and the subprime crisis.

Mr. President, this subprime crisis is one that is affecting folks all across the country, including my State of Minnesota. This isn't just a one-State issue or a regional issue, this is a national issue. This is a serious problem for States from Minnesota to Ohio to Florida to Nevada. And when you look at the current foreclosure numbers and the mortgage reset projections for the next 2 years, it is clear that the problem is not just short term but also one that will become worse in terms of the additional number of homeowners who will be affected.

Mr. President, when you consider my State of Minnesota, it may come as a surprise to some to learn that while Minnesota has consistently ranked as a leader in homeownership, Minnesota also unfortunately ranks up there in terms of the subprime crisis. For the third quarter, Minnesota ranks third in the Nation in terms of subprime mortgages in foreclosure. In this year alone, foreclosures are expected to increase by 84 percent to 20,573.

In the State, the subprime crisis isn't just affecting folks in the Twin Cities. This is affecting people in the suburbs and in greater Minnesota. Just the other day, the Star Tribune ran a story, "Mortgage Foreclosures Ripple into Rural Minnesota," about how rural Minnesotans are being hit by the subprime crisis.

Behind all the terrible numbers are people like Ms. Shoua Yang, who spoke at last month's housing town hall forum I hosted in Minneapolis. Ms Yang spoke about how her mortgage payment has gone through the roof, from $800 to $1,300 per month, because her adjustable rate mortgage has reset. Now she and her three children are close to losing the roof over their heads.

But it isn't just homeowners with adjustable rate mortgages who are suffering.

It is renters, whose homes have been foreclosed through no fault of their own. It is construction workers—Minnesota has now lost nearly 7,000 construction jobs over the year.

One of those families who has been directly impacted by the housing downturn is the Buchite family of Zimmerman, MN. At last month's town hall forum, Audrey Buchite heartbreakingly spoke of how the loss of her husband's job as a house framer has left the family in dire financial straits, even though they have a fixed, 30-year mortgage. In order to make ends meet, they have dropped their health insurance and their college-bound daughter has decided to help with the family finances instead of going to college.

And it is also folks in the timber industry. I was recently up in Aitkin in northern Minnesota, timber country, as part of my tour of all 87 Minnesota counties this year.

While I was up there, loggers were telling me how the housing downturn is hurting their business by depressing softwood lumber prices.

Mr. President, as a former mayor, I strongly, believe that home ownership brings about a boat load of social good. So it goes without saying that if home ownership does so much good, anything that threatens this social good threatens the whole community, not to mention the economy at large.

And so, Mr. President, with the worst still ahead of us, I approach this crisis with a sense of urgency and commitment to helping at-risk and distressed homeowners in a fair and responsible way.

To that end I am pleased that we just passed FHA reform legislation to enlist the Federal Housing Administration in efforts to stem the surge in housing foreclosures and also prevent buyers from resorting to risky mortgages they may not be able to afford. This is an important step in addressing the subprime crisis—the legislation will increase FHA single-family loan limits across the board, at both the high and low ends and will help people refinance into safer mortgages.

I am also pleased that the administration has rightly helped to bring industry together to come to terms on a voluntary, market-driven mortgage relief plan.

Some would argue that the relief plan amounts to a bailout; that it violates free-market principles; that it merely kicks the can down the road. And others claim that it doesn't go far enough.

Well, the way I see it, mortgage servicers and investors have a collective self-interest in preventing mass foreclosures from happening. No one wins in a foreclosure.

Under the plan, as many as 1.2 million folks can be helped either by refinancing their mortgage or having their interest rates frozen for 5 years, which for many should give them the time needed to keep their homes. To put this in context, 1.8 million subprime mortgages will reset in 2008 and 2009.

It is important to also have the big picture in mind. If mass foreclosures happen, it isn't just the homeowner who has lost his or her house who is affected, but also the surrounding homeowners whose property values may decline, not to mention the impact on our communities. The key is to help folks who can be responsibly helped to keep their homes.

So the way I see it, the administration's mortgage relief plan is an important, responsible step towards preventing what could be a foreclosure catastrophe.

In no way however, is the administration's plan the entire solution. There is no one single solution. Rather it will require a comprehensive set of solutions including: the just passed FHA reform bill; making mortgage debt forgiveness tax free; allowing middle-income homeowners penalty-free access to their retirement savings in order to save their homes from foreclosure, as I propose through the HOME Act, the Home Ownership Mortgage Emergency Act S. 2201. This legislation is modeled after the Katrina Emergency Tax Relief Act of 2005; and providing temporary, middle-class mortgage bankruptcy relie as proposed by Senator SPECTER's "Home Owners Mortgage and Equity Savings Act," HOMES Act, of which I am a cosponsor.

We also clearly need better consumer safeguards, and to that end I am encouraged the Federal Reserve is planning to issue new rules relating to unfair or deceptive mortgage lending practices and mortgage disclosures.

But as we work to address the subprime crisis, we need to be careful that we do not unintentionally do harm with policies that could restrict mortgage credit to future home buyers. We have to be mindful of the unintended consequences of the policies we pursue.

I am just concerned that we could very well end up 5 years from now wondering why mortgage credit is not readily available to first-time home buyers.

Mr. President, I want to take some time now to speak to one aspect of the fallout from the subprime crisis which is near and dear to my heart as a former mayor, and that is the collateral damage that is being inflicted upon communities by the subprime crisis.

The on-the-ground reality is that the subprime crisis is setting off a terrible chain reaction in our communities that, if not mitigated, has the potential to affect communities' standard of living for years to come.

According to Mayor Tim Howe of Coon Rapids, a suburban community just north of Minneapolis, one of the greatest effects of the subprime crisis has been the vandalism of foreclosed homes and associated petty crime in the hard-hit neighborhoods. To give you a sense of how quickly a foreclosed home can become the target of crime and a problem for communities, consider that in Cleveland a home is looted and vandalized in just 3 days. I am sure this is a similar story for communities all across the country.

I believe in the broken windows theory that it takes just one small act of crime to set in motion bigger troubles down the road. So the sooner we address the small problems, the better off we are.

For some communities in particular, the subprime crisis also has the potential to reverse years of hard-won economic and community revitalization progress, and in no time at all. As mayor, CDBG grants helped fund the Main Street Program helped to revitalize St. Paul, creating thousands of jobs and bringing people back to the city. However, the current mortgage crisis threatens to undo this very progress.

Another aspect of the subprime crisis is how renters, usually of modest means, are finding themselves without a home due to foreclosure. These are just one of the unintended victims of the subprime crisis.

So in an effort to enable communities to better deal with the impact of the subprime crisis, I introduced this week with Senator LEAHY the Community Foreclosure Assistance Act, S. 2455, which would provide emergency community development block grant funding.

From the housing town hall forum to my conversations with community leaders, I have been told this funding will provide critical support to communities ranging from renter assistance to mortgage counseling to dealing with abandoned, boarded-up homes. Due to the unique flexibility of CDBG, communities will able to respond as they need do and quickly.

CDBG is a program that has served our communities well overall, and in particular, during extraordinary economic distress. We turned to CDBG to provide $16.7 billion in response to Hurricane Katrina and $2.7 billion to New York following 9/11. Back home, Minnesota was helped by CDBG following the terrible 1997 Red River flood.

In a situation like this we cannot be penny-wise and pound-foolish. Bottomline, this funding can help limit the terrible chain reaction that can be set off by a foreclosure. For if we do not reach out and help communities in trouble today, the cost to communities will be far greater and far more expensive to deal with in the future.

And so, Mr. President, as I have led the bipartisan fight against CDBG cuts in past years, I will fight to provide this emergency funding as a tool to help communities manage the mortgage crisis. Just because a foreclosure happens does not mean the entire community needs to suffer. That is the intent of this proposal.

Mr. President I ask unanimous consent to have printed in the RECORD a letter of support from the U.S. Conference of Mayors, National Association of Counties, National Community Development Association, National Association for County Community and Economic Development, and the National Association of Local Housing Finance Agencies, and letters of support from the Minnesota Association of Counties, the League of Minnesota Cities, and Mayor Mark Voxland of Moorhead, and an article from the Star Tribune.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Minneapolis Star Tribune]

MORTGAGE FORECLOSURES RIPPLE INTO RURAL MINNESOTA

(By Larry Oakes)

DULUTH.—Theresa Ross had reservations about the subprime mortgage she was offered three years ago but took a chance on the deal. It's a decision she regrets.

A licensed practical nurse with an older, two-bedroom house in Brainerd, Ross said the loan has wreaked havoc on her finances and brought her to the verge of foreclosure. Her monthly mortgage payment nearly doubled recently.

"I don't want to end up homeless because of this," she said.

Ross is part of a rural Minnesota demographic that might be feeling the subprime mortgage crisis more acutely than their urban counterparts.

Until the housing bubble burst, surging property values in rural Minnesota combined with lower, often-stagnant incomes made many rural residents targets for subprime loans, according to experts who have been analyzing foreclosure data.

In rural areas, many residents found themselves house rich but cash poor—and took advantage of loan offers that allowed them to convert some of their home equity to cash.

"It wasn't people buying homes they couldn't afford," said Dan Williams, whose work as senior program manager for Lutheran Social Service of Minnesota includes counseling rising numbers of homeowners near or in foreclosure. "It was lake and recreational property demand driving up the [local] property values, which created huge markets for cold-calling and 'cash-out' refinancing."

Although average overall foreclosure rates are higher in the seven-county Twin Cities area, six of the seven counties with the highest rates are in outstate Minnesota. Those six—Chisago, Kanabec, Isanti, Mille Lacs, Sherburne and Wright—are close enough to the metro area to be influenced by its property values and exurban expansion.

In those counties, an increase in younger home buyers with less wealth may explain some of the foreclosure problem, said Richard Todd, a vice president of the Federal Reserve Bank of Minneapolis.

Just as rural areas lag behind metro areas in fashion and other trends, the subprime wave took longer to reach outstate Minnesota, and it will take longer for the negative effects to fully materialize, Williams said.

And rural residents may have more difficulty getting back on their feet because of their lower incomes and because rural Minnesota has fewer housing options.

"I ACTED ON BLIND FAITH"

While sheriff's foreclosure sales shot up 125 percent last year in some metro counties, some of their rural counterparts, such as Rock and Traverse counties, were hit much harder, with increases of more than 200 percent, according to a report by the Greater Minnesota Housing Fund and Housing Link.

In Brainerd, Ross traces her troubles to a decision to price new vinyl windows and siding. When she said a contractor's quote of $21,000 was too steep, he said that a mortgage company he worked with could refinance her house, improvements included.

Ross, 49, who is single, balked at the adjustable 7.7 percent interest rate; at the time she had a fixed rate of 5.4 percent. But the contractor and lender assured her that her home's rising value would allow her to refinance again in a couple of years at a favorable and fixed rate.

She said they also misled her about the projected payment amount, saying it included taxes and insurance when it did not.

Home values stalled, and now Ross is stuck with a mortgage rate at 9 percent, little equity and no chance of refinancing. Her monthly take-home pay barely covers her $1,300 payment, and she ruefully longs for her old payment of $695. Though she quit driving, canceled her cable and Internet service and line dries her clothes, she said she still can't make ends meet.

Even if she sells, the amount she's likely to get won't pay off the mortgage, she said.

"I acted on blind faith that they were sincere and trying to help me, but they were just out to make a buck," Ross said. "Now, if I don't sell the house or get a renter, I'll be in foreclosure in the next few months."

THE WORST IS YET TO COME

In St. Louis County, which contains Duluth, records show the Sheriff's Office handled 325 foreclosure sales in 2006, up from 219 the year before.

Duluth real-estate agent Michelle Lyons said that since March she's been inundated with requests by banks to sell properties in foreclosure.

"I went from two or three [requests] a month about a year ago to two or three a week now," said Lyons, of Port Cities Realty.

She predicts the numbers will only get worse in the next two years as even more loans adjust to their higher rates and borrowers find themselves unable to refinance.

"Yes, there were predatory lenders," she said. "But it also involved people living above their means, as well as divorces and medical problems."

Some of those in foreclosure "deserve to be foreclosed on," she said, including owners of a Duluth property who trashed their house before vacating. When the bank finally took possession, even the copper pipes had been ripped out, presumably for scrap value.

But others, she said, are good people who were misled by unscrupulous lenders or overtaken by forces beyond their control.

As an example, she cited her clients Dave and Marykay Andert, a rural Duluth couple who are trying to sell to avoid foreclosure.

Dave Andert, 46, is perhaps an unlikely victim of the subprime trap; he once worked as a loan officer, writing mortgages for Beneficial Corp.

So in 2005, when the Anderts sought a $215,000 loan to buy a nearly new home tucked on a wooded lot in Solway Township, he spent four hours carefully reading the terms of the loan, offered by a now-defunct company called New Century.

In particular, Andert said, he made sure he was getting a fixed rate and disability insurance, which was important to him because he suffers from neurological condition that had been giving him chronic headaches.

Confident that he knew the terms, Andert didn't closely read the documents he signed at closing. He now believes a dishonest mortgage loan officer substituted new documents, giving him an adjustable rate and no disability insurance.

Now on long-term disability and bringing in only 40 percent of his previous income, Andert said his family will never afford the $2,300 mortgage payment that will start next year, up from $1,500 when they first got the loan.

Since then, the loan has been sold twice, and he's worked with the latest bank to get extensions to gain time to sell the house.

"We didn't plan on moving again," Andert said. "It's beautiful out here. It gets very emotional some days, to stand looking out my window and seeing the deer and thinking we have to leave."

DECEMBER 11, 2007.

Senator NORM COLEMAN,
Senate Hart Office Building,
Washington, DC.

DEAR SENATOR COLEMAN: The undersigned organizations of local elected officials and housing and community development practitioners write in support of the Community Foreclosure Assistance Act of 2007. The legislation would provide $1 billion through the Community Development Block Grant (CDBG) program to local governments and states to address the impact of foreclosures. Foreclosure-based rental assistance would also be provided to renters through the legislation.

Local governments are experiencing the growth in sub-prime mortgage foreclosures with dire predictions for citizens, neighborhoods, and local economies. With the mortgage crisis predicted to get worse over the next year, local governments are poised to tackle the issue on multiple fronts: support of strong federal anti-predatory and bankruptcy legislation, support of reform and modernization of the Federal Housing Administration (FHA), and through legislation such as the Community Foreclosure Assistance Act, assistance to citizens who have lost or are losing their homes.

We commend your legislative initiative which not only provides additional funding for CDBG, but allows more flexibility in the program by increasing the public services cap from 15% to 25% and lowers the current low- and moderate-income requirement from 70% to 50%. In addition, the bill allows local governments and states to request a general waiver to further provide foreclosure assistance. We would also request that the legislation permit 10% of the funds be used for administrative costs.

We look forward to working with you to pass this important legislation.

Sincerely,

U.S. Conference of Mayors.

National Association of Counties.

National Community Development Association.

National Association for County Community and Economic Development.

National Association of Local Housing Finance Agencies.

DECEMBER 11, 2007.

Senator NORM COLEMAN,
University Ave., West,
St. Paul, MN.

HON. SENATOR COLEMAN: The Association of Minnesota Counties (AMC) would like to commend you for authoring the Community Foreclosure Assistance Act of 2007 and voice our support for your efforts to combat the effects caused by the recent trend of rising home foreclosures across the state of Minnesota. Although counties play a minor role in the homeownership process when consumers buy a home and choose a means of financing such a significant investment, counties do play a significant role when things go wrong for the homeowner.

Local governments are experiencing the growth in sub-prime mortgage foreclosures with dire predictions for citizens, neighborhoods, and local economies. With the mortgage crisis predicted to get worse over the next year, local governments are poised to tackle the issue on multiple fronts: support of strong federal anti-predatory and bankruptcy legislation, support of reform and modernization of the Federal Housing Administration (FHA), and through legislation such as the Community Foreclosure Assistance Act, assistance to citizens who have lost or are losing their homes.

We commend your legislative initiative which not only provides additional funding for CDBG, but allows more flexibility in the program by increasing the public services cap from 15% to 25% and lowers the current low and moderate income requirement from 70% to 50%. In addition, the bill allows local governments and states to request a general waiver to further provide foreclosure assistance. We would also request that the legislation permit 10% of the funds be used for administrative costs.

When a home slips into foreclosure there can be significant implications for the family who is losing their home, their neighbors and their community. AMC believes that Congress should take action to minimize the impacts of foreclosures on our communities and preserve the vitality of our neighborhoods.

Sincerely,

JAMES A. MULDER,
Executive Director,
Association of Minnesota Counties.

LEAGUE OF MINNESOTA CITIES,
St. Paul, MN, December 12, 2007.

Hon. NORM COLEMAN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR COLEMAN: The League of Minnesota Cities supports measures incorporated into the Community Foreclosure Assistance Act of 2007 that you introduced today to address the growing problems and increasing costs that cities face to retain and protect vacant homes in foreclosure.

Cities, both large and small, face deteriorating conditions in many locations and are undertaking the often difficult and costly challenge of preserving neighborhoods and affordable housing stock threatened by growing numbers of foreclosures. The loss of housing for families and individuals who are often renting homes that are in foreclosure is another troubling source of neighborhood instability and personal hardship.

The Community Foreclosure Assistance Act proposes to address the impact of these foreclosures on local units of government through emergency appropriations to be added to the FFY 2008 funding for the Community Development Block Grant ("CDBG") Program. League support is also offered in view of the fact that funding for the Community Foreclosure Assistance Act will not be off-set from the critically important resources committed to current and future CDBG activities.

The proposed provisions offer communities flexibility in addressing the most pressing problems resulting from residential foreclosures at the local level by raising the CDBG cap for public service expenditures to 25 percent and targeting the most at risk populations by lowering income requirements to 50 percent of area median income, but also allowing cities to request waivers from those requirements to address their specific circumstances.

Sincerely,

JAMES F. MILLER,
Executive Director.

MOORHEAD, MN,
December 13, 2007.

Hon. NORM COLEMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR COLEMAN: I am writing to you today in support of the Community Foreclosure Assistance Act of 2007. The legislation would provide $1 billion through the Community Development Block Grant (CDBG) program to local governments and states to address the impact of foreclosures. This legislation would give tools to cities across the country to address the negative effects of foreclosures on neighborhoods and communities.

Your support of innovative legislation such as the Foreclosure Assistance Act exemplifies your continued commitment to local units of government. As Mayor, I can speak firsthand to the positive impact that programs such as CDBG have on cities and our residents, and I would like to thank you for advancing this important piece of legislation. Your continued support of communities throughout Minnesota and the nation is very much appreciated.

I look forward to continuing our work with you on this and other matters in the future. Thank you.

Sincerely,

MARK VOXLAND,
Mayor.

Mr. COLEMAN. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WEBB). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FARM, NUTRITION, AND BIOENERGY ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2419, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

Pending:

Harkin amendment No. 3500, in the nature of a substitute.

Chambliss (for Cornyn) amendment No. 3687 (to amendment No. 3500), to prevent duplicative payments for agricultural disaster assistance already covered by the agricultural disaster relief trust fund.

Chambliss (for Coburn) modified amendment No. 3807 (to amendment No. 3500), to ensure the priority of the farm bill remains farmers by eliminating wasteful Department of Agriculture spending on golf courses, junkets, cheese centers, and aging barns.

Salazar amendment No. 3616 (to amendment No. 3500), to amend the Internal Revenue Code of 1986 to provide incentives for the production of all cellulosic biofuels.

Thune (for McConnell) amendment No. 3821 (to amendment No. 3500), to promote the nutritional health of school children, with an offset.

Thune (for Roberts/Brownback) amendment No. 3549 (to amendment No. 3500), to modify a provision relating to regulations.

Domenici amendment No. 3614 (to amendment No. 3500), to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources.

Thune (for Gregg) amendment No. 3674 (to amendment No. 3500), to amend the Internal Revenue Code of 1986 to exclude discharges of indebtedness on principal residences from gross income.

Thune (for Gregg) amendment No. 3822 (to amendment No. 3500), to provide nearly $1,000,000,000 in critical home heating assistance to low-income families and senior citizens for the 2007–2008 winter season, and reduce the Federal deficit by eliminating wasteful farm subsidies.

Thune (for Grassley/Kohl) amendment No. 3823 (to amendment No. 3500), to provide for the review of agriculture mergers and acquisitions by the Department of Justice.

Thune (for Stevens) amendment No. 3569 (to amendment No. 3500), to make commercial fishermen eligible for certain operating loans.

Thune (for Bond) amendment No. 3771 (to amendment No. 3500), to amend title 7, United States Code, to include provisions relating to rulemaking.

Sanders amendment No. 3826 (to amendment No. 3822), to provide for payments under subsections (a) through (e) of section 2604 of the Low-Income Home Energy Assistance Act of 1981, and restore supplemental agricultural disaster assistance from the agricultural disaster relief trust fund.

Harkin/Murkowski amendment No. 3639 (to amendment No. 3500), to improve nutrition standards for foods and beverages sold in schools.

Mr. MCCONNELL. Mr. President, I rise today to speak to an amendment that will improve the nutrition and health of our Nation's school children.

Annually, the United States spends approximately $300 million for nutrition education for the Women, Infants, and Children, WIC Program and $500 million for nutrition education in conjunction with the Food Stamp Program. However, there is virtually no funding being dedicated to nutrition education in our Nation's schools.

You might ask why nutrition education in the school setting is important. According to the Centers for Disease Control and Prevention, 16 percent of children between 6 and 19 years old are overweight or obese—a number that has tripled since 1980. Experts agree that the lack of physical activity and poor eating habits contribute to this epidemic. While national guidelines recommend 150 minutes of physical activity each week for elementary children and 225 minutes for older children, few schools meet these criteria. In addition, studies have shown that children who eat well-balanced meals at school are more likely to practice lifelong healthy eating and help their families make smart meal choices.

Accordingly, my amendment provides $18 million to States to educate schoolchildren on the importance of consuming a nutritious diet as well as increasing their level of physical activity. Funds will be directed to the Team Nutrition Network, which is administered by the USDA, and then distributed to the States in the form of a grant.

In addition, this amendment also calls on USDA to conduct periodic surveys of foods purchased by school food authorities participating in the National School Lunch Program. According to USDA, the most recent data on school food purchases are a decade old. New data would help USDA to provide guidance to schools to create meals that conform to the most recent Dietary Guidelines for Americans, better manage the types and varieties of foods procured by USDA on behalf of schools, and assess the economic impact of school food purchase on various commodity sectors.

During my tenure in the U.S. Senate, I have been a strong advocate for nutrition programs, especially those that are targeted at our Nation's children. During the last farm bill, I proposed an amendment that directed a portion of loan rates to increase food stamp benefits for the disabled and working families with children. This was a small price to help provide for some of the neediest in our Nation.

In addition, I have introduced legislation in past Congresses that would have encouraged the increased consumption of calcium-rich milk by school children, provided grants to schools to make available healthy food choices, and expanded the School Breakfast Program.

Federal nutrition programs are an important safety net for our country, especially our Nation's children. I hope my colleagues understand the importance of addressing this issue, and I urge them to support my amendment.

Mr. GRAHAM. Mr. President, I rise today in support of the passage of the 2007 farm bill reauthorization. First, I would like to thank Chairman HARKIN, Ranking Member CHAMBLISS and their staff for their tireless efforts to compile comprehensive farm legislation that addresses many differing interests. I truly benefited from their guidance on agriculture matters and look forward to working with them on the Committee on Agriculture, Nutrition and Forestry.

The passage of this legislation is a testament to the will of the Senate to sustain our Nation's agriculture industry. A product of much negotiation and compromise, this bill contains true reform and provides for our Nation through improvements in nutrition, conservation, rural development and energy programs.

I applaud the Senate's commitment to maintaining and improving the current safety net for producers. It is vital that we continue to support these programs so that our producers can remain competitive globally and survive here in the United States. As a matter of national security, we must support programs that will ensure a reliable and constant food supply for all Americans.

The Senate-passed language touches the lives of millions of Americans who benefit from food assistance, conservation and land stewardship, rural development, and energy programs. I am especially pleased by the provisions relating to energy programs and our farming community. I believe that our producers can play an important role in addressing climate change. This bill takes important strides towards the protection of our environment through the authorization of energy programs that build on the potential of cellulose-based ethanol as an alternative energy source.

This legislation is the product of many months of negotiations and undoubtedly the sacrifices of many in order to arrive at this juncture. I am hopeful that the Conference Committee will produce a conference report similar to the Senate version of the farm bill, and that the Senate considers it in a timely manner so that all Americans can benefit from these programs at the earliest opportunity.

Mr. President, I yield the floor.

Mr. JOHNSON. Mr. President, I wish today to state my support of the Senate farm bill and urge my colleagues to vote in favor of this measure. While this bill is not perfect, I believe that it contains strong agriculture policy that will advance a number of initiatives important to Great Plains production agriculture and to farmers and ranchers across America.

I would like to first thank my good friend from Iowa, TOM HARKIN, who, as chairman of the Senate Agriculture Committee, shepherded this fine bill through the committee consideration process. Chairman HARKIN has been considerate to the contribution of the Great Plains region to our nation's agriculture economy and national food security, and this product reflects that recognition.

I am also pleased that this bill reflects many of the priorities that were shared with me not only in roundtable discussions in South Dakota with interested stakeholders, but also through letters, e-mails and phone calls from people in my home State.

I would like to take this time to speak to some of the provisions contained in this legislation, and why these provisions will be good for South Dakota agriculture. To begin with title I, this measure offers strong commodity safety nets, which is arguably the anchor of the omnibus Federal Farm Bill that Congress reauthorizes every 5 years. Under this legislation, our commodity payment structure is retained, with modest, albeit important, increases made to the loan rates and target prices for many commodities. Among those commodities seeing improvements under this bill are sorghum—target price increase to $2.63/bu.—barley—loan rate increase to $1.95/bu. as well as a target price increase to $2.63/bu.—oats—increase in loan rate to $1.39/bu. and increase in target price to $1.83/bu.—wheat—loan rate increase to $2.94/bu. and target price increase to $4.20/bu.—soybeans—target price increase to $6.00/bu.—oilseeds—loan rate increase to $10.09/cwt. and target price increase to $12.74/cwt.—and wool and honey—established loan rates are $1.20/lb. and $.72/lb., respectively—in addition to desirable target prices and loan rates for dry peas, lentils, and chickpeas.

Producers will also have a choice for participation in the Average Crop Revenue, ACR, program, under which payments will be made when the State revenue for a covered commodity is less than the average guarantee for that particular commodity. I do retain concerns for the implementation of this particular program because of the drastic disparity in county-based revenue in my home State of South Dakota. I am, however, pleased that the basic farm safety net from the 2002 measure remains intact, and that the ACR program was delinked from crop insurance during committee consideration.

Under this package, our farmers and ranchers across the nation will also benefit from a structured response to emergency agriculture disaster. This structured response program also will not, I am very pleased to say, function as a disincentive for investing in coverage under the Federal Crop Insurance Act, FCIA, and the Non-Insured Crop Disaster Assistance Program, NAP. The United States Department of Agriculture, USDA, and White House have been less than friendly toward our efforts to secure meaningful disaster assistance, going so far as to issue multiple veto threats against emergency spending initiatives because they contained meaningful relief for farmers and ranchers. The White House claimed that farmers and ranchers across America were generating remarkable revenue and enjoying tremendous profits, which clearly demonstrates this administration's disconnect with agricultural communities throughout the United States. Agriculture disaster is like any other natural disaster, and I am very proud to have pushed with my Senate colleagues for the proposal included in this bill.

As the author of the COOL provision included in the 2002 farm bill, I am pleased to see that this bill contains a very critically important compromise on mandatory Country of Origin Labeling, COOL, that will allow for streamlined, commonsense implementation, which is something that the USDA has been unable to accomplish in the 5-plus years since the enactment of the 2002 farm bill. The USDA has mercilessly botched the rulemaking process on this consumer right-to-know and producer marketing program, promulgating unworkable regulations that would burden farmers and ranchers as well as retailers.

The COOL compromise language included in the committee version of the farm bill, which was passed unanimously by that body, allows, for example, for the use of records for origin verification which are part of daily business, in addition to allowing State, region or locality of the United States information as being sufficient to identify the United States as the point of origin. These implementation guidelines are important to ensure that producers or retailers are not saddled with unnecessary costs or recordkeeping burdens that the USDA would have preferred, and that we can deliver a program that in excess of 91 percent of American consumers want.

The Senate version of the farm bill also contains another measure which I have championed for years, pertaining to the livestock sector. I am pleased that the ban on packer ownership of livestock was included in the en bloc amendments during committee consideration of the bill, which speaks to the significant support this measure retains within the Senate. The livestock industry is faced with ever-increasing horizontal concentration and vertical integration, and our independent farmers and ranchers are confronted with a shrinking number of opportunities for price discovery and product promotion. The packer ban would rectify this very negative and troubling transition in the livestock industry.

The packer ban adopted by the committee would ensure that packers cannot own livestock more than 14 days prior to slaughter. There are a number of reasonable exceptions to this prohibition, including packers that own only one slaughtering facility, packers that are not required to participate in the Mandatory Price Reporting, MPR, program, and for cooperatives. The packer ban would ensure that farmers and ranchers are materially engaged with the management of their livestock.

I offered the packer ban during consideration of the 2002 farm bill on the Senate floor, and it was adopted by the body of the Senate. It was, unfortunately, stripped out of the final bill during conference consideration, as was the "competition title" included in the Senate version of the bill. Our livestock producers have waited long enough for these provisions, and I will continue to work with the Chairman of the Agriculture Committee to see the packer ban passed into law. It is good policy.

In that same vein, I am pleased to see several other competition provisions that are included in this bill. This farm bill would ensure that contracts are fairer for growers, in that producers must agree and consent to arbitration before it may be used for dispute settlement. The bill also allows for the creation of a Special Counsel for Agricultural Competition within USDA. Both prosecutions and investigations will be combined within one office, and the counsel will oversee enforcement activities in coordinating with the Department of Justice and Federal Trade Commission. It is my hope that this counsel will serve to offer a greater level of transparency and that we may, in fact, see justice served with respect to egregious misdeeds in our livestock sector.

I am, however, greatly disappointed about the exclusion of Dorgan-Grassley amendment No. 3695, of which I cosponsored, to enact commonsense, meaningful farm program payment limitations.

The current farm program payment structure has, quite simply, failed rural America. Approximately 71 percent of our farm benefits are absorbed by only 10 percent of the farming community. Our omnibus farm bill is intended to promote programs that function as a safety net for farmers, in contrast to the cash cow they have become for a few producers. I do not favor eliminating our farm program benefits, but rather prefer that they are targeted to small and medium sized producers instead of large agribusiness.

The farm bill also includes a forward-looking energy title to grow dedicated energy crops and capture the ingenuity of agriculture producers to use biomass for energy production. The title invests in the applied agriculture research already occurring at State universities and land-grant colleges. Importantly, the bill also balances the increasing demand to use working lands for energy production with safeguards for protecting air, land, and water quality.

The bill establishes a loan guarantee and competitive grant program to jump-start the construction of biorefineries producing renewable fuels from dedicated energy crops. To meet the ambitious goal of producing 36 billion gallons of renewable biofuels in 2022, the farm bill establishes a program to provide access to capital for the construction of pilot and demonstration-scale biorefineries to produce advanced biofuels. Up to 80 percent of the costs of eligible projects could be covered through a loan guarantee. Also, the programs intent is clear that eligible projects include the conversion of existing fossil-fuel biorefineries powered by natural gas for loan guarantees and competitive grants to repower these facilities using renewable energy resources. South Dakota is a leader in producing ethanol from grains, but there is the long-term promise of using biomass and dedicated energy crops for producing advanced biofuels at a fraction of the energy input requirement. I am glad that the program will include a focus on biorefineries converting fuel generation sources for producing advanced biofuels. This section in the bill is essential toward our ability to significantly expand renewable fuel production.

The farm bill also builds on the 2002 act by providing $345 million in mandatory funding to enable biorefineries to make greater purchase of renewable biomass for advanced biofuel. These payments will increase the purchase of feedstocks for next generation biofuels, such as cellulosic ethanol.

I am glad that the bill harnesses the expertise of land grant Institutions by reauthorizing the Sun grant initiative and providing a modest amount of dedicated funding for carrying out program goals. Since 2005, the Sun grant Initiative has enhanced coordination between the Department of Energy and the United States Department of Agriculture to assess and improve resource availability and feedstock economics. The research and applications pursued through Sun grant is crucial toward the eventual commercialization of dedicated energy crops. Assessing the potential availability of energy feedstocks within geographic regions can target which energy crops are optimal for biofuel production. In the Midwest and Great Plains that might mean cultivation of switchgrass while in the Southeast, poplar trees or other fast-growing biomass may be optimal. Ultimately the research conducted by the regional Sun grant centers will go a long way in answering these regional questions and determining how best over the long-term to produce fuel from non-grain biomass.

The conservation title included in this bill will encourage sound land stewardship and land management practices. I requested, for example, that the Senate version of the farm bill extend the Conservation Reserve Program, CRP, and this program was extended with a 39.2 million acre cap through 2012. The Grasslands Reserve Program was also included in the chairman's mark and extended at a $240 million authorized level. I supported the payment limitations cap that would have increased the authorization for this program, and while it is unfortunate that this program wasn't expanded, I will continue to work with my colleagues to push for adequate funding.

The Wetlands Reserve Program was reauthorized in the bill at 250,000 through 2012, and the Environmental Quality Incentives Program was extended out with baseline funding. The program would provide for 75 percent cost-share, with the exception that beginning and young farmers or socially disadvantaged farmers would receive 90 percent cost-share or 15 percent above prevailing rates.

In several of my farm bill meetings, it was expressed to me that USDA local work groups should be exempted from the Federal Advisory Committee Act, FACA, by folding them into the State Technical Committees. USDA local work groups coordinate USDA programs with other Federal, State and tribal programs. FACA prohibits non-government individuals, including farmers, from the USDA working group formal decisionmaking process, whereas the State Technical Committee is exempted from FACA. The farm bill includes this change, allowing for farmers to be an integral and important part of the formal decisionmaking process.

The Senate version of the farm bill contains a Sodsaver program, to ensure that our nation's native grasslands remain intact. The program would prohibit crop insurance under the Federal Crop Insurance Act or Noninsured Crop Disaster Assistance Program payments on broken, native sod indefinitely, allowing for exceptions with plots under 5 acres and discretionary exemption by the Secretary of Agriculture for parcels between 5 and 20 acres.

When we talk about the farm bill, we naturally tend to focus on the provisions that affect our Nation's agricultural producers. I am pleased to note that we have crafted a farm bill that will also greatly improve Federal policy in the area of rural development, whose purpose is to improve the quality of life for citizens of rural areas who are not directly engaged in traditional agricultural production. With a bill that benefits our producers and as well as those who make a living off the farm, I believe citizens in the rural portions of our great Nation can look forward to many brighter days ahead.

Last year, I announced my Hometown Prosperity Plan, which is an economic development agenda that lays out my priorities for advancing South Dakota's economy from the Federal level. The strategies in my plan provided a framework for my priorities in the rural development title of the 2007 farm bill. These priorities include: (1) "Promoting Partnerships," or encouraging greater regional economic cooperation to enhance competitiveness; (2) "Emphasizing Entrepreneurship," or placing more emphasis on cultivating the creation of new businesses, as a supplement to the traditional strategy of luring existing businesses from elsewhere; (3) "Investing in the Public Good" by directing Federal funds to projects that yield a positive return in the form of higher standards of living, more jobs, and more prosperity; and (4) "Protecting Pocketbooks" by combating trends that sap economic strength, such as rising health care costs, rising fuel prices, and stagnant wages.

In the spring of this year, as Chairman HARKIN was assembling his proposals for the rural development portion of the farm bill, I wrote to him to outline my rural development priorities. I was pleased to find a great deal of common ground in our respective priorities, which is not surprising, since our two States share a border and many common characteristics. Senator HARKIN, the Agriculture Committee, and ultimately the full Senate, have produced a farm bill that would enact many of the proposals in my Hometown Prosperity Plan, and I would like to highlight a few of those.

One of the ways I proposed to act on the strategy of "promoting partnerships" was to relaunch the Northern Great Plains Regional Authority, which was created in the 2002 farm bill. The authority is a voluntary organization modeled after the successful Appalachian Regional Commission. Its mission is to enhance economic development by promoting greater interstate economic cooperation and collaboration across North Dakota, South Dakota, Nebraska, Iowa, and Minnesota. The organization was created by Congress with the blessing of the President, and is authorized to receive $30 million each year for 5 years to boost the competitiveness of our region. Unfortunately, the President inexplicably changed his mind about the organization, and has blocked its operation and most of its funding. The 2007 farm bill would modify the organization's governance structure to allow the organization to begin operating even without active support from the President.

In addition to promoting economic partnerships between states, we can also improve our economic performance through greater cooperation between rural communities within our respective states. The new farm bill would stimulate this kind of cooperation through the new Rural Collaborative Investment Program, RCIP. Under this program, communities within a region could receive Federal funds to leverage matching private contributions in support of regional economic planning and projects.

My strategy of "investing in the public good" means providing Federal investments in activities the pay themselves back with increased rural prosperity and quality of life. This farm bill would increase the volume and quality of our investments in the public good by extending, refining, and expanding several existing grant and loan programs operated by USDA rural development. These include community facilities grants and loans, water and wastewater infrastructure grants and loans, the rural business enterprise grants, rural business opportunity grants, value added agriculture development grants, intermediary relending, distance learning and telemedicine grants and loans, and the broadband access program, among others. These programs have proven their effectiveness in improving the quality of life for rural citizens across South Dakota, and they would have an even great impact if we enact the farm bill approved by the Senate.

A great deal of research now demonstrates that my strategy of "emphasizing entrepreneurship" is one of the most effective ways we can generate new private-sector job growth in our rural communities. One of the ways I proposed to act on this strategy was by providing incentives for greater private-sector equity investment in rural business through the Rural Business Investment Program, RBIP. Unfortunately, venture capital and other forms of equity are relatively scarce in rural States, and the RBIP was created in the 2002 Farm Bill to address this scarcity. It was modeled on a similar program operated successfully by SBA. Unfortunately, overly complicated implementation rules have prevented this program from achieving its potential of luring more private investment to fast-growing companies in rural America. By modifying and streamlining the program, the new farm bill will catalyze more private investment and more rapid private-sector job creation in rural communities.

Another way to emphasize entrepreneurship is by stimulating more business startups through microlending. Many would-be entrepreneurs in local areas cannot get access to the small quantities of capital needed to implement sound concepts for new businesses. The delivery of "microloans" to these individuals is a proven way of creating more small businesses. Because microloan programs require small quantities of capital, and the loans are repaid, the programs are also highly cost-effective. The farm bill's new Rural Microenterprise Assistance Program would help to reverse the loss of rural population that results from inadequate economic opportunities.

Among other things, my strategy of "protecting pocket books" means taking action to address economic trends that sap our economic strength, such as exploding health care costs. One way we will do that in this farm bill is by providing federal funds for conversion to electronic records at rural hospitals. Keeping these hospitals viable helps rural citizens avoid lengthy trips to health care facilities in far-away cities. And computerizing medical records at those hospitals should increase their efficiency and reduce costs to consumers. Between this initiative, and our extension of the Distance Learning and Telemedicine grant and loan program, I believe we can help to reverse the rising healthcare costs that are especially hard on the pocketbooks of rural citizens.

In any piece of legislation as comprehensive and far-reaching as a farm bill, there are always components whose final form leaves room for improvement. Unfortunately, that maxim holds true in the case of the farm bill approved by my Senate colleagues and me. Nevertheless, on the whole I am pleased with this bill in general and its rural development components in particular. By enacting many proposals from my Hometown Prosperity Plan, this bill would improve the economy and quality of life in the rural communities that South Dakotans call home. I appreciate my Senate colleagues' support for these initiatives, and am hopeful that we can realize their promise by enacting this bill into law.

We live in a country of great abundance, yet millions of Americans go to bed hungry each night. With more than 39 million people in the United States participating in federally supported nutrition programs each year, it is crucial that the farm bill contains a nutrition title that not only feeds the hungry, but also works toward ending hunger, preventing obesity and improving diets. Given the budgetary constraints that our Senate Agriculture Committee faced in crafting this farm bill, I applaud them for writing a strong nutrition title, which will well serve America's nutrition needs for years to come.

I was extremely pleased that the Food Stamp Program has been modernized to meet the many needs that low-income families face every day. Roughly 58,000 South Dakotans currently receiving food stamp benefits each month will now be able to buy more food with their benefits and will be able to better afford child care. Families will also be able to save for their futures, while still remaining eligible for the program by exempting tax-preferred education and retirement accounts from counting against the asset limit.

As many of America's low-income seniors are being forced to choose between much-needed prescription drugs and paying their bills, sadly, many are left unable to afford an adequate and nutritious diet. The Commodity Supplemental Food Program, CSFP, helps to fill in the nutrition gaps in participants' diets by providing nutritious items that they might not otherwise be able to afford. I worked closely with members of the Senate Agriculture Committee to ensure that more seniors will be eligible to participate in this important program by changing the eligibility guidelines from 130 percent to 185 percent to reflect the poverty guidelines of all other Federal nutrition programs. Once the five new states that have applied to participate in CSFP receive funding, then all States can apply to go up to 185 percent Federal poverty level, FPL, if they so choose. In addition, the preference requirement for women, infants and children in the application process was eliminated, allowing senior citizens equal access to the program.

The Emergency Food Assistance Program, TEFAP, is another vital program in our Nation's fight against hunger. With food banks across the country experiencing critical food shortages and an increasing number of Americans in need of emergency food assistance, the increase in funding from $140 million to $250 million is especially crucial.

We must do all that we can to ensure our children grow up healthy, regardless of their family's income and I believe that expanding the Fresh Fruit and Vegetable Program, FFVP, in all 50 States works toward that goal. Since 2004, students on the Pine Ridge Indian Reservation in South Dakota have received fresh fruits and vegetables through the FFVP pilot program. I am pleased that these students and others across the nation will now have regular access to fresh fruits and vegetables.

I was disappointed to see that the elimination of reduced price, ERP, category was not included in the nutrition title of the Farm Bill. The President's budget decisions have forced the Senate majority leadership to concentrate nutrition funding on existing programs, leaving little or no funding for new initiatives, such as eliminating the reduced price category from the school lunch program.

This farm bill also strengthens the Food Distribution Program on Indian Reservations, FDPIR, program by ensuring that tribes will be able to obtain traditional foods, such as bison, in their food packages. I have long fought for more traditional food options for our tribes and I am pleased that Chairman HARKIN included my request in the chairman's mark.

This farm bill is a strong proposal for South Dakota, for the Great Plains region and for the American agricultural community. While reauthorization is a critically important prong of our farm bill policy, our Federal farm programs are only as strong as the dollars put behind them. As a member of the Senate Appropriations Committee, and more specifically, the Senate Agriculture Appropriations Subcommittee, I am well positioned to fight for South Dakota priorities and to deliver promised farm bill programs into our rural communities. The dollars I work to obtain in this bill are vitally important, for example, to continuing agriculture research within my home State and at South Dakota State University, my home State's land grant university. As we work our way through the budgetary constraints with which Congress is faced, I will continue to promote our nation's farming and ranching agenda.

Mr. President, farmers and ranchers have been anxiously awaiting a new farm bill so they can make important management decisions in this coming year, and I am hopeful that the Senate and House can meet quickly in this next congressional session to iron out the differences between the two measures.

Mr. KENNEDY. Mr. President, food safety is very much on the minds of many Americans today, and the reason is as obvious as the newspaper headlines in recent months.

From the Washington Post on November 29th: "Bad Pet Food May Have Killed Nearly 350."

From the October 31 New York Times: "Chinese Chemicals Flow Unchecked to Market."

From The Associated Press on September 27: "Hamburgers may be tainted with E. Coli."

Suddenly, there is a danger that E. coli is present in many typical foods. An E. coli outbreak in spinach last summer killed 3 people and sickened more than 200 others. In recent months, E. coli has lead to the recall of over 20 million pounds of ground meat. We have also had salmonella in peanut butter and snack food and botulism in a chili product. Even unlabeled allergens can routinely lead to the recall of food. These examples, and the sharp decline of consumer confidence in food safety, make clear that Congress must act quickly to deal with the problem.

The FDA Science Board issued an alarming report last month, concluding that the "FDA does not have the capacity to ensure the safety of food for the nation."

In his years in both the House and now the Senate, Senator DURBIN has been a leader in efforts to improve food safety—from his Safe Food Act to the Human and Pet Food Safety Act. He offered a food safety amendment on the FDA bill last May that we accepted 94 to 0, and it was included in the final bill approved by Congress and signed by the President in September. I commend his working with us to produce an amendment to the farm bill to address the issue now with the new urgency it requires.

Because of the work of Senator DURBIN, the farm bill includes a commission to investigate food safety and make recommendations to the President and Congress, including specific legislative proposals and budget estimates. The amendment we have offered builds on the work of the commission. It requires the President to submit a legislative proposal in response to the commission's recommendations, with Congress following up with appropriate action. It also includes a sense-of-the-Senate provision that the Congress must approve more resources for food safety, must work for a comprehensive response on the issue, and that the Federal Government must work cooperatively with foreign governments to improve the safety of imported food.

I agree with Senator DURBIN that we need make more effective progress on food safety. Both the European Union and Japan have stronger food safety programs than we do. Most significantly, they have much stronger programs on imported food, combining inspections in the country of origin and the testing of imported foods. We should be able to do at least as well.

Federal food safety agencies need power to identify food safety problems more quickly and respond more effectively, especially to prevent outbreaks in food. Every aspect of the food industry must have an effective plan in place to prevent hazards in the food it grows, prepares, or markets.

A hearing in the HELP Committee earlier this month began this process. I am committed to achieving a comprehensive response to food safety, and I look forward to working with Senator ENZI, Senator DURBIN, Senator HARKIN, and my other colleagues on the committee to develop that proposal early in the new year. Our amendment to the farm bill will require the President to follow up in 2009 or early 2010 with a further legislative proposal if additional efforts are needed to improve the safety of our food supply.

Every day, parents across the Nation prepare breakfast, lunch, and dinner for their children. They expect these meals to nourish their children, not sicken them. Action by Congress is essential to avoid the risk that a fruit served for breakfast is contaminated with salmonella or that the meat or cheese added to a lunch sandwich is contaminated with listeria or that fish served for dinner contains antibiotic residues or that the lettuce and other fresh produce in a salad is contaminated with E. coli.

We all must act together, and I am grateful to Senator DURBIN and the managers of the farm bill, Senator HARKIN and Senator CHAMBLISS, for working with us to make this amendment possible.

Mr. ENZI. Mr. President, I rise today to thank my colleague from Illinois, Senator DURBIN, for his hard work to improve his food safety amendment No. 3539, which was accepted earlier this week. I had concerns with this amendment as introduced because I think we should focus on real solutions, not just abandon our current processes. I appreciate my colleague's willingness to listen to my concerns and those of Senator KENNEDY and work to address them. In this time of partisan bickering, I am gratified to see that cooperation is indeed possible.

Our food safety system is the best in the world. We have an incredible variety of foods available to us, at relatively low prices, and with a generally excellent track record for safety. But things aren't perfect, and I think we have plenty of work to do to make things even better. The HELP Committee, which has jurisdiction over the FDA, held a very informative hearing on food safety 1 week ago. We got some great recommendations from stakeholders during that hearing, and we plan to use those recommendations and the recent reports from HHS and FDA to develop bipartisan legislation.

Going back a little further, during floor debate on the FDA bill in May, Senator DURBIN and I, along with Senator KENNEDY, worked on a food safety amendment that was accepted 94 to 0. At that time, I pledged to work with my colleagues on a comprehensive response to food safety. I stand by that commitment.

I know that our staffs have met on food safety and work well together. It is important that we get this right and that we get it done. We can make real progress on real legislation to reform the food safety system.

Let's keep working together. We can have real reform on this and on other important issues such as health care. I look forward to working with my colleagues on both sides of the aisle to achieve victory for the American people on these important topics.

Ms. MURKOWSKI. Mr. President, per rule XLIV of the Standing Rules of the Senate, I certify that I proposed an amendment to H.R. 2419, the farm bill, that addresses income averaging for amounts received in connection with the Exxon Valdez litigation. This amendment is a limited tax benefit.

Mr. SPECTER. Mr. President, I seek recognition to give my reasons for supporting the Senate passage of H.R. 2419, The Farm, Nutrition, and Bioenergy Act of 2007, also known as the 2007 farm bill. I am voting for it notwithstanding the subsidies that have grown since the Agricultural Adjustment Act of 1933, and I believe moving toward a free market for agriculture is highly desirable.

Many constituents in my home State of Pennsylvania have contacted me to express support for final passage of the 5-year 2007 farm bill as soon as possible. Agriculture is Pennsylvania's No. 1 industry, contributing about $45 billion to the economy through production, food processing, marketing, transportation and manufacturing. Since taking office in 1981, I have fought hard for agriculture and nutrition programs.

The many provisions in the bill that are beneficial to Pennsylvania include the Milk Income Loss Contract program for our dairy producers, increased funding for specialty crops, increased funding for nutrition programs, and increased funding for conservation programs. While other regions have received more money in previous farm bills through subsidy programs for cotton, rice, wheat, soybean, and corn, this farm bill directs more money to agriculture products in Pennsylvania than previous farm bills.

The MILC program provides countercyclical payments to our dairy producers when the price of milk falls below a set trigger price. Since its inception in the 2002 farm bill, it has provided more than $220 million to our Pennsylvania dairy farmers. Although I worked hard to ensure that any dairy provisions addressed costs of production, there was resistance from Senators from other regions in the United States. The bill also requires mandatory price reporting of sales transactions of dairy commodities and calls for a study of collapsing the dairy class system and a study of advance pricing. These provisions will help create an open, transparent dairy market benefiting dairy farmers and consumers.

Pennsylvania's specialty crop producers that include mushrooms, apples, freestone peaches, and grapes will get the assistance they need to market their products. The bill provides about $2.2 billion in research and marketing programs funding. This is the most ever set aside in a farm bill to assist these farmers who are left out of traditional Federal farm programs.

The bill includes about $197.5 billion for nutrition programs, as compared to about $178.158 billion in the previous 2002 farm bill. The bill also includes $1 billion to expand the Fresh Fruit and Vegetable Program, FFVP, nationwide over 5 years to reach nearly 4.5 million low-income children. FFVP allows schools to offer and promote free fresh fruits and vegetables during the day.

Finally, the bill includes increased money for conservation programs to help farmers use environmentally friendly farming practices. There is about $22 billion for conservation programs, which is about $5 billion more than the 2002 farm bill. More specifically, the bill has $165 million for conservation programs in the Chesapeake Bay watershed, which includes large sections of Pennsylvania.

Taken together, these important programs benefit Pennsylvania. Therefore, I support this farm bill.

Mrs. FEINSTEIN. Mr. President, I rise today to speak about agricultural inspection at the Department of Homeland Security.

I believe there is a serious problem with agriculture inspections at the Department of Homeland Security.

The causes are many. The stakes are high. The impact is potentially devastating.

Here are the facts—documented in a 2006 GAO report, a 2007 Congressional Research Service memorandum, and a 2007 report prepared for the House Committee on Agriculture.

Agriculture inspection at several key American points of entry has significantly decreased. Inspections decreased in Miami by 12.7 percent, in Boston by 17.9 percent, and San Francisco by 21.4 percent; the number of quarantine significant pest interceptions has declined by 31 percent since its high of nearly 74,000 in 2002; 22 percent of agricultural specialists' time is spent on duties other than agriculture inspection; and agriculture inspection at DHS is subordinate to the Department's other priorities for drug and weapons enforcement.

As the senior Senator from California, the largest agriculture State in the Nation—a $32 billion industry—I cannot stand by while three infestations of Medfly have occurred in my State just this year.

And other States have similar problems. Florida has seen a 29-percent increase in pest outbreaks over the last 4 years.

It was my intention to offer an amendment to move the agriculture inspection function back to the USDA—and I want to thank my lead cosponsors on this amendment, Senator MARTINEZ and Senator CASEY.

However, I recognize there is strong objection to considering my amendment in the Senate.

I have had multiple discussions with Secretary Chertoff on this issue, and he has agreed to take action to improve agriculture inspection.

Specifically, he has agreed to create a new Deputy Executive Director for Agriculture Operational Oversight that is responsible for: managing the joint Customs and Border Protection and USDA Agriculture Quality Assurance program; monitoring agricultural inspection performance for risk and efficiency; securing appropriate staffing and budget allocation for agriculture inspection; ensuring that all directives and policies specific to the agricultural programs are executed in compliance with the agriculture mission; and ensuring there is open dialogue with State and Federal counterparts to assure agricultural inspection activities are being properly handled at ports of entry.

Additionally, he has assured me that the agriculture inspectors' time will no longer be used for anything other than agriculture inspection.

So in light of those commitments, I have agreed to defer the amendment.

I will ask unanimous consent to have printed in the RECORD the December 13 letter from Secretary Chertoff, and the accompanying two documents, which are copies of the two memoranda from the U.S. Customs and Border Protection, establishing the actions to which we have agreed.

But I will watch carefully to see that what the Secretary has agreed to is implemented in the Department.

I want to thank the California Farm Bureau, the American Farm Bureau, the State Departments of Agriculture and their association, the Specialty Crop Farm Bill Alliance, and the many farm organizations that supported this amendment.

I ask unanimous consent to have printed in the RECORD the documents to which I have referred and the list of these organizations that wrote in support.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF
HOMELAND SECURITY,
Washington, DC, December 13. 2007.
Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: I appreciate the discussions we have had over the last few weeks concerning the agricultural mission within U.S. Customs and Border Protection (CBP). I want to inform you of two actions the Department of Homeland Security is taking to address the concerns you have raised.

First, at my direction, the Assistant Commissioner of Field Operations at CBP has sent a memo to all field offices (attached) reaffirming that the Agriculture Specialists are to be specifically assigned to agricultural inspection activities and will be dedicated to the mission of protecting the Nation's food supply and agricultural industry from pests, diseases, and related bio-threats, absent exigent operational circumstances. To promote consistent implementation of this policy, the memo also outlines measures that CBP is taking to ensure that the activities of Agriculture Specialists are accurately recorded in CBP's Overtime and Scheduling System.

Second, as of January 2, 2008, a new position will be established within CBP to improve oversight of the agricultural mission across all CBP field offices. Named the Deputy Executive Director, Agriculture Operational Oversight, the new position will report to the Executive Director for Agriculture Programs and Trade liaison at CBP headquarters. The Deputy Executive Director will be charged with ensuring a more consistent application of agriculture inspection policy across all ports. The position will also serve as a primary point of contact for Joint Agency Task Force coordination issues for the Department, the Animal and Plant Health Inspection Service (APHIS) within the Department of Agriculture and stakeholders, and it will be responsible for outreach to Federal and State officials on border inspection issues. The Deputy Executive Director will oversee the Joint CBP/APHIS Agriculture Quality Assurance program and monitor agricultural performance measures for risk and efficiency. This office will also ensure compliance with all directives and policies specific to the agricultural programs, to include conducting field audits and reviews of Agriculture Specialist activities, and correcting deficiencies. In addition, the Deputy Executive Director will work to ensure that Agriculture Specialists have the equipment and resources needed to perform the agricultural inspection function. (A memo to field offices describing the new position in more detail is attached.)

I greatly appreciate your engagement on these critical issues, and I look forward to continuing our discussions with respect to your questions on agricultural referrals to secondary inspection. The measures we are undertaking are a direct result of our constructive dialogue, your dedication to the agricultural community, the essential work done by CBP Agriculture Specialists, and the desire to protect American agriculture from harmful pests and diseases.

Sincerely,

MICHAEL CHERTOFF,
Secretary.

U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. CUSTOMS AND BORDER PROTECTION,
Washington, DC, December 10, 2007.

Memorandum for: Directors, Field Operations; Director, PreClearance.
From: Assistant Commissioner, Office of Field Operations.
Subject: Utilization of Agriculture Specialists and Related Time and Attendance Information (TC–FY–08–0222).

The purpose of this memorandum is twofold, first, to ensure that Agriculture Specialists (CBPAS) are performing inspectional activities directly related to the protection of American agriculture; and second to provide clear guidance on the utilization of Cost Management Information System (CMIS) codes housed within COSS that are specifically designed for use by CBPAS.

Directors, Field Operations must ensure that CBPAS are assigned to agricultural inspectional activities at the individual ports of entry. It is imperative that assignments for these employees are dedicated to the mission of protecting the Nation's food supply and agricultural industry from pests and diseases absent exigent operational circumstances.

Clear guidance on the use of CMIS codes are housed in the Customs and Border Protection Overtime and Scheduling System (COSS) and are structured to reflect the range of operational functions combined within CBP. CMIS codes are focused on Customs, Immigration- and Agriculture-related functionality to reflect and define the totality of services offered by CBP. CMIS aids the Agency in aligning the personnel labor information in COSS to CBP financial reporting requirements. Further, CMIS enhances the Agency's ability to track User Fee-related activity costs, provide more accurate cost information to external parties (i.e. Congress), and help to establish baseline cost information necessary for developing and monitoring annual budgets.

CBPAS perform the mission of protecting American agriculture from harmful pests and diseases. Further, this work must be accurately recorded in COSS using the appropriate CMIS codes. To accomplish this, Directors of Field Operations (DFOs) shall ensure that CBPAS are assigned and utilized in alignment with that mission.

As part of the continuing Unified COSS Location Rotation Process (UCLRP) (TC–06–1630), Directors, Field Operations (DFO) are responsible for monitoring and overseeing this process to ensure agriculture-related work activities are accurately recorded. For your convenience, the UCLRP tasking and CMIS codes are posted to the CBPnet under the OFO tab. As part of the UCLRP, DFOs must continue to complete the quarterly analysis and submit findings to Headquarters for analysis.

For clarification, CMIS codes beginning with the letter "Q" should be utilized to capture agriculture-related activities. The role of the CBPAS is to interpret and enforce agricultural regulatory requirements through agricultural inspections of travelers and cargo. Appropriate activities are listed in the CBPAS position description and in Appendix 2 and 3 of the DHS—USDA Memorandum of Agreement of 2003 (attached).

I am directing all DFOs to ensure that CBPAS are assigned to agricultural inspectional activities at the individual ports of entry. Assignments for these employees must be dedicated to the mission of protecting the Nation's food supply and agriculture industry from pests and diseases, absent exigent operational circumstances.

If you have any questions regarding this matter, please have a member of your staff contact Ava Fleming.

THOMAS S. WINKOWSKI.

From: Assistant Commissioner, Office of Field Operations.
Subject: Establishment of Deputy Executive Director, Agriculture Operational Oversight, Agriculture Programs & Trade Liaison (APTL).

This memorandum addresses the establishment of a Deputy Executive Director position in the Agriculture Operational Oversight position within the Agriculture Programs & Trade Liaison (APTL) division within Customs and Border protection (CBP) Office of Field Operations (OFO).

In order to address the concerns of agricultural stakeholders and to provide better operational oversight for the Agricultural Mission within CBP, I am creating a new Deputy Executive Director, Agriculture Operational Oversight position in APTL. The Deputy Executive Director will report to the Executive Director for APTL.

BENEFITS OF CREATING NEW POSITION

CBP is creating a new position and office in OFO Headquarters that will be charged with further coordinating agricultural activities. Establishing this position will result in more consistent application of agriculture inspection policy across all ports. It will also provide a primary point of contact for Joint Agency Task Force (JATF) coordination issues for APHIS, USDA, UHS, and agriculture industry stakeholders.

Program improvements that will be realized are coordination and implementation of the JATF Action Plans, Agriculture Partnership Council and stakeholder outreach. This position will oversee the Joint CBP/APHIS Agriculture Quality Assurance program and monitor agricultural performance measures for risk and efficiency. It will allow CBP to utilize trend analysis and redirect targeting and resources to areas of highest risk. The office will also ensure that all directives and policies specific to the agricultural programs are executed and in compliance with CBP agriculture mission.

To enhance operational oversight this office will ensure resources are available for agriculture programs in the field. This specific responsibility will ensure that all Agricultural Specialists will have all the equipment and other resources needed to facilitate and improve the agricultural inspection function. Additionally, this Deputy Executive Director will ensure appropriate staffing levels and budget allocation for agricultural programs as well as initiate and monitor special agricultural operations. The Deputy Executive Director will meet regularly with state and federal counterparts to maximize efficiencies. Emphasis will be placed on ensuring that CBPAS are specifically assigned to agricultural inspectional activities at the individual ports of entry.

The new office will issue memoranda, musters, and conduct conference calls, to clarify the expected activities, duties, functions, roles and responsibilities of the Agricultural Specialist (AS) in conducting CBP's mission. This individual will ensure that AS accurately record agriculture inspection activities in the CBP Overtime and Scheduling System (COSS). This will better align the personnel labor information in COSS to CBP financial reporting requirements. Furthermore, the Deputy Executive Director will enhance the Agency's ability to track User Fee-related activity costs and help establish baseline cost information necessary for developing and monitoring annual budgets. He will visit and conduct field audits and reviews of the AS activities and compliance with the CBP Agricultural commitment.

CHAIN OF COMMAND

The new Deputy Executive Director will work through the current chain of command in the field and is not in the supervisory chain for field Agriculture Specialists.

TIMEFRAME FOR CREATION OF NEW POSITION

The new Deputy Executive Director will be in place and the office will be operational no later than January 2, 2008.

American Beekeeping Federation.
American Farm Bureau Federation.
American Feed Industry Association.
American Mushroom Institute.
American Nursery and Landscape Association.
American Sheep Industry Association.
American Society for Horticultural Science.
Association of Floriculture Professionals.
Cherry Marketing Institute.
National Association of State Departments of Agriculture.
National Association of Wheat Growers.
National Chicken Council.
National Council of Farmer Cooperatives.
National Farmers Union.
National Milk Producers Federation.
National Pork Producers Council.
National Potato Council.
National Watermelon Association.
Nectarine Administrative Committee.
Peach Commodity Committee.
Produce Marketing Association.
Society of American Florists.
United Egg Producers.
United Fresh Produce Association.
U.S. Apple Association.
Winegrape Growers of America.
Blue Diamond Growers.
CalCot Ltd.
California Association of Nurseries and Garden Centers.
California Association of Wheat Growers.
California Association of Winegrape Growers.
California Avocado Commission.
California Citrus Mutual.
California Fresh Fig Growers Association.
California Grape and Tree Fruit League.
California Plum Marketing Board.
California Strawberry Commission.
California Table Grape Commission.
California Tree Fruit Agreements.
California Tree Fruit Marketing Board.
Empire State Potato Growers, Inc.
Florida Citrus Mutual.
Florida Citrus Packers Association.
Florida Department of Agriculture and Consumer Services.
Florida Fruit and Vegetable Association.
Florida Strawberry Growers Association.
Georgia Fruit and Vegetable Growers Association.
Hawaii Farm Bureau Federation.
Holly Tree Farm.
Idaho Grower-Shipper Association.
Idaho Potato Commission.
Indian River Citrus League.
Maine Potato Board.
Miami-Dade County.
Michigan Apple Committee.
Michigan Agri-Business Association.
Michigan Bean Shippers Association.
Michigan Corn Growers Association.
Muddy Lake Cattle Company.
New York Wine & Grape Foundation.
New Mexico Department of Agriculture.
North Carolina Wine & Grape Council.
Northern Plains Potato Growers Association.
Northwest Horticultural Council.
Ohio Apple Growers.
Ohio Wine Producers Association.
Oregon Potato Commission.
Pennsylvania Chapter of the National Farmers Organization.
Pennsylvania Department of Agriculture.
Pennsylvania Farm Bureau.
Pennsylvania Farmers Union.
Pennsylvania Landscape and Nursery Association.
Pennsylvania Pork Producers.
Pennsylvania Vegetable Growers Association.
Peace River Valley Citrus Growers Association.
Potato Growers of Idaho.
South East Dairy Farmers Association.
Sunkist Growers.
Sun-Maid Growers of California.
Texas Citrus Mutual.
Texas Produce Association.
Texas Wine and Grape Growers Association.
Virginia Apple Growers Association.
Washington Apple Commission.
Washington State Potato Commission.
Western Growers Association.
Western United Dairymen.
WineAmerica.
Wine Association of Georgia.
Winegrowers Association of Georgia.

Mr. ROBERTS. Mr. President, I am pleased that Chairman HARKIN has included a proposal of mine in his amendment. Under my proposal, eligible elementary and secondary schools can offer grain products to students.

Grains are a critical part of a healthy diet. They are an excellent source of fiber. The 2005 dietary guidelines for Americans recommend that Americans consume three or more (2-ounce) ounce-equivalents of whole grain products per day. A diet that includes higher levels of fiber-containing grain products provides many health benefits, such as reducing the risk of coronary heart disease. This proposal helps improve the diet and health of our children.

Ms. CANTWELL. Mr. President, today I would like to take a few minutes to speak about a piece of legislation essential to Washington State and its agricultural community—the 2007 farm bill. This bill is the result of an incredible amount of hard work by many different people. In particular, I would like to extend my gratitude to the Senate Agriculture Committee chair, TOM HARKIN, and ranking member SAXBY CHAMBLISS and their staff for the strong, bipartisan bill passed out of committee and to Senator DEBBIE STABENOW and her staff for their tireless work on behalf of this Nation's fruit and vegetable growers. These individuals, along with many others, have created a carefully crafted compromise, resulting in the best farm bill in Washington State history.

Washington is blessed with a wide and diverse agricultural economy. We lead the Nation in the production of 14 agricultural crops, including red raspberries, apples, hops, sweet cherries, pears, and concord grapes. We rank second nationwide in the production of asparagus, third in the production of dry peas and lentils, and fourth in the production of wheat and barley. Washington's dairy industry makes up over 14 percent of our agricultural economy, and we are second nationwide in the export of fruits and vegetables. Washington's agricultural products are pivotal to the Nation and the agriculture industry is pivotal to Washington. From provisions dealing with specialty crops to dairy to commodities and pulse crops, all of this farm bill has a direct impact on my State and the many hard-working farmers and producers living in it.

I was very pleased to work with Senator BAUCUS and others on the Finance Committee to authorize the agriculture disaster relief trust fund. The trust fund is a historic attempt to deal with agricultural disasters in a logical and deliberate manner before they happen, as opposed to cobbling together ad hoc relief after disaster strikes. I am particularly pleased with the focus on pest and disease management for our specialty crop growers. The fund also includes mandatory funding for the Tree Assistance Program—a program that helps growers replace the trees upon which their crop is grown after disaster strikes. I am pleased that my amendment that will help in the implementation of this program and ensure that growers have access to the funds that have been provided for them was accepted during floor consideration. I am confident that it will be a significant improvement for growers in Washington and across the country.

This bill also includes a critical program for Washington asparagus growers—the Asparagus Market Loss Program. While the Andean Trade Preferences Act and Peru Trade Promotion Agreement are likely to have a significant positive effect on many different agricultural products, they have led to devastation in the asparagus industry. Since the passage of the Andean Trade Preferences Act, Washington has lost 21,000 of its 30,000 acres dedicated to asparagus, and all three of Washington's asparagus canning facilities have now moved to Peru. In the past 17 years, the $200 million Washington asparagus industry has been reduced to a $75 million industry. This is the reason that I worked so hard with Senators STABENOW and MURRAY to include the $15 million market loss program dedicated to asparagus growers in the farm bill. This program will support domestic asparagus producers, helping them plant and harvest more efficiently and remain competitive in the international marketplace.

It is also important to remember that a farm bill is about more than farms. It is also about addressing the Nation's nutrition needs and finding ways to best conserve our land. As one of the pilot States for the Fresh Fruit and Vegetable Program, Washington can attest to the positive impact created by this innovative program. Not only does this program provide fresh and nutritious food for our schoolchildren, but in doing so, it creates a domestic market for our fruit and vegetable growers. Well-nourished children are given a greater opportunity to succeed in school, and children who are provided fresh fruit and vegetables as opposed to chips, cookies, and other junk foods, have a head start in fighting the epidemic of childhood obesity. The $1.1 billion provided for the Fresh Fruit and Vegetable Program in this bill will extend this program to 100 schools in each State so that children across the country can benefit from the nutritious snacks provided by America's farmers. This program is a key piece of the overall nutrition focus in this bill. From children's advocates to the religious community to college students and health organizations, I have heard from a wide variety of constituents on the importance of nutrition programs, and I am pleased this bill prioritizes our country's nutrition needs.

In addition to agriculture and nutrition, the farm bill's conservation title is a high priority for Washington and Washingtonians. From the shimmering Puget Sound and the majestic Cascade Mountains, to the breathtaking Columbia River Gorge and amber fields of our southeast counties, my State of Washington prides itself on its diverse and iconic natural beauty. Protecting that natural beauty is a top priority for me and is why I am pleased at this bill's funding for popular conservation programs such as the Conservation Reserve Program and measures to make popular programs like the Conservation Security Program more accessible and easier to use for our wheat farmers, specialty crop growers, and other producers. Additionally, this bill provides for biomass and bioenergy research programs and focuses in part on cellulosic feedstock, which is key for Washington's farmers. These research programs are not only critical to the creation of new, clean energy sources and reducing our dependence on foreign oil, they provide another valuable domestic market for our farmers. By focusing our efforts on expanding the involvement of our farmers in creating clean renewable energy, we are helping our farmers, helping our environment, and being good stewards of the taxpayer dollar. I commend the Agriculture Committee on a strong conservation title. I will look to find ways in which it can be strengthened even further and will vote against any attempt to weaken it.

From a historic investment in specialty crop programs to the significantly improved nutrition title and the strong conservation title, the committee bill before us today is the best bill for Washington in memory. Once again, thank you to Senators HARKIN and CHAMBLISS for their work on this strong, bipartisan bill. I strongly urge all Senators to vote in favor of final passage.

Mr. MENENDEZ. Mr. President, I rise today to discuss the 2007 farm bill. I want to thank Chairman HARKIN and Ranking Member CHAMBLISS for putting together a bill that starts us down the road toward Federal policies that support small family farms, policies that protect our environment, and policies that provide adequate nourishment for our most needy families.

It is, however, unfortunate that every serious effort on the floor to move this bill further down the road of reform was defeated. The FRESH Act, Dorgan-Grassley, Senator BROWN's crop insurance reforms, and Senator KLOBUCHAR's amendment all would have moved us away from outdated costly farm programs toward more funds for conservation, nutrition, and help for small farms. Then, after these defeats, the last reform amendment proposed by Senator FEINGOLD and myself was denied floor time after we had been promised a slot.

Yesterday was certainly a sad day in the Senate. First Big Oil stopped the Senate from taking oil subsidies to pay for renewable energy, and then Big Agriculture successfully blocked all efforts to make a more balanced and fair farm bill that helps small farmers instead of mega factory farms.

In order for the Nation's farming economy to thrive, we need look no further than the successes of New Jersey. My home State has sensibly promoted healthy foods, local foods, environmentally friendly farming practices, and small family farms. As it turns out, these four things could not fit together more perfectly.

The problem for small farmers is how to compete with the giant factory farms for food processing or grocery store contracts. Tragically, the answer is that far too often they cannot compete, and they are forced to sell the family farm. Over the last 5 years, the number of small farms has decreased nationwide by over 80,000. Over 80,000 families had to sell their land to factory farms or to developers and choose a different line of work. The decline of the small farm means depressed rural economies, more suburban sprawl, and a loss of a way of life.

But in my home State of New Jersey the number of small farms has actually risen by 400 farms. So how is it that New Jersey has been able to increase the number of small farms while the rest of the country has seen such a steep decline? There are two answers.

The first is that the State has a robust program to preserve farmland. With help from the Farmland Protection Program, the State purchases the right to develop a farmer's land, so farmers get the added income they need to keep the family farm and resist the temptation of developers or large factory farmers. Farmers want to stay farmers, and farming communities want to remain farming communities. Smart conservation programs allow this to happen and can help preserve a way of life. To date, New Jersey has preserved more than 1,500 farms covering approximately 157,000 acres. Unfortunately, this bill does not add any new money for this essential farmland protection program, and efforts to do so on the floor were thwarted.

The second reason small family farms are flourishing in New Jersey is the expansion of farmers' markets. We have nearly 100 farm markets in my home State, and we add about five or six more every year. These markets give our farmers access directly to the consumers. This keeps more money in farmers' pockets by eliminating the need to do business through food distributors.

And farm markets do not just benefit farmers, but they also greatly benefit urban communities that have limited access to healthy foods. Farm markets allow our city dwellers to enjoy the freshest blueberries, peppers, cranberries, and peaches straight from the field.

So in this way New Jersey has created a system whereby small farmers flourish, open spaces are preserved, and citizens get better access to healthy foods. It is a win-win-win situation that must be continued and encouraged in New Jersey and across the Nation.

That is why I regret we could not have done more in this bill but am pleased to see some small reforms that will help lead the country in this direction. I specifically want to applaud the Agriculture Committee for adopting a few policies that were in my Healthy Farms, Foods and Fuels Act of 2007.

First, the farm bill of 2007 expands the Fresh Fruit and Vegetable Program to every State in the country and targets benefits to low-income children. During a long school day, children often need a snack to keep them nourished and keep their minds focused on their schoolwork. Instead of filling up with candy or sodas, this innovative program provides children fresh fruits and vegetables. It is a healthier option that will lead to healthier habits in school and at home.

Another program expanded in my bill and here in the 2007 farm bill is the Senior Farmers' Market Nutrition Program. After all, it is not just children who often lack access to healthy foods. The Senior Farmers' Market Nutrition Program awards grants to State governments to provide low-income seniors with coupons that can be exchanged for healthy foods at farm markets, roadside stands, and community-supported agriculture programs.

One last point of agreement between my Healthy Farms bill and the 2007 farm bill that I want to point out is the restoration of the authority of schools to buy local foods in the School Lunch Program. By preferentially buying local foods, communities can support their local farms while giving their children fresher and more nutritious food options.

These three programs are great starting points for the Nation to emulate the great successes I have seen in New Jersey. These reforms will lead to a healthier, more profitable, and greener American farm economy.

Another thing I want to applaud the Agriculture Committee for is what they have done for specialty crop farmers. For the first time, specialty crops were given their own title in the bill. Specialty crops are the fruits, vegetables, and other crops that keep America healthy and constitute half of the Nation's agricultural cash receipts but have received little recognition in previous farm bills. This farm bill is different, with over $3 billion to fund specialty crops provisions. New Jersey is a national leader in growing specialty crops such as blueberries, cranberries, peppers, peaches, and spinach, and these provisions will be a huge help to farmers in my home State.

While the bill that left committee was a great step in the right direction, there were several areas that needed improving.

One was the definition of the term "rural area." The original text changed the definition of "rural area" in a way that would have unfairly excluded many communities from rural development programs. But by working with my staff and the staffs of several of my colleagues in the Northeast, I think we have come to an agreement with Chairman HARKIN that is much more equitable.

A second issue Chairman HARKIN was kind enough to work with us on, was to include a study that will advance our understanding of the benefits of local food production. This comprehensive study will chronicle the impact of localized food production on our environment, our economy, and nutrition. In addition, the study will document the barriers for small farmers to participate in a local food economy and suggest ways to overcome these barriers. I hope this study can provide a roadmap for our country to follow in the next farm bill.

But I am sorry to say that it looks as if bold reform will have to wait until the next farm bill. The amendments that would have reformed the direct payment system and used those savings for national priorities on nutrition and conservation all failed to pass the Senate.

Our country is ready to transition toward farm policies that concentrate on small farmers, on healthy specialty crops, and on conservation. I am hopeful that one day soon, small, sustainable farms will be the rule, rather than the exception.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mrs. BOXER. Mr. President, I would like the record to reflect that I would have voted for the Senate farm bill today.

The bill produced by Senator HARKIN's Agriculture Committee takes many positive steps to level the playing field in American agriculture by recognizing the importance of specialty crops to the Nation's economy.

California is the Nation's largest agricultural State, with more than 350 different crops worth $32 billion per year. Yet our State has been largely overlooked when it comes to the billions in Federal support for agriculture.

The Senate bill provides important funding for programs that will benefit California's growers, ranchers, consumers, and families.

I first would like to thank Chairman HARKIN for including a number of provisions I authored into the farm bill.

The bill includes a version of the Pollinator Protection Act and provides $100 million over 5 years for high-priority research dedicated to maintaining and protecting our honey bee and native pollinator populations. There has been a loss of about 25 percent of the Nation's honey bee population, and it is estimated that crops that depend on a healthy bee population are valued near $18 billion, and these funds will help give scientists the resources they need to determine the causes of colony collapse disorder and to work on protecting bee health.

The bill also includes my Early Pest Detection and Surveillance Act, and authorizes $200 million over 5 years to give USDA the authority to enter into cooperative funding agreements with States to enhance their pest detection and surveillance programs, increase inspections at domestic points of entry, and create pest eradication and prevention programs.

With the assistance of consumer groups and labor unions, I was able to negotiate a compromise that prevented a rollback of 40-year-old meat inspection laws. The House version of the farm bill included dangerous language that would have threatened the safety of meat and poultry, but working with Senator HARKIN, we were able to reach a compromise that protects the integrity of the federal meat inspection process.

I also worked with Chairman HARKIN to include an avocado marketing order agreement, a $2 million authorization for a National study on biofuels infrastructure, language prioritizing edible schoolyards programs in schools under the Community Foods Program, and a $15 million asparagus market loss program.

The Senate also accepted two important amendments that I offered to the bill during floor consideration.

The first amendment provides USDA with a framework under the existing Environmental Quality Incentives Program, EQIP, to allocate funds toward air quality mitigation efforts in agricultural communities with poor air quality. In rural areas around the country, smog and soot are threatening public health, fouling communities, and reducing crop productivity from pollution generated on farms. This amendment will provide farmers in high-priority agricultural areas with the tools to adopt new practices that reduce air pollution on farms.

The Klamath River Basin and the Sacramento/San Joaquin watershed have been identified by conservation groups as being watersheds most in need of watershed assistance programs. The Senate accepted an amendment that recognizes these areas in California, as well as a number of other regional watersheds throughout the country, and prioritizes funding for these watersheds under the Regional Watershed Enhancement Program.

This farm bill provides a significant amount of new funding for programs important to the specialty crops industry. Specialty crops now account for nearly 50 percent of the Nation's farm gate, and this bill recognizes the industry's importance.

Included in the Senate bill is mandatory funding for specialty crops block grants, organic farmers, farmers market programs, trade assistance and foreign market access programs, the community foods program, and important specialty crops and organics research.

The bill also provides $1.1 billion in funding for the Fresh Fruit and Vegetable Snack Program, expanding participation in the program to all 50 States. This program provides a critically important strategy in the fight to prevent and reduce childhood obesity by providing 4.5 million low-income elementary schoolchildren in 5,000 schools nationwide the ability to receive a fresh fruit or vegetable snack every day at school.

Numerous studies have indicated that eating fruits and vegetables can prevent cardiovascular disease, diabetes, cancer, and hypertension, in addition to obesity. Yet less than one out of every six children eats the USDA recommended amount of fresh fruit, and only one out of five children eats the recommended amount of vegetables. The funding included in the farm bill will ensure that schools in California and in every State in the Nation can implement this important child nutrition program.

Also included in the nutrition title are provisions that update and modernize the food stamp assistance program. Updates to food stamp assistance, like ending benefit erosion, increasing minimum benefit amounts, and simplifying income reporting for seniors and the disabled, are long overdue and will help provide more assistance to disadvantaged families.

The Emergency Food Assistance Program also receives an important funding increase to $250 million per year, which will allow the Nation's food banks to have more of an impact on those in need.

The farm bill also provides an important opportunity to protect the Nation's natural resources and its open space. Farmers can enroll in a number of conservation programs that allow them to provide habitat protection for native species, protect wetlands and grasslands, and undertake initiatives to make their farms more environmentally friendly.

But the last farm bill has not done enough to provide farmers with the resources they need to fully participate in conservation activities.

In 2004, California had a $143 million backlog in payments and enrollments in conservation programs due to lack of funding and acreage caps. An average of 4,000 farmers and landowners in California are rejected each year when they apply to USDA conservation programs. Sixty-eight percent of California's farmers seeking EQIP funding turned away.

Nationwide, $18 billion worth of conservation applications have gone unfunded during the life of the 2002 farm bill.

As a result of not enough funding for conservation programs, California is rapidly losing thousands of acres of farmland and open space. Ninety-five percent of the wetlands in the Central Valley have been lost, and 171,000 acres of farmland were lost in California from 2002 to 2004.

The Senate bill takes important steps to provide farmers with more access to conservation programs, but I was disappointed that during consideration of the bill on the Senate floor, amendments to provide more funding for the Environmental Quality Incentives Program and the Grasslands Reserve Program did not pass.

The farm bill also authorizes a number of programs that will benefit California's rural communities, such as low-interest loans to rural electric cooperatives for renewable energy production and grants and loan guarantees to develop broadband access in rural areas.

Lastly, I am pleased that the bill contains over $1 billion in investments for farm-based energy, including the development of cellulosic ethanol. While corn ethanol has proven to be a useful alternative fuel, I worry about its impact on corn prices related to the livestock industry, especially in light of the fact that alternative fuels can be created by a number of other agricultural sources, many of which are produced in California. The farm bill takes steps to provide incentives for the development of cellulosic ethanol.

This farm bill is important for California's farmers, families, and for the State's economy, and I am pleased to be supporting it.●

TAX CREDIT BONDS

Mr. GRASSLEY. Mr. President, the managers' amendment to the farm bill contains a deal that raises my eyebrows. The proposal creates a half billion dollars in strippable, tradable, "forestry tax-credit bonds" that can be issued by a State or tax-exempt entity. Property must be approved by the U.S. Fish and Wildlife Service as subject to a "native fish habitat conservation plan." So far, we can only find one plan that qualifies for this proposal. The proposal also completely unwinds the arbitrage rules that were placed on these tax-credit bonds last year to prevent abuses.

Most Americans do not know what tax-credit bonds are or even that they exist. Essentially, these are bonds in which the federal government pays "interest" in the form of credits against Federal income tax liability. Issuers borrow at a zero percent interest rate. The Federal tax subsidy provided to the holder of a tax credit bond is even greater than the benefit derived from tax-exempt municipal bonds. That is because a tax credit can be used to offset, on a dollar-for-dollar basis, a holder's current year tax liability. With tax credit bonds, the Federal Government bears virtually all of the cost of borrowing—in the form of forgone revenue—even if the bonds are issued by a non-Federal entity such as a State or local government. So, in short, this is a rich deal.

When the tax credit bond program was initiated, the arbitrage rules did not apply. However, we became aware of arbitrage abuses in 2006. In response, Congress enacted arbitrage restrictions for these bonds. They are the same restrictions that already apply to tax-exempt municipal bonds. The Tax Reform Act of 1969 enacted the first rules relating to arbitrage. Congress was concerned that permitting interest exemption for arbitrage bonds represented a waste of the Federal subsidy.

One of the concerns Congress addressed was the use of sinking funds to exploit the difference between tax-exempt and taxable rates. The best way to understand these rules is to use an example. Let's assume City X needs to borrow $10,000 to finance a project. City X could issue bonds that pay no principal or interest until year 10 and fund its year 10 liability by depositing amounts into a special fund—a "sinking fund"—that will build up over time and be used to pay off the interest and principal in the 10th year.

In the absence of arbitrage restrictions, City X can invest amounts in the sinking fund over the term of the bonds at a higher yield than the yield on the bonds—remember that tax-exempt bonds accrue interest at zero percent. This would allow City X to earn more than is needed to pay both the principal and interest on the bonds at maturity. This is a subsidy funded by the Federal government and paid for by tax increases on Americans.

The tax credit bond program already provides a richer subsidy than the long standing tax exempt bond program. This proposal further enriches this program, at the expense of taxpayers, and opens the door for future abuse. This provision may set a dangerous precedent and unwind all of the good work that was done to ensure that arbitrage abuses of tax credit bonds were curtailed.

Mr. ENZI. Mr. President, today I wish to speak in favor of the farm bill, which looks close to a vote. Many of my colleagues have already expressed how important this legislation is to our country and rural communities. I could not agree more with their statements and was pleased to see the Senate finally begin legislating by considering amendments. I would also like to thank again Chairman HARKIN, Ranking Member CHAMBLISS, and the members of the Agriculture Committee for their hard work on this bill.

Wyoming's agricultural community has always provided me with great advice on how to approach our Nation's farm policy. Consistently, I hear that livestock producers and growers want to move in a direction that provides greater access to competitive markets and limits Government barriers to conducting business. You see, the producers I have spoken with believe their checks should come from an auctioneer or buyer, not the Government. This is certainly a challenging goal recognizing the competing global pressures on our Nation's farmers and ranchers. However, I can say that the Senate has been able to inject some commonsense reforms in this bill.

The livestock title is a great example of how you can go a long way on a small budget. Reforms include a ban on packer ownership, improved language on mandatory price reporting, better enforcement mechanisms for the Packers and Stockyards Act, and efforts to improve how antitrust claims are arbitrated. Language in this title will implement country-of-origin labeling by September 30, 2008, something I have been working on with my colleagues since I came to the Senate in 1997. Also, the livestock title contains a ban on packer ownership and creates a special counsel in USDA for coordinating investigations of anticompetitive behaviors, two measures that will significantly improve the enforcement of the 1921 Packers and Stockyards Act.

Although I am pleased to see that this farm bill contains a livestock title, I will say I am disappointed that the Senate wasn't able to include a number of additional measures that would have promoted competition in the livestock market. Earlier this week, we considered the business justification amendment that would have leveled the playing field for producers seeking recourse from anticompetitive marketing practices. This amendment failed to reach the threshold for passage, but I expect to continue working with my colleagues to adopt this measure in the future.

I did not have the opportunity to offer my amendment on captive supply reform, but I look forward to continuing my work on this proposal. Senate Agriculture Committee hearings and numerous reports have continued to indicate there is a need to improve the enforcement of the Packers and Stockyards Act. The livestock industry has changed significantly since the early days of the 20th century. The Senate cannot fail to overlook these changes and how they adversely affect our Nation's independent livestock producers.

As a former small business owner, I appreciate another measure in this bill that promotes the ability for independent livestock producers to market their products beyond the borders of their respective States. The ban on State-inspected meat is a major barrier to small ranchers seeking to promote their products, most of which are valued-added and premium products, to buyers in neighboring States. State meat-packing facilities have inspection regimes just as stringent as federally supervised plants, and in the case of Wyoming better standards than those at the Federal level. The United States already allows meat products into our country from other nations to move freely across State lines on the promise that their products comply with our Federal standards. Why not allow meat products guaranteed to Federal specifications to also cross State lines? I trust that as the legislation advances I will be able to work with my colleagues to keep this provision in the bill.

One provision in this bill that has gotten the attention of many rural landowners is a fix to an attack on farmers and ranchers. The Department of Homeland Security recently promulgated rules that classify propane as a "chemical of interest" and would require individuals to register certain amounts of the liquefied gas at a great cost to the rural landowner. I appreciate the efforts of the Department to protect our Nation from security threats, but these rules come at the expense of ranchers and farmers who store large amounts of propane for their operations. I am pleased to see language in this bill that exempts rural land owners from this rule while also serving the interests of our national security.

Wyoming's vast open spaces benefit greatly from the working lands programs in this legislation. Producers in Wyoming continually seek better tools that allow them to improve the productivity of their operation while ensuring that future generations can enjoy the landscape we enjoy today. Although I would have preferred to see more enrollable acres and funding for programs such as EQIP and the Grassland Reserve Program, I am confident that the package before the Senate will continue the success of these popular programs.

Recognizing these improvements, I can say that I hoped to have additional reforms included that would allow our farmers and ranchers to transition from existing farm support programs. The Grassley-Dorgan amendment would have made significant advances in ensuring that crop assistance goes to the family farms most in need of support. Additionally, the Senate had the opportunity to save money in this farm bill through the substitute amendment to the commodity title offered by my colleague, Senator LUGAR. I ask that my colleagues consider reducing the spending levels of this bill as the farm bill advances to conference.

Mr. President, Wyoming's independent ranchers and farmers work hard to produce agricultural products for our country, and they deserve a farm bill that promotes competitive markets and seeks to reform farm support programs. The Senate has been able to put together a reasonable farm bill with realistic improvements in both of these areas. Saying that, I encourage my colleagues to vote for the farm bill and continue thinking about the future of agriculture and our rural communities.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. DODD. Mr. President, I rise to discuss the 2007 U.S. farm bill, a tremendously important piece of legislation that will set the course of our Nation's agricultural policy for the next 5 years. My colleagues and their staffs have spent months preparing it, hammering out its details, and weighing its implications for America's farmers. It is an immense piece of legislation; and obviously, in any bill of this size, any Senator will find provisions with which he or she will disagree. I am no different. Certainly there are pieces I would like to see crafted differently. But on the whole, I think it is a strong bill and a good compromise between countless different interests, and I am deeply grateful to my many colleagues who have worked so hard on it. I am pleased that it has gained such strong bipartisan approval because I believe it successfully meets the needs both of our farmers and of our country as a whole.

First, it maintains a strong safety net for all American farmers. With the safety net extended through the 2012 crop-year, and target prices and insurance rates adjusted accordingly, this farm bill protects struggling farmers whose livelihoods can be threatened by abrupt shifts in the agricultural market. These farmers provide, in many ways, the backbone of our economy; and this bill gives them the security they deserve. This legislation also encourages those farmers by expanding programs that will help get them off the ground; and it opens up opportunity with aid to historically disadvantaged farmers. The bill provides a strengthened safety net for dairy farmers, and for the first time ever, specialty crop producers are included within its protections.

While I applaud my colleagues, Senators LUGAR and LAUTENBERG, for their efforts to reform title I and boost funding for critically important nutrition and conservation programs, I do not believe that eliminating all direct payments is the best way to advance this goal. This would represent a drastic turn away from decades of farm policy that has given our Nation an abundant and stable domestic food supply. With so many of our Nation's farmers operating on razor-thin margins, I worry that eliminating direct payments could seriously undermine the farm safety net. I do, however, fully support the amendment offered yesterday by Senators DORGAN and GRASSLEY to place a cap on subsidy payments. This would have helped to ensure that payments are targeted at those farmers who truly need them, and I am disappointed that the amendment failed to gain the 60 votes required for its adoption.

I am, however, very pleased that this bill provides more than $1 billion in new money for important conservation programs that help farmers act as responsible stewards of the land they work. It enrolls millions of new acres in the Conservation Stewardship Program; supports programs that protect wildlife, game, and wetlands; and creates incentives for farmers to preserve their soil and conserve their water. Provisions like these reflect a growing awareness of the vital importance of environmental stewardship and give farmers the resources to live out this laudable mission.

Lastly, the bill supports consumers along with producers, especially those American families struggling on the verge of hunger or food insecurity. When all is said and done, this bill will direct nearly $5 billion in new money to nutrition programs such as food stamps. Mr. President, half of America's food stamp recipients are children—and I am gratified that the Senate has done a good deal to provide for them in this legislation by increasing both eligibility and benefits. Finally, the bill allocates $1 billion to extend to all 50 States a program that provides fresh fruits and vegetables to underprivileged schools. I have seen the success of the Fresh Fruits and Vegetables Program firsthand, in its Connecticut pilot test. I know how vital fresh produce is to the health of all Americans; in the case of underprivileged schoolchildren, those who need it the most have often gotten it the least—and I am glad this bill goes a long way toward correcting that disparity.

In sum, Mr. President, I am satisfied that the farm bill embodies a great deal of social responsibility. It takes steps to protect our struggling farmers, our threatened environment, and our undernourished families and children. With those worthy goals in mind, I am deeply gratified the Senate has passed this important bill.●

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

● Mr. OBAMA. Mr. President, by passing the farm bill today, the Senate took an important step towards renewing our Nation's commitment to helping our farming communities and strengthening Rural America's involvement in our Nation's energy future.

This legislation provides robust new funding for conservation, nutrition, specialty crops, and rural development. It authorizes hundreds of millions of dollars in renewable energy initiatives to be undertaken by family farmers working to reduce our dependence on foreign oil. It maintains a strong safety net for those farmers for the next 5 years. It creates a new permanent disaster assistance program so that farmers need not rely on the unpredictability of Congress to approve emergency funding. And it includes important provisions to increase market transparency for livestock producers in the meat processing industry.

I am especially proud that this legislation contains my proposal to ensure that thousands of African-American farmers will have an opportunity to have their discrimination claims reviewed under the Pigford settlement. For far too long, this country's hardworking black farmers were discriminated against by our own Government, and this legislation offers a chance for us to continue righting those wrongs.

There is a time to debate, and a time to act, and the timely completion of this farm bill is necessary so that farmers have the certainty they need to begin their preparations for the new crop year. Although the farm bill has many provisions to laud, I am disappointed in the failure of the Senate to enact stronger payment caps to ensure that assistance is better targeted to family farmers who need the help and away from big agribusinesses that often use these payments as a superfluous source of revenues. I am disappointed that interests in the crop insurance industry were successful in weakening an optional revenue insurance program authored by my distinguished colleague from Illinois, Senator DURBIN, a forward-thinking and innovative pilot program designed to test a new kind of safety net mechanism for farmers.

I thank Senator HARKIN for his leadership on this issue, and will continue to work with him to stand up for America's family farmers.●

Mr. LEVIN. Mr. President, I support the passage of the 2007 farm bill, which includes many important programs that benefit Michigan and the Nation as a whole. Agriculture is Michigan's second largest industry, and few States have such a diversity of agricultural crops. As leading producers of traditional crops, such as corn, wheat and soybeans, as well as specialty crops, such as apples, asparagus, beans, blueberries and cherries, Michigan's farmers have a wide variety of needs, and I am pleased that this farm bill contains a range of measures that will benefit farmers throughout the State.

For too long, the farm bill has not included proper support for the specialty crops that are such a vital part of Michigan's agricultural economy. I am pleased that this bill will provide significantly more assistance to specialty crop growers than we have seen in the past, while protecting both specialty crop growers and traditional farmers by providing disaster assistance and revenue protections in the event of catastrophic crop losses. With measures such as specialty crop block grants, increased incentives for organic farming, funding for specialty crops research initiatives, and technical assistance programs, the farm bill will provide much needed support for the specialty crop community throughout Michigan.

I was pleased that the Senate supported the inclusion in this bill of funding for the Asparagus Market Loss Program. This program will provide transitional assistance to asparagus farmers that suffered substantial market losses due to the Andean Trade Preferences Act, ATPA. In addition, this bill includes funding for the Market Access Program, which will help domestic farmers export their goods to foreign markets, thus helping to alleviate our international trade deficit.

The farm bill includes strong measures to improve conservation efforts on American farms. These programs, which are aimed at both working lands and lands taken out of production, help protect and improve soil quality, prevent erosion, benefit water quality, and preserve and restore habitats. This legislation will expand the amount of land that will benefit from conservation assistance by increasing the Comprehensive Stewardship Program by millions of acres, and reauthorizing the Conservation Reserve Program and Wetlands Reserve Program to protect environmentally sensitive lands.

This bill will strengthen nutrition programs by providing additional funding to our Nation's critical food programs over the next 5 years. Nutrition programs, such as the Food Stamp Program, provide assistance to children, low-income working families, seniors, and persons with disabilities. It is of vital importance that we continue these food benefits for our Nation's least fortunate and most vulnerable.

I am pleased that this bill also includes tax incentives that will encourage continued development of biofuels and provisions to spur the increased production of renewable fuels. Cellulosic ethanol, in particular, offers great potential for reducing oil consumption and reducing greenhouse gas emissions, and the collective effect of the provisions in the farm bill, and the recently passed Energy bill will provide an additional and necessary boost to production of these fuels.

This bill passed by the Senate today includes modest reforms to our current producer protection programs. It eliminates some loopholes that have allowed producers to circumvent existing payment limits and lowers the adjusted gross income, AGI, limit for commodity programs from the current level of $2.5 million to $1 million in 2009 and $750,000 for 2010 and beyond. However, these reforms do not go far enough. During debate on the farm bill, I supported a number of amendments that would have provided additional reforms to our agricultural subsidy programs and would have redirected this funding to vital nutrition and conservation programs. Unfortunately, none of these reforms were adopted. I am hopeful that we can work to enact these reforms when the Senate next considers farm legislation.

This farm bill is a strong, bipartisan piece of legislation which includes many programs that are beneficial to Michigan's communities. While this bill is not perfect, I believe the combination of additional assistance for specialty crops, enhanced conservation spending, and the increased nutrition funding included in this bill warrants support. I am pleased the Senate was able to work in a bipartisan manner to pass a strong farm bill to benefit our Nation's farmers and rural communities.

Mr. FEINGOLD. Mr. President, I thank Senators HARKIN and CHAMBLISS for their tireless work on this important bill. I know that both worked diligently on this legislation, and that, like all of us, they have the best interests of America's farmers, ranchers, rural and urban communities at heart. I would also like to thank the committee staff for the assistance and support they have provided to me and my staff throughout the farm bill process. While I am disappointed at the lack of reform in the commodity programs, the bill does make significant improvements in a number of other programs.

The committee bill included a number of provisions I included in legislation that I introduced earlier this year, the Rural Opportunities Act, to help sustain and strengthen rural economies for the future, and create more opportunities in rural communities. I am pleased that the committee included a number of provisions similar to my legislation to support local bioeconomies and food markets, encourage local renewable fuels and biobased products, expand broadband Internet service in rural areas, and help develop the next generation of farmers, ranchers, and land managers.

The bill also includes several important provisions to increase affordable broadband service in rural areas. Critical among the bill's provisions is making sure that limited Federal resources are better targeted to actual rural areas without broadband service. Several reports have highlighted problems with the current program including funding projects in new suburban communities.

The bill also provides funding for the community food projects and other programs that promote local markets, which help farmers and consumers by providing a direct connection between them. I know that the local food movement is gaining more and more momentum, and I hope that these provisions in the bill will help expand this wonderful opportunity to even more communities across the country. There is also a clarification included in the bill that I first proposed in 2006 to help ensure that schools can use local preference when purchasing food for meals and snacks. The bill also makes an investment in advanced biofuels, as well as language from a bill I cosponsored to provide local residents an opportunity to invest in biorefineries located in their communities.

Mr. President, I am extremely pleased that the bill makes improvements to the Milk Income Loss Contract—MILC—program. Along with several of my colleagues, including Senator KOHL, I have called for the MILC program's reimbursement rate to be raised to its original 45 percent, which will happen in 2009 under this legislation. The MILC program is an important safety net for Wisconsin's dairy farmers, and one that operates in a responsible way—only kicking in and providing payments to farmers when times are tough. Milk prices are higher now than they have been in years; consequently, no MILC payments have been made since February of this year. Further, the MILC program caps the amount of payments one farmer can receive, ensuring that it helps small and medium farmers survive tough times without subsidizing expansion of larger farms. The improvements to this program are vital to farmers in Wisconsin.

The bill also makes significant improvements to existing nutrition and conservation programs. While there is room for more improvement in both of these areas, I know the committee worked hard to provide additional funds for these programs within a very tight budget. On the conservation side, the bill includes significant funding for a number of programs, including the Environmental Quality Incentives Program, EQIP, the Conservation Security Program, CSP, and the Conservation Reserve Program, CRP. I know that these and other programs are extremely popular among Wisconsin farmers and residents, and I am pleased that the committee worked to address some of the funding shortfall that exists.

The nutrition title of this bill makes significant investments in the Food Stamp Program. Perhaps most importantly, the bill ends benefit erosion by indexing benefits to inflation. The bill also removes the cap on deductions for childcare costs entirely, which had been set at $175 per month, though Wisconsin parents spend, on average, $780 per month on childcare. Lastly, the bill changes certain assets limits for the Food Stamp Program, allowing recipients to save money for retirement or to help send their children to college or other training. I know that improving food stamps was a priority for Senator HARKIN, as it was for me and many of the other Members of this body. Other important programs see an increase in this bill, including the Emergency Food Assistance Program, grants to promote use of food stamp EBT cards at farmers markets, the Fresh Fruit and Vegetable Pilot Program, and the Senior Farmers Market Program.

I was also extremely pleased to see the addition of a new livestock title in the bill to promote competition and fair practices in agriculture. As many of my colleagues know, most areas of agriculture present different challenges, and often these situations are not fully analogous to other businesses. I am glad the committee took this step to address the unique problems of agriculture. I am especially glad that a provision I authored with Senator GRASSLEY to prevent mandatory arbitration clauses in agricultural contracts was included in the bill.

In addition to the improved competition protections that will benefit livestock producers, the underlying bill contains two other provisions that are also especially beneficial. I was glad to support Senator KOHL's longstanding efforts to find a way for meat from small and often specialty State-inspected meat processors to be sold across State lines so that consumers nationwide can enjoy these high quality Wisconsin products. The underlying bill contains a compromise that appears to strike a fair balance on this issue, and this is a significant benefit to Wisconsin's local livestock producers and processors. I was also glad that the underlying bill will finally allow a country-of-origin labeling requirement for meat and produce to be enforced.

In addition to the Agriculture Committee's portion of the bill, the Finance Committee also made a significant contribution to the Senate's legislation. I was glad that my Farmer Tax Fairness Act was included in the finance portion of the bill. This legislation will update the optional ability for farmers and other self-employed individuals to remain eligible for social security and disability benefits that had been eroded by inflation. It also indexes the program to inflation, so we are not in the same situation again sometime in the future.

I would also like to thank the chairman and ranking member for accepting several of my amendments into the managers' package. First, in a continuation of an effort I began with Senator Jeffords in 1998, I am pleased that the committee accepted my amendment to improve the authority of what we had called the small farm advocate in previous amendment. I am pleased to have continued this effort with Senator SANDERS and hope that this small office can continue to help America's small and beginning farmers. On a related note, I was glad to have an amendment accepted that will ensure that small farm research priority continues to be an option even with the proposed restructuring of agricultural research. These small efforts can make a tremendous difference for our small farmers.

As many of my colleagues know, I have long been advocating for reform of the Federal milk marketing order system. To that end, I was pleased that the chairman provided for a commission to examine dairy marketing orders in his draft of the bill and hope that this commission takes a close look at the antiquated rules that provide dairy farmers at a competitive disadvantage in the upper Midwest. I was also glad to have an amendment accepted to make a small modification to ensure the commission is balanced to better consider the interests of dairy farmers and ensuring fair competition.

Ensuring transparency and fair competition in the dairy industry has also been a continuing effort throughout my Senate career. Over the past year, a couple developments showed a need for further action in this area. First, the GAO report on cash cheese trading that I requested with several of my colleagues confirmed that the market remains prone to manipulation even though there have been some improvements. Secondly, a sustained nonfat dry milk price reporting error that lasted over a year was found to have cost dairy farmers millions in reduced prices. I was glad to have an amendment accepted that would require regular auditing of the dairy price reporting and require the USDA to better coordinate oversight of the dairy industry both within the Department and with other Federal agencies. I hope that this added diligence and transparency can help give dairy farmers added confidence in the system.

With this year's high profile case of imported wheat gluten being adulterated with melamine, it is important to assess the risks and make sure that other high-protein products are safe. I am especially concerned that unsafe imports of dairy proteins such as milk protein concentrates and casein would have the potential to undercut consumer confidence in dairy products in general and severely damage our domestic industry and producers. Therefore, I am glad that the committee accepted an amendment to require a report on all high-protein imports including both gluten and dairy proteins to make sure that we are taking the proper precautions and testing.

Every year, I distribute a survey to farmers at a booth at the Wisconsin Farm Technology Days and ask what their top challenges are. Even in this farm bill year, the responses have overwhelmingly indicated that health care is their top concern. I know that the farm bill cannot fix this problem completely and I have a proposal with Republican Senator LINDSEY GRAHAM to move forward on the broader need for health care reform. But in the meantime, farmers need help meeting their health care needs.

I have no doubt that many of my colleagues hear from farmers and their families regularly about the particular challenges they face in finding and affording health care. More and more, one member of a farming family is essentially forced to work off-farm just to be eligible for a health care plan. I cannot tell you how many times my staff and I have heard from a farmer's spouse about how much they would like to be spending their days working on the farm, with their family, but instead go into town to work as a teacher or at a bank just for the health care. I look forward to the results of a study that was cosponsored by Senator HARKIN and was also accepted into the managers' package on the challenges farmers—and the rural areas they live in—face in obtaining health care. I hope that this body can work in the future to alleviate this problem faced by so many hard-working American farmers.

I also believe that as we look to expand our Nation's renewable energy and lessen our dependence on oil, we need to provide opportunities for farmers and rural communities. Earlier this year, I introduced the Rural Opportunity Act and am very pleased that several key elements supporting local bioenergy were included in the farm bill. One amendment I got accepted encourages the USDA's continued support for and the expansion of regional bioeconomy consortiums, which can consist of land grant universities and State agriculture agencies dedicated to researching and promoting sustainable and locally supported bioenergy. I was also pleased to work with Senator COLEMAN on another "rural opportunity" provision, which is based on our legislation, S. 1813, to provide local residents an opportunity to invest in biorefineries located in their communities.

Mr. President, my home State is home to many organic producers. I was glad that the chairman and ranking member accepted an amendment I authored expressing the sense of the Senate that organic research at the Agricultural Research Service should get a fair share of research funding a—share proportional to its share of the market. It is hard to believe, but when we passed the 2002 farm bill, organics were a new, trendy, item. Today organics account for about 6 percent of food purchases in the U.S.

While Wisconsin is perhaps more widely known as a leader in milk and cheese production, we also lead the Nation in production of cranberries and ginseng. I was glad to see a priority competitive research area for cranberries in the underlying legislation. Similarly, I was glad that my legislation with Senator KOHL and Representative OBEY to require country-of-harvest labeling for ginseng was accepted as an amendment. This is an important step to help combat mislabeling of foreign ginseng as U.S. or Wisconsin grown, which receives a premium price for its higher quality.

While there were many positives in this legislation, these accomplishments are bittersweet for me as the Senate missed an important opportunity for meaningful targeted reform of the farm support programs. I was deeply disappointed that several amendments to make the commodity support programs more balanced to better target family farms and not concentrate payments in larger corporate-scale operations were unsuccessful.

While I cosponsored or supported several reform amendments, I was especially disappointed that despite the support of a majority of Senators, the Dorgan-Grassley payment limit and Klobuchar adjusted gross income amendments were defeated because they could not reach a 60-vote threshold. There is no good reason why large, wealthy corporate farms, nonfarmers and even estates of dead people receive hundreds of thousands of dollars per year from taxpayers. The result on Dorgan-Grassley was particularly troubling because we able to pass a similar provision in 2002.

I was also disappointed to be prevented from offering an amendment to make a progressive cut to direct payments and redirect the savings to benefit farmers and rural America with my colleague Senator MENENDEZ. Our amendment would have addressed the most serious problems with direct payments. Direct payments are particularly problematic because they are based on a history of crop growing, regardless of what is currently being grown or even whether the land is being farmed at all. Nor are they tied to need, crop prices, or weather conditions. When prices are low, they are insufficient; when prices are high, like now, they are hard to justify.

With many needs and very few new resources available for this farm bill reauthorization, we recognized the need to keep the majority of the savings in our farmers' pockets and in our rural communities, but instead of going to the largest landowners, the money would have been refocused to meet many of the unmet needs in programs that help a broad number of farmers.

Our amendment had the support of a diverse group of organizations including the Wisconsin Farmers Union, the New Jersey Conservation Foundation, the Sustainable Agriculture Coalition, the Cornucopia Institute, the National Rural Health Association, the Rural Coalition, and the National Conference of Catholic Bishops.

Mr. WYDEN. Mr. President, I want to say a few words about an amendment on illegal logging that I sponsored. This amendment is based on S. 1930, the Combat Illegal Logging Act of 2007, which I introduced along with Senator ALEXANDER and 23 bipartisan colleagues. First, however, I want to thank Senator HARKIN, Senator CHAMBLISS, and their staffs for working with me and my staff, to include this amendment in the farm bill. I am very pleased that this amendment has been included in the Senate farm bill and I look forward to working with the House to make this important legislation law.

This legislation would strike a critical blow to illegal logging by extending the enforcement capacity of the Lacey Act to include illegally harvested timber. Illegal logging destroys ecosystems, harms often poor and rural communities, forces American businesses and workers to compete against unfairly low-cost forest products made from illegally sourced fiber, and contributes to carbon emissions.

The Combat Illegal Logging Act changes the incentives that drive trade in illegal timber. This legislation will raise the risks for illegal trade without harming legal trade and will be an important step toward leveling a playing field currently stacked against the U.S. forest products industry and importers and retailers committed to trading in legal wood products. Furthermore, it will also bring the power of the U.S.

market to bear on fighting the illegal logging problem and will reinforce work being done with U.S. tax dollars to improve governance in forest-rich developing countries.

My amendment enjoys the support of a very broad coalition that includes members of the U.S. forest products industry, conservation community and organized labor, and has already received bipartisan support from many of our colleagues and I am very pleased that it was included in the farm bill with wide support. S. 1930 has 23 bipartisan cosponsors, many of which joined me in sponsoring this bill as an amendment to the farm bill. These include Senators ALEXANDER, BINGAMAN, KERRY, SNOWE, FEINGOLD, SUNUNU, BAUCUS, DODD, STABENOW, BIDEN, MURRAY, CANTWELL, SALAZAR, and GREGG.

This bill is the culmination of hundreds of hours of work by stakeholders that might not naturally be seen as allies. The principal negotiators of the compromise—the American Forest & Paper Association, the Hardwood Federation, and the Environmental Investigation Agency—deserve a tremendous amount of credit for sticking with this and finding a solution that everyone could support. And as the bill has evolved we have picked up more and more supporters.

Organizations endorsing this bill include: American Forest & Paper Association, American Home Furnishings Alliance, Center for International Environmental Law, Conservation International, Defenders of Wildlife, Dogwood Alliance, Environmental Investigation Agency, ForestEthics, Friends of the Earth, Global Witness, Greenpeace, Hardwood Federation, International Association of Machinists and Aerospace Workers, International Brotherhood of Carpenters and Joiners of America, International Brotherhood of Teamsters, International Wood Products Association, Lowe's Home Improvement, National Association of Home Builders, National Lumber and Building Material Dealers Association, National Marine Manufacturers Association, National Wildlife Federation, Natural Resources Defense Council, Rainforest Action Network, Rainforest Alliance, Sierra Club, Society of American Foresters, Sustainable Furniture Council, The Nature Conservancy, Tropical Forest Trust, United Steelworkers, Wildlife Conservation Society, and the World Wildlife Fund.

I again want to thank Senator HARKIN, Senator CHAMBLISS and their staffs for working with me and my staff to include my amendment in this farm bill. This will be a huge victory in the fight against illegal logging.

Ms. SNOWE. Mr. President, I rise today to commend the passage of the Farm, Nutrition, and Bioenergy Act of 2007, which also included an amendment that added the Small Business Disaster Response and Loan Improvements Act. This vital amendment will equip the Small Business Administration, SBA, with the ability to provide a more comprehensive and aggressive response for future disasters. I especially thank Senator KERRY, chairman of the Senate Committee on Small Business and Entrepreneurship, and Senators VITTER and LANDRIEU for their steadfast efforts in championing this disaster legislation and ensuring its success. I would be remiss to not also mention, and thank, Senators HARKIN and CHAMBLISS for their tremendous leadership on the farm bill.

As we learned all too well in the aftermath of the devastating 2005 gulf coast hurricanes, it is imperative that government programs on the frontlines are fully prepared when called upon to aid disaster victims. The SBA's Disaster Loan program faced significant challenges in the wake of Hurricanes Katrina and Rita. Unfortunately, the agency made numerous well-documented mistakes and abdicated its responsibilities, leaving many disaster victims waiting months for loans to be processed or money to be disbursed.

Disaster legislation passed today will help ensure that the SBA continues to assist the country's small business community with the same dedication to excellence found in the entrepreneurs it serves. I am hopeful that with the passage of this legislation, the Agency will be better prepared, and not repeat the errors of its past.

In my former capacity as chair and now as ranking member of the Senate Committee on Small Business and Entrepreneurship, reforming and improving the SBA's Disaster Loan program has been one of my top priorities. I have personally visited the gulf region, chaired multiple hearings, and repeatedly sent staff to the affected areas to oversee the SBA's disaster response. In addition, the Senate Committee on Small Business and Entrepreneurship unanimously passed disaster legislation in each of the last two Congresses.

This disaster provision was a product of consensus and compromise. Over the last 2 years, the Senate Committee on Small Business and Entrepreneurship has worked hand-in-glove to craft bipartisan disaster legislation that will help the SBA respond effectively and swiftly to future disasters.

Specifically the legislation: establishes a private disaster loan program to be used in the aftermath of catastrophic disasters, allowing banks to make loans directly to victims with an 85-percent government guarantee; creates a new expedited disaster assistance business loan program to provide short-term relief to businesses damaged or destroyed in catastrophic disasters while they await other Federal assistance or insurance payments; creates a new presidential declaration of "Catastrophic National Disaster," which will allow the SBA to issue nationwide economic injury disaster loans to small businesses affected by a large-scale disaster; provides key tools for processing disaster loan applications more quickly, such as working with qualified private contractors to process the loans and requiring the SBA to report to Congress on how the application process can be improved; and increases the maximum size of a disaster loan from $1.5 million to $2 million and allows nonprofit groups to be eligible for disaster loans.

I commend my fellow Senators for passing the farm bill, which included this crucial disaster loan provision. The President should quickly sign this legislation into law so our country will be better prepared to respond to potential disasters.

Mr. McCONNELL. Mr. President, we have put a couple of good days together now.

Yesterday was a good step forward with the Energy bill. Now we are about to achieve something else.

It is no mystery why: When the majority decided to work with us on Energy, we achieved a consensus. And when they decided to work with us on the farm bill, same thing.

This bill contains some very good things. And for that we all owe a lot to Senator CHAMBLISS. And I want to thank him for his outstanding work on this bill and for his patience. This one required a lot of it.

And I also want to thank the majority leader and Chairman HARKIN for seeing this legislation through.

I am proud to represent one of the Nation's most important agricultural States and so many family farms, which enrich and sustain not only Kentucky but the entire Nation.

Kentucky farmers are the best in the country. And the families who run them and the rest of the people of the Commonwealth will all benefit from this bill's new investment in nutrition, renewable energy, and rural development programs, as well as additional incentives for conservation of natural resources.

We have had some real accomplishments this week—some genuine results achieved through cooperation.

And at the risk of repeating myself, I think there is a lesson here. Unless we find a commonsense, bipartisan path forward on legislation, we all end up empty handed.

But today, we will not have done that. And that, I think, is a very good thing.

Mr. DURBIN. Mr. President, I support the 2007 farm bill. I would like to begin by thanking the chairman, TOM HARKIN, for his hard work and determination on this bill. I also would like to thank Senator SAXBY CHAMBLISS for his efforts on this bill. Lastly, I would like to recognize Senators BAUCUS and GRASSLEY for putting together a tax package to provide funding for agricultural disasters and other functions in the bill.

Farm bills are not easy to move through the legislative process. A good farm bill must balance a host of competing funding priorities and the policies and priorities of shifting alliances of regional interests. This farm bill was further complicated by a shrinking baseline due to projected increases in commodity prices and the pay-go rules put into place at the beginning of the 110th Congress. The chairman had a smaller pool of dollars for this bill compared to the 2002 farm bill.

Through many hours of hard work, traveling the country, holding hearings, and writing the bill, a solid compromise package emerged. This is by and large a good bill, but it could be better.

I am sure the chairman wishes he could have done more on conservation, energy, nutrition, and reform than was possible given the funding constraints and the priorities of the committee. However, Chairman HARKIN and the members of the Senate Agriculture Committee should be proud of what is in this package.

A couple of notable achievements were made. First and foremost, I thank Chairman HARKIN and the members of the committee for including an optional Average Crop Revenue Program in the bill. The ACR is a State-level revenue countercyclical program that provides income support when farmer revenue dips below expected revenue.

This is a market-oriented reform that targets taxpayer support to producers in need. Rather than being based on target prices alone like the current programs, this program protects producers against both yield and price declines, which combine to form a more accurate picture of a producer's viability. It is a better safety net for farmers. Because it is based on market prices rather than politically determined target prices, and is targeted to those who suffer losses, it is more defensible to taxpayers.

The program has broad bipartisan support. The administration supports a revenue countercyclical program and Senators CHAMBLISS, CONRAD, THUNE, and others spoke in favor of the concept in the Senate Agriculture Committee. The program also generates significant savings that Chairman HARKIN was able to use to improve commodity programs and provide resources to conservation, nutrition, and energy programs.

This is a proposal that closely resembles a bill Senator BROWN and I offered this summer. Senators BROWN and HARKIN were leaders in developing this model and moving it through the committee process.

Part of the ACR savings are used for improving our nutrition programs. The farm bill's nutrition programs are critical for helping alleviate hunger. In 2005, 35 million people lived in food-insecure households, including 12.4 million children. Of these individuals, 7.6 million adults and 3.2 million children lived in households with very low food security.

I thank the chairman for making some changes to the Food Stamp Program and other nutrition programs that will allow more Americans to participate in these programs. For example, the bill modifies eligibility criteria and allocations for nutrition that have not been updated in 30 years. For example, under current law food stamp beneficiaries can own no more than $2,000, a number that has gone unchanged since 1977. It is a disincentive for people to save and unnecessarily makes many who should participate ineligible. This bill raises the asset level to $3,500, allowing 23,000 newly eligible individuals to participate in the Food Stamp Program by 2012 and 115,000 by 2017.

In addition, the bill increases the minimum food stamp benefit from $10 per month to $18 per month by 2012. Like the asset test, the minimum benefit has not kept pace with inflation. It has not been adjusted for inflation in almost 30 years, meaning that households that receive it can purchase only about one-third as much food as they could have in 1979.

According to the Congressional Budget Office, approximately 615,000 households, or 738,000 people, will receive higher benefits under this provision, nearly most of them seniors or people with disabilities.

Lastly, the bill provides $250 million per year for the Emergency Food Assistance Program, TEFAP, the program used by 25 million people each year to avoid going hungry. This funding will allow food pantries and soup kitchens to provide food to individuals who don't qualify for food stamps or can't stretch their benefits to avoid going to bed hungry.

The most dynamic part of agriculture is the development of a robust biofuels market and the expansion of renewable forms of energy. Our farms and small towns have the potential to help free America from our dependence on imported oil. This bill builds on that trend and makes important investments in technologies that will strengthen our ability to produce renewable energy. Overall, the bill invests $1.3 billion over the baseline, which is a step forward but short of the $2.4 billion invested by the House.

It moves us toward producing fuels from cellulosic biomass by investing in programs to help farmers transition to biomass crop production, harvesting, and storage. It also provides $300 million in grants and loan guarantees for the development of biorefineries and biomass conversion facilities.

The energy title contains $245 million for feedstock costs for cellulosic ethanol and biodiesel and adds $230 million for section 9006 grants and loan guarantees for solar, wind, and methane digesters. Lastly, the bill commissions a study on ethanol pipelines and adds $25 million for E-85 infrastructure.

The bill makes major investments in conservation. The bill provides about $4 billion over baseline for important conservation programs that protect wildlife and water quality and prevent soil erosion. Included in this funding is $1.2 billion for the Conservation Security Program and the reauthorization of the Wetlands Reserve Program. The bill also extends the Grasslands Reserve Program and reauthorizes the important conservation and wildlife programs.

In other titles, I was glad to see the bill make modest gains in trade promotion. The bill also increases the authorization for the McGovern-Dole program, although it does not provide mandatory funding for the program.

On food safety, the bill contains a Food Safety Commission that I helped author with Chairman HARKIN and Senator CHAMBLISS.

The bill also contains a rural broadband mapping and access bill based on the success of Connect Kentucky. It would expand this type of program to other States.

This bill could be better in a number of different areas. It provides about $1 billion less in energy funding than the House bill. I think that could be improved given the importance of this area.

It also does not go far enough in terms of targeting payments and income support to producers in need of assistance. The investigative reports of the past several years have shown us that millionaires, deceased landowners, and others who shouldn't qualify for Government support receive payments year in and year out.

Because of rules governing loan deficiency payments, producers can evade payment limits. Two-thirds of payments go to about 10 percent of producers. Taxpayers provide $5.2 billion in the form of direct payments to farmers every year regardless of whether a producer has a good year or a bad year.

Not only is this indefensible in a time of budget deficits and high commodity prices, it makes our commodity support programs less sustainable for producers that really require some assistance. Now, the compromise worked out by Senators LINCOLN, CONRAD, and CHAMBLISS does some good things—it eliminates the three-entity rule and anonymous certificates, which are both very real improvements in the program. Unfortunately, this bill does not go far enough.

While it does lower the means test for eligibility for payments from the current level of $2.5 million to $750,000, many very wealthy producers will be able to circumvent this soft cap. I am disappointed that amendments offered by my colleagues, Senators DORGAN, BROWN, and KLOBUCHAR, that would have tightened payment eligibility failed to pass on the floor. I also would have hoped we could have improved the ACR Program to provide producers with an even better option, and hope my colleagues will work to improve it in conference.

Overall, though, this is a very good bill. I again thank the chairman and ranking member for their hard work.

AMENDMENT NO. 3855

Mr. HARKIN. Mr. President, the managers' package of amendments is at the desk. Under the previous order, I ask that it be agreed to.

The PRESIDING OFFICER. Under the previous order, the managers' package is agreed to.

The Senator from Georgia.

Mr. CHAMBLISS. Reserving the right to object, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, under the cloture rules, I had an amendment for which now it looks like there is the opportunity to have a point of order raised against it, so I am not going to even call up the amendment. I will spend a few minutes talking about it. I know everybody wants to get out of town. I will spend some time talking about it, and I will take as short an amount of time as possible.

It was an amendment to eliminate things that are already being done in this country through the Agriculture Department. For example, specialty cheeses, they have grown by 15 to 20 percent per year. We have 16 different marketing agencies the Government, in one way or another, is already funding.

We spend $2.5 million a year in Wisconsin already through the Ag Department. We are going to spend $1.6 million with the Vermont cheese marketing program for artesian cheeses. Yet in this bill we are authorizing another program. This amendment was designed to take that out.

Also, this amendment deals with areas in terms of USDA loans for golf courses, for resorts, for entertainment complexes, to businesses that have nothing to do with agriculture, to businesses that have assets in excess of $60 billion apiece.

So the idea of the amendment was to, first of all, refine where we are loaning the taxpayers' money to businesses and, also, to look at the $1.6 billion the USDA has lost on $15 billion in the last 5 years on loan foreclosures to these types of areas and to redirect this into an area where we are getting better value for the taxpayers' money.

I am concerned we actually drafted this amendment, as the committee had asked us to do it, and now we find a point of order will be raised against it following the committee's recommendations.

So I appreciate the good work of Senator HARKIN and Senator CHAMBLISS on this bill and the way they have worked with us. My hope is we can get a final farm bill through conference and take care of the needs of this country.

I am somewhat depressed in the fact that there is a lot of wasteful spending we have put into this bill and we are not going to have an opportunity to amend that.

With that, I yield back the remainder of my time.

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, what is the pending business before the Senate?

Is it appropriate for me to make some comments on the underlying bill while we are awaiting the next action?

The PRESIDING OFFICER. That would be appropriate.

Mr. CHAMBLISS. Mr. President, today, the Senate provides certainty to America's farmers and ranchers, conservationists, school lunch program beneficiaries, environmentalists, and rural communities all across this great land. Today, the Senate sets aside partisanship in favor of assisting those in need. Today, we honor our commitment to the American agriculture sector with the passage of the Food and Energy Security Act of 2007.

The bipartisan bill before us today is the culmination of years of hard work on the part of the Senate Agriculture Committee and the millions of constituents we work so hard to represent with dignity and purpose. As in any great endeavor, this accomplishment is the fruit of the labor of so many.

As we approach final passage of the Food and Energy Security Act of 2007, I would like to take a moment to express my thanks and appreciation to everyone who has made this historic day possible.

First, let me extend my appreciation to the chairman of the Senate Agriculture Committee, Senator TOM HARKIN.

TOM, you have truly been a leader throughout this process. You have demonstrated a bipartisan work ethic that is essential to this body's work. You have been a true friend and have been extremely cooperative with me. I appreciate that.

Furthermore, each and every member of the Senate Agriculture Committee has played a critical role in crafting this bill and formulating the fiscally responsible policy contained in this farm bill.

Every Senator, regardless of party affiliation or the region of the country they are fortunate to represent, came together to produce a farm bill that will carry our agriculture sector into the next 5 years of prosperity. I would be remiss if I did not extend my praise to two other members of the committee. First of all, Senator BLANCHE LINCOLN. Senator LINCOLN has been a dear friend since our days in the House. We have had the opportunity to work together on several different agriculture measures. I am extremely appreciative for the work she has done on this particular bill.

My friend, KENT CONRAD, what a great champion for agriculture he has been. I would have to say that in my 13 years in public service, I have never served with a finer individual or legislator than KENT CONRAD, nor will I in however long I remain in public service. To KENT and to the services he has rendered as chairman of the Budget Committee, as well as a member of the Agriculture Committee on this endeavor, I appreciate it.

There are a number of other folks whom I wish to acknowledge.

I would also like to thank those individuals whose work behind the scenes was instrumental to the passage of this farm bill. I cannot say enough about my staff director, Martha Scott Poindexter. She is the type of staff who you want in the trenches with you, and I am fortunate to have her on my team. Without her efforts, we would not be here today. Also, I would like to thank the chief counsel of the committee, Vernie Hubert. Vernie's vast knowledge of farm policy was indispensable throughout this process. All of my staff deserves a great deal of recognition and I extend my thanks to: Hayden Milberg, Cameron Bruett, Kate Coler, Betsy Croker, Anne Hazlett, Christy Seyfert, Dawn Stump, Patty Lawrence, Alan Mackey, Erin Hamm, Matt Coley, Jane Anna Harris, and Carlisle Clarke.

I would also like to recognize Senator HARKIN's staff director, Mark Halverson and his entire staff; Jim Miller and Tom Mahr from Senator CONRAD's staff; Robert Holifield from Senator LINCOLN's staff; Megan Hauck from Senator MCCONNELL's staff; and Ann Wright from the majority leader's office. Their leadership and commitment helped to ensure final passage of this critical legislation.

I am extremely proud of the legislation before us today and the example it provides to the American people of what can be accomplished when we focus on the needs of those we serve. While not every Member may be pleased with each and every provision in this bill; I am certain that we can all agree that the Senate has taken up an honorable endeavor in securing the future of American agriculture. The investments in this bill will not only benefit our farmers and ranchers, but will promote prosperity far beyond the farm gate.

I strongly urge my colleagues to vote for final passage.

Inside the Beltway, everyone knows that the Congressional Budget Office is a critical part of the legislative process and provides us with the information to make informed and balanced decisions. Sometimes their decisions frustrate us and the complex nature of their work sometimes confuses us. Nonetheless, they are professionals and their commitment to public service should be commended.

Every time we embark on a farm bill, the ag team at CBO is called upon to make very difficult decisions and to analyze policy that is based on hypothetical assumptions.

I would like to personally thank Jim Langley, Greg Hitz, Dave Hull, Kathleen Fitzgerald, Dan Hoople, Megan Carroll, and Kathy Gramp for their hard work this past year. They all have been extremely responsive to my staff and helpful answering our questions.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I thank Senator CHAMBLISS for his very kind remarks. I want to say how much I have enjoyed working with him on this legislation. If there were ever a challenge putting together this farm bill, this has been it. Senator CHAMBLISS has been a tremendous partner as we put this legislation together. He has been a consummate professional. The staff has been superb. I also thank the chairman for his vision and his leadership in bringing a bill to the American people that is good for taxpayers, that is good for our farm and ranch families, that is good for the economy. I see the chairman is here and perhaps ready to proceed.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, we will very shortly go to final passage of this bill. I will ask unanimous consent shortly to wrap that up. But first, again, I want to respond in kind to someone I didn't know until—well, we knew each other sort of slightly when he was in the House and I was in the Senate during the last farm bill, when we did that one, and then he came over and he took over as chairman of the Agriculture Committee here and did a great job. In fact, I say to Senator CHAMBLISS that we wouldn't be here today were it not for his leadership of the Agriculture Committee in the previous years where he traveled the country and chaired hearings all over the United States. He came to Iowa and I appreciated that very much. He laid the groundwork for what we did this year.

He has become a friend and a close worker. I can say honestly that in the development of this farm bill, Senator CHAMBLISS and his staff worked very closely with us. I can't think of any one instance in which we were surprised or anything came up that we didn't know about. I hope that worked both ways. We had a very open relationship on this, and I thank Senator CHAMBLISS for his many kindnesses and for working so closely with me personally and with others on the committee, and working with his side of the aisle to bring us to this point today. It has been a great relationship. I look forward to going to conference and getting this bill worked out as soon as possible after the first of the year, and I look forward to getting this done, hopefully even before the end of January.

I also thank all of the members of the committee. We have a great committee. I can honestly say this farm bill has the imprint of every single member of our committee. There is something in here that each one on both sides of the aisle contributed to, either specifically or generically, whether it is energy or conservation or farm income protection or specialty crops or nutrition—literally every person on this committee had his or her hand in developing it. So we have a great committee. I am very proud of every single member on this committee.

I also want to recognize and thank members of our committee who, as leaders on other committees, were instrumental in completing this bill. Senator CONRAD, played a key role as chairman of the Budget Committee and senior member of our committee. Senator BAUCUS, the chairman of the Finance Committee, and Senator GRASSLEY, the ranking Republican member of that committee, worked to obtain critical funding for this legislation and helped shape it in our committee.

The bill we are passing today, the Food and Energy Security Act, is a solid, forward-looking, fiscally responsible bill. It conforms to a strict budget allocation and pay-as-you-go budget rules, yet still addresses the varied geographical and philosophical views of Senators in a very balanced way. This is my seventh farm bill, and as I've said many times before: farm bills are bipartisan, not partisan. There are regional, philosophical and other differences, to be sure. It is a very bipartisan bill. We obviously had regional concerns, budgetary concerns and differences of views, but I think we have answered those in a very balanced way.

We do so much in conservation and nutrition, specialty crops, energy initiatives, disaster assistance and crop insurance programs, stronger income protection and promoting new opportunities for farmers and rural communities in this country. This is a bill that is good for farmers and ranchers. We have provisions in here for young, beginning farmers. We have provisions in here to help people transition to organic farming. We have major new investments in initiatives to help producers of specialty crops. And we continue and improve income protection for dairy producers.

I wanted to say thank you to Senator CHAMBLISS and all of the members of the committee, and I also want to recognize all of the committee staff members because these staff members have worked very hard and they deserve recognition for the passage of this bill here today.

First and foremost, I thank our very capable staff director, Mark Halverson. Mark is a farmer in his own right, farms in my State of Iowa and works here, so he combines it all. He is a lawyer, he is a professional staff person, and he does actually farm. So he brings a lot of expertise and has been a guiding hand in all of this.

I thank Martha Scott Poindexter, the chief of staff on the Republican side, for all of her guidance and for all of her great work. I thank you very personally, Martha Scott. Thank you.

And, I say thank you to Todd Batta, who did so much on credit and forestry; Richard Bender, on rural development; Eldon Boes, who did so much on energy; Phil Buchan, on conservation; Dan Christenson, on nutrition and specialty crops; Kate Cyrul, our communications director; Katharine Ferguson, who does some of everything, covering issues and keeping our committee on track; John Ferrell, on livestock; Kerri Johannsen, on energy; Susan Keith, our general counsel, who has now worked her second farm bill with us and covers all of the commodity title. Then there is Peter Kelley, who set up all of our hearings; Amy Lowenthal, our counsel; Tina May, again on conservation; Stephanie Mercier, who did so much work on crop insurance and on trade; Derek Miller, who put together a great nutrition title; Adela Ramos, who did all of our title work on the research title and food safety; Jonathan Urban, who worked hard on getting the reauthorization of the Commodity Exchange Act last night; and, of course, Dave White, who has done so much work on conservation.

I also thank our chief clerks, Bob Sturm, of course, and Jessie Williams. As we know, Bob has retired, but he comes back once in a while to help and we appreciate that; and we appreciate Jessie Williams' hard work.

I would also like to mention all of the staff on the Republican side. I thank Martha Scott Poindexter, the chief of staff on the Republican side;

Vernie Hubert, Hayden Milberg, Cameron Bruett, Kate Coler, Betsy Croker, Anne Hazlett, Christy Seyfert, Dawn Stump, Patty Lawrence, Alan Mackey, Erin Hamm, Matt Coley, Jane Anna Harris, and Carlisle Clarke. They are all good, dedicated people who worked very hard on this bill.

I now wish to propound a unanimous consent request. I ask unanimous consent that all pending amendments be withdrawn, that no further amendments be in order, that the substitute amendment, as amended, be agreed to, the bill—Mr. President, I am told the managers' package still has not been worked out. I had assumed it was. It still has not. So we are going to have to wait a few more minutes to get the managers' package put together and make sure it is agreed to.

With that, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, again, as I understand the situation—and I stand to be corrected if I am wrong—we have a managers' package at the desk, which has been cleared on both sides; that the amendments which were objected to previously now are put back in; that there is an amendment in that package which sets a lower program level in a USDA program offsetting those amendments. With that, I understand the managers' package is acceptable; am I correct?

Mr. CHAMBLISS. Mr. President, that is correct. As I recall, I had reserved the right to object. I do not object.

The PRESIDING OFFICER. Under the previous order, the managers' package is agreed to.

The amendment (No. 3855) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. DURBIN. Mr. President, I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARKIN. Mr. President, I ask unanimous consent that all pending amendments be withdrawn; that no further amendments be in order; that the substitute amendment, as amended, be agreed to, the bill read the third time, and that the cloture motion be withdrawn; that without further intervening action or debate, the Senate proceed to vote on passage of the bill; that upon passage, the motion to reconsider be laid upon the table; that the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. Mr. President, reserving the right to object, and it is not my intention to object, we have been working closely with the chairman's staff and with the ranking minority member to ensure that the bipartisan ban on illegal logging would be included. I have not been informed. Has the ban on illegal logging been included?

Mr. HARKIN. I am informed that it has.

Mr. WYDEN. I withdraw my reservation.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 3500), as amended, was agreed to.

The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. HARKIN. Mr. President, I ask for the yeas and nays on the final passage of the farm bill.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the bill, as amended. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. BOXER), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Florida (Mr. NELSON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN), and the Senator from Florida (Mr. NELSON) would each vote "yea".

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 14, as follows:

[Rollcall Vote No. 434 Leg.]

YEAS—79

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bingaman
Bond
Brown
Brownback
Bunning
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Conrad
Corker
Cornyn
Craig
Crapo
Dole
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Graham
Grassley
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (NE)
Pryor
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Thune
Vitter
Warner
Webb
Wyden

NAYS—14

Bennett
Burr
Collins
DeMint
Ensign
Gregg
Hagel
Kyl
Lautenberg
Lugar
Reed
Sununu
Voinovich
Whitehouse

NOT VOTING—7

Biden
Boxer
Clinton
Dodd
McCain
Nelson (FL)
Obama

The bill (H.R. 2419), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is laid on the table. The Senate insists on its amendment, requests a conference with the House, and the Chair is authorized to appoint conferees.

Mr. HARKIN. Mr. President, again this is a great vote—79 votes in favor of the farm bill is a great vote. I think it is an affirmation of the hard work our committee put in all this year to get to this point, on both sides of the aisle, with Senator CHAMBLISS leading his side. On our side, we had great cooperation and great work from all the members of our committee.

So I look upon this very strong vote as an affirmation of this hard work. And, indeed, it was hard work. Someone said to me a little bit ago: Gosh, December 14 is late in the year to do a farm bill. I remembered the 1981 farm bill was passed on December 17 at 2 a.m. in the morning. How do I remember that? Because my daughter was born 2 hours later, at 4 a.m. in the morning. So, to me, this is early. But nonetheless, it is a great bill and we are delighted to get it through. We look forward to going to conference now.

I wish to say one other thing. Late last night, I received a phone call from Senator BIDEN and Senator CLINTON and Senator DODD and Senator OBAMA. They all reached out to me to ask: Do you need our vote for the farm bill? Because we want to be there to vote for it. We had taken a whip count, we knew we had a good bill, we knew we would have more than enough votes on this, and so I told each of them their vote was not needed. But they each assured me, Senator BIDEN, Senator CLINTON, Senator DODD, and Senator OBAMA, if their vote was needed, they would have been here, and had they been here, they would have voted for that farm bill. So I wish to thank each of them, and I want the record to show

Senators BIDEN, CLINTON, DODD, and OBAMA would have cast their votes in favor of the farm bill were they able to be here today. I appreciate their support, and, of course, I wish each of them excellent luck in the future.

With that, again I thank all my fellow Senators, I look forward to our conference and wrapping up our conference sometime soon, in January, but this is a good bill, and you can take it home. It is a good bill for rural America and for farmers and for everyone who eats food in this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, knowing the chairman is about my age, I hope he doesn't have another child in the next 2 hours.

Mr. HARKIN. I sure hope not.

Mr. CHAMBLISS. Mr. President, I wish to add to what I said a little earlier and some comments made before the vote.

Mr. President, today the Senate provides certainty to America's farmers and ranchers, conservationists, school lunch program beneficiaries, environmentalists, and rural communities all across this great land. Today, the Senate sets aside partisanship in favor of assisting those in need. Today, we honor our commitment to the American agriculture sector with the passage of the Food and Energy Security Act of 2007.

The bipartisan bill before us today is the culmination of years of hard work on the part of the Senate Agriculture Committee and the millions of constituents we work so hard to represent with dignity and purpose. And, as in any great endeavor, this accomplishment is the fruit of the labor of so many. As we approach final passage of the Food and Energy Security Act of 2007, I would like to take a moment to express my thanks and sincere appreciation to everyone that has made this historic day possible.

First, let me extend my appreciation to the chairman of the Senate Agriculture Committee, Senator TOM HARKIN. He has truly been a leader throughout this process, demonstrating the bipartisan work ethic that is essential to this body's work. Furthermore, each and every member of the Senate Agriculture Committee has played a critical role in crafting this bill and formulating the fiscally responsible policy contained in this farm bill. Every Senator, regardless of party affiliation or the region of the country they are fortunate to represent; came together to produce a farm bill that will carry our agricultural sector into the next 5 years of prosperity.

I would be remiss if I did not extend my praise to one particular member of our committee, Senator KENT CONRAD. I can say without equivocation, that there is no way we could have arrived where we are today without his leadership, budgetary skills, and tireless willingness to set aside partisan differences in order to accomplish our common goal of continuing our commitment to the American farmer and rancher. As chairman of the Senate Budget Committee, KENT has obviously played a key role throughout this process and I have not served with a finer individual in all my years of public service.

Inside the Beltway, everyone knows that the Congressional Budget Office is a critical part of the legislative process and provides us with the information to make informed and balanced decisions. Sometimes their decisions frustrate us and the complex nature of their work sometimes confuses us. Nonetheless, they are professionals and their commitment to public service should be commended.

Every time we embark on a farm bill, the Agriculture Team at CBO is called upon to make very difficult decisions and to analyze policy that is based on hypothetical assumptions.

I would like to personally thank Jim Langley, Greg Hitz, Dave Hull, Kathleen Fitzgerald, Dan Hoople, Megan Carroll and Kathy Gramp for their hard work this past year. They all have been extremely responsive to my staff and helpful answering our questions.

I would like to thank also a number of individuals who have worked behind the scenes and who were certainly instrumental and largely responsible for the passage of this farm bill. I can't say enough about my staff director, Martha Scott Poindexter. She is the type of staffer you want in the trenches with you, and I am fortunate to have her on my team. She has been with me now, off and on, for 13 years, and she is one great southern lady from Mississippi who understands agriculture, having grown up on a farm. Without her, I simply wouldn't be able to function when it comes to agriculture, so I am very pleased she was as instrumental as she was and here to help guide me.

I would also like to thank the chief counsel to the committee, Vernie Hubert. Vernie, with his vast knowledge of farm policy, was simply indispensable in this process. As the chairman probably remembers, Vernie was a staff director on the House side during the last farm bill, as well as a couple of others previous to that. But he was a staffer on the Democratic side, and I was so impressed with Vernie during the course of my years in the House, that when I was elected to the Senate, I told Martha Scott the first thing she had to do was to go out and hire Vernie Hubert, and she did, and he has been a great one.

All my staff deserves a great deal of recognition, and I would like to extend my thanks to: Hayden Milberg, Cameron Bruett, Kate Coler, Betsy Croker, Anne Hazlett, Christy Seyfert, Dawn Stump, Patty Lawrence, Alan Mackey, Erin Hamm, Matt Coley, Jane Anna Harris, and Carlisle Clarke.

Also, to those individuals on the Democratic side, and I mentioned Mark a little bit earlier, but this is a bipartisan committee, both memberwise and staffwise: Todd Batta, Richard Bender, Eldon Boes, Phil Buchan, Dan Christenson, Kate Cyrul, Katharine Ferguson, John Ferrell, Kerri Johannsen, Susan Keith, Peter Kelley, Amy Lowenthal, Tina May, Stephanie Mercier, Derek Miller, Adela Ramos, Jonathan Urban, and Dave White. What great folks they are and what a great service they have provided to Senator HARKIN as well as me.

There is also, over on Senator CONRAD's staff, two guys over there, Jim Miller and Tom Marr. These two men have worked extremely hard, and all these folks have put in hundreds of hours. I know how much time we have put into it, but staff has two, three, and four times as many hours as we have. To all of them, I say thank you.

To Megan Hauck, from Senator MCCONNELL's office; Ann Wright from the majority leader's office; Robert Holyfield from Senator LINCOLN's office, their leadership and commitment helped to ensure final passage of this crucial legislation.

I am extremely proud of the legislation before us today and the example it provides to the American people of what can be accomplished when we focus on the needs of those we serve. While not every Member may be pleased with each and every provision in this bill, I am certain we can all agree the Senate has made an honorable endeavor in securing the future of American agriculture. The investment in this bill will not only benefit our farmers and ranchers but will promote prosperity far beyond the farm gate, and I am very pleased to have been part of this with my chairman, Senator HARKIN.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. CONRAD. Mr. President, this is a landmark achievement. Let me indicate to my colleagues we have counted the votes—79 votes for this bill—and there are more votes for a farm bill than any farm bill going back to 1973, and that is with the Presidential candidates missing. That would have been another four votes. No farm bill has had more votes than this bipartisan bill since 1973.

That is a tribute to our leadership, the chairman of the committee, Senator HARKIN, who came to this bill with a vision for moving agriculture in a new direction. This is a good beginning—not everything the chairman would have liked, and some of us had interests that had to be addressed. So we were ready to follow his leadership, but we also had to deal with some of the realities of our individual States, and I know the chairman recognizes that. But we applaud him for his vision because this bill moves in a different direction.

We have additional resources, important additional resources for conservation and for nutrition. The people of this country will look back on this bill, and they will also see the beginning of very important reform. The end of the three-entity rule, the direct attribution, dramatic reduction in adjusted gross income for nonfarmers. It will go from $2.5 million down to $750,000.

This bill is good for the economy and it is paid for. So we all salute the chairman and his staff: Mark Halverson, the staff director, who has been so dedicated to this cause. Mark, we appreciate the extraordinary efforts and energy you have put into this bill. To Susan Keith, who is a fierce advocate and somebody who is a real pro. She knows these programs backward and forward. Susan, we appreciate all the contributions you have made.

To our ranking member, Senator CHAMBLISS—"Cool Hand Luke." You couldn't have a better ranking member for this committee, somebody who has been calm in the eye of the storm. This has been tough to do, and the occupant of the chair knows that is the case. Senator CHAMBLISS has been a remarkable partner. So SAXBY, we have enjoyed getting to know you and working with you, and thanks for the extraordinary professionalism of your staff: Martha Scott Poindexter. Outstanding. Unflappable. Always there. Very smart, very knowledgeable, and very committed to producing a good bill for this country. Vernie Hubert, an absolute pro. He has been on both sides of the aisle and respected on both sides and somehow is able to maintain that respect. That is exactly the way the Senate ought to function. Thank you so much for the good counsel we have received.

To other Senators on the committee, let's say a special thanks to Senator BAUCUS, chairman of the Finance Committee, who helped us get very important additional resources. Thank you, Senator BAUCUS. To other leaders on the committee, Senator LEAHY, especially on the dairy provisions. So many others.

Senator STABENOW, who led the fight for specialty crops. We deeply appreciate Senator STABENOW and all you did to help bring us together as well. Senator KLOBUCHAR. Senator KLOBUCHAR, who had special interest in renewable energy provisions. One of the exciting things about this bill is it is going to reduce our dependence on foreign energy.

A new Senator to the committee, Senator CASEY, who has been outstanding, a quick learner, and we appreciate his contribution. Senator SHERROD BROWN. Boy, he brings passion to this cause. You couldn't have a better member of the committee than SHERROD BROWN, who has done his homework and is engaged.

To the other Members as well, we so deeply appreciate the contributions that have been made. My partner right here, the Senator from Colorado, Mr. SALAZAR, who has that gift for bringing people together when it is especially difficult to do so. He has a gift, and he is always there working to bring people in so we can reach conclusion. Certainly to BLANCHE LINCOLN. Boy, I tell you, you want her on your side when you are in a fight. She is fierce, she is determined, and she does not give up. Congratulations, Senator. We know you represented your people and you represented them well.

To the Senator from Nebraska, Senator NELSON, who is deeply knowledgeable. Of course, nobody knows more about crop insurance on our committee than BEN NELSON. He has been a huge help to us. We thank them all.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I wish to join my colleagues in their accolades for what has happened here today. This is a historic move forward, especially when you look at the votes we have for this legislation, because it is such a good piece of legislation. We had Republicans and Democrats coming together saying this is a new way forward for America, for food security, for energy security, for nutrition and all the rest of it that is good in this legislation.

I wish to thank everyone who has been involved, from Ranking Member CHAMBLISS's leadership, to the chairman of the committee, TOM HARKIN, and all his staff, who have been so tireless and so patient with us as we have moved forward with this effort. It is always important, because there are so many staff involved in this effort, to say thank you, and I wish to thank my staff: Brendan McGuire, Tommy Olsen, Grant Leslie, and Steve Black, and to others who have been with me working on this legislation now for 2½ years.

Also, I wish to thank the staff of Senator HARKIN, Mark Halverson, and Susan Keith, for their great work and leadership, as well as Senator CONRAD's staff, Jim Miller and Tom Marr. Without them, it would have been very difficult to get finalization on this legislation. Thanks also to Senator CHAMBLISS's staff, Martha Scott, who had a wonderful job of making sure we put all this together and Vernie as well. Thank you.

I think it is important also for us to put this in the context of what has happened in the Senate. We ought to be very proud of what this Chamber has done under the leadership of Senator REID, who, coming into this week, had a very tough agenda. When you think about it, the American people should be proud of the Senate today because we have passed a historic energy bill, which is a giant step forward in terms of our quest for energy independence, and we have passed a Defense authorization bill, to make sure we have the right strength in our military forces who will defend our country and our homelands and our world. Today, passing the farm bill, we have taken a huge step, making sure we lead the world in terms of security.

I yield the floor.

The PRESIDING OFFICER (Mr. TESTER). The Senator from North Carolina is recognized.

Mrs. DOLE. Let me add my congratulations to Senators HARKIN and CHAMBLISS for their hard work and many accomplishments in passage of the farm bill. I congratulate all involved.

Mr. President, I ask unanimous consent to speak for about 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HUNGER PROVISIONS IN THE FARM BILL

Mrs. DOLE. Mr. President, there has been a great deal of debate regarding many aspects of the farm bill; but, there is one issue that has received relatively little attention on the Senate floor, yet it is one of the most important matters facing our country. That issue is hunger, and it affects 1 in 10 U.S. households, including nearly 1 million of North Carolina's 8.8 million residents.

Fortunately, the farm bill we have just passed contains a number of provisions that will support efforts to help the hungry. Take for example, the Food Employment Empowerment and Development Act, or the FEED Act, which Senator LAUTENBERG and I have worked on together. I am very pleased that this measure has been included in the managers package. The FEED Act helps fight hunger by combining food rescue with job training, thus teaching unemployed and homeless adults the skills needed to work in the food service industry. This provision will provide much-needed resources to community kitchens around the country.

Successful FEED-type programs already exist. For example, in Charlotte, NC, the Community Culinary School, which I visited last month, recruits students from social service agencies, homeless shelters, halfway houses and work release programs. Just around the corner from the U.S. Capitol, students are hard at work in the DC Central Kitchen's culinary job training class. This is a model program, which began in 1990, and it is always a privilege for me to go over to the Kitchen and meet with folks who have faced great adversity but are now on track for a meaningful career. Earlier this year, I visited on their graduation day, and the graduates were so excited they were dancing in the kitchen. They were ready to start good jobs.

Of course, for the DC Central Kitchen, Charlotte Community Culinary School and other hunger relief organizations to carry out their mission, they must have food. To this end, I am very pleased that Senator GRASSLEY and Senator LUGAR have joined me as cosponsors of my food donation amendment included in the managers package. My thanks to Chairman BAUCUS, and a special thank you to Ranking Member GRASSLEY, as well as their staffs, for working with me in this effort. My amendment addresses four tax issues that will encourage food donations and volunteering to help the hungry.

First, my amendment extends a provision from the Pension Protection Act that allows any taxpayer to claim an enhanced deduction for donations of food. This deduction is set to expire at the end of the year; my amendment extends it for 2 additional years.

Second, my amendment allows restaurants to qualify for this deduction. Unfortunately, a drafting error excluded most restaurants from utilizing this deduction due to their tax structure. My amendment corrects this problem and provides restaurants with an extra incentive to donate food for hunger relief.

Third, it simplifies the rules that allow farmers and ranchers to take advantage of this deduction for donating their products.

Finally, my amendment allows volunteers to receive a tax deduction for mileage incurred while transporting food donations. As a former President of the American Red Cross, I know first hand the importance of volunteers—there would be no Red Cross without the 1.3 million volunteers—and I understand that many charities, like Meals on Wheels, depend on volunteers using their personal vehicles to deliver food to countless tables across the country.

In addition, volunteers who glean and transport food could benefit from this tax deduction measure. Excess crops that would otherwise be plowed under or thrown out are taken from farms and other entities and distributed to the needy. In the Old Testament, in the book of Ruth, we learn that she gleaned in the fields so that her family could eat.

Each year in this country, 96 billion pounds of good, nutritious food is left over or thrown away. Gleaning helps eliminate this waste. I have gleaned a number of times with an organization called the Society of St. Andrew, the latest being sweet potatoes in Harnett County, NC, in October.

While I have a number of concerns about the farm bill and its impact on North Carolina agriculture, I welcome this bill's hunger and nutrition focus. Especially at this beautiful season of giving and thanksgiving we should remember our 35 million fellow Americans who are struggling just to have enough to eat. The bill's provisions will help us keep up the fight in the battle against hunger. This is a campaign that cannot be won in months, or even a few years, but with a caring Government and a caring people working together, ending hunger in America is certainly a victory within reach.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Ms. STABENOW. Mr. President, I ask unanimous consent the Senate go to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORTGAGE FORGIVENESS DEBT RELIEF ACT OF 2007

Ms. STABENOW. Mr. President, I now ask unanimous consent the Committee on Finance be discharged from further consideration of H.R. 3648, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

> A bill (H.R. 3648) to amend the Internal Revenue Code of 1986 to exclude discharges of indebtedness on principal residences from gross income, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Ms. STABENOW. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bill as amended be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3856), in the nature of a substitute, was agreed to, as follows:

(The amendment is printed in today's RECORD under "Text of Amendments.")

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 3648), as amended, was read the third time and passed.

Ms. STABENOW. Mr. President, this is a very important measure we have adopted in the Senate. In fact, today is a very important day for families all across the United States who find themselves in this mortgage crisis that we have been hearing about, that we have been talking about, that we have been meeting about. Two important actions have taken place that will make a real difference in people's lives today. The first was, earlier today, modernization of the Federal Housing Authority, the FHA.

This had not been updated since the 1930s when people were in another time of tremendous crisis, losing their homes.

We have come together today and put forward modernization that will allow more people to be able to get refinancing, to be able to get help and support from the FHA, to be able to keep their homes. That is what we all want, the American dream of keeping our homes, of making sure our families have a roof over their head, that we can invest in equity in a home as part of creating that middle-class dream for ourselves, for our families, and it is how we strengthen the community when we have home ownership.

That is an important piece, and we just adopted the other piece that is very significant, particularly time-sensitive, and that is to make sure that no one who finds themselves in a mortgage foreclosure this year, in 2007, or finds themselves having to refinance their home below the value of their mortgage or through a short sale find themselves in a situation where, on top of losing their home or losing money, they have another tax bill.

Right now, up until the action we took a few moments ago, taxpayers, families across America, would find themselves, for example, in a situation of, if they had a $100,000 mortgage and they refinanced at $80,000 or the bank sold their home on a foreclosure at $80,000, they would find themselves paying taxes on that difference between $100,000 and $80,000, that $20,000 difference. If it was forgiven by the lender, they would pay taxes on that as if it were income. That makes no sense when families are challenged, facing the loss of their homes, struggling to make ends meet—we are coming up to Christmas now—when families are struggling to make sure they have what we all want, to be able to give our children a wonderful Christmas, to be able to have a home for them, a place for the Christmas tree.

There are too many families who now find themselves in a real crisis. I am very grateful to everyone who has been involved in getting us to this point. We have now said loudly and clearly that we understand and we are not going to allow families to have an additional tax burden as a result of being in a foreclosure or in the middle of the mortgage crisis. And the FHA reform that we passed earlier today says: We want to make it better by providing you alternatives and help to be able to keep your home.

I particularly want to thank, first, my cosponsors of the legislation that is the underlying legislation that has resulted in this action today—my Republican cosponsor, Senator VOINOVICH, who has been just terrific. Both of us come from the Midwest, Michigan and Ohio. We both find ourselves in many similar situations economically, with families who have been faced with the issues of mortgage foreclosure and challenging refinancing situations. I want to thank Senator VOINOVICH, who is key to the place we are today, in getting to this point. He has played an incredibly important role, and I am grateful to him for that. Senator JOHN KERRY has also been very helpful, and his staff; Senator LEVIN, my partner, who is always there, both of us working on behalf of Michigan; and Senators SNOWE, BROWN, HATCH, COLEMAN, SCHUMER, HARRY REID, NELSON, KLOBUCHAR, LIEBERMAN, HARKIN, and SALAZAR.

Of course, we would not be here without our leader, Senator HARRY REID. I know this is a personal concern to him in Nevada. I know that in his State there is a real challenge, as in mine, as it relates to the mortgage crisis, and he has made this a personal priority, and I am very grateful for his support.

Of course, Senator BAUCUS, our chairman of the Finance Committee, without whom, also, we would not be here, if it was not for his leadership, and his partner, Senator GRASSLEY, without their bipartisan working relationship—they are so extraordinary—we would not have an opportunity to address this issue and pass this legislation.

We held a hearing earlier this week, and I want to thank again our Finance Committee chairman for focusing a bright light on this mortgage crisis, what is happening not only in the subprime lending market but in the general economy as it relates to the ripple effect in the housing crisis, and his commitment has brought us to this point. I want to thank him.

I also want to thank Senator JUDD GREGG, who brought this issue to the debate on the farm bill and, frankly, was very instrumental in bringing this focus to the Senate floor, very articulate in explaining what the problems are that families are facing, and he, too, deserves a lot of credit for being a part of the effort to get us to this point and getting the actual bill passed this year.

Finally, I want to thank the White House. I think it is fair to say that there are not a lot of issues in which I find myself on the same side as our President, but this is one of those on which we have worked very well together. I appreciate his staff's good will in working with us to be able to get this done.

This was an important bipartisan effort from top to bottom, and I think we can all be pleased and grateful that we have the opportunity to work together to really get something done. That is what people want us to do. I know our Presiding Officer understands that, that people want us to work together, they want us to understand what is going on in their lives and that it is not just a game, that there are real things that need to be fixed, that we need to solve problems. I know that is why we have come here. The examples today, working together on the Mortgage Debt Forgiveness Act and FHA, are two examples of what happens when we work together.

I am a member of the Agriculture Committee and proudly have worked with our chairman and ranking member and all of the members of the committee to get a farm bill passed, a Food and Energy Security Act that is good for the country, not just for rural America but for all Americans and for our economy.

So this is a day—we have the Department of Defense authorization that was passed—this is a day of good cheer, a day of showing what we can do with the right kind of leadership, and I again thank Senator REID for providing that leadership. He and Senator MCCONNELL, working together on the efforts that we were able to pass today, have made a real difference.

We have, in fact, as it relates to families who find themselves in a very difficult crisis or on the verge of a crisis related to losing their homes, said to them: We not only hear you, but we are going to step up and we are going to help. That is what this bill does. That takes away the tax liability for families. That is what we did earlier today with FHA modernization, and it is a good way to end a very hard-fought week, a very difficult, challenging week, to come together on this Friday to be able to get work done for the American people, and I am very proud we have been able to do that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

THE FARM BILL

Mr. CASEY. Mr. President, I wish to thank the Senator from Michigan for summarizing the important issues we worked on today that help the American people. We are grateful for her work on these issues and her great leadership.

I wish to speak just for a few minutes, probably less than 2 minutes, about the farm bill. It is hard to do that because it is such a massive piece of legislation, but suffice it to say that I think when we came to this Congress a year ago—it was a brandnew Congress—we said we were going to focus on change in a new direction. I think the change we have tried to bring is a change of priorities, really. I think this farm bill is evidence of that. It is also a bipartisan effort, the whole list of things you have already heard on the specialty crops for States such as Pennsylvania, a brandnew part of the farm bill, whether it is the help that our dairy farmers in Pennsylvania will receive—not nearly enough help; we have more work to do there but certainly some new changes there.

The energy title is so important to create the jobs of the future but also reduce our dependance on foreign sources of energy. The conservation and the reform efforts that were made here are important. To highlight something in the nutrition title in this bill, there is more than $5 billion of new money for nutrition, so needed by families across America.

So I think we can be very proud, and I wanted to say how much I appreciate the work of the whole Agriculture, Nutrition and Forestry Committee. Chairman TOM HARKIN did a wonderful job. The ranking member, Senator CHAMBLISS, spoke before about Senator CONRAD's contribution as the Budget chair, also sits on our Agriculture Committee. I am grateful that so much work went into this for the people, in my case, of Pennsylvania but also for the people of America.

S-CHIP

Before I turn the microphone over to one of our fellow committee members, and, like the Presiding Officer, a fellow freshman, Senator KLOBUCHAR from Minnesota, who will be coming after me, I want to say one word about the President's veto this week, yet again, the second time, of the State Children's Health Insurance Program.

Once again, he is wrong. Once again, he is going counter to the bipartisan effort in America but especially here in Washington when it comes to parties trying to work together where we could cover 10 million American children. Once again, the President has stepped in front of that.

Unfortunately, in this season of hope, this holiday season, the President has made it much more difficult now to cover 10 million American children. It is a mistake. It is bad for the country. It is certainly bad for those children. But in the long run, it is bad for our future economy. I think the President should talk to members of both parties and try to work something out to get 10 million children in America covered.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

SENATE ACTION

Ms. KLOBUCHAR. Mr. President, I rise today first to thank my staff for their wonderful work on the farm bill: Hilary Bolea, who is a very smart young woman, who has been working with us in Washington, DC, and then also Dave Frederickson, experienced—he was the former head of the National Farmers Union who came out of retirement to join my staff in Minnesota. They are quite a pair. My favorite thing this summer is when Dave Frederickson took Hilary Bolea to a tractor pull at the Minnesota Farmfest. So we have a great team, and I am proud of their work.

I am happy the farm bill passed today with its forward-looking provisions on cellulosic ethanol, the disaster relief, permanent disaster relief that we worked so hard to get, the strong safety net for our farmers. The reasons we had that safety net 75 years ago in the Depression with volatile prices, volatile weather, continue today.

As you know, I would have liked to have seen a little more reform in this bill. I would like to see some income eligibility limits as well as the subsidy limits set down in the Dorgan-Grassley bill. We are going to continue to push for that reform. We will work with Representative PETERSON, who is from Minnesota, the head of the Ag Committee in the House, and our great leader, Senator HARKIN, with our ranking member, Senator CHAMBLISS, as the bill goes to conference committee.

I am hopeful there will be some discussion with the White House about the reform in the bill. We have a very good start here and we need to continue that discussion in the months to come.

The other thing, I wish to commend the Senate for passing the Energy bill yesterday. I came out of the Commerce Committee. We worked on that gas mileage standard. We are now seeing a 10-mile-per-gallon increase, not only good for the environment but also, most importantly, good for the American consumer. They can save money by having less cost for gas. This energy bill is just the beginning of us starting to focus not on spending all our money on the oil cartels in the Middle East but instead focusing on the farmers and workers of the Midwest and our own energy independence.

Finally, on the FHA reauthorization and the work being done on the subprime issue, I had a roundtable with a number of people involved in this back in Minnesota. Minnesota is fourth in the country for subprime mortgage foreclosures. The chickens are coming home to roost in terms of predatory lending. We finally have started to work on the issue in Washington, and we see the problems it is causing not only for individual homebuyers but for entire neighborhoods and communities.

All in all, I believe we got some things done at the end of the week.

The one last thing I commend the Senate for is the work on the pool safety bill. I have spoken on the floor a few times about something of maybe little note when you look at the larger scheme, but a very important note to one family, and that is the Taylor family of Edina, MN. Their girl Abby was severely injured in a wading pool this summer. She may never eat again. She is sick but she is so strong in spirit. Her family called me literally every 2 weeks to check on the progress of this bill. Because of Abby, we were able to strengthen the bill. It was named after former Secretary of State Jim Baker's granddaughter when she was so tragically killed in a similar accident. This puts in a standard, a retroactive standard for public pools which includes apartments, any pools used by the public. It includes stronger drain covers, a vacuum suction system. It is a very good bill. The House bill is similar. I have every intention to get this thing done. I thank Senator PRYOR, Senator STEVENS, and others for their work to get this done on a bipartisan basis in the Senate. One of the proudest moments my year here was when I was able to call Scott Taylor last night at about 9 p.m. from the Senate floor and tell him that that bill had passed and to know we were going to go home to Minnesota and have a little Christmas present for that family, something we worked so hard on to make sure this wouldn't happen to another child.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

FOREIGN INTELLIGENCE SURVEILLANCE ACT—MOTION TO PROCEED

Mr. REID. Madam President, as I have announced several times in the last few days, I am going to shortly move to proceed to S. 2248, the Foreign Intelligence Surveillance Act. This is such an important piece of legislation. I spoke briefly on this subject earlier, but I want to provide a more complete explanation of the process by which the Senate will consider this vital piece of legislation.

Earlier this year, the Director of National Intelligence came to Congress and alerted us to what he described as a significant gap that had emerged in our Nation's foreign intelligence-gathering capacity. Members on both sides of the aisle and from all sides of this important debate became convinced that this problem was real and that we had an obligation to address it. Although many of us differ on the solution, all Senators without exception, both Democrats and Republicans, want to ensure that intelligence professionals have the tools they need to keep our country as safe as possible. We all worked in good faith with the administration through July and August to provide those tools in a way that protects the privacy and liberties of law-abiding Americans.

Unfortunately, the bill signed by President Bush fell well short of that goal. I and many other Democrats opposed the so-called Protect America Act. That is why we made sure it had a 6-month sunset, so we could come back and do a better job of ensuring judicial and congressional oversight of these sensitive activities. As we all know, had the President been operating as we have always operated in the past, he would simply have come to the Intelligence Committee, the Judiciary Committee, and told them the changes that were necessary. But they didn't do that.

As my colleagues know, the Senate Judiciary Committee and the Intelligence Committee share jurisdiction over the Foreign Intelligence Surveillance Act. As a result of the President not asking us to act in a timely fashion, we find ourselves in a difficult position. But in spite of that, both committees have worked diligently over the past few months. This hard work has resulted in two different versions of legislation to improve FISA, S. 2248, reported out of the committees.

I consulted extensively with Chairmen ROCKEFELLER and LEAHY about the best way for the Senate to consider this delicate subject. I have determined that in this situation it would be wrong of me to simply choose one committee's bill over the other. I personally favor many of the additional protections included in the Judiciary Committee bill. I oppose the concept of retroactive immunity in the Intelligence bill. But I cannot ignore the fact that the Intelligence bill was reported favorably by a vote of 13 to 2, with most Democrats on the committee supporting that approach. I explored the possibility of laying before the Senate a bill that included elements of both committee bills. Earlier this week I used Senate rule XIV to place two bills on the calendar, first S. 2440, consisting of titles I and III of the Intelligence bill, but did not include title II on retroactive immunity. The second bill, S. 2441, consists of title I of the Judiciary bill and titles II and III of the Judiciary bill. Senator LEAHY and I favor the second bill, S. 2441. But for me to override Senate precedent and rules in this case would be wrong and unfair. After consulting with Chairman ROCKEFELLER and Chairman LEAHY, we recognized—these two veteran legislators—that the best thing to do would be to follow regular order. It is the right thing to do. It is not right for me to pick and choose. After the committee structure has been established—and I believe in it—to simply say it doesn't matter in this case, it matters in every case. If it doesn't matter in one case, then it doesn't matter in any case. We have to follow the rules we have here; otherwise, it becomes very unfair, and it becomes a situation where I am the one picking and choosing. That isn't the way it should be. Both chairmen, with their experience, agreed that this was the right approach, even though, as I repeat, Senator LEAHY and I would rather have the Judiciary Committee bill that we believe strengthens the position we had initially and not have to try to put them in at a subsequent time.

Under regular order, under the rules of the Senate governing sequential referral, I will move to proceed to S. 2248, the bill reported by each committee. When that motion to proceed is adopted, the work of both committees will be before the Senate, all elements of both pieces of legislation. All Senators will then be involved in the process. That is how it should be—all members of the Intelligence Committee, all members of the Judiciary Committee, and all Members of the Senate, Democrats and Republicans.

Because of the order in which they considered the bill, the Intelligence Committee version will be the base text. The Judiciary Committee version will be automatically pending as a substitute amendment.

I admire and respect the work done by these two committees on a bipartisan basis. Senators LEAHY and SPECTER work extremely well together. Senators ROCKEFELLER and BOND work extremely well together. These are the two committees that will have matters before this Senate. In the weeks since the two committees acted, Senators ROCKEFELLER and LEAHY have been working very hard to narrow the differences between their two versions of the bill. The ranking Republicans, Senators BOND and SPECTER, have been included in these conversations and deliberations. I expect that when we begin debate on the bill there will be amendments to incorporate many of the Judiciary Committee provisions into the Intelligence Committee text. In my view, that will make the final product stronger.

There is one issue that cannot be resolved through formal negotiation. As some are aware, the Intelligence Committee bill provides the telephone companies with retroactive immunity for lawsuits filed by customers for privacy violations and other aspects of the law. For me and many Members, there is a belief that such a grant of immunity is not wise. Others disagree. We saw what happened in the Intelligence Committee. That is a committee that the Republican leader and I worked very hard to get people on that committee who are going to work long hours. No committee in the Congress works longer hours than the Intelligence Committee. They work in anonymity. They don't have public hearings very often. Most of the time they are secluded in the Hart Building in that confidential space they have alone. The press doesn't know what is going on there. Staff, except for a few exclusive staff members, have no idea what is going on in there. These people on the Intelligence Committee work very hard and out of the purview of the public. That is the way it has to be. I expect there will be full debate on this subject of immunity next week as there should be.

Senators SPECTER, FEINSTEIN, WHITEHOUSE, WYDEN, and others are working to craft a compromise that might give the phone companies some relief but would allow the lawsuits to go forward in a manner that would preserve accountability. In one way or another, we must ensure that President Bush is held accountable for his actions. Some people believe his actions were unwise and misdirected. It is important for the Senate to complete work on this bill next week to allow time for the Senate and House to produce a final product in conference. Our ultimate goal is a bill that commands broad bipartisan support in the Congress and in the country. The process I have outlined offers us the best opportunity to do so. It is going to be difficult, it is going to be time consuming, and it is going to be important. It is for the safety and security of our Nation.

Mr. WYDEN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WYDEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Madam President, for nearly 30 years, the Foreign Intelligence Surveillance Act, FISA, as it has come to be known, has represented the ultimate balance between our country's need to fight terrorism ferociously and to protect the constitutional rights of the American people.

I intend to outline several of the key issues in this debate this afternoon. First, though, I want to say a word about the process which the distinguished Senate majority leader has just touched on.

I was one of two in the Senate Intelligence Committee to oppose the Intelligence Committee's version of the legislation. I am strongly opposed to granting telecommunications companies total retroactive immunity when they have been accused of wrongdoing in the President's warrantless wiretapping program. The Intelligence Committee legislation includes such a grant of immunity, and it was the major reason I opposed the legislation.

I do, however, respect Senator REID's decision to hold the debate on this legislation under the regular Senate rules. Certainly, the distinguished majority leader has been under a lot of pressure from all sides to change the rules that in one way might favor one side or the other, but I think the majority leader has made the right decision by insisting that this debate go by the book.

I have had the chance now to work with the distinguished majority leader for more than a quarter century. I know how much respect he has for the Senate and for this institution. He firmly believes in the committee process. He firmly believes in the Senate's rules and traditions, and he worked to carry those beliefs out as both the minority whip and the minority leader. So we will have a chance, as Senator REID noted, to try to work a compromise on several of these key issues.

I have said on a number of occasions, it may well be appropriate that the phone companies deserve some measure of protection with respect to their role in this surveillance program. But at a time when there are scores of lawsuits, the idea of complete and retroactive immunity seems to me to be over the line.

It would be my intention, if we cannot reach a compromise on this issue—and it is my hope we will—it would be my intention, once again, to oppose legislation that grants total and complete immunity for the companies.

Now, when the Senate Intelligence Committee picked up on its work this fall, coming back after the recess period, once again, we had a chance to meet with the director of the intelligence community, Mr. MCCONNELL. As usual, he laid out a thoughtful case on a key issue, and that is that in some respects the Foreign Intelligence Surveillance Act has not kept up with the times.

Clearly, there are threats overseas, when one foreigner communicates with another foreigner, where it is important that our intelligence officials are in a position to protect the interests of the American people and run surveillance with respect to those conversations.

I and others said to the administration repeatedly that we would be supportive of that effort, and we would be supportive of that effort even when on an incidental basis it might pick up the conversations of innocent Americans. It was an effort to try to reach common ground with the administration and, in particular, to acknowledge that Admiral McConnell had a very valid point.

But, unfortunately, the administration would not take yes for an answer. I and others said—Chairman ROCKEFELLER, Senator BOND. I have had the chance to work closely with both of them. Both of them have been supportive of a number of initiatives I have felt strongly about with respect to accountability, holding the intelligence community to its word with respect to disclosure, declassification.

I have the view that when Chairman ROCKEFELLER and Senator BOND have a chance to work with a number of us on the committee, we can find common ground on a lot of these key issues. We can find common ground on the issue that the administration said for months and months was their principal concern; and that was to be able to pick up on the conversations of individuals overseas who represented a real threat to the security and well-being of the American people.

But, as I indicated, that was not enough for the administration. They would not accept yes for an answer. At that point, they then began to push very hard for this idea of complete and retroactive immunity for the telecommunications companies. This came, of course, after years and years of the administration saying this program was lawful. I have had some difficulty squaring the fact that the administration said for so long—for literally years—that the program was lawful and now, in the face of all these lawsuits, despite the assertion that the program was so lawful, there should be this blanket grant of immunity. So that alone raised concerns on my part. I decided to dig even more deeply into this issue.

There are a number of Department of Justice legal opinions that relate to this program. The President has refused to make these opinions public or even share them with most Members of Congress. Our committee has reviewed the Department of Justice legal opinions related to the President's warrantless wiretapping program, and I have read these opinions myself. In my judgment, the legal reasoning in these opinions is shaky at best, and in some areas it is exceptionally weak.

I think most Americans would be surprised and dismayed to learn that their President had ordered the NSA to conduct this program based on such flimsy legal justification. Nothing in any of these opinions has convinced me that the President's warrantless wiretapping program was legal. Now that the existence of the warrantless wiretapping program has been confirmed, I see no national security reason to classify most of these opinions. As far as I can tell, these opinions are being kept classified in order to protect the President's political security, not our national security.

Our committee has also reviewed written correspondence sent to certain telecommunications companies by the Government, and I have read this correspondence as well. I cannot reveal the details of this correspondence, but I can say that I remain unconvinced that the Congress should grant total immunity to the companies.

For years, there have been a number of laws on the books, such as the Wiretap Act, the Electronic Communications Privacy Act, and, of course, the Foreign Intelligence Surveillance Act, that together make it very clear that participating in a warrantless wiretapping program is against the law.

Now, a number of our colleagues have argued that any companies that were asked to provide assistance after September 11 should be granted leniency since they acted during a time of national panic and understandable confusion. I think this argument has some merit, but the bill that was reported by our committee would not just grant immunity for 6 months or a year after September 11, it would grant immunity for actions taken up to 5 years after our country was attacked. I think that is far too long, and I will explain why.

If a phone company executive was asked to participate in warrantless wiretapping in the weeks after September 11, it is understandable that he or she might not take the time to question assertions from the Government that the wiretapping was legal, but this should not give a free pass to participate in warrantless wiretapping forever. At some point over the following months and years, this phone company executive has an obligation to think about whether they are complying with the law, and as soon as you realize that you are breaking the law, you have an obligation to stop. In the months and years following September 11, it should have been increasingly obvious to any phone company that was participating in this program that it might not be following the law.

For starters, in the weeks after September 11, Congress and the President got together to review the Foreign Intelligence Surveillance Act, including the wiretapping provisions. But Congress did not change the sections of the Foreign Intelligence Surveillance Act that state warrantless wiretapping is illegal. This should have been a giant red flag to any phone company that participated in the program.

Next, in the summer of 2002, the Director of the NSA, General Hayden, appeared before our committee in open session and testified about the need to get warrants when someone was inside the United States. I am sure General Hayden would argue he was parsing his words carefully, but at a minimum it was clear, at this point, most of the Congress, and certainly the American people, believes warrantless wiretapping was illegal. The President has argued he authorized this program under his authority as Commander in Chief, but in the spring of 2004, the Supreme Court issued multiple rulings clearly rejecting the idea that the President can do whatever he wishes because the country is at war. These rulings should have also been a giant red flag for any phone company engaged in warrantless wiretapping.

Finally, as the Intelligence Committee's recent report noted, most of the letters requesting assistance stated the Attorney General believed the program was legal, but as our report points out, one of the letters did not even say the Attorney General had approved. I have read this letter, and I believe it should have set off loud alarm bells in the ears of anyone who received it. In my view, as the years rolled by, it became increasingly unreasonable for any phone company to accept the Government's claim that warrantless wiretapping was legal. By 2004, at the very latest, any companies involved in the program should have recognized the President was asking them to do things that appeared to be against the law. The former CEO of Qwest has said publicly he refused requests to participate in warrantless surveillance because he believed it violated privacy laws. I cannot comment on the accuracy of this claim, but I encourage my colleagues to stop and think about its implications.

I also encourage my colleagues to go read the letters that were sent to telecommunications companies. I think these letters seriously undermine the case for blanket retroactive immunity. The bill that passed the Intelligence Committee would grant immunity long past the point at which it was reasonable for phone companies to believe the President's assertions. It would even grant immunity stretching past the point at which the program became public. By the beginning of 2006, the program was public and all the legal arguments for and against warrantless wiretapping were subject to open debate. Clearly, any companies that participated in this program in 2006 did so with the full knowledge of the possible consequences. I see no reason at all why retroactive immunity should cover this time period. When the Senate Intelligence Committee voted to grant total retroactive immunity, I voted no because I thought it was necessary to take more time to study the relevant legal opinions as well as the letters that were sent to the communications companies.

Now that I have had a chance to study these documents, I am convinced that granting 6 years of total retroactive immunity is not warranted. I would very much like to support this important legislation because certainly there are many good provisions and they have been put together under the work of Chairman ROCKEFELLER and Senator BOND. It is my hope, as Senator REID noted earlier, we will be able to find a compromise with respect to this issue. As I have said, it may well be clear at some point down the road that the phone companies deserve some measure of protection. We certainly want law-abiding citizens and companies to be supportive of our country in times of danger, and that is why I have made the point that if we were talking about a relatively short period after 9/11, it would be one thing, but it is quite another when you are talking about year after year after year, when there were red warning flags going up.

So I look forward to working with Chairman ROCKEFELLER and Senator BOND, both of whom have great expertise in this field and have always been very fair, and I hope we can find a way to address the question of the communications companies in a fair way.

I would also like to say, before I wrap up—I know it is late in the day—a quick word about an amendment I offered in the committee that has been included in both versions of the legislation that the Senate Intelligence Committee wrote and that was written in the Judiciary Committee. Many Americans may not realize the original FISA law only provided protections for our people inside the United States and it does not cover Americans who travel overseas. If the Government wants to deliberately tap the phone calls of a businesswoman in Minneapolis, MN, or an armed services member in Roseburg, OR, the Government has to go to a judge and get a warrant. But if that Minnesota businesswoman or Oregon serviceman is sent overseas, the Attorney General can personally approve a surveillance by making his own unilateral determination of probable cause.

It is my view that in the digital age, it makes no sense for Americans' rights and freedoms to be limited by physical geography. So when the Intelligence Committee was writing its legislation, I offered an amendment that would require the Government to get a warrant before deliberately surveilling Americans who happen to be outside the country. That amendment establishing these "rights that travel," so to speak, was cosponsored by Senators FEINGOLD and WHITEHOUSE, and it was approved in the Senate Intelligence Committee on a bipartisan vote. The White House, regrettably, called this amendment troublesome, and I will only say I am prepared to work with colleagues on this issue. Just as I indicated I will be working with our Vice Chairman, Senator BOND, on the issue of telecommunications immunity, I am prepared to work with him and the chairman of the committee, Senator ROCKEFELLER, on my amendment to make sure there are no unintended consequences with respect to the amendment I authored that is in the Intelligence Committee legislation and that is also in the Judiciary Committee print.

I am not prepared to agree that Americans who step outside the country should have fewer rights than they do here at home. I am going to fight for that amendment that ensures Americans in the digital age have their individual liberties, have their constitutional rights wherever they travel, and I am going to fight for it even if the administration continues to oppose it.

I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. REID. Madam President, I now move to proceed to Calendar No. 512, S. 2248, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 2248, FISA.

Harry Reid, Patrick Leahy, Ken Salazar, Daniel K. Inouye, Robert P. Casey, Jr., Frank R. Lautenberg, Debbie Stabenow, Richard J. Durbin, Tom Carper, John Kerry, E. Benjamin Nelson, Evan Bayh, Kent Conrad, Carl Levin, Mark Pryor, Charles Schumer, Jay Rockefeller, S. Whitehouse, Bill Nelson.

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum be waived that is required under rule XXII and that the cloture vote occur at 12 noon, Monday, December 17.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I now withdraw the motion.

The PRESIDING OFFICER. The motion is withdrawn.

CHANGES TO S. CON. RES. 21

Mr. CONRAD. Madam President, section 302 of S. Con. Res. 21, the 2008 budget resolution, permits the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other appropriate levels for legislation that improves certain services for and benefits to wounded or disabled military personnel and retirees, veterans, and their survivors and dependents. Section 302 authorizes the revisions provided that the legislation does not worsen the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

I find that the conference report accompanying H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008, satisfies the conditions of the deficit-neutral reserve fund for veterans and wounded service members. Therefore, pursuant to section 302, I am adjusting the aggregates in the 2008 budget resolution, as well as the allocation provided to the Senate Armed Services Committee.

I ask unanimous consent to have the following revisions to S. Con. Res. 21 printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Concurrent Resolution on the Budget for Fiscal Year 2008—S. Con. Res. 21; Revisions to the Conference Agreement Pursuant to Section 302 Deficit-Neutral Reserve Fund for Veterans and Wounded Servicemembers

[In billions of dollars]

Section 101	
(1)(A) Federal Revenues:	
FY 2007	1,900.340
FY 2008	2,025.853
FY 2009	2,121.872
FY 2010	2,175.881
FY 2011	2,357.045
FY 2012	2,499.046
(1)(B) Change in Federal Revenues:	
FY 2007	−4.366
FY 2008	−24.943
FY 2009	14.946
FY 2010	12.160
FY 2011	−37.505
FY 2012	−98.050
(2) New Budget Authority:	
FY 2007	2,371.470
FY 2008	2,508.884
FY 2009	2,527.042
FY 2010	2,581.368
FY 2011	2,696.714
FY 2012	2,737.580
(3) Budget Outlays:	
FY 2007	2,294.862
FY 2008	2,471.500
FY 2009	2,573.867
FY 2010	2,609.801
FY 2011	2,702.693
FY 2012	2,716.354

Concurrent Resolution on the Budget for Fiscal Year 2008—S. Con. Res. 21; Revisions to the Conference Agreement Pursuant to Section 302 Deficit-Neutral Reserve Fund for Veterans and Wounded Servicemembers

[In millions of dollars]

Current Allocation to Senate Armed Services Committee:	
FY 2007 Budget Authority	98,717
FY 2007 Outlays	98,252
FY 2008 Budget Authority	102,125
FY 2008 Outlays	102,153
FY 2008–2012 Budget Authority	546,992
FY 2008–2012 Outlays	546,679
Adjustments:	
FY 2007 Budget Authority	0
FY 2007 Outlays	0
FY 2008 Budget Authority	−15
FY 2008 Outlays	−112
FY 2008–2012 Budget Authority	258
FY 2008–2012 Outlays	−22
Revised Allocation to Senate Armed Services Committee:	
FY 2007 Budget Authority	98,717
FY 2007 Outlays	98,252
FY 2008 Budget Authority	102,110
FY 2008 Outlays	102,041
FY 2008–2012 Budget Authority	547,250
FY 2008–2012 Outlays	546,657

ENERGY INDEPENDENCE AND SECURITY ACT

Mr. FEINGOLD. Madam President, I support the passage of the Energy Independence and Security Act of 2007, H.R.

6, which sets the U.S. energy policy on the right path.

I am particularly supportive of the critical improvements that were made in this bill to raise vehicle fuel economy standards while protecting American jobs. It is vitally important to my hometown of Janesville, WI, and to other hard-working communities across the country that Congress strike the right balance on this issue. Since the Senate considered the Energy bill earlier this year, I have worked with my colleagues to ensure that the final version includes strong but reasonable CAFE standards. I am glad that together we have accomplished that feat, and the bill has the support of interests as varied as the UAW, General Motors, and environmental groups.

I also support the bill's renewable fuel standard, which will require 36 billion gallons of renewable fuels by 2022, of which 21 billion will come from advanced biofuels, such as cellulosic ethanol and biodiesel. The bill also includes language I cosponsored urging that 25 percent of energy come from renewable sources by 2025 and setting requirements for improved energy efficiency for buildings, appliances, and lighting. The bill also includes an important provision, based on a bill I cosponsored, that makes it unlawful for an individual to knowingly manipulate the price of oil or gas.

I am, however, disappointed that after hard work and negotiations that produced a good, balanced energy bill, a minority of Senators repeatedly blocked the bill. It is unfortunate that to overcome this Republican roadblock, we had to remove the renewable electricity standard and the energy tax provisions—these new or extended renewable energy tax incentives were fully offset, so they would not have added to our deficit.

However, on balance, the version of the bill that the Senate passed is a positive step. It moves us away from our dependence on oil, increases our energy security, encourages renewable energy and energy efficiency, and supports hard-working families and communities around the country.

This year's Energy bill finally moves past the misguided debates of previous Congresses and the fiscally and environmentally irresponsible proposals that were considered and passed in recent years. The United States is at an important juncture. By supporting the Energy bill, I am supporting a new direction for our Nation's energy policy: one that encourages renewable energy, conservation of the resources we have, and American innovation.

TORTURE

Mr. CARDIN. Madam President, as co-chairman of the Helsinki Commission, I chaired a field hearing this week at the University of Maryland College Park campus. The title of that hearing was "Is It Torture Yet?"—the same question I was left with after Attorney General Michael Mukasey's nomination hearings.

The day of the hearings was also International Human Rights Day, which commemorates the adoption of the Universal Declaration on Human Rights nearly 60 years ago. The historic document declares, "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

In the Helsinki process, the United States has joined with 55 other participating States to condemn torture. I want to quote one particular provision, because it speaks with such singular clarity. In 1989, in the Vienna Concluding Document, the United States—along with the Soviet Union and all of the other participating States—agreed to "ensure that all individuals in detention or incarceration will be treated with humanity and with respect for the inherent dignity of the human person." This is the standard—with no exceptions or loopholes—that the United States is obligated to uphold.

I deeply regret that six decades after the adoption of the Universal Declaration, we find it necessary to hold a hearing on torture and, more to the point, I regret that the United States' own policies and practices must be a focus of our consideration.

As a member of the Helsinki Commission, I have long been concerned about the persistence of torture and other forms of abuse in the OSCE region. For example, I am troubled by the pattern of torture in Uzbekistan—a country to which the United States has extradited terror suspects. Radio Free Europe reported that in November alone two individuals died while in the custody of the state. When their bodies were returned to their families, they bore the markings of torture. And, as our hearing began, we were notified that a third individual had died under the same circumstances.

Torture remains a serious problem in a number of OSCE countries, particularly in the Russian region of Chechnya. If the United States is to address these issues credibly, we must get our own house in order.

Unfortunately, U.S. leadership in opposition to torture and other forms of ill-treatment has been undermined by revelations of abuse at Abu Ghraib prison and elsewhere. When Secretary of State Rice met with leading human rights activists in Moscow in October, she was made aware that the American forces' conduct at Abu Ghraib has damaged the United States' credibility on human rights.

As horrific as the revelations of abuse at Abu Ghraib were, our Government's own legal memos on torture may be even more damaging, because they reflect a policy to condone torture and immunize those who may have committed torture.

In this regard, I was deeply disappointed by the unwillingness of Attorney General Mukasey to state clearly and unequivocally that waterboarding is torture. I chaired part of the Attorney General's Judiciary confirmation hearing and found his responses to torture-related questions woefully inadequate. On November 14, I participated in another Judiciary Committee hearing at which an El Salvadoran torture survivor testified. This medical doctor, who can no longer practice surgery because of the torture inflicted upon him, wanted to make one thing very clear: as someone who had been the victim of what his torturers called "the bucket treatment," he said, waterboarding is torture.

This week, this issue came up again—this time at the Senate Judiciary Committee's hearing on Guantanamo. One of the witnesses was BG Thomas Hartman, who was specifically asked whether evidence obtained by waterboarding was admissible in Guantanamo legal proceedings. Like Judge Mukasey, he would not directly answer that question. Nor would he respond directly when asked if a circumstance arose—hypothetically—whether waterboarding by Iranians of a U.S. airman shot down over Iran would be legal according to the Geneva Conventions. In fact, the Geneva Conventions prohibit the use of any coercive interrogation methods to obtain information from a Prisoner of War. I am deeply concerned that the administration's efforts to avoid calling waterboarding what it is—torture—is undermining the interpretation of the Geneva Conventions, which we have relied upon for decades to protect our own service men and women.

The destruction of tapes by the CIA showing the interrogation of terror suspects raises a host of additional concerns. First, these tapes may have documented the use of methods that may very well have violated U.S. law. Second, the tapes may have been destroyed in violation of court orders to preserve exactly these sorts of materials. If the administration is willing to destroy evidence in violation of a valid court order, we have a serious rule-of-law problem. Finally, it is profoundly disturbing that materials formally and explicitly sought by the 9/11 Commission—mandated to investigate one of the worst attacks on American soil in the history of our country—were not turned over by the CIA. The destruction of the CIA tapes should be carefully investigated.

Mr. President, the Congress must act to ensure that abuses by U.S. Government personnel are not committed on the false theory that this somehow makes our country safer.

UPCOMING GENERAL ELECTIONS IN KENYA

Mr. FEINGOLD. Madam President, the last time I devoted a floor statement to Kenya it was to condemn the assault by elite police and paramilitary commandos armed with AK-47s on the offices of the Standard Group's offices in an attempt, by the government of that time, to prevent an independent newspaper from publishing a story on a sensitive political matter. That was nearly 2 years ago—in March 2006—when Kenya's President Mwai Kibaki and senior members of his government were facing serious charges of bribery, mismanagement of public funds, inadequate governance reform efforts, and political favoritism. Unfortunately, while some reform measures have been instituted, corruption continues to choke Kenya's government and permeate society as efforts to curb such practices have been significantly deprioritized. Transparency International's 2007 Corruption Perceptions Index shows Kenya sliding down to number 150 out of 179 countries, on par with Zimbabwe and Kyrgyzstan.

More encouraging have been the increasingly engaged voices of the Kenyan people and the dynamic media that has developed since the last election. The last election showed the people of Kenya that their votes did count enough to bring about a change, and the independent press has simultaneously expanded and strengthened remarkably. Media outlets have not allowed themselves to be intimidated as they persist in exposing government mismanagement. Furthermore, while the courts are not entirely independent, they have taken up several high-profile cases, and some key ministers have been forced to resign. While Kenya's democracy is increasingly robust, it is nevertheless still quite young. The new few weeks may reveal just how much progress has been made—and how much progress is likely to be made in the future.

In two weeks—on Thursday, December 27—Kenyans will go to the polls to vote for their President, Parliament, and local officials. Five years ago, the Kenyan people went to the polls and unambiguously rejected years of mismanagement, corruption, and declining economic growth by overwhelmingly electing the opposition National Rainbow Coalition, NARC, to power, ending more than 40 years of rule by the Kenya African National Union, KANU. President Kibaki and his administration deserve credit for advancing basic freedoms and permitting the emergence of a vibrant civil society, but his failure to rein in corruption in government ranks has him now just trailing Raila Odinga, his main contender in the presidential race.

The fact that these elections are so close and hotly contested is a good sign for Kenya's democracy. For the first time, a number of parties appear to be taking small but noticeable steps away from ethnic loyalties and towards more legitimate political platforms. Such a development is an essential component as the country moves towards better governance, and I am so pleased by all the work the administration—and in particular the embassy in Nairobi—is undertaking by working closely with the Electoral Commission of Kenya, political parties, civil society organizations and other international partners through a new multidonor-funded, comprehensive electoral assistance program. Such initiatives are vital to help bring about a strong democracy.

As the 2007 national elections approach, however, there are a number of challenges to a peaceful and fair multiparty process. Like other Kenyan polls before it, this campaign period has been fraught with violence and accusations of fraud. The electoral commission is investigating reports of voting cards being bought, and the primary conventions of the mainstream political parties were interrupted by violence and chaos. On balance, there are those who say security has gotten better, but violence continues at unacceptable rates and around 16,000 Kenyans have been displaced in election-related violence.

Last May, the United States Ambassador to Kenya, Mr. Michael Ranneberger, addressed the Kenyan government and political community. He promised that the United States would be neutral in the elections and in building the capacity of political parties and civil society, but he made it clear that, and I quote, "We are not neutral with respect to . . . the conduct of elections. We want to see an inclusive, fair, and transparent electoral process."

As voting day draws near, it is essential that the international community speaks with one voice in calling for all parties to refrain from violence and fraud before, during, and after the upcoming polls. Kenya's political elite, military officials, judicial bodies, and 14 million registered voters must understand that the world is watching closely for signs that Kenya is truly committed to good governance and rule of law. Kenya's important leadership role in the region and throughout the continent make it particularly important that the government ensure the open flow of information, freedom of assembly, and nonpartisan conduct of the polls. Further, the government must refrain from any misuse of its resources or authorities in the runup to the election and on Election Day. All parties should renounce efforts to enflame tribal hatred, which means that politicians need to control their rhetoric, eschew violence, and avoid threats.

International support for Kenya's upcoming polls includes a large number of foreign observers who will be dispersed across the country to witness the polling on Election Day. Reports from these monitors and independent media will inform opinions around the globe not only when it comes to assessing the past 5 years of President Kibaki's administration but also in determining the legitimacy of the next government. In 2 weeks, all eyes will be on a country that is an important role model of stability and growth in a region beset by natural and manmade disasters. It is not only Kenya's next president and other political leadership who will be decided on December 27, but it is also the state of its democracy.

OPEN GOVERNMENT ACT

Mr. KYL. Madam President, I rise today to comment on the OPEN Government Act. This bill is only a slightly modified version of S. 849, a bill that passed the Senate on August 3 of this year. At that time, I made a more complete statement regarding the bill—see 153 CONGRESSIONAL RECORD at 22944 to 22946 in the RECORD, on August 3, 2007—as did Senators LEAHY and CORNYN—see the RECORD at 22943 to 22944 and 22946 to 22947. Thus my remarks today need only describe the changes made to the bill and a few other matters.

One section of the bill that makes important changes to the law and thus deserves comment is section 6. Although this section appeared in S. 849, I did not address the provision in August because final negotiations regarding the language of that section were completed only an hour or so before we began a hotline of the bill. The purpose of section 6 is to force agencies to comply with FOIA's 20-day deadline for responding to a request for information. The original introduced version of S. 849 sought to obtain agency compliance by repealing certain FOIA exemptions in the event that an agency missed the 20-day deadline, an approach that I and others argued would impose penalties that were grossly disproportionate and that would principally punish innocent third parties—see S. Rep. 110-059 at 13–14 and 15–19. The current draft applies what is in my view a much better calibrated sanction, the denial of search fees to agencies that miss the 20-day deadline with no good excuse.

Several features of this new system merit further elaboration. First, the 20-day deadline begins to run only when a FOIA request is received by the appropriate component of the agency, but in any event no later than 10 days after the request is received by a FOIA component of the agency. The reasoning behind this distinction is that requesters should receive the full benefit of the 20-day deadline if they make the effort to precisely address their request to the right FOIA office, and that they should also be protected by the secondary 10-day deadline if they at least ensure that their request goes to some FOIA component of the agency. So long as a misdirected request is sent to some FOIA component of an agency, it is reasonable to expect that such component will be able to promptly identify that missive as a FOIA request and redirect it to its proper destination.

On the other hand, if a FOIA request is sent to a part of an agency that is not even a FOIA component, it is difficult to impose particular deadlines for processing the request. For example, if a request is sent to an obscure regional office of an agency, it will probably simply be sent to regional headquarters. Many agencies have a large number of field offices whose staff handle very basic functions and are not trained to handle FOIA requests. Such staff probably will not recognize some requests as FOIA requests. Implementing a deadline that extended to FOIA requests that are received by such staff would effectively require training a large number of additional agency staff in FOIA, something that Congress has not provided the resources to do.

Also, because this bill imposes significant sanctions on an agency for a failure to comply with the 20-day deadline, it is important that the deadline only begin to run when the agency can reasonably be expected to comply with it, and that the law not create opportunities for gamesmanship. If the deadline began to run whenever an agency component receives the request, for example, sophisticated commercial requesters might purposely send their request to an obscure field office in the hope that by the time the FOIA office receives the request, it will be impossible to meet the deadline, and the requester will thereby be relieved from paying search fees. Given the wide variety of types of FOIA requesters, Congress cannot simply assume that every requester will act in good faith and that no requester will seek to take advantage of the rules. The present bill therefore initiates the 20-day deadline only when the request is received by the proper FOIA component of the agency, or no later than 10 days after the request is received by some FOIA component of the agency.

Section 6 of the bill also allows FOIA's 20-day response deadline to be tolled while an agency is awaiting a response to a request for further information from a FOIA requester, but only in two types of circumstances. Current practice allows tolling of the deadline whenever an agency requests further information from the requester. Some FOIA requesters have described to the Judiciary Committee situations in which some agencies have abused this process. For example, some agencies, when they are about to miss the 20-day deadline, allegedly have contacted a requester to simply inquire whether the requester still wants the request, or with other frivolous inquiries, all for the purpose of obtaining tolling of the deadline. Such practices should not be permitted. On the other hand, agencies do have a legitimate need for some tolling of the deadline. The language of subclauses (I) and (II) is the result of hard-fought negotiations between the FOIA requester community and representatives of the agencies, negotiations to which Senator LEAHY and I, frankly, served more as mere conduits rather than full participants. This language allows tolling whenever and as often as necessary to clarify fee issues, and also allows one additional catch-all request with the stipulation that this additional request must be reasonable.

With regard to the tolling for requests for information relating to fee assessments that is authorized by subclause (II), neither agencies nor requesters would benefit if agencies could not contact requesters and toll the deadline while waiting to hear whether a requester still wanted the request in light of, for example, a substantial upward revision in the search fees that would be assessed in relation to a FOIA request. And because such upward revisions might occur multiple times as a request is processed, it is not practical to impose a numerical limit on such fee-related requests. Such requests need only be necessary in order to be entitled to tolling under this subclause. Presumably, a request as to whether a requester still wanted his request in light of a trivial upward revision in the search-fees estimate would not be "necessary," and therefore would not be entitled to tolling. Moreover, tolling only occurs while the agency is awaiting the requester's response. If an agency were to call or e-mail a requester and inquire whether he still wanted the request in light of a $100 increase in estimated review or search fees, and the requester immediately responded yes, no tolling would occur. At least at this time, it is not apparent how this tolling exception could be abused.

With regard to the catch-all requests authorized by subclause (I), representatives of the agencies identified for the committee a wide array of additional reasons for which agencies reasonably need to request additional information from the requester and should be entitled to tolling. The agencies' representatives, however, also thought that an agency would not need to make more than one such non-fee-related information request. Since the agencies are the masters of their own interests, we have incorporated that limit into this bill, allowing the agencies to make a tolling-initiating request for any purpose and in addition to previous fee-related requests, with the additional stipulation that these one-time requests also be reasonable.

Additional changes were made to this bill from S. 849. This bill omits section 8 of the August-passed bill. The former section 8 maintained the requirement that previously enacted statutes only be construed to create exemptions to FOIA if the statute at least established criteria for withholding information, but required that future statutes instead include a clear statement that information is not subject to release under FOIA. I only grudgingly accepted former section 8 since I do not favor the use of clear statement rules in this circumstance. The rule likely would serve as a trap for unwary future legislative drafters. Under such a rule, even a statement in a statute that particular information shall not be released under any circumstances whatsoever would be construed not to preclude release of the information under FOIA. On the other hand, some FOIA requesters came to have second thoughts about section 8's elimination of the requirement for future legislation that FOIA exemptions at least set criteria for what information may be withheld. In my view, it would not be practical to require a clear statement in addition to requiring that exemptions only be implied when release criteria are identified. At the very least, it would pose a difficult question of statutory construction were a court asked to construe a statute to allow information to be "FOIAble", despite a clear statement in the statute that the information was not subject to release under FOIA, because the statute did not also set criteria for withholding the information. I have never seen such a "clear-statement-plus rule." I think that simple clear-statement rules themselves reach the zenith of one legislature's power to bind future legislatures, and that a "clear-statement-plus rule" would cross that line. Given the preference of some advocates for this bill for keeping the requirement that FOIA exemptions identify withholding standards or criteria, and my objection to combining a clear-statement rule with additional requirements for identifying a FOIA exemption, the compromise reached in this bill was simply to strike the previous section 8.

This draft also includes a provision that is now subsection (b) of section 4 that requires that attorneys' fees assessed against agencies be extracted from the agencies' own appropriated budgets rather than from the U.S. Treasury. This change was necessary in order to avoid an unwaivable point of order against the bill in the House of Representatives under that body's pay-go rules. I do not like this provision. As I explained in my August 3 remarks, I believe that section 4 already awards attorneys' fees too liberally in the circumstances of a settlement. Effectively, it protects an agency from fee assessments not when the agency's legal position would prevail on the merits, but rather only when the requester's claims would not survive a motion to dismiss or for summary judgment. I believe that this standard will discourage agencies from settling—even a case that the agency believes that it will win at trial it likely will be disinclined to settle if the agency believes that the claims would not be dismissed on summary judgment. Subsection (b), by extracting the fees out of the agency's own budget, substantially aggravates section 4's de facto no-good-deed-goes-unpunished rule, and will further aggravate section 4's tendency to discourage agencies from settling FOIA lawsuits. Unfortunately, we have been unable to identify any way of solving the bill's pay-go problems other than by partly repealing or delaying the implementation of parts of the OPEN Government Act, solutions to which advocates for the bill balked. The effects of subsection (b) should be monitored and, if the provision is as discouraging of settlements and disruptive to agency budgets as I fear that it might be, perhaps the provision should be repealed or a separate fund established to pay the fees assessed pursuant to FOIA's fee-shifting rules.

Finally, the bill includes two changes that were sought by the House. One is to expand section 6's denial of search fees to agencies that miss the response deadline to also include duplication fees in the case of media requesters and other subclause (II) requesters who already are exempted from search fees. Since these requesters already do not pay search fees, in their cases the threat of denying agencies such fees if the 20-day response deadline is not met is not much of a sanction. Although duplication fees for idiosyncratic requests sometimes are massive and denying such fees in all cases would be excessive—paper and toner do cost money—it is my understanding that media and other subclause (II) requesters typically make narrow and tailored requests that do not result in massive duplication costs.

The last change made in this bill is the addition of the new section 12, which requires that when an agency deletes information in a document pursuant to a FOIA exemption, that it identify at the place where the deletion is made the particular exemption on which the agency relies.

Overall, I believe that the bill that will pass the Senate today strikes the right balance and that it will improve the operation of the Freedom of Information Act, and I encourage my colleagues to support this legislation.

ADDITIONAL STATEMENTS

REMEMBERING JOHN MOSES

• Mr. FEINGOLD. Madam President, today I honor the memory of a man who served the State of Wisconsin, and its veterans, with great skill and dedication for more than two decades. John Moses served as secretary of the Wisconsin Department of Veterans Affairs from 1962 to 1984. I had the great pleasure of knowing John personally, and having him serve as a member of my Veterans' Advisory Committee. I saw firsthand how committed he was to ensuring that Wisconsin's veterans, who have given so much to our country, get the care and services they deserve in return.

In fact, John was a veteran himself, who bravely served in World War II. He came under attack twice as part of an antiaircraft unit in the Aleutian Islands, and later, in the European theater, led the point platoon in General Patton's drive across the Moselle River to Siegfried line. He also survived a severe wound he received in combat on the German border, which put him in the hospital for more than a year. John's heroic military service said volumes about the kind of man he was and how devoted he was to serving our country.

Service of every kind defined John's life, from his time in the U.S. military to his tenure at the Wisconsin Department of Veterans Affairs, and through other efforts, such as his 10 years as president of the Gays Mills School Board. John came from a tradition of public service; his father was Governor of North Dakota, and he was then elected to the Senate. He briefly served in this body before he passed away in 1945.

John Moses was a man of outstanding character and uncommon commitment to both his State and his country. I feel fortunate to have known him, and I know that the State of Wisconsin is a better place for his dedicated efforts. That is a lasting legacy and one to which I am proud to pay tribute today.•

REMEMBERING MICHAEL DOHENY

• Mr. HAGEL. Madam President, I rise to express my sympathy over the loss of Michael Doheny of Nebraska. Michael, a civilian contractor, died in Iraq on December 9 when an improvised explosive device struck his convoy vehicle. He was 35 years old.

Michael was raised in Broken Bow, NE, and graduated from Broken Bow High School in 1996. He joined the Marine Corps after high school, where he served 8 years and achieved the rank of sergeant. In 2005, Michael left the military and began work as a civilian contractor for SOC-SMG, providing security at military bases and other installations. He was serving his third tour of duty as a civilian contractor in Iraq when he was killed.

All of Nebraska is proud of Michael's service to our country, as well as the thousands of brave men and women serving in Iraq and Afghanistan.

Michael is remembered as a devoted husband, son, and brother. In addition to his wife Melissa, he is survived by his mother, Kathy Kugler; two brothers, Marine Sgt. Robert Kugler and John Doheny; and sister Amy Ritchie.

I ask my colleagues to join me and all Americans in honoring Michael Doheny.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and two withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2483. A bill to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Finance:

Report to accompany S. 1607, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes (Rept. No. 110-248).

Report to accompany S. 2113, a bill to implement the United States-Peru Trade Promotion Agreement (Rept. No. 110-249).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. TESTER (for himself, Mr. JOHNSON, Mr. BROWN, and Mr. CARDIN):

S. 2485. A bill to amend the Public Health Service Act to provide for the participation of physical therapists in the National Health Service Corps Loan Repayment Program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself, Mr. SMITH, and Mr. DURBIN):

S. 2486. A bill to remove a provision from the Immigration and Nationality Act that prohibits individuals with HIV from being admissible to the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. CRAPO (for himself and Mr. JOHNSON):

S. 2487. A bill to increase community development investments by depository institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEAHY (for himself, Mr. CORNYN, Mr. KYL, Mr. SPECTER, Mr. KERRY, Mrs. BOXER, Mr. FEINGOLD, Mr. DURBIN, Ms. LANDRIEU, Mr. SMITH, Mr. ALEXANDER, Mr. COBURN, Mr. ISAKSON, Mr. OBAMA, Mr. CARDIN, Mr. SANDERS, Mr. BROWN, and Mrs. MCCASKILL):

S. 2488. A bill to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes; considered and passed.

By Mr. JOHNSON (for himself and Mr. THUNE):

S. 2489. A bill to enhance and provide to the Oglala Sioux Tribe and Angostura Irrigation Project certain benefits of the Pick-Sloan Missouri River basin program; to the Committee on Indian Affairs.

By Mrs. MCCASKILL (for herself, Mr. KOHL, and Mr. CARPER):

S. 2490. A bill to prohibit authorized lenders of home equity conversion mortgages from requiring seniors to purchase an annuity with the proceeds of a reverse mortgage, and to provide other consumer protections to reverse mortgage borrowers; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. NELSON of Florida:

S. 2491. A bill to amend title 10, United States Code, to authorize adjustments for inflation in payments of forfeited pay and allowances to members of the Armed Forces whose courtmartial sentences of confinement and forfeiture are later set aside; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. COLLINS (for herself, Mr. BIDEN, Mrs. DOLE, Mr. COLEMAN, Mr. LIEBERMAN, Mr. LEVIN, Ms. SNOWE, Mr. JOHNSON, Mr. SMITH, Mrs. FEINSTEIN, Mrs. CLINTON, Ms. LANDRIEU, and Mr. SPECTER):

S. Res. 406. A resolution urging the Government of the Kingdom of Saudi Arabia to overturn the sentence of the "Girl of Qatif"; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 661

At the request of Ms. SNOWE, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 661, a bill to establish kinship navigator programs, to establish guardianship assistance payments for children, and for other purposes.

S. 988

At the request of Ms. MIKULSKI, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 988, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 1382

At the request of Mr. REID, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 1382, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1394

At the request of Ms. STABENOW, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1394, a bill to amend the Internal Revenue Code of 1986, to exclude from gross income of individual taxpayers discharges of indebtedness attributable to certain forgiven residential mortgage obligations.

S. 1418

At the request of Ms. STABENOW, her name was added as a cosponsor of S. 1418, a bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes.

S. 2042

At the request of Ms. STABENOW, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 2042, a bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes.

S. 2119

At the request of Mr. JOHNSON, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2135

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2135, a bill to prohibit the recruitment or use of child soldiers, to designate persons who recruit or use child soldiers as inadmissible aliens, to allow the deportation of persons who recruit or use child soldiers, and for other purposes.

S. 2166

At the request of Mr. CASEY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2166, a bill to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes.

S. 2344

At the request of Mr. MENENDEZ, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2344, a bill to create a competitive grant program to provide for age-appropriate Internet education for children.

S. 2400

At the request of Mr. SESSIONS, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 2400, a bill to amend title 37, United States Code, to require the Secretary of Defense to continue to pay to a member of the Armed Forces who is retired or separated from the Armed Forces due to a combat-related injury certain bonuses that the member was entitled to before the retirement or separation and would continue to be entitled to if the member was not retired or separated, and for other purposes.

S. 2462

At the request of Mr. AKAKA, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2462, a bill to provide that before the Secretary of Defense may furlough any employee of the Department of Defense on the basis of a lack of funds, the Secretary shall suspend any nonessential service contract entered into by the Department of Defense, and for other purposes.

S. 2480

At the request of Mrs. CLINTON, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2480, a bill to require the Secretary of Health and Human Services to publicly disclose the identity of long-term care facilities listed under the Special Focus Facility Program of the Centers for Medicare & Medicaid Services.

S. CON. RES. 53

At the request of Mr. NELSON of Florida, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Con. Res. 53, a concurrent resolution condemning the kidnapping and hostage-taking of 3 United States citizens for over 4 years by the Revolutionary Armed Forces of Colombia (FARC), and demanding their immediate and unconditional release.

S. RES. 396

At the request of Mr. CARDIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Res. 396, a resolution expressing the sense of the Senate that the hanging of nooses should be thoroughly investigated by Federal, State, and local law enforcement authorities and that any criminal violations should be vigorously prosecuted.

S. RES. 399

At the request of Mr. BROWNBACK, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. Res. 399, a resolution expressing the sense of the Senate that certain benchmarks must be met before certain restrictions against the Government of North Korea are lifted, and that the United States Government should not provide any financial assistance to North Korea until the Secretary of State makes certain certifications regarding the submission of applications for refugee status.

S. RES. 401

At the request of Mr. LIEBERMAN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. Res. 401, a resolution to provide Internet access to certain Congressional Research Service publications.

AMENDMENT NO. 3851

At the request of Mr. COLEMAN, his name was added as a cosponsor of amendment No. 3851 proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TESTER (for himself, Mr. JOHNSON, Mr. BROWN, and Mr. CARDIN):

S. 2485. A bill to amend the Public Health Service Act to provide for the participation of physical therapists in the National Health Service Corps Loan Repayment Program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. TESTER. Mr. President, I rise today to introduce the Physical Therapist Student Loan Repayment Eligibility Act of 2007 with Senators JOHNSON, CARDIN, and BROWN on behalf of the folks across America who are in desperate need of access to qualified health care providers. This bill will help bring physical therapists to the rural, frontier and underserved communities of America.

Many rural States have an inadequate number of health professionals, let alone access to physical therapists whose services help shorten the recovery time from injury or surgery, as well as provide noninvasive treatment to conditions that might otherwise end up more severe.

We all know kids who go to school with dreams of becoming a health care professional and serving their communities. But, they graduate with so much debt that they have to take the highest paying job usually in an urban setting—leaving their dreams in the dust. My colleagues and I are offering this bill to help them fulfill that dream of working in underserved areas, often the very same areas they grew up in.

Like many other health care professionals serving in the National Health Service Corps, physical therapy students are more likely to serve in rural areas if it is financially feasible through the loan repayment program that is part of the National Health Service Corps.

The average total costs of tuition and fees for a physical therapist student attending an in-state public or private institution are $26,000 and $64,000 respectively. When they are starting out, they can expect to earn about $51,000 per year. One can easily understand why they would be really tempted to find the highest paying job they can. Despite the health care needs, these jobs are not in places like Culbertson, MT; Martin, SD; Ironton, OH or Denton, MD, where reimbursement and salaries tend to be lower. However, a loan repayment program will make it possible for these committed health care professionals to be able to come into our communities, serve our families and be able to pay off their school loans.

My cosponsors and I think this a very important bill and we welcome our colleagues support. Thank you.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2485

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Physical Therapist Student Loan Repayment Eligibility Act of 2007".

SEC. 2. NATIONAL HEALTH SERVICE CORPS; PARTICIPATION OF PHYSICAL THERAPISTS IN LOAN REPAYMENT PROGRAM.

(a) MISSION OF CORPS; DEFINITION OF PRIMARY HEALTH SERVICES.—Section 331(a)(3)(D) of the Public Health Service Act (42 U.S.C. 254d(a)(3)(D)) is amended by striking "or mental health," and inserting "mental health, or physical therapy,".

(b) LOAN REPAYMENT PROGRAM.—Section 338B of the Public Health Service Act (42 U.S.C. 254*l*–1) is amended—

(1) in subsection (a)(1), by striking "and physician assistants;" and inserting "physician assistants, and physical therapists;"; and

(2) in subsection (b)(1)—

(A) in subparagraph (A), by inserting before the semicolon the following: ", or have a doctoral or master's degree in physical therapy";

(B) in subparagraph (B), by inserting "physical therapy," after "mental health,"; and

(C) in subparagraph (C)(ii), by inserting "physical therapy," after "dentistry,".

SUBMITTED RESOLUTIONS

SENATE RESULTION 406—URGING THE GOVERNMENT OF THE KINGDOM OF SAUDI ARABIA TO OVERTURN THE SENTENCE OF THE "GIRL OF QATIF"

Ms. COLLINS (for herself, Mr. BIDEN, Mr. COLEMAN, Mr. LIEBERMAN, Mr. LEVIN, Ms. SNOWE, Mr. JOHNSON, Mr. SMITH, Mrs. FEINSTEIN, Mrs. CLINTON, Ms. LANDRIEU, and Mr. SPECTER) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 406

Whereas, in March 2006, the then-teenage woman known in media reports as the "Girl of Qatif" was abducted and raped by 7 men;

Whereas the "Girl of Qatif" endured significant physical and emotional harm as a result of her rape—a crime that was neither her fault nor acceptable under any circumstances;

Whereas, in October 2006, the General Court in Qatif, Saudi Arabia sentenced the 7 rapists to prison terms ranging from 10 months to 5 years, but also sentenced the victim to 90 lashes for being alone in a car with a man to whom she was not related;

Whereas, on November 13, 2007, when the "Girl of Qatif" appealed the decision of the General Court with her attorney, Abdul-Rahman al-Lahem, the victim's sentence was increased to 200 lashes, a 6-month prison term was added, and the prison terms of the rapists were increased to 2 to 9 years;

Whereas, also on November 13, 2007, the General Court suspended Abdul-Rahman al-Lahem's license to practice law, and he was summoned to appear before a disciplinary committee of the Ministry of Justice of Saudi Arabia on December 5, 2007, for allegedly "misrepresenting legal subjects through the media to confuse the judicial establishment's image and thus harming the country", but his hearing was postponed to an unspecified date;

Whereas, on November 20 and 24, 2007, the Ministry of Justice issued statements on the case of the "Girl of Qatif", alleging that the victim was guilty of an "illegal affair" that is "religiously prohibited", that she was in "an indecent condition" at the time of her abduction, and that "the main reason for the occurrence of the crime" was that the victim and her accompanying person "violated the provisions of Islamic law", but Abdul-Rahman al-Lahem has denied these accusations;

Whereas, when asked about the case of the "Girl of Qatif" on November 20, 2007, Department of State spokesman Sean McCormack stated, "We have expressed our astonishment at such a sentence. I think that when you look at the crime and the fact that now the victim is punished, I think that causes a fair degree of surprise and astonishment. But it is within the power of the Saudi Government to take a look at the verdict and change it";

Whereas, on November 27, 2007, the Foreign Minister of Saudi Arabia, Prince Saud bin Faisal bin Abd al-Aziz Al Saud, stated that the judiciary of Saudi Arabia would further review the case of the "Girl of Qatif";

Whereas the Department of State's 2006 Country Report on Human Rights Practices in Saudi Arabia (referred to in this preamble as the 2006 Country Report), released on March 6, 2007, cited "significant human rights problems", including "infliction of severe pain by judicially sanctioned corporal punishments", "denial of fair public trials", "exemption from the rule of law for some individuals and lack of judicial independence", and "significant restriction of civil liberties—freedoms of speech and press, including the Internet; assembly; association; and movement";

Whereas the 2006 Country Report also stated that Islamic law, or Shari'a, prohibits abuse and violence against all innocent persons, including women, yet reportedly spousal abuse and other forms of violence against women were common problems, although the Government did not keep statistics on such violence and abuse;

Whereas the 2006 Country Report also cited complaints that "judges often acted capriciously and did not base judgments on precedent, leading to widely divergent rulings";

Whereas the 2006 Country Report also stated that, "A woman's testimony does not carry the same weight as a man. In a Shari'a court, the testimony of one man equals that of two women";

Whereas the Universal Declaration of Human Rights, done at Paris December 10, 1948, stipulates that all human beings have the right to security of person, that, "All are equal before the law and are entitled without any discrimination to equal protection of the law", and that, "No one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment";

Whereas the legal system of Saudi Arabia is based on Shari'a and does not mandate specific punishments for many offenses, leaving judges with wide discretion in issuing verdicts; and

Whereas, in October 2007, the King of Saudi Arabia, Abdullah bin Abd al-Aziz Al Saud, issued a decree to reform aspects of the country's judicial system, including new training for judges, changes to the appeals process, and the establishment of two supreme courts to replace the Supreme Judicial Council as the final recourse after courts of first instance and appellate courts: Now, therefore, be it

Resolved, That the Senate—

(1) respects the sovereign rights of the Kingdom of Saudi Arabia;

(2) welcomes the commitment of the Government of the Kingdom of Saudi Arabia to reform its judicial system;

(3) condemns sexual violence in all forms;

(4) urges the Government of the Kingdom of Saudi Arabia to undertake robust efforts to address the significant problem of violence against women in the society of Saudi Arabia, to promote equal treatment of women in the country's legal system, and to ensure that victims of sexual violence are not punished for the crimes committed against them and have access to and recourse through the country's legal system to bring the perpetrators of such violence to justice;

(5) urges the Government of the Kingdom of Saudi Arabia to overturn the sentence of the "Girl of Qatif" of 200 lashes and 6 months in prison; and

(6) expresses solidarity with the "Girl of Qatif" and the women of Saudi Arabia in their efforts to address violence against women and attain equal treatment in their country's legal system, and with the many citizens of Saudi Arabia who were outraged by the sentence of the "Girl of Qatif".

AMENDMENTS SUBMITTED AND PROPOSED

SA 3853. Mr. SCHUMER (for Mr. DODD (for himself and Mr. SHELBY)) proposed an amendment to the bill S. 2338, to modernize and update the National Housing Act and enable the Federal Housing Administration to more effectively reach underserved borrowers, and for other purposes.

SA 3854. Mr. COBURN proposed an amendment to the bill S. 2338, supra.

SA 3855. Mr. HARKIN (for himself and Mr. CHAMBLISS) proposed an amendment to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

SA 3856. Ms. STABENOW (for Mr. BAUCUS (for himself, Mr. GRASSLEY, Ms. STABENOW, Mr. KERRY, Mr. GREGG, Mr. VOINOVICH, Mrs. LINCOLN, Mr. ALLARD, Mr. SUNUNU, Mr. COLEMAN, Mr. SPECTER, Mrs. DOLE, Ms. COLLINS, Mr. NELSON, of Florida, Mr. BAYH, Ms. SNOWE, Mr. LIEBERMAN, Ms. CANTWELL, and Mr. SCHUMER)) proposed an amendment to the bill H.R. 3648, to amend the Internal Revenue Code of 1986 to exclude discharges of indebtedness on principal residences from gross income, and for other purposes.

TEXT OF AMENDMENTS

SA 3853. Mr. SCHUMER (for Mr. DODD (for himself and Mr. SHELBY)) proposed an amendment to the bill S. 2338, to modernize and update the National Housing Act and enable the Federal Housing Administration to more effectively reach underserved borrowers, and for other purposes; as follows:

At the end of title I, insert the following:

SEC. 123. MORATORIUM ON IMPLEMENTATION OF RISK-BASED PREMIUMS.

For the 12-month period beginning on the date of enactment of this Act, the Secretary of Housing and Urban Development shall not enact, execute, or take any action to make effective the planned implementation of risk-based premiums, which are designed for mortgage lenders to offer borrowers an FHA-insured product that provides a range of mortgage insurance premium pricing, based on the risk the insurance contract represents, as such planned implementation was set forth in the Notice published in the Federal Register on September 20, 2007 (Vol. 72, No. 182, Page 53872).

SA 3854. Mr. COBURN proposed an amendment to the bill S. 2338, to modernize and update the National Housing Act and enable the Federal Housing Administration to more effectively reach underserved borrowers, and for other purposes; as follows:

On page 20, between lines 18 and 19, insert the following:

(e) EFFECTIVE DATE.—The amendment made by subsection (a)(2)(A) shall not take effect until the study and report required under subsection (d) has been submitted to Congress.

SA 3855. Mr. HARKIN (for himself and Mr. CHAMBLISS) proposed an amendment to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; as follows:

On page 884, line 16, strike "or".

On page 884, between lines 16 and 17, insert the following:

"(6) competitive grants, for public television stations or a consortium of public television stations, to provide education, outreach, and assistance, in cooperation with community groups, to rural communities and vulnerable populations with respect to the digital television transition, and particularly the acquisition, delivery, and installation of the digital-to-analog converter boxes described in section 3005 of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note); or

On page 884, line 17, strike "(6)" and insert "(7)".

On page 652, between lines 14 and 15, insert the following:

SEC. 440__. SENSE OF CONGRESS REGARDING NUTRITION EDUCATION UNDER THE FOOD AND NUTRITION PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) nutrition education under the Food and Nutrition Act of 2007 (7 U.S.C. 2011 et seq.) plays an essential role in improving the dietary and physical activity practices of low-income people in the United States, helping to reduce food insecurity, prevent obesity, and reduce the risks of chronic disease;

(2) expert organizations, such as the Institute of Medicine, indicate that dietary and physical activity behavior change is more likely to result from the combined application of public health approaches and education than from education alone; and

(3) State programs are implementing nutrition education using effective strategies, including direct education, group activities, and social marketing.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Secretary should support and encourage effective interventions for nutrition education under the Food and Nutrition Act of 2007 (7 U.S.C. 2011 et seq.), including coordination with public health approaches and traditional education, to increase the likelihood that recipients of food and nutrition program benefits and people who are potentially eligible for those benefits will choose diets and physical activity practices consistent with the Dietary Guidelines for Americans;

(2) to promote the most effective implementation of publicly-funded programs, State nutrition education activities under the Food and Nutrition Act of 2007 (7 U.S.C. 2011 et seq.)—

(A) should be coordinated with other federally-funded food assistance and public health programs; and

(B) should leverage public/private partnerships to maximize the resources and impact of the programs; and

(3) funds provided under the Food and Nutrition Act of 2007 (7 U.S.C. 2011 et seq.) for nutrition education should be used only for activities that promote diets and physical activity consistent with the Dietary Guidelines for Americans among—

(A) recipients of food and nutrition program benefits; and

(B) people who are potentially eligible for those benefits.

On page 626, line 7, insert "(including childhood obesity)" after "obesity".

In section 4802(c)(1)(B), strike "and" at the end.

In section 4802(c)(2), strike the period at the end and insert "; and".

In section 4802(c), add at the end the following:

(3) in subsection (g)—

(A) by striking "If a local" and inserting the following:

"(1) IN GENERAL.—If a local"; and

(B) by adding at the end the following:

"(2) STATE OPTION.—Subject to a determination by the Secretary that annual appropriations have enabled every State seeking to participate in the commodity supplemental food program to participate in that program, a State may serve low-income persons aged 60 and older that have a household income that is not more than 185 percent of the most recent annual Federal Poverty Income Guidelines published by the Department of Health and Human Services, if—

"(A) the State has submitted to the Secretary justification for that service; and

"(B) the Secretary has approved the request of the State.".

Beginning on page 672, strike line 7 and all that follows through page 673, line 4, and insert the following:

SEC. 4904. BUY AMERICAN REQUIREMENTS.

(a) FINDINGS.—Congress finds the following:

(1) Federal law requires that commodities and products purchased with Federal funds be, to the extent practicable, of domestic origin.

(2) Federal Buy American statutory requirements seek to ensure that purchases made with Federal funds benefit domestic producers.

(3) The Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) requires the use of domestic food products for all meals served under the program, including foods products for all meals served under the program, including foods products purchased with local funds.

(b) BUY AMERICAN STATUTORY REQUIREMENTS.—The Department of Agriculture should undertake training, guidance, and enforcement of the various current Buy American statutory requirements and regulations, including those of the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the Department of Defense fresh fruit and vegetable distribution program.

At the end of subtitle C of title III, add the following:

SEC. 32___. IMPORTATION OF LIVE DOGS.

(a) IN GENERAL.—The Animal Welfare Act is amended by adding after section 17 (7 U.S.C. 2147) the following:

"SEC. 18. IMPORTATION OF LIVE DOGS.

"(a) DEFINITIONS.—In this section:

"(1) IMPORTER.—The term 'importer' means any person who, for purposes of resale, transports into the United States puppies from a foreign country.

"(2) RESALE.—The term 'resale' includes any transfer of ownership or control of an imported dog of less than 6 months of age to another person, for more than de minimis consideration.

"(b) REQUIREMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no person shall import a dog into the United States for purposes of resale unless, as determined by the Secretary, the dog—

"(A) is in good health;

"(B) has received all necessary vaccinations; and

"(C) is at least 6 months of age, if imported for resale.

"(2) EXCEPTION.—The Secretary, by regulation, shall provide an exception to any requirement under paragraph (1) in any case in which a dog is imported for—

"(A) research purposes; or

"(B) veterinary treatment.

"(c) IMPLEMENTATION AND REGULATIONS.—The Secretary, the Secretary of Health and Human Services, the Secretary of Commerce, and the Secretary of Homeland Security shall promulgate such regulations as the Secretaries determine to be necessary to implement and enforce this section.

"(d) ENFORCEMENT.—An importer that fails to comply with this section shall—

"(1) be subject to penalties under section 19; and

"(2) provide for the care (including appropriate veterinary care), forfeiture, and adoption of each applicable dog, at the expense of the importer.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on the date of enactment of this Act.

On page 1290, strike lines 9 through 20 and insert the following:

"(1) IN GENERAL.—Effective beginning on the date of enactment of this subsection, there shall be in effect a moratorium on all loan acceleration and foreclosure proceedings instituted by the Department of Agriculture against any farmer or rancher who—

"(A) has pending against the Department a claim of discrimination; or

"(B) files a claim of discrimination against the Department.

On page 160, line 12, strike "improve" and insert "further strengthen".

On page 160, line 17, after "sugar policies" insert ", to the fullest extent consistent with the international obligations of the United States".

On page 160, lines 20 and 21, strike "United States sugar market and the Mexican sugar market" and insert "United States and Mexican sweetener markets".

On page 160, line 24, after "Mexico" insert ", while supporting the interests of corn growers, corn refiners, and sweetener users in both markets".

At the appropriate place in subtitle G of title I, insert the following:

SEC. 19___. MALTING BARLEY.

Section 508(m) of the Federal Crop Insurance Act (7 U.S.C. 1508(m)) is amended by adding at the end the following:

"(5) SPECIAL PROVISIONS FOR MALTING BARLEY.—The Corporation shall promulgate special provisions under this subsection specific to malting barley, taking into consideration any changes in quality factors, as required by applicable market conditions.".

Subtitle F—Specialty crops

Subtitle F

Durbin amendment—strikes MAP preferences, agreed by Senator Stabenow and Specialty Crop Alliance

SECTION 1832. MARKET ACCESS PROGRAM.

Page 241, Strike lines 17–25.

Page 242, Strike lines 1–17.

Baucus-Stabenow amendment—removes language under the jurisdiction of the Senate Finance Committee

SECTION 1834. CONSULTATIONS ON SANITARY AND PHYTOSANITARY RESTRICTIONS FOR FRUITS AND VEGETABLES.

On page 244, strike lines 15–26.

On page 245, strike lines 1–16.

On page 1129, strike lines 16 through 22 and insert the following:

"(1) COMMODITY CREDIT CORPORATION.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available $230,000,000 to carry out subsections (b), (c), and (d) for fiscal year 2008, to remain available until expended, of which—

"(A) not less than 5 percent shall be used to carry out subsection (b); and

"(B) not less than 15 percent shall be used to carry out subsection (d).".

At the end of subtitle F of title VII, add the following:

SEC. 7_____. SENSE OF SENATE REGARDING ORGANIC RESEARCH.

It is the sense of the Senate that—

(1) the Secretary should recognize that sales of certified organic products have been expanding by 17 to 20 percent per year for more than a decade, but research and outreach activities relating specifically to certified organic production growth and processing of agricultural products (as defined in section 2103 of the Organic Foods Production Act of 1990 (7 U.S.C. 6502)) has not kept pace with this expansion;

(2) research conducted specifically on organic methods and production systems benefits organic and conventional producers and contributes to the strategic goals of the Department of Agriculture, resulting in benefits for trade, human health, the environment, and overall agricultural productivity;

(3) in order to meet the needs of the growing organic sector, the Secretary should use a portion of the total annual funds of the Agricultural Research Service for research specific to organic food and agricultural systems that is at least commensurate with the market share of the organic sector of the domestic food retail market; and

(4) the increase in funding described in paragraph (3) should include funding for efforts—

(A) to establish long-term core capacities for organic research;

(B) to assist organic farmers and farmers intending to transition to organic production systems; and

(C) to disseminate research results through the Alternative Farming Systems Information Center of the National Agriculture Library.

Strike subtitle A of title XI and insert the following:

Subtitle A—Agricultural Security

SEC. 11011. DEFINITIONS.

In this subtitle:

(1) AGENT.—The term "agent" means a chemical, biological, radiological, or nuclear substance that causes an agricultural disease or adulteration of food products under the jurisdiction of the Department.

(2) AGRICULTURAL BIOSECURITY.—The term "agricultural biosecurity" means protection from an agent that poses a threat to—

(A) plant or animal health;

(B) public health, with respect to direct exposure to an agricultural disease; or

(C) the environment, with respect to agriculture facilities, farmland, air, and water in the immediate vicinity of an area associated with an agricultural disease or outbreak.

(3) AGRICULTURAL COUNTERMEASURE.—

(A) IN GENERAL.—The term "agricultural countermeasure" means a product, practice, or technology that is intended to enhance or maintain the agricultural biosecurity of the United States.

(B) EXCLUSIONS.—The term "agricultural countermeasure" does not include any product, practice, or technology used solely for human medical incidents or public health emergencies not related to agriculture.

(4) AGRICULTURAL DISEASE.—The term "agricultural disease" has the meaning given the term by the Secretary.

(5) AGRICULTURE.—The term "agriculture" means—

(A) the science and practice of activities relating to food, feed, fiber, and energy production, processing, marketing, distribution, use, and trade;

(B) nutrition, food science and engineering, and agricultural economics;

(C) forestry, wildlife science, fishery science, aquaculture, floriculture, veterinary medicine, and other related natural resource sciences; and

(D) research and development activities relating to plant- and animal-based products carried out by the Department.

(6) AGROTERRORIST ACT.—The term "agroterrorist act" means an act that—

(A) causes or attempts to cause—

(i) damage to agriculture; or

(ii) injury to a person associated with agriculture; and

(B) is committed—

(i) to intimidate or coerce; or

(ii) to disrupt the agricultural industry.

(7) ANIMAL.—The term "animal" means any member of the animal kingdom (except a human).

(8) DEPARTMENT.—The term "Department" means the Department of Agriculture.

(9) DEVELOPMENT.—The term "development" means—

(A) research leading to the identification of products or technologies intended for use as agricultural countermeasures;

(B) the formulation, production, and subsequent modification of those products or technologies;

(C) the conduct of preclinical and clinical in vivo and in vitro studies;

(D) the conduct of field, efficacy, and safety studies;

(E) the preparation of an application for marketing approval for submission to applicable agencies; and

(F) other actions taken by an applicable agency in a case in which an agricultural countermeasure is procured or used prior to issuance of a license or other form of approval.

(10) PLANT.—

(A) IN GENERAL.—The term "plant" means any plant (including any plant part) for or capable of propagation.

(B) INCLUSIONS.—The term "plant" includes—

(i) a tree;

(ii) a tissue culture;

(iii) a plantlet culture;

(iv) pollen;

(v) a shrub;

(vi) a vine;

(vii) a cutting;

(viii) a graft;

(ix) a scion;

(x) a bud;

(xi) a bulb;

(xii) a root; and

(xiii) a seed.

(11) QUALIFIED AGRICULTURAL COUNTERMEASURE.—The term "qualified agricultural countermeasure" means an agricultural countermeasure that the Secretary, in consultation with the Secretary of Homeland Security, determines to be a priority in order to address an agricultural biosecurity threat from—

(A) an agent placed on the Select Agents and Toxins list of the Department;

(B) an agent placed on the Plant Protection and Quarantine Select Agents and Toxins list of the Department; or

(C) an applicable agent placed on the Overlap Select Agents and Toxins list of the Department and the Department of Health and Human Services, in accordance with—

(i) part 331 of title 7, Code of Federal Regulations; and

(ii) part 121 of title 9, Code of Federal Regulations.

SEC. 11012. NATIONAL PLANT DISEASE RECOVERY SYSTEM AND NATIONAL VETERINARY STOCKPILE.

(a) NATIONAL PLANT DISEASE RECOVERY SYSTEM.—

(1) ESTABLISHMENT.—The Secretary, in coordination with the Secretary of Homeland Security, and in consultation with the Administrator of the Environmental Protection Agency, shall work with State and local governments and the private sector to establish a national plant disease recovery system to be used to respond to an outbreak of plant disease that poses a significant threat to agricultural biosecurity.

(2) REQUIREMENTS.—The national plant disease recovery system shall include agricultural countermeasures to be made available within a single growing season for crops of particular economic significance, as determined by the Secretary, in coordination with the Secretary of Homeland Security.

(b) NATIONAL VETERINARY STOCKPILE.—The Secretary, in coordination with the Secretary of Homeland Security, and in consultation with the Secretary of Health and Human Services and the Administrator of the Environmental Protection Agency, shall work with State and local governments and the private sector to establish a national veterinary stockpile, which shall be used by the Secretary, in coordination with the Secretary of Homeland Security to make agricultural countermeasures available to any State veterinarian not later than 24 hours after submission of an official request for assistance by the State veterinarian, unless the Secretary and the Secretary of Homeland Security cannot accommodate such a request due to an emergency, lack of available resources, or other reason for disapproval of the request as determined the Secretary.

SEC. 11013. RESEARCH AND DEVELOPMENT OF AGRICULTURAL COUNTERMEASURES.

(a) GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a grant program to stimulate basic and applied research and development activity for qualified agricultural countermeasures.

(2) COMPETITIVE GRANTS.—In carrying out this section, the Secretary shall develop a process through which to award grants on a competitive basis.

(3) WAIVER IN EMERGENCIES.—The Secretary may waive the requirement in paragraph (2), if—

(A) the Secretary has declared a plant or animal disease emergency under the Plant Protection Act (7 U.S.C. 7701 et seq.) or the Animal Health Protection Act (7 U.S.C. 8301 et seq.); and

(B) the waiver would lead to the rapid development of a qualified agricultural countermeasure, as determined by the Secretary.

(b) USE OF FOREIGN DISEASE PERMISSIBLE.—The Secretary may permit the use of foreign animal and plant disease agents, and accompanying data, in research and development activities funded under this section if the Secretary determines that the diseases or data are necessary to demonstrate the safety and efficacy of an agricultural countermeasure in development.

(c) COORDINATION ON ADVANCED DEVELOPMENT.—The Secretary shall ensure that the Secretary of Homeland Security is provided information, on a quarterly basis, describing each grant provided by the Secretary for the purpose of facilitating the acceleration and expansion of the advanced development of agricultural countermeasures.

(d) SCOPE.—Nothing in this section impedes the ability of the Secretary of Homeland Security to administer grants for basic and applied research and advanced development activities for qualified agricultural countermeasures.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2008 through 2012.

SEC. 11014. VETERINARY WORKFORCE GRANT PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a grant program to increase the number of veterinarians trained in agricultural biosecurity.

(b) CONSIDERATIONS FOR FUNDING AWARDED.—The Secretary shall establish procedures to ensure that grants are competitively awarded under the program based on—

(1) the ability of an applicant to increase the number of veterinarians who are trained in agricultural biosecurity practice areas determined by the Secretary;

(2) the ability of an applicant to increase research capacity in areas of agricultural biosecurity determined by the Secretary to be a priority; or

(3) any other consideration the Secretary determines to be appropriate.

(c) USE OF FUNDS.—Amounts received under this section may be used by a grantee to pay—

(1) costs associated with construction and the acquisition of equipment, and other capital costs relating to the expansion of schools of veterinary medicine, departments of comparative medicine, departments of veterinary science, or entities offering residency training programs; or

(2) capital costs associated with the expansion of academic programs that offer postgraduate training for veterinarians or concurrent training for veterinary students in specific areas of specialization.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

SEC. 11015. ASSISTANCE TO BUILD LOCAL CAPACITY IN AGRICULTURAL BIOSECURITY PLANNING, PREPAREDNESS, AND RESPONSE.

(a) ADVANCED TRAINING PROGRAMS.—

(1) GRANT ASSISTANCE.—The Secretary shall provide grant assistance to support the development and expansion of advanced training programs in agricultural biosecurity planning and response for food science professionals and veterinarians.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this subsection for each of fiscal years 2008 through 2012.

(b) ASSESSMENT OF RESPONSE CAPABILITY.—

(1) GRANT AND LOAN ASSISTANCE.—The Secretary shall provide grant and low-interest loan assistance to States for use in assessing agricultural disease response and food emergency response capabilities.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $25,000,000 for each of fiscal years 2008 through 2012.

SEC. 11016. LIVE VIRUS OF FOOT AND MOUTH DISEASE RESEARCH.

(a) IN GENERAL.—The Secretary shall issue a permit required under section 12 of the Act of May 29, 1884 (21 U.S.C. 113a) to the Secretary of Homeland Security for work on the live virus of foot and mouth disease at the National Bio and Agro-Defense Laboratory (referred to in this section as the "NBAF").

(b) LIMITATION.—The permit shall be valid unless the Secretary finds that the study of live foot and mouth disease virus at the NBAF is not being carried out in accordance with the regulations issued by the Secretary pursuant to the Agricultural Bioterrorism Protection Act of 2002 (7 U.S.C. 8401 et seq.).

(c) AUTHORITY.—The suspension, revocation, or other impairment of the permit issued under this section—

(1) shall be made by the Secretary; and

(2) is a nondelegable function.

On page 1313, line 12, strike "are" and insert "include".

On page 1014, line 9, insert "(after taking into consideration recommendations made by the National Academy of Sciences)" after "President".

On page 895, lines 12 and 13, strike "subsection (e)" and insert "subsection (g)".

On page 895, strike lines 16 through 19 and insert the following:

"(d) INITIAL IMPLEMENTATION.—To address the urgent security concerns of the United States with respect to public health, bioterrorism preparedness, and food supply security, in implementing the first phase of the veterinary medicine loan repayment program, the Secretary shall give priority to large and mixed animal practitioner shortages in rural communities.

"(e) USE OF FUNDS.—None of the funds appropriated to the Secretary under subsection (g) may be used to carry out section 5379 of title 5, United States Code.

"(f) REGULATIONS.—Notwithstanding subchapter II of chapter 5 of title 5, United States Code, not later than 270 days after the date of enactment of this subsection, the Secretary shall promulgate regulations to carry out this section.".

On page 921, line 3, insert "and tribal" after "State".

On page 1138, strike lines 1 through 5 and insert the following:

"(xi) an individual with expertise in plant biology and biomass feedstock development;

"(xii) an individual with expertise in agronomy, crop science, or soil science; and

"(xiii) at the option of the points of contact, other members.

On page 1154, line 1, insert "the State of Hawaii," after "Alaska,".

Strike section 6018.

Beginning on page 738, strike line 6 and all that follows through page 741, line 21, and insert the following:

"SEC. 7.7. EQUALIZATION OF LOAN-MAKING POWERS OF CERTAIN DISTRICT ASSOCIATIONS.

"(a) EQUALIZATION OF LOAN-MAKING POWERS.—

"(1) IN GENERAL.—

"(A) FEDERAL LAND BANK ASSOCIATIONS.—Subject to paragraph (2), any association that owns a Federal land bank association authorized as of January 1, 2007, to make long-term loans under title I in its chartered territory within the geographic area described in subsection (b) may make short- and intermediate-term loans and otherwise operate as a production credit association under title II within that same chartered territory.

"(B) PRODUCTION CREDIT ASSOCIATIONS.—Subject to paragraph (2), any association that under its charter has title I lending authority and that owns a production credit association authorized as of January 1, 2007, to make short- and intermediate-term loans under title II in the geographic area described in subsection (b) may make long-term loans and otherwise operate, directly or through a subsidiary association, as a Federal land bank association or Federal land credit association under title I in the geographic area.

"(C) FARM CREDIT BANK.—Notwithstanding section 5.17(a), the Farm Credit Bank with which any association had a written financing agreement as of January 1, 2007, may make loans and extend other similar financial assistance with respect to, and may purchase, any loans made under the new authority provided under subparagraph (A) or (B) by an association exercising such authority.

"(2) REQUIRED APPROVALS.—An association may exercise the additional authority provided for in paragraph (1) only after the exercise of the authority is approved by—

"(A) the board of directors of the association; and

"(B) a majority of the voting stockholders of the association (or, if the association is a subsidiary of another association, the voting stockholders of the parent association) voting, in person or by proxy, at a duly authorized meeting of stockholders in accordance with the process described in section 7.11.

"(b) APPLICABILITY.—This section applies only to associations the chartered territory of which was within the geographic area served by the Federal intermediate credit bank immediately prior to its merger with a Farm Credit Bank under section 410(e)(1) of the Agricultural Credit Act of 1987 (12 U.S.C. 2011 note; Public Law 100–233).".

(c) CHARTER AMENDMENTS.—Section 5.17(a) of the Farm Credit Act of 1971 (12 U.S.C. 2252(a)) is amended by adding at the end the following:

"(15)(A) Approve amendments to the charters of institutions of the Farm Credit System to implement the equalization of loan-making powers of a Farm Credit System association under section 7.7.

"(B) Amendments described in subparagraph (A) to the charters of an association and the related Farm Credit Bank shall be approved by the Farm Credit Administration, subject to any conditions of approval imposed, by not later than 30 days after the date on which the Farm Credit Administration receives all approvals required by section 7.7 (a)(2).".

(d) CONFORMING AMENDMENTS.—

(1) Section 5.17(a)(2) of the Farm Credit Act of 1971 (12 U.S.C. 2252(a)(2)) is amended—

(A) by striking "(2)(A)" and inserting "(2)"; and

(B) by striking subparagraphs (B) and (C).

(2) SECTION 410 OF THE 1987 ACT.—Section 410(e)(1)(A)(iii) of the Agricultural Credit Act of 1987 (12 U.S.C. 2011 note; Public Law 100–233) is amended by inserting "(except section 7.7 of that Act)" after "(12 U.S.C. 2001 et seq.)".

(3) SECTION 401 OF THE 1992 ACT.—Section 401(b) of the Farm Credit Banks and Associations Safety and Soundness Act of 1992 (12 U.S.C. 2011 note; Public Law 102–552) is amended—

(A) by inserting "(except section 7.7 of the Farm Credit Act of 1971)" after "provision of law"; and

(B) by striking ", subject to such limitations" and all that follows through the end of the paragraph and inserting a period.

(e) EFFECTIVE DATE.—The amendments made by this section take effect on January 1, 2010.

Section 9001(3)(B) of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001) is amended by striking clause (iii) and inserting the following:

"(iii) biofuel derived from waste material, including crop residue, other vegetative waste material, animal waste and byproducts (including fats, oils, greases, and manure), food waste, and yard waste;

Beginning on page 1176, strike line 24 and all that follows through page 1177, line 2, and insert the following:

"(5) water resource needs, including water requirements for biorefineries;

"(6) education and outreach for agricultural producers transitioning to cellulosic feedstocks; and

"(7) such other infrastructure issues as the Secretary may determine.".

On page 1177, strike lines 18 through 21 and insert the following:

"(5) the resource use and conservation characteristics of alternative approaches to infrastructure development;

"(6) the impact on the development of renewable energy when public and private utilities do not pay competitive rates for wind, solar, and biogas energy from agricultural sources; and

"(7) the environmental benefits of planting perennial grasses for the production of cellulosic ethanol.".

On page 1176, strike lines 18 and 19 and insert the following:

ture issues, including shipment by rail, truck, pipeline, or barge;

On page 1055, strike lines 6 through 8 and insert the following:

"(A) incorporates any forest management plan of the State in existence on the date of enactment of this section (including community wildfire protection plans);

At the end of title VIII, insert the following:

SEC. 8_____. GREEN MOUNTAIN NATIONAL FOREST BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundary of the Green Mountain National Forest is modified to include the 12 designated expansion units as generally depicted on the forest maps entitled "Green Mountain Expansion Area Map I" and "Green Mountain Expansion Area Map II" and dated February 20, 2002 (copies of which shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Washington, District of Columbia), and more particularly described according to the site specific maps and legal descriptions on file in the office of the Forest Supervisor, Green Mountain National Forest.

(b) MANAGEMENT.—Federally owned land delineated on the maps acquired for National Forest purposes shall continue to be managed in accordance with the laws (including regulations) applicable to the National Forest System.

(c) LAND AND WATER CONSERVATION FUND.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460 *l*–9), the boundaries of the Green Mountain National Forest, as adjusted by this section, shall be considered to be the boundaries of the national forest as of January 1, 1965.

Beginning on page 175, strike line 14 and all that follows through page 176, line 21, and insert the following:

(1) ensuring that the competitiveness of dairy products with other competing products in the marketplace is preserved and enhanced;

(2) ensuring that dairy producers receive fair and reasonable minimum prices;

(3) enhancing the competitiveness of United States dairy producers in world markets;

(4) preventing anticompetitive behavior and ensuring that dairy markets are not prone to manipulation;

(5) increasing the responsiveness of the Federal milk marketing order system to market forces;

(6) streamlining and expediting the process by which amendments to Federal milk market orders are adopted;

(7) simplifying the Federal milk marketing order system;

(8) evaluating whether the Federal milk marketing order system, established during the Great Depression, continues to serve the interests of the public, dairy processors, and dairy producers;

(9) evaluating whether Federal milk marketing orders are operating in a manner to minimize costs to taxpayers and consumers, while still maintaining a fair price for producers;

(10) evaluating the nutritional composition of milk, including the potential benefits and costs of adjusting the milk content standards;

(11) evaluating the economic benefits to milk producers of establishing a 2-class system of classifying milk consisting of a fluid milk class and a manufacturing grade milk class, with the price of both classes determined using the component prices of butterfat, protein, and other solids; and

(12) evaluating a change in advance pricing that is used to calculate the advance price of Class II skim milk under Federal milk marketing orders using the 4-week component prices that are used to calculate prices for Class III and Class IV milk.

In section 1608(d), strike paragraph (2) and insert the following:

(2) MEMBERS.—As soon as practicable after the date on which funds are first made available to carry out this section—

(A) 2 members of the Commission shall be appointed by the Chairman of the Committee on Agriculture of the House of Representatives, in consultation with the ranking member of that committee;

(B) 2 members of the Commission shall be appointed by the Chairman of the Committee on Agriculture, Nutrition, and Forestry of the Senate, in consultation with the ranking member of that committee;

(C) 10 members of the Commission shall be appointed by the Secretary;

(D) 2 members of the Commission shall be appointed by the Chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies of the House of Representatives, in consultation with the ranking member of that subcommittee; and

(E) 2 members of the Commission shall be appointed by the Chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies of the Senate, in consultation with the ranking member of that subcommittee.

On page 750, line 21, insert before the period at the end the following: ", of which not less than $25,000,000 shall be for use at hospitals in rural areas with not more than 50 acute beds".

On page 579, between lines 5 and 6, insert the following:

(9) in subsection (i), by adding at the end the following:

"(12) INTERCHANGE FEES.—No interchange fees shall apply to electronic benefit transfer transactions under this subsection.";

On page 692, between lines 17 and 18, insert the following:

SEC. 4909. GRAIN PILOT PROGRAM.

(a) IN GENERAL.—Section 17A of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766a) is amended by adding at the end the following:

"(e) GRAIN PILOT PROGRAM.—

"(1) DEFINITION OF ELIGIBLE GRAIN AND GRAIN PRODUCT.—In this subsection, the terms 'eligible grain' and 'grain product' mean a grain or bread product, including but not limited to, baked products and ready-to-eat cereals, having whole grain as the primary ingredient by weight as specified on the label or according to the recipe; except that the Secretary may review and update as necessary the definition established under this section."

"(2) PROGRAM.—

"(A) IN GENERAL.—For the school year beginning July 2008, the Secretary shall carry out a pilot program to provide eligible grain and grain products to—

"(i) up to 125 elementary or secondary schools operating a program under this section in each of 6 States; and

"(ii) elementary or secondary schools operating a program under this section on 1 Indian reservation.

"(B) REQUIREMENT.—A school participating in the program shall provide eligible grain and grain products as one of the meal supplement components as described in subsection (d) to students participating in a program authorized under this section.

"(C) FUNDING TO STATES.—The Secretary shall allocate funds to each participating State based on the prior year claiming pattern for the afterschool snack program in selected schools.

"(3) SELECTION OF SCHOOLS.—In selecting schools to participate in the program under paragraph (2), the Secretary shall—

"(A) ensure each school selected is located in a needy area as defined in subsection (c)(1); and

"(B) solicit applications from interested schools that meet the criteria established in subparagraph (A) and include—

"(i) a certification of support for participation in the program signed by the school food manager, the school principal, and the district superintendent (or equivalent positions, as determined by the school); and

"(ii) such other information as may be requested by the Secretary.

"(4) REPORT.—Not later than December 31, 2010, the Secretary, acting through the Administrator of the Food and Nutrition Service, shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the pilot program.

"(5) FUNDING.—The Secretary shall use not more than $4,000,000 to carry out this subsection (other than paragraph (4)), of which—

"(A) $2,000,000 shall be from funds made available to carry out the senior farmers' market nutrition program under section 4402 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3007); and

"(B) $2,000,000 shall be from funds made available to carry out assistance for community food projects under section 25 of the Food and Nutrition Act of 2007 (7 U.S.C. 2034).

"(6) EVALUATION AND ADMINISTRATION.—Of the funding made available the Secretary shall use not more than $3,000,000 to carry out the evaluation required in paragraph (4) and for the administration of the program.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.

On page 576, strike lines 13 through 17 and insert the following:

(2) in subsection (b)—

(A) by striking "(b) Coupons" and inserting the following:

"(b) USE.—

"(1) IN GENERAL.—Benefits";

(B) in paragraph (1) (as designated by subparagraph (A)), by striking the second proviso; and

(C) by adding at the end the following:

"(2) STUDY.—As soon as practicable after the date of enactment of this paragraph, the Comptroller General of the United States shall conduct a study of the effects of the Secretary issuing a rule requiring that benefits shall only be used to purchase food that is included in the most recent applicable thrifty food plan market basket.";

On page 245, between lines 22 and 23, insert the following:

(b) ELIGIBILITY.—Section 101 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108-465) is amended by striking subsection (e) and inserting the following:

"(e) PLAN REQUIREMENTS.—

"(1) IN GENERAL.—The State plan shall identify the lead agency charged with the responsibility for carrying out the plan and indicate how the grant funds will be used to enhance the competitiveness of specialty crops.

"(2) REPRESENTATION OF CERTAIN INDIVIDUALS.—To the maximum extent practicable and appropriate, the State plan shall be developed taking into consideration the opinions and expertise of beginning farmers or ranchers (as defined in section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)) and socially disadvantaged farmers or ranchers (as defined in section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e))) who produce specialty crops.".

(c) AUDIT AND PLAN REQUIREMENTS.—Section 101 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108-465) is amended by striking subsection (h) and inserting the following:

"(h) AUDIT AND PLAN REQUIREMENTS.—

"(1) IN GENERAL.—For each year that a State receives a grant under this section, the State shall conduct an audit of the expenditures of grant funds by the State.

"(2) SUBMISSION OF AUDIT AND DESCRIPTION.—Not later than 30 days after the date of completion of an audit under paragraph (1), the State shall submit to the Secretary of Agriculture—

"(A) a copy of the audit;

"(B) a description of the ways in which the State is complying with the requirement under subsection (e); and

"(C) such additional information as the Secretary may request to ensure, to the maximum extent practicable, that the State is complying with that requirement.".

On page 245, line 23, strike "(b)" and insert "(d)".

On page 246, line 11, strike "(c)" and insert "(e)".

On page 247, line 11, strike "(d)" and insert "(f)".

On page 247, line 19, strike "(e)" and insert "(g)".

Beginning on page 248, strike line 24 and all that follows through page 249, line 2, and insert the following:

"(4) a nonprofit trucking association and their research entities;

"(5) a combination of the entities described in paragraphs (1) through (4); or

"(6) other entities, as determined by the Secretary

At the end of title IX, add the following:

SEC. 9____. SENSE OF CONGRESS REGARDING COOPERATIVE REGIONAL RESEARCH, EXTENSION, AND EDUCATION PROGRAMS ON BIOFUELS AND BIOPRODUCTS.

It is the sense of Congress that the Secretary shall continue to allow and support efforts of regional consortiums of public institutions, including land grant universities and State departments of agriculture, to jointly support the bioeconomy through research, extension, and education activities, including—

(1) expanding the use of biomass;

(2) improving the efficiency and sustainability of bioenergy;

(3) supporting local ownership in the bioeconomy;

(4) communicating about the bioeconomy;

(5) facilitating information sharing; and

(6) assisting to coordinate regional approaches.

On page 1171, strike line 13 and insert the following:

"(2) in consultation with the Secretary of Energy and the Secretary of Transportation, as appropriate, establish criteria for program participation

On page 1172, line 2, strike "Secretary of Energy" and insert "Secretary of Energy and the Secretary of Transportation".

Beginning on page 1172, strike line 20 and all that follows through page 1173, line 2, and insert the following:

"(g) REPORT.—Not later than December 31, 2011, and biennially thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry, the Committee on Commerce, Science, and Transportation, and the Committee on Energy and Natural Resources of the Senate a report that documents the best practices and approaches used by communities in rural areas that receive funds under this section.

On page 1176, strike lines 12 through 14 and insert the following:

"(3) submit a report describing the assessment and recommendations to—

"(A) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

"(B) the Committee on Commerce, Science, and Transportation of the Senate;

"(C) the Committee on Energy and Natural Resources of the Senate; and

"(D) the Committee on Environment and Public Works of the Senate.

On page 1179, strike line 5 and insert the following:

estry and the Committee on Commerce, Science, and Transportation of the Senate a report that summarizes the re-

On page 1180, strike line 14 and insert the following:

structure, safety, and security;

On page 1192, strike line 13 and insert the following:

"SEC. 9023. REPORT ON THE GROWTH POTENTIAL FOR CELLULOSIC MATERIAL.

"Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a comprehensive report that, on a State-by-State basis—

"(1) identifies the range of cellulosic feedstock materials that can be grown and are viable candidates for renewable fuel production;

"(2) estimates the acreage available for growing the cellulosic feedstock materials identified under paragraph (1);

"(3) estimates the quantity of available energy per acre for each cellulosic feedstock material identified under paragraph (1);

"(4) calculates the development potential for growing cellulosic feedstock materials, based on—

"(A) the range of cellulosic materials available for growth;

"(B) soil quality;

"(C) climate variables;

"(D) the quality and availability of water;

"(E) agriculture systems that are in place as of the date of enactment of this Act;

"(F) available acreage; and

"(G) other relevant factors identified by the Secretary; and

"(5) rates the development potential for growing cellulosic feedstock material, with the ratings displayed on maps of the United States that indicate the development potential of each State, as calculated by the Secretary under paragraph (4).

"SEC. 9024. FUTURE FARMSTEADS PROGRAM.

Strike section 3101.

On page 272, between lines 2 and 3, insert the following:

SEC. 19___. ENTERPRISE AND WHOLE FARM UNITS.

Section 508(e) of Federal Crop Insurance Act (7 U.S.C. 1508(e)) is amended by adding at the end the following:

"(6) ENTERPRISE AND WHOLE FARM UNITS.—

"(A) IN GENERAL.—The Corporation may carry out a pilot program under which the Corporation pays a portion of the premiums for plans or policies of insurance for which the insurable unit is defined on a whole farm or enterprise unit basis that is higher than would otherwise be paid in accordance with paragraph (2) for policyholders that convert from a plan or policy of insurance for which the insurable unit is defined on optional or basic unit basis.

"(B) ELIGIBILITY.—To be eligible to participate in a pilot program established under this paragraph, a policyholder shall—

"(i) have purchased additional coverage for the 2005 crop on an optional or basic unit basis for at least 90 percent of the acreage to be covered by enterprise or whole farm unit policy for the current crop; and

"(ii) purchase the enterprise or whole farm unit policy at not less than the highest coverage level that was purchased for the acreage for the 2005 crop.

"(C) AMOUNT.—

"(i) IN GENERAL.—The amount of the premium per acre paid by the Corporation to a policyholder for a policy with an enterprise and whole farm unit under this paragraph shall be, the maximum extent practicable, equal to the average dollar amount of subsidy per acre paid by the Corporation under paragraph (2) for a basic or optional unit.

"(ii) LIMITATION.—The amount of the premium paid by the Corporation under this paragraph may not exceed the total premium for the enterprise or whole farm unit policy.

"(D) CONVERSION OF PILOT TO A PERMANENT PROGRAM.—Not earlier than 180 days after the date of enactment of this paragraph, the Corporation may convert the pilot program described in this paragraph to a permanent program if the Corporation has—

"(i) carried out the pilot program;

"(ii) analyzed the results of the pilot program; and

"(iii) submitted to Congress a report describing the results of the analysis.".

On page 299, between lines 15 and 16, insert the following:

SEC. 19___. DEFINITION OF BASIC UNIT.

The Secretary shall not modify the definition of "basic unit" in accordance with the proposed regulations entitled "Common Crop Insurance Regulations" (72 Fed. Reg. 28895; relating to common crop insurance regulations) or any successor regulation.

On page 980, strike lines 12 and 13 and insert the following:

including fresh-cut produce;

"(7) methods of improving the supply and effectiveness of pollination for specialty crop production; and

"(8) efforts relating to optimizing the produc-

On page 1007, strike line 16 and insert the following:

(T) The research, extension, and education programs authorized by section 407 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7627) relating to the viability and competitiveness of small- and medium-sized dairy, livestock, crop, and other commodity operations.

(U) Other programs, including any pro-

On page 994, strike lines 7 through 17 and insert the following:

SEC. 7312. NATIONAL ARBORETUM.

The Act of March 4, 1927 (20 U.S.C. 191 et seq.), is amended by adding at the end the following:

"SEC. 7. CONSTRUCTION OF A CHINESE GARDEN AT NATIONAL ARBORETUM.

"(a) IN GENERAL.—A Chinese Garden may be constructed at the National Arboretum established under this Act with—

"(1) funds accepted under section 5; and

"(2) authorities provided to the Secretary of Agriculture under section 6.

"(b) REPORT.—Each year the Secretary of Agriculture shall submit to Congress, and post on the public website of the National Arboretum, an itemized budget that shall describe, for the preceding year—

"(1) the total costs of the National Arboretum;

"(2) the costs of—

"(A) operation and maintenance;

"(B) horticulture and grounds;

"(C) visitor services; and

"(D) supplies and materials;

"(3) indirect costs of the Agricultural Research Service relating to the National Arboretum; and

"(4) the total number of visitors to the National Arboretum.

"(c) LIMITATION.—No Federal funds shall be used for the construction of the Chinese Garden authorized under subsection (a).".

On page 972, strike lines 1 through 3 and insert the following:

"(E) to assess the effect of forage quality on reproductive fitness and related measures.

"(56) SUSTAINABLE AGRICULTURAL PRODUCTION FOR THE ENVIRONMENT.—Research and extension grants may be made to—

"(A) field and laboratory studies that examine the ecosystem from gross to minute scales; and

"(B) conduct projects that explore the future environmental ramifications of sustainable agricultural practices."; and

On page 972, strike lines 1 through 3 and insert the following:

"(E) to assess the effect of forage quality on reproductive fitness and related measures.

"(56) BIOMASS-DERIVED ENERGY RESOURCES.—Research and extension grants may be made to—

"(A) study plant cell wall structure and function and the use of plant biotechnology to produce industrial enzymes; and

"(B) conduct projects that develop renewable, plant biomass-derived energy resources using the technology described in subparagraph (A)."; and

On page 563, between lines 15 and 16, insert the following:

SEC. 320___. REPORT ON THE IMPORTATION OF HIGH PROTEIN FOOD INGREDIENTS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary and the Secretary of Health and Human Services (acting through the Commissioner of Food and Drugs), in consultation with the heads of other appropriate Federal agencies, shall jointly submit to Congress a report on imports of high protein food ingredients (including gluten, casein, and milk protein concentrate) into the United States during the 5-year period preceding the date of enactment of this Act.

(b) COMPONENTS.—The report required under subsection (a) shall include—

(1) a description of—

(A) the quantity of each high protein food ingredient imported into the United States; and

(B) the source of the high protein food ingredients being imported;

(2) an accounting of the percentage of imports in each category and subcategory of high protein food ingredients that were inspected, including whether the inspections were—

(A) basic or visual inspections; or

(B) more intensive inspections or laboratory analyses;

(3) an evaluation of—

(A) whether the laboratory tests conducted on high protein food ingredients were able to detect adulteration with other high nitrogen compounds, such as melamine; and

(B) if some of the laboratory tests were sensitive and others were not sensitive, the number and results for each sensitivity; and

(4) a survey of whether high protein food ingredients were imported for food uses or non-food uses, including an analysis of—

(A) whether the food uses were animal or human food uses; and

(B) whether any non-food or animal feed products could have entered the human food supply, including an analysis of any safeguards to prevent such products from entering the human food supply.

(c) AVAILABILITY.—As soon as practicable after the completion of the report under subsection (a), the Secretary and the Secretary of Health and Human Services shall make the report available to the public.

At the end of subtitle B of title XI, add the following:

SEC. 11____. GAO REPORT ON ACCESS TO HEALTH CARE FOR FARMERS.

(a) REPORT.—Not later than November 30, 2008, the Comptroller General of the United States shall submit to Congress a report on access to health care for rural Americans and farmers.

(b) CONSULTATION.—The report shall be done in consultation with the Rural Health Research Centers in the Department of Health and Human Services Office of Rural Health Policy.

(c) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) ASSESSMENT.—An assessment of access to health care for rural Americans, including the following:

(A) An overview of the rates of the uninsured among people living in rural areas in the United States and possible factors that cause the uninsurance, specifically—

(i) a synthesis of existing research on the uninsured living in rural America; and

(ii) a detailed analysis of the uninsured and the factors that contribute in uninsurance in 3 to 4 rural areas.

(2) SECOND ASSESSMENT.—An assessment of access to health care for farmers, including the following:

(A) An overview of the rates of the uninsured among farmers in the United States and the factors that cause the uninsurance, specifically—

(i) factors, such as land assets, that keep low-income farmers from qualifying for public insurance programs;

(ii) the effects of the high price of health insurance for individuals purchasing in the individual, non-group market; and

(iii) any other significant factor that contributes to the rates of uninsurance among farmers.

(B) The extent to which farmers depend on a spouse's off-farm job for health care coverage.

(C) The effects of uninsurance on farmers and their families.

(3) ROLE OF CONGRESS.—Recommendations regarding the potential role of Congress in supporting increased access to health insurance for farmers and their families, and rural Americans.

On page 1201, strike lines 4 through 8 and insert the following:

(c) EXISTING ACTIVITIES.—The Secretary shall ensure that nothing in an amendment made by this section duplicates, impedes, or undermines any of the food safety or product grading activities conducted by the Department of Commerce or the Food and Drug Administration, and shall consult with the Secretary of Commerce before implementing any new food safety or grading activity authorized under this section.

On page 1208, between lines 10 and 11, insert the following:

SEC. 10004. DISCLOSURE OF COUNTRY OF HARVEST FOR GINSENG.

(a) IN GENERAL.—The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) is amended by adding at the end the following:

"Subtitle E—Ginseng

"SEC. 291. DISCLOSURE OF COUNTRY OF HARVEST.

"(a) DEFINITIONS.—In this section:

"(1) GINSENG.—The term 'ginseng' means a plant classified within the genus Panax.

"(2) RAW AGRICULTURAL COMMODITY.—The term 'raw agricultural commodity' has the meaning given the term in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

"(3) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"(b) DISCLOSURE.—

"(1) IN GENERAL.—A person that offers ginseng for sale as a raw agricultural commodity or dehydrated whole root shall disclose to a potential purchaser the country of harvest of the ginseng.

"(2) IMPORTATION.—A person that imports ginseng as a raw agricultural commodity or dehydrated whole root into the United States shall disclose at the point of entry into the United States, in accordance with section 304 of the Tariff Act of 1930 (19 U.S.C. 1304), the country in which the ginseng was harvested.

"(c) MANNER OF DISCLOSURE.—

"(1) IN GENERAL.—The disclosure required by subsection (b) shall be provided to a potential purchaser by means of a label, stamp, mark, placard, or other easily legible and visible sign on the ginseng or on the package, display, holding unit, or bin containing the ginseng.

"(2) RETAILERS.—A retailer of ginseng as a raw agricultural commodity shall—

"(A) retain the means of disclosure provided under subsection (b); and

"(B) provide the received means of disclosure to a consumer of ginseng.

"(3) REGULATIONS.—The Secretary shall by regulation prescribe with specificity the manner in which disclosure shall be made in a transaction at the wholesale or retail level (including a transaction by mail, telephone, internet, or in retail stores).

"(d) FINES.—The Secretary may, after providing notice and an opportunity for a hearing before the Secretary, fine a person subject to subsection (b), or a person supplying ginseng to such a person, in an amount of not more than $1,000 for each violation if the Secretary determines that the person—

"(1) has not made a good faith effort to comply with subsection (b); and

"(2) continues to willfully violate subsection (b).

"(e) INFORMATION.—The Secretary shall make information available to wholesalers, importers, retailers, trade associations, and other interested persons concerning the requirements of this section (including regulations promulgated to carry out this section).".

(b) EFFECTIVE DATE.—This section and the amendments made by this section take effect on the date that is 180 days after the date of enactment of this Act.

On page 1362, between lines 19 and 20, insert the following:

SEC. 1107___. CONVEYANCE OF LAND TO CHIHUAHUAN DESERT NATURE PARK.

(a) DEFINITIONS.—In this section:

(1) BOARD.—The term "Board" means the Chihuahuan Desert Nature Park Board.

(2) NATURE PARK.—The term "Nature Park" means the Chihuahuan Desert Nature Park, Inc., a nonprofit corporation in the State of New Mexico.

(b) CONVEYANCE OF LAND.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, subject to valid existing rights and subsection (c), the Secretary shall convey to the Nature Park, by quitclaim deed, for no consideration, all right, title, and interest of the United States in and to the land described in paragraph (2)

(2) DESCRIPTION OF LAND.—

(A) IN GENERAL.—The parcel of land referred to in paragraph (1) consists of the approximately 935.62 acres of land in Dona Ana County, New Mexico, which is more particularly described—

(i) as sections 17, 20, and 21 of T. 21 S., R. 2 E., N.M.P.M.; and

(ii) in an easement deed dated May 14, 1998, from the Department of Agriculture to the Nature Park.

(B) MODIFICATIONS.—The Secretary may modify the description of the land under subparagraph (A) to—

(i) correct errors in the description; or

(ii) facilitate management of the land.

(c) CONDITIONS.—The conveyance of land under subsection (b) shall be subject to—

(1) the reservation by the United States of all mineral and subsurface rights to the land, including any geothermal resources;

(2) the condition that the Board pay any costs relating to the conveyance;

(3) any rights-of-way reserved by the Secretary;

(4) a covenant or restriction in the deed to the land requiring that—

(A) the land may be used only for educational or scientific purposes; and

(B) if the land is no longer used for the purposes described in subparagraph (A), the land may, at the discretion of the Secretary, revert to the United States in accordance with subsection (d); and

(5) any other terms and conditions that the Secretary determines to be appropriate.

(d) REVERSION.—If the land conveyed under subsection (b) is no longer used for the purposes described in subsection (c)(4)(A)—

(1) the land may, at the discretion of the Secretary, revert to the United States; and

(2) if the Secretary chooses to have the land revert to the United States, the Secretary shall—

(A) determine whether the land is environmentally contaminated, including contamination from hazardous wastes, hazardous substances, pollutants, contaminants, petroleum, or petroleum by-products; and

(B) if the Secretary determines that the land is environmentally contaminated, the Nature Park, the successor to the Nature Park, or any other person responsible for the contamination shall be required to remediate the contamination.

(e) WITHDRAWAL.—All federally owned mineral and subsurface rights to the land described in subsection (b)(2) are withdrawn from—

(1) location, entry, and patent under the mining laws; and

(2) the operation of the mineral leasing laws, including the geothermal leasing laws.

(f) WATER RIGHTS.—Nothing in this section authorizes the conveyance of water rights to the Nature Park.

Beginning on page 756, strike line 6 and all that follows through page 757, line 5, and insert the following:

SEC. 6012. WATER SYSTEMS FOR RURAL AND NATIVE VILLAGES IN ALASKA.

Section 306D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926d) is amended—

(1) in subsection (a)—

(A) by striking "make grants to the State" and inserting "make grants to—

"(1) the State";

(B) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(2) the Denali Commission to improve solid waste disposal sites that are contaminating, or threaten to contaminate, rural drinking water supplies in the State of Alaska.";

(2) in subsection (c)—

(A) in the subsection heading by striking "WITH THE STATE OF ALASKA"; and

(B) by striking "the State of Alaska" and inserting "the appropriate grantee under subsection (a)"; and

(3) in subsection (d)—

(A) in paragraph (1), by striking "2007" and inserting "2013";

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

"(3) DENALI COMMISSION.—Not more than 5 percent of the amount made available under paragraph (1) for a fiscal year may be transferred to the Denali Commission to improve solid waste disposal sites that are contaminating, or threaten to contaminate, rural drinking supplies in the State of Alaska.".

On page 763, strike lines 3 through 10 and insert the following:

"(B) MULTIYEAR GRANTS.—If the Secretary determines it to be in the best interest of the program, the Secretary shall award grants for a period of more than 1 year, but not more than 3 years, to a center that has successfully met the parameters described in paragraph (5).".

Beginning on page 891, strike line 9 and all that follows through page 892, line 20.

SECTION 1914. ACCESS TO DATA MINING INFORMATION.

Page 277, line 7, after "subparagraph (A)," insert "including for quality assurance purposes under the Standard Reinsurance Agreement".

At the end of subtitle B of title XI, add the following:

SEC. 11072. PROHIBITIONS ON DOG FIGHTING VENTURES.

(a) IN GENERAL.—Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended—

(1) in subsection (a)(1)—

(A) by striking "any person to knowingly sponsor" and inserting "any person—

"(A) to knowingly sponsor";

(B) by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(B) to knowingly sponsor or exhibit an animal in a dog fighting venture.";

(2) in subsection (b)—

(A) by striking "any person to knowingly sell" and inserting "any person—

"(1) to knowingly sell";

(B) by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(2) to knowingly sell, buy, possess, train, transport, deliver, or receive for purposes of transportation, any dog or other animal, for the purposes of having the dog or other animal, or offspring of the dog or other animal, participate in a dog fighting venture.";

(3) in the last sentence of subsection (f), by striking "by the United States"; and

(4) in subsection (g)—

(A) in paragraph (5), by striking "and" at the end;

(B) by redesignating paragraph (6) as paragraph (7); and

(C) by inserting after paragraph (5) the following:

"(6) the term 'dog fighting venture'—

"(A) means any event that—

"(i) involves a fight between at least 2 animals;

"(ii) includes at least 1 dog; and

"(iii) is conducted for purposes of sport, wagering, or entertainment; and

"(B) does not include any activity the primary purpose of which involves the use of 1 or more animals to hunt another animal; and".

(b) ENFORCEMENT OF ANIMAL FIGHTING PROHIBITIONS.—Section 49 of title 18, United States Code, is amended to read as follows:

"§49. Enforcement of animal fighting prohibitions

"(a) ANIMAL FIGHTING VENTURES.—Whoever violates subsection (a)(1)(A), (b)(1), (c), or (e) of section 26 of the Animal Welfare Act (7 U.S.C. 2156) shall be fined under this title, imprisoned for not more than 3 years, or both, for each violation.

"(b) DOG FIGHTING VENTURES.—Whoever violates subsection (a)(1)(B) or (b)(2) of section 26 of the Animal Welfare Act shall be fined under this title, imprisoned for not more than 5 years, or both, for each violation.".

On page 1201, strikes lines 17 through 18 and insert the following:

"(vii) meat produced from goats;

"(viii) chicken, in whole and in part; and

"(ix) macadamia nuts.";

On page 1201, line 23, insert "CHICKEN," after "PORK,".

On page 1202, line 1, insert "chicken," after "pork,".

On page 1202, line 20, insert "chicken," after "pork,".

On page 1203, line 16, insert "chicken," after "pork,".

On page 1204, line 1, insert "chicken," after "pork,".

On page 1204, line 6, insert "CHICKEN," after "LAMB,".

On page 1204, line 8, insert "ground chicken," after "ground lamb,".

On page 1204, line 12, insert "ground chicken," after "lamb,".

On page 1204, line 15, insert "ground chicken," after "ground lamb,".

Beginning on page 775, strike line 22 and all that follows through page 776, line 19 and insert the following:

"(B) WATER AND WASTE DISPOSAL GRANTS AND DIRECT AND GUARANTEED LOANS.—For the purpose of water and waste disposal grants and direct and guaranteed loans provided under paragraphs (1), (2), and (24) of section 306(a), the terms 'rural' and 'rural area' mean a city, town, or unincorporated area that has a population of no more than 10,000 inhabitants.

"(C) COMMUNITY FACILITY LOANS AND GRANTS.—For the purpose of community facility direct and guaranteed loans and grants under paragraphs (1), (19), (20), (21), and (24) of section 306(a), the terms 'rural' and 'rural area' mean any area other than—

"(i) an area described in clause (i), (ii), or (iii) of subparagraph (A); and

"(ii) a city, town, or unincorporated area that has a population of greater than 20,000 inhabitants.

"(D) AREAS RURAL IN CHARACTER.—

"(i) IN GENERAL.—Notwithstanding any other provision of this paragraph, the Under Secretary for Rural Development may determine (pursuant to a petition by a local community or on the initiative of the Under Secretary) that an area described in clause (ii) or (iii) of subparagraph (A) is a rural area for the purposes of this paragraph, if the Under Secretary finds that the area is rural in character, as determined by the Under Secretary.

"(ii) ADMINISTRATION.—In carrying out clause (i), the Under Secretary for Rural Development—

"(I) shall not delegate the authority described in clause (i); but

"(II) shall consult with the applicable rural development State or regional director of the Department of Agriculture.

"(E) EXCLUSIONS.—Notwithstanding any other provision of this paragraph, in determining which census blocks are not in a rural area (as defined in this paragraph), the Secretary shall exclude any cluster of census blocks that would otherwise be considered not in a rural area only because the cluster is adjacent to not more than 2 census blocks that are otherwise considered not in a rural area under this paragraph.".

(b) ANNUAL REPORTS.—Not later than 2 years after the date of enactment of this Act and every 2 years thereafter, the Secretary shall prepare and submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

(1) assesses the various definitions of the term "rural" and "rural area" that are used with respect to programs administered by the Secretary;

(2) describes the effects that the variations in those definitions have on those programs;

(3) make recommendations for ways to better target funds provided through rural development programs;

(4) describes the effects the changes to the definitions of the terms "rural" and "rural area" in the Farm Security and Rural Investment Act of 2002 and this Act had on those programs and eligible areas; and

(5) determines what effects the changes had on the level of rural development funding and participation in those programs in each State.

At the end of the amendment, add the following:

SEC. 60___. INTEREST RATES FOR WATER AND WASTE DISPOSAL FACILITIES LOANS.

Section 307(a)(3) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927(a)(3)) is amended by adding at the end the following:

"(E) INTEREST RATES FOR WATER AND WASTE DISPOSAL FACILITIES LOANS.—Notwithstanding subparagraph (A), for loans (other than guaranteed loans) for water and waste disposal facilities—

"(i) in the case of a loan that would be subject to the 5 percent interest rate limitation under subparagraph (A), the Secretary shall set the interest rate equal to 60 percent of the current market yield for outstanding municipal obligations with remaining periods to maturity comparable to the average maturity of such loans, adjusted to the nearest one-eight of 1 per centum; and

"(ii) in the case of a loan that would be subject to the 7 percent limitation in subparagraph (A), the Secretary shall set the interest rate equal to 80 percent of the current market yield for outstanding municipal obligations with remaining periods to maturity comparable to the average maturity of such loans, adjusted to the nearest one-eight of 1 per centum.".

On page 563, between lines 15 and 16, insert the following:

SEC. 3205. QUALITY REQUIREMENTS FOR CLEMENTINES.

Section 8e(a) of the Agricultural Adjustment Act (7 U.S.C. 608e-1(a)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended in the matter preceding the first proviso in the first sentence by inserting "clementines," after "nectarines,".

At the end of subtitle F of title IV, add the following:

SEC. 49___. REPORT ON FEDERAL HUNGER PROGRAMS.

Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that contains—

(1) a complete list of all Federal programs that seek to alleviate hunger or food insecurity or improve nutritional intake, including programs that support collaboration, coordination, research, or infrastructure related to these issues;

(2) for each program listed under paragraph (1)—

(A) the total amount of Federal funds used to carry out the program in the most recent fiscal year for which comparable data is available;

(B) a comparison of the amount described in subparagraph (A) with the amount used to carry out a similar program 10 and 20 years previously;

(C) to the maximum extent practicable, the amount of Federal funds used under the program to provide direct food aid to individuals (including the amount used for the costs of administering the program); and

(D) a review to determine whether the program has been independently reviewed for effectiveness with respect to achieving the goals of the program, including—

(i) the findings of the independent review; and

(ii) for the 10 highest-cost programs, a determination of whether the review was conducted in accordance with accepted research principles;

(3) for the 10- and 20-year periods before the date of enactment of this Act, and for the most recent year for which data is available, the estimated number of people in the United States who are hungry (or food insecure) or obese; and

(4) as of the date of submission of the report—

(A) the number of employees of the Department of Agriculture, including contractors and other individuals whose salary is paid in full or part by the Department; and

(B) the number of farmers and other agricultural producers in the United States that receive some form of assistance from the Department.

On page 634, lines 5 and 6, strike "to enter into a contract with" and insert "to provide a grant to".

On page 634, line 8, strike "CONTRACT" and insert "GRANT".

On page 634, line 9, strike "contract entered into" and insert "grant provided".

On page 634, line 10, strike "contract" and insert "grant".

On page 634, line 12, strike "contract" and insert "grant".

At the end of subtitle F of title VII, add the following:

SEC. 75___. MODIFICATIONS TO INFORMATION TECHNOLOGY SERVICE.

(a) In General.—The Secretary shall not implement any modification that reduces the availability or provision of information technology service, or administrative management control of that service, including data or center service agency, functions, and personnel at the National Finance Center and the National Information Technology Center service locations, until the date that is 60 days after the date on which the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate receive a written determination and report from the Chief Financial Officer or Chief Information Officer of the Department of Agriculture and the Secretary that states that the implementation of the modification is in the best interests of the Department of Agriculture.

(b) Report on Proposed Modifications.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the Comptroller General a report on any proposed modification to reduce the availability or provision of any information technology service, or administrative management control of such a service, including data or center service agency, functions, and personnel at the National Finance Center and National Technology Center service locations, that includes—

(1) a business case analysis (including of the near- and long-term costs and benefits to the Department of Agriculture and all other Federal agencies and departments that benefit from services provided by the National Finance Center and the National Information Technology Center service locations) of the proposed modifications, as compared with maintaining administrative management control or information technology service functions and personnel in the existing structure and at present locations; and

(2) an analysis of the impact of any changes in that administrative management control or information technology service (including data or center service agency, functions, and personnel) on the ability of the National Finance Center and National Information Technology Center service locations to provide, in the near- and long-term, to all Federal agencies and departments, cost-effective, secure, efficient, and interoperable—

(A) information technology services;

(B) cross-servicing;

(C) e-payroll services; and

(D) human resource line-of-business services.

(c) Assessment.—Not later than 90 days after the date on which the Comptroller General receives the report submitted under subsection (b), the Comptroller General shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a detailed written assessment of the report that includes an analysis (including of near- and long-term cost benefits and impacts) of the alternatives available to all Federal agencies and departments to acquire cost-effective, secure, efficient, and interoperable information technology, cross-servicing, e-payroll, and human resource line-of-business services.

(d) Operating Reserve.—

(1) In General.—Of annual income amounts in the working capital fund of the Department of Agriculture allocated for the National Finance Center, the Secretary may reserve not more than 4 percent—

(A) for the replacement or acquisition of capital equipment, including equipment for—

(i) the improvement and implementation of a financial management plan;

(ii) information technology; and

(iii) other systems of the National Finance Center; or

(B) to pay any unforeseen, extraordinary costs of the National Finance Center.

(2) Availability for Obligation.—

(A) In General.—Except as provided in subparagraph (B), none of the amounts reserved under paragraph (1) shall be available for obligation unless the Secretary submits notification of the obligation to—

(i) the Committees on Appropriations and Agriculture of the House of Representatives; and

(ii) the Committees on Appropriations and Agriculture, Nutrition, and Forestry of the Senate.

(B) Exception.—The limitation described in subparagraph (A) shall not apply to any obligation that, as determined by the Secretary, is necessary—

(i) to respond to a declared state of emergency that significantly impacts the operations of the National Finance Center; or

(ii) to evacuate employees of the National Finance Center to a safe haven to continue operations of the National Finance Center.

At the appropriate place, insert the following:

On page 1159, strike lines 17 through 19 and insert the following:

(A) the capabilities and experience of the applicant, including—

(i) in conducting side-by-side crop experiments;

(ii) engineering and research knowledge and experience relating to biofuels or the production of inputs for biofuel production; and

(iii) demonstrated willingness to contribute significant in-kind resources;

At the appropriate place, insert the following:

TITLE ___—DOMESTIC PET TURTLE MARKET ACCESS

SEC. ___. SHORT TITLE.

This title may be cited as the "Domestic Pet Turtle Equality Act".

SEC. ___. FINDINGS.

Congress makes the following findings:

(1) Pet turtles less than 10.2 centimeters in diameter have been banned for sale in the United States by the Food and Drug Administration since 1975 due to health concerns.

(2) The Food and Drug Administration does not ban the sale of iguanas or other lizards, snakes, frogs, or other amphibians or reptiles that are sold as pets in the United States that carry salmonella bacteria. The Food and Drug Administration also does not require that these animals be treated for salmonella bacteria before being sold as pets.

(3) The technology to treat turtles for salmonella, and make them safe for sale, has greatly advanced since 1975. Treatments

exist that can eradicate salmonella from turtles up until the point of sale, and individuals are more aware of the causes of salmonella, how to treat salmonella poisoning, and the seriousness associated with salmonella poisoning.

(4) University research has shown that these turtles can be treated in such a way that they can be raised, shipped, and distributed without having a recolonization of salmonella.

(5) University research has also shown that pet owners can be equipped with a treatment regimen that allows the turtle to be maintained safe from salmonella.

(6) The Food and Drug Administration and the Department of Agriculture should allow the sale of turtles less than 10.2 centimeters in diameter as pets as long as the sellers are required to use proven methods to treat these turtles for salmonella.

SEC. ___. REVIEW, REPORT, AND ACTION ON THE SALE OF BABY TURTLES.

(a) PET TURTLE.—In this section, the term "pet turtle" means a turtle that is less than 10.2 centimeters in diameter.

(b) PREVALENCE OF SALMONELLA.—Not later than 60 days after the date of enactment of this title, the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall determine the prevalence of salmonella in each species of reptile and amphibian sold legally as a pet in the United States in order to determine whether the prevalence of salmonella in reptiles and amphibians sold legally as pets in the United States on average is not more than 10 percent less than the percentage of salmonella in pet turtles.

(c) ACTION IF PREVALENCE IS SIMILAR.—If the prevalence of salmonella in reptiles and amphibians sold legally as pets in the United States on average is not more than 10 percent less than the percentage of salmonella in pet turtles—

(1) the Secretary of Agriculture shall—

(A) conduct a study to determine how pet turtles can be sold safely as pets in the United States and provide recommendations to Congress not later than 150 days after the date of such determination;

(B) in conducting such study, consult with all relevant stakeholders, such as the Centers for Disease Control and Prevention, the turtle farming industry, academia, and the American Academy of Pediatrics; and

(C) examine the safety measures taken to protect individuals from salmonella-related dangers involved with reptiles and amphibians sold legally in the United States that contain a similar or greater presence of salmonella than that of pet turtles; and

(2) the Secretary of Agriculture—

(A) may not prohibit the sale of pet turtles in the United States; or

(B) shall prohibit the sale in the United States of any reptile or amphibian that contains a similar or greater prevalence of salmonella than that of pet turtles.

On page 1362, between lines 19 and 20, insert the following:

Subtitle C—Disaster Loan Program

SEC. 11101. SHORT TITLE.

This subtitle may be cited as the "Small Business Disaster Response and Loan Improvements Act of 2007".

SEC. 11102. DEFINITIONS.

In this subtitle—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term "Small Business Act catastrophic national disaster" means a Small Business Act catastrophic national disaster declared under section 7(b)(11) of the Small Business Act (15 U.S.C. 636(b)), as added by this Act;

(3) the term "declared disaster" means a major disaster or a Small Business Act catastrophic national disaster;

(4) the term "disaster area" means an area affected by a natural or other disaster, as determined for purposes of paragraph (1) or (2) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), during the period of such declaration;

(5) the term "disaster loan program of the Administration" means assistance under section 7(b) of the Small Business Act (15 U.S.C. 636(b));

(6) the term "disaster update period" means the period beginning on the date on which the President declares a major disaster or a Small Business Act catastrophic national disaster and ending on the date on which such declaration terminates;

(7) the term "major disaster" has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122);

(8) the term "small business concern" has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632); and

(9) the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any territory or possession of the United States.

PART I—DISASTER PLANNING AND RESPONSE

SEC. 11121. DISASTER LOANS TO NONPROFITS.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (3) the following:

"(4) LOANS TO NONPROFITS.—In addition to any other loan authorized by this subsection, the Administrator may make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator determines appropriate to a nonprofit organization located or operating in an area affected by a natural or other disaster, as determined under paragraph (1) or (2), or providing services to persons who have evacuated from any such area.".

SEC. 11122. DISASTER LOAN AMOUNTS.

(a) INCREASED LOAN CAPS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (4), as added by this Act, the following:

"(5) INCREASED LOAN CAPS.—

"(A) AGGREGATE LOAN AMOUNTS.—Except as provided in subparagraph (B), and notwithstanding any other provision of law, the aggregate loan amount outstanding and committed to a borrower under this subsection may not exceed $2,000,000.

"(B) WAIVER AUTHORITY.—The Administrator may, at the discretion of the Administrator, increase the aggregate loan amount under subparagraph (A) for loans relating to a disaster to a level established by the Administrator, based on appropriate economic indicators for the region in which that disaster occurred.".

(b) DISASTER MITIGATION.—

(1) IN GENERAL.—Section 7(b)(1)(A) of the Small Business Act (15 U.S.C. 636(b)(1)(A)) is amended by inserting "of the aggregate costs of such damage or destruction (whether or not compensated for by insurance or otherwise)" after "20 per centum".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to a loan or guarantee made after the date of enactment of this Act.

(c) TECHNICAL AMENDMENTS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended—

(1) in the matter preceding paragraph (1), by striking "the, Administration" and inserting "the Administration";

(2) in paragraph (2)(A), by striking "Disaster Relief and Emergency Assistance Act" and inserting "Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) (in this subsection referred to as a 'major disaster')"; and

(3) in the undesignated matter at the end—

(A) by striking ", (2), and (4)" and inserting "and (2)"; and

(B) by striking ", (2), or (4)" and inserting "(2)".

SEC. 11123. SMALL BUSINESS DEVELOPMENT CENTER PORTABILITY GRANTS.

Section 21(a)(4)(C)(viii) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(viii)) is amended—

(1) in the first sentence, by striking "as a result of a business or government facility down sizing or closing, which has resulted in the loss of jobs or small business instability" and inserting "due to events that have resulted or will result in, business or government facility downsizing or closing"; and

(2) by adding at the end "At the discretion of the Administrator, the Administrator may make an award greater than $100,000 to a recipient to accommodate extraordinary occurrences having a catastrophic impact on the small business concerns in a community.".

SEC. 11124. ASSISTANCE TO OUT-OF-STATE BUSINESSES.

Section 21(b)(3) of the Small Business Act (15 U.S.C. 648(b)(3)) is amended—

(1) by striking "At the discretion" and inserting the following: "SMALL BUSINESS DEVELOPMENT CENTERS.—

"(A) IN GENERAL.—At the discretion"; and

(2) by adding at the end the following:

"(B) DURING DISASTERS.—

"(i) IN GENERAL.—At the discretion of the Administrator, the Administrator may authorize a small business development center to provide such assistance to small business concerns located outside of the State, without regard to geographic proximity, if the small business concerns are located in a disaster area declared under section 7(b)(2)(A).

"(ii) CONTINUITY OF SERVICES.—A small business development center that provides counselors to an area described in clause (i) shall, to the maximum extent practicable, ensure continuity of services in any State in which such small business development center otherwise provides services.

"(iii) ACCESS TO DISASTER RECOVERY FACILITIES.—For purposes of providing disaster recovery assistance under this subparagraph, the Administrator shall, to the maximum extent practicable, permit small business development center personnel to use any site or facility designated by the Administrator for use to provide disaster recovery assistance.".

SEC. 11125. OUTREACH PROGRAMS.

(a) IN GENERAL.—Not later than 30 days after the date of the declaration of a disaster area, the Administrator may establish a contracting outreach and technical assistance program for small business concerns which have had a primary place of business in, or other significant presence in, such disaster area.

(b) ADMINISTRATOR ACTION.—The Administrator may carry out subsection (a) by acting through—

(1) the Administration;

(2) the Federal agency small business officials designated under section 15(k)(1) of the Small Business Act (15 U.S.C. 644(k)(1)); or

(3) any Federal, State, or local government entity, higher education institution, procurement technical assistance center, or private nonprofit organization that the Administrator may determine appropriate, upon conclusion of a memorandum of understanding or assistance agreement, as appropriate, with the Administrator.

SEC. 11126. SMALL BUSINESS BONDING THRESHOLD.

(a) IN GENERAL.—Except as provided in subsection (b), and notwithstanding any other provision of law, for any procurement related to a major disaster, the Administrator may, upon such terms and conditions as the Administrator may prescribe, guarantee and enter into commitments to guarantee any surety against loss resulting from a breach of the terms of a bid bond, payment bond, performance bond, or bonds ancillary thereto, by a principal on any total work order or contract amount at the time of bond execution that does not exceed $5,000,000.

(b) INCREASE OF AMOUNT.—Upon request of the head of any Federal agency other than the Administration involved in reconstruction efforts in response to a major disaster, the Administrator may guarantee and enter into a commitment to guarantee any security against loss under subsection (a) on any total work order or contract amount at the time of bond execution that does not exceed $10,000,000.

SEC. 11127. TERMINATION OF PROGRAM.

Section 711(c) of the Small Business Competitive Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by inserting after "January 1, 1989" the following: ", and shall terminate on the date of enactment of the Small Business Disaster Response and Loan Improvements Act of 2007".

SEC. 11128. INCREASING COLLATERAL REQUIREMENTS.

Section 7(c)(6) of the Small Business Act (15 U.S.C. 636(c)(6)) is amended by striking "$10,000 or less" and inserting "$14,000 or less (or such higher amount as the Administrator determines appropriate in the event of a Small Business Act catastrophic national disaster declared under subsection (b)(11))".

SEC. 11129. PUBLIC AWARENESS OF DISASTER DECLARATION AND APPLICATION PERIODS.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (5), as added by this Act, the following:

"(6) COORDINATION WITH FEMA.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, for any disaster (including a Small Business Act catastrophic national disaster) declared under this subsection or major disaster, the Administrator, in consultation with the Administrator of the Federal Emergency Management Agency, shall ensure, to the maximum extent practicable, that all application periods for disaster relief under this Act correspond with application deadlines established under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), or as extended by the President.

"(B) DEADLINES.—Notwithstanding any other provision of law, not later than 10 days before the closing date of an application period for a major disaster (including a Small Business Act catastrophic national disaster), the Administrator, in consultation with the Administrator of the Federal Emergency Management Agency, shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report that includes—

"(i) the deadline for submitting applications for assistance under this Act relating to that major disaster;

"(ii) information regarding the number of loan applications and disbursements processed by the Administrator relating to that major disaster for each day during the period beginning on the date on which that major disaster was declared and ending on the date of that report; and

"(iii) an estimate of the number of potential applicants that have not submitted an application relating to that major disaster.

"(7) PUBLIC AWARENESS OF DISASTERS.—If a disaster (including a Small Business Act catastrophic national disaster) is declared under this subsection, the Administrator shall make every effort to communicate through radio, television, print, and web-based outlets, all relevant information needed by disaster loan applicants, including—

"(A) the date of such declaration;

"(B) cities and towns within the area of such declaration;

"(C) loan application deadlines related to such disaster;

"(D) all relevant contact information for victim services available through the Administration (including links to small business development center websites);

"(E) links to relevant Federal and State disaster assistance websites, including links to websites providing information regarding assistance available from the Federal Emergency Management Agency;

"(F) information on eligibility criteria for Administration loan programs, including where such applications can be found; and

"(G) application materials that clearly state the function of the Administration as the Federal source of disaster loans for homeowners and renters.".

(b) MARKETING AND OUTREACH.—Not later than 90 days after the date of enactment of this Act, the Administrator shall create a marketing and outreach plan that—

(1) encourages a proactive approach to the disaster relief efforts of the Administration;

(2) makes clear the services provided by the Administration, including contact information, application information, and timelines for submitting applications, the review of applications, and the disbursement of funds;

(3) describes the different disaster loan programs of the Administration, including how they are made available and the eligibility requirements for each loan program;

(4) provides for regional marketing, focusing on disasters occurring in each region before the date of enactment of this Act, and likely scenarios for disasters in each such region; and

(5) ensures that the marketing plan is made available at small business development centers and on the website of the Administration.

SEC. 11130. CONSISTENCY BETWEEN ADMINISTRATION REGULATIONS AND STANDARD OPERATING PROCEDURES.

(a) IN GENERAL.—The Administrator shall, promptly following the date of enactment of this Act, conduct a study of whether the standard operating procedures of the Administration for loans offered under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) are consistent with the regulations of the Administration for administering the disaster loan program.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administration shall submit to Congress a report containing all findings and recommendations of the study conducted under subsection (a).

SEC. 11131. PROCESSING DISASTER LOANS.

(a) AUTHORITY FOR QUALIFIED PRIVATE CONTRACTORS TO PROCESS DISASTER LOANS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (7), as added by this Act, the following:

"(8) AUTHORITY FOR QUALIFIED PRIVATE CONTRACTORS.—

"(A) DISASTER LOAN PROCESSING.—The Administrator may enter into an agreement with a qualified private contractor, as determined by the Administrator, to process loans under this subsection in the event of a major disaster or a Small Business Act catastrophic national disaster declared under paragraph (11), under which the Administrator shall pay the contractor a fee for each loan processed.

"(B) LOAN LOSS VERIFICATION SERVICES.—The Administrator may enter into an agreement with a qualified lender or loss verification professional, as determined by the Administrator, to verify losses for loans under this subsection in the event of a major disaster or a Small Business Act catastrophic national disaster declared under paragraph (11), under which the Administrator shall pay the lender or verification professional a fee for each loan for which such lender or verification professional verifies losses.".

(b) COORDINATION OF EFFORTS BETWEEN THE ADMINISTRATOR AND THE INTERNAL REVENUE SERVICE TO EXPEDITE LOAN PROCESSING.—The Administrator and the Commissioner of Internal Revenue shall, to the maximum extent practicable, ensure that all relevant and allowable tax records for loan approval are shared with loan processors in an expedited manner, upon request by the Administrator.

SEC. 11132. DEVELOPMENT AND IMPLEMENTATION OF MAJOR DISASTER RESPONSE PLAN.

(a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Administrator shall—

(1) by rule, amend the 2006 Atlantic hurricane season disaster response plan of the Administration (in this section referred to as the "disaster response plan") to apply to major disasters; and

(2) submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives detailing the amendments to the disaster response plan.

(b) CONTENTS.—The report required under subsection (a)(2) shall include—

(1) any updates or modifications made to the disaster response plan since the report regarding the disaster response plan submitted to Congress on July 14, 2006;

(2) a description of how the Administrator plans to utilize and integrate District Office personnel of the Administration in the response to a major disaster, including information on the utilization of personnel for loan processing and loan disbursement;

(3) a description of the disaster scalability model of the Administration and on what basis or function the plan is scaled;

(4) a description of how the agency-wide Disaster Oversight Council is structured, which offices comprise its membership, and

whether the Associate Deputy Administrator for Entrepreneurial Development of the Administration is a member;

(5) a description of how the Administrator plans to coordinate the disaster efforts of the Administration with State and local government officials, including recommendations on how to better incorporate State initiatives or programs, such as State-administered bridge loan programs, into the disaster response of the Administration;

(6) recommendations, if any, on how the Administration can better coordinate its disaster response operations with the operations of other Federal, State, and local entities;

(7) any surge plan for the disaster loan program of the Administration in effect on or after August 29, 2005 (including surge plans for loss verification, loan processing, mailroom, customer service or call center operations, and a continuity of operations plan);

(8) the number of full-time equivalent employees and job descriptions for the planning and disaster response staff of the Administration;

(9) the in-service and preservice training procedures for disaster response staff of the Administration;

(10) information on the logistical support plans of the Administration (including equipment and staffing needs, and detailed information on how such plans will be scalable depending on the size and scope of the major disaster;

(11) a description of the findings and recommendations of the Administrator, if any, based on a review of the response of the Administration to Hurricane Katrina of 2005, Hurricane Rita of 2005, and Hurricane Wilma of 2005; and

(12) a plan for how the Administrator, in consultation with the Administrator of the Federal Emergency Management Agency, will coordinate the provision of accommodations and necessary resources for disaster assistance personnel to effectively perform their responsibilities in the aftermath of a major disaster.

(c) EXERCISES.—Not later than 6 months after the date of the submission of the report under subsection (a)(2), the Administrator shall develop and execute simulation exercises to demonstrate the effectiveness of the amended disaster response plan required under this section.

SEC. 11133. DISASTER PLANNING RESPONSIBILITIES.

(a) ASSIGNMENT OF SMALL BUSINESS ADMINISTRATION DISASTER PLANNING RESPONSIBILITIES.—The Administrator shall specifically assign the disaster planning responsibilities described in subsection (b) to an employee of the Administration who—

(1) is not an employee of the Office of Disaster Assistance of the Administration;

(2) shall report directly to the Administrator; and

(3) has a background and expertise demonstrating significant experience in the area of disaster planning.

(b) RESPONSIBILITIES.—The responsibilities described in this subsection are—

(1) creating and maintaining the comprehensive disaster response plan of the Administration;

(2) ensuring in-service and pre-service training procedures for the disaster response staff of the Administration;

(3) coordinating and directing Administration training exercises, including mock disaster responses, with other Federal agencies; and

(4) other responsibilities, as determined by the Administrator.

(c) REPORT.—Not later than 30 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report containing—

(1) a description of the actions of the Administrator to assign an employee under subsection (a);

(2) information detailing the background and expertise of the employee assigned under subsection (a); and

(3) information on the status of the implementation of the responsibilities described in subsection (b).

SEC. 11134. ADDITIONAL AUTHORITY FOR DISTRICT OFFICES OF THE ADMINISTRATION.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (8), as added by this Act, the following:

"(9) USE OF DISTRICT OFFICES.—In the event of a major disaster, the Administrator may authorize a district office of the Administration to process loans under paragraph (1) or (2).".

(b) DESIGNATION.—

(1) IN GENERAL.—The Administrator may designate an employee in each district office of the Administration to act as a disaster loan liaison between the disaster processing center and applicants under the disaster loan program of the Administration.

(2) RESPONSIBILITIES.—Each employee designated under paragraph (1) shall—

(A) be responsible for coordinating and facilitating communications between applicants under the disaster loan program of the Administration and disaster loan processing staff regarding documentation and information required for completion of an application; and

(B) provide information to applicants under the disaster loan program of the Administration regarding additional services and benefits that may be available to such applicants to assist with recovery.

(3) OUTREACH.—In providing outreach to disaster victims following a declared disaster, the Administrator shall make disaster victims aware of—

(A) any relevant employee designated under paragraph (1); and

(B) how to contact that employee.

SEC. 11135. ASSIGNMENT OF EMPLOYEES OF THE OFFICE OF DISASTER ASSISTANCE AND DISASTER CADRE.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (9), as added by this Act, the following:

"(10) DISASTER ASSISTANCE EMPLOYEES.—

"(A) IN GENERAL.—In carrying out this section, the Administrator may, where practicable, ensure that the number of full-time equivalent employees—

"(i) in the Office of the Disaster Assistance is not fewer than 800; and

"(ii) in the Disaster Cadre of the Administration is not fewer than 750.

"(B) REPORT.—In carrying out this subsection, if the number of full-time employees for either the Office of Disaster Assistance or the Disaster Cadre of the Administration is below the level described in subparagraph (A) for that office, not later than 21 days after the date on which that staffing level decreased below the level described in subparagraph (A), the Administrator shall submit to the Committee on Appropriations and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Appropriations and Committee on Small Business of the House of Representatives, a report—

"(i) detailing staffing levels on that date;

"(ii) requesting, if practicable and determined appropriate by the Administrator, additional funds for additional employees; and

"(iii) containing such additional information, as determined appropriate by the Administrator.".

PART II—DISASTER LENDING

SEC. 11141. SMALL BUSINESS ACT CATASTROPHIC NATIONAL DISASTER DECLARATION.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (10), as added by this Act, the following:

"(11) SMALL BUSINESS ACT CATASTROPHIC NATIONAL DISASTERS.—

"(A) IN GENERAL.—The President may make a Small Business Act catastrophic national disaster declaration in accordance with this paragraph.

"(B) PROMULGATION OF RULES.—

"(i) IN GENERAL.—Not later than 6 months after the date of enactment of this paragraph, the Administrator, with the concurrence of the Secretary of Homeland Security and the Administrator of the Federal Emergency Management Agency, shall promulgate regulations establishing a threshold for a Small Business Act catastrophic national disaster declaration.

"(ii) CONSIDERATIONS.—In promulgating the regulations required under clause (i), the Administrator shall establish a threshold that—

"(I) requires that the incident for which the President declares a Small Business Act catastrophic national disaster declaration under this paragraph has resulted in extraordinary levels of casualties or damage or disruption severely affecting the population (including mass evacuations), infrastructure, environment, economy, national morale, or government functions in an area and the disaster should be similar in size and scope to the events relating to the terrorist attack of September 11, 2001, and the Hurricane Katrina of 2005;

"(II) requires that the President declares a major disaster before making a Small Business Act catastrophic national disaster declaration under this paragraph;

"(III) requires consideration of—

"(aa) the dollar amount per capita of damage to the State, its political subdivisions, or a region;

"(bb) the number of small business concerns damaged, physically or economically, as a direct result of the event;

"(cc) the number of individuals and households displaced from their predisaster residences by the event;

"(dd) the severity of the impact on employment rates in the State, its political subdivisions, or a region;

"(ee) the anticipated length and difficulty of the recovery process;

"(ff) whether the events leading to the relevant major disaster declaration are of an unusually large and calamitous nature that is orders of magnitude larger than for an average major disaster; and

"(gg) any other factor determined relevant by the Administrator.

"(C) AUTHORIZATION.—If the President makes a Small Business Act catastrophic national disaster declaration under this paragraph, the Administrator may make such loans under this paragraph (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator determines appropriate to small business concerns located anywhere in the United States that are economically adversely impacted as a result of that Small Business Act catastrophic national disaster.

"(D) LOAN TERMS.—A loan under this paragraph shall be made on the same terms as a loan under paragraph (2).".

SEC. 11142. PRIVATE DISASTER LOANS.

(a) IN GENERAL.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

"(c) PRIVATE DISASTER LOANS.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'disaster area' means any area for which the President declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) that subsequently results in the President making a Small Business Act catastrophic national disaster declaration under subsection (b)(11);

"(B) the term 'eligible small business concern' means a business concern that is—

"(i) a small business concern, as defined in this Act; or

"(ii) a small business concern, as defined in section 103 of the Small Business Investment Act of 1958; and

"(C) the term 'qualified private lender' means any privately-owned bank or other lending institution that the Administrator determines meets the criteria established under paragraph (9).

"(2) AUTHORIZATION.—The Administrator may guarantee timely payment of principal and interest, as scheduled on any loan issued by a qualified private lender to an eligible small business concern located in a disaster area.

"(3) USE OF LOANS.—A loan guaranteed by the Administrator under this subsection may be used for any purpose authorized under subsection (b).

"(4) ONLINE APPLICATIONS.—

"(A) ESTABLISHMENT.—The Administrator may establish, directly or through an agreement with another entity, an online application process for loans guaranteed under this subsection.

"(B) OTHER FEDERAL ASSISTANCE.—The Administrator may coordinate with the head of any other appropriate Federal agency so that any application submitted through an online application process established under this paragraph may be considered for any other Federal assistance program for disaster relief.

"(C) CONSULTATION.—In establishing an online application process under this paragraph, the Administrator shall consult with appropriate persons from the public and private sectors, including private lenders.

"(5) MAXIMUM AMOUNTS.—

"(A) GUARANTEE PERCENTAGE.—The Administrator may guarantee not more than 85 percent of a loan under this subsection.

"(B) LOAN AMOUNTS.—The maximum amount of a loan guaranteed under this subsection shall be $2,000,000.

"(6) LOAN TERM.—The longest term of a loan for a loan guaranteed under this subsection shall be—

"(A) 15 years for any loan that is issued without collateral; and

"(B) 25 years for any loan that is issued with collateral.

"(7) FEES.—

"(A) IN GENERAL.—The Administrator may not collect a guarantee fee under this subsection.

"(B) ORIGINATION FEE.—The Administrator may pay a qualified private lender an origination fee for a loan guaranteed under this subsection in an amount agreed upon in advance between the qualified private lender and the Administrator.

"(8) DOCUMENTATION.—A qualified private lender may use its own loan documentation for a loan guaranteed by the Administrator, to the extent authorized by the Administrator. The ability of a lender to use its own loan documentation for a loan guaranteed under this subsection shall not be considered part of the criteria for becoming a qualified private lender under the regulations promulgated under paragraph (9).

"(9) IMPLEMENTATION REGULATIONS.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Small Business Disaster Response and Loan Improvements Act of 2007, the Administrator shall issue final regulations establishing permanent criteria for qualified private lenders.

"(B) REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of the Small Business Disaster Response and Loan Improvements Act of 2007, the Administrator shall submit a report on the progress of the regulations required by subparagraph (A) to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

"(10) AUTHORIZATION OF APPROPRIATIONS.—

"(A) IN GENERAL.—Amounts necessary to carry out this subsection shall be made available from amounts appropriated to the Administration to carry out subsection (b).

"(B) AUTHORITY TO REDUCE INTEREST RATES.—Funds appropriated to the Administration to carry out this subsection, may be used by the Administrator, to the extent available, to reduce the rate of interest for any loan guaranteed under this subsection by not more than 3 percentage points.

"(11) PURCHASE OF LOANS.—The Administrator may enter into an agreement with a qualified private lender to purchase any loan issued under this subsection.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to disasters declared under section 7(b)(2) of the Small Business Act (631 U.S.C. 636(b)(2)) before, on, or after the date of enactment of this Act.

SEC. 11143. TECHNICAL AND CONFORMING AMENDMENTS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 4(c)—

(A) in paragraph (1), by striking "7(c)(2)" and inserting "7(d)(2)"; and

(B) in paragraph (2)—

(i) by striking "7(c)(2)" and inserting "7(d)(2)"; and

(ii) by striking "7(e),"; and

(2) in section 7(b), in the undesignated matter following paragraph (3)—

(A) by striking "That the provisions of paragraph (1) of subsection (c)" and inserting "That the provisions of paragraph (1) of subsection (d)"; and

(B) by striking "Notwithstanding the provisions of any other law the interest rate on the Administration's share of any loan made under subsection (b) except as provided in subsection (c)," and inserting "Notwithstanding any other provision of law, and except as provided in subsection (d), the interest rate on the Administration's share of any loan made under subsection (b)".

SEC. 11144. EXPEDITED DISASTER ASSISTANCE LOAN PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term "immediate disaster assistance" means assistance provided during the period beginning on the date on which the President makes a Small Business Act catastrophic disaster declaration under paragraph (11) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as added by this Act, and ending on the date that an impacted small business concern is able to secure funding through insurance claims, Federal assistance programs, or other sources; and

(2) the term "program" means the expedited disaster assistance business loan program established under subsection (b).

(b) CREATION OF PROGRAM.—The Administrator shall take such administrative action as is necessary to establish and implement an expedited disaster assistance business loan program to provide small business concerns with immediate disaster assistance under paragraph (11) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as added by this Act.

(c) CONSULTATION REQUIRED.—In establishing the program, the Administrator shall consult with—

(1) appropriate personnel of the Administration (including District Office personnel of the Administration);

(2) appropriate technical assistance providers (including small business development centers);

(3) appropriate lenders and credit unions;

(4) the Committee on Small Business and Entrepreneurship of the Senate; and

(5) the Committee on Small Business of the House of Representatives.

(d) RULES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall issue rules in final form establishing and implementing the program in accordance with this section. Such rules shall apply as provided for in this section, beginning 90 days after their issuance in final form.

(2) CONTENTS.—The rules promulgated under paragraph (1) shall—

(A) identify whether appropriate uses of funds under the program may include—

(i) paying employees;

(ii) paying bills and other financial obligations;

(iii) making repairs;

(iv) purchasing inventory;

(v) restarting or operating a small business concern in the community in which it was conducting operations prior to the declared disaster, or to a neighboring area, county, or parish in the disaster area; or

(vi) covering additional costs until the small business concern is able to obtain funding through insurance claims, Federal assistance programs, or other sources; and

(B) set the terms and conditions of any loan made under the program, subject to paragraph (3).

(3) TERMS AND CONDITIONS.—A loan made by the Administration under this section—

(A) shall be for not more than $150,000;

(B) shall be a short-term loan, not to exceed 180 days, except that the Administrator may extend such term as the Administrator determines necessary or appropriate on a case-by-case basis;

(C) shall have an interest rate not to exceed 1 percentage point above the prime rate of interest that a private lender may charge;

(D) shall have no prepayment penalty;

(E) may only be made to a borrower that meets the requirements for a loan under section 7(b) of the Small Business Act (15 U.S.C. 636(b));

(F) may be refinanced as part of any subsequent disaster assistance provided under section 7(b) of the Small Business Act;

(G) may receive expedited loss verification and loan processing, if the applicant is—

(i) a major source of employment in the disaster area (which shall be determined in the same manner as under section 7(b)(3)(B) of the Small Business Act (15 U.S.C. 636(b)(3)(B))); or

(ii) vital to recovery efforts in the region (including providing debris removal services, manufactured housing, or building materials); and

(H) shall be subject to such additional terms as the Administrator determines necessary or appropriate.

(e) REPORT TO CONGRESS.—Not later than 5 months after the date of enactment of this Act, the Administrator shall report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on the progress of the Administrator in establishing the program.

(f) AUTHORIZATION.—There are authorized to be appropriated to the Administrator such sums as are necessary to carry out this section.

SEC. 11145. HUBZONES.

(a) IN GENERAL.—Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (D), by striking "or";

(B) in subparagraph (E), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(F) areas in which the President has declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) as a result of Hurricane Katrina of August 2005 or Hurricane Rita of September 2005, during the time period described in paragraph (8); or

"(G) Small Business Act catastrophic national disaster areas.";

(2) in paragraph (4), by adding at the end the following:

"(E) SMALL BUSINESS ACT CATASTROPHIC NATIONAL DISASTER AREA.—

"(i) IN GENERAL.—The term 'Small Business Act catastrophic national disaster area' means an area—

"(I) affected by a Small Business Act catastrophic national disaster declared under section 7(b)(11), during the time period described in clause (ii); and

"(II) for which the Administrator determines that designation as a HUBZone would substantially contribute to the reconstruction and recovery effort in that area.

"(ii) TIME PERIOD.—The time period for the purposes of clause (i)—

"(I) shall be the 2-year period beginning on the date that the applicable Small Business Act catastrophic national disaster was declared under section 7(b)(11); and

"(II) may, at the discretion of the Administrator, be extended to be the 3-year period beginning on the date described in subclause (I)."; and

(3) by adding at the end the following:

"(8) TIME PERIOD.—The time period for the purposes of paragraph (1)(F)—

"(A) shall be the 2-year period beginning on the later of the date of enactment of this paragraph and August 29, 2007; and

"(B) may, at the discretion of the Administrator, be extended to be the 3-year period beginning on the later of the date of enactment of this paragraph and August 29, 2007.".

(b) TOLLING OF GRADUATION.—Section 7(j)(10)(C) of the Small Business Act (15 U.S.C. 636(j)(10)(C)) is amended by adding at the end the following:

"(iii)(I) For purposes of this subparagraph, if the Administrator designates an area as a HUBZone under section 3(p)(4)(E)(i)(II), the Administrator shall not count the time period described in subclause (II) of this clause for any small business concern—

"(aa) that is participating in any program, activity, or contract under section 8(a); and

"(bb) the principal place of business of which is located in that area.

"(II) The time period for purposes of subclause (I)—

"(aa) shall be the 2-year period beginning on the date that the applicable Small Business Act catastrophic national disaster was declared under section 7(b)(11); and

"(bb) may, at the discretion of the Administrator, be extended to be the 3-year period beginning on the date described in item (aa).".

(c) STUDY OF HUBZONE DISASTER AREAS.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives evaluating the designation by the Administrator of Small Business Act catastrophic national disaster areas, as that term is defined in section 3(p)(4)(E) of the Small Business Act (as added by this Act), as HUBZones.

PART III—DISASTER ASSISTANCE OVERSIGHT

SEC. 11161. CONGRESSIONAL OVERSIGHT.

(a) MONTHLY ACCOUNTING REPORT TO CONGRESS.—

(1) REPORTING REQUIREMENTS.—Not later than the fifth business day of each month during the applicable period for a major disaster, the Administrator shall provide to the Committee on Small Business and Entrepreneurship and the Committee on Appropriations of the Senate and to the Committee on Small Business and the Committee on Appropriations of the House of Representatives a report on the operation of the disaster loan program authorized under section 7 of the Small Business Act (15 U.S.C. 636) for that major disaster during the preceding month.

(2) CONTENTS.—Each report under paragraph (1) shall include—

(A) the daily average lending volume, in number of loans and dollars, and the percent by which each category has increased or decreased since the previous report under paragraph (1);

(B) the weekly average lending volume, in number of loans and dollars, and the percent by which each category has increased or decreased since the previous report under paragraph (1);

(C) the amount of funding spent over the month for loans, both in appropriations and program level, and the percent by which each category has increased or decreased since the previous report under paragraph (1);

(D) the amount of funding available for loans, both in appropriations and program level, and the percent by which each category has increased or decreased since the previous report under paragraph (1), noting the source of any additional funding;

(E) an estimate of how long the available funding for such loans will last, based on the spending rate;

(F) the amount of funding spent over the month for staff, along with the number of staff, and the percent by which each category has increased or decreased since the previous report under paragraph (1);

(G) the amount of funding spent over the month for administrative costs, and the percent by which such spending has increased or decreased since the previous report under paragraph (1);

(H) the amount of funding available for salaries and expenses combined, and the percent by which such funding has increased or decreased since the previous report under paragraph (1), noting the source of any additional funding; and

(I) an estimate of how long the available funding for salaries and expenses will last, based on the spending rate.

(b) DAILY DISASTER UPDATES TO CONGRESS FOR PRESIDENTIALLY DECLARED DISASTERS.—

(1) IN GENERAL.—Each day during a disaster update period, excluding Federal holidays and weekends, the Administration shall provide to the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives a report on the operation of the disaster loan program of the Administration for the area in which the President declared a major disaster.

(2) CONTENTS.—Each report under paragraph (1) shall include—

(A) the number of Administration staff performing loan processing, field inspection, and other duties for the declared disaster, and the allocations of such staff in the disaster field offices, disaster recovery centers, workshops, and other Administration offices nationwide;

(B) the daily number of applications received from applicants in the relevant area, as well as a breakdown of such figures by State;

(C) the daily number of applications pending application entry from applicants in the relevant area, as well as a breakdown of such figures by State;

(D) the daily number of applications withdrawn by applicants in the relevant area, as well as a breakdown of such figures by State;

(E) the daily number of applications summarily declined by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(F) the daily number of applications declined by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(G) the daily number of applications in process from applicants in the relevant area, as well as a breakdown of such figures by State;

(H) the daily number of applications approved by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(I) the daily dollar amount of applications approved by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(J) the daily amount of loans dispersed, both partially and fully, by the Administration to applicants in the relevant area, as well as a breakdown of such figures by State;

(K) the daily dollar amount of loans disbursed, both partially and fully, from the relevant area, as well as a breakdown of such figures by State;

(L) the number of applications approved, including dollar amount approved, as well as applications partially and fully disbursed, including dollar amounts, since the last report under paragraph (1); and

(M) the declaration date, physical damage closing date, economic injury closing date, and number of counties included in the declaration of a major disaster.

(c) NOTICE OF THE NEED FOR SUPPLEMENTAL FUNDS.—On the same date that the Administrator notifies any committee of the Senate or the House of Representatives that supplemental funding is necessary for the disaster loan program of the Administration in any fiscal year, the Administrator shall notify in writing the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the need for supplemental funds for that loan program.

(d) REPORT ON CONTRACTING.—

(1) IN GENERAL.—Not later than 6 months after the date on which the President declares a major disaster, and every 6 months thereafter until the date that is 18 months after the date on which the major disaster was declared, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives regarding Federal contracts awarded as a result of that major disaster.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) the total number of contracts awarded as a result of that major disaster;

(B) the total number of contracts awarded to small business concerns as a result of that major disaster;

(C) the total number of contracts awarded to women and minority-owned businesses as a result of that major disaster; and

(D) the total number of contracts awarded to local businesses as a result of that major disaster.

(e) REPORT ON LOAN APPROVAL RATE.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives detailing how the Administration can improve the processing of applications under the disaster loan program of the Administration.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) recommendations, if any, regarding—

(i) staffing levels during a major disaster;

(ii) how to improve the process for processing, approving, and disbursing loans under the disaster loan program of the Administration, to ensure that the maximum assistance is provided to victims in a timely manner;

(iii) the viability of using alternative methods for assessing the ability of an applicant to repay a loan, including the credit score of the applicant on the day before the date on which the disaster for which the applicant is seeking assistance was declared;

(iv) methods, if any, for the Administration to expedite loss verification and loan processing of disaster loans during a major disaster for businesses affected by, and located in the area for which the President declared, the major disaster that are a major source of employment in the area or are vital to recovery efforts in the region (including providing debris removal services, manufactured housing, or building materials);

(v) legislative changes, if any, needed to implement findings from the Accelerated Disaster Response Initiative of the Administration; and

(vi) a description of how the Administration plans to integrate and coordinate the response to a major disaster with the technical assistance programs of the Administration; and

(B) the plans of the Administrator for implementing any recommendation made under subparagraph (A).

At the end of subtitle D of title VII, add the following:

SEC. 73___. ENHANCED USE LEASE AUTHORITY PILOT PROGRAM.

Title III of the Department of Agriculture Reorganization Act of 1994 is amended by adding after section 309 (as added by section 7402) the following:

"SEC. 310. ENHANCED USE LEASE AUTHORITY PILOT PROGRAM.

"(a) ESTABLISHMENT.—To enhance the use of real property administered by agencies of the Department, the Secretary may establish a pilot program, in accordance with this section, at the Henry A. Wallace Beltsville Agricultural Research Center of the Agricultural Research Service and the National Agricultural Library to lease property of the Center or the Library to any individual or entity, including agencies or instrumentalities of State or local governments.

"(b) REQUIREMENTS.—

"(1) IN GENERAL.—Notwithstanding chapter 5 of subtitle I of title 40, United States Code, the Secretary may lease real property at the Beltsville Agricultural Research Center or the National Agricultural Library in accordance with such terms and conditions as the Secretary may prescribe, if the Secretary determines that the lease—

"(A) is consistent with, and will not adversely affect, the mission of the Department agency administering the property;

"(B) will enhance the use of the property;

"(C) will not permit any portion of Department agency property or any facility of the Department to be used for retail, wholesale, commercial, or residential development;

"(D) will not provide authority for the development or improvement of any new property or facility by any Department agency; and

"(E) will not include any property or facility required for any Department agency purpose without prior written authority.

"(2) TERM.—The term of the lease under this section shall not exceed 50 years.

"(3) CONSIDERATION.—

"(A) IN GENERAL.—Consideration provided for a lease under this section shall be—

"(i) in an amount equal to fair market value, as determined by the Secretary; and

"(ii) in the form of cash.

"(B) USE OF FUNDS.—

"(i) IN GENERAL.—Consideration provided for a lease under this section shall be—

"(I) deposited in a capital asset account to be established by the Secretary; and

"(II) available until expended, without further appropriation, for maintenance, capital revitalization, and improvements of the Department properties and facilities covered by the lease.

"(ii) BUDGETARY TREATMENT.—For purposes of the budget, the amounts described in clause (i) shall not be treated as a receipt of any Department agency or any other agency leasing property under this section.

"(4) COSTS.—The lessee shall cover all costs associated with a lease under this section, including the cost of—

"(A) the project to be carried out on property or at a facility covered by the lease;

"(B) provision and administration of the lease;

"(C) construction of any applicable real property;

"(D) provision of applicable utilities; and

"(E) any other facility cost normally associated with the operation of a leased facility.

"(5) PROHIBITION OF USE OF APPROPRIATIONS.—The Secretary shall not use any funds made available to the Secretary in an appropriations Act for the construction or operating costs of any property or facility covered by a lease under this section.

"(c) EFFECT OF OTHER LAWS.—

"(1) UTILIZATION.—Property that is leased pursuant to this section shall not be considered to be unutilized or underutilized for purposes of section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

"(2) DISPOSAL.—Property at the Beltsville Agricultural Research Center or the National Agricultural Library that is leased pursuant to this section shall not be considered to be disposed of by sale, lease, rental, excessing, or surplusing for purposes of section 523 of Public Law 100–202 (101 Stat. 1329–417).

"(d) REPORTS.—

"(1) FISCAL YEARS 2008 THROUGH 2013.—For each of fiscal years 2008 through 2013, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report describing the implementation of the pilot program under this section during the preceding fiscal year, including—

"(A) a copy of each lease entered into pursuant to this section;

"(B) an assessment by the Secretary of the success of the pilot program in promoting the mission of the Beltsville Agricultural Research Center and the National Agricultural Library; and

"(C) recommendations regarding whether the pilot program should be expanded or improved with respect to other Department activities.

"(2) FISCAL YEAR 2014 AND THEREAFTER.—For fiscal year 2014 and every 5 fiscal years thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report described in paragraph (1) relating to the preceding 5-fiscal-year period.".

On page 1362, between lines 19 and 20, insert the following:

SEC. 11072. REGULATIONS TO IMPROVE MANAGEMENT AND OVERSIGHT OF CERTAIN REGULATED ARTICLES.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall promulgate regulations—

(1) to implement, as appropriate, each issue identified in the document entitled "Lessons Learned and Revisions under Consideration for APHIS' Biotechnology Framework", dated October 4, 2007; and

(2) to improve the management and oversight of articles regulated under the Plant Protection Act (7 U.S.C. 7701 et seq.).

(b) INCLUSIONS.—In promulgating regulations under subsection (a), the Secretary shall include provisions that are designed to enhance—

(1) the quality and completeness of records;

(2) the availability of representative samples;

(3) the maintenance of identity and control in the event of an unauthorized release;

(4) corrective actions in the event of an unauthorized release;

(5) protocols for conducting molecular forensics;

(6) clarity in contractual agreements;

(7) the use of the latest scientific techniques for isolation and confinement;

(8) standards for quality management systems and effective research (including laboratory, greenhouse, and field research); and

(9) the design of electronic permits to store documents and other information relating to the permit and notification processes.

(c) CONSIDERATION.—In promulgating regulations under subsection (a), the Secretary shall consider—

(1) establishing—

(A) a system of risk-based categories to classify each regulated article;

(B) a means to identify regulated articles (including the retention of seed samples); and

(C) standards for isolation and containment distances; and

(2) requiring permit holders—

(A) to maintain a positive chain of custody;

(B) to provide for the maintenance of records;

(C) to provide for the accounting of material;

(D) to conduct periodic audits;

(E) to establish an appropriate training program;

(F) to provide contingency and corrective action plans; and

(G) to submit reports as the Secretary considers to be appropriate.

On page 1362, between lines 19 and 20, insert the following:

SEC. 11072. INVASIVE PEST AND DISEASE EMERGENCY RESPONSE FUNDING CLARIFICATION.

The Secretary may provide funds on an emergency basis to States to assist the States in combating invasive pest and disease outbreaks for any appropriate period of years after the date of initial detection by a State of an invasive pest or disease outbreak, as determined by the Secretary.

On page 972, strike line 2 and insert the following:

on reproductive fitness and related measures.

"(56) BRUCELLOSIS CONTROL AND ERADICATION; BIGHORN AND DOMESTIC SHEEP DISEASE MECHANISMS.—Research and extension grants may be made available—

"(A) for the conduct of research relating to the development of vaccines and vaccine delivery systems to effectively control and eliminate brucellosis in wildlife;

"(B) to assist with the controlling of the spread of brucellosis from wildlife to domestic animals in the greater Yellowstone area; and

"(C) to conduct research relating to the health status (including the presence of infectious diseases) of bighorn and domestic sheep under range conditions.";

On page 927, strike lines 9 through 16 and insert the following:

"(c) ASSOCIATION DESIGNATION.—

"(1) IN GENERAL.—The Secretary shall designate collaborating farm management associations to collaborate with the National Farm Management Center established under this section.

"(2) SELECTION.—

"(A) IN GENERAL.—The Secretary shall request proposals from farm management associations and make selections in consultation with the National Farm Management Center.

"(B) NATIONAL SCOPE.—The National Farm Management Center and the Secretary shall encourage the establishment, nomination, and designation of qualified farm management associations to provide farmers, ranchers, and other agricultural operators in each State with access to the training and benchmarking tools described in this section.

"(3) SELECTION AND DESIGNATION CRITERIA.—The designation of each collaborating farm management association shall be based upon—

"(A) in the case of an established farm management association in a State or geographic region—

"(i) working with farmers, ranchers, and other agricultural operators to improve their financial management and business profitability; and

"(ii) contributing farm, ranch, and other agricultural operation financial analysis data to a publicly available online benchmarking database; and

"(B) in the case in which there is no established farm management association in a particular State or geographic region, a farm management association may be designated as a collaborating farm management association if the National Farm Management Center and the Secretary determine that there is a strong likelihood that the association will meet the ongoing requirements described in subsection (d).

"(d) ASSOCIATION REQUIREMENTS.—Each collaborating farm management association designated under subsection (c) and receiving funds under this section shall—

"(1) maintain a farm management education and training program that is open to all agricultural producers;

"(2) provide individualized education to farmers, ranchers, and other agricultural operators on accounting, financial planning, and business management;

"(3) provide an annual farm financial analysis to each participating farmer, rancher, or other agricultural operator;

"(4) use standardized farm business analysis procedures as specified by the National Farm Management Center;

"(5) contribute farm and ranch financial analysis data to the public online benchmarking database in a form and manner determined by the National Farm Management Center; and

"(6) facilitate and encourage producers' sign-up for ongoing multi-year participation in the training and benchmarking programs.

"(e) LIMITATION ON INDIRECT COSTS.—Indirect costs charged against funds provided under this section shall not be charged at a rate in excess of the rate at which the applicable institution charged, or could have charged, indirect costs during fiscal year 2007 against funds received as described in section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310).

"(f) ADMINISTRATIVE EXPENSES.—Not more than 8 percent of the funds made available to carry out this section may be used for the payment of administrative expenses of the Department of Agriculture in carrying out this section.

"(g) FUNDING.—The Secretary shall make available each fiscal year not less than 25 percent of funds appropriated under subsection (h) to the National Farm Management Center designated under subsection (b).

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.".

Strike section 11070 and insert the following:

SEC. 11070. REPORT ON STORED QUANTITIES OF PROPANE.

(a) REPORT.—

(1) IN GENERAL.—Not later than 240 days after the date of enactment of this Act, the Secretary of Homeland Security (referred to in this section as the "Secretary") shall submit to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Homeland Security and Government Affairs of the Senate and the Committee on Agriculture and the Committee on Homeland Security of the House of Representatives a report describing the effect of interim or final regulations issued by the Secretary pursuant to section 550(a) of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note; Public Law 109-295), with respect to possession of quantities of propane that meet or exceed the screening threshold quantity for propane established in the final rule under that section.

(2) INCLUSIONS.—The report under paragraph (1)—

(A) shall include, at a minimum, a description of—

(i) the number of facilities that completed a top screen consequence assessment due to possession of quantities of propane that meet or exceed the listed screening threshold quantity for propane;

(ii) the number of agricultural facilities that completed the top screen consequence assessment due to possession of quantities of propane that meet or exceed the listed screening threshold quantity for propane;

(iii) the number of propane facilities initially determined to be high risk by the Secretary;

(iv) the number of propane facilities—

(I) required to complete a security vulnerability assessment or a site security plan; or

(II) that submit to the Secretary an alternative security program;

(v) the number of propane facilities that file an appeal of a finding under the final rule described in paragraph (1); and

(vi) to the extent available, the average cost of—

(I) completing a top screen consequence assessment requirement;

(II) completing a security vulnerability assessment; and

(III) completing and implementing a site security plan; and

(B) may include a classified annex, as the Secretary determines to be appropriate.

(b) EDUCATIONAL OUTREACH.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall conduct educational outreach activities for rural facilities that may be required to complete a top screen consequence assessment due to possession of propane in a quantity that meets or exceeds the listed screening threshold quantity for propane.

(2) USE OF COUNCIL.—In conducting outreach activities under paragraph (1), the Secretary may use the Food and Agricultural Sector Coordinating Council established under the national infrastructure protection plan to facilitate the provision of education to rural areas regarding the top screen consequence assessment requirement.

On page 1362, between lines 19 and 20, insert the following:

SEC. 11072. PROTECTION OF PETS.

(a) SHORT TITLE.—This section may be cited as the "Pet Safety and Protection Act of 2007".

(b) RESEARCH FACILITIES.—Section 7 of the Animal Welfare Act (7 U.S.C. 2137) is amended to read as follows:

"SEC. 7. SOURCES OF DOGS AND CATS FOR RESEARCH FACILITIES.

"(a) DEFINITION OF PERSON.—In this section, the term 'person' means any individual, partnership, firm, joint stock company, corporation, association, trust, estate, pound, shelter, or other legal entity.

"(b) USE OF DOGS AND CATS.—No research facility or Federal research facility may use a dog or cat for research or educational purposes if the dog or cat was obtained from a person other than a person described in subsection (d).

"(c) SELLING, DONATING, OR OFFERING DOGS AND CATS.—No person, other than a person described in subsection (d), may sell, donate, or offer a dog or cat to any research facility or Federal research facility.

"(d) PERMISSIBLE SOURCES.—A person from whom a research facility or a Federal research facility may obtain a dog or cat for research or educational purposes under subsection (b), and a person who may sell, donate, or offer a dog or cat to a research facility or a Federal research facility under subsection (c), shall be—

"(1) a dealer licensed under section 3 that has bred and raised the dog or cat;

"(2) a publicly owned and operated pound or shelter that—

"(A) is registered with the Secretary;

"(B) is in compliance with section 28(a)(1) and with the requirements for dealers in subsections (b) and (c) of section 28; and

"(C) obtained the dog or cat from its legal owner, other than a pound or shelter;

"(3) a person that is donating the dog or cat and that—

"(A) bred and raised the dog or cat; or

"(B) owned the dog or cat for not less than 1 year immediately preceding the donation;

"(4) a research facility licensed by the Secretary; and

"(5) a Federal research facility licensed by the Secretary.

"(e) PENALTIES.—

"(1) IN GENERAL.—A person that violates this section shall be fined $1,000 for each violation.

"(2) ADDITIONAL PENALTY.—A penalty under this subsection shall be in addition to any other applicable penalty.

"(f) NO REQUIRED SALE OR DONATION.—Nothing in this section requires a pound or shelter to sell, donate, or offer a dog or cat to a research facility or Federal research facility.

"(g) LIMITATION.—The Secretary shall phase out, by the date that is 5 years after the date of enactment of this subsection, the use of random source dogs and cats from class B dealers in accordance with a schedule established by the Secretary.".

(c) FEDERAL RESEARCH FACILITIES.—Section 8 of the Animal Welfare Act (7 U.S.C. 2138) is amended—

(1) by striking "SEC. 8. No department" and inserting the following:

"SEC. 8. FEDERAL RESEARCH FACILITIES.

"Except as provided in section 7, no department";

(2) by striking "research or experimentation or"; and

(3) by striking "such purposes" and inserting "that purpose".

(d) CERTIFICATION.—Section 28(b)(1) of the Animal Welfare Act (7 U.S.C. 2158(b)(1)) is amended by striking "individual or entity" and inserting "research facility or Federal research facility".

On page 1362, between lines 19 and 20, insert the following:

SEC. 110___. EXEMPTION FROM AQI USER FEES.

(a) IN GENERAL.—Notwithstanding any other provision of law (including regulations), the owner or operator of any commercial truck described in subsection (b) shall be exempt from the payment of any agricultural quarantine and inspection user fee.

(b) COMMERCIAL TRUCKS.—A commercial truck referred to in subsection (a) is a commercial truck that—

(1) originates in the State of Alaska and reenters the customs territory of the United States directly from Canada; or

(2) originates in the customs territory of the United States (other than the State of Alaska) and transits through the customs territory of Canada directly before entering the State of Alaska.

(c) SEALED CARGO AREAS.—A cargo area of any commercial truck carrying an agricultural product shall remain sealed during transit through Canada.

On page 182, between lines 16 and 17, insert the following:

SEC. 1610. ADDITIONAL MANDATORY DAIRY REPORTING.

Subsection (b)(3) of section 273 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1637b) (as redesignated by section 1609(2)) is amended—

(1) by striking "shall take such actions" and inserting "shall—

"(A) take such actions";

(2) in subparagraph (A) (as designated by paragraph (1)), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(B) include regular audits and comparisons with other related dairy market statistics on at least a quarterly basis.".

On page 1243, between lines 13 and 14, insert the following:

SEC. 10309. COORDINATION OF DAIRY OVERSIGHT.

(a) IN GENERAL.—The Secretary shall select an official within the Department of Agriculture to coordinate the sharing of information on oversight of the dairy industry to ensure fair competition.

(b) DUTIES.—The official selected under subsection (a) shall—

(1) serve as a liaison among the Agricultural Marketing Service, Farm Service Agency, and National Agricultural Statistics Service;

(2) coordinate and maintain informal communications as appropriate with other Federal agencies with an involvement or interest in the dairy industry or fair competition;

(3) hold at least 1 formal annual meeting during each calendar year; and

(4) submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, and make available to the public, an annual report that describes issues of concern in the dairy industry that threaten fair competition, including an evaluation of dairy markets with respect to the impact of those markets on—

(A) reported dairy prices;

(B) Federal milk marketing order prices; and

(C) other Federal dairy programs.

On page 402, strike lines 17 through 21 and insert the following:

(iv) allow for monitoring and evaluation;

(v) assist producers in meeting Federal, State, and local regulatory requirements; and

(vi) assist producers in enhancing fish and wildlife habitat.

On page 336, strikes lines 1 through 21 and insert the following:

"(3) PAYMENTS.—Compensation may be provided in not less than 1 and not more than 30 annual payments of equal or unequal size, as agreed to by the owner and the Secretary."; and

(4) by adding at the end the following:

"(4) COMPENSATION.—Effective on the date of enactment of this paragraph, the Secretary shall pay the lowest amount of compensation for a conservation easement, as determined by a comparison of subparagraphs (A), (B), and (C):

"(A) The amount necessary to encourage the enrollment of parcels of land that are of importance in achieving the purposes of the program, as determined by the State Conservationist, with advice from the State technical committee, based on 1 of the following:

"(i) The net present value of 30 years of annual rental payments based on the county simple average soil rental rates developed under subchapter B.

"(ii) An area-wide market analysis or survey.

"(iii) An amount not less than the value of the agricultural or otherwise undeveloped raw land based on the Uniform Standards of Professional Appraisal Practice.

"(B) The amount corresponding to a geographical area value limitation, as determined by the State Conservationist, with advice from the State technical committee.

"(C) The amount contained in the offer made by the landowner.".

Beginning on page 313, strike line 21 and all that follows through page 320, line 22, and insert the following:

(e) PILOT PROGRAM FOR ENROLLMENT OF WETLAND AND BUFFER ACREAGE IN CONSERVATION RESERVE.—Section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended by striking subsection (h) and inserting the following:

"(h) PILOT PROGRAM FOR ENROLLMENT OF WETLAND, SHALLOW WATER AREAS, AND BUFFER ACREAGE IN CONSERVATION RESERVE.—

"(1) PROGRAM.—

"(A) IN GENERAL.—During the 2008 through 2012 calendar years, the Secretary shall carry out a program in each State under which the Secretary shall enroll eligible acreage described in paragraph (2).

"(B) PARTICIPATION AMONG STATES.—The Secretary shall ensure, to the maximum extent practicable, that owners and operators in each State have an equitable opportunity to participate in the pilot program established under this subsection.

"(2) ELIGIBLE ACREAGE.—

"(A) IN GENERAL.—Subject to subparagraphs (B) through (E), an owner or operator may enroll in the conservation reserve under this subsection—

"(i)(I) a wetland (including a converted wetland described in section 1222(b)(1)(A)) that had a cropping history during at least 3 of the immediately preceding 10 crop years;

"(II) a shallow water area that was devoted to a commercial pond-raised aquaculture operation any year during the period of calendar years 2002 through 2007; or

"(III) an agriculture drainage water treatment that receives flow from a row crop agriculture drainage system and is designed to provide nitrogen removal in addition to other wetland functions; and

"(ii) buffer acreage that—

"(I) is contiguous to a wetland or shallow water area described in clause (i);

"(II) is used to protect the wetland or shallow water area described in clause (i); and

"(III) is of such width as the Secretary determines is necessary to protect the wetland or shallow water area described in clause (i) or to enhance the wildlife benefits, including through restriction of bottomland hardwood habitat, taking into consideration and accommodating the farming practices (including the straightening of boundaries to accommodate machinery) used with respect to the cropland that surrounds the wetland or shallow water area.

"(B) EXCLUSIONS.—Except for a shallow water area described in paragraph (2)(A)(i), an owner or operator may not enroll in the conservation reserve under this subsection—

"(i) any wetland, or land on a floodplain, that is, or is adjacent to, a perennial riverine system wetland identified on the final national wetland inventory map of the Secretary of the Interior; or

"(ii) in the case of an area that is not covered by the final national inventory map, any wetland, or land on a floodplain, that is adjacent to a perennial stream identified on a 1-24,000 scale map of the United States Geological Survey.

"(C) PROGRAM LIMITATIONS.—

"(i) IN GENERAL.—The Secretary may enroll in the conservation reserve under this subsection not more than—

"(I) 100,000 acres in any 1 State referred to in paragraph (1); and

"(II) not more than a total of 1,000,000 acres.

"(ii) RELATIONSHIP TO PROGRAM MAXIMUM.—Subject to clause (iii), for the purposes of subsection (d), any acreage enrolled in the conservation reserve under this subsection shall be considered acres maintained in the conservation reserve.

"(iii) RELATIONSHIP TO OTHER ENROLLED ACREAGE.—Acreage enrolled under this subsection shall not affect for any fiscal year the quantity of—

"(I) acreage enrolled to establish conservation buffers as part of the program announced on March 24, 1998 (63 Fed. Reg. 14109); or

"(II) acreage enrolled into the conservation reserve enhancement program announced on May 27, 1998 (63 Fed. Reg. 28965).

"(iv) REVIEW; POTENTIAL INCREASE IN ENROLLMENT ACREAGE.—Not later than 3 years after the date of enactment of the Food and Energy Security Act of 2007, the Secretary shall—

"(I) conduct a review of the program under this subsection with respect to each State that has enrolled land in the program; and

"(II) notwithstanding clause (i)(I), increase the number of acres that may be enrolled by a State under clause (i)(I) to not more than 150,000 acres, as determined by the Secretary.

"(D) OWNER OR OPERATOR LIMITATIONS.—

"(i) WETLAND.—

"(I) IN GENERAL.—Except for a shallow water area described in paragraph (2)(A)(i), the maximum size of any wetland described in subparagraph (A)(i) of an owner or operator enrolled in the conservation reserve under this subsection shall be 40 contiguous acres.

"(II) COVERAGE.—All acres described in subclause (I) (including acres that are ineligible for payment) shall be covered by the conservation contract.

"(ii) BUFFER ACREAGE.—The maximum size of any buffer acreage described in subparagraph (A)(ii) of an owner or operator enrolled in the conservation reserve under this subsection shall be determined by the Secretary in consultation with the State Technical Committee.

"(iii) TRACTS.—Except for a shallow water area described in paragraph (2)(A)(i) and buffer acreage, the maximum size of any eligible acreage described in subparagraph (A) in a tract (as determined by the Secretary) of an owner or operator enrolled in the conservation reserve under this subsection shall be 40 acres.

"(3) DUTIES OF OWNERS AND OPERATORS.—Under a contract entered into under this subsection, during the term of the contract, an owner or operator of a farm or ranch shall agree—

"(A) to restore the hydrology of the wetland within the eligible acreage to the maximum extent practicable, as determined by the Secretary;

"(B) to establish vegetative cover (which may include emerging vegetation in water and bottomland hardwoods, cypress, and other appropriate tree species in shallow water areas) on the eligible acreage, as determined by the Secretary;

"(C) to a general prohibition of commercial use of the enrolled land; and

"(D) to carry out other duties described in section 1232.

"(4) DUTIES OF THE SECRETARY.—

"(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), in return for a contract entered into by an owner or operator under this subsection, the Secretary shall make payments based on rental rates for cropland and provide assistance to the owner or operator in accordance with sections 1233 and 1234.

"(B) CONTINUOUS SIGNUP.—The Secretary shall use continuous signup under section 1234(c)(2)(B) to determine the acceptability of contract offers and the amount of rental payments under this subsection.

"(C) INCENTIVES.—The amounts payable to owners and operators in the form of rental payments under contracts entered into under this subsection shall reflect incentives that are provided to owners and operators to enroll filterstrips in the conservation reserve under section 1234.".

On page 334, strike lines 23 through 25 and insert the following:

described in clauses (i) and (ii).";

(2) in subsection (c), by striking "2007 calendar" and inserting "2012 fiscal"; and

(3) in subsection (d)—

(A) in paragraph (2), by striking "or" at the end; and

(B) by striking paragraph (3) and inserting the following:

"(3) a riparian area; or

"(4) a riparian area and an adjacent area that links the riparian area to other parcels of wetland that are protected by wetlands reserve agreements or some other device or circumstance that achieves the same purpose as a wetlands reserve agreement.".

Beginning on page 461, strike line 24 and all that follows through page 474, line 25, and insert the following:

"(f) PARTNERSHIPS AND COOPERATION.—

"(1) IN GENERAL.—In carrying out each program under subtitle D (excluding the wetlands reserve program and the conservation reserve program), the Secretary, acting through the State Conservationist, shall designate special projects to enhance conservation outcomes by working with multiple producers to address conservation issues, if recommended by the State Conservationist, in consultation with the State technical committee.

"(2) GUIDELINES.—The Secretary shall establish guidelines to be used by States in the designation of special projects under paragraph (1).

"(3) PURPOSES.—The purposes of special projects carried out under this subsection shall be to achieve local, statewide, or regional conservation objectives by—

"(A) encouraging producers to cooperate in the installation and maintenance of conservation practices that affect multiple agricultural operations;

"(B) encouraging producers to cooperate in meeting applicable Federal, State, and local regulatory requirements regarding natural resources and the environment;

"(C) encouraging producers to share information and technical and financial resources;

"(D) facilitating cumulative conservation benefits in geographic areas; and

"(E) promoting the development and demonstration of innovative conservation methods.

"(4) ELIGIBLE PARTNERS.—State and local government entities (including irrigation and water districts and canal companies), Indian tribes, farmer cooperatives, institutions of higher education, nongovernmental organizations, and producer associations shall be eligible to apply under this subsection.

"(5) SPECIAL PROJECT APPLICATION.—To apply for designation as a special project, partners shall submit an application to the Secretary that includes—

"(A) a description of the geographic area, the current conditions, the conservation objectives to be achieved through the special project, and the expected level of participation by agricultural and nonindustrial private forest landowners;

"(B) a description of the partners collaborating to achieve the project objectives and the roles, responsibilities, and capabilities of the partners;

"(C) a description of the program resources from 1 or more programs under subtitle D that are requested from the Secretary, in relevant units, and the non-Federal resources that will be leveraged by the Federal contribution;

"(D) a description of the plan for monitoring, evaluating, and reporting on any progress made towards achieving the purposes of the special project; and

"(E) such other information as described in guidelines established by the Secretary under paragraph (2).

"(6) DUTIES OF THE SECRETARY.—

"(A) IN GENERAL.—The Secretary shall enter into multiyear agreements with partners to facilitate the delivery of conservation program resources in a manner to achieve the purposes described in paragraph (3).

"(B) PROJECT SELECTION.—

"(i) IN GENERAL.—The Secretary shall conduct a competitive process to select projects funded under this subsection.

"(ii) FACTORS CONSIDERED.—In conducting the process described in clause (i), the Secretary shall make public the factors to be considered in evaluating applications.

"(iii) PRIORITY.—The Secretary may give priority to applications based on—

"(I) the highest percentage of producers involved, and the inclusion of the highest percentage of working agricultural land in the area;

"(II) the highest percentage of on-the-ground conservation to be implemented;

"(III) non-Federal resources to be leveraged;

"(IV) innovation in conservation methods and delivery, including outcome-based performance measures and methods; and

"(V) other factors, as determined by the Secretary.

"(C) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary and partners shall provide appropriate technical and financial assistance to producers participating in a special project in an amount determined by the Secretary to be necessary to achieve the purposes described in paragraph (3).

"(D) ADMINISTRATION.—

"(i) IN GENERAL.—The Secretary shall ensure that resources made available under this subsection are delivered in accordance with applicable program rules relating to basic program functions, including rules governing appeals, payment limitations, and conservation compliance.

"(ii) FLEXIBILITY.—The Secretary may adjust elements of the programs under this title, as requested by the State Conservationist, to better reflect unique local circumstances and purposes, if the Secretary determines that such adjustments are necessary to achieve the purposes of this subsection.

"(iii) ADDITIONAL REQUIREMENTS.—The Secretary may establish additional requirements beyond applicable program rules in order to effectively implement this subsection.

"(7) SPECIAL RULES APPLICABLE TO REGIONAL WATER ENHANCEMENT PROJECTS.—

"(A) DEFINITIONS.—In this paragraph:

"(i) ELIGIBLE PARTNER.—The term 'eligible partner' means—

"(I) an eligible partner identified in paragraph (4); and

"(II) a water or wastewater agency of a State.

"(ii) ELIGIBLE PROJECT.—

"(I) IN GENERAL.—The term 'eligible project' means a project that is specifically targeted to improve water quality or quantity in an area.

"(II) INCLUSIONS.—The term 'eligible project' includes a project that involves—

"(aa) resource condition assessment and modeling;

"(bb) water quality, water quantity, or water conservation plan development;

"(cc) management system and environmental monitoring and evaluation;

"(dd) cost-share restoration or enhancement;

"(ee) incentive payments for land management practices;

"(ff) easement purchases;

"(gg) conservation contracts with landowners;

"(hh) improved irrigation systems;

"(ii) water banking and other forms of water transactions;

"(jj) groundwater recharge;

"(kk) stormwater capture; and

"(ll) other water-related activities that the Secretary determines will help to achieve the water quality or water quantity benefits identified in the agreement in subparagraph (E).

"(B) REGIONAL WATER ENHANCEMENT PROCEDURES.—With respect to proposals for eligible projects by eligible partners, the Secretary shall establish specific procedures (to be known collectively as 'regional water enhancement procedures') in accordance with this paragraph.

"(C) MEANS.—Regional water enhancement activities in a particular region shall be carried out through a combination of—

"(i) multiyear agreements between the Secretary and eligible partners;

"(ii) other regional water enhancement activities carried out by the Secretary; and

"(iii) regional water enhancement activities carried out by eligible partners through other means.

"(D) MULTIYEAR AGREEMENTS WITH ELIGIBLE PARTNERS.—

"(i) SOLICITATION OF PROPOSALS.—Not later than 90 days after the date of enactment of this subsection, the Secretary shall invite prospective eligible partners to submit proposals for regional water enhancement projects.

"(ii) ELEMENTS OF PROPOSALS.—To be eligible for consideration for participation in the program, a proposal submitted by an eligible partner shall include—

"(I) identification of the exact geographic area for which the partnership is proposed, which may be based on—

"(aa) a watershed (or portion of a watershed);

"(bb) an irrigation, water, or drainage district;

"(cc) the service area of an irrigation water delivery entity; or

"(dd) some other geographic area with characteristics that make the area suitable for landscape-wide program implementation;

"(II) identification of the water quality or water quantity issues that are of concern in the area;

"(III) a method for determining a baseline assessment of water quality, water quantity, and other related resource conditions in the region;

"(IV) a detailed description of the proposed water quality or water quantity improvement activities to be undertaken in the area, including an estimated timeline and program resources for every activity; and

"(V) a description of the performance measures to be used to gauge the effectiveness of the water quality or water quantity improvement activities.

"(iii) SELECTION OF PROPOSALS.—The Secretary shall award multiyear agreements competitively, with priority given, as determined by the Secretary, to selecting proposals that—

"(I) have the highest likelihood of improving the water quality or quantity issues of concern for the area;

"(II) involve multiple stakeholders and will ensure the highest level of participation by producers and landowners in the area through performance incentives to encourage adoption of specific practices in specific locations;

"(III) will result in the inclusion of the highest percentage of working agricultural land in the area;

"(IV) will result in the highest percentage of on-the-ground activities as compared to administrative costs;

"(V) will provide the greatest contribution to sustaining or enhancing agricultural or silvicultural production in the area; and

"(VI) include performance measures that will allow post-activity conditions to be satisfactorily measured to gauge overall effectiveness.

"(iv) IDENTIFICATION OF WATER QUALITY AND WATER QUANTITY PRIORITY AREAS.—

"(I) IN GENERAL.—Subject to subclause (II), the Secretary shall identify areas in which protecting or improving water quality or water quantity is a priority.

"(II) MANDATORY INCLUSIONS.—The Secretary shall include in any identification of areas under subclause (I)—

"(aa) the Chesapeake Bay;

"(bb) the Upper Mississippi River basin;

"(cc) the greater Everglades ecosystem;

"(dd) the Klamath River basin;

"(ee) the Sacramento/San Joaquin River watershed;

"(ff) the Mobile River basin;

"(gg) the Puget Sound;

"(hh) the Ogallala Aquifer;

"(ii) the Illinois River watershed (located in the States of Arkansas and Oklahoma);

"(jj) the Champlain Basin watershed;

"(kk) the Platte River watershed;

"(ll) the Republican River watershed;

"(mm) the Chattahoochee River watershed; and

"(nn) the Rio Grande watershed.

"(E) AGREEMENTS.—Not later than 30 days after the date on which the Secretary awards an agreement under subparagraph (D), the Secretary shall enter into an agreement with the eligible partner that, at a minimum, contains—

"(i) a description of the respective duties and responsibilities of the Secretary and the eligible partner in carrying out the activities in the area; and

"(ii) the criteria that the Secretary will use to evaluate the overall effectiveness of the regional water enhancement activities funded by the multiyear agreement in improving the water quality or quantity conditions of the region relative to the performance measures in the proposal.

"(F) CONTRACTS WITH OTHER PARTIES.—An agreement awarded under subparagraph (D) may provide for the use of third-party providers (including other eligible partners) to undertake specific regional water enhancement activities in a region on a contractual basis with the Secretary or the eligible partner.

"(G) CONSULTATION WITH OTHER AGENCIES.—With respect to areas in which a Federal or State agency is, or will be, undertaking other water quality or quantity-related activities, the Secretary and the eligible partner may consult with the Federal or State agency in order to—

"(i) coordinate activities;

"(ii) avoid duplication; and

"(iii) ensure that water quality or quantity improvements attributable to the other activities are taken into account in the evaluation of the Secretary under subparagraph (E)(ii).

"(H) RELATIONSHIP TO OTHER PROGRAMS.—The Secretary shall ensure that, to the extent that producers and landowners are individually participating in other programs under subtitle D in a region in which a regional water enhancement project is in effect, any improvements to water quality or water quantity attributable to the individual participation are included in the evaluation criteria developed under subparagraph (E)(ii).

"(I) CONSISTENCY WITH STATE LAW.—Any water quality or water quantity improvement activity undertaken under this paragraph shall be consistent with State water laws.

"(8) DURATION.—

"(A) IN GENERAL.—Multiyear agreements under this subsection shall be for a period not to exceed 5 years.

"(B) EARLY TERMINATION.—The Secretary may terminate a multiyear agreement before the end of the agreement if the Secretary determines that performance measures are not being met.

"(9) FUNDING.—

"(A) SET ASIDE.—

"(i) IN GENERAL.—Of the funds provided for each of fiscal years 2008 through 2012 to carry out the conservation programs in subtitle D (excluding the conservation reserve program, the conservation security program, the conservation stewardship program, and the wetlands reserve program), the Secretary shall reserve 10 percent of the funds allocated to each State for use for activities under this subsection.

"(ii) CONSERVATION STEWARDSHIP PROGRAM.—Of the acres allocated for the conservation stewardship program for each of fiscal years 2008 through 2012, the Secretary shall reserve 10 percent of acres allocated to each State for use for activities under this subsection.

"(B) USE OF RESOURCES.—Of the funds reserved and acres allocated to each State under this subsection in each fiscal year, the Secretary shall—

"(i) allocate not less than 75 percent to be used by the State Conservationist to carry out special projects under this subsection (including regional water enhancement projects); and "(ii) use not more than 25 percent for multistate projects authorized under this subsection.

"(C) PARTNERS.—Overhead or administrative costs of partners may not be covered by funds provided through this subsection.

"(D) UNUSED FUNDING.—Any funds made available, and any acres reserved, for a fiscal year under subparagraph (A) that are not obligated or enrolled by April 1 of the fiscal year may be used to carry out other activities under conservation programs under subtitle D during the fiscal year in which the funding becomes available.".

On page 499, strike lines 1 through 12 and insert the following:

SEC. 2607. DESERT TERMINAL LAKES.

Section 2507 of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107-171) is amended—

(1) in subsection (a), by striking ", as soon as practicable after the date of enactment of this Act," and inserting the following: "and paragraph (1) of section 207(a) of Public Law 108-7 (117 Stat. 146), notwithstanding paragraph (3) of that section, on the date of enactment of the Food and Energy Security Act of 2007,"; and

(2) by striking subsection (b) and inserting the following:

"(b) PERMITTED USES.—In any case in which there are willing sellers, the funds described in subsection (a) may be used—

"(1) to lease water; or

"(2) to purchase land, water appurtenant to the land, and related interests in the Walker River Basin in accordance with section 208(a)(1)(A) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103, 119 Stat. 2268).".

On page 448, lines 12 through 14, strike "more than 50 percent of the annual income of the farmer or rancher" and insert "at least $15,000 in gross sales".

On page 407, line 3, strike "A contract" and insert "Notwithstanding section 1240B(b)(2)(A), a contract".

On page 456, line 15, strike "agricultural producers" and insert "eligible participants".

On page 457, lines 12 through 14, strike "specialty crop, organic, and precision agriculture producers" and insert "producers involved with organic or specialty crop production or precision agriculture".

On page 457, lines 20 through 22, strike "specialty crop, organic, and precision agriculture producers" and insert "producers involved with organic or specialty crop production or precision agriculture".

On page 458, lines 5 and 6, strike "specialty crop, organic, and precision agriculture producers" and insert "producers involved with organic or specialty crop production or precision agriculture".

On page 414, line 1, strike "other" and insert "any other".

On page 395, strike lines 10 through 12 and insert the following:

"(2) improve conservation practices or systems in place on the operation at the time the contract offer is accepted or to complete a conservation system; and".

On page 454, between lines 24 and 25, insert the following:

"(5) PAYMENT AMOUNTS.—The Secretary shall establish fair and reasonable amounts of payments for technical services provided by third-party providers.

Beginning on page 506, strike line 10 and all that follows through page 507, line 14.

On page 432, strike lines 18 through 22 and insert the following:

SEC. 2395. GREAT LAKES BASIN PROGRAM FOR SOIL EROSION AND SEDIMENT CONTROL.

Section 1240P of the Food Security Act of 1985 (16 U.S.C. 3839bb-3) is amended to read as follows:

"SEC. 1240P. GREAT LAKES BASIN PROGRAM FOR SOIL EROSION AND SEDIMENT CONTROL.

"(a) IN GENERAL.—The Secretary, in consultation with the Great Lakes Commission created by Article IV of the Great Lakes Basin Compact (82 Stat. 415) and in cooperation with the Administrator of the Environmental Protection Agency and the Secretary of the Army, may carry out the Great Lakes basin program for soil erosion and sediment control (referred to in this section as the 'program') to assist in implementing the recommendations of the Great Lakes Regional Collaboration Strategy to Restore and Protect the Great Lakes.

"(b) ASSISTANCE.—In carrying out the program, the Secretary may—

"(1) provide project demonstration grants, provide technical assistance, and carry out information and educational programs to improve water quality in the Great Lakes basin by reducing soil erosion and improving sediment control; and

"(2) establish a priority for projects and activities that—

"(A) directly reduce soil erosion or improve sediment control;

"(B) reduce soil loss in degraded rural watersheds; or

"(C) improve hydrological conditions in urban watersheds.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 through 2012.".

On page 1130, strike lines 15 through 17 and insert the following:

"(2) DEMONSTRATION.—The term "demonstration" means demonstration of technology in a pilot plant or semi-works scale facility, including a plant or facility located on a farm.

On page 1143, strike lines 14 and insert the following:

"(iv) power production technologies, including distributed generation;

On page 674, between lines 10 and 11, insert the following:

SEC. 49___. AGRICULTURAL POLICY AND PUBLIC HEALTH.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study to assess whether the agricultural policies of the United States have an impact on health, nutrition, overweight and obesity, and diet-related chronic disease.

(b) REQUIREMENTS.—In conducting the study under subsection (a), the Comptroller General of the United States shall—

(1) review, and evaluate the methodological rigor of, existing literature and studies relating to the subjects of the study required under subsection (a);

(2) summarize the existing literature and explain the extent, if any, to which the literature shows a clear association or causal relationship between United States agricultural policy and health, nutrition, overweight and obesity, and diet-related chronic diseases; and

(3) if the existing literature shows that there is a relationship between United States agricultural policy and health, nutrition, overweight and obesity, and diet-related chronic diseases, make recommendations to guide or revise Federal agricultural policies to improve health and reduce obesity and diet-related chronic disease.

(c) REPORT.—Not later than 18 months after the date of enactment of this section, the Comptroller General of the United States shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study conducted under this section.

At the appropriate place in title XI, insert the following:

SEC. 11____. DEPARTMENT OF AGRICULTURE CONFERENCE TRANSPARENCY.

(a) REPORTS ON CONFERENCE EXPENDITURES.—For fiscal year 2008 and each fiscal year thereafter, the Secretary shall submit to the Inspector General of the Department of Agriculture quarterly reports that describe the costs and contracting procedures relating to each conference or meeting held by the Department of Agriculture during the quarter covered by the report for which the cost to the Federal Government was more than $10,000.

(b) REQUIREMENTS.—Each report submitted under subsection (a) shall include, for each conference and meeting covered by the report—

(1) a description of the number participants attending, and the purpose of those participants for attending, the conference or meeting;

(2) a detailed statement of the costs incurred by the Federal Government relating to that conference or meeting, including—

(A) the cost of any food or beverages;

(B) the cost of any audio-visual services;

(C) the cost of all related travel; and

(D) a discussion of the methodology used to determine which costs relate to that conference or meeting; and

(3) a description of the contracting procedures relating to that conference or meeting, including—

(A) whether contracts were awarded on a competitive basis; and

(B) a discussion of any cost comparison conducted by the Department of Agriculture in evaluating potential contractors for any conference or meeting.

(c) TRAVEL EXPENSES.—

(1) DEFINITION OF CONFERENCE.—In this subsection, the term "conference" means a meeting that—

(A) is held for consultation, education, awareness, or discussion;

(B) includes participants who are not all employees of the same agency;

(C) is not held entirely at an agency facility;

(D) involves costs associated with travel and lodging for some participants; and

(E) is sponsored by 1 or more agencies, 1 or more organizations that are not agencies, or a combination of those agencies or organizations.

(2) REPORT.—Not later than September 30 of each fiscal year, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, and post on the public website of the Department of Agriculture in a searchable, electronic format, a report on each conference for which the Department of Agriculture paid travel expenses during the fiscal year covered by the report, including—

(A) a description of—

(i) the itemized expenses paid by the Department of Agriculture, including travel expenses and any other expenditures to support the conference;

(ii) the primary sponsor of the conference; and

(iii) the location of the conference; and

(B) in the case of a conference for which the Department of Agriculture was the primary sponsor, a statement that—

(i) justifies the location selected;

(ii) demonstrates the cost efficiency of the location;

(iii) specifies the date or dates of the conference;

(iv) includes a brief explanation of the ways in which the conference advanced the mission of the Department of Agriculture; and

(v) specifies the total number of individuals whose travel or attendance at the conference was paid for, in whole or in part, by the Department of Agriculture.

Strike section 11068 (relating to prevention and investigation of payment fraud and error) and insert the following:

SEC. 11068. AMENDMENT TO THE RIGHT TO FINANCIAL PRIVACY ACT OF 1978.

Section 1113(k) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3413(k)) is amended—

(1) by striking the subsection heading and inserting the following:

"(k) Disclosure Necessary for Proper Administration of Programs of Certain Government Authorities.—"; and

(2) by striking paragraph (2) and inserting the following:

"(2) Nothing in this title shall apply to the disclosure by the financial institution of information contained in the financial records of any customer to any Government authority that certifies, disburses, or collects payments, where the disclosure of such information is necessary to, and such information is used solely for the purpose of—

"(A) verification of the identity of any person or proper routing and delivery of funds in connection with the issuance of a Federal payment or collection of funds by a Government authority; or

"(B) the investigation or recovery of an improper Federal payment or collection of funds or an improperly negotiated Treasury check.

"(3) Notwithstanding any other provision of law, a request authorized by paragraph (1) or (2) (and the information contained therein) may be used by the financial institution or its agents solely for the purpose of providing information contained in the financial records of the customer to the Government authority requesting the information, and the financial institution and its agents shall be barred from redisclosure of such information. Any Government authority receiving information pursuant to paragraph (1) or (2) may not disclose or use the information, except for the purposes set forth in such paragraph.".

On page 1264, between lines 4 and 5, insert the following:

SEC. 1102_. PLANT PROTECTION.

(a) Civil Penalties for Violations.—Section 424(b)(1) of the Plant Protection Act (7 U.S.C. 7734(b)(2)) is amended by striking subparagraphs (A) and (B) and inserting the following:

"(A) $50,000 in the case of any individual (except that the civil penalty may not exceed $1,000 in the case of an initial violation of this title by an individual moving regulated articles not for monetary gain);

"(B) $250,000 in the case of any other person for each violation;

"(C) $500,000 for each violation adjudicated in a single proceeding;

"(D) $1,000,000 for each violation adjudicated in a single proceeding involving a genetically modified organism (as determined by the Secretary); or

"(E) twice the gross gain or gross loss for any violation, forgery, counterfeiting, unauthorized use, defacing, or destruction of a certificate, permit, or other document provided for in this title that results in the person deriving pecuniary gain or causing pecuniary loss to another.".

(b) Time for Commencing Proceedings.—Subtitle B of the Plant Protection Act (7 U.S.C. 7731 et seq.) is amended by adding at the end the following:

"SEC. 427. TIME FOR COMMENCING PROCEEDINGS.

"An action, suit, or proceeding with respect to an alleged violation of this title shall not be considered unless the action, suit, or proceeding is commenced not later than 5 years after the date the violation is initially discovered by the Secretary.".

Beginning on page 1097, strike line 1 and all that follows through page 1103, line 15, and insert the following:

"SEC. 9004. BIOMASS CROP TRANSITION.

"(a) Definitions.—In this section:

"(1) Eligible crop.—

"(A) In general.—The term 'eligible crop' means a crop of renewable biomass.

"(B) Exclusions.—The term 'eligible crop' does not include any plant that—

"(i) the Secretary determines to be invasive or noxious on a regional basis under the Plant Protection Act (7 U.S.C. 7701 et seq.); or

"(ii) has the potential to become invasive or noxious on a regional basis, as determined by the Secretary, in consultation with other appropriate Federal or State departments and agencies.

"(2) Eligible land.—The term 'eligible land' means private agricultural or forest land that the Secretary determines was planted or considered to be planted for at least 4 of the 6 years preceding the date of enactment of the Food and Energy Security Act of 2007.

"(3) Eligible participant.—The term 'eligible participant' means an agricultural producer, forest land owner, or other individual holding the right to collect or harvest renewable biomass—

"(A) that is establishing 1 or more eligible crops on eligible land to be used in the production of advanced biofuels, other biobased products, heat, or power from a biomass conversion facility;

"(B) that is collecting or harvesting renewable biomass to be used in the production of advanced biofuels, other biobased products, heat, or power from a biomass conversion facility;

"(C) that has a letter of intent or proof of financial commitment from a biomass conversion facility, including a proposed biomass conversion facility that is economically viable, as determined by the Secretary, to purchase the eligible crops; and

"(D) the production operation of which is in such proximity to the biomass conversion facility described in subparagraph (C) as to make delivery of the eligible crops to that location economically practicable.

"(b) Biomass Crop Transition Assistance.—

"(1) Establishment of program.—The Secretary shall establish a program to provide transitional assistance, including planning grants, for the establishment and production of eligible crops to be used in the production of advanced biofuels, other biobased products, heat, or power from a biomass conversion facility.

"(2) Exclusion.—An agricultural producer shall not be eligible for assistance under paragraph (1) for the establishment and production of—

"(A) any crop that is eligible for benefits under title I of the Food and Energy Security Act of 2007; or

"(B) an annual crop.

"(3) Contracts.—

"(A) In general.—The Secretary shall enter into contracts with eligible participants and entities described in subparagraph (B) to provide transitional assistance payments to eligible participants.

"(B) Contracts with member entities.—The Secretary may enter into 1 or more contracts with farmer-owned cooperatives, agricultural trade associations, or other similar entities on behalf of producer members that meet the requirements of, and elect to be treated as, eligible participants if the contract would offer greater efficiency in administration of the program.

"(C) Requirements.—Under a contract described in subparagraph (A), an eligible participant shall be required, as determined by the Secretary—

"(i) to produce 1 or more eligible crops;

"(ii) to develop and actively apply a conservation plan that meets the requirements for highly erodible land conservation and wetlands conservation as established under subtitles B and C of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.); and

"(iii) to agree to implement a conservation plan approved by the local soil conservation district, in consultation with the local committees established under section 8(b)(5) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(B)(5)) and the Secretary, or by the Secretary to use such conservation practices as are necessary, where appropriate—

"(I) to advance the goals and objectives of State, regional, and national fish and wildlife conservation plans and initiatives; and

"(II) to comply with mandatory environmental requirements for a producer under Federal, State, and local law.

"(4) Payments.—

"(A) First year.—During the first year of the contract, the Secretary shall make a payment to an eligible participant in an amount that covers the cost of establishing 1 or more eligible crops.

"(B) Subsequent years.—During any subsequent year of the contract, the Secretary shall make incentive payments to an eligible participant in an amount determined by the Secretary to encourage the eligible participant to produce renewable biomass.

"(5) Applications.—An application to the Secretary for assistance shall include—

"(A) identification of the proposed biomass conversion facility for which the crop is intended;

"(B) letters of intent or proof of financial commitment from the biomass conversion facility to purchase the crop; and

"(C) documentation from each eligible participant that describes—

"(i) the variety and acreage of the eligible crop the eligible participants have committed to producing; and

"(ii) the variety and acreage of crops that the eligible participants would have grown if the eligible participants had not committed to producing the eligible crop.

"(6) Selection criteria.—In selecting from applications submitted under this subsection, the Secretary shall consider—

"(A) the likelihood that the proposed establishment of the eligible crop will be viable within the proposed locale;

"(B) the impact of the proposed eligible crop and conversion system on wildlife, air, soil, and water quality and availability; and

"(C) local and regional economic impacts and benefits, including participation of beginning farmers or ranchers and socially disadvantaged farmers or ranchers.

"(7) ELIGIBLE CROP TRANSITION PLANNING GRANTS.—

"(A) IN GENERAL.—An eligible participant or member entity (as described in paragraph (3)(B)) may apply for a project planning grant in an amount of not more than $50,000 to assist in assessing the viability for, or assembling of, a regional supply of 1 or more eligible crops for use by a bioenergy conversion facility.

"(B) MATCHING REQUIREMENT.—To receive a planning grant under subparagraph (A), an eligible participant or member entity shall provide matching funding in an amount equal to 100 percent of the amount of the grant.

"(c) ASSISTANCE FOR PRODUCTION OF ANNUAL CROP OF RENEWABLE BIOMASS.—

"(1) IN GENERAL.—The Secretary may provide assistance to eligible participants to plant an annual crop of renewable biomass for use in a biomass conversion facility in the form of—

"(A) technical assistance; and

"(B) cost-share assistance for the cost of establishing an annual crop of renewable biomass.

"(2) EXCLUSION.—An agricultural producer shall not be eligible for assistance under paragraph (1) for the establishment of any crop that is eligible for benefits under title I of the Food and Energy Security Act of 2007.

"(3) COMPLIANCE.—Eligible participants receiving assistance under paragraph (1)(B) shall develop and actively apply a conservation plan that meets the requirements for highly erodible land conservation and wetlands conservation as established under subtitles B and C of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.).

"(d) ASSISTANCE FOR COLLECTION, HARVEST, STORAGE, AND TRANSPORT OF RENEWABLE BIOMASS.—

"(1) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to provide assistance to eligible participants for collecting, harvesting, storing, and transporting renewable biomass to be used in the production of advanced biofuels, biobased products, heat, or power from a biomass conversion facility.

"(2) PAYMENTS.—

"(A) IN GENERAL.—An eligible participant shall receive payments under this subsection for each ton of renewable biomass delivered to a biomass conversion facility, based on a fixed rate to be established by the Secretary in accordance with subparagraph (B).

"(B) FIXED RATE.—The Secretary shall establish a fixed payment rate for purposes of subparagraph (A) to reflect—

"(i) the estimated cost of collecting, harvesting, storing, and transporting the renewable biomass; and

"(ii) such other factors as the Secretary determines to be appropriate.

"(e) ASSISTANCE FOR FOREST BIOMASS PLANNING.—

"(1) IN GENERAL.—The Secretary shall provide assistance to eligible participants to develop forest stewardship plans that involve management of forest biomass for delivery to a biomass conversion facility through—

"(A) a State forestry agency; or

"(B) a contract or agreement with a third-party provider in accordance with section 1242 of the Food Security Act of 1985 (16 U.S.C. 3842).

"(2) MANAGEMENT PRACTICES.—The Secretary shall ensure that any plan developed using assistance provided under paragraph (1) includes management practices that will protect soil, water, and wildlife habitat resources on the land covered by the plan.

"(f) BEST PRACTICES.—

"(1) RECORDKEEPING.—Each eligible participant, and each biomass conversion facility contracting with the eligible participant, shall maintain and make available to the Secretary, at such times as the Secretary may request, appropriate records of methods used for activities for which payment is received under this section.

"(2) INFORMATION SHARING.—From the records maintained under subparagraph (A), the Secretary shall maintain, and make available to the public, information regarding—

"(A) the production potential (including evaluation of the environmental benefits) of a variety of eligible crops; and

"(B) best practices for producing, collecting, harvesting, storing, and transporting eligible crops to be used in the production of advanced biofuels.

"(g) FUNDING.—

"(1) BIOMASS CROP TRANSITION ASSISTANCE.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out subsections (b) and (c) $130,000,000 for fiscal year 2008, to remain available until expended, of which not more than $5,000,000 may be used to carry out subsection (b)(7).

"(2) ASSISTANCE FOR COLLECTION, HARVEST, STORAGE, AND TRANSPORT OF RENEWABLE BIOMASS.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out subsection (d) $10,000,000 for each of fiscal years 2009 through 2011, to remain available until expended.

"(3) ASSISTANCE FOR FOREST BIOMASS PLANNING.—Of the funds made available under paragraph (1), the Secretary shall use not more than 5 percent to carry out subsection (e).

Strike section 10101 (relating to definitions) and insert the following:

SEC. 10101. DEFINITIONS.

Section 3 of the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2302) is amended—

(1) by striking "When used in this Act—" and inserting "In this Act:";

(2) in subsection (a)—

(A) by redesignating paragraphs (1) through (4) as clauses (i) through (iv), respectively; and

(B) in clause (iv) (as so redesignated), by striking "clause (1), (2), or (3) of this paragraph" and inserting "clause (i), (ii), or (iii)";

(3) by striking subsection (d);

(4) by redesignating subsections (a), (b), (c), and (e) as paragraphs (3), (4), (2), (1), respectively, indenting appropriately, and moving those paragraphs so as to appear in numerical order;

(5) in each paragraph (as so redesignated) that does not have a heading, by inserting a heading, in the same style as the heading in the amendment made by paragraph (6), the text of which is comprised of the term defined in the paragraph;

(6) in paragraph (2) (as so redesignated)—

(A) by striking "The term 'association of producers' means" and inserting the following:

"(2) ASSOCIATION OF PRODUCERS.—

"(A) IN GENERAL.—The term 'association of producers' means"; and

(B) by adding at the end the following:

"(B) INCLUSION.—The term 'association of producers' includes an organization of agricultural producers dedicated to promoting the common interest and general welfare of producers of agricultural products.";

(7) in paragraph (3) (as so redesignated)—

(A) by striking "The term" and inserting the following:

"(3) HANDLER.—

"(A) IN GENERAL.—The term"; and

(B) by inserting after clause (iv) of subparagraph (A) (as redesignated by subparagraph (A) and paragraph (2)) the following:

"(B) EXCLUSION.—The term 'handler' does not include—

"(i) a producer; or

"(ii) a person, other than a packer (as defined in section 201 of the Packers and Stockyards Act, 1921 (7 U.S.C. 191)), that provides custom feeding services for a producer."; and

(8) by adding at the end the following:

"(5) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.".

On page 868, between lines 15 and 16, insert the following:

SEC. 6____. COMPREHENSIVE RURAL BROADBAND.

(a) COMPREHENSIVE RURAL BROADBAND STRATEGY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Chairman of the Federal Communications Commission, in coordination with the Secretary, shall submit to the Committees on Energy and Commerce and Agriculture of the House of Representatives and the Committees on Commerce, Science, and Transportation and Agriculture, Nutrition, and Forestry of the Senate a report describing a comprehensive rural broadband strategy that includes—

(A) recommendations—

(i) to promote interagency coordination of Federal agencies in regards to policies, procedures, and targeted resources, and to improve and streamline the polices, programs, and services;

(ii) to coordinate among Federal agencies regarding existing rural broadband or rural initiatives that could be of value to rural broadband development;

(iii) to address both short- and long-term solutions and needs assessments for a rapid build-out of rural broadband solutions and applications for Federal, State, regional, and local government policy makers; and

(iv) to identify how specific Federal agency programs and resources can best respond to rural broadband requirements and overcome obstacles that currently impede rural broadband deployment; and

(B) a description of goals and timeframes to achieve the strategic plans and visions identified in the report.

(2) UPDATES.—The Chairman of the Federal Communications Commission, in coordination with the Secretary shall update and evaluate the report described in paragraph (1) on an annual basis.

(b) RURAL BROADBAND.—Section 306(a)(20)(E) of the Consolidated Rural Development Act (7 U.S.C. 1926(a)(20)(E)) is amended by striking "dial-up Internet access or".

On page 868, line 25, strike "residents" and insert "beneficiaries".

On page 525, strike lines 1 through 4 and insert the following:

SEC. 3014. PILOT PROGRAM FOR LOCAL PURCHASE.

Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following:

"SEC. 136. PILOT PROGRAM FOR LOCAL PURCHASE OF ELIGIBLE COMMODITIES.

On page 525, between lines 5 and 6, insert the following:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Agency for International Development.

On page 525-526, number other paragraphs accordingly.

On page 525, lines 6 and 7, strike "Notwithstanding section 402(2), the term" and insert "The term".

On page 525, line 17, insert "of the Food for Peace Act" after "section 202(d)".

On page 526, lines 4 through 6, strike "Notwithstanding section 407(c)(1)(A), the Administrator, in consultation with the Secretary" and insert "The Administrator".

On page 527, lines 5 and 6, strike "Subject to subsections (a), (b), (f), and (h) of section 403, eligible commodities" and insert "Eligible commodities".

On page 529, strike lines 10 through 12.

On page 534, strike lines 1 through 11 and insert the following:

"(k) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated $25,000,000 for each of the fiscal years 2009 through 2012 to carry out this section.

"(2) AVAILABILITY.—Any amounts appropriated pursuant to paragraph (1) shall remain available until expended.".

On page 1391, between lines 16 and 17, insert the following:

"(k) NO DUPLICATIVE PAYMENTS.—In implementing any other program which makes disaster assistance payments (except for indemnities made under the Federal Crop Insurance Act and section 196 of the Federal Agriculture Improvement and Reform Act of 1996), the Secretary shall prevent duplicative payments with respect to the same loss for which a person receives a payment under subsections (b), (c), (d), or (e).

In section 1101, strike subsection (c) and insert the following:

(c) REDUCTION IN BASE ACRES.—

(1) REDUCTION AT OPTION OF OWNER.—

(A) IN GENERAL.—The owner of a farm may reduce, at any time, the base acres for any covered commodity for the farm.

(B) EFFECT OF REDUCTION.—A reduction under subparagraph (A) shall be permanent and made in a manner prescribed by the Secretary.

(2) REQUIRED ACTION BY SECRETARY.—

(A) IN GENERAL.—The Secretary shall suspend all direct, counter-cyclical, and average crop revenue payments on base acres for covered commodities for land that is no longer a farming operation or used in conjunction with a farming operation, as determined by the Secretary.

(B) REDUCTION.—The Secretary shall reduce base acres for covered commodities in a manner prescribed by the Secretary, for land that—

(i) has been developed for commercial or industrial use unless the producer demonstrates that the land remains devoted exclusively to agricultural production; or

(ii) has been subdivided and developed for multiple residential units or other nonfarming uses, unless the producer demonstrates that the land remains devoted exclusively to agricultural production.

(3) REVIEW AND REPORT.—Each year, to ensure, to the maximum extent practicable, that payments are received only by producers, the Secretary shall—

(A) track each reconstitution of land that is reported by a producer that is covered by paragraph (2);

(B) include in any end-of-the-year review for purposes of payment limitations or other compliance inspections or other actions taken by the Secretary, a review to ensure compliance with paragraph (2); and

(C) submit to Congress a report that describes the results of the actions taken under subparagraphs (A) and (B).

In section 1302, strike subsection (c) and insert the following:

(c) REDUCTION IN BASE ACRES.—

(1) REDUCTION AT OPTION OF OWNER.—

(A) IN GENERAL.—The owner of a farm may reduce, at any time, the base acres for peanuts for the farm.

(B) EFFECT OF REDUCTION.—A reduction under subparagraph (A) shall be permanent and made in a manner prescribed by the Secretary.

(2) REQUIRED ACTION BY SECRETARY.—

(A) IN GENERAL.—The Secretary shall suspend all direct, counter-cyclical, and average crop revenue payments on base acres for peanuts for land that is no longer a farming operation or used in conjunction with a farming operation, as determined by the Secretary.

(B) REDUCTION.—The Secretary shall reduce base acres for peanuts in a manner prescribed by the Secretary, for land that—

(i) has been developed for commercial or industrial use unless the producer demonstrates that the land remains devoted exclusively to agricultural production; or

(ii) has been subdivided and developed for multiple residential units or other nonfarming uses, unless the producer demonstrates that the land remains devoted exclusively to agricultural production.

(3) REVIEW AND REPORT.—Each year, to ensure, to the maximum extent practicable, that payments are received only by producers, the Secretary shall—

(A) track each reconstitution of land that is reported by a producer that is covered by paragraph (2);

(B) include in any end-of-the-year review for purposes of payment limitations or other compliance inspections or other actions taken by the Secretary, a review to ensure compliance with paragraph (2); and

(C) submit to Congress a report that describes the results of the actions taken under subparagraphs (A) and (B).

On page 1362, between lines 19 and 20, insert the following:

SEC. 11072. REPORT RELATING TO THE ENDING OF CHILDHOOD HUNGER IN THE UNITED STATES.

(a) FINDINGS.—Congress finds that—

(1) the United States has the highest rate of childhood poverty in the industrialized world, with over ⅕ of all children of the United States living in poverty, and almost half of those children living in extreme poverty;

(2) childhood poverty in the United States is growing rather than diminishing;

(3) households with children experience hunger at more than double the rate as compared to households without children;

(4) hunger is a major problem in the United States, with the Department of Agriculture reporting that 12 percent of the citizens of the United States (approximately 35,000,000 citizens) could not put food on the table of those citizens at some point during 2006;

(5) of the 35,000,000 citizens of the United States that have very low food security—

(A) 98 percent of those citizens worried that money would run out before those citizens acquired more money to buy more food;

(B) 96 percent of those citizens had to cut the size of the meals of those citizens or even go without meals because those citizens did not have enough money to purchase appropriate quantities of food; and

(C) 94 percent of those citizens could not afford to eat balanced meals;

(6) the phrase "people with very low food security", a new phrase in our national lexicon, in simple terms means "people who are hungry";

(7) 30 percent of black and Hispanic children, and 40 percent of low income children, live in households that do not have access to nutritionally adequate diets that are necessary for an active and healthy life;

(8) the increasing lack of access of the citizens of the United States to nutritionally adequate diets is a significant factor from which the Director of the Centers for Disease Control and Prevention concluded that "during the past 20 years there has been a dramatic increase in obesity in the United States";

(9) during the last 3 decades, childhood obesity has—

(A) more than doubled for preschool children and adolescents; and

(B) more than tripled for children between the ages of 6 and 11 years;

(10) as of the date of enactment of this Act, approximately 9,000,000 children who are 6 years old or older are considered obese;

(11) scientists have demonstrated that there is an inverse relation between obesity and doing well in school; and

(12) a study published in Pediatrics found that "6- to 11-year-old food-insufficient children had significantly lower arithmetic scores and were more likely to have repeated a grade, have seen a psychologist, and have had difficulty getting along with other children".

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is a national disgrace that many millions of citizens of the United States, a disproportionate number of whom are children, are going hungry in this great nation, which is the wealthiest country in the history of the world;

(2) because the strong commitment of the United States to family values is deeply undermined when families and children go hungry, the United States has a moral obligation to abolish hunger; and

(3) through a variety of initiatives (including large funding increases in nutrition programs of the Federal Government), the United States should abolish child hunger and food insufficiency in the United States by the 2013.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the relevant committees of Congress a report that describes the best and most cost-effected manner by which the Federal Government could allocate an increased amount of funds to new programs and programs in existence as of the date of enactment of this Act to achieve the goal of abolishing child hunger and food insufficiency in the United States by 2013.

On page 394, strike line 25 and insert the following:

as determined by the Secretary.

"(i) AIR QUALITY IMPROVEMENT PRACTICE.—

"(1) IN GENERAL.—The Secretary shall provide technical and financial assistance to a producer to promote air quality improvements and address air quality concerns associated with agriculture.

"(2) PRIORITY.—In providing assistance for improvements in air quality, the Secretary shall give priority to applications that—

"(A) are located in areas—

"(i) that are nonattainment areas with respect to ambient air quality standards; or

"(ii) in which there is air quality degradation recognized by a State or local agency or by the Secretary (in consultation with the State Technical Committee) to which agricultural emissions significantly contribute;

"(B) are the most cost-effective in addressing air quality concerns; and

"(C)(i) reduce emissions and air pollutant precursors from agricultural operations, including through making improvements in mobile or stationary equipment (including engines);

"(ii) would assist producers in meeting Federal, State, or local regulatory requirements relating to air quality;

"(iii) are part of a group of producers implementing eligible conservation activities in a coordinated manner to promote air quality; or

"(iv) reflect innovative approaches and technologies.".

On page 1045, after line 2, insert the following:

SEC. 7505. STUDIES AND REPORTS BY THE DEPARTMENT OF AGRICULTURE, THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND THE NATIONAL ACADEMY OF SCIENCES ON FOOD PRODUCTS FROM CLONED ANIMALS.

(a) STUDY BY THE DEPARTMENT OF AGRICULTURE.—

(1) IN GENERAL.—The Secretary of Agriculture, in coordination with the Economic Research Service, and after consultation with the Secretary of Health and Human Services, shall conduct a study and report to Congress on the state of domestic and international markets for products from cloned animals, including consumer acceptance. Such report shall be submitted to Congress no later than 180 days after the date of enactment of this Act.

(2) CONTENT.—The study and report under paragraph (1) shall include a description of how countries regulate the importation of food and agricultural products (including dairy products), the basis for such regulations, and potential obstacles to trade.

(b) STUDY WITH THE NATIONAL ACADEMY OF SCIENCES.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall contract with the National Academy of Sciences to conduct a study and report to Congress regarding the safety of food products derived from cloned animals and the health effects and costs attributable to milk from cloned animals in the food supply. Such report shall be submitted to Congress no later than 1 year after the date of enactment of this Act.

(2) CONTENT.—The study and report under paragraph (1) shall include—

(A) a review and an assessment of whether the studies (including peer review studies), data, and analysis used in the draft risk assessment issued by the Food and Drug Administration entitled *Animal Cloning: A Draft Risk Assessment* (issued on December 28, 2006) supported the conclusions drawn by such draft risk assessment and—

(i) whether there were a sufficient number of studies to support such conclusions; and

(ii) whether additional pertinent studies and data exist which were not considered in the draft risk assessment and how this additional information affects the conclusions drawn in such draft risk assessment; and

(B) an evaluation and measurement of the potential public health effects and associated health care costs, including any consumer behavior changes and negative impacts on nutrition, health, and chronic diseases that may result from any decrease in dairy consumption, attributable to the commercialization of milk from cloned animals and their progeny.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to impede ongoing scientific research in artificial reproductive health technologies.

(d) TIMEFRAME OF FINAL RISK ASSESSMENT.—Notwithstanding any other provision of law, the Secretary of Health and Human Services (acting through the Commissioner of Food and Drugs) shall not issue the final risk assessment on the safety of cloned animals and food products derived from cloned animals until the date that the Secretary of Agriculture and the Secretary of Health and Human Services complete the studies required under this section.

(e) CONTINUANCE OF MORATORIUM.—Any voluntary moratorium on introducing food from cloned animals or their progeny into the food supply shall remain in effect at least until the date that the Secretary of Health and Human Services (acting through the Commissioner of Food and Drugs) issues the final risk assessment described in subsection (d).

Strike Section 10305 of Livestock title and replace with this section:

(a) Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate regulations consistent with the Freedom of Information Act, 5 U.S.C. 552, et seq., regarding the disclosure of information submitted by farmers and ranchers who participate in the National Animal Identification System. The regulations promulgated, which shall be subject to a public comment period before finalizing, should address the protection of trade secrets and other proprietary and/or confidential business information that farmers and ranchers disclose in the course of participation in National Animal Identification System.

On page 778, between lines 2 and 3, insert the following:

(c) COMMERCIAL FISHING.—Section 343 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991) is amended—

(1) in subsection (a), by inserting "and, in the case of subtitle B, commercial fishing" before the period at the end of each of paragraphs (1) and (2); and

(2) by adding at the end the following:

"(c) DEFINITION OF FARM.—In subtitle B, the term 'farm' includes a commercial fishing enterprise the owner or operator of which is unable to obtain commercial credit from a bank or other lender, as determined by the Secretary.".

On page 309, strike lines 7 through 22 and insert the following:

"(D) EXCEPTIONS.—The Secretary may exceed the limitation in subparagraph (A) if the Secretary determines that—

"(i)(I) the action would not adversely affect the local economy of a county; and

"(II) operators in the county are having difficulties complying with conservation plans implemented under section 1212;

"(ii)(I) the acreage to be enrolled could not be used for an agricultural purpose as a result of a State or local law, order, or regulation prohibiting water use for agricultural production; and

"(II) enrollment in the program would benefit the acreage enrolled or land adjacent to the acreage enrolled; or

"(iii) with respect to cropland in counties in the State of Washington that exceed the limitation described in subparagraph (A) as of the date of enrollment in the program—

"(I) the acreage to be enrolled is considered to be essential by Federal or State plans for a sustainable wildlife habitat; and

"(II) enrollment in the program would assist the producer in meeting environmental goals in the Federal or State plans.".

In Section 10208 (regulations) (Livestock Title), Subsection (b) is stricken, and replaced with:

"The Secretary shall ensure that regulations promulgated pursuant to subsection (a)(1) prevent discrimination against producers with a smaller volume of business. Nothing in this subsection shall be construed to require any person to enter into a business transaction with a producer due solely to that producer's volume of business."

On page 309, line 17, insert "or is precluded from planting" before "as a result".

On page 310, strike lines 4 through 8 and insert the following:

"(F) ENROLLMENT.—The Secretary shall enroll acreage described in subparagraph (D)(ii) not later than 180 days after the date of a request by a landowner to enroll the acreage.

"(G) PAYMENTS.—Rental payments for acreage described in subparagraph (D)(ii) shall be based on the cash rent market value prior to the application of a State or local law, order, or regulation prohibiting water use for agricultural production.

At the appropriate place, insert the following:

SEC. ___. NATIONAL EMERGENCY GRANT TO ADDRESS EFFECTS OF GREENSBURG, KANSAS TORNADO.

(a) DEFINITIONS.—In this section:

(1) COVERED FUNDS.—The term "covered funds" means funds provided under section 173 of the Workforce Investment Act of 1998 (29 U.S.C. 2918) to a State that submits an application under that section not earlier than May 4, 2007, for a national emergency grant to address the effects of the May 4, 2007, Greensburg, Kansas tornado.

(2) PROFESSIONAL MUNICIPAL SERVICES.—The term "professional municipal services" means services that are necessary to facilitate the recovery of Greensburg, Kansas from that tornado, and necessary to plan for or provide basic management and administrative services, which may include—

(A) the overall coordination of disaster recovery and humanitarian efforts, oversight, and enforcement of building code compliance, and coordination of health and safety response units; or

(B) the delivery of humanitarian assistance to individuals affected by that tornado.

(b) TEMPORARY PUBLIC SECTOR EMPLOYMENT AND SERVICES.—Covered funds may be used to provide temporary public sector employment and services authorized under section 173 of such Act to individuals affected by such tornado, including individuals who were unemployed on the date of the tornado, or who are without employment history, in addition to individuals who are eligible for disaster relief employment under section 173(d)(2) of such Act.

(c) PROFESSIONAL MUNICIPAL SERVICES.—Covered funds may be used to provide professional municipal services for a period of not more than 24 months, by hiring or contracting with individuals or organizations (including individuals employed by contractors) that the State involved determines are necessary to provide professional municipal services.

(d) LIMITATION.—Covered funds expended under this section may be spent on costs incurred not earlier than May 4, 2007.

On page 1362, between lines 19 and 20, insert the following:

SEC. 110_____. REPORT ON PROGRAM RESULTS.

Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes—

(1) each program of the Department of Agriculture that has received a Program Assessment Rating Tool score of "results not demonstrated"; and

(2) for each such program—

(A) the reasons that the program has not been able to demonstrate results;

(B) the steps being taken by the program to address those reasons; and

(C) a description of anything that might be necessary to facilitate the demonstration of results.

On page 973, strike lines 21 through 24 and insert the following:

(a) FUNDING.—Section 401(b) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621(b)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—Not later than 30 days after the date of enactment of the Food and Energy Security Act of 2007, the Secretary of the Treasury shall transfer $45,000,000 to the Account."; and

(2) by striking paragraph (3) and inserting the following:

On page 394, after line 25, add the following:

(d) ELIGIBILITY REQUIREMENT.—Section 1240B of the Food Security Act of 1985 (16 U.S.C. 3839aa-2) (as amended by subsection (c)) is amended by adding at the end the following:

"(i) ELIGIBILITY REQUIREMENT.—A producer shall not be eligible to receive any payment under this section unless the producer is a farmer or rancher that, as determined by the Secretary, derives or expects to derive at least $15,000 in gross sales from farming, ranching, or forestry operations (not including payments under the conservation reserve program established under subchapter B of chapter 1 of subtitle D), as determined by the Secretary.".

Beginning on page 180, strike line 18 and all that follows through page 182, line 16, and insert the following:

SEC. 1609. MANDATORY REPORTING OF DAIRY COMMODITIES.

Section 273 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1637b) is amended by striking subsections (a) and (b) and inserting the following:

"(a) DAILY REPORTING.—

"(1) IN GENERAL.—Not later than 180 days after the enactment of the Food and Energy Security Act of 2007, the Secretary shall—

"(A) establish a program for mandatory daily dairy product information reporting that—

"(i) provides timely, accurate, and reliable market information;

"(ii) facilitates more informed marketing decisions; and

"(iii) promotes competition in the dairy product manufacturing industry; and

"(B) require officers or officially designated representatives of each dairy processor to report daily pricing information for relevant sales transaction involving a dairy product, as determined by the Secretary.

"(2) PUBLICATION.—The Secretary shall make the information reported under paragraph (1) available to the public not less frequently than once each reporting day, categorized by appropriate product characteristics, as determined by the Secretary.

"(b) REQUIREMENTS.—

"(1) PRICE REPORTING.—

"(A) IN GENERAL.—Subject to the conditions described in paragraph (3), on each business day of the Department of Agriculture, each dairy manufacturer shall report to the Secretary on all sales of dairy products that the dairy manufacturer made on the immediately preceding day or since the last report by the dairy manufacturer.

"(B) REQUIREMENTS.—A dairy manufacturer shall report such price, quantity, and product characteristics as the Secretary determines appropriate.

"(C) SUBMISSION.—Reports under this paragraph shall be submitted by electronic means at such time as designated by the Secretary.

"(D) AVAILABILITY.—The Secretary shall compile the information reported under this paragraph and make the compiled information available to the public on the same day as the information is reported.

"(2) STORAGE REPORTING.—

"(A) IN GENERAL.—The Secretary shall require each dairy manufacturer or other person storing dairy products to report, at periodic intervals determined by the Secretary, information regarding the quantities of dairy products in storage.

"(B) AVAILABILITY.—The Secretary shall make information described under subparagraph (A) available to the public in a timely manner.

"(3) CONDITIONS.—The conditions referred to in paragraph (1) are that the information required under that paragraph is required only—

"(A) with respect to those package sizes actually used to establish minimum prices for Class III or Class IV milk under a Federal milk marketing order; and

"(B) to the extent that the information is actually used to establish minimum prices for Class III or Class IV milk under a Federal milk marketing order.

"(4) EXEMPTION FOR SMALL PROCESSORS.—The daily reporting requirements of this subsection shall not apply to a processor that processes not more than 1,000,000 pounds of dairy products a year.

"(5) PERIODIC REVIEW.—The Secretary shall—

"(A) periodically review the information reported for products under this subsection; and

"(B) propose changes for the information required to be reported under this subsection, through the public hearing process established under the applicable Federal milk marketing order.

"(6) ELECTRONIC REPORTING.—To the maximum extent practicable, the Secretary shall carry out the program established under this subsection using electronic reporting technology.".

On page 1107, strike lines 18 through 22 and insert the following:

"(VIII) the participation of multiple eligible entities;

"(IX) the potential for developing advance industrial biotechnology approaches; and

"(X) whether the distribution of funds would have minimal impact on existing manufacturing and other facilities that use similar feedstocks.

On page 905, between lines 17 and 18, insert the following:

SEC. 7013. PURPOSES AND FINDINGS RELATING TO ANIMAL HEALTH AND DISEASE RESEARCH.

Section 1429 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3191) is amended—

(1) in paragraph (8), by striking "and" at the end;

(2) in paragraph (9), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(10) support work with agricultural colleges and universities to develop methods and practices of animal husbandry that ensure the judicious use of antibiotics.".

On page 987, between lines 12 and 13, insert the following:

(B) in subparagraph (B), by striking "production efficiency and animal well-being" and inserting "production efficiency, animal well-being, and the judicious use of antibiotics";

(C) in subparagraph (D), by striking "surface water and ground water quality" and inserting "surface water quality and ground water quality, including the reduction of antibiotics or antibiotic-resistant bacteria";

On page 987, line 13, strike "(B)" and insert "(D)".

On page 987, line 19, strike "(C)" and insert "(E)".

On page 987, line 23, strike "(D)" and insert "(F)".

On page 1002, after line 21, insert the following:

SEC. 73___. RESEARCH AND EDUCATION GRANTS FOR THE STUDY OF ANTIBIOTIC-RESISTANT BACTERIA IN LIVESTOCK.

(a) IN GENERAL.—The Secretary shall provide research and education grants, on a competitive basis—

(1) to study the development of antibiotic-resistant bacteria in livestock; and

(2) to study and ensure the judicious use of antibiotics in livestock production to protect animal health without negatively impacting human public health.

(b) USE OF FUNDS.—An entity shall use a grant provided under this section to conduct research relating to—

(1) methods and practices of animal husbandry that ensure the judicious use of antibiotics;

(2) movement and prevention of movement of antibiotics and antibiotic resistance traits from animals into ground and surface water;

(3) safe and effective alternatives to antibiotics;

(4) the effect on antibiotic resistance from various drug use regimens;

(5) the development of better veterinary diagnostics to improve decisionmaking on proper antibiotic use;

(6) the identification of conditions or factors that affect antibiotic use on farms; and

(7) the development of procedures to monitor antibiotic use at the farm level to relate findings to on-farm management practices and develop intervention strategies when appropriate.

Beginning on page 499, strike line 15 and all that follows through page 501, line 2, and insert the following:

(a) FEDERAL CROP INSURANCE.—Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) is amended by adding at the end the following:

"(o) CROP INSURANCE INELIGIBILITY RELATING TO CROP PRODUCTION ON NATIVE SOD.—

"(1) DEFINITION OF NATIVE SOD.—In this subsection, the term 'native sod' means land—

"(A) on which the plant cover is composed principally of native grasses, grasslike plants, forbs, or shrubs suitable for grazing and browsing; and

"(B) that has never been used for production of an agricultural commodity.

"(2) INELIGIBILITY.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), native sod acreage on which an agricultural commodity is planted for which a policy or plan of insurance is available under this title shall be ineligible for benefits under this Act.

"(B) DE MINIMIS ACREAGE EXEMPTION.—The Secretary shall exempt areas of 5 acres or less from subparagraph (A).".

(b) NONINSURED CROP DISASTER ASSISTANCE.—Section 196(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(a)) is amended by adding at the end the following:

"(4) PROGRAM INELIGIBILITY RELATING TO CROP PRODUCTION ON NATIVE SOD.—

"(A) DEFINITION OF NATIVE SOD.—In this paragraph, the term 'native sod' means land—

"(i) on which the plant cover is composed principally of native grasses, grasslike plants, forbs, or shrubs suitable for grazing and browsing; and

"(ii) that has never been used for production of an agricultural commodity.

"(B) INELIGIBILITY.—Except as provided in subparagraph (C), native sod acreage on which an agricultural commodity is planted for which a policy or plan of Federal crop insurance is available shall be ineligible for benefits under this section.

"(C) DE MINIMIS ACREAGE EXEMPTION.—The Secretary shall exempt areas of 5 acres or less from subparagraph (B).".

On page 542, line 12, strike "2013" and insert "2012".

On page 663, between lines 18 and 19, insert the following:

SEC. 49___. PERIODIC SURVEYS OF FOODS PURCHASED BY SCHOOL FOOD AUTHORITIES.

Section 6 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755) is amended by adding at the end the following:

"(f) PERIODIC SURVEYS OF FOODS PURCHASED BY SCHOOL FOOD AUTHORITIES.—

"(1) IN GENERAL.—For fiscal year 2008 and every fifth fiscal year thereafter, the Secretary shall carry out a nationally representative survey of the foods purchased during the most recent school year for which data is available by school authorities participating in the national school lunch program.

"(2) REPORT.—On completion of each survey, the Secretary shall submit to Congress a report that describes the results of the survey.

"(3) FUNDING.—Of the funds made available under section 3, the Secretary shall use to carry out this subsection not more than $3,000,000 for fiscal year 2008 and every fifth fiscal year thereafter.".

On page 672, between lines 6 and 7, insert the following:

SEC. 49___. TEAM NUTRITION NETWORK.

Section 19 of the Child Nutrition Act of 1966 (42 U.S.C. 1788) is amended by striking subsection (l) and inserting the following:

"(l) FUNDING.—

"(1) MANDATORY FUNDING.—

"(A) IN GENERAL.—On October 1, 2008, and on each October 1 thereafter through October 1, 2011, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section $3,000,000, to remain available until expended.

"(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under subparagraph (A), without further appropriation.

"(C) NUTRITIONAL HEALTH OF SCHOOL CHILDREN.—In allocating funds made available under this paragraph, the Secretary shall give priority to carrying out subsections (a) through (g).

"(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts made available under paragraph (1), there are authorized to be appropriated such sums as are necessary to carry out this section.".

At the appropriate place insert the following section.

SEC. ___. SENSE OF THE SENATE ON THE U.S. DEPARTMENT OF AGRICULTURE'S WILDLIFE SERVICES COMPETING AGAINST PRIVATE INDUSTRY FOR NUISANCE BIRD CONTROL WORK.

(a) FINDINGS.—The Senate finds that:

(1) the Wildlife Services division of the Animal and Plant Health Inspection Service of the Department of Agriculture (referred to in this section as "Wildlife Services" helps agricultural producers manage nuisance wildlife problems;

(2) Wildlife Services personnel also manage nuisance wildlife in non-agricultural settings, including urban areas;

(3) Congress granted the Secretary the authority to engage in wildlife animal damage activities in the Act of March 2, 1932, and the Rural Development, Agriculture and Related Agencies Appropriations Act, 1988;

(4) title I of the Rural Development, Agriculture and Related Agencies Appropriations Act, 1988 expressly prohibits the Secretary from performing "urban rodent" control but does not define the term;

(5) There are more than 19,000 professional pest management companies in the United States, a significant percentage of which manage nuisance birds such as European starlings, house sparrows, and pigeons in urban areas;

(6) The industry employs more than 115,000 service personnel who perform over 60 million services annually for residential and commercial clients in every market of the United States;

(7) in areas where the private sector has the capacity to provide nuisance wildlife services, the limited resources of Wildlife Services would be better used to assist agricultural producers with management of predators and other depredatory species that prey on livestock and sport and farm fish, and damage crops.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that—

(1) Wildlife Services should neither compete nor condone competition with the private sector for business regarding the management of nuisance wildlife problems in urban areas where private sector services are available;

(2) Wildlife Services, prior to entering into any cooperative agreement for wildlife damage management activities, should inform cooperators of the availability of and their right to acquire services from private service providers;

(3) the Secretary of Agriculture should ensure that Wildlife Services does not aggressively compete with the private pest management industry for European starling, house sparrow, and pigeon control work in urban areas where private sector services are available;

(4) the Secretary of Agriculture should rely on scientific and widely accepted definitions to define the term "urban rodent," as used in the Rural Development, Agriculture and Related Agencies Appropriations Act of 1988, in order to clarify the express restrictions in that law on Wildlife Services activities;

(5) The Secretary should direct Wildlife Services to work with private industry, through a Memorandum of Understanding, to delineate common areas of cooperation so that issues of competition are addressed, taking into account the interests of the wildlife resources and the need to manage damage caused by that resource.

On page 116, line 11, insert "covered" before "commodity".

On page 116, line 16, insert "covered" before "commodity".

On page 209, line 10, strike "(19 U.S.C. 2401(2)" and insert "(19 U.S.C. 2401(2))".

On page 210, line 20, strike "CROP YEARS" and insert "COMMODITY AND CONSERVATION PROGRAMS".

On page 210, strike line 21 and insert the following:

"(A) COMMODITY PROGRAMS.—

"(i) 2009 CROP YEAR.—Notwithstanding

On page 211, strike lines 7 and 8 and insert the following:

"(ii) 2010 AND SUBSEQUENT CROP YEARS.—Notwithstanding any other provision

On page 211, line 19, strike "(C)" and insert "(B)".

On page 211, line 23, strike "crop year" and insert "fiscal year".

On page 212, lines 6 and 7, strike "Subparagraphs (A) and (B) of paragraph (1)" and insert "Paragraph (1)(A)".

On page 212, lines 20 and 21, strike "Paragraph (1)(C)" and insert "Paragraph (1)(B)".

On page 214, line 19, strike "(f)" and insert "(g)".

On page 221, line 23, strike "locate" and insert "located".

On page 299, strike lines 21 through 24 and insert the following:

(1) by redesignating paragraphs (2) through (11), (12), (13) through (15), and (16), (17), and (18) as paragraphs (3) through (12), (14), (16) through (18), and (20), (22), and (23), respectively;

On page 300, by striking lines 19 through 21 and inserting the following:

Act (25 U.S.C. 450b).".

(4) by inserting after paragraph (14) (as redesignated by paragraph (1)) the following:

"(15) NONINDUSTRIAL PRIVATE FOREST LAND.—The term 'nonindustrial private forest land'

On page 301, line 6, strike "(4)" and insert "(5)".

On page 301, line 13, strike "(5)" and insert "(6)".

On page 322, line 8, strike "; and" and insert a period.

On page 388, line 17, strike "(16 U.S.C. 3838aa–1(2))" and insert "(16 U.S.C. 3839aa–1(2))".

On page 389, line 11, strike "3838aa–1(3))" and insert "3839aa–1(3))".

On page 390, line 6, strike "(16 U.S.C. 3838aa–1(5))" and insert "(16 U.S.C. 3839aa–1(5))".

On page 390, line 10, strike "(16 U.S.C. 3838aa–1)" and insert "(16 U.S.C. 3839aa–1)".

On page 390, line 21, strike "U.S.C. 3838aa–1)" and insert "(U.S.C. 3839aa–1)".

On page 126, line 12, strike "the second loan is made" and insert "the first loan was made".

On page 127, lines 18 and 19, strike "the date of enactment of the Food and Energy Security Act of 2007" and insert "May 13, 2002".

On page 130, line 7, strike "subsection (d)" and insert "subsection (c)".

On page 132, line 13, strike "2012" and insert "2011".

On page 135, line 5, strike "payment under this subsection" and insert "purchase by the Secretary under paragraph (2)".

On page 138, lines 20 and 21, strike "to Mexico".

On page 138, line 22, strike "date" and insert "data".

On page 141, strike lines 21 through 25 and insert the following:

(1) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (2), (4), (5), and (6), respectively;

(2) by inserting before paragraph (2) (as so redesignated) the following:

"(1) HUMAN CONSUMPTION.—The term 'human consumption', when used in the context of a reference to sugar (whether in the form of sugar, in-process sugar, syrup, molasses, or in some other form) for human consumption, includes sugar for use in human food, beverages, or similar products."; and

(3) by inserting after paragraph (2) (as so redesignated) the following:

"(3) MARKET.—

On page 142, line 10, strike "and" at the end.

On page 142, line 13, strike the period at the end and insert "; and".

On page 142, between lines 13 and 14, insert the following:

"(iii) the sale of sugar for the production of ethanol or other bioenergy product, if the disposition of the sugar is administered by the Secretary under section 156(f) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(f)).

Beginning on page 142, strike line 22 and all that follows through page 147, line 12, and insert the following:

"SEC. 359b. FLEXIBLE MARKETING ALLOTMENTS FOR SUGAR.

"(a) SUGAR ESTIMATES.—

"(1) IN GENERAL.—Not later than August 1 before the beginning of each of the 2008 through 2012 crop years for sugarcane and sugar beets, the Secretary shall estimate—

"(A) the quantity of sugar that will be subject to human consumption in the United States during the crop year;

"(B) the quantity of sugar that would provide for reasonable carryover stocks;

"(C) the quantity of sugar that will be available from carry-in stocks for human consumption in the United States during the crop year;

"(D) the quantity of sugar that will be available from the domestic processing of sugarcane, sugar beets, and in-process beet sugar; and

"(E) the quantity of sugars, syrups, and molasses that will be imported for human consumption or to be used for the extraction of sugar for human consumption in the United States during the crop year, whether the articles are under a tariff-rate quota or are in excess or outside of a tariff-rate quota.

"(2) EXCLUSION.—The estimates under this subsection shall not apply to sugar imported for the production of polyhydric alcohol or to any sugar refined and reexported in refined form or in products containing sugar.

"(3) REESTIMATES.—The Secretary shall make reestimates of sugar consumption, stocks, production, and imports for a crop year as necessary, but not later than the beginning of each of the second through fourth quarters of the crop year.

"(b) SUGAR ALLOTMENTS.—

"(1) ESTABLISHMENT.—By the beginning of each crop year, the Secretary shall establish for that crop year appropriate allotments under section 359c for the marketing by processors of sugar processed from sugar cane or sugar beets or in-process beet sugar (whether the sugar beets or in-process beet sugar was produced domestically or imported) at a level that is—

"(A) sufficient to maintain raw and refined sugar prices above forfeiture levels so that there will be no forfeitures of sugar to the Commodity Credit Corporation under the loan program for sugar established under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272); but

"(B) not less than 85 percent of the estimated quantity of sugar for domestic human consumption for the crop year.

"(2) PRODUCTS.—The Secretary may include sugar products, the majority content of which is sucrose for human consumption, derived from sugar cane, sugar beets, molasses, or sugar in the allotments established under paragraph (1) if the Secretary determines it to be appropriate for purposes of this part.

"(c) COVERAGE OF ALLOTMENTS.—

"(1) IN GENERAL.—The marketing allotments under this part shall apply to the marketing by processors of sugar intended for domestic human consumption that has been processed from sugar cane, sugar beets, or in-process beet sugar, whether such sugar beets or in-process beet sugar was produced domestically or imported.

"(2) EXCEPTIONS.—Consistent with the administration of marketing allotments during for each of the 2002 through 2007 crop years, the marketing allotments shall not apply to sugar sold—

"(A) to facilitate the exportation of the sugar to a foreign country, except that the exports of sugar shall not be eligible to receive credits under reexport programs for refined sugar or sugar containing products administered by the Secretary;

"(B) to enable another processor to fulfill an allocation established for that processor; or

"(C) for uses other than domestic human consumption, except for the sale of sugar for the production of ethanol or other bioenergy if the disposition of the sugar is administered by the Secretary under section 156(f) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(f)).

"(3) REQUIREMENT.—The sale of sugar described in paragraph (2)(B) shall be—

"(A) made prior to May 1; and

"(B) reported to the Secretary.

"(d) PROHIBITIONS.—

"(1) IN GENERAL.—During all or part of any crop year for which marketing allotments have been established, no processor of sugar beets or sugarcane shall market for domestic human consumption a quantity of sugar in excess of the allocation established for the processor, except—

"(A) to enable another processor to fulfill an allocation established for that other processor; or

"(B) to facilitate the exportation of the sugar.

"(2) CIVIL PENALTY.—Any processor who knowingly violates paragraph (1) shall be liable to the Commodity Credit Corporation for a civil penalty in an amount equal to 3 times the United States market value, at the time of the commission of the violation, of that quantity of sugar involved in the violation.".

(c) ESTABLISHMENT OF FLEXIBLE MARKETING ALLOTMENTS.—Section 359c of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359cc) is amended—

(1) by striking subsection (b) and inserting the following:

"(b) OVERALL ALLOTMENT QUANTITY.—

"(1) IN GENERAL.—The Secretary shall establish the overall quantity of sugar to be allotted for the crop year (referred to in this part as the 'overall allotment quantity') at a level that is—

"(A) sufficient to maintain raw and refined sugar prices above forfeiture levels to avoid forfeiture of sugar to the Commodity Credit Corporation; but

"(B) not less than a quantity equal to 85 percent of the estimated quantity of sugar for domestic human consumption for the crop year.

"(2) ADJUSTMENT.—Subject to paragraph (1), the Secretary shall adjust the overall allotment quantity to maintain—

"(A) raw and refined sugar prices above forfeiture levels to avoid the forfeiture of sugar to the Commodity Credit Corporation; and

"(B) adequate supplies of raw and refined sugar in the domestic market.";

(2) in subsection (d)(2), by inserting "or in-process beet sugar" before the period at the end;

(3) in subsection (g)(1)—

(A) by striking "(1) IN GENERAL.—The Secretary" and inserting the following:

"(1) ADJUSTMENTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary"; and

(B) by adding at the end the following:

"(B) LIMITATION.—In carrying out subparagraph (A), the Secretary may not reduce the overall allotment quantity to a quantity of less than 85 percent of the estimated quantity of sugar for domestic human consumption for the crop year."; and

(4) by striking subsection (h).

(d) ALLOCATION OF MARKETING ALLOTMENTS.—Section 359d(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359dd(b)) is amended—

(1) in paragraph (1)(F), by striking "Except as otherwise provided in section 359f(c)(8), if" and inserting "If"; and

On page 152, strike lines 21 and 22 and insert the following:

(8)";

(5) in the first sentence of paragraph (6)(C) (as so redesignated), by inserting "for sugar" before "in excess of the farm's proportionate share"; and

(6) in paragraph (8) (as so redesignated), by

On page 153, lines 18 and 19, strike "the date of enactment of this paragraph" and insert "May 13, 2002,".

On page 153, line 21, insert "State" after "share".

On page 153, line 25, strike "and at" and insert ", or on".

On page 154, line 5, strike "base acreage" and insert "acreage base".

On page 154, line 11, strike "shall" and insert "may".

On page 154, line 17, strike "base acreage" and insert "acreage base".

On page 155, line 16, strike "base acreage" and insert "acreage base".

On page 155, line 18, strike "base acreage" and insert "acreage base".

On page 155, line 19, strike "selection" and insert "drawing".

On page 155, line 22, strike "base acreage" and insert "acreage base".

On page 156, line 3, insert "in the State" after "committees".

On page 156, line 5, strike "selection" and insert "drawing".

On page 156, line 7, strike "base acreage" and insert "acreage base".

On page 156, lines 8 and 9, strike "base acreage" and insert "acreage base".

On page 156, line 12, strike "base acreage" and insert "acreage base".

On page 156, lines 13 and 14, strike "base acreage" and insert "acreage base".

On page 157, line 10, strike "base acreage" and insert "acreage base".

On page 158, strike lines 2 through 8 and insert the following:

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—Except as provided in paragraph (2) and notwithstanding any other provision of law, at the beginning of the quota year, the Secretary shall establish the tariff-rate quotas for raw cane sugar and refined sugars at the minimum level necessary to comply with obligations under international trade agreements that have been approved by Congress.

"(2) EXCEPTION.—Paragraph (1) shall not apply to specialty sugar.

On page 158, line 17, insert ", including an increase in the tariff-rate quota for raw cane sugar to accommodate the reassignment to imports" after "359e(b)".

On page 159, line 7, insert ", including an increase in the tariff-rate quota for raw cane sugar to accommodate the reassignment to imports" after "359e(b)".

On page 568, line 25 strike "2007" and insert "2008".

Beginning on page 1378, strike line 17 and all that follows through page 1380, line 14, and insert the following:

"(e) TREE ASSISTANCE PROGRAM.—

"(1) DEFINITIONS.—In this subsection:

"(A) ELIGIBLE ORCHARDIST.—The term 'eligible orchardist' means a person that produces annual crops from trees for commercial purposes.

"(B) NATURAL DISASTER.—The term 'natural disaster' means plant disease, insect infestation, drought, fire, freeze, flood, earthquake, lightning, or other occurrence, as determined by the Secretary.

"(C) NURSERY TREE GROWER.—The term 'nursery tree grower' means a person who produces nursery, ornamental, fruit, nut, or Christmas trees for commercial sale, as determined by the Secretary.

"(D) TREE.—The term 'tree' includes a tree, bush, and vine.

"(2) ELIGIBILITY.—

"(A) LOSS.—Subject to subparagraph (B), the Secretary shall provide assistance under paragraph (3) to eligible orchardists and nursery tree growers that planted trees for commercial purposes but lost the trees as a result of a natural disaster, as determined by the Secretary.

"(B) LIMITATION.—An eligible orchardist or nursery tree grower shall qualify for assistance under subparagraph (A) only if the tree mortality of the eligible orchardist or nursery tree grower, as a result of damaging weather or related condition, exceeds 15 percent (adjusted for normal mortality).

"(3) ASSISTANCE.—Subject to paragraph (4), the assistance provided by the Secretary to eligible orchardists and nursery tree growers for losses described in paragraph (2) shall consist of—

"(A)(i) reimbursement of 75 percent of the cost of replanting trees lost due to a natural disaster, as determined by the Secretary, in excess of 15 percent mortality (adjusted for normal mortality); or

"(ii) at the option of the Secretary, sufficient seedlings to reestablish a stand; and

"(B) reimbursement of 50 percent of the cost of pruning, removal, and other costs incurred by an eligible orchardist or nursery tree grower to salvage existing trees or, in the case of tree mortality, to prepare the land to replant trees as a result of damage or tree mortality due to a natural disaster, as determined by the Secretary, in excess of 15 percent damage or mortality (adjusted for normal tree damage and mortality).

"(4) LIMITATIONS ON ASSISTANCE.—

"(A) AMOUNT.—The total amount of payments that a person shall be entitled to receive under this subsection may not exceed $100,000 per year, or an equivalent value in tree seedlings.

"(B) ACRES.—The total quantity of acres planted to trees or tree seedlings for which a person shall be entitled to receive payments under this subsection may not exceed 500 acres.

"(C) REGULATIONS.—The Secretary shall promulgate—

"(i) regulations defining the term 'person' for the purposes of this subsection, which shall conform, to the maximum extent practicable, to the regulations defining the term 'person' promulgated under section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308); and

"(ii) such regulations as the Secretary determines necessary to ensure a fair and reasonable application of the limitation established under this paragraph.

On page 1402, lines 6 and 7, strike "made after December 31, 2007." and insert "made before, on, or after the date of the enactment of this Act.".

On page 1465, strike line 17 through page 1467, line 5, and insert the following:

(2) LIMITATION.—Section 25D(b)(1) (relating to maximum credit) is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ", and", and by adding at the end the following new subparagraph:

"(D) $500 with respect to each half kilowatt of capacity (not to exceed $4,000) of wind turbines for which qualified small wind energy property expenditures are made.".

(3) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURES.—

(A) IN GENERAL.—Section 25D(d) (relating to definitions) is amended by adding at the end the following new paragraph:

"(4) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURE.—The term 'qualified small wind energy property expenditure' means an expenditure for qualified small wind energy property (as defined in section 48(c)(3)(A)) installed on or in connection with a dwelling unit located in the United States and used as a residence by the taxpayer.".

(B) NO DOUBLE BENEFIT.—Section 45(d)(1) (relating to wind facility) is amended by adding at the end the following new sentence: "Such term shall not include any facility with respect to which any qualified small wind energy property expenditure (as defined in subsection (d)(4) of section 25D) is taken into account in determining the credit under such section.".

(4) MAXIMUM EXPENDITURES IN CASE OF JOINT OCCUPANCY.—Section 25D(e)(4)(A) (relating to maximum expenditures) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by adding at the end the following new clause:

"(iv) $1,667 in the case of each half kilowatt of capacity (not to exceed $13,333) of wind turbines for which qualified small wind energy property expenditures are made.".

On page 1471, line 18, strike "9006" and insert "9007".

Beginning on page 1472, line 1, strike all through page 1480, line 3, and insert the following:

SEC. 12311. EXPANSION OF SPECIAL ALLOWANCE TO CELLULOSIC BIOFUEL PLANT PROPERTY.

(a) IN GENERAL.—Paragraph (3) of section 168(l) (relating to special allowance for cellulosic biomass ethanol plant property) is amended to read as follows:

"(3) CELLULOSIC BIOFUEL.—For purposes of this subsection, the term 'cellulosic biofuel' means any alcohol, ether, ester, or hydrocarbon produced from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis.".

(b) CONFORMING AMENDMENTS.—

(1) Subsection (l) of section 168 is amended by striking "cellulosic biomass ethanol" each place it appears and inserting "cellulosic biofuel".

(2) The heading of section 168(l) is amended by striking "CELLULOSIC BIOMASS ETHANOL" and inserting "CELLULOSIC BIOFUEL".

(3) The heading of paragraph (2) of section 168(l) is amended by striking "CELLULOSIC BIOMASS ETHANOL" and inserting "CELLULOSIC BIOFUEL".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 12312. CREDIT FOR PRODUCTION OF CELLULOSIC BIOFUEL.

(a) IN GENERAL.—Subsection (a) of section 40 (relating to alcohol used as fuel) is amended by striking "plus" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", plus", and by adding at the end the following new paragraph:

"(4) the cellulosic biofuel producer credit.".

(b) CELLULOSIC BIOFUEL PRODUCER CREDIT.—

(1) IN GENERAL.—Subsection (b) of section 40 is amended by adding at the end the following new paragraph:

"(6) CELLULOSIC BIOFUEL PRODUCER CREDIT.—

"(A) IN GENERAL.—The cellulosic biofuel producer credit of any taxpayer is an amount equal to the applicable amount for each gallon of qualified cellulosic biofuel production.

"(B) APPLICABLE AMOUNT.—For purposes of subparagraph (A), the applicable amount means the excess of—

"(i) $1.25, over

"(ii) the sum of—

"(I) the amount of the credit in effect for alcohol which is ethanol under subsection (b)(1) (without regard to subsection (b)(3)) at the time of the qualified cellulosic biofuel production, plus

"(II) the amount of the credit in effect under subsection (b)(4) at the time of such production.

"(C) QUALIFIED CELLULOSIC BIOFUEL PRODUCTION.—For purposes of this section, the term 'qualified cellulosic biofuel production' means any cellulosic biofuel which during the taxable year—

"(i) is sold by the taxpayer to another person—

"(I) for use by such other person in the production of a qualified cellulosic biofuel mixture in such other person's trade or business (other than casual off-farm production),

"(II) for use by such other person as a fuel in a trade or business, or

"(III) who sells such cellulosic biofuel at retail to another person and places such cellulosic biofuel in the fuel tank of such other person, or

"(ii) is used or sold by the taxpayer for any purpose described in clause (i).

The qualified cellulosic biofuel production of any taxpayer for any taxable year shall not include any alcohol which is purchased by the taxpayer and with respect to which such producer increases the proof of the alcohol by additional distillation.

"(D) QUALIFIED CELLULOSIC BIOFUEL MIXTURE.—For purposes of this paragraph, the term 'qualified cellulosic biofuel mixture' means a mixture of cellulosic biofuel and any petroleum fuel product which—

"(i) is sold by the person producing such mixture to any person for use as a fuel, or

"(ii) is used as a fuel by the person producing such mixture.

"(E) CELLULOSIC BIOFUEL.—

"(i) IN GENERAL.—The term 'cellulosic biofuel' has the meaning given such term under section 168(l)(3), but does not include any alcohol with a proof of less than 150.

"(ii) DETERMINATION OF PROOF.—The determination of the proof of any alcohol shall be made without regard to any added denaturants.

"(F) ALLOCATION OF CELLULOSIC BIOFUEL PRODUCER CREDIT TO PATRONS OF COOPERATIVE.—Rules similar to the rules under subsection (g)(6) shall apply for purposes of this paragraph.

"(G) APPLICATION OF PARAGRAPH.—This paragraph shall apply with respect to qualified cellulosic biofuel production after December 31, 2007, and before April 1, 2015.".

(2) TERMINATION DATE NOT TO APPLY.—Subsection (e) of section 40 (relating to termination) is amended—

(A) by inserting "or subsection (b)(6)(G)" after "by reason of paragraph (1)" in paragraph (2), and

(B) by adding at the end the following new paragraph:

"(3) EXCEPTION FOR CELLULOSIC BIOFUEL PRODUCER CREDIT.—Paragraph (1) shall not apply to the portion of the credit allowed under this section by reason of subsection (a)(4).".

(c) BIOFUEL NOT USED AS A FUEL, ETC.—

(1) IN GENERAL.—Paragraph (3) of section 40(d) is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

"(D) CELLULOSIC BIOFUEL PRODUCER CREDIT.—If—

"(i) any credit is allowed under subsection (a)(4), and

"(ii) any person does not use such fuel for a purpose described in subsection (b)(6)(C),

then there is hereby imposed on such person a tax equal to the applicable amount for each gallon of such cellulosic biomass biofuel.".

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (C) of section 40(d)(3) is amended by striking "PRODUCER" in the heading and inserting "SMALL ETHANOL PRODUCER".

(B) Subparagraph (E) of section 40(d)(3), as redesignated by paragraph (1), is amended by striking "or (C)" and inserting "(C), or (D)".

(d) BIOFUEL PRODUCED IN THE UNITED STATES.—Section 40(d) is amended by adding at the end the following new paragraph:

"(6) SPECIAL RULE FOR CELLULOSIC BIOFUEL PRODUCER CREDIT.—No cellulosic biofuel producer credit shall be determined under subsection (a) with respect to any cellulosic biofuel unless such cellulosic biofuel is produced in the United States.".

(e) WAIVER OF CREDIT LIMIT FOR CELLULOSIC BIOFUEL PRODUCTION BY SMALL ETHANOL PRODUCERS.—Section 40(b)(4)(C) is amended by inserting "(determined without regard to any qualified cellulosic biofuel production" after "15,000,000 gallons".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced after December 31, 2007.

On page 1482, line 20, strike ", as amended by this Act,".

On page 1482, line 22, strike "(j)" and insert "(i)".

On page 1485, line 16, strike "section 312 of".

On page 1488, strike lines 1 through 21, and insert following:

SEC. 12316. CALCULATION OF VOLUME OF ALCOHOL FOR FUEL CREDITS.

(a) IN GENERAL.—Paragraph (4) of section 40(d) (relating to volume of alcohol) is amended by striking "5 percent" and inserting "2 percent".

(b) CONFORMING AMENDMENT FOR EXCISE TAX CREDIT.—Section 6426(b) (relating to alcohol fuel mixture credit) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) VOLUME OF ALCOHOL.—For purposes of determining under subsection (a) the number of gallons of alcohol with respect to which a credit is allowable under subsection (a), the volume of alcohol shall include the volume of any denaturant (including gasoline) which is added under any formulas approved by the Secretary to the extent that such denaturants do not exceed 2 percent of the volume of such alcohol (including denaturants).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2007.

On page 1492, after line 23, add the following:

(d) ELIGIBILITY OF CERTAIN AVIATION FUEL.—Section 40A(f)(3) (defining renewable diesel) is amended by adding at the end the following new flush sentence:

"The term 'renewable diesel' also means fuel derived from biomass (as defined in section 45K(c)(3)) using a thermal depolymerization process which meets the requirements of a Department of Defense specification for military jet fuel or an American Society of Testing and Materials specification for aviation turbine fuel.".

On page 1493, line 1, strike "(d)" and insert "(e)".

Beginning on page 1563, line 6, strike through page 1564, line 15, and insert following:

SEC. 12504. MODIFICATION OF SECTION 1031 TREATMENT FOR CERTAIN REAL ESTATE.

(a) IN GENERAL.—Section 1031 (relating to exchange of property held for productive use or investment), as amended by this Act, is amended by adding at the end the following new subsection:

"(j) SPECIAL RULE FOR SUBSIDIZED AGRICULTURAL REAL PROPERTY.—

"(1) IN GENERAL.—Subsidized agricultural real property and nonagricultural real property are not property of a like kind.

"(2) SUBSIDIZED AGRICULTURAL REAL PROPERTY.—For purposes of this subsection, the term 'subsidized agricultural real property' means real property—

"(A) which is used as a farm for farming purposes (within the meaning of section 2032A(e)(5)); and

"(B) with respect to which a taxpayer receives, in the taxable year in which an exchange of such property is made, any payment or benefit under—

"(i) part I of subtitle A,

"(ii) part III (other than sections 1307 and 1308) of subtitle A, or

"(iii) subtitle B,

of title I of the Food and Energy Security Act of 2007.

"(3) NONAGRICULTURAL REAL PROPERTY.—For purposes of this subsection, the term 'nonagricultural real property' means real property which is not used as a farm for farming purposes (within the meaning of section 2032A(e)(5)).

"(4) EXCEPTION.—Paragraph (1) shall not apply with respect to any subsidized agricultural real property which, not later than the date of the exchange, is permanently retired from any program under which any payment or benefit described in paragraph (2)(B) is made.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to exchanges completed after the date of the enactment of this Act.

On page 1565, strike lines 13 through 24.

On page 1566, line 1, strike "**12508**" and insert "**12507**".

On page 1572, strike "**12509**" and insert "**12508**".

On page 1575, between lines 10 and 11, insert the following:

SEC. 12509. MODIFICATION OF PENALTY FOR FAILURE TO FILE PARTNERSHIP RETURNS; LIMITATION ON DISCLOSURE.

(a) EXTENSION OF TIME LIMITATION.—Section 6698(a) (relating to failure to file partnership returns) is amended by striking "5 months" and inserting "12 months".

(b) INCREASE IN PENALTY AMOUNT.—Paragraph (1) of section 6698(b) is amended by striking "$50" and inserting "$100".

(c) LIMITATION ON DISCLOSURE OF TAXPAYER RETURNS TO PARTNERS, S CORPORATION SHAREHOLDERS, TRUST BENEFICIARIES, AND ESTATE BENEFICIARIES.—

(1) IN GENERAL.—Section 6103(e) (relating to disclosure to persons having material interest) is amended by adding at the end the following new paragraph:

"(10) LIMITATION ON CERTAIN DISCLOSURES UNDER THIS SUBSECTION.—In the case of an inspection or disclosure under this subsection relating to the return of a partnership, S corporation, trust, or an estate, the information inspected or disclosed shall not include any supporting schedule, attachment, or list which includes the taxpayer identity information of a person other than the entity making the return or the person conducting the inspection or to whom the disclosure is made.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the date of the enactment of this Act.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to returns required to be filed after the date of the enactment of this Act.

SEC. 12510. PARTICIPANTS IN GOVERNMENT SECTION 457 PLANS ALLOWED TO TREAT ELECTIVE DEFERRALS AS ROTH CONTRIBUTIONS.

(a) IN GENERAL.—Section 402A(e)(1) (defining applicable retirement plan) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following:

"(C) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).".

(b) ELECTIVE DEFERRALS.—Section 402A(e)(2) (defining elective deferral) is amended to read as follows:

"(2) ELECTIVE DEFERRAL.—The term 'elective deferral' means—

"(A) any elective deferral described in subparagraph (A) or (C) of section 402(g)(3), and

"(B) any elective deferral of compensation by an individual under an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

On page 1597, after line 18, insert the following:

Subtitle G—Kansas Disaster Tax Relief Assistance

SEC. 12701. TEMPORARY TAX RELIEF FOR KIOWA COUNTY, KANSAS AND SURROUNDING AREA.

The following provisions of or relating to the Internal Revenue Code of 1986 shall apply, in addition to the areas described in such provisions, to an area with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (FEMA-1699-DR, as in effect on the date of the enactment of this Act) by reason of severe storms and tornados beginning on May 4, 2007, and determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act with respect to damages attributed to such storms and tornados:

(1) SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.—Section 1400S(b)(1) of the Internal Revenue Code of 1986, by substituting "May 4, 2007" for "August 25, 2005".

(2) EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN.—Section 405 of the Katrina Emergency Tax Relief Act of 2005, by substituting "on or after May 4, 2007, by reason of the May 4, 2007, storms and tornados" for "on or after August 25, 2005, by reason of Hurricane Katrina".

(3) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY MAY 4 STORMS AND TORNADOS.—Section 1400R(a) of the Internal Revenue Code of 1986—

(A) by substituting "May 4, 2007" for "August 28, 2005" each place it appears,

(B) by substituting "January 1, 2008" for "January 1, 2006" both places it appears, and

(C) only with respect to eligible employers who employed an average of not more than 200 employees on business days during the taxable year before May 4, 2007.

(4) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED ON OR AFTER MAY 5, 2007.—Section 1400N(d) of such Code—

(A) by substituting "qualified Recovery Assistance property" for "qualified Gulf Opportunity Zone property" each place it appears,

(B) by substituting "May 5, 2007" for "August 28, 2005" each place it appears,

(C) by substituting "December 31, 2008" for "December 31, 2007" in paragraph (2)(A)(v),

(D) by substituting "December 31, 2009" for "December 31, 2008" in paragraph (2)(A)(v),

(E) by substituting "May 4, 2007" for "August 27, 2005" in paragraph (3)(A),

(F) by substituting "January 1, 2009" for "January 1, 2008" in paragraph (3)(B), and

(G) determined without regard to paragraph (6) thereof.

(5) INCREASE IN EXPENSING UNDER SECTION 179.—Section 1400N(e) of such Code, by substituting "qualified section 179 Recovery Assistance property" for "qualified section 179 Gulf Opportunity Zone property" each place it appears.

(6) EXPENSING FOR CERTAIN DEMOLITION AND CLEAN-UP COSTS.—Section 1400N(f) of such Code—

(A) by substituting "qualified Recovery Assistance clean-up cost" for "qualified Gulf Opportunity Zone clean-up cost" each place it appears, and

(B) by substituting "beginning on May 4, 2007, and ending on December 31, 2009" for "beginning on August 28, 2005, and ending on December 31, 2007" in paragraph (2) thereof.

(7) TREATMENT OF PUBLIC UTILITY PROPERTY DISASTER LOSSES.—Section 1400N(o) of such Code.

(8) TREATMENT OF NET OPERATING LOSSES ATTRIBUTABLE TO STORM LOSSES.—Section 1400N(k) of such Code—

(A) by substituting "qualified Recovery Assistance loss" for "qualified Gulf Opportunity Zone loss" each place it appears,

(B) by substituting "after May 3, 2007, and before on January 1, 2010" for "after August 27, 2005, and before January 1, 2008" each place it appears,

(C) by substituting "May 4, 2007" for "August 28, 2005" in paragraph (2)(B)(ii)(I) thereof,

(D) by substituting "qualified Recovery Assistance property" for "qualified Gulf Opportunity Zone property" in paragraph (2)(B)(iv) thereof, and

(E) by substituting "qualified Recovery Assistance casualty loss" for "qualified Gulf Opportunity Zone casualty loss" each place it appears.

(9) TREATMENT OF REPRESENTATIONS REGARDING INCOME ELIGIBILITY FOR PURPOSES OF QUALIFIED RENTAL PROJECT REQUIREMENTS.—Section 1400N(n) of such Code.

(10) SPECIAL RULES FOR USE OF RETIREMENT FUNDS.—Section 1400Q of such Code—

(A) by substituting "qualified Recovery Assistance distribution" for "qualified hurricane distribution" each place it appears,

(B) by substituting "on or after May 4, 2007, and before January 1, 2009" for "on or after August 25, 2005, and before January 1, 2007" in subsection (a)(4)(A)(i),

(C) by substituting "qualified storm distribution" for "qualified Katrina distribution" each place it appears,

(D) by substituting "after November 4, 2006, and before May 5, 2007" for "after February 28, 2005, and before August 29, 2005" in subsection (b)(2)(B)(ii),

(E) by substituting "beginning on May 4, 2007, and ending on November 5, 2007" for "beginning on August 25, 2005, and ending on February 28, 2006" in subsection (b)(3)(A),

(F) by substituting "qualified storm individual" for "qualified Hurricane Katrina individual" each place it appears,

(G) by substituting "December 31, 2007" for "December 31, 2006" in subsection (c)(2)(A),

(H) by substituting "beginning on June 4, 2007, and ending on December 31, 2007" for "beginning on September 24, 2005, and ending on December 31, 2006" in subsection (c)(4)(A)(i),

(I) by substituting "May 4, 2007" for "August 25, 2005" in subsection (c)(4)(A)(ii), and

(J) by substituting "January 1, 2008" for "January 1, 2007" in subsection (d)(2)(A)(ii).

Subtitle H—Other Provisions

SEC. 12801. INCOME AVERAGING FOR AMOUNTS RECEIVED IN CONNECTION WITH THE EXXON VALDEZ LITIGATION.

(a) INCOME AVERAGING OF AMOUNTS RECEIVED FROM THE EXXON VALDEZ LITIGATION.—For purposes of section 1301 of the Internal Revenue Code of 1986—

(1) any qualified taxpayer who receives any qualified settlement income in any taxable year shall be treated as engaged in a fishing business (determined without regard to the commercial nature of the business), and

(2) such qualified settlement income shall be treated as income attributable to such a fishing business for such taxable year.

(b) CONTRIBUTIONS OF AMOUNTS RECEIVED TO RETIREMENT ACCOUNTS.—

(1) IN GENERAL.—Any qualified taxpayer who receives qualified settlement income during the taxable year may, at any time before the end of the taxable year in which such income was received, make one or more contributions to an eligible retirement plan of which such qualified taxpayer is a beneficiary in an aggregate amount not to exceed the lesser of—

(A) $100,000 (reduced by the amount of qualified settlement income contributed to an eligible retirement plan in prior taxable years pursuant to this subsection), or

(B) the amount of qualified settlement income received by the individual during the taxable year.

(2) TIME WHEN CONTRIBUTIONS DEEMED MADE.—For purposes of paragraph (1), a qualified taxpayer shall be deemed to have made a contribution to an eligible retirement plan on the last day of the taxable year in which such income is received if the contribution is made on account of such taxable year and is made not later than the time prescribed by law for filing the return for such taxable year (not including extensions thereof).

(3) TREATMENT OF CONTRIBUTIONS TO ELIGIBLE RETIREMENT PLANS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to qualified settlement income, then—

(A) except as provided in paragraph (4)—

(i) to the extent of such contribution, the qualified settlement income shall not be included in gross income, and

(ii) for purposes of section 72 of such Code, such contribution shall not be considered to be investment in the contract,

(B) the qualified taxpayer shall, to the extent of the amount of the contribution, be treated—

(i) as having received the qualified settlement income—

(I) in the case of a contribution to an individual retirement plan (as defined under section 7701(a)(37) of such Code), in a distribution described in section 408(d)(3) of such Code, and

(II) in the case of any other eligible retirement plan, in an eligible rollover distribution (as defined under section 402(f)(2) of such Code), and

(ii) as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution,

(C) section 408(d)(3)(B) of the Internal Revenue Code of 1986 shall not apply with respect to amounts treated as a rollover under this paragraph, and

(D) section 408A(c)(3)(B) of the Internal Revenue Code of 1986 shall not apply with respect to amounts contributed to a Roth IRA (as defined under section 408A(b) of such Code) or a designated Roth contribution to an applicable retirement plan (within the meaning of section 402A of such Code) under this paragraph.

(4) SPECIAL RULE FOR ROTH IRAS AND ROTH 401(k)S.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to qualified settlement income to a Roth IRA (as defined under section 408A(b) of such Code) or as a designated Roth contribution to an applicable retirement plan (within the meaning of section 402A of such Code), then—

. (A) the qualified settlement income shall be includible in gross income, and

(B) for purposes of section 72 of such Code, such contribution shall be considered to be investment in the contract.

(5) ELIGIBLE RETIREMENT PLAN.—For purpose of this subsection, the term "eligible retirement plan" has the meaning given such term under section 402(c)(8)(B) of the Internal Revenue Code of 1986.

(c) TREATMENT OF QUALIFIED SETTLEMENT INCOME UNDER EMPLOYMENT TAXES.—

(1) SECA.—For purposes of chapter 2 of the Internal Revenue Code of 1986 and section 211 of the Social Security Act, no portion of qualified settlement income received by a qualified taxpayer shall be treated as self-employment income.

(2) FICA.—For purposes of chapter 21 of the Internal Revenue Code of 1986 and section 209 of the Social Security Act, no portion of qualified settlement income received by a qualified taxpayer shall be treated as wages.

(d) QUALIFIED TAXPAYER.—For purposes of this section, the term "qualified taxpayer" means—

(1) any individual who is a plaintiff in the civil action *In re Exxon Valdez*, No. 89–095–CV (HRH) (Consolidated) (D. Alaska); or

(2) any individual who is a beneficiary of the estate of such a plaintiff who—

(A) acquired the right to receive qualified settlement income from that plaintiff; and

(B) was the spouse or an immediate relative of that plaintiff.

(e) Qualified Settlement Income.—For purposes of this section, the term "qualified settlement income" means any interest and punitive damage awards which are—

(1) otherwise includible in gross income (determined without regard to subsection (b)), and

(2) received (whether as lump sums or periodic payments) in connection with the civil action *In re Exxon Valdez*, No. 89–095–CV (HRH) (Consolidated) (D. Alaska) (whether pre- or post-judgment and whether related to a settlement or judgment).

SEC. 12802. 2-YEAR EXTENSION AND EXPANSION OF CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) In General.—Section 170(e)(3)(C) (relating to special rule for certain contributions of inventory and other property) is amended—

(1) by striking "December 31, 2007" in clause (iv) and inserting "December 31, 2009", and

(2) by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively, and by inserting after clause (ii) the following new clause:

"(iii) Determination of basis.—If a taxpayer—

"(I) does not account for inventories under section 471, and

"(II) is not required to capitalize indirect costs under section 263A,

the taxpayer may elect, solely for purposes of subparagraph (B), to treat the basis of any apparently wholesome food as being equal to 25 percent of the fair market value of such food.".

(b) Effective Date.—The amendments made by this section shall apply to contributions made after December 31, 2007.

SEC. 12803. MILEAGE REIMBURSEMENTS TO CHARITABLE VOLUNTEERS EXCLUDED FROM GROSS INCOME.

(a) In General.—Part III of subchapter B of chapter 1 is amended by inserting after section 139A the following new section:

"SEC. 139B. MILEAGE REIMBURSEMENTS TO CHARITABLE VOLUNTEERS.

"(a) In General.—Gross income of an individual does not include amounts received, from an organization described in section 170(c), as reimbursement of operating expenses with respect to use of a passenger automobile for the benefit of such organization. The preceding sentence shall apply only to the extent that such reimbursement would be deductible under this chapter if section 274(d) were applied—

"(1) by using the standard business mileage rate in effect under section 162(a) at the time of such use, and

"(2) as if the individual were an employee of an organization not described in section 170(c).

"(b) Application to Volunteer Services Only.—Subsection (a) shall not apply with respect to any expenses relating to the performance of services for compensation.

"(c) No Double Benefit.—No deduction or credit shall be allowed under any other provision of this title with respect to the expenses excludable from gross income under subsection (a).".

(b) Clerical Amendment.—The table of sections for part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 139A and inserting the following new item:

"Sec. 139B. Reimbursement for use of passenger automobile for charity.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 12804. BASIS ADJUSTMENT TO STOCK OF S CORPORATIONS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) Technical Amendment Related to Section 1203 of the Pension Protection Act of 2006.—Subsection (d) of section 1366 is amended by adding at the end the following new paragraph:

"(4) Application of limitation on charitable contributions.—In the case of any charitable contribution of property to which the second sentence of section 1367(a)(2) applies, paragraph (1) shall not apply to the extent of the excess (if any) of—

"(A) the shareholder's pro rata share of such contribution, over

"(B) the shareholder's pro rata share of the adjusted basis of such property.".

(b) Effective Date.—The amendment made by this section shall take effect as if included in the provision of the Pension Protection Act of 2006 to which it relates.

SEC. 12805. PRIVATE PAYMENT TEST FOR PROFESSIONAL SPORTS FACILITY BONDS.

Section 141, as amended by this Act, is amended—

(1) by striking the last sentence of subsection (a), and

(2) by striking subsection (f).

SEC. 12806. APPLICATION OF REHABILITATION CREDIT AND DEPRECIATION SCHEDULES TO CERTAIN LOW-INCOME HOUSING FOR THE ELDERLY.

(a) In General.—Section 251(d)(4)(X) of the Tax Reform Act of 1986 is repealed.

(b) Effective Date.—The repeal made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 12807. COMPETITIVE CERTIFICATION AWARDS MODIFICATION AUTHORITY.

(a) In General.—Section 48A (relating to qualifying advanced coal project credit) is amended by adding at the end the following new subsection:

"(h) Competitive Certification Awards Modification Authority.—In implementing this section or section 48B, the Secretary is directed to modify the terms of any competitive certification award and any associated closing agreement where such modification—

"(1) is consistent with the objectives of such section,

"(2) is requested by the recipient of the competitive certification award, and

"(3) involves moving the project site to improve the potential to capture and sequester carbon dioxide emissions, reduce costs of transporting feedstock, and serve a broader customer base,

unless the Secretary determines that the dollar amount of tax credits available to the taxpayer under such section would increase as a result of the modification or such modification would result in such project not being originally certified. In considering any such modification, the Secretary shall consult with other relevant Federal agencies, including the Department of Energy.".

(b) Effective Date.—The amendment made by this section shall take effect on the date of the enactment of this Act and is applicable to all competitive certification awards entered into under section 48A or 48B of the Internal Revenue Code of 1986, whether such awards were issued before, on, or after such date of enactment.

SEC. 12808. QUALIFIED FORESTRY CONSERVATION BONDS.

(a) In General.—Part IV of subchapter A of chapter 1 (relating to credits against tax) is amended by adding at the end the following new subpart:

"Subpart I—Qualified Tax Credit Bonds

"Sec. 54A. Credit to holders of qualified tax credit bonds.

"Sec. 54B. Qualified forestry conservation bonds.

"SEC. 54A. CREDIT TO HOLDERS OF QUALIFIED TAX CREDIT BONDS.

"(a) Allowance of Credit.—If a taxpayer holds a qualified tax credit bond on one or more credit allowance dates of the bond during any taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to such dates.

"(b) Amount of Credit.—

"(1) In general.—The amount of the credit determined under this subsection with respect to any credit allowance date for a qualified tax credit bond is 25 percent of the annual credit determined with respect to such bond.

"(2) Annual credit.—The annual credit determined with respect to any qualified tax credit bond is the product of—

"(A) the applicable credit rate, multiplied by

"(B) the outstanding face amount of the bond.

"(3) Applicable credit rate.—For purposes of paragraph (2), the applicable credit rate is 70 percent of the rate which the Secretary estimates will permit the issuance of qualified tax credit bonds with a specified maturity or redemption date without discount and without interest cost to the qualified issuer. The applicable credit rate with respect to any qualified tax credit bond shall be determined as of the first day on which there is a binding, written contract for the sale or exchange of the bond.

"(4) Special rule for issuance and redemption.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed or matures.

"(c) Limitation Based on Amount of Tax.—

"(1) In general.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under this part (other than subpart C and this subpart).

"(2) Carryover of unused credit.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year (determined before the application of paragraph (1) for such succeeding taxable year).

“(d) QUALIFIED TAX CREDIT BOND.—For purposes of this section—

“(1) QUALIFIED TAX CREDIT BOND.—The term ‘qualified tax credit bond’ means a qualified forestry conservation bond which is part of an issue that meets the requirements of paragraphs (2), (3), (4), (5), and (6).

“(2) SPECIAL RULES RELATING TO EXPENDITURES.—

“(A) IN GENERAL.—An issue shall be treated as meeting the requirements of this paragraph if, as of the date of issuance, the issuer reasonably expects—

“(i) 100 percent or more of the available project proceeds to be spent for 1 or more qualified purposes within the 3-year period beginning on such date of issuance, and

“(ii) a binding commitment with a third party to spend at least 10 percent of such available project proceeds will be incurred within the 6-month period beginning on such date of issuance.

“(B) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 3 YEARS.—

“(i) IN GENERAL.—To the extent that less than 100 percent of the available project proceeds of the issue are expended by the close of the expenditure period for 1 or more qualified purposes, the issuer shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

“(ii) EXPENDITURE PERIOD.—For purposes of this subpart, the term ‘expenditure period’ means, with respect to any issue, the 3-year period beginning on the date of issuance. Such term shall include any extension of such period under clause (iii).

“(iii) EXTENSION OF PERIOD.—Upon submission of a request prior to the expiration of the expenditure period (determined without regard to any extension under this clause), the Secretary may extend such period if the issuer establishes that the failure to expend the proceeds within the original expenditure period is due to reasonable cause and the expenditures for qualified purposes will continue to proceed with due diligence.

“(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term ‘qualified purpose’ means a purpose specified in section 54B(e).

“(D) REIMBURSEMENT.—For purposes of this subtitle, available project proceeds of an issue shall be treated as spent for a qualified purpose if such proceeds are used to reimburse the issuer for amounts paid for a qualified purpose after the date that the Secretary makes an allocation of bond limitation with respect to such issue, but only if—

“(i) prior to the payment of the original expenditure, the issuer declared its intent to reimburse such expenditure with the proceeds of a qualified tax credit bond,

“(ii) not later than 60 days after payment of the original expenditure, the issuer adopts an official intent to reimburse the original expenditure with such proceeds, and

“(iii) the reimbursement is made not later than 18 months after the date the original expenditure is paid.

“(3) REPORTING.—An issue shall be treated as meeting the requirements of this paragraph if the issuer of qualified tax credit bonds submits reports similar to the reports required under section 149(e).

“(4) SPECIAL RULES RELATING TO ARBITRAGE.—

“(A) IN GENERAL.—An issue shall be treated as meeting the requirements of this paragraph if the issuer satisfies the requirements of section 148 with respect to the proceeds of the issue.

“(B) SPECIAL RULE FOR INVESTMENTS DURING EXPENDITURE PERIOD.—Available project proceeds invested during the expenditure period shall not be subject to the requirements of subparagraph (A).

“(C) SPECIAL RULE FOR RESERVE FUNDS.—An issue shall not be treated as failing to meet the requirements of subparagraph (A) by reason of any fund which is expected to be used to repay such issue if—

“(i) such fund is funded in a manner reasonably expected to result in an amount not greater than an amount necessary to repay the issue, and

“(ii) the yield on such fund is not greater than the discount rate determined under paragraph (5)(B) with respect to the issue.

“(5) MATURITY LIMITATION.—

“(A) IN GENERAL.—An issue shall be treated as meeting the requirements of this paragraph if the maturity of any bond which is part of such issue does not exceed the maximum term determined by the Secretary under subparagraph (B).

“(B) MAXIMUM TERM.—During each calendar month, the Secretary shall determine the maximum term permitted under this paragraph for bonds issued during the following calendar month. Such maximum term shall be the term which the Secretary estimates will result in the present value of the obligation to repay the principal on the bond being equal to 50 percent of the face amount of such bond. Such present value shall be determined using as a discount rate the average annual interest rate of tax-exempt obligations having a term of 10 years or more which are issued during the month. If the term as so determined is not a multiple of a whole year, such term shall be rounded to the next highest whole year.

“(6) PROHIBITION ON FINANCIAL CONFLICTS OF INTEREST.—An issue shall be treated as meeting the requirements of this paragraph if the issuer certifies that—

“(A) applicable State and local law requirements governing conflicts of interest are satisfied with respect to such issue, and

“(B) if the Secretary prescribes additional conflicts of interest rules governing the appropriate Members of Congress, Federal, State, and local officials, and their spouses, such additional rules are satisfied with respect to such issue.

“(e) OTHER DEFINITIONS.—For purposes of this subchapter—

“(1) CREDIT ALLOWANCE DATE.—The term ‘credit allowance date’ means—

“(A) March 15,

“(B) June 15,

“(C) September 15, and

“(D) December 15.

Such term includes the last day on which the bond is outstanding.

“(2) BOND.—The term ‘bond’ includes any obligation.

“(3) STATE.—The term ‘State’ includes the District of Columbia and any possession of the United States.

“(4) AVAILABLE PROJECT PROCEEDS.—The term ‘available project proceeds’ means—

“(A) the excess of—

“(i) the proceeds from the sale of an issue, over

“(ii) the issuance costs financed by the issue (to the extent that such costs do not exceed 2 percent of such proceeds), and

“(B) the proceeds from any investment of the excess described in subparagraph (A).

“(f) CREDIT TREATED AS INTEREST.—For purposes of this subtitle, the credit determined under subsection (a) shall be treated as interest which is includible in gross income.

“(g) S CORPORATIONS AND PARTNERSHIPS.—In the case of a tax credit bond held by an S corporation or partnership, the allocation of the credit allowed by this section to the shareholders of such corporation or partners of such partnership shall be treated as a distribution.

“(h) BONDS HELD BY REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.—If any qualified tax credit bond is held by a regulated investment company or a real estate investment trust, the credit determined under subsection (a) shall be allowed to shareholders of such company or beneficiaries of such trust (and any gross income included under subsection (f) with respect to such credit shall be treated as distributed to such shareholders or beneficiaries) under procedures prescribed by the Secretary.

“(i) CREDITS MAY BE STRIPPED.—Under regulations prescribed by the Secretary—

“(1) IN GENERAL.—There may be a separation (including at issuance) of the ownership of a qualified tax credit bond and the entitlement to the credit under this section with respect to such bond. In case of any such separation, the credit under this section shall be allowed to the person who on the credit allowance date holds the instrument evidencing the entitlement to the credit and not to the holder of the bond.

“(2) CERTAIN RULES TO APPLY.—In the case of a separation described in paragraph (1), the rules of section 1286 shall apply to the qualified tax credit bond as if it were a stripped bond and to the credit under this section as if it were a stripped coupon.

“SEC. 54B. QUALIFIED FORESTRY CONSERVATION BONDS.

“(a) QUALIFIED FORESTRY CONSERVATION BOND.—For purposes of this subchapter, the term ‘qualified forestry conservation bond’ means any bond issued as part of an issue if—

“(1) 100 percent of the available proceeds of such issue are to be used for one or more qualified forestry conservation purposes,

“(2) the bond is issued by a qualified issuer, and

“(3) the issuer designates such bond for purposes of this section.

“(b) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated to such issuer under subsection (d).

“(c) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national qualified forestry conservation bond limitation of $500,000,000.

“(d) ALLOCATIONS.—

“(1) IN GENERAL.—The Secretary shall make allocations of the amount of the national qualified forestry conservation bond limitation described in subsection (c) among qualified forestry conservation purposes in such manner as the Secretary determines appropriate so as to ensure that all of such limitation is allocated before the date which is 24 months after the date of the enactment of this section.

“(2) SOLICITATION OF APPLICATIONS.—The Secretary shall solicit applications for allocations of the national qualified forestry conservation bond limitation described in subsection (c) not later than 90 days after the date of the enactment of this section.

“(e) QUALIFIED FORESTRY CONSERVATION PURPOSE.—For purposes of this section, the term 'qualified forestry conservation purpose' means the acquisition by a State or 501(c)(3) organization (as defined in section 150(a)(4)) from an unrelated person of forest and forest land that meets the following qualifications:

"(1) Some portion of the land acquired must be adjacent to United States Forest Service Land.

"(2) At least half of the land acquired must be transferred to the United States Forest Service at no net cost to the United States and not more than half of the land acquired may either remain with or be donated to a State.

"(3) All of the land must be subject to a native fish habitat conservation plan approved by the United States Fish and Wildlife Service.

"(4) The amount of acreage acquired must be at least 40,000 acres.

"(f) QUALIFIED ISSUER.—For purposes of this section, the term 'qualified issuer' means a State or 501(c)(3) organization (as defined in section 150(a)(4)).".

(b) REPORTING.—Subsection (d) of section 6049 (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

"(9) REPORTING OF CREDIT ON QUALIFIED TAX CREDIT BONDS.—

"(A) IN GENERAL.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 54A and such amounts shall be treated as paid on the credit allowance date (as defined in section 54A(e)(1)).

"(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A) of this paragraph, subsection (b)(4) of this section shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i).

"(C) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting.".

(c) CONFORMING AMENDMENTS.—

(1) Sections 54(c)(2) and 1400N(l)(3)(B) are each amended by striking "subpart C" and inserting "subparts C and I".

(2) Section 1397E(c)(2) is amended by striking "subpart H" and inserting "subparts H and I".

(3) Section 6401(b)(1) is amended by striking "and H" and inserting "H, and I".

(4) The heading of subpart H of part IV of subchapter A of chapter 1 is amended by striking "**Certain Bonds**" and inserting "**Clean Renewable Energy Bonds**".

(5) The table of subparts for part IV of subchapter A of chapter 1 is amended by striking the item relating to subpart H and inserting the following new items:

"SUBPART H. NONREFUNDABLE CREDIT TO HOLDERS OF CLEAN RENEWABLE ENERGY BONDS.

"SUBPART I. QUALIFIED TAX CREDIT BONDS.".

(d) EFFECTIVE DATES.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

On page 544, line 16, strike "$5,500,000,000" and insert "$5,000,000,000".

On page 1045, between lines 2 and 3, insert the following:

SEC. 750_. ANIMAL BIOSCIENCE FACILITY, BOZEMAN, MONTANA.

There is authorized to be appropriated to the Secretary for the period of fiscal years 2008 through 2012 $16,000,000, to remain available until expended, for the construction in Bozeman, Montana, of an animal bioscience facility within the Agricultural Research Service.

Strike section 2359 and insert the following:

SEC. 2359. GROUND AND SURFACE WATER CONSERVATION.

Section 1240I of the Food Security Act of 1985 (16 U.S.C. 3839aa–9) is amended by striking subsection (c) and inserting the following:

"(c) FUNDING.—

"(1) AVAILABILITY OF FUNDS.—Of the funds of the Commodity Credit Corporation, in addition to amounts made available under section 1241(a) to carry out this chapter, the Secretary shall use—

"(A) $65,000,000 for each of fiscal years 2008 through 2012; and

"(B) $60,000,000 for each fiscal year thereafter.

"(2) FUNDING FOR CERTAIN STATES.—Of the funds made available under paragraph (1), the Secretary shall—

"(A) provide to each State that received funds under this title during the period of fiscal years 2002 through 2007, the greater of—

"(i) the simple average of amounts allocated to producers in the State under this section for the period of fiscal years 2002 through 2007; or

"(ii) the amount allocated to producers in the State under this section in fiscal year 2007; and

"(B) in the case of each State the boundaries of which encompass a multistate aquifer from which documented groundwater withdrawals exceed 16,000,000,000 gallons per day, provide an amount not less than the greater of—

"(i) $3,000,000; or

"(ii) the amount provided under subparagraph (A).

"(3) EASTERN SNAKE PLAIN AQUIFER PILOT.—

"(A) IN GENERAL.—Of the funds made available under paragraph (1), the Secretary shall reserve not less than $2,000,000, to remain available until expended, for regional water conservation activities in the Eastern Snake Aquifer region.

"(B) APPROVAL.—The Secretary may approve regional water conservation activities under this paragraph that address, in whole or in part, water quality issues.".

On page 692, between lines 17 and 18, insert the following:

SEC. 49___. FOOD EMPLOYMENT EMPOWERMENT AND DEVELOPMENT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means an entity that meets the requirements of subsection (b)(2).

(2) VULNERABLE SUBPOPULATION.—

(A) IN GENERAL.—The term "vulnerable subpopulation" means low-income individuals, unemployed individuals, and other subpopulations identified by the Secretary as being likely to experience special risks from hunger or a special need for job training.

(B) INCLUSIONS.—The term "vulnerable subpopulation" includes—

(i) addicts (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

(ii) at-risk youths (as defined in section 1432 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6472));

(iii) individuals that are basic skills deficient (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801));

(iv) homeless individuals (as defined in section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b));

(v) homeless youths (as defined in section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a));

(vi) individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102));

(vii) low-income individuals (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)); and

(viii) older individuals (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)).

(b) FOOD EMPLOYMENT EMPOWERMENT AND DEVELOPMENT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish a food employment empowerment and development program under which the Secretary shall make grants to eligible entities to encourage the effective use of community resources to combat hunger and the root causes of hunger by creating opportunity through food recovery and job training.

(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a public agency, or private nonprofit institution, that conducts, or will conduct, 2 or more of the following activities as an integral part of the normal operation of the entity:

(A) Recovery of donated food from area restaurants, caterers, hotels, cafeterias, farms, or other food service businesses.

(B) Distribution of meals or recovered food to—

(i) nonprofit organizations described in section 501(c)(3) of the Internal Revenue Code of 1986;

(ii) entities that feed vulnerable subpopulations; and

(iii) other agencies considered appropriate by the Secretary.

(C) Training of unemployed and underemployed adults for careers in the food service industry.

(D) Carrying out of a welfare-to-work job training program in combination with—

(i) production of school meals, such as school meals served under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.); or

(ii) support for after-school programs, such as programs conducted by community learning centers (as defined in section 4201(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171(b))).

(3) USE OF FUNDS.—An eligible entity may use a grant awarded under this section for—

(A) capital investments related to the operation of the eligible entity;

(B) support services for clients, including staff, of the eligible entity and individuals enrolled in job training programs;

(C) purchase of equipment and supplies related to the operation of the eligible entity or that improve or directly affect service delivery;

(D) building and kitchen renovations that improve or directly affect service delivery;

(E) educational material and services;

(F) administrative costs, in accordance with guidelines established by the Secretary; and

(G) additional activities determined appropriate by the Secretary.

(4) PREFERENCES.—In awarding grants under this section, the Secretary shall give preference to eligible entities that perform, or will perform, any of the following activities:

(A) Carrying out food recovery programs that are integrated with—

(i) culinary worker training programs, such as programs conducted by a food service management institute under section 21 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b-1);

(ii) school education programs; or

(iii) programs of service-learning (as defined in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511)).

(B) Providing job skills training, life skills training, and case management support to vulnerable subpopulations.

(C) Integrating recovery and distribution of food with a job training program.

(D) Maximizing the use of an established school, community, or private food service facility or resource in meal preparation and culinary skills training.

(E) Providing job skills training, life skills training, and case management support to vulnerable subpopulations.

(5) ELIGIBILITY FOR JOB TRAINING.—To be eligible to receive job training assistance from an eligible entity using a grant made available under this section, an individual shall be a member of a vulnerable subpopulation.

(6) PERFORMANCE INDICATORS.—The Secretary shall establish, for each year of the program, performance indicators and expected levels of performance for meal and food distribution and job training for eligible entities to continue to receive and use grants under this section.

(7) TECHNICAL ASSISTANCE.—The Secretary may provide such technical assistance to eligible entities as the Secretary considers appropriate to help the eligible entities in carrying out this section.

(8) RELATIONSHIP TO OTHER LAW.—

(A) BILL EMERSON GOOD SAMARITAN FOOD DONATION ACT.—An action taken by an eligible entity using a grant provided under this section shall be covered by the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791).

(B) FOOD HANDLING GUIDELINES.—In using a grant provided under this section, an eligible entity shall comply with any applicable food handling guideline established by a State or local authority.

(9) MAXIMUM AMOUNT OF GRANT.—The amount of a grant provided to an eligible entity for a fiscal year under this section shall not exceed **$200,000**.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years **2008** through **2012**.

(2) TECHNICAL ASSISTANCE.—Of the amount of funds that are made available for a fiscal year under paragraph (1), the Secretary shall use to provide technical assistance under subsection (b)(7) not more than the greater of—

(A) 5 percent of the amount of funds that are made available for the fiscal year under paragraph (1); or

(B) **$1,000,000**.

In lieu of the matter proposed to be inserted, insert the following:

SEC. 11____. OVERSIGHT OF NATIONAL AQUATIC ANIMAL HEALTH PLAN.

(a) DEFINITIONS.—In this section:

(1) ADVISORY COMMITTEE.—The term "advisory committee" means the General Advisory Committee for Oversight of National Aquatic Animal Health established under subsection (b)(1).

(2) PLAN.—The term "plan" means the national aquatic animal health plan developed by the National Aquatic Animal Health Task Force, composed of representatives of the Department of Agriculture, the Department of Commerce (including the National Oceanic and Atmospheric Administration), and the Department of the Interior (including the United States Fish and Wildlife Service).

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, acting through the Administrator of the Animal and Plant Health Inspection Service.

(b) GENERAL ADVISORY COMMITTEE FOR OVERSIGHT OF NATIONAL AQUATIC ANIMAL HEALTH.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with States and the private sector, shall establish an advisory committee, to be known as the "General Advisory Committee for Oversight of National Aquatic Animal Health".

(2) MEMBERSHIP.—

(A) COMPOSITION.—The advisory committee shall—

(i) be composed equally of representatives of—

(I) State and tribal governments; and

(II) commercial aquaculture interests; and

(ii) consist of not more than 20 members, to be appointed by the Secretary, of whom—

(I) not less than 3 shall be representatives of Federal departments or agencies;

(II) not less than 6 shall be representatives of State or tribal governments that elect to participate in the plan under subsection (d);

(III) not less than 6 shall be representatives of affected commercial aquaculture interests; and

(IV) not less than 2 shall be aquatic animal health experts, as determined by the Secretary, of whom at least 1 shall be a doctor of veterinary medicine.

(B) NOMINATIONS.—The Secretary shall publish in the Federal Register a solicitation for, and may accept, nominations for members of the advisory committee from appropriate entities, as determined by the Secretary.

(c) RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the advisory committee shall develop and submit to the Secretary recommendations regarding—

(A) the establishment and membership of appropriate expert and representative commissions to efficiently implement and administer the plan;

(B) disease- and species-specific best management practices relating to activities carried out under the plan; and

(C) the establishment and administration of the indemnification fund under subsection (e).

(2) FACTORS FOR CONSIDERATION.—In developing recommendations under paragraph (1), the advisory committee shall take into consideration all emergency aquaculture-related projects that have been or are being carried out under the plan as of the date of submission of the recommendations.

(3) REGULATIONS.—After consideration of the recommendations submitted under this subsection, the Secretary shall promulgate regulations to establish a national aquatic animal health improvement program, in accordance with the Animal Health Protection Act (7 U.S.C. 8301 et seq.).

(d) PARTICIPATION BY STATE AND TRIBAL GOVERNMENTS AND PRIVATE SECTOR.—

(1) IN GENERAL.—Any State or tribal government, and any entity in the private sector, may elect to participate in the plan.

(2) DUTIES.—On election by a State or tribal government or entity in the private sector to participate in the plan under paragraph (1), the State or tribal government or entity shall—

(A) submit to the Secretary—

(i) a notification of the election; and

(ii) nominations for members of the advisory committee, as appropriate; and

(B) as a condition of participation, enter into an agreement with the Secretary under which the State or tribal government or entity—

(i) assumes responsibility for a portion of the non-Federal share of the costs of carrying out the plan, as described in paragraph (3); and

(ii) agrees to act in accordance with applicable disease- and species-specific best management practices relating to activities carried out under the plan by the State or tribal government or entity, as the Secretary determines to be appropriate.

(3) NON-FEDERAL SHARE.—

(A) IN GENERAL.—Subject to subparagraph (B), the non-Federal share of the cost of carrying out the plan—

(i) shall be determined—

(I) by the Secretary, in consultation with the advisory committee; and

(II) on a case-by-case basis for each project carried out under the plan; and

(ii) may be provided by State and tribal governments and entities in the private sector in cash or in-kind.

(B) DEPOSITS INTO INDEMNIFICATION FUND.—The non-Federal share of amounts in the indemnification fund provided by each State or tribal government or entity in the private sector shall be—

(i) zero with respect to the initial deposit into the fund; and

(ii) determined on a case-by-case basis for each project carried out under the plan.

(e) INDEMNIFICATION FUND.—

(1) ESTABLISHMENT.—The Secretary, in consultation with the advisory committee, shall establish a fund, to be known as the "indemnification fund", consisting of such amounts as are initially deposited into the fund by the Secretary under subsection (g)(1).

(2) USES.—The Secretary shall use amounts in the indemnification fund only to compensate aquatic farmers—

(A) the entire inventory of livestock or gametes of which is eradicated as a result of a disease control or eradication measure carried out under the plan; or

(B) for the cost of disinfecting, destruction, and cleaning products or equipment in response to a depopulation order carried out under the plan.

(3) UNUSED AMOUNTS.—Amounts remaining in the indemnification fund on September 30 of the fiscal year for which the amounts were appropriated—

(A) shall remain in the fund;

(B) may be used in any subsequent fiscal year in accordance with paragraph (2); and

(C) shall not be reprogrammed by the Secretary for any other use.

(f) REVIEW.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the advisory committee, shall review, and submit to Congress a report regarding—

(1) activities carried out under the plan during the preceding 2 years;

(2) activities carried out by the advisory committee; and

(3) recommendations for funding for subsequent fiscal years to carry out this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section **$15,000,000** for each of fiscal years **2008** and **2009**, of which—

(1) not less than 50 percent shall be deposited into the indemnification fund established under subsection (e) for use in accordance with that subsection; and

(2) not more than 50 percent shall be used for the costs of carrying out the plan, including the costs of—

(A) administration of the plan;

(B) implementation of the plan;

(C) training and laboratory testing;

(D) cleaning and disinfection associated with depopulation orders; and

(E) public education and outreach activities.

On page 987, strike lines 3 and 4 and insert the following:

(a) COMPETITIVE GRANTS.—The Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) is amended in subsection (b)—

On page 989, between lines 2 and 3, insert the following:

(b) NATIONAL RESEARCH SUPPORT PROJECT-7.—The Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) is amended by adding at the end the following:

"(l) NATIONAL RESEARCH SUPPORT PROJECT-7.—

"(1) DEFINITIONS.—In this subsection:

"(A) PROJECT.—The term 'project' means the project established by the Secretary under paragraph (2).

"(B) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"(2) ESTABLISHMENT.—The Secretary shall establish the National Research Support Project-7—

"(A) to identify the animal drug needs for—

"(i) minor species; and

"(ii) minor uses in major species;

"(B) to generate and disseminate data to ensure the safe, effective, and lawful use of drugs to be used primarily for the therapy or reproductive management of minor animal species; and

"(C) to facilitate the development and approval of drugs for minor species, and minor uses in major species, by the Center for Veterinary Medicine of the Food and Drug Administration.

"(3) ADMINISTRATION OF PROJECT.—

"(A) NATIONAL RESEARCH SUPPORT PROJECT-7.—The Secretary shall carry out the project in accordance with each purpose and principle of the National Research Support Project-7 carried out by the Administrator of the Cooperative State Research, Education, and Extension Service as of the day before the date of enactment of this subsection.

"(B) CONSULTATION WITH OTHER ENTITIES.—The Secretary shall carry out the project in consultation with—

"(i) the Commissioner of Food and Drugs;

"(ii) State agricultural experiment stations;

"(iii) institutions of higher education;

"(iv) private entities; and

"(v) any other interested individual or entity.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.".

On page 920, between lines 5 and 6, insert the following:

SEC. 70___. INDIRECT COST RECOVERY.

Section 1473A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319a) is amended in the second sentence by striking "not exceeding 10 percent of the direct cost" and inserting "and shall be the negotiated indirect rate of Cost for an institution by the appropriate Federal audit agency for the institution, not to exceed 30 percent.".

On page 935, strike line 7 and insert the following:

"(f) POULTRY SUSTAINABILITY CENTER OF EXCELLENCE.—

"(1) IN GENERAL.—The Secretary shall establish a poultry sustainability center of excellence—

"(A) to identify challenges and develop solutions to enhance the economic and environmental sustainability of the poultry industry in the southwest region of the United States;

"(B) to research, develop, and implement programs—

"(i) to recover energy and other useful products from poultry waste;

"(ii) to identify new technologies for the storage, treatment, and use of animal waste; and

"(iii) to assist the poultry industry in ensuring that emissions of animal waste and discharges of the industry are maintained at levels at or below applicable regulatory standards;

"(C) to provide technical assistance, training, applied research, and monitoring to eligible applicants;

"(D) to develop environmentally effective programs in the poultry industry; and

"(E) to collaborate with eligible applicants to work with the Federal Government (including Federal agencies) in the development of conservation and watershed programs to help private landowners and agricultural producers meet applicable water quality standards.

"(2) REPORTS.—Not later than 2 years after the date of enactment of this section, and for each fiscal year thereafter, the Secretary shall submit to Congress a report describing—

"(A) each project for which funds are provided under this subsection; and

"(B) any advances in technology resulting from the implementation of this subsection.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There

On page 895, strike lines 4 through 7 and insert the following:

Section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123) is amended—

(A) in subsection (g)(1), by striking "$350,000" and inserting "$500,000"; and

(B) in subsection (h), by striking "2007" and inserting "2012".

On page 842, between lines 13 and 14, add the following:

SEC. 6034. NORTHERN BORDER ECONOMIC DEVELOPMENT COMMISSION.

The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) is amended by adding at the end the following:

"Subtitle J—Northern Border Economic Development Commission

"SEC. 386A. DEFINITIONS.

"In this subtitle:

"(1) COMMISSION.—The term 'Commission' means the Northern Border Economic Development Commission established by section 386B.

"(2) FEDERAL GRANT PROGRAM.—The term 'Federal grant program' means a Federal grant program to provide assistance in carrying out economic and community development activities and conservation activities that are consistent with economic development.

"(3) NON-PROFIT ENTITY.—The term 'non-profit entity' means any entity with tax-exempt or non-profit status, as defined by the Internal Revenue Service.

"(4) REGION.—The term 'region' means the area covered by the Commission (as described in section 386N).

"SEC. 386B. NORTHERN BORDER ECONOMIC DEVELOPMENT COMMISSION.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established the Northern Border Economic Development Commission.

"(2) COMPOSITION.—The Commission shall be composed of—

"(A) a Federal member, to be appointed by the President, with the advice and consent of the Senate; and

"(B) the Governor of each State in the region that elects to participate in the Commission.

"(3) COCHAIRPERSONS.—The Commission shall be headed by—

"(A) the Federal member, who shall serve—

"(i) as the Federal cochairperson; and

"(ii) as a liaison between the Federal Government and the Commission; and

"(B) a State cochairperson, who—

"(i) shall be a Governor of a participating State in the region; and

"(ii) shall be elected by the State members for a term of not less than 1 year.

"(b) ALTERNATE MEMBERS.—

"(1) STATE ALTERNATES.—

"(A) APPOINTMENT.—The State member of a participating State may have a single alternate, who shall be appointed by the Governor of the State from among the Governor's cabinet or personal staff.

"(B) VOTING.—An alternate shall vote in the event of the absence, death, disability, removal, or resignation of the member for whom the individual is an alternate.

"(2) ALTERNATE FEDERAL COCHAIRPERSON.—The President shall appoint an alternate Federal cochairperson.

"(3) QUORUM.—

"(A) IN GENERAL.—Subject to the requirements of this paragraph, the Commission shall determine what constitutes a quorum of the Commission.

"(B) FEDERAL COCHAIRPERSON.—The Federal cochairperson or the Federal cochairperson's designee must be present for the establishment of a quorum of the Commission.

"(C) STATE ALTERNATES.—A State alternate shall not be counted toward the establishment of a quorum of the Commission.

"(4) DELEGATION OF POWER.—No power or responsibility of the Commission specified in paragraphs (3) and (4) of subsection (c), and no voting right of any Commission member, shall be delegated to any person—

"(A) who is not a Commission member; or

"(B) who is not entitled to vote in Commission meetings.

"(c) DECISIONS.—

"(1) REQUIREMENTS FOR APPROVAL.—Except as provided in subsection (g), decisions by the Commission shall require the affirmative vote of the Federal cochairperson and of a majority of the State members, exclusive of members representing States delinquent under subsection (g)(2)(C).

"(2) CONSULTATION.—In matters coming before the Commission, the Federal cochairperson, to the extent practicable, shall consult with the Federal departments and agencies having an interest in the subject matter.

"(3) DECISIONS REQUIRING QUORUM OF STATE MEMBERS.—The following decisions may not be made without a quorum of State members:

"(A) A decision involving Commission policy.

"(B) Approval of State, regional, or subregional development plans or strategy statements.

"(C) Modification or revision of the Commission's code.

"(D) Allocation of amounts among the States.

"(4) PROJECT AND GRANT PROPOSALS.—The approval of project and grant proposals is a responsibility of the Commission and shall be carried out in accordance with section 386H.

"(d) DUTIES.—The Commission shall—

"(1) develop, on a continuing basis, comprehensive and coordinated plans and programs to establish priorities and approve grants for the economic development of the region, giving due consideration to other Federal, State, and local planning and development activities in the region;

"(2) not later than 365 days after the date of enactment of this Act, establish priorities in a development plan for the region (including 5-year regional outcome targets);

"(3) assess the needs and capital assets of the region based on available research, demonstration projects, assessments, and evaluations of the region prepared by Federal, State, or local agencies, local development districts, and any other relevant source;

"(4)(A) enhance the capacity of, and provide support for, local development districts in the region; or

"(B) if no local development district exists in an area in a participating State in the region, foster the creation of a local development district;

"(5) actively solicit the participation of representatives of local development districts, industry groups, and other appropriate organizations as approved by the Commission, in all public proceedings of the Commission conducted under subsection (e)(1), either in-person or through interactive telecommunications; and

"(6) encourage private investment in industrial, commercial, and other economic development projects in the region.

"(e) ADMINISTRATION.—In carrying out subsection (d), the Commission may—

"(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute a description of the proceedings and reports on actions by the Commission as the Commission considers appropriate;

"(2) authorize, through the Federal or State cochairperson or any other member of the Commission designated by the Commission, the administration of oaths if the Commission determines that testimony should be taken or evidence received under oath;

"(3) request from any Federal, State, or local department or agency such information as may be available to or procurable by the department or agency that may be of use to the Commission in carrying out duties of the Commission;

"(4) adopt, amend, and repeal bylaws and rules governing the conduct of Commission business and the performance of Commission duties;

"(5) request the head of any Federal department or agency to detail to the Commission such personnel as the Commission requires to carry out duties of the Commission, each such detail to be without loss of seniority, pay, or other employee status;

"(6) request the head of any State department or agency or local government to detail to the Commission such personnel as the Commission requires to carry out duties of the Commission, each such detail to be without loss of seniority, pay, or other employee status;

"(7) provide for coverage of Commission employees in a suitable retirement and employee benefit system by—

"(A) making arrangements or entering into contracts with any participating State government; or

"(B) otherwise providing retirement and other employee benefit coverage;

"(8) accept, use, and dispose of gifts or donations of services or real, personal, tangible, or intangible property;

"(9) enter into and perform such contracts or other transactions as are necessary to carry out Commission duties;

"(10) establish and maintain a central office located within the Northern Border Economic Development Commission region and field offices at such locations as the Commission may select; and

"(11) provide for an appropriate level of representation in Washington, DC.

"(f) FEDERAL AGENCY COOPERATION.—A Federal agency shall—

"(1) cooperate with the Commission; and

"(2) provide, on request of the Federal cochairperson, appropriate assistance in carrying out this subtitle, in accordance with applicable Federal laws (including regulations).

"(g) ADMINISTRATIVE EXPENSES.—

"(1) IN GENERAL.—Administrative expenses of the Commission (except for the expenses of the Federal cochairperson, including expenses of the alternate and staff of the Federal cochairperson, which shall be paid solely by the Federal Government) shall be paid—

"(A) by the Federal Government, in an amount equal to 50 percent of the administrative expenses; and

"(B) by the States in the region participating in the Commission, in an amount equal to 50 percent of the administrative expenses.

"(2) STATE SHARE.—

"(A) IN GENERAL.—The share of administrative expenses of the Commission to be paid by each State shall be determined by the Commission.

"(B) NO FEDERAL PARTICIPATION.—The Federal cochairperson shall not participate or vote in any decision under subparagraph (A).

"(C) DELINQUENT STATES.—If a State is delinquent in payment of the State's share of administrative expenses of the Commission under this subsection—

"(i) no assistance under this subtitle shall be furnished to the State (including assistance to a political subdivision or a resident of the State); and

"(ii) no member of the Commission from the State shall participate or vote in any action by the Commission.

"(h) COMPENSATION.—

"(1) FEDERAL COCHAIRPERSON.—The Federal cochairperson shall be compensated by the Federal Government at level III of the Executive Schedule in subchapter II of chapter 53 of title V, United States Code.

"(2) ALTERNATE FEDERAL COCHAIRPERSON.—The alternate Federal cochairperson—

"(A) shall be compensated by the Federal Government at level V of the Executive Schedule described in paragraph (1); and

"(B) when not actively serving as an alternate for the Federal cochairperson, shall perform such functions and duties as are delegated by the Federal cochairperson.

"(3) STATE MEMBERS AND ALTERNATES.—

"(A) IN GENERAL.—A State shall compensate each member and alternate representing the State on the Commission at the rate established by law of the State.

"(B) NO ADDITIONAL COMPENSATION.—No State member or alternate member shall receive any salary, or any contribution to or supplementation of salary from any source other than the State for services provided by the member or alternate to the Commission.

"(4) DETAILED EMPLOYEES.—

"(A) IN GENERAL.—No person detailed to serve the Commission under paragraph (5) or (6) of subsection (e) shall receive any salary or any contribution to or supplementation of salary for services provided to the Commission from—

"(i) any source other than the Federal, State, local, or intergovernmental department or agency from which the person was detailed; or

"(ii) the Commission.

"(B) VIOLATION.—Any person that violates this paragraph shall be fined not more than $5,000, imprisoned not more than 1 year, or both.

"(C) APPLICABLE LAW.—The Federal cochairperson, the alternate Federal cochairperson, and any Federal officer or employee detailed to duty on the Commission under subsection (e)(5) shall not be subject to subparagraph (A), but shall remain subject to sections 202 through 209 of title 18, United States Code.

"(5) ADDITIONAL PERSONNEL.—

"(A) COMPENSATION.—

"(i) IN GENERAL.—The Commission may appoint and fix the compensation of an executive director and such other personnel as are necessary to enable the Commission to carry out the duties of the Commission.

"(ii) EXCEPTION.—Compensation under clause (i) shall not exceed the maximum rate for the Senior Executive Service under section 5382 of title 5, United States Code, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of that title.

"(B) EXECUTIVE DIRECTOR.—The executive director shall be responsible for—

"(i) the carrying out of the administrative duties of the Commission;

"(ii) direction of the Commission staff; and

"(iii) such other duties as the Commission may assign.

"(C) NO FEDERAL EMPLOYEE STATUS.—No member, alternate, officer, or employee of the Commission (except the Federal cochairperson of the Commission, the alternate and staff for the Federal cochairperson, and any Federal employee detailed to the Commission under subsection (e)(5)) shall be considered to be a Federal employee for any purpose.

"(i) CONFLICTS OF INTEREST.—

"(1) IN GENERAL.—Except as provided under paragraph (2), no State member, alternate, officer, or employee of the Commission shall participate personally and substantially as a member, alternate, officer, or employee of the Commission, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in any proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other matter in which, to knowledge of the member, alternate, officer, or employee any of the following persons has a financial interest:

"(A) The member, alternate, officer, or employee.

"(B) The spouse, minor child, partner, or organization (other than a State or political subdivision of the State) of the member, alternate, officer, or employee, in which the member, alternate, officer, or employee is serving as officer, director, trustee, partner, or employee.

"(C) Any person or organization with whom the member, alternate, officer, or employee is negotiating or has any arrangement concerning prospective employment.

"(2) DISCLOSURE.—Paragraph (1) shall not apply if the State member, alternate, officer, or employee—

"(A) immediately advises the Commission of the nature and circumstances of the proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other particular matter presenting a potential conflict of interest;

"(B) makes full disclosure of the financial interest; and

"(C) before the proceeding concerning the matter presenting the conflict of interest, receives a written determination by the Commission that the interest is not so substantial as to be likely to affect the integrity of the services that the Commission may expect from the State member, alternate, officer, or employee.

"(3) VIOLATION.—Any person that violates this subsection shall be fined not more than $10,000, imprisoned not more than 2 years, or both.

"(j) VALIDITY OF CONTRACTS, LOANS, AND GRANTS.—The Commission may declare void any contract, loan, or grant of or by the Commission in relation to which the Commission determines that there has been a violation of any provision under subsection (h)(4), subsection (i), or sections 202 through 209 of title 18, United States Code.

"SEC. 386C. ECONOMIC AND COMMUNITY DEVELOPMENT GRANTS.

"(a) IN GENERAL.—The Commission may approve grants to States, local development districts (as defined in section 386E(a)), and public and nonprofit entities for projects, approved in accordance with section 386H—

"(1) to develop the infrastructure of the region for the purpose of facilitating economic development in the region (except that grants for this purpose may only be made to a State or local government);

"(2) to assist the region in obtaining job training, employment-related education, business development, and small business development and entrepreneurship;

"(3) to assist the region in community and economic development;

"(4) to support the development of severely distressed and underdeveloped areas;

"(5) to promote resource conservation, forest management, tourism, recreation, and preservation of open space in a manner consistent with economic development goals;

"(6) to promote the development of renewable and alternative energy sources; and

"(7) to achieve the purposes of this subtitle.

"(b) FUNDING.—

"(1) IN GENERAL.—Funds for grants under subsection (a) may be provided—

"(A) entirely from appropriations to carry out this section;

"(B) in combination with funds available under another State or Federal grant program; or

"(C) from any other source.

"(2) ELIGIBLE PROJECTS.—The Commission may provide assistance, make grants, enter into contracts, and otherwise provide funds to eligible entities in the region for projects that promote—

"(A) business development;

"(B) job training or employment-related education;

"(C) small businesses and entrepreneurship, including—

"(i) training and education to aspiring entrepreneurs, small businesses, and students;

"(ii) access to capital and facilitating the establishment of small business venture capital funds;

"(iii) existing entrepreneur and small business development programs and projects; and

"(iv) projects promoting small business innovation and research;

"(D) local planning and leadership development;

"(E) basic public infrastructure, including high-tech infrastructure and productive natural resource conservation;

"(F) information and technical assistance for the modernization and diversification of the forest products industry to support value-added forest products enterprises;

"(G) forest-related cultural, nature-based, and heritage tourism;

"(H) energy conservation and efficiency in the region to enhance its economic competitiveness;

"(I) the use of renewable energy sources in the region to produce alternative transportation fuels, electricity and heat; and

"(J) any other activity facilitating economic development in the region.

"(3) FEDERAL SHARE.—Notwithstanding any provision of law limiting the Federal share in any grant program, funds appropriated or otherwise made available to carry out this section may be used to increase a Federal share in a grant program, as the Commission determines appropriate.

"SEC. 386D. SUPPLEMENTS TO FEDERAL GRANT PROGRAMS.

"(a) FEDERAL GRANT PROGRAM FUNDING.—In accordance with subsection (b), the Federal cochairperson may use amounts made available to carry out this subtitle, without regard to any limitations on areas eligible for assistance or authorizations for appropriation under any other Act, to fund all or any portion of the basic Federal contribution to a project or activity under a Federal grant program in the region in an amount that is above the fixed maximum portion of the cost of the project otherwise authorized by applicable law, but not to exceed 80 percent of the costs of the project.

"(b) CERTIFICATION.—

"(1) IN GENERAL.—In the case of any program or project for which all or any portion of the basic Federal contribution to the project under a Federal grant program is proposed to be made under this section, no Federal contribution shall be made until the Federal official administering the Federal law authorizing the contribution certifies that the program or project—

"(A) meets the applicable requirements of the applicable Federal grant law; and

"(B) could be approved for Federal contribution under the law if funds were available under the law for the program or project.

"(2) CERTIFICATION BY COMMISSION.—

"(A) IN GENERAL.—The certifications and determinations required to be made by the Commission for approval of projects under this subtitle in accordance with section 386H—

"(i) shall be controlling; and

"(ii) shall be accepted by the Federal agencies.

"(B) ACCEPTANCE BY FEDERAL COCHAIRPERSON.—Any finding, report, certification, or documentation required to be submitted to the head of the department, agency, or instrumentality of the Federal Government responsible for the administration of any Federal grant program shall be accepted by the Federal cochairperson with respect to a supplemental grant for any project under the program.

"SEC. 386E. LOCAL DEVELOPMENT DISTRICTS; CERTIFICATION AND ADMINISTRATIVE EXPENSES.

"(a) DEFINITION OF LOCAL DEVELOPMENT DISTRICT.—In this section, the term 'local development district' means an entity designated by the State that—

"(1) is—

"(A)(i) a planning district in existence on the date of enactment of this Act that is recognized by the Economic Development Administration of the Department of Commerce; or

"(ii) a development district recognized by the State; or

"(B) if an entity described in subparagraph (A)(i) or (A)(ii) does not exist, an entity designated by the Commission that satisfies the criteria developed by the Economic Development Administration for a local development district; and

"(2) has not, as certified by the Federal cochairperson—

"(A) inappropriately used Federal grant funds from any Federal source; or

"(B) appointed an officer who, during the period in which another entity inappropriately used Federal grant funds from any Federal source, was an officer of the other entity.

"(b) GRANTS TO LOCAL DEVELOPMENT DISTRICTS.—

"(1) IN GENERAL.—The Commission may make grants for administrative expenses under this section.

"(2) CONDITIONS FOR GRANTS.—

"(A) MAXIMUM AMOUNT.—The amount of any grant awarded under paragraph (1) shall not exceed 80 percent of the administrative expenses of the local development district receiving the grant.

"(B) LOCAL SHARE.—The contributions of a local development district for administrative expenses may be in cash or in kind, fairly evaluated, including space, equipment, and services.

"(c) DUTIES OF LOCAL DEVELOPMENT DISTRICTS.—A local development district shall—

"(1) operate as a lead organization serving multicounty areas in the region at the local level; and

"(2) serve as a liaison between State and local governments, nonprofit organizations (including community-based groups and educational institutions), the business community, and citizens that—

"(A) are involved in multijurisdictional planning;

"(B) provide technical assistance to local jurisdictions and potential grantees; and

"(C) provide leadership and civic development assistance.

"SEC. 386F. DEVELOPMENT PLANNING PROCESS.

"(a) STATE DEVELOPMENT PLAN.—In accordance with policies established by the Commission, each State member shall submit a development plan for the area of the region represented by the State member.

"(b) CONTENT OF PLAN.—A State development plan submitted under subsection (a) shall reflect the goals, objectives, and priorities identified in the regional development plan developed under section 386B(d)(2).

"(c) CONSULTATION.—In carrying out the development planning process, a State shall—

"(1) consult with—

"(A) local development districts;

"(B) local units of government;

"(C) institutions of higher learning; and

"(D) stakeholders; and

"(2) take into consideration the goals, objectives, priorities, and recommendations of the entities described in paragraph (1).

"(d) PUBLIC PARTICIPATION.—The Commission and applicable State and local development districts shall encourage and assist, to the maximum extent practicable, public participation in the development, revision, and implementation of all plans and programs under this subtitle.

"SEC. 386G. PROGRAM DEVELOPMENT CRITERIA.

"(a) IN GENERAL.—In considering programs and projects to be provided assistance under this subtitle, and in establishing a priority ranking of the requests for assistance provided by the Commission, the Commission shall follow procedures that ensure, to the maximum extent practicable, consideration of—

"(1) the relationship of the project to overall regional development;

"(2) the economic distress of an area, including the per capita income, outmigration, poverty and unemployment rates, and other socioeconomic indicators for the area;

"(3) the financial resources available to the applicants for assistance seeking to carry out the project, with emphasis on ensuring that projects are adequately financed to maximize the probability of successful economic development;

"(4) the importance of the project in relation to other projects that may be in competition for the same funds;

"(5) the prospects that the project for which assistance is sought will improve, on a continuing rather than a temporary basis, the opportunities for employment, the average level of income, or the economic development of the area served by the project;

"(6) the extent to which the project design provides for detailed outcome measurements by which grant expenditures and the results of the expenditures may be evaluated; and

"(7) the preservation of multiple uses, including conservation, of natural resources.

"(b) NO RELOCATION ASSISTANCE.—No financial assistance authorized by this subtitle shall be used to assist an establishment in relocating from 1 area to another.

"(c) REDUCTION OF FUNDS.—Funds may be provided for a program or project in a State under this subtitle only if the Commission determines that the level of Federal or State financial assistance provided under a law other than this subtitle, for the same type of program or project in the same area of the State within the region, will not be reduced as a result of funds made available by this subtitle.

"SEC. 386H. APPROVAL OF DEVELOPMENT PLANS AND PROJECTS.

"(a) IN GENERAL.—A State or regional development plan or any multistate subregional plan that is proposed for development under this subtitle shall be reviewed by the Commission.

"(b) EVALUATION BY STATE MEMBER.—An application for a grant or any other assistance for a project under this subtitle shall be made through and evaluated for approval by the State member of the Commission representing the applicant.

"(c) CERTIFICATION.—An application for a grant or other assistance for a project shall be approved only on certification by the State member and Federal cochairperson that the application for the project—

"(1) describes ways in which the project complies with any applicable State development plan;

"(2) meets applicable criteria under section 386G;

"(3) provides adequate assurance that the proposed project will be properly administered, operated, and maintained; and

"(4) otherwise meets the requirements of this subtitle.

"(d) VOTES FOR DECISIONS.—Upon certification of an application for a grant or other assistance for a specific project under this section, an affirmative vote of the Commission under section 386B(c) shall be required for approval of the application.

"SEC. 386I. CONSENT OF STATES.

"Nothing in this subtitle requires any State to engage in or accept any program under this subtitle without the consent of the State.

"SEC. 386J. RECORDS.

"(a) RECORDS OF THE COMMISSION.—

"(1) IN GENERAL.—The Commission shall maintain accurate and complete records of all transactions and activities of the Commission.

"(2) AVAILABILITY.—All records required under paragraph (1) shall be available for audit by the Comptroller General of the United States and the Commission (including authorized representatives of the Comptroller General and the Commission).

"(b) RECORDS OF RECIPIENTS OF FEDERAL ASSISTANCE.—

"(1) IN GENERAL.—A recipient of Federal funds under this subtitle shall, as required by the Commission, maintain accurate and complete records of transactions and activities financed with Federal funds and report on the transactions and activities to the Commission.

"(2) AVAILABILITY.—All records required under paragraph (1) shall be available for audit by the Comptroller General of the United States and the Commission (including authorized representatives of the Comptroller General and the Commission).

"SEC. 386K. ANNUAL REPORT.

"Not later than 180 days after the end of each fiscal year, the Commission shall submit to the President and to Congress a report describing the activities carried out under this subtitle.

"SEC. 386L. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There is authorized to be appropriated to the Commission to carry out this subtitle $40,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.

"(b) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount appropriated under subsection (a) for a fiscal year shall be used for administrative expenses of the Commission.

"SEC. 386M. TERMINATION OF COMMISSION.

"This subtitle shall have no force or effect on or after October 1, 2012.

"SEC. 386N. REGION OF NORTHERN BORDER ECONOMIC DEVELOPMENT COMMISSION.

"(a) GOAL.—It shall be the goal of the Commission to address economic distress along the northern border of the United States east of, and including, Cayuga County, New York, especially in rural areas.

"(b) COUNTIES INCLUDED IN NORTHERN BORDER REGION.—Consistent with the goal described in subsection (a), the region of Commission shall include the following counties:

"(1) In Maine, the counties of Aroostook, Franklin, Oxford, Somerset, and Washington.

"(2) In New Hampshire, the county of Coos.

"(3) In New York, the counties of Cayuga, Clinton, Franklin, Jefferson, Oswego, and St. Lawrence.

"(4) In Vermont, the counties of Essex, Franklin, Grand Isle, and Orleans.

"(c) CONTIGUOUS COUNTIES.—

"(1) IN GENERAL.—Subject to paragraph (2), in addition to the counties listed in subsection (b), the region of Commission shall include the following counties:

"(A) In Maine, the counties of Androscoggin, Kennebec, Penobscot, Piscataquis, and Waldo.

"(B) In New York, the counties of Essex, Hamilton, Herkimer, Lewis, Oneida, and Seneca.

"(C) In Vermont, the county of Caledonia.

"(2) RECOMMENDATIONS TO CONGRESS.—As part of an annual report submitted under section 386K, the Commission may recommend to Congress removal of a county listed in paragraph (1) from the region on the basis that the county no longer exhibits 2 or more of the following economic distress factors: population loss, poverty, income levels, and unemployment.

"(d) EXAMINATION OF ADDITIONAL COUNTIES AND AREAS FOR INCLUSION IN THE REGION.—

"(1) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Commission—

"(A) shall examine all counties that border the region of the Commission specified in subsection (a), including the political subdivisions and census tracts within such counties; and

"(B) may add a county or any portion of a county examined under subparagraph (A)to the region, if the Commission determines that the county or portion—

"(i) is predominantly rural in nature; and

"(ii) exhibits significant economic distress in terms of population loss, poverty, income levels, unemployment, or other economic indicator that the Commission considers appropriate.

"(2) PRIORITY.—In carrying out paragraph (1)(A), the Commission shall first examine the following counties:

"(A) In Maine, the counties of Hancock and Knox.

"(B) In New Hampshire, the counties of Grafton, Carroll, and Sullivan.

"(C) In New York, the counties of Fulton, Madison, Warren, Saratoga, and Washington.

"(D) In Vermont, the county of Lamoille.

"(e) ADDITION OF COUNTIES AND OTHER AREAS.—

"(1) RECOMMENDATIONS.—Following the one-year period beginning on the date of enactment of this Act, as part of an annual report submitted under section 386K, the Commission may recommend to Congress additional counties or portions of counties for inclusion in the region.

"(2) AREAS OF ECONOMIC DISTRESS.—The Commission may recommend that an entire county be included in the region on the basis of one or more distressed areas within the county.

"(3) ASSESSMENTS OF ECONOMIC CONDITIONS.—The Commission may provide technical and financial assistance to a county that is not included in the region for the purpose of conducting an economic assessment of the county. The results of such an assessment may be used by the Commission in making recommendations under paragraph (1).

"(f) LIMITATION.—A county eligible for assistance from the Appalachian Regional Commission under subtitle IV of title 40, United States Code, shall not be eligible for assistance from the Northern Border Economic Development Commission.".

On page 778, between lines 2 and 3, insert the following:

SEC. 60___. GEOGRAPHICALLY DISADVANTAGED FARMERS AND RANCHERS.

(a) IN GENERAL.—The Consolidated Farm and Rural Development Act is amended by inserting after section 344 (7 U.S.C. 1992) the following:

"SEC. 345. GEOGRAPHICALLY DISADVANTAGED FARMERS AND RANCHERS.

"(a) DEFINITIONS.—In this section:

"(1) AGRICULTURAL COMMODITY.—The term 'agricultural commodity' has the meaning given the term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

"(2) GEOGRAPHICALLY DISADVANTAGED FARMER OR RANCHER.—The term 'geographically disadvantaged farmer or rancher' has the meaning given the term in section 10906(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 2204 note; Public Law 107-171).

"(b) AUTHORIZATION.—

"(1) IN GENERAL.—Subject to paragraph (2) and the availability of funds under subsection (d), for each fiscal year, the Secretary may provide geographically disadvantaged farmers or ranchers direct reimbursement payments for activities described in subsection (c).

"(2) LIMITATION.—The total amount of direct reimbursement payments provided by the Secretary under this section shall not exceed $15,000,000 for each fiscal year.

"(c) TRANSPORTATION.—

"(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary may provide direct reimbursement payments to a geographically disadvantaged farmer or rancher to transport an agricultural commodity, or inputs used to produce an agricultural commodity, during a fiscal year.

"(2) PROOF OF ELIGIBILITY.—To be eligible to receive assistance under paragraph (1), farmer or rancher shall provide to the Secretary proof (as determined by the Secretary) that transportation or the agricultural commodity or inputs occurred over a distance of more than 30 miles.

"(3) AMOUNT.—The amount of direct reimbursement payments made to a geographically disadvantaged farmer or rancher under a subsection for a fiscal year shall equal the product obtained by multiplying—

"(A) the amount of costs incurred by the farmer or rancher for transportation of the agricultural commodity or inputs during the fiscal year; and

"(B) the percentage of the allowance for that fiscal year made under section 5941 of title 5, United States Code, for Federal employees stationed in Alaska and Hawaii.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 2007.

On page 294, insert after line 11:

SEC. 10 ___. SESAME INSURANCE PILOT PROGRAM.

Section 523 of the Federal Crop Insurance Act (7 U.S.C. 1523) is amended by adding at the end the following

"(g) SESAME INSURANCE PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary of Agriculture shall establish and carry out a pilot program under which a producer of non-dehiscent sesame under contract may elect to obtain multi-peril crop insurance, as determined by the Secretary.

(2) TERMS AND CONDITIONS.—The multi-peril crop insurance offered under the sesame insurance pilot program shall—

(A) be offered through reinsurance arrangements with private insurance companies;

(B) be actuarially sound; and

(C) require the payment of premiums and administrative fees by a producer obtaining the insurance.

(3) LOCATION.—The sesame insurance pilot program shall be carried out only in the State of Texas.

(4) RELATION TO PROHIBITION ON RESEARCH AND DEVELOPMENT BY CORPORATION.—Section 522(e)(4) of the Federal Crop Insurance Act (7 U.S.C. 1522(e)(4)) shall apply with respect to the sesame insurance pilot program.

(5) DURATION.—The Secretary shall commence the sesame insurance pilot program as soon as practicable after the date of the enactment of this Act and continue the program through the 2012 crop year.

At the end of subtitle C of title VIII, add the following:

SEC. 82____. PREVENTION OF ILLEGAL LOGGING PRACTICES.

(a) IN GENERAL.—The Lacey Act Amendments of 1981 are amended—

(1) in section 2 (16 U.S.C. 3371)—

(A) by striking subsection (f) and inserting the following:

"(f) PLANT.—

"(1) IN GENERAL.—The term 'plant' means any wild member of the plant kingdom, including roots, seeds, parts, and products thereof.

"(2) EXCLUSIONS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the term 'plant' excludes—

"(i) any cultivar or common food crop; or

"(ii) a plant intended to remain planted, to be planted, or replanted (including roots, seeds, and germplasm) that is—

"(I)(aa) imported into the United States accompanied by a phytosanitary certificate issued by the national plant protection organization of the country of origin or transshipment country; or

"(bb) precleared for entry by the Secretary; or

"(II) a domestically produced plant, or derived from a domestically produced plant, that is—

"(aa) moving in interstate commerce; and

"(bb) not listed pursuant to any State law that provides for the conservation of species threatened with extinction.

"(B) LIMITATION.—The exclusions in subparagraph (A) do not apply to a plant listed—

"(i) on an appendix to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, done at Washington on March 3, 1973 (27 UST 1087; TIAS 8249); or

"(ii) as an endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).".

(B) in subsection (h), by inserting "also" after "plants the term"; and

(C) by striking subsection (j) and inserting the following:

"(j) TAKEN AND TAKING.—

(1) TAKEN.—The term "taken" means captured, killed, or collected and, with respect to a plant, also means harvested, cut logged, or removed.

(2) TAKING.—The term "taking" means the act by which fish, wildlife, or plants are taken.";

(2) in section 3 (16 U.S.C. 3372)—

(A) in subsection (a)—

(i) in paragraph (2), by striking subparagraph (B) and inserting the following:

"(B) any plant—

"(i) taken, possessed, transported, or sold in violation of any law or regulation of any State, or any foreign law, that protects plants or that regulates—

"(I) the theft of plants;

"(II) the taking of plants from a park, forest reserve, or other officially protected area;

"(III) the taking of plants from an officially designated area; or

"(IV) the taking of plants without, or contrary to, required authorization;

"(ii) taken, possessed, transported, or sold without the payment of royalties, taxes, or stumpage fees required for the plant by any law or regulation of any State or any foreign law; or

"(iii) taken, possessed, transported, or sold in violation of any limitation under any law or regulation of any State or under any foreign law; governing the export or transshipment of plants; or"; and

(ii) in paragraph (3), by striking subparagraph (B) and inserting the following:

"(B) to possess any plant—

"(i) taken, possessed, transported, or sold in violation of any law or regulation of any State, or any foreign law, that protects plants or that regulates—

"(I) the theft of plants;

"(II) the taking of plants from a park, forest reserve, or other officially protected area;

"(III) the taking of plants from an officially designated area; or

"(IV) the taking of plants without, or contrary to, required authorization;

"(ii) taken, possessed, transported, or sold without the payment of royalties, taxes, or stumpage fees required for the plant by any law or regulation of any State or any foreign law; or

"(iii) taken, possessed, transported, or sold in violation of any limitation under any law or regulation of any State or under any foreign law; governing the export or transshipment of plants; or"; and

(B) by adding at the end the following:

"(f) PLANT DECLARATIONS.—

"(1) IN GENERAL.—Effective 180 days from the date of enactment of this subsection and except as provided in paragraph (3), it shall be unlawful for any person to import any plant unless the person files upon importation where clearance is requested a declaration that contains—

"(A) the scientific name of any plant (including the genus and species of the plant) contained in the importation;

"(B) a description of—

"(i) the value of the importation; and

"(ii) the quantity, including the unit of measure, of the plant; and

"(C) the name of the country from which the plant was taken.

"(2) DECLARATION RELATING TO PLANT PRODUCTS.—Until the date on which the Secretary promulgates a regulation under paragraph (6), a declaration relating to a plant product shall—

"(A) in the case in which the species of plant used to produce the plant product that is the subject of the importation varies, and the species used to produce the plant product is unknown, contain the name of each species of plant that may have been used to produce the plant product; and

"(B) in the case in which the species of plant used to produce the plant product that is the subject of the importation is commonly taken from more than 1 country, and the country from which the plant was taken and used to produce the plant product is unknown, contain the name of each country from which the plant may have been taken.

"(3) EXCLUSIONS.—Paragraphs (1) and (2) shall not apply to plants used exclusively as packaging materials to support, protect, or carry another item, unless the packaging materials are the items being imported.

"(4) REVIEW.—

"(A) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall review the implementation of each requirement described in paragraphs (1) and (2).

"(B) REVIEW OF EXCLUDED WOOD AND PAPER PACKAGING MATERIALS.—The Secretary—

"(i) shall, in conducting the review under subparagraph (A), consider the effect of excluding the materials described in paragraph (3); and

"(ii) may limit the scope of the exclusions under paragraph (3) if the Secretary determines, based on the review, that the limitations in scope are warranted.

"(5) REPORT.—

"(A) IN GENERAL.—Not later than 180 days after the date on which the Secretary completes the review under paragraph (4), the Secretary shall submit to the appropriate committees of Congress a report containing—

"(i) an evaluation of—

"(I) the effectiveness of each type of information required under paragraphs (1) and (2) in assisting enforcement of section 3; and

"(II) the potential to harmonize each requirement described in paragraphs (1) and (2) with other applicable import regulations in existence as of the date of the report;

"(ii) recommendations for such legislation as the Secretary determines to be appropriate to assist in the identification of plants that are imported into the United States in violation of section 3; and

"(iii) an analysis of the effect of the provisions of subsection (a) and (f) on—

"(I) the cost of legal plant imports; and

"(II) the extent and methodology of illegal logging practices and trafficking.

"(B) PUBLIC PARTICIPATION.—In conducting the review under paragraph (4), the Secretary shall provide public notice and an opportunity for comment.

"(6) PROMULGATION OF REGULATIONS.—Not later than 180 days after the date on which the Secretary completes the review under paragraph (4), the Secretary may promulgate regulations—

"(A) to limit the applicability of any requirement described in paragraph (2) to specific plant products;

"(B) to make any other necessary modification to any requirement described in paragraph (2), as determined by the Secretary based on the review under paragraph (4); and

"(C) to limit the scope of the exclusions under paragraph (3) if the Secretary determines, based on the review under paragraph (4), that the limitations in scope are warranted.";

(3) in section 4 (16 U.S.C. 3373)—

(A) by striking "subsections (b) and (d)" each place it appears and inserting "subsections (b), (d), and (f)";

(B) by striking "section 3(d)" each place it appears and inserting "subsection (d) or (f) of section 3"; and

(C) in subsection (a)(2), by striking "subsection 3(b)" and inserting "subsection (b) or subsection (f) of section 3, except as provided in paragraph (1),";

(4) by adding at the end of section 5 (16 U.S.C. 3374) the following:

"(d) CIVIL FORFEITURES.—Civil forfeitures under this section shall be governed by the provisions of chapter 46 of title 18, United States Code."; and

(5) in section 7(a)(1) (16 U.S.C. 3376(a)(1)), by striking "section 4" and inserting "section 3(f), section 4,".

(b) TECHNICAL CORRECTION.—

(1) IN GENERAL.—Section 102(c) of Public Law 100-653 (102 Stat. 3825) is amended by striking "(other than section 3(b))" and inserting "(other than subsection 3(b))".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on November 14, 1988.

(f)(2) EXCLUSIONS—

(A) The term plant excludes—

(i) any cultivar or common food crop; or

(ii) plants intended to remain planted, to be planted or replanted (including roots, seeds, and germplasm) that are—

(I) imported into the United States accompanied by a phytosanitary certificate issued by the national plant protection organization of the country of origin or transshipment country, or that have been precleared for entry by the Secretary; or

(II) domestically produced, or derived from domestically produced plants, moving in interstate commerce; or

(iii) non-woody plant material, from plants lacking a well-defined stem or stems and a more or less definite crown including roots, seeds, and germplasm, intended for research;

(B) The exclusions in paragraph (A) do not apply to plants listed—

(i) on an appendix to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (27 UST 1087); TIAS 8249);

(ii) as an endangered or threatened species under the Endangered Species Act of 1973 (16 USC 1531 et seq.); or

(iii) pursuant to any State law that provides for the conservation of species threatened with extinction.

At the end, insert the following:

TITLE XIII—HOUSING ASSISTANCE COUNCIL

SEC. 13001. SHORT TITLE.

This title may be cited as the "Housing Assistance Council Authorization Act of 2007".

SEC. 13002. ASSISTANCE TO HOUSING ASSISTANCE COUNCIL.

(a) USE.—The Secretary of Housing and Urban Development may provide financial assistance to the Housing Assistance Council for use by such Council to develop the ability and capacity of community-based housing development organizations to undertake community development and affordable housing projects and programs in rural areas. Assistance provided by the Secretary under this section may be used by the Housing Assistance Council for—

(1) technical assistance, training, support, and advice to develop the business and administrative capabilities of rural community-based housing development organizations;

(2) loans, grants, or other financial assistance to rural community-based housing development organizations to carry out community development and affordable housing activities for low- and moderate-income families; and

(3) such other activities as may be determined by the Housing Assistance Council.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for financial assistance under this section for the Housing Assistance Council—

(1) $10,000,000 for fiscal year 2008; and

(2) $15,000,000 for each of fiscal years 2009 and 2010.

SEC. 13003. AUDITS AND REPORTS.

(a) AUDIT.—In any year in which the Housing Assistance Council receives funds under this title, the Comptroller General of the United States shall—

(1) audit the financial transactions and activities of such Council only with respect to such funds so received; and

(2) submit a report detailing such audit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

(b) GAO REPORT.—The Comptroller General of the United States shall conduct a study and submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representative on the use of any funds appropriated to the Housing Assistance Council over the past 10 years.

SEC. 13004. PERSONS NOT LAWFULLY PRESENT IN THE UNITED STATES.

None of the funds made available under this title may be used to provide direct housing assistance to any person not lawfully present in the United States.

SEC. 13005. LIMITATION ON USE OF AUTHORIZED AMOUNTS.

None of the amounts authorized by this title may be used to lobby or retain a lobbyist for the purpose of influencing a Federal, State, or local governmental entity or officer.

On page 1161, between lines 8 and 9, insert the following:

"SEC. 9011. NEW CENTURY FARM PROJECT.

"There is authorized to be appropriated to the Secretary to support the development and operation of an integrated and sustainable biomass, feedstock, and biofuels production system to serve as a model for a new century farm $15,000,000 for the period of fiscal years 2008 through 2012, to remain available until expended.".

At the end of title VIII, add the following:

Subtitle D—Qualifying Timber Contract Options

SEC. 8301. QUALIFYING TIMBER CONTRACT OPTIONS.

(a) DEFINITIONS.—

(1) AUTHORIZED PRODUCER PRICE INDEX.—The term "authorized Producer Price Index" includes—

(A) the softwood commodity index (code number 0811);

(B) the hardwood commodity index (code number 0812);

(C) the wood chip index (code number PCU 3211332135); and

(D) any other subsequent comparable index, as established by the Bureau of Labor Statistics of the Department of Labor.

(2) QUALIFYING CONTRACT.—The term "qualifying contract" means a contract for the sale of timber on National Forest System land—

(A) that was awarded during the period beginning on July 1, 2004, and ending on December 31, 2006;

(B) for which there is unharvested volume remaining on the parcel of land that is the subject of the contract;

(C) for which, not later than 90 days after the date of enactment of this Act, the timber purchaser makes a written request to the Secretary for any option described in subsection (b);

(D) that is not a salvage sale; and

(E) that is not in breach or in default.

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture (acting through the Chief of the Forest Service).

(b) OPTIONS FOR QUALIFYING CONTRACTS.—

(1) CANCELLATION; RATE REDETERMINATION.—Notwithstanding any other provision of law, if the rate at which a qualifying contract would be advertised as of the date of enactment of this Act is at least 50 percent less than the sum of the original purchase rates for all of the species of timber that are the subject of the qualifying contract, the Secretary may, at the sole discretion of the Secretary—

(A) cancel the qualifying contract if the timber purchaser—

(i) pays 30 percent of the total value of the qualifying contract based on current contract rates;

(ii) completes each contractual obligation of the timber purchaser with respect to each unit on which harvest has begun, (including the removal of downed timber, the completion of road work, and the completion of erosion control work) to a logical stopping point, as determined by the Secretary, in consultation with the timber purchaser; and

(iii) terminates the rights of the timber purchaser under the qualifying contract; or

(B) redetermine the rate of the qualifying contract to equal the sum obtained by adding—

(i) 25 percent of the bid premium on the qualifying contract; and

(ii) the rate at which the qualifying contract would be advertised as of the date of enactment of this Act.

(2) SUBSTITUTION OF INDEX.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may, at the sole discretion of the Secretary, substitute the Producer Price Index in provision A20 of a qualifying contract if the timber purchaser of the qualifying contract identifies—

(i) each product that the timber purchaser intends to produce from the timber harvested from each unit of land that is the subject of the qualifying contract; and

(ii) a substitute index that contains products similar to each product identified in clause (i) from an authorized Producer Price Index.

(B) AUTHORITY OF SECRETARY TO MODIFY QUALIFYING CONTRACT.—If the Secretary substitutes the Producer Price Index of a qualifying contract under subparagraph (A), the Secretary may modify the qualifying contract as the Secretary determines to be necessary to provide for an emergency rate redetermination.

(c) EXTENSION OF QUALIFYING CONTRACTS.—With respect to a qualifying contract for which the current contract rate is redetermined by the Secretary under subsection (b)(1)(B), or for which the Producer Price Index is substituted by the Secretary under subsection (b)(2), the Secretary may—

(1) extend the contract term for a 1-year period beginning on the contract termination date; and

(2) adjust the periodic payments required under the contract in accordance with applicable law (including regulations) and policies.

(d) EFFECT OF OPTIONS.—

(1) IN GENERAL.—This section shall not have the effect of surrendering any claim by the United States against any timber purchaser that arose under a qualifying contract before the date on which the Secretary conducts a cancellation, rate redetermination, or index substitution under subsection (b).

(2) RELEASE OF LIABILITY.—The United States shall be released from all liability, including further consideration or compensation, resulting from—

(A) a cancellation, rate redetermination, or index substitution conducted by the Secretary under subsection (b); or

(B) a determination made by the Secretary not to cancel, redetermine any rate, or substitute any index under subsection (b).

(3) LIMITATION.—A cancellation, rate redetermination, or index substitution conducted by the Secretary under subsection (b) shall release the timber purchaser from liability for any damages resulting from the cancellation, rate redetermination, or index substitution.

On page 499, strike lines 1 through 12 and insert the following:

SEC. 2607. DESERT TERMINAL LAKES.

Section 2507 of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107-171) is amended—

(1) in subsection (a), by striking ", as soon as practicable after the date of enactment of this Act," and inserting the following: "and paragraph (1) of section 207(a) of Public Law 108-7 (117 Stat. 146), notwithstanding paragraph (3) of that section, on the date of enactment of the Food and Energy Security Act of 2007,"; and

(2) by striking subsection (b) and inserting the following:

"(b) PERMITTED USES.—In any case in which there are willing sellers, the funds described in subsection (a) may be used—

"(1) to lease water; or

"(2) to purchase land, water appurtenant to the land, and related interests in the Walker River Basin in accordance with section 208(a)(1)(A) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103, 119 Stat. 2268).".

Beginning on page 664, strike line 23 and all that follows through page 665, line 5, and insert the following:

(2) by redesignating paragraph (2) as paragraph (4);

(3) by inserting after paragraph (1) the following:

"(2) ADMINISTRATION.—In providing grants under paragraph (1), the Secretary shall give priority to projects that can be replicated in schools.

"(3) PILOT PROGRAM FOR HIGH-POVERTY SCHOOLS.—

"(A) DEFINITIONS.—In this paragraph:

"(i) ELIGIBLE PROGRAM.—The term 'eligible program' means—

"(I) a school-based program with hands-on vegetable gardening and nutrition education that is incorporated into the curriculum for 1 or more grades at 2 or more eligible schools; or

"(II) a community-based summer program with hands-on vegetable gardening and nutrition education that is part of, or coordinated with, a summer enrichment program at 2 or more eligible schools.

"(ii) ELIGIBLE SCHOOL.—The term 'eligible school' means a public school, at least 50 percent of the students of which are eligible for free or reduced price meals under this Act.

"(B) ESTABLISHMENT.—The Secretary shall carry out a pilot program under which the Secretary shall provide to nonprofit organizations or public entities in not more than 5 States grants to develop and run, through eligible programs, community gardens at eligible schools in the States that would—

"(i) be planted, cared for, and harvested by students at the eligible schools; and

"(ii) teach the students participating in the community gardens about agriculture, sound farming practices, and diet.

"(C) PRIORITY STATES.—Of the States provided a grant under this paragraph—

"(i) at least 1 State shall be among the 15 largest States, as determined by the Secretary;

"(ii) at least 1 State shall be among the 16th to 30th largest States, as determined by the Secretary; and

"(iii) at least 1 State shall be a State that is not described in clause (i) or (ii).

"(D) USE OF PRODUCE.—Produce from a community garden provided a grant under this paragraph may be—

"(i) used to supplement food provided at the eligible school;

"(ii) distributed to students to bring home to the families of the students; or

"(iii) donated to a local food bank or senior center nutrition program.

"(E) NO COST-SHARING REQUIREMENT.—A nonprofit organization or public entity that receives a grant under this paragraph shall not be required to share the cost of carrying out the activities assisted under this paragraph.

"(F) EVALUATION.—A nonprofit organization or public entity that receives a grant under this paragraph shall be required to cooperate in an evaluation in accordance with paragraph (1)(H).

"(G) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $10,000,000."; and

(4) in paragraph (4) (as redesignated by paragraph (2)), by inserting "(other than paragraph (3))" after "this subsection".

At the appropriate place in title XI, insert the following:

SEC. ______. FOOD SAFETY IMPROVEMENT.

(a) REPORTABLE FOOD REGISTRIES.—

(1) FEDERAL MEAT INSPECTION.—The Federal Meat Inspection Act is amended—

(A) by redesignating section 411 (21 U.S.C. 680) as section 412; and

(B) by inserting after section 410 (21 U.S.C. 679a) the following:

"SEC. 411. REPORTABLE FOOD EVENT.

"(a) DEFINITIONS.—In this section:

"(1) REPORTABLE FOOD.—The term 'reportable food' means meat or a meat food product under this Act for which there is a reasonable probability that the use of, or exposure to, the meat or meat food product will cause serious adverse health consequences or death to humans or animals.

"(2) REGISTRY.—The term 'Registry' means the registry established under subsection (b).

"(3) RESPONSIBLE PARTY.—The term 'responsible party', with respect to a reportable food, means an operator of an establishment subject to inspection under this Act at which the reportable food is manufactured, processed, packed, or held.

"(b) ESTABLISHMENT.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Food and Energy Security Act of 2007, the Secretary shall establish within the Department of Agriculture a Reportable Meat Registry to which information concerning reportable food may be submitted via an electronic portal, from—

"(A) employees of the Food Safety and Inspection Service;

"(B) Federal, State, and local public health officials; and

"(C) responsible parties.

"(2) REVIEW BY SECRETARY.—The Secretary shall promptly review and assess the information submitted under paragraph (1) for the purposes of—

"(A) identifying reportable food;

"(B) submitting entries to the Registry;

"(C) taking actions under subsection (c); and

"(D) exercising other food safety authority of the Secretary to protect the health and safety of humans and animals.

"(c) ISSUANCE OF AN ALERT BY THE SECRETARY.—

"(1) IN GENERAL.—The Secretary shall issue, or cause to be issued, an alert or a notification with respect to a reportable food using information from the Registry as the Secretary considers necessary to protect the health and safety of humans and animals.

"(2) EFFECT.—Paragraph (1) shall not affect the authority of the Secretary to issue an alert or a notification under any other provision of law.

"(d) REPORTING AND NOTIFICATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), as soon as practicable, but in no case later than 24 hours after a responsible party determines that meat or meat food product is a reportable food, the responsible party shall—

“(A) submit a report to the Secretary through the Registry that includes information described in subsection (e) (other than the information described in paragraphs (7), (8), and (9) of that subsection); and

“(B) investigate the cause of the event that caused the meat or meat food product to be a reportable food, if the reportable food originated with the responsible party.

“(2) NO REPORT REQUIRED.—A responsible party shall not be required to submit a report under paragraph (1) if—

“(A) the adulteration or misbranding originated with the responsible party;

“(B) the responsible party detected the adulteration or misbranding prior to any transfer to another person of the meat or meat food product; and

“(C) the responsible party—

“(i) corrected the adulteration or misbranding; or

“(ii) destroyed or caused the destruction of the meat or meat food product.

“(3) REPORT NUMBER.—The Secretary shall ensure that, upon submission of a report under paragraph (1), a unique number is issued through the Registry to the person submitting the report, by which the Secretary is able—

“(A) to link reports about the reportable food submitted and amended under this subsection; and

“(B) identify the supply chain for the reportable food.

“(4) RESPONSE TO REPORT SUBMITTED BY A RESPONSIBLE PARTY.—After consultation with the responsible party that submitted a report under paragraph (1), the Secretary may require the responsible party to perform, as soon as practicable, but in no case later than a time specified by the Secretary, 1 or more of the following, as determined by the Secretary:

“(A) Amend the report submitted by the responsible party under paragraph (1) to include the information described in subsection (e)(8).

“(B) Provide a notification—

“(i) to the immediate previous source of the reportable food;

“(ii) to the immediate subsequent recipient of the reportable food; and

“(iii) that includes—

“(I) the information described in subsection (e) that the Secretary considers necessary;

“(II) the actions described under paragraph (5) that the recipient of the notification shall perform, as required by the Secretary; and

“(III) any other information that the Secretary may require.

“(5) SUBSEQUENT REPORTS AND NOTIFICATIONS.—Except as provided in paragraph (6), the Secretary may require a responsible party to perform, as soon as practicable, but in no case later than a time specified by the Secretary, after the responsible party receives a notification under subparagraph (C) or paragraph (4)(B), 1 or more of the following:

“(A) Submit a report to the Secretary through the Registry established under subsection (b) that includes the information described in subsection (e) and other information that the Secretary considers necessary.

“(B) Investigate the cause of the adulteration or misbranding if the adulteration or misbranding of the reportable food may have originated with the responsible party.

“(C) Provide a notification—

“(i) to the immediate previous source of the reportable food;

“(ii) to the immediate subsequent recipient of the reportable food; and

“(iii) that includes—

“(I) the information described in subsection (e) that the Secretary considers necessary;

“(II) the actions described under this paragraph that the recipient of the notification shall perform, as required by the Secretary; and

“(III) any other information that the Secretary may require.

“(6) AMENDED REPORT.—If a responsible party receives a notification under paragraph (4)(B) or paragraph (5)(C) with respect to a reportable food after the responsible party has submitted a report to the Secretary under paragraph (1) with respect to the reportable food, the responsible party—

“(A) shall not be required to submit an additional report or make a notification under paragraph (5); and

“(B) the responsible party shall amend the report submitted by the responsible party under paragraph (1) to include the information described in paragraph (7), and, with respect to both the notification and the report, paragraph (10) of subsection (e).

“(e) INFORMATION.—The information described in this subsection is the following:

“(1) The date on which the meat or meat food product was determined to be a reportable food.

“(2) A description of the reportable food, including the quantity of the reportable food.

“(3) The extent and nature of the adulteration or misbranding.

“(4) If the adulteration or misbranding of the reportable food may have originated with the responsible party, the results of the investigation required under paragraph (1)(B) or (5)(B) of subsection (d), as applicable, and when known.

“(5) The disposition of the reportable food, if known.

“(6) Product information typically found on packaging including product codes, use-by dates, and the names of manufacturers, packers, or distributors sufficient to identify the reportable food.

“(7) Contact information for the responsible party.

“(8) The contact information for parties directly linked in the supply chain and notified under paragraph (4)(B) or (5)(C) of subsection (d), as applicable.

“(9) The information required by the Secretary to be included in a notification provided by the responsible party involved under paragraph (4)(B) or (5)(C) of subsection (d) or required in a report under subsection (d)(5)(A).

“(10) The unique number described in subsection (d)(3).

“(f) COORDINATION OF FEDERAL, STATE, AND LOCAL EFFORTS.—

“(1) FOOD AND DRUG ADMINISTRATION.—In carrying out this section, the Secretary shall—

“(A) share information and coordinate regulatory efforts with the Commissioner of Food and Drugs; and

“(B) if the Secretary receives a report submitted about a food within the jurisdiction of the Commissioner, promptly provide the report to the Commissioner.

“(2) STATES AND LOCALITIES.—In carrying out this section, the Secretary shall work with the State and local public health officials to share information that is not confidential commercial or financial information protected under section 552(b)(4) of title 5, United States Code, and coordinate regulatory efforts, in order to—

“(A) help to ensure coverage of the safety of the food supply chain, including those establishments regulated by the States and localities that are not regulated under this Act; and

“(B) reduce duplicative regulatory efforts.

“(g) MAINTENANCE AND INSPECTION OF RECORDS.—

“(1) IN GENERAL.—The responsible party shall maintain records related to each report received, notification made, and report submitted to the Secretary under this section for at least 2 years.

“(2) INSPECTION.—A responsible party shall, at the request of the Secretary, permit inspection of records maintained under paragraph (1).

“(h) REQUEST FOR INFORMATION.—Section 552 of title 5, United States Code, shall apply to any request for information regarding a record in the Registry.

“(i) SAFETY REPORT.—A report or notification under subsection (d) may be accompanied by a statement, which shall be part of any report released for public disclosure, that denies that the report or the notification constitutes an admission that the product involved caused or contributed to a death, serious injury, or serious illness.

“(j) ADMISSION.—A report or notification under this section shall not be considered an admission that the reportable food involved is adulterated, misbranded, or caused or contributed to a death, serious injury, or serious illness.

“(k) HOMELAND SECURITY NOTIFICATION.—If, after receiving a report under subsection (d), the Secretary believes the reportable food may have been deliberately adulterated or misbranded, the Secretary shall—

“(1) immediately notify the Secretary of Homeland Security; and

“(2) make relevant information from the Registry available to the Secretary of Homeland Security.

“(l) VIOLATIONS.—A responsible party that fails to comply with any requirement of this section shall be subject to an appropriate penalty under section 406.”.

(2) POULTRY PRODUCTS INSPECTION ACT.—The Poultry Products Inspection Act is amended by inserting after section 10 (21 U.S.C. 459) the following:

“SEC. 10A. REPORTABLE FOOD EVENT.

“(a) DEFINITIONS.—In this section:

“(1) REPORTABLE FOOD.—The term ‘reportable food’ means poultry or a poultry product under this Act for which there is a reasonable probability that the use of, or exposure to, the poultry or poultry product will cause serious adverse health consequences or death to humans or animals.

“(2) REGISTRY.—The term ‘Registry’ means the registry established under subsection (b).

“(3) RESPONSIBLE PARTY.—The term ‘responsible party’, with respect to a reportable food, means an operator of an official establishment.

“(b) ESTABLISHMENT.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Food and Energy Security Act of 2007, the Secretary shall establish within the Department of Agriculture a Reportable Poultry Registry to which information concerning reportable food may be submitted via an electronic portal, from—

“(A) employees of the Food Safety and Inspection Service;

“(B) Federal, State, and local public health officials; and

"(C) responsible parties.

"(2) REVIEW BY SECRETARY.—The Secretary shall promptly review and assess the information submitted under paragraph (1) for the purposes of—

"(A) identifying reportable food;

"(B) submitting entries to the Registry;

"(C) taking actions under subsection (c); and

"(D) exercising other food safety authority of the Secretary to protect the health and safety of humans and animals.

"(c) ISSUANCE OF AN ALERT BY THE SECRETARY.—

"(1) IN GENERAL.—The Secretary shall issue, or cause to be issued, an alert or a notification with respect to a reportable food using information from the Registry as the Secretary considers necessary to protect the health and safety of humans and animals.

"(2) EFFECT.—Paragraph (1) shall not affect the authority of the Secretary to issue an alert or a notification under any other provision of law.

"(d) REPORTING AND NOTIFICATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), as soon as practicable, but in no case later than 24 hours after a responsible party determines that poultry or poultry product is a reportable food, the responsible party shall—

"(A) submit a report to the Secretary through the Registry that includes information described in subsection (e) (other than the information described in paragraphs (7), (8), and (9) of that subsection); and

"(B) investigate the cause of the event that caused the poultry or poultry product to be a reportable food, if the reportable food originated with the responsible party.

"(2) NO REPORT REQUIRED.—A responsible party shall not be required to submit a report under paragraph (1) if—

"(A) the adulteration or misbranding originated with the responsible party;

"(B) the responsible party detected the adulteration or misbranding prior to any transfer to another person of the poultry or poultry product; and

"(C) the responsible party—

"(i) corrected the adulteration or misbranding; or

"(ii) destroyed or caused the destruction of the poultry or poultry product.

"(3) REPORT NUMBER.—The Secretary shall ensure that, upon submission of a report under paragraph (1), a unique number is issued through the Registry to the person submitting the report, by which the Secretary is able—

"(A) to link reports about the reportable food submitted and amended under this subsection; and

"(B) identify the supply chain for the reportable food.

"(4) RESPONSE TO REPORT SUBMITTED BY A RESPONSIBLE PARTY.—After consultation with the responsible party that submitted a report under paragraph (1), the Secretary may require the responsible party to perform, as soon as practicable, but in no case later than a time specified by the Secretary, 1 or more of the following, as determined by the Secretary:

"(A) Amend the report submitted by the responsible party under paragraph (1) to include the information described in subsection (e)(8).

"(B) Provide a notification—

"(i) to the immediate previous source of the reportable food;

"(ii) to the immediate subsequent recipient of the reportable food; and

"(iii) that includes—

"(I) the information described in subsection (e) that the Secretary considers necessary;

"(II) the actions described under paragraph (5) that the recipient of the notification shall perform, as required by the Secretary; and

"(III) any other information that the Secretary may require.

"(5) SUBSEQUENT REPORTS AND NOTIFICATIONS.—Except as provided in paragraph (6), the Secretary may require a responsible party to perform, as soon as practicable, but in no case later than a time specified by the Secretary, after the responsible party receives a notification under subparagraph (C) or paragraph (4)(B), 1 or more of the following:

"(A) Submit a report to the Secretary through the Registry established under subsection (b) that includes the information described in subsection (e) and other information that the Secretary considers necessary.

"(B) Investigate the cause of the adulteration or misbranding if the adulteration or misbranding of the reportable food may have originated with the responsible party.

"(C) Provide a notification—

"(i) to the immediate previous source of the reportable food;

"(ii) to the immediate subsequent recipient of the reportable food; and

"(iii) that includes—

"(I) the information described in subsection (e) that the Secretary considers necessary;

"(II) the actions described under this paragraph that the recipient of the notification shall perform, as required by the Secretary; and

"(III) any other information that the Secretary may require.

"(6) AMENDED REPORT.—If a responsible party receives a notification under paragraph (4)(B) or paragraph (5)(C) with respect to a reportable food after the responsible party has submitted a report to the Secretary under paragraph (1) with respect to the reportable food, the responsible party—

"(A) shall not be required to submit an additional report or make a notification under paragraph (5); and

"(B) the responsible party shall amend the report submitted by the responsible party under paragraph (1) to include the information described in paragraph (7), and, with respect to both the notification and the report, paragraph (10) of subsection (e).

"(e) INFORMATION.—The information described in this subsection is the following:

"(1) The date on which the poultry or poultry product was determined to be a reportable food.

"(2) A description of the reportable food, including the quantity of the reportable food.

"(3) The extent and nature of the adulteration or misbranding.

"(4) If the adulteration or misbranding of the reportable food may have originated with the responsible party, the results of the investigation required under paragraph (1)(B) or (5)(B) of subsection (d), as applicable, and when known.

"(5) The disposition of the reportable food, if known.

"(6) Product information typically found on packaging including product codes, use-by dates, and the names of manufacturers, packers, or distributors sufficient to identify the reportable food.

"(7) Contact information for the responsible party.

"(8) The contact information for parties directly linked in the supply chain and notified under paragraph (4)(B) or (5)(C) of subsection (d), as applicable.

"(9) The information required by the Secretary to be included in a notification provided by the responsible party involved under paragraph (4)(B) or (5)(C) of subsection (d) or required in a report under subsection (d)(5)(A).

"(10) The unique number described in subsection (d)(3).

"(f) COORDINATION OF FEDERAL, STATE, AND LOCAL EFFORTS.—

"(1) FOOD AND DRUG ADMINISTRATION.—In carrying out this section, the Secretary shall—

"(A) share information and coordinate regulatory efforts with the Commissioner of Food and Drugs; and

"(B) if the Secretary receives a report submitted about a food within the jurisdiction of the Commissioner, promptly provide the report to the Commissioner.

"(2) STATES AND LOCALITIES.—In carrying out this section, the Secretary shall work with the State and local public health officials to share information that is not confidential commercial or financial information protected under section 552(b)(4) of title 5, United States Code, and coordinate regulatory efforts, in order to—

"(A) help to ensure coverage of the safety of the food supply chain, including those establishments regulated by the States and localities that are not regulated under this Act; and

"(B) reduce duplicative regulatory efforts.

"(g) MAINTENANCE AND INSPECTION OF RECORDS.—

"(1) IN GENERAL.—The responsible party shall maintain records related to each report received, notification made, and report submitted to the Secretary under this section for at least 2 years.

"(2) INSPECTION.—A responsible party shall, at the request of the Secretary, permit inspection of records maintained under paragraph (1).

"(h) REQUEST FOR INFORMATION.—Section 552 of title 5, United States Code, shall apply to any request for information regarding a record in the Registry.

"(i) SAFETY REPORT.—A report or notification under subsection (d) may be accompanied by a statement, which shall be part of any report released for public disclosure, that denies that the report or the notification constitutes an admission that the product involved caused or contributed to a death, serious injury, or serious illness.

"(j) ADMISSION.—A report or notification under this section shall not be considered an admission that the reportable food involved is adulterated, misbranded, or caused or contributed to a death, serious injury, or serious illness.

"(k) HOMELAND SECURITY NOTIFICATION.—If, after receiving a report under subsection (d), the Secretary believes the reportable food may have been deliberately adulterated or misbranded, the Secretary shall—

"(1) immediately notify the Secretary of Homeland Security; and

"(2) make relevant information from the Registry available to the Secretary of Homeland Security.

"(l) PENALTIES.—A responsible party that fails to comply with any requirement of this section shall be subject to an appropriate penalty under section 12.".

(3) CONFORMING AMENDMENT.—Section 12(a) of the Poultry Products Inspection Act (21 U.S.C. 461(a)) is amended by inserting "10A," after "10,".

(4) EFFECTIVE DATE.—The amendments made by the subsection take effect on the

date that is 1 year after the date of enactment of this Act.

(5) GUIDANCE.—Not later than 270 days after the date of enactment of this Act, the Secretary shall issue a guidance to industry relating to—

(A) the submission of reports to the registries established under section 411 of the Federal Meat Inspection Act (as amended by paragraph (1)) and section 10A of the Poultry Products Inspection Act (as amended by paragraph (2)); and

(B) the provision of notification to other persons in the supply chain of reportable food under those sections.

(6) EFFECT.—Nothing in this subsection, or an amendment made by this subsection, alters the jurisdiction between the Secretary and the Secretary of Health and Human Services, under applicable law (including regulations).

(b) SUPPLEMENTAL PLANS AND REASSESSMENTS.—The Secretary shall require that each establishment required by the Secretary to have a hazard analysis and critical control point plan in accordance with the final rule of the Secretary (61 Fed. Reg. 38806 (July 25, 1996)) shall submit to the Secretary, in writing—

(1) at a minimum, a recall plan described in Directive 8080.1, Rev. 4 (May 24, 2004) of the Food Safety and Inspection Service (or a successor directive); and

(2) for beef products, an E. coli reassessment described in the supplementary information relating to E. coli O157: H7 Contamination of Beef Products (67 Fed. Reg. 62325 (October 7, 2002); part 417 of title 9, Code of Federal Regulations).

(c) SANITARY TRANSPORTATION OF FOOD.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall promulgate regulations described in section 416(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350e(b)).

(2) MEMORANDUM OF UNDERSTANDING.—Not later than 180 days after the date of enactment of this Act, the Secretary, the Secretary of Health and Human Services, and the Secretary of Transportation shall enter into a memorandum of understanding to ensure that the Secretaries work together effectively to ensure the safety and security of the food supply of the United States, particularly in relation to distribution channels involving transportation (as described in the withdrawal of notices of proposed rulemaking (70 Fed. Reg. 76228 (December 23, 2005))).

At the appropriate place in title XI, insert the following:

SEC. 11_____. OFFICE OF SMALL FARMS AND BEGINNING FARMERS AND RANCHERS.

(a) IN GENERAL.—Subtitle B of title II of the Department of Agriculture Reorganization Act of 1994 (as amended by section 11059(a)) is amended by inserting after section 226B the following:

"SEC. 226C. OFFICE OF SMALL FARMS AND BEGINNING FARMERS AND RANCHERS.

"(a) ESTABLISHMENT.—Not less than 180 days after the date of enactment of this section, the Secretary shall establish and maintain within the executive operations of the Department an office, to be known as the 'Office of Small Farms and Beginning Farmers and Ranchers' (referred to in this section as the 'Office').

"(b) PURPOSES.—The purposes of the Office are—

"(1) to ensure coordination across all agencies of the Department—

"(A) to improve use of the programs and services of the Department; and

"(B) to enhance the viability of small, beginning, and socially disadvantaged farmers and ranchers and others, as the Secretary determines to be necessary;

"(2) to ensure small, beginning, and socially disadvantaged farmers and ranchers access to, and equitable participation in, commodity, credit, risk management and disaster protection, conservation, marketing, nutrition, value-added, rural development, and other programs and services of the Department;

"(3) to ensure that the number and economic contributions of small, limited-resource, beginning, and socially disadvantaged farmers and ranchers are accurately reflected in the Census of Agriculture and in other reports; and

"(4) to assess and enhance the effectiveness of outreach and programs of the Department—

"(A) to reduce barriers to program participation;

"(B) to improve service provided through programs of the Department to small, beginning, and socially disadvantaged farmers and ranchers; and

"(C) by suggesting to the Secretary new initiatives and programs to better serve the needs of small, socially disadvantaged, and beginning farmers and ranchers.

"(c) DIRECTOR.—

"(1) IN GENERAL.—The Office shall be headed by a Director.

"(2) ASSUMPTION OF DUTIES.—Effective on the date of establishment of the Office under subsection (a), the Director shall assume the duties and personnel of the Director of Small Farms Coordination, as in existence on the day before the date of enactment of this section.

"(d) DUTIES.—The Office shall—

"(1) in collaboration with such other agencies and offices of the Department as the Secretary determines to be necessary, develop and implement a plan to coordinate the activities established under Departmental Regulation 9700–1 (August 3, 2006), including activities of the Small and Beginning Farmers and Ranchers Council and services provided by the Department to small farms and beginning farmers and ranchers;

"(2) coordinate with the Office of Outreach to provide consultation, training, and liaison activities with eligible entities (as defined in section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 7 U.S.C. 2279(e));

"(3) cooperate with, and monitor, agencies and offices of the Department to ensure that the Department is meeting the needs of small farms and of beginning farmers and ranchers;

"(4) establish cross-cutting and strategic departmental goals and objectives for small farms and beginning farmers and ranchers and for each associated program;

"(5) provide input to agencies and offices of the Department on program and policy decisions to ensure that the interests of small farms and of beginning farmers and ranchers are represented;

"(6) measure outcomes of all small farm programs and beginning farmer and rancher programs and track progress made in achieving the goals of the programs;

"(7) supervise data collection by agencies and offices of the Department regarding characteristics of small farms and beginning farmers and ranchers to ensure that the goals and objectives, and measures carried out to achieve those goals and objectives, can be measured and evaluated; and

"(8) carry out any other related duties that the Secretary determines to be appropriate.

"(e) OUTREACH.—The Office shall establish and maintain an Internet website—

"(1) to share information with interested producers; and

"(2) to collect and respond to comments from small and beginning farmers and ranchers, including comments of the Small and Beginning Farmers and Ranchers Council.

"(f) RESOURCES.—Using funds made available to the Secretary in appropriations Acts, the Secretary shall provide to the Office such human and capital resources as are sufficient to allow the Office to carry out the duties of the Office under this section in a timely and efficient manner.

"(g) ANNUAL REPORT.—The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate annual reports that describe actions taken by the Office during the preceding calendar year to advance the interests of small farms and beginning farmers and ranchers.".

(b) CONFORMING AMENDMENT.—Section 296(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7014(b)) is amended—

(1) in paragraph (6) (as added by section 7401(c)(1)), by striking "or" at the end;

(2) in paragraph (7) (as added by section 11059(b)), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(8) the authority of the Secretary to establish in the Department the Office of Small Farms and Beginning Farmers and Ranchers in accordance with section 226C.".

On page 1362, between lines 19 and 20, insert the following:

SEC. 110___. STUDY OF IMPACTS OF LOCAL FOOD SYSTEMS AND COMMERCE.

(a) STUDY.—The Secretary shall conduct a study on the impacts of local food systems and commerce that shall, at a minimum—

(1) develop a working definition of local food systems and commerce; and

(2) identify indicators, and include an assessment of—

(A) the market share of local food systems and commerce throughout the United States and by region;

(B) the potential community, economic, health and nutrition, environmental, food safety, and food security impacts of advancing local food systems and commerce;

(C) the potential energy, transportation, water resource, and climate change impacts of local food systems and commerce;

(D) the structure of agricultural considerations and impacts throughout the United States and by region;

(E) the interest of agricultural producers in diversifying to access local markets and the barriers and opportunities confronted by agricultural producers in the process of diversification;

(F) the current availability and present and future need of independent processing plants that cater to local food commerce, including difficulty in meeting regulatory requirements;

(G) the key gaps in food processing, distribution, marketing, and economic development, including regional differences in infrastructure gaps and other barriers;

(H) the role of public and private institutions and institutional and governmental buying systems and procurement policies in purchasing products through local food systems;

(I) the benefits and challenges for children and families in the most vulnerable rural and urban sectors of the United States; and

(J) the challenges that prevent local foods from comprising a larger share of the per capita food consumption in the United States, and existing and potential strategies, policies, and programs to address those challenges.

(b) COLLABORATION.—

(1) IN GENERAL.—The Secretary shall appoint a collaborative study team to oversee and conduct the research necessary to conduct the study described in subsection (a) and the case studies described in subsection (c).

(2) MEMBERSHIP.—The study team shall include representatives of—

(A) the Economic Research Service, Agricultural Marketing Service, and other appropriate agencies of the Department of Agriculture or other Federal agencies;

(B) the Environmental Protection Agency;

(C) institutions of higher education, including at least 1 institution of higher education representative from each of the regions studied;

(D) small farmers;

(E) nongovernmental organizations with appropriate expertise; and

(F) State and local governments.

(c) CASE STUDIES.—

(1) IN GENERAL.—The study team appointed by the Secretary under subsection (b) shall carry out case studies in representative production and marketing regions in the United States to address the issues being studied under subsection (a).

(2) REQUIREMENTS.—In carrying out case studies, the study team shall—

(A) identify opportunities for primary research; and

(B) to the maximum extent practicable, use existing surveys, data, and research.

(3) COMPONENTS.—Each case study shall—

(A) identify and, to the maximum extent practicable, evaluate the success of relevant Federal, State, and local policies that are intended to induce local food purchasing and commerce;

(B) examine the agricultural structure in each region to account for the impact of farm size and type of production on local economies and barriers to accessing local markets;

(C) determine regional market trends and the share of the market supplied by current agricultural producers in the region; and

(D) assess the potential for local food system value chains and supply networks and map the supply chain factors in each region involved in agricultural production, processing, and distribution of locally grown produce, meat, dairy, and other products.

(d) REPORTS.—Not later than 2 years after the date of enactment of this Act, and thereafter as the Secretary considers appropriate, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

(1) describes the results of the study conducted under subsection (a) and the case studies under subsection (c); and

(2) includes such recommendations for legislative action as the Secretary considers appropriate.

On page 1362, between lines 19 and 20, insert the following:

SEC. 11072. INVASIVE SPECIES REVOLVING LOAN FUND.

(a) DEFINITIONS.—In this section:

(1) AUTHORIZED EQUIPMENT.—

(A) IN GENERAL.—The term "authorized equipment" means any equipment necessary for the management of forest land.

(B) INCLUSIONS.—The term "authorized equipment" includes—

(i) cherry pickers;

(ii) equipment necessary for—

(I) the construction of staging and marshalling areas;

(II) the planting of trees; and

(III) the surveying of forest land;

(iii) vehicles capable of transporting harvested trees;

(iv) wood chippers; and

(v) any other appropriate equipment, as determined by the Secretary.

(2) FUND.—The term "Fund" means the Invasive Species Revolving Loan Fund established by subsection (b).

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, acting through the Deputy Chief of the State and Private Forestry organization.

(b) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a revolving fund, to be known as the "Invasive Species Revolving Loan Fund", consisting of such amounts as are appropriated to the Fund under subsection (f).

(c) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—Subject to paragraph (2), on request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are necessary to provide loans under subsection (e).

(2) ADMINISTRATIVE EXPENSES.—An amount not exceeding 10 percent of the amounts in the Fund shall be available for each fiscal year to pay the administrative expenses necessary to carry out this section.

(d) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(e) USES OF FUND.—

(1) LOANS.—

(A) IN GENERAL.—The Secretary shall use amounts in the Fund to provide loans to eligible units of local government to finance purchases of authorized equipment to monitor, remove, dispose of, and replace infested trees that are located—

(i) on land under the jurisdiction of the eligible units of local government; and

(ii) within the borders of quarantine areas infested by invasive species.

(B) MAXIMUM AMOUNT.—The maximum amount of a loan that may be provided by the Secretary to an eligible unit of local government under this subsection shall be the lesser of—

(i) the amount that the eligible unit of local government has appropriated—

(I) to finance purchases of authorized equipment to monitor, remove, dispose of, and replace infested trees that are located—

(aa) on land under the jurisdiction of the eligible unit of local government; and

(bb) within the borders of a quarantine area infested by invasive species; and

(II) to enter into contracts with appropriate individuals and entities to monitor, remove, dispose of, and replace infested trees that are located in each area described in subclause (I); or

(ii) $5,000,000.

(C) INTEREST RATE.—The interest rate on any loan made by the Secretary under this paragraph shall be a rate equal to 2 percent.

(D) REPORT.—Not later than 180 days after the date on which an eligible unit of local government receives a loan provided by the Secretary under subparagraph (A), the eligible unit of local government shall submit to the Secretary a report that describes each purchase made by the eligible unit of local government using assistance provided through the loan.

(2) LOAN REPAYMENT SCHEDULE.—

(A) IN GENERAL.—To be eligible to receive a loan from the Secretary under paragraph (1), in accordance with each requirement described in subparagraph (B), an eligible unit of local government shall enter into an agreement with the Secretary to establish a loan repayment schedule relating to the repayment of the loan.

(B) REQUIREMENTS RELATING TO LOAN REPAYMENT SCHEDULE.—A loan repayment schedule established under subparagraph (A) shall require the eligible unit of local government—

(i) to repay to the Secretary of the Treasury, not later than 1 year after the date on which the eligible unit of local government receives a loan under paragraph (1), and semiannually thereafter, an amount equal to the quotient obtained by dividing—

(I) the principal amount of the loan (including interest); by

(II) the total quantity of payments that the eligible unit of local government is required to make during the repayment period of the loan; and

(ii) not later than 20 years after the date on which the eligible unit of local government receives a loan under paragraph (1), to complete repayment to the Secretary of the Treasury of the loan made under this section (including interest).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund such sums as are necessary to carry out this section.

SEC. 11073. COOPERATIVE AGREEMENTS RELATING TO INVASIVE SPECIES PREVENTION ACTIVITIES.

Any cooperative agreement entered into after the date of enactment of this Act between the Secretary and a State relating to the prevention of invasive species infestation shall allow the State to provide any cost-sharing assistance or financing mechanism provided to the State under the cooperative agreement to a unit of local government of the State that—

(1) is engaged in any activity relating to the prevention of invasive species infestation; and

(2) is capable of documenting each invasive species infestation prevention activity generally carried out by—

(A) the Department of Agriculture; or

(B) the State department of agriculture that has jurisdiction over the unit of local government.

At the end of title VIII, insert the following:

SEC. 8_____. SALE AND EXCHANGE OF NATIONAL FOREST SYSTEM LAND, VERMONT.

(a) DEFINITIONS.—In this section:

(1) BROMLEY.—The term "Bromley" means Bromley Mountain Ski Resort, Inc.

(2) MAP.—The term "map" means the map entitled "Proposed Bromley Land Sale or Exchange" and dated April 7, 2004.

(3) STATE.—The term "State" means the State of Vermont.

(b) SALE OR EXCHANGE OF GREEN MOUNTAIN NATIONAL FOREST LAND.—

(1) IN GENERAL.—The Secretary may, under any terms and conditions that the Secretary may prescribe, sell or exchange any right, title, and interest of the United States in and to the parcels of National Forest System land described in paragraph (2).

(2) DESCRIPTION OF LAND.—The parcels of National Forest System land referred to in paragraph (1) are the 5 parcels of land in Bennington County in the State, as generally depicted on the map.

(3) MAP AND LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—The map shall be on file and available for public inspection in—

(i) the office of the Chief of the Forest Service; and

(ii) the office of the Supervisor of the Green Mountain National Forest.

(B) MODIFICATIONS.—The Secretary may modify the map and legal descriptions to—

(i) correct technical errors; or

(ii) facilitate the conveyance under paragraph (1).

(4) CONSIDERATION.—Consideration for the sale or exchange of land described in paragraph (2)—

(A) shall be equal to an amount that is not less than the fair market value of the land sold or exchanged; and

(B) may be in the form of cash, land, or a combination of cash and land.

(5) APPRAISALS.—Any appraisal carried out to facilitate the sale or exchange of land under paragraph (1) shall conform with the Uniform Appraisal Standards for Federal Land Acquisitions.

(6) METHODS OF SALE.—

(A) CONVEYANCE TO BROMLEY.—

(i) IN GENERAL.—Before soliciting offers under subparagraph (B), the Secretary shall offer to convey to Bromley the land described in paragraph (2).

(ii) CONTRACT DEADLINE.—If Bromley accepts the offer under clause (i), the Secretary and Bromley shall have not more than 180 days after the date on which any environmental analyses with respect to the land are completed to enter into a contract for the sale or exchange of the land.

(B) PUBLIC OR PRIVATE SALE.—If the Secretary and Bromley do not enter into a contract for the sale or exchange of the land by the date specified in subparagraph (A)(ii), the Secretary may sell or exchange the land at public or private sale (including auction), in accordance with such terms, conditions, and procedures as the Secretary determines to be in the public interest.

(C) REJECTION OF OFFERS.—The Secretary may reject any offer received under this paragraph if the Secretary determines that the offer is not adequate or is not in the public interest.

(D) BROKERS.—In any sale or exchange of land under this subsection, the Secretary may—

(i) use a real estate broker or other third party; and

(ii) pay the real estate broker or third party a commission in an amount comparable to the amounts of commission generally paid for real estate transactions in the area.

(7) CASH EQUALIZATION.—Notwithstanding section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)), the Secretary may accept a cash equalization payment in excess of 25 percent of the value of any Federal land exchanged under this section.

(c) DISPOSITION OF PROCEEDS.—

(1) IN GENERAL.—The Secretary shall deposit the net proceeds from a sale or exchange under this section in the fund established under Public Law 90-171 (16 U.S.C. 484a) (commonly known as the "Sisk Act").

(2) USE.—Amounts deposited under paragraph (1) shall be available to the Secretary until expended, without further appropriation, for—

(A) the location and relocation of the Appalachian National Scenic Trail and the Long National Recreation Trail in the State;

(B) the acquisition of land and interests in land by the Secretary for National Forest System purposes within the boundary of the Green Mountain National Forest, including land for and adjacent to the Appalachian National Scenic Trail and the Long National Recreation Trail;

(C) the acquisition of wetland or an interest in wetland within the boundary of the Green Mountain National Forest to offset the loss of wetland from the parcels sold or exchanged; and

(D) the payment of direct administrative costs incurred in carrying out this section.

(3) LIMITATION.—Amounts deposited under paragraph (1) shall not—

(A) be paid or distributed to the State or counties or towns in the State under any provision of law; or

(B) be considered to be money received from units of the National Forest System for purposes of—

(i) the Act of May 23, 1908 (16 U.S.C. 500); or

(ii) the Act of March 4, 1913 (16 U.S.C. 501).

(4) PROHIBITION OF TRANSFER OR REPROGRAMMING.—Amounts deposited under paragraph (1) shall not be subject to transfer or reprogramming for wildfire management or any other emergency purposes.

(d) ACQUISITION OF LAND.—The Secretary may acquire, using funds made available under subsection (c) or otherwise made available for acquisition, land or an interest in land for National Forest System purposes within the boundary of the Green Mountain National Forest.

(e) EXEMPTION FROM CERTAIN LAWS.—Subtitle I of title 40, United States Code, shall not apply to any sale or exchange of National Forest System land under this section.

At the end of subtitle F of title IV, add the following:

SEC. 4____. INFRASTRUCTURE AND TRANSPORTATION GRANTS TO SUPPORT RURAL FOOD BANK DELIVERY OF HEALTHY PERISHABLE FOODS.

(a) PURPOSE.—The purpose of this section is to provide grants to State and local food banks and other emergency feeding organizations (as defined in section 201A of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501))—

(1) to support and expand the efforts of food banks operating in rural areas to procure and transport highly perishable and healthy food;

(2) to improve identification of potential providers of donated food and to enhance the nonprofit food donation system, particularly in and for rural areas; and

(3) to support the procurement of locally produced food from small and family farms and ranches for distribution to needy people.

(b) DEFINITION OF TIME-SENSITIVE FOOD PRODUCT.—

(1) IN GENERAL.—In this section, the term "time-sensitive food product" means a fresh, raw, or processed food with a short time limitation for safe and acceptable consumption, as determined by the Secretary.

(2) INCLUSIONS.—The term "time-sensitive food product" includes—

(A) fruits;

(B) vegetables;

(C) dairy products;

(D) meat;

(E) fish; and

(F) poultry.

(c) GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a program under which the Secretary shall provide grants, on a competitive basis, to expand the capacity and infrastructure of food banks, statewide food bank associations, and regional food bank collboratives that operate in rural areas to improve the capacity of the food banks to receive, store, distribute, track, collect, and deliver time-sensitive food products made available from national and local food donors.

(2) MAXIMUM AMOUNT.—The maximum amount of a grant provided under this subsection shall be not more than $1,000,000 for a fiscal year.

(3) USE OF FUNDS.—A food bank may use a grant provided under this section for—

(A) the development and maintenance of a computerized system for the tracking of time-sensitive food products;

(B) capital, infrastructure, and operating costs associated with—

(i) the collection and transportation of time-sensitive food products; or

(ii) the storage and distribution of time-sensitive food products;

(C) improving the security and diversity of the emergency food distribution and recovery systems of the United States through the support of—

(i) small, midsize, or family farms and ranches;

(ii) fisheries and aquaculture; and

(iii) donations from local food producers and manufacturers to persons in need;

(D) providing recovered healthy foods to food banks and similar nonprofit emergency food providers to reduce hunger in the United States; and

(E) improving the identification of—

(i) potential providers of donated foods;

(ii) potential nonprofit emergency food providers; and

(iii) persons in need of emergency food assistance in rural areas.

(d) AUDITS.—The Secretary shall establish fair and reasonable procedures to audit the use of funds made available to carry out this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2008 through 2012.

On page 966, between lines 13 and 14, insert the following:

SEC. 7050. REGIONAL CENTERS OF EXCELLENCE IN FOOD SYSTEMS VETERINARY MEDICINE.

Subtitle K of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310 et seq.) (as amended by section 7049) is amended by adding at the end the following:

"SEC. 1473S. REGIONAL CENTERS OF EXCELLENCE IN FOOD SYSTEMS VETERINARY MEDICINE.

"(a) DEFINITION OF ELIGIBLE SCHOOL OF VETERINARY MEDICINE.—In this section, the term 'eligible school of veterinary medicine' means a school of veterinary medicine that is—

"(1) a public or other nonprofit entity; and

"(2) accredited by an entity that is approved for such purpose by the Department of Education.

"(b) GRANT PROGRAM.—The Secretary shall make grants to eligible schools of veterinary medicine to assist the eligible schools of veterinary medicine in supporting centers of emphasis in food systems veterinary medicine.

"(c) APPLICATION PROCESS.—

"(1) APPLICATION REQUIREMENT.—To be eligible to receive a grant from the Secretary under subsection (b), an eligible school of veterinary medicine shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(2) CONSIDERATION OF APPLICATIONS.—The Secretary shall establish procedures to ensure that—

"(A) each application submitted under paragraph (1) is rigorously reviewed; and

"(B) grants are competitively awarded based on—

"(i) the ability of the eligible school of veterinary medicine to provide a comprehensive educational experience for students with particular emphasis on the species of food animal for which the eligible school of veterinary medicine is applying that is used for food production (including food animal veterinary medicine, food supply bioterrorism prevention and surveillance, food-safety, and the improvement of the quality of the environment);

"(ii) the ability of the eligible school of veterinary medicine to increase capacity with respect to research on the species of food animal for which the eligible school of veterinary medicine is applying that is used for food production; and

"(iii) any other consideration that the Secretary determines to be appropriate.

"(3) PREFERENCE FOR CONSORTIUM.—In making grants under subsection (b), the Secretary shall give preference to eligible schools of veterinary medicine that participate in interinstitutional agreements that—

"(A) cover issues relating to residency, tuition, or fees; and

"(B) consist of more than 1 other—

"(i) school of veterinary medicine;

"(ii) school of public health;

"(iii) school of agriculture; or

"(iv) appropriate entity that carries out education and research activities with respect to food production systems, as determined by the Secretary.

"(d) REQUIRED USE OF FUNDS.—The Secretary may not make a grant to an eligible school of veterinary medicine under subsection (b) unless the eligible school of veterinary medicine agrees to use the grant funds—

"(1) to develop a competitive student applicant pool through linkages with other appropriate schools of veterinary medicine, as determined by the Secretary;

"(2) to improve the capacity of the eligible school of veterinary medicine—

"(A) to train, recruit, and retain faculty;

"(B) to pay such stipends and fellowships as the Secretary determines to be appropriate in areas of research relating to—

"(i) food animal medicine; and

"(ii) food-safety and defense; and

"(C) to enhance the quality of the environment;

"(3) to carry out activities to improve the information resources, curriculum, and clinical education of students of the eligible school of veterinary medicine with respect to—

"(A) food animal veterinary medicine; and

"(B) food-safety;

"(4) to facilitate faculty and student research on health issues that—

"(A) affect—

"(i) food-producing animals; and

"(ii) food-safety; and

"(B) enhance the environment;

"(5) to provide stipends for students to offset costs relating to travel, tuition, and other expenses associated with attending the eligible school of veterinary medicine; and

"(6) for any other purpose that the Secretary determines to be appropriate.

"(e) PERIOD OF GRANTS.—

"(1) IN GENERAL.—Subject to paragraph (2), an eligible school of veterinary medicine that receives funds through a grant under subsection (b) shall receive funds under the grant for not more than 5 years after the date on which the grant was first provided.

"(2) CONDITIONS RELATING TO GRANT FUNDS.—Funds provided to an eligible school of veterinary medicine through a grant under subsection (b) shall be subject to—

"(A) the annual approval of the Secretary; and

"(B) the availability of appropriations.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.".

On page 1362, between lines 19 and 20, insert the following:

SEC. 11072. SOUTHWEST REGIONAL DAIRY, ENVIRGNMENT, AND PRIVATE LAND PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE INSTITUTION OF HIGHER EDUCATION.—The term "eligible institution of higher education" means an institution of higher education that—

(A) is located in—

(i) the State of Arizona;

(ii) the State of Colorado;

(iii) the State of New Mexico;

(iv) the State of Oklahoma; and

(v) the State of Texas;

(B) has facilities that are necessary for the facilitation of research on issues relating to the dairy industry in a practical setting;

(C) has a dairy research program and an institution for applied environmental research;

(D) has a university laboratory that is—

(i) located on the campus of the institution of higher education; and

(ii) accredited by the National Environmental Laboratory Accreditation Council to ensure the quality of any proposed research activities;

(E) has the capability to enter into a partnership with representatives of the dairy industry and other public and private entities and institutions of higher education;

(F) has experience in conducting watershed modeling (including the conduct of cost-benefit analyses, policy applications, and long-term watershed monitoring); and

(G) works with—

(i) producer-run advocacy groups (including Industry-Led Solutions); and

(ii) private land coalitions.

(2) PROGRAM.—The term "program" means the Southwest regional dairy, environment, and private land program established under subsection (b).

(b) ESTABLISHMENT.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall establish a Southwest regional dairy, environment, and private land program.

(2) REQUIRED ACTIVITIES.—In carrying out the program, the Secretary shall—

(A) identify challenges and develop solutions to enhance the economic and environmental sustainability, growth, and expansion of the dairy industry in the Southwest region of the United States;

(B) research, develop, and implement programs—

(i) to recover energy and other useful products from dairy waste;

(ii) to identify best management practices; and

(iii) to assist the dairy industry in ensuring that animal waste emissions and discharges of the dairy industry are maintained at levels below applicable regulatory standards;

(C) offer technical assistance (including research activities conducted by a university laboratory that is accredited by the National Environmental Laboratory Accreditation Council), training, applied research, and watershed water quality programs monitoring to applicable entities;

(D) develop—

(i) watershed modeling through the development of innovative modeling tools and data mining to develop cost-efficient and environmentally effective programs in the dairy industry; and

(ii) an international modeling application clearinghouse to coordinate watershed modeling tools in the United States and in other countries, to be carried out by the Secretary; and

(E) collaborate with a private land coalition to use input gathered from landowners in the United States through a program of industry led solutions to work with the Federal Government (including Federal agencies) in the development of conservation, environmental credit trading, and watershed programs to help private landowners and agricultural producers meet applicable water quality standards.

(c) CONTRACTS.—

(1) IN GENERAL.—In carrying out the program, the Secretary shall offer to enter into contracts with eligible institutions of higher education.

(2) APPLICATION.—

(A) SUBMISSION OF APPLICATION.—To enter into a contract with the Secretary under paragraph (1), an eligible institution of higher education shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(B) GUIDELINES.—As soon as practicable after the date of enactment of this Act, the Secretary shall promulgate guidelines describing each requirement of the Secretary with respect to the application requirements described in subparagraph (A).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012, to remain available until expended.

On page 1361, on line 2, strike ", un-" and all that follows through line 5, "counties".

On line 16, strike, "November 1, 2007," and insert, "date of enactment".

On page 1362, between lines 19 and 20, insert the following:

SEC. 1107_. ENFORCEMENT OF UNITED STATES-CANADA SOFTWOOD LUMBER AGREEMENT.

(a) FINDINGS.—The Senate finds that—

(1) the Federal Government has repeatedly found that Canadian softwood lumber shipped to the United States is unfairly subsidized and dumped into the United States market and materially injures softwood lumber producers in the United States;

(2) in September 2006, the United States and Canada entered into the United States-Canada Softwood Lumber Agreement (referred to in this section as the "Agreement") to address Canada's unfair lumber trade practices;

(3) the Agreement obligates Canada to apply export taxes and quotas to Canadian softwood lumber exports to the United

States and to forego new subsidies to Canadian lumber producers;

(4) Canada has consistently violated the Agreement, including by failing to apply export taxes and quotas as required by the Agreement and by providing new subsidies to Canadian lumber companies;

(5) Canadian violations of the Agreement are contributing to market conditions that are resulting in significant job losses in the United States lumber mills;

(6) the United States is challenging some of the Canadian violations of the Agreement through arbitral proceedings;

(7) as of the date of enactment of this Act, Federal enforcement of the Agreement has not resulted in progress to date; and

(8) Federal executive agencies have been considering proposals to enforce the Agreement.

(b) Sense of the Senate.—It is the sense of the Senate that the President should take all actions necessary to ensure that imports of Canadian softwood lumber are consistent with the provisions of the United States-Canada Softwood Lumber Agreement.

SA 3856. Ms. STABENOW (for Mr. BAUCUS (for himself, Mr. GRASSLEY, Ms. STABENOW, Mr. KERRY, Mr. GREGG, Mr. VOINOVICH, Mrs. LINCOLN, Mr. ALLARD, Mr. SUNUNU, Mr. COLEMAN, Mr. SPECTER, Mrs. DOLE, Ms. COLLINS, Mr. NELSON of Florida, Mr. BAYH, Ms. SNOWE, Mr. LIEBERMAN, Ms. CANTWELL, and Mr. SCHUMER)) proposed an amendment to the bill H.R. 3648, to amend the Internal Revenue Code of 1986 to exclude discharges of indebtedness on principal residences from gross income, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mortgage Forgiveness Debt Relief Act of 2007".

SEC. 2. DISCHARGES OF INDEBTEDNESS ON PRINCIPAL RESIDENCE EXCLUDED FROM GROSS INCOME.

(a) In General.—Paragraph (1) of section 108(a) of the Internal Revenue Code of 1986 is amended by striking "or" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", or", and by inserting after subparagraph (D) the following new subparagraph:

"(E) the indebtedness discharged is qualified principal residence indebtedness which is discharged before January 1, 2010.".

(b) Special Rules Relating to Qualified Principal Residence Indebtedness.—Section 108 of such Code is amended by adding at the end the following new subsection:

"(h) Special Rules Relating to Qualified Principal Residence Indebtedness.—

"(1) Basis reduction.—The amount excluded from gross income by reason of subsection (a)(1)(E) shall be applied to reduce (but not below zero) the basis of the principal residence of the taxpayer.

"(2) Qualified principal residence indebtedness.—For purposes of this section, the term 'qualified principal residence indebtedness' means acquisition indebtedness (within the meaning of section 163(h)(3)(B), applied by substituting '$2,000,000 ($1,000,000' for '$1,000,000 ($500,000' in clause (ii) thereof) with respect to the principal residence of the taxpayer.

"(3) Exception for certain discharges not related to taxpayer's financial condition.—Subsection (a)(1)(E) shall not apply to the discharge of a loan if the discharge is on account of services performed for the lender or any other factor not directly related to a decline in the value of the residence or to the financial condition of the taxpayer.

"(4) Ordering rule.—If any loan is discharged, in whole or in part, and only a portion of such loan is qualified principal residence indebtedness, subsection (a)(1)(E) shall apply only to so much of the amount discharged as exceeds the amount of the loan (as determined immediately before such discharge) which is not qualified principal residence indebtedness.

"(5) Principal residence.—For purposes of this subsection, the term 'principal residence' has the same meaning as when used in section 121.".

(c) Coordination.—

(1) Subparagraph (A) of section 108(a)(2) of such Code is amended by striking "and (D)" and inserting "(D), and (E)".

(2) Paragraph (2) of section 108(a) of such Code is amended by adding at the end the following new subparagraph:

"(C) Principal residence exclusion takes precedence over insolvency exclusion unless elected otherwise.—Paragraph (1)(B) shall not apply to a discharge to which paragraph (1)(E) applies unless the taxpayer elects to apply paragraph (1)(B) in lieu of paragraph (1)(E).".

(d) Effective Date.—The amendments made by this section shall apply to discharges of indebtedness on or after January 1, 2007.

SEC. 3. EXTENSION OF TREATMENT OF MORTGAGE INSURANCE PREMIUMS AS INTEREST.

(a) In General.—Subclause (I) of section 163(h)(3)(E)(iv) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2010".

(b) Effective Date.—The amendment made by this section shall apply to amounts paid or accrued after December 31, 2007.

SEC. 4. ALTERNATIVE TESTS FOR QUALIFYING AS COOPERATIVE HOUSING CORPORATION.

(a) In General.—Subparagraph (D) of section 216(b)(1) of the Internal Revenue Code of 1986 (defining cooperative housing corporation) is amended to read as follows:

"(D) meeting 1 or more of the following requirements for the taxable year in which the taxes and interest described in subsection (a) are paid or incurred:

"(i) 80 percent or more of the corporation's gross income for such taxable year is derived from tenant-stockholders.

"(ii) At all times during such taxable year, 80 percent or more of the total square footage of the corporation's property is used or available for use by the tenant-stockholders for residential purposes or purposes ancillary to such residential use.

"(iii) 90 percent or more of the expenditures of the corporation paid or incurred during such taxable year are paid or incurred for the acquisition, construction, management, maintenance, or care of the corporation's property for the benefit of the tenant-stockholders.".

(b) Effective Date.—The amendment made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 5. EXCLUSION FROM INCOME FOR BENEFITS PROVIDED TO VOLUNTEER FIREFIGHTERS AND EMERGENCY MEDICAL RESPONDERS.

(a) In General.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by inserting after section 139A the following new section:

"SEC. 139B. BENEFITS PROVIDED TO VOLUNTEER FIREFIGHTERS AND EMERGENCY MEDICAL RESPONDERS.

"(a) In General.—In the case of any member of a qualified volunteer emergency response organization, gross income shall not include—

"(1) any qualified State and local tax benefit, and

"(2) any qualified payment.

"(b) Denial of Double Benefits.—In the case of any member of a qualified volunteer emergency response organization—

"(1) the deduction under 164 shall be determined with regard to any qualified State and local tax benefit, and

"(2) expenses paid or incurred by the taxpayer in connection with the performance of services as such a member shall be taken into account under section 170 only to the extent such expenses exceed the amount of any qualified payment excluded from gross income under subsection (a).

"(c) Definitions.—For purposes of this section—

"(1) Qualified state and local tax benefit.—The term 'qualified state and local tax benefit' means any reduction or rebate of a tax described in paragraph (1), (2), or (3) of section 164(a) provided by a State or political division thereof on account of services performed as a member of a qualified volunteer emergency response organization.

"(2) Qualified payment.—

"(A) In general.—The term 'qualified payment' means any payment (whether reimbursement or otherwise) provided by a State or political division thereof on account of the performance of services as a member of a qualified volunteer emergency response organization.

"(B) Applicable dollar limitation.—The amount determined under subparagraph (A) for any taxable year shall not exceed $30 multiplied by the number of months during such year that the taxpayer performs such services.

"(3) Qualified volunteer emergency response organization.—The term 'qualified volunteer emergency response organization' means any volunteer organization—

"(A) which is organized and operated to provide firefighting or emergency medical services for persons in the State or political subdivision, as the case may be, and

"(B) which is required (by written agreement) by the State or political subdivision to furnish firefighting or emergency medical services in such State or political subdivision.

"(d) Termination.—This section shall not apply with respect to taxable years beginning after December 31, 2010.".

(b) Clerical Amendment.—The table of sections for such part is amended by inserting after the item relating to section 139A the following new item:

"Sec. 139B. Benefits provided to volunteer firefighters and emergency medical responders.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 6. CLARIFICATION OF STUDENT HOUSING ELIGIBLE FOR LOW-INCOME HOUSING CREDIT.

(a) In General.—Subclause (I) of section 42(i)(3)(D)(ii) of the Internal Revenue Code of 1986 (relating to certain students not to disqualify unit) is amended to read as follows:

"(I) single parents and their children and such parents are not dependents (as defined in section 152, determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof) of another individual and such children are not dependents (as so defined) of another individual other than a parent of such children, or.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to—

(1) housing credit amounts allocated before, on, or after the date of the enactment of this Act, and

(2) buildings placed in service before, on, or after such date to the extent paragraph (1) of section 42(h) of the Internal Revenue Code of 1986 does not apply to any building by reason of paragraph (4) thereof.

SEC. 7. APPLICATION OF JOINT RETURN LIMITATION FOR CAPITAL GAINS EXCLUSION TO CERTAIN POST-MARRIAGE SALES OF PRINCIPAL RESIDENCES BY SURVIVING SPOUSES.

(a) SALE WITHIN 2 YEARS OF SPOUSE'S DEATH.—Section 121(b) of the Internal Revenue Code of 1986 (relating to limitations) is amended by adding at the end the following new paragraph:

''(4) SPECIAL RULE FOR CERTAIN SALES BY SURVIVING SPOUSES.—In the case of a sale or exchange of property by an unmarried individual whose spouse is deceased on the date of such sale, paragraph (1) shall be applied by substituting '$500,000' for '$250,000' if such sale occurs not later than 2 years after the date of death of such spouse and the requirements of paragraph (2)(A) were met immediately before such date of death.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales or exchanges after December 31, 2007.

SEC. 8. MODIFICATION OF PENALTY FOR FAILURE TO FILE PARTNERSHIP RETURNS; LIMITATION ON DISCLOSURE.

(a) EXTENSION OF TIME LIMITATION.—Section 6698(a) of the Internal Revenue Code of 1986 (relating to failure to file partnership returns) is amended by striking ''5 months'' and inserting ''12 months''.

(b) INCREASE IN PENALTY AMOUNT.—Paragraph (1) of section 6698(b) of such Code is amended by striking ''$50'' and inserting ''$85''.

(c) LIMITATION ON DISCLOSURE OF TAXPAYER RETURNS TO PARTNERS, S CORPORATION SHAREHOLDERS, TRUST BENEFICIARIES, AND ESTATE BENEFICIARIES.—

(1) IN GENERAL.—Section 6103(e) of such Code (relating to disclosure to persons having material interest) is amended by adding at the end the following new paragraph:

''(10) LIMITATION ON CERTAIN DISCLOSURES UNDER THIS SUBSECTION.—In the case of an inspection or disclosure under this subsection relating to the return of a partnership, S corporation, trust, or an estate, the information inspected or disclosed shall not include any supporting schedule, attachment, or list which includes the taxpayer identity information of a person other than the entity making the return or the person conducting the inspection or to whom the disclosure is made.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the date of the enactment of this Act.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to returns required to be filed after the date of the enactment of this Act.

SEC. 9. PENALTY FOR FAILURE TO FILE S CORPORATION RETURNS.

(a) IN GENERAL.—Part I of subchapter B of chapter 68 of the Internal Revenue Code of 1986 (relating to assessable penalties) is amended by adding at the end the following new section:

''SEC. 6699. FAILURE TO FILE S CORPORATION RETURN.

''(a) GENERAL RULE.—In addition to the penalty imposed by section 7203 (relating to willful failure to file return, supply information, or pay tax), if any S corporation required to file a return under section 6037 for any taxable year—

''(1) fails to file such return at the time prescribed therefor (determined with regard to any extension of time for filing), or

''(2) files a return which fails to show the information required under section 6037,

such S corporation shall be liable for a penalty determined under subsection (b) for each month (or fraction thereof) during which such failure continues (but not to exceed 12 months), unless it is shown that such failure is due to reasonable cause.

''(b) AMOUNT PER MONTH.—For purposes of subsection (a), the amount determined under this subsection for any month is the product of—

''(1) $85, multiplied by

''(2) the number of persons who were shareholders in the S corporation during any part of the taxable year.

''(c) ASSESSMENT OF PENALTY.—The penalty imposed by subsection (a) shall be assessed against the S corporation.

''(d) DEFICIENCY PROCEDURES NOT TO APPLY.—Subchapter B of chapter 63 (relating to deficiency procedures for income, estate, gift, and certain excise taxes) shall not apply in respect of the assessment or collection of any penalty imposed by subsection (a).''.

(b) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 of such Code is amended by adding at the end the following new item:

''Sec. 6699. Failure to file S corporation return.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns required to be filed after the date of the enactment of this Act.

SEC. 10. MODIFICATION OF REQUIRED INSTALLMENT OF CORPORATE ESTIMATED TAXES WITH RESPECT TO CERTAIN DATES.

The percentage under subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 in effect on the date of the enactment of this Act is increased by 1.50 percentage points.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, the Committee on Energy and Natural Resources will hold a business meeting on Wednesday, December 19, at 11:30 a.m., in room 366 of the Dirksen Senate Office Building to consider the nomination of Jon Wellinghoff to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2013. (Reappointment)

For further information, please contact Sam Fowler at (202) 224–7571 or Rosemarie Calabro at (202) 224–5039.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 395, 396, 407, 410; that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

THE JUDICIARY

Joseph N. Laplante, of New Hampshire, to be United States District Judge for the District of New Hampshire.

Thomas D. Schroeder, of North Carolina, to be United States District Judge for the Middle District of North Carolina.

DEPARTMENT OF VETERANS AFFAIRS

James B. Peake, of the District of Columbia, to be Secretary of Veterans Affairs.

PENSION BENEFIT GUARANTY CORPORATION

Charles E. F. Millard, of New York, to be Director of the Pension Benefit Guaranty Corporation. (New Position)

NOMINATION OF JOSEPH NORMAND LAPLANTE

Mr. LEAHY. Madam President, I am pleased that we can take a break from the tired partisan sniping from the other side of the aisle to continue, as we have all year, making progress considering and confirming the President's judicial nominations.

The complaints we hear more and more loudly as we approach an election year from the President and others ring hollow. Last month, the Judiciary Committee reached a milestone by reporting out 4 more nominations for lifetime appointments to the Federal bench, reaching 40 in this session of Congress alone. That exceeds the totals reported in each of the previous 2 years, when a Republican-led Judiciary Committee was considering this President's nominees.

Today we consider the nomination of Joseph Normand Laplante, who has been nominated to fill a vacancy in the Northern District of Texas. Joseph is well known to many of us Vermonters as he has spent much of his professional career working for our friends to the east in the old Granite State of New Hampshire and our friends to the south in the Bay State of Massachusetts. Joseph serves as the first assistant U.S. attorney for the District of New Hampshire. Before that, Joseph served as an Assistant U.S. Attorney in the District of Massachusetts, a trial attorney for the U.S. Justice Department's Criminal Division, and a senior assistant attorney general for the State of New Hampshire Office of the Attorney General. He also has experience as a private practitioner in New Hampshire. Joseph graduated from Georgetown University in 1987 and from the Georgetown Law Center in 1990.

I thank Senator GREGG and Senator SUNUNU for their consideration of this nomination and Senator WHITEHOUSE for chairing the confirmation hearing.

When we confirm the nomination we consider today, the Senate will have confirmed 38 nominations for lifetime appointments to the Federal bench this session alone. That is more than the total number of judicial nominations that a Republican-led Senate confirmed in all of 1997, 1999, 2004, 2005 or 2006 with a Republican Majority. It is 21 more confirmations than were achieved during the entire 1996 session, more than double that session's total of 17, when Republicans stalled consideration of President Clinton's nominations.

When this nomination is confirmed, the Senate will have confirmed 138 total Federal judicial nominees in my tenure as Judiciary Chairman. During the Bush Presidency, more circuit judges, more district judges—more total judges—were confirmed in the first 24 months that I served as Judiciary Chairman than during the 2-year tenures of either of the two Republican Chairmen working with Republican Senate majorities.

The Administrative Office of the U.S. Courts will list 45 judicial vacancies and 14 circuit court vacancies after today's confirmation. Compare that to the numbers at the end of the 109th Congress, when the total vacancies under a Republican controlled Judiciary Committee were 51 judicial vacancies and 15 circuit court vacancies. That means that despite the additional 5 vacancies that arose at the beginning of the 110th Congress, the current vacancy totals under my chairmanship of the Judiciary Committee are below where they were under a Republican-led Judiciary Committee. They are only a little more than half of what they were at the end of President Clinton's term, when Republican pocket filibusters allowed judicial vacancies to rise to 80, 26 of them for circuit courts.

Despite the progress we have made, I will continue to work to find new ways to be productive on judicial nominations. Just last month, I sent the President a letter urging him to work with me, Senator SPECTER, and home State Senators to send us more well-qualified, consensus nominations. Now is the time for him to send us more nominations that could be considered and confirmed as his Presidency approaches its last year, before the Thurmond Rule kicks in.

As I noted in that letter, I have been concerned that several recent nominations seem to be part of an effort to pick political fights rather than judges to fill vacancies. For example, President Bush nominated Duncan Getchell to one of Virginia's Fourth Circuit Vacancies over the objections of Senator WEBB, a Democrat, and Senator WARNER, a Republican. They had submitted a list of five recommended nominations, and specifically warned the White House not to nominate Mr. Getchell. As a result, this nomination that is opposed by Democratic and Republican home state Senators is one that cannot move.

When the President sends on well-qualified consensus nominations, we can work together and continue to make progress as we are today.

I congratulate Joseph and his family on his confirmation today.

NOMINATION OF THOMAS D. SCHROEDER

Mr. LEAHY. Madam President, the Senate continues, as we have all year, to make progress filling judicial vacancies by considering yet another nomination reported out of Committee this month. The nomination before us today for a lifetime appointment to the Federal bench is Thomas D. Schroeder, to the Middle District of North Carolina. He has the support of both home State Senators. I acknowledge the support of Senators DOLE and BURR, and want to thank Senator WHITEHOUSE for chairing the hearing on this nomination.

Last month, the Judiciary Committee reached a milestone by voting to report our 40th judicial nominee this year. That exceeds the totals reported in each of the previous 2 years, when a Republican-led Judiciary Committee was considering this President's nominees.

Thomas D. Schroeder is a Partner at the Winston-Salem, NC, office of the law firm of Womble, Carlyle, Sandridge & Price, PLLC, where he has worked almost his entire legal career. Mr. Schroeder served as a law clerk for Judge George E. MacKinnon on the U.S. Court of Appeals for the DC Circuit. He graduated from Kansas University and Notre Dame Law School, where he was Editor-in-Chief of the Notre Dame Law Review.

When we confirm the nomination we consider today, the Senate will have confirmed 39 nominations for lifetime appointments to the Federal bench this session alone. That exceeds the totals confirmed in all of 2004, 2005, and 2006 when a Republican-led Senate was considering this President's nominees; all of 1989; all of 1993, when a Democratic-led Senate was considering President Clinton's nominees; all of 1997 and 1999, when a Republican-led Senate was considering President Clinton's nominees; and all of 1996, when the Republican-led Senate did not confirm a single one of President Clinton's circuit nominees.

When this nomination is confirmed, the Senate will have confirmed 139 total Federal judicial nominees in my tenure as Judiciary Chairman. During the Bush Presidency, more circuit judges, more district judges—more total judges—were confirmed in the first 24 months that I served as Judiciary Chairman than during the 2-year tenures of either of the two Republican chairmen working with Republican Senate majorities.

The Administrative Office of the U.S. Courts will list 44 judicial vacancies and 14 circuit court vacancies after today's confirmations. Compare that to the numbers at the end of the 109th Congress, when the total vacancies under a Republican controlled Judiciary Committee were 51 judicial vacancies and 15 circuit court vacancies. That means, that despite the additional vacancies that arose at the beginning of the 110th Congress and throughout this year, the current vacancy totals under my chairmanship of the Judiciary Committee are below where they were under a Republican led-Judiciary Committee. They are almost half of what they were at the end of President Clinton's term, when Republican pocket filibusters allowed judicial vacancies to rise above 100 before settling at 80. Twenty-six of them were for circuit courts.

When the President consults and sends the Senate well-qualified, consensus nominations, we can work together and continue to make progress as we are today.

I congratulate the nominee and his family on his confirmation today.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE CALENDAR NO. 373

Mr. REID. Madam President, as in executive session, I ask unanimous consent that when the Senate considers Executive Calendar No. 373, the nomination of John Tinder to be U.S. circuit judge, there be a time limit of 30 minutes for debate, equally divided, between the chairman and ranking member of the Judiciary Committee, Senators LEAHY and SPECTER; that at the conclusion or yielding back of time, the Senate vote on the confirmation of the nomination, the motion to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

OPENNESS PROMOTES EFFECTIVENESS IN OUR NATIONAL GOVERNMENT ACT OF 2007

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration S. 2488.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2488) to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Madam President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to this bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2488) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2488

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Openness Promotes Effectiveness in our National Government Act of 2007" or the "OPEN Government Act of 2007".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Freedom of Information Act was signed into law on July 4, 1966, because the American people believe that—

(A) our constitutional democracy, our system of self-government, and our commitment to popular sovereignty depends upon the consent of the governed;

(B) such consent is not meaningful unless it is informed consent; and

(C) as Justice Black noted in his concurring opinion in Barr v. Matteo (360 U.S. 564 (1959)), "The effective functioning of a free government like ours depends largely on the force of an informed public opinion. This calls for the widest possible understanding of the quality of government service rendered by all elective or appointed public officials or employees.";

(2) the American people firmly believe that our system of government must itself be governed by a presumption of openness;

(3) the Freedom of Information Act establishes a "strong presumption in favor of disclosure" as noted by the United States Supreme Court in United States Department of State v. Ray (502 U.S. 164 (1991)), a presumption that applies to all agencies governed by that Act;

(4) "disclosure, not secrecy, is the dominant objective of the Act," as noted by the United States Supreme Court in Department of Air Force v. Rose (425 U.S. 352 (1976));

(5) in practice, the Freedom of Information Act has not always lived up to the ideals of that Act; and

(6) Congress should regularly review section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), in order to determine whether further changes and improvements are necessary to ensure that the Government remains open and accessible to the American people and is always based not upon the "need to know" but upon the fundamental "right to know".

SEC. 3. PROTECTION OF FEE STATUS FOR NEWS MEDIA.

Section 552(a)(4)(A)(ii) of title 5, United States Code, is amended by adding at the end the following:

"In this clause, the term 'a representative of the news media' means any person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience. In this clause, the term 'news' means information that is about current events or that would be of current interest to the public. Examples of news-media entities are television or radio stations broadcasting to the public at large and publishers of periodicals (but only if such entities qualify as disseminators of 'news') who make their products available for purchase by or subscription by or free distribution to the general public. These examples are not all-inclusive. Moreover, as methods of news delivery evolve (for example, the adoption of the electronic dissemination of newspapers through telecommunications services), such alternative media shall be considered to be news-media entities. A freelance journalist shall be regarded as working for a news-media entity if the journalist can demonstrate a solid basis for expecting publication through that entity, whether or not the journalist is actually employed by the entity. A publication contract would present a solid basis for such an expectation; the Government may also consider the past publication record of the requester in making such a determination.".

SEC. 4. RECOVERY OF ATTORNEY FEES AND LITIGATION COSTS.

(a) IN GENERAL.—Section 552(a)(4)(E) of title 5, United States Code, is amended—

(1) by inserting "(i)" after "(E)"; and

(2) by adding at the end the following:

"(ii) For purposes of this subparagraph, a complainant has substantially prevailed if the complainant has obtained relief through either—

"(I) a judicial order, or an enforceable written agreement or consent decree; or

"(II) a voluntary or unilateral change in position by the agency, if the complainant's claim is not insubstantial.".

(b) LIMITATION.—Notwithstanding section 1304 of title 31, United States Code, no amounts may be obligated or expended from the Claims and Judgment Fund of the United States Treasury to pay the costs resulting from fees assessed under section 552(a)(4)(E) of title 5, United States Code. Any such amounts shall be paid only from funds annually appropriated for any authorized purpose for the Federal agency against which a claim or judgment has been rendered.

SEC. 5. DISCIPLINARY ACTIONS FOR ARBITRARY AND CAPRICIOUS REJECTIONS OF REQUESTS.

Section 552(a)(4)(F) of title 5, United States Code, is amended—

(1) by inserting "(i)" after "(F)"; and

(2) by adding at the end the following:

"(ii) The Attorney General shall—

"(I) notify the Special Counsel of each civil action described under the first sentence of clause (i); and

"(II) annually submit a report to Congress on the number of such civil actions in the preceding year.

"(iii) The Special Counsel shall annually submit a report to Congress on the actions taken by the Special Counsel under clause (i).".

SEC. 6. TIME LIMITS FOR AGENCIES TO ACT ON REQUESTS.

(a) TIME LIMITS.—

(1) IN GENERAL.—Section 552(a)(6)(A) of title 5, United States Code, is amended by inserting after clause (ii) the following:

"The 20-day period under clause (i) shall commence on the date on which the request is first received by the appropriate component of the agency, but in any event not later than ten days after the request is first received by any component of the agency that is designated in the agency's regulations under this section to receive requests under this section. The 20-day period shall not be tolled by the agency except—

"(I) that the agency may make one request to the requester for information and toll the 20-day period while it is awaiting such information that it has reasonably requested from the requester under this section; or

"(II) if necessary to clarify with the requester issues regarding fee assessment. In either case, the agency's receipt of the requester's response to the agency's request for information or clarification ends the tolling period.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect 1 year after the date of enactment of this Act.

(b) COMPLIANCE WITH TIME LIMITS.—

(1) IN GENERAL.—

(A) SEARCH FEES.—Section 552(a)(4)(A) of title 5, United States Code, is amended by adding at the end the following:

"(viii) An agency shall not assess search fees (or in the case of a requester described under clause (ii)(II), duplication fees) under this subparagraph if the agency fails to comply with any time limit under paragraph (6), if no unusual or exceptional circumstances (as those terms are defined for purposes of paragraphs (6)(B) and (C), respectively) apply to the processing of the request.".

(B) PUBLIC LIAISON.—Section 552(a)(6)(B)(ii) of title 5, United States Code, is amended by inserting after the first sentence the following: "To aid the requester, each agency shall make available its FOIA Public Liaison, who shall assist in the resolution of any disputes between the requester and the agency.".

(2) EFFECTIVE DATE AND APPLICATION.—The amendment made by this subsection shall take effect 1 year after the date of enactment of this Act and apply to requests for information under section 552 of title 5, United States Code, filed on or after that effective date.

SEC. 7. INDIVIDUALIZED TRACKING NUMBERS FOR REQUESTS AND STATUS INFORMATION.

(a) IN GENERAL.—Section 552(a) of title 5, United States Code, is amended by adding at the end the following:

"(7) Each agency shall—

"(A) establish a system to assign an individualized tracking number for each request received that will take longer than ten days to process and provide to each person making a request the tracking number assigned to the request; and

"(B) establish a telephone line or Internet service that provides information about the status of a request to the person making the request using the assigned tracking number, including—

"(i) the date on which the agency originally received the request; and

"(ii) an estimated date on which the agency will complete action on the request.".

(b) EFFECTIVE DATE AND APPLICATION.—The amendment made by this section shall take effect 1 year after the date of enactment of this Act and apply to requests for information under section 552 of title 5, United States Code, filed on or after that effective date.

SEC. 8. REPORTING REQUIREMENTS.

(a) IN GENERAL.—Section 552(e)(1) of title 5, United States Code, is amended—

(1) in subparagraph (B)(ii), by inserting after the first comma "the number of occasions on which each statute was relied upon,";

(2) in subparagraph (C), by inserting "and average" after "median";

(3) in subparagraph (E), by inserting before the semicolon ", based on the date on which the requests were received by the agency";

(4) by redesignating subparagraphs (F) and (G) as subparagraphs (N) and (O), respectively; and

(5) by inserting after subparagraph (E) the following:

"(F) the average number of days for the agency to respond to a request beginning on the date on which the request was received by the agency, the median number of days for the agency to respond to such requests, and the range in number of days for the agency to respond to such requests;

"(G) based on the number of business days that have elapsed since each request was originally received by the agency—

"(i) the number of requests for records to which the agency has responded with a determination within a period up to and including 20 days, and in 20-day increments up to and including 200 days;

"(ii) the number of requests for records to which the agency has responded with a determination within a period greater than 200 days and less than 301 days;

"(iii) the number of requests for records to which the agency has responded with a determination within a period greater than 300 days and less than 401 days; and

"(iv) the number of requests for records to which the agency has responded with a determination within a period greater than 400 days;

"(H) the average number of days for the agency to provide the granted information beginning on the date on which the request was originally filed, the median number of days for the agency to provide the granted information, and the range in number of days for the agency to provide the granted information;

"(I) the median and average number of days for the agency to respond to administrative appeals based on the date on which the appeals originally were received by the agency, the highest number of business days taken by the agency to respond to an administrative appeal, and the lowest number of business days taken by the agency to respond to an administrative appeal;

"(J) data on the 10 active requests with the earliest filing dates pending at each agency, including the amount of time that has elapsed since each request was originally received by the agency;

"(K) data on the 10 active administrative appeals with the earliest filing dates pending before the agency as of September 30 of the preceding year, including the number of business days that have elapsed since the requests were originally received by the agency;

"(L) the number of expedited review requests that are granted and denied, the average and median number of days for adjudicating expedited review requests, and the number adjudicated within the required 10 days;

"(M) the number of fee waiver requests that are granted and denied, and the average and median number of days for adjudicating fee waiver determinations;".

(b) APPLICABILITY TO AGENCY AND EACH PRINCIPAL COMPONENT OF THE AGENCY.—Section 552(e) of title 5, United States Code, is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively; and

(2) by inserting after paragraph (1) the following:

"(2) Information in each report submitted under paragraph (1) shall be expressed in terms of each principal component of the agency and for the agency overall.".

(c) PUBLIC AVAILABILITY OF DATA.—Section 552(e)(3) of title 5, United States Code, (as redesignated by subsection (b) of this section) is amended by adding at the end "In addition, each agency shall make the raw statistical data used in its reports available electronically to the public upon request.".

SEC. 9. OPENNESS OF AGENCY RECORDS MAINTAINED BY A PRIVATE ENTITY.

Section 552(f) of title 5, United States Code, is amended by striking paragraph (2) and inserting the following:

"(2) 'record' and any other term used in this section in reference to information includes—

"(A) any information that would be an agency record subject to the requirements of this section when maintained by an agency in any format, including an electronic format; and

"(B) any information described under subparagraph (A) that is maintained for an agency by an entity under Government contract, for the purposes of records management.".

SEC. 10. OFFICE OF GOVERNMENT INFORMATION SERVICES.

(a) IN GENERAL.—Section 552 of title 5, United States Code, is amended by adding at the end the following:

"(h)(1) There is established the Office of Government Information Services within the National Archives and Records Administration.

"(2) The Office of Government Information Services shall—

"(A) review policies and procedures of administrative agencies under this section;

"(B) review compliance with this section by administrative agencies; and

"(C) recommend policy changes to Congress and the President to improve the administration of this section.

"(3) The Office of Government Information Services shall offer mediation services to resolve disputes between persons making requests under this section and administrative agencies as a non-exclusive alternative to litigation and, at the discretion of the Office, may issue advisory opinions if mediation has not resolved the dispute.

"(i) The Government Accountability Office shall conduct audits of administrative agencies on the implementation of this section and issue reports detailing the results of such audits.

"(j) Each agency shall designate a Chief FOIA Officer who shall be a senior official of such agency (at the Assistant Secretary or equivalent level).

"(k) The Chief FOIA Officer of each agency shall, subject to the authority of the head of the agency—

"(1) have agency-wide responsibility for efficient and appropriate compliance with this section;

"(2) monitor implementation of this section throughout the agency and keep the head of the agency, the chief legal officer of the agency, and the Attorney General appropriately informed of the agency's performance in implementing this section;

"(3) recommend to the head of the agency such adjustments to agency practices, policies, personnel, and funding as may be necessary to improve its implementation of this section;

"(4) review and report to the Attorney General, through the head of the agency, at such times and in such formats as the Attorney General may direct, on the agency's performance in implementing this section;

"(5) facilitate public understanding of the purposes of the statutory exemptions of this section by including concise descriptions of the exemptions in both the agency's handbook issued under subsection (g), and the agency's annual report on this section, and by providing an overview, where appropriate, of certain general categories of agency records to which those exemptions apply; and

"(6) designate one or more FOIA Public Liaisons.

"(l) FOIA Public Liaisons shall report to the agency Chief FOIA Officer and shall serve as supervisory officials to whom a requester under this section can raise concerns about the service the requester has received from the FOIA Requester Center, following an initial response from the FOIA Requester Center Staff. FOIA Public Liaisons shall be responsible for assisting in reducing delays, increasing transparency and understanding of the status of requests, and assisting in the resolution of disputes.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 11. REPORT ON PERSONNEL POLICIES RELATED TO FOIA.

Not later than 1 year after the date of enactment of this Act, the Office of Personnel Management shall submit to Congress a report that examines—

(1) whether changes to executive branch personnel policies could be made that would—

(A) provide greater encouragement to all Federal employees to fulfill their duties under section 552 of title 5, United States Code; and

(B) enhance the stature of officials administering that section within the executive branch;

(2) whether performance of compliance with section 552 of title 5, United States Code, should be included as a factor in personnel performance evaluations for any or all categories of Federal employees and officers;

(3) whether an employment classification series specific to compliance with sections 552 and 552a of title 5, United States Code, should be established;

(4) whether the highest level officials in particular agencies administering such sections should be paid at a rate of pay equal to or greater than a particular minimum rate; and

(5) whether other changes to personnel policies can be made to ensure that there is a clear career advancement track for individuals interested in devoting themselves to a career in compliance with such sections; and

(6) whether the executive branch should require any or all categories of Federal employees to undertake awareness training of such sections.

SEC. 12. REQUIREMENT TO DESCRIBE EXEMPTIONS AUTHORIZING DELETIONS OF MATERIAL PROVIDED UNDER FOIA.

Section 552(b) of title 5, United States Code, is amended in the matter after paragraph (9)—

(1) in the second sentence, by inserting after "amount of information deleted" the following: ", and the exemption under which the deletion is made,"; and

(2) in the third sentence, by inserting after "amount of the information deleted" the following: ", and the exemption under which the deletion is made,".

Mr. LEAHY. Madam President, I am pleased that, once again, the Senate has reaffirmed its bipartisan commitment to open and transparent government by unanimously passing the Openness Promotes Effectiveness in our National Government Act, the "OPEN Government Act—the first major reform to the Freedom of Information Act, "FOIA", in more than a decade. I commend the bill's chief Republican cosponsor, Senator JOHN CORNYN, for his commitment and dedication to passing FOIA reform legislation this year. I am also appreciative of the efforts of Senator JON KYL for cosponsoring this bill and helping us to reach a compromise on this legislation, so that the Senate could consider and pass meaningful FOIA reform legislation this year.

Earlier this year, the Senate passed this historic FOIA reform legislation, S. 849, before adjourning for the August recess. Now that the Senate has unanimously passed a modified bill, to ensure that "pay/go" and other concerns of the House are adequately addressed, I hope that the House will promptly enact this bill and send it to the President without further delay.

I have worked very hard to address the concerns of the House Oversight and Government Reform Committee, to ensure that the Congress can enact meaningful FOIA reform legislation this year. I commend Congressman WAXMAN, the distinguished Chairman of that Committee, for his commitment to FOIA reform and I thank him and his staff for all of their hard work on this legislation.

The bill that the Senate passed today includes "pay/go" language that has been requested by the House and it also eliminates a provision on citations to FOIA exemptions in legislation that was in the previous bill. To accommodate other concerns of the House, the bill also includes a new provision that requires Federal agencies to disclose the FOIA exemptions that they rely upon when redacting information from documents released under FOIA. In addition, the bill adds FOIA duplication fees for noncommercial requesters, including the media, to the fee waiver penalty that will be imposed when an agency fails to meet the 20-day statutory clock under FOIA. While I will continue to work with the House and others to further strengthen this critical open government law, I hope that the House will promptly take up the bipartisan FOIA compromise bill that we have been able to pass so that it may be signed into law before the end of the year.

As the first major reform to FOIA in more than a decade, the OPEN Government Act will help to reverse the troubling trends of excessive delays and lax FOIA compliance in our government and help to restore the public's trust in their government. This bill will also improve transparency in the Federal Government's FOIA process by restoring meaningful deadlines for agency action under FOIA; imposing real consequences on federal agencies for missing FOIA's 20-day statutory deadline; clarifying that FOIA applies to Government records held by outside private contractors; establishing a FOIA hotline service for all Federal agencies; and creating a FOIA Ombudsman to provide FOIA requestors and, federal agencies with a meaningful alternative to costly litigation.

Specifically, the OPEN Government Act will protect the public's right to know, by ensuring that anyone who gathers information to inform the public, including freelance journalists and bloggers, may seek a fee waiver when they request information under FOIA. The bill ensures that Federal agencies will not automatically exclude Internet blogs and other Web-based forms of media when deciding whether to waive FOIA fees. In addition, the bill also clarifies that the definition of news media, for purposes of FOIA fee waivers, includes free newspapers and individuals performing a media function who do not necessarily have a prior history of publication.

The bill also restores meaningful deadlines for agency action, by ensuring that the 20-day statutory clock under FOIA starts when a request is received by the appropriate component of the agency and requiring that agency FOIA offices get FOIA requests to the appropriate agency component within 10 days of the receipt of such requests. To ensure accuracy in FOIA responses, the bill allows federal agencies to toll the 20-day clock while they are awaiting a response to a reasonable request for information from a FOIA requester on one occasion, or while the agency is awaiting clarification regarding a FOIA fee assessment. In addition, to encourage agencies to meet the 20-day time limit the bill requires that an agency refund FOIA search fees—and duplication fees for noncommercial requestors—if it fails to meet the 20-day deadline, except in the case of exceptional circumstances as defined by the FOIA statute.

The bill also addresses a relatively new concern that, under current law, Federal agencies have an incentive to delay compliance with FOIA requests until just before a court decision is made that is favorable to a FOIA requestor. The Supreme Court's decision in Buckhannon Board and Care Home, Inc. v. West Virginia Dep't of Health and Human Resources, 532 U.S. 598, 2001, eliminated the "catalyst theory" for attorneys' fees recovery under certain federal civil rights laws. When applied to FOIA cases, Buckhannon precludes FOIA requesters from ever being eligible to recover attorneys fees under circumstances where an agency provides the records requested in the litigation just prior to a court decision that would have been favorable to the FOIA requestor. The bill clarifies that Buckhannon does not apply to FOIA cases. Under the bill, a FOIA requester can obtain attorneys' fees when he or she files a lawsuit to obtain records from the Government and the Government releases those records before the court orders them to do so. But, this provision would not allow the requester to recover attorneys' fees if the requester's claim is wholly insubstantial. To address House "pay/go" concerns, the bill also requires that any attorneys" fees assessed under this provision be paid from any annually appropriated agency funds.

To address concerns about the growing costs of FOIA litigation, the bill also creates an Office of Government Information Services in the National Archives and creates an ombudsman to mediate agency-level FOIA disputes. In addition the bill ensures that each federal agency will appoint a Chief FOIA Officer, who will monitor the agency's compliance with FOIA requests, and a FOIA Public Liaison who will be available to resolve FOIA related disputes.

Finally, the bill does several things to enhance the agency reporting and tracking requirements under FOIA. The bill creates a tracking system for FOIA requests to assist members of the public and the media. The bill also establishes a FOIA hotline service for all Federal agencies, either by telephone or on the Internet, to enable requestors to track the status of their FOIA requests. The bill also clarifies that FOIA applies to agency records that are held by outside private contractors, no matter where these records are located.

The Freedom of Information Act is an essential tool to ensure that all Americans can access information about the workings of their government. But, after four decades, this open government law needs to be strengthened. I am pleased that the reforms contained in the OPEN Government Act will ensure that FOIA is reinvigorated—so that it works more effectively for the American people.

Again, I commend Senators CORNYN and KYL and the many other cosponsors of this legislation for their dedication to open government. But, most importantly, I especially want to thank the many concerned citizens who, knowing the importance of this measure to the American people's right to know, have demanded action on this bill. This bill is endorsed by more than 115 business, public interest, and news organizations from across the political and ideological spectrum, including the American Library Association, the U.S. Chamber of Commerce, OpenTheGovemment.org, Public Citizen, the Republican Liberty Caucus, the Sunshine in Government Initiative and the Vermont Press Association. The invaluable support of these and many other organizations is what led the opponents of this bill to come around and support this legislation.

By passing this important FOIA reform legislation, the Senate has reaffirmed the principle that open government is not a Democratic issue or a Republican issue. But, rather, it is an American issue and an American value. I strongly encourage the House of Representatives, which overwhelmingly passed a similar measure earlier this year, to promptly take up and enact this bill before adjourning for the year.

RELATIVE TO THE HANGING OF NOOSES FOR THE PURPOSE OF INTIMIDATION

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to Calendar No. 543, S. Res. 396.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 396) expressing the sense of the Senate that the hanging of nooses for the purpose of intimidation should be thoroughly investigated by Federal, State, and local law enforcement authorities and that any criminal violations should be vigorously prosecuted.

There being no objection, the Senate proceeded to consider the resolution which had been reported from the Committee on the Judiciary with an amendment and an amendment to the preamble and an amendment to the title, as follows:

[Strike out all after the resolving clause and insert the part printed in italic.]

[Strike the preamble and insert the part printed in italic.]

S. RES. 396

[Whereas, in the fall of 2007, nooses have been found hanging in or near a high school in North Carolina, a Home Depot store in New Jersey, a school playground in Louisiana, the campus of the University of Maryland, a factory in Houston, Texas, and on the door of a professor's office at Columbia University;

[Whereas the Southern Poverty Law Center has recorded between 40 and 50 suspected hate crimes involving nooses since September 2007;

[Whereas, since 2001, the Equal Employment Opportunity Commission has filed more than 30 lawsuits that involve the displaying of nooses in places of employment;

[Whereas nooses are reviled by many Americans as symbols of racism and of lynchings that were once all too common;

[Whereas, according to Tuskegee Institute, more than 4,700 people were lynched between 1882 and 1959 in a campaign of terror led by the Ku Klux Klan;

[Whereas the number of victims killed by lynching in the history of the United States exceeds the number of people killed in the horrible attack on Pearl Harbor (2,333 dead) and Hurricane Katrina (1,836 dead) combined; and

[Whereas African-Americans, as well as Italian, Jewish, and Mexican-Americans, have comprised the vast majority of lynching victims, and only when we erase the terrible symbols of the past can we finally begin to move forward on issues of race in the United States: Now, therefore, be it]

Whereas, in the fall of 2007, nooses have been found hanging in or near a high school in North Carolina, a Home Depot store in New Jersey, a school playground in Louisiana, the campus of the University of Maryland, a factory in Houston, Texas, and on the door of a professor's office at Columbia University;

Whereas the Southern Poverty Law Center has recorded between 40 and 50 suspected hate crimes involving nooses since September 2007;

Whereas, since 2001, the Equal Employment Opportunity Commission has filed more than 30 lawsuits that involve the displaying of nooses in places of employment;

Whereas nooses are reviled by many Americans as symbols of racism and of lynchings that were once all too common;

Whereas, according to Tuskegee Institute, more than 4,700 people were lynched between 1882 and 1959 in a campaign of terror led by the Ku Klux Klan;

Whereas the number of victims killed by lynching in the history of the United States exceeds the number of people killed in the horrible attack on Pearl Harbor (2,333 dead) and Hurricane Katrina (1,836 dead) combined; and

Whereas African-Americans, as well as Italian, Jewish, and Mexican-Americans, have comprised the vast majority of lynching victims, and, by erasing the terrible symbols of the past, we can continue to move forward on issues of race in the United States: Now, therefore, be it

Resolved, [That it is the sense of the Senate that—

[(1) the hanging of nooses is a reprehensible act when used for the purpose of intimidation and, under certain circumstances, can be criminal;

[(2) the hanging of nooses for the purpose of intimidation should be investigated thoroughly by Federal, State, and local law enforcement; and

[(3) any criminal violations involving the hanging of nooses should be vigorously prosecuted.]

That it is the sense of the Senate that—

(1) the hanging of nooses is a reprehensible act when used for the purpose of intimidation and, under certain circumstances, can be criminal;

(2) incidents involving the hanging of a noose should be investigated thoroughly by Federal, State, and local law enforcement, and all private entities and individuals should be encouraged to cooperate with any such investigation; and

(3) any criminal violations involving the hanging of nooses should be vigorously prosecuted.

Mr. REID. Madam President, I ask unanimous consent that the committee-reported amendment be considered and agreed to; that the resolution, as amended, be agreed to; that the amendment to the preamble be agreed to; that the preamble, as amended, be agreed to; that the title amendment be agreed to; that the motion to reconsider be laid upon the table en bloc; and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The resolution (S. Res. 396), as amended, was agreed to.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

The resolution, with its preamble, reads as follows:

(The resolution will be printed in a future edition of the RECORD.)

The title amendment was agreed to, as follows:

"Expressing the sense of the Senate that the hanging of nooses should be thoroughly investigated by Federal, State, and local law enforcement authorities and that any criminal violations should be vigorously prosecuted.".

WOUNDED WARRIOR BONUS EQUITY ACT

Mr. REID. Madam President, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of S. 2400.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2400) to amend title 37, United States Code, to require the Secretary of Defense to continue to pay a member of the Armed Forces who is retired or separated from the Armed Forces due to combat-related injury certain bonuses that the member was entitled to before the retirement or separation and would continue to be entitled to if the member was not retired or separated, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Madam President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2400) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2400

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wounded Warrior Bonus Equity Act".

SEC. 2. CONTINUATION OF CERTAIN BONUS PAYMENTS TO MEMBERS OF THE ARMED FORCES RETIRED OR SEPARATED DUE TO A COMBAT-RELATED INJURY.

(a) PAYMENT REQUIRED.—

(1) IN GENERAL.—Chapter 17 of title 37, United States Code, is amended by inserting after section 903 the following new section:

"§ 904. Continued payment of bonuses to members retired or separated due to combat-related injuries

"(a) PAYMENT REQUIRED.—In the case of a member of the armed forces who is retired or separated for disability under chapter 61 of title 10, due to a combat-related injury, the Secretary of Defense shall require the continued payment to the member of any bonus described in subsection (b) that the member—

"(1) was entitled to immediately before the retirement or separation of the member; and

"(2) would continue to be entitled to if the member was not retired or separated.

"(b) COVERED BONUSES.—The bonuses referred to in subsection (a) are the following (numbers refer to the corresponding section in chapter 5 of this title):

"(1) 301b. Special pay for aviation career officers extending period of active duty.

"(2) 301d. Multiyear retention bonus for medical officers of the armed forces.

"(3) 301e. Multiyear retention bonus for dental officers of the armed forces.

"(4) 302d. Accession bonus for registered nurses.

"(5) 302h. Accession bonus for dental officers.

"(6) 302j. Accession bonus for pharmacy officers.

"(7) 302k. Accession bonus for medical officers in critically short wartime specialties.

"(8) 302l. Accession bonus for dental specialist officers in critically short wartime specialties.

"(9) 308. Reenlistment bonus.

"(10) 308b. Reenlistment bonus for members of the Selected Reserve.

"(11) 308c. Bonus for affiliation or enlistment in the Selected Reserve.

"(12) 308g. Bonus for enlistment in elements of the Ready Reserve other than the Selected Reserve.

"(13) 308h. Bonus for reenlistment, or voluntary extension of enlistment in elements of the Ready Reserve other than the Selected Reserve.

"(14) 308i. Prior service enlistment bonus.

"(15) 308j. Affiliation bonus for officers in the Selected Reserve.

"(16) 309. Enlistment bonus.

"(17) 312. Special pay for nuclear-qualified officers extending period of active duty.

"(18) 312b. Nuclear career accession bonus.

"(19) 312c. Nuclear career annual incentive bonus.

"(20) 315. Engineering and scientific career continuation pay.

"(21) 316. Bonus for members with foreign language proficiency.

"(22) 317. Special pay for officers in critical acquisition positions extending period of active duty.

"(23) 318. Special pay for special warfare officers extending period of active duty.

"(24) 319. Surface warfare officer continuation pay.

"(25) 321. Judge advocate continuation pay.

"(26) 322. 15-year career status bonus for members entering service on or after August 1, 1986.

"(27) 323. Retention incentives for members qualified in critical military skills or assigned to high priority units.

"(28) 324. Accession bonus for new officers in critical skills.

"(29) 326. Incentive bonus for conversion to military occupational specialty to ease personnel shortage.

"(30) 327. Incentive bonus for transfer between armed forces.

"(31) 329. Incentive bonus for retired members and reserve component members volunteering for high-demand, low-density assignments.

"(32) 330. Accession bonus for officer candidates.

"(c) TIME FOR PAYMENT.—A bonus required to be paid to a member under this section shall be paid to the member in a lump sum not later than 90 days after the date of the retirement or separation of the member, notwithstanding any terms to the contrary in the agreement under which the bonus was originally authorized.

"(d) COMBAT-RELATED INJURY DEFINED.—In this section, the term 'combat-related injury' means an injury—

"(1) for which the member was awarded the Purple Heart; or

"(2) that was incurred (as determined under criteria prescribed by the Secretary of Defense)—

"(A) as a direct result of armed conflict;

"(B) while engaged in hazardous service;

"(C) in the performance of duty under conditions simulating war; or

"(D) through an instrumentality of war.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 903 the following new item:

"904. Continued payment of bonuses to members retired or separated due to combat-related injuries.".

(b) CESSATION OF COLLECTION OF PREVIOUSLY PAID BONUSES.—Effective as of the date of the enactment, any collection of bonuses described in subsection (b) of section 904 of title 37, United States Code (as added by subsection (a) of this section), that were paid before the date of the enactment of this Act to members of the Armed Forces retired or separated under chapter 61 of title 10, United States Code, for a combat-related injury (as defined in subsection (d) of such section 904) shall cease.

(c) RETROACTIVE PAYMENT OF BONUSES.—

(1) IN GENERAL.—The Secretary of Defense shall pay to each member of the Armed Forces retired or separated under chapter 61 of title 10, United States Code, for a combat-related injury (as defined in subsection (d) of section 904 of title 37, United States Code (as so added)) during the period beginning on September 11, 2001, and ending on the date of the enactment of this Act, an amount equal to the amount of any continued payment of bonus or bonuses to which such member would have been entitled at the time of retirement or separation under applicable provisions of such section 904 if such section 904 had been in effect as of September 11, 2001.

(2) AUDIT.—The Secretary shall identify the former members of the Armed Forces to be paid amounts under this subsection, and shall determined the amounts to be paid such members under this subsection, through a financial audit or such other mechanisms as the Secretary considers appropriate for purposes of this subsection.

MEASURE PLACED ON THE CALENDAR—S. 2483

Mr. REID. Madam President, I understand that S. 2483 is at the desk and due for a second reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the second time.

The legislative clerk read as follows:

A bill (S. 2483) to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes.

Mr. REID. Madam President, I object to any further proceedings with respect to this legislation.

The PRESIDING OFFICER. Objection is heard, and the bill is placed on the calendar under rule XIV.

EXECUTIVE SESSION

TAX CONVENTION WITH BELGIUM

PROTOCOL AMENDING TAX CONVENTION WITH GERMANY

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar Nos. 2 and 5, the Tax Convention With Belgium and the Protocol Amending the Tax Convention With Germany; that the Treaty and Protocol be advanced through their various parliamentary stages up to and including the presentation of the resolutions for ratification; and that there now be a division vote on the resolutions en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The treaty and protocol will be considered to have passed through their various parliamentary stages, up to and including the presentation of the resolutions of ratification.

The resolutions of ratification are as follows:

TREATIES

[Tax Convention with Belgium (Treaty Doc. 110–3); Protocol Amending Tax Convention with Germany (Treaty Doc. 109–20)]

The resolutions of ratification are as follows:

The Senate advises and consents to the ratification of the Convention between the Government of the United States of America and the Government of the Kingdom of Belgium for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, and accompanying Protocol, signed at Brussels on November 27, 2006 (Treaty Doc. 110–3).

The Senate advises and consents to the ratification of the Protocol Amending the Convention between the United States of America and the Federal Republic of Germany for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital and to Certain Other Taxes, signed at Berlin on June 1, 2006 and an Exchange of Notes dated August 17, 2006 (EC–2046) (Treaty Doc. 109–20).

The PRESIDING OFFICER. A division vote has been requested. The question is on the resolutions of ratification. Senators in favor of the ratification of the treaty and protocol, please rise.

Those opposed will rise and stand until counted.

In the opinion of the Chair, two-thirds of the Senators present having voted in the affirmative, the resolutions of ratification are agreed to.

Mr. REID. I ask unanimous consent that the motions to reconsider be laid upon the table and that the President be immediately notified of the Senate's action.

LEGISLATIVE SESSION

Mr. REID. I ask unanimous consent the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, DECEMBER 17, 2007

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Monday, December 17; that on Monday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders reserved for their use later in the day; that the Senate then resume the motion to proceed to S. 2248; with the time until 12 noon equally divided and controlled between the two leaders or their designees, with Senator DODD controlling 35 minutes and Senator FEINGOLD controlling 15 minutes of the opponents' time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDING THE ARIZONA WATER SETTLEMENTS ACT

Mr. REID. I think this will be the last thing for this week.

I now ask unanimous consent the Committee on Indian Affairs be discharged from further consideration of H.R. 3739.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3739) to amend the Arizona Water Settlements Act to modify the requirements for the statement of findings.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Before I ask this matter be completed, I want to say here is an example of cooperation between two Senators. Senators DORGAN and KYL have worked on this for some time. There were some problems that were initially identified, but they have been able to work through this. This is a very important piece of legislation for Senator KYL. For Senator DORGAN, it is an issue that is in his committee. I think it is terrific that this matter is done.

I now ask unanimous consent the bill be read a third time, passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3739) was ordered to a third reading, was read the third time, and passed.

ADJOURNMENT UNTIL MONDAY, DECEMBER 17, 2007, AT 10 A.M.

Mr. REID. I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 5:20 p.m., adjourned until Monday, December 17, 2007, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

DAVID J. KRAMER, OF MASSACHUSETTS, TO BE ASSISTANT SECRETARY OF STATE FOR DEMOCRACY, HUMAN RIGHTS, AND LABOR, VICE BARRY F. LOWENKRON.

FEDERAL LABOR RELATIONS AUTHORITY

THOMAS M. BECK, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS EXPIRING JULY 1, 2010, VICE WAYNE CARTWRIGHT BEYER, RESIGNED.

DEPARTMENT OF JUSTICE

MATT MICHAEL DUMMERMUTH, OF IOWA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF IOWA FOR THE TERM OF FOUR YEARS, VICE CHARLES W. LARSON, SR., RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate Friday, December 14, 2007:

DEPARTMENT OF VETERANS AFFAIRS

JAMES B. PEAKE, OF THE DISTRICT OF COLUMBIA, TO BE SECRETARY OF VETERANS AFFAIRS.

PENSION BENEFIT GUARANTY CORPORATION

CHARLES E. F. MILLARD, OF NEW YORK, TO BE DIRECTOR OF THE PENSION BENEFIT GUARANTY CORPORATION.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

JOSEPH N. LAPLANTE, OF NEW HAMPSHIRE, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW HAMPSHIRE.

THOMAS D. SCHROEDER, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF NORTH CAROLINA.

WITHDRAWALS

Executive message transmitted by the President to the Senate on December 14, 2007, withdrawing from further Senate consideration the following nominations:

WAYNE CARTWRIGHT BEYER, OF NEW HAMPSHIRE, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS EXPIRING JULY 1, 2010, VICE OTHONIEL ARMENDARIZ, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

THOMAS M. BECK, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS EXPIRING JULY 29, 2012, VICE DALE CABANISS, TERM EXPIRING, WHICH WAS SENT TO THE SENATE ON JUNE 28, 2007.

EXTENSIONS OF REMARKS

INDIAN INTELLIGENCE PLANS TO ASSASSINATE SIKH LEADERS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. TOWNS. Madam Speaker, while Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, was visiting Belgium, he was informed of a very sinister plan by the Research and Analysis Wing (RAW), the intelligence service of the Indian government. RAW is the agency behind the Golden Temple attack and also, according to the excellent and well-documented book Soft Target, the agency behind the Air India bombing, which was the largest aviation terror attack prior to September 11.

According to sources in Belgium, which is the European headquarters of RAW, RAW is planning to assassinate Sikh leaders using Sikh operatives here in the United States. This sounds very much like their strategy in the Air India attack. Apparently, they haven't been able to come up with new terror tactics in 22 years.

One of the targets is a former Jathedar of the Akal Takht, which is the highest office in the Sikh religion. The Sikh leaders who are being targeted have one thing in common: They are supporters of freedom and sovereignty for Khalistan, the Sikh homeland that declared its independence from India in 1987.

You might also remember, Madam Speaker, that the Washington Times reported on January 2, 2002 that India was sponsoring cross-border terrorism in the Pakistani province of Sindh.

Given this terrorist record, why are American taxpayers being asked to support such a country? Although India proclaims itself democratic, the real India is the one that plans to assassinate Sikh leaders for seeking freedom, bombs its own airplanes to create an excuse to kill its Sikh minority, sponsors cross-border terror, and carries out other such reprehensible acts. Yet many in this country are blinded by India's democratic claims.

The time has come to say no more, Madam Speaker. We must stop our aid to this regime until every citizen within its borders and those outside can live securely in freedom, comfortable that no oppression, torture, or assassination plots will be aimed at them. We must demand a free and fair vote for all the people seeking their freedom from this brutal regime. And someone should call the FBI.

Plotting to assassinate Americans and others, no matter the circumstances, is an attack on us all, Madam Speaker. I hope that all my colleagues will join me in condemning it.

I would like to place the Council of Khalistan's news release on the RAW assassination plot into the RECORD for the information of my colleagues.

RAW PLANNING TO ASSASSINATE SIKH LEADERS

WASHINGTON, D.C., DECEMBER 6, 2007—During his recent visit to Belgium, Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, was informed that agents of the Research and Analysis Wing (RAW), the intelligence agency of the Indian government, plan to assassinate prominent Sikh leaders, including a former Jathedar of the Akal Takht. Belgium is the European headquarters of RAW.

A very reliable Sikh source, who intervened to stop the assassination of a prominent Sikh leader, told Dr. Aulakh about the plot The RAW plot seeks to use Sikhs in the United States as their operatives.

India is determined to destroy the Sikh Nation and the Sikh religion, both inside and outside India. They are determined to eliminate the pro-Khalistan Sikh leadership worldwide so they can continue to carry out their violent rule over the Sikhs and absorb the Sikh religion into Hinduism. Indian intelligence is using every trick available to them to achieve this goal.

According to the book Soft Target by Zuhair Kashmeri of the Toronto Globe and Mail and Brian McAndrew of the Toronto Star, it was RAW that was responsible for the bombing of an Air India flight in 1985 that killed 329 people. Two Canadian Sikhs were acquitted on charges related to the bombing by a Canadian judge who said the evidence against them was "not credible." It was RAW that was responsible for the attack on the Golden Temple, the seat of the Sikh religion, and 38 other Gurdwaras in June 1984, an operation that killed more than 20,000 Sikhs.

The Indian government has murdered over 250,000 Sikhs since 1984, more than 300,000 Christians since 1948, over 90,000 Muslims in Kashmir since 1988, and tens of thousands of Tamils, Assamese, Manipuris, Dalits, and others. The Indian Supreme Court called the Indian government's murders of Sikhs "worse than a genocide."

Indian police arrested human-rights activist Jaswant Singh Khalra after he exposed their policy of mass cremation of Sikhs, in which over 50,000 Sikhs have been arrested, tortured, and murdered, and then their bodies were declared unidentified and secretly cremated. He was murdered in police custody. His body was not given to his family.

The police never released the body of former Jathedar of the Akal Takht Sardar Gurdev Singh Kaunke after SSP Swaran Singh Ghotna murdered him. Ghotna has never been brought to trial for Jathedar Kaunke's murder. No one has been brought to justice for the kidnapping and murder of Jaswant Singh Khalra.

According to a report by the Movement Against State Repression (MASR), 52,268 Sikhs are being held as political prisoners in India without charge or trial. Some have been in illegal custody since 1984! Tens of thousands of other minorities are also being held as political prisoners, according to Amnesty International. We demand the immediate release of all these political prisoners.

History shows that multinational states such as India are doomed to failure. Countries like Austria-Hungary, India's longtime friend the Soviet Union, Yugoslavia, Czechoslovakia, and others prove this point. India is not one country; it is a polyglot like those countries, thrown together for the convenience of the British colonialists. It is doomed to break up as they did.

"The flame of freedom burns brightly in the hearts of Sikhs," said Dr. Aulakh. "As Professor Darshan Singh, a former Jathedar of the Akal Takht, said, 'If a Sikh is not for Khalistan, he is not a Sikh'," Dr. Aulakh noted. "Liberating Khalistan is the only way to let the Sikh Nation live in freedom and dignity."

TRIBUTE TO KANSAS CITY CHORALE

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. MOORE of Kansas. Madam Speaker, I rise today to honor the Kansas City Chorale, which was recently recognized with four Grammy nominations, including best classical album, best choral performance, best engineered classical album, and best surround-sound album. The producer was also nominated for a fifth Grammy, for classical producer of the year.

The Kansas City Chorale is a professional vocal ensemble that is been a strong part of Kansas City's vibrant arts community for 25 years. Despite the fact that many of them have other full-time jobs, the members of the Chorale work year-round on their craft and are dedicated to sharing their beautiful music with the entire community. Among its members is tenor Paul Davidson, who served on my staff as constituent services aide for veterans and military affairs for 5 years—from 1999, my first year in office, until 2004.

The Kansas City Chorale works under the direction of founder Charles Bruffy. The Kansas City Chorale and the Phoenix Back Choir perform together on the nominated albums, "Eternal Rest" and "Grechaniov: Passion Week."

Congratulations to the Kansas City Chorale on this well-deserved honor and thank you for sharing your music with us.

INTRODUCTION OF CFTC REAUTHORIZATION ACT OF 2007

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. ETHERIDGE. Madam Speaker, as chairman of the Agriculture Subcommittee on

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

General Farm Commodities and Risk Management, which has jurisdiction over the derivatives industry, I am particularly pleased to introduce legislation to reauthorize the Commodity Futures Trading Commission and make significant improvements to the Commodity Exchange Act.

As most of my colleagues know, in the previous Congress, under the leadership of Representatives BOB GOODLATTE and JERRY MORAN, this committee and the House of Representatives passed a very good CFTC reauthorization bill. Unfortunately the other body had a little trouble getting its work done, so our efforts went for naught.

I believe we have put together another very good bill. And I want to express my appreciation to the full committee ranking member and my subcommittee ranking member, and their staffs for their hard work with us on this legislation and for cosponsoring this bill along with Full Committee Chairman COLLIN PETERSON.

In 2000, Congress took a bold step in dramatically changing how the CFTC oversees derivatives markets. By moving from a prescriptive regulatory regime to a principles-based structure, the Commodity Futures Modernization Act, CFMA, removed the shackles that restrained an industry; and we have seen tremendous growth in the derivatives industry as a result of Congress' work.

But with growth often comes growing pains, and the industry has experienced that too. We have seen court decisions that call into question the CFTC's authority over certain foreign currency contracts and principal-to-principal transactions. We heard testimony about problems seen in the retail foreign currency business and concerns about how growth in some of the newer exempt commercial markets (ECMs) is impacting traditional futures markets. I believe we have developed a bill that addresses these issues in a fair and equitable manner.

To correct the Seventh Circuit Appeals Court's ruling in CFTC vs. Zelener, which denied CFTC authority over certain foreign currency contracts, the bill adopts the language included in last Congress's reauthorization bill, H.R. 4473. Likewise, this legislation includes the provisions from H.R. 4473 which clarifies the CFTC's fraud authority over principal-to-principal transactions. Both of these provisions are solutions supported by the President's Working Group.

During hearings we held this Congress, and those held by Representative MORAN last Congress, we heard about problems in the retail foreign exchange industry. Like any industry, you have your good apples and your bad apples. The problem is that the bad apples have given the industry a black eye.

Look at the statistics. According to the National Futures Association, members who act as counterparties to retail forex transactions account for less than 1 percent of NFA's membership, but account for more than 20 percent of the customer complaints filed with NFA's arbitration program.

Additionally, more than 50 percent of NFA's current enforcement docket and more than 50 percent of NFA's emergency enforcement actions have also dealt with retail forex trading.

CFTC Chairman Lukken testified that the Commission has brought 98 cases against retail foreign exchange companies with 26,000 victims who invested over $461 million, and the caseload is only increasing. These figures demand greater oversight over this industry, and the provisions included in this legislation provide just that.

In addition, we heard of problems with solicitors and other entities that seek out customer funds to invest into the retail foreign exchange business. These firms are unregulated and have made fraudulent or deceptive sales pitches in order to entice working men and women to give them their money. The legislation brings greater CFTC oversight over them as well.

In July, in between farm bill mark-ups, my Subcommittee held a hearing to review trading of energy-based derivatives. The CFTC held its own hearing in September. What came from those hearings is the understanding that the CFTC needs some additional tools in its tool box to ensure that the successful growth we have seen in the derivatives industry is not having unintended consequences.

To that end, this legislation would require additional oversight regarding contracts traded on exempt commercial markets that perform a significant price discovery function. Just as parents require more responsibility of their children as they grow and mature, so we are asking the exempt commercial markets to take on some self-regulatory responsibilities as their markets mature and individual contracts start serving significant price discovery functions.

There were some other issues and some requests that members made for language to be included that I wish we could have addressed. However, as we move forward, I hope there will be opportunities to have those issues included.

Whether it is energy trading, foreign currency trading, or trading in other commodities, the bottom line is keeping these derivatives markets functioning properly and protecting the American public's interest in having these markets available for offsetting risk. The issues affecting futures trading are often complex and esoteric. However, it is important that we work through the tough issues if we want to maintain a vibrant and healthy derivatives industry.

The derivatives industry profoundly impacts the lives of every American from the food we eat to the cost of energy to what we pay for our homes. So it is important that we get it right, and I believe we have.

I look forward to floor consideration of this legislation in the coming year.

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